

## Select Attorney Discipline Cases from 2017-2018: Jurisdictions Outside The Tri-State Region

Tri-State Regional Special Education Law Conference  
November 9, 2018

Thomas A. Mayes  
Attorney II, Iowa Department of Education

The following selected cases involve application of the American Bar Association's Model Rules of Professional Conduct from around the country, for a period of September 2017 to October 5, 2018. The Model Rules are located here:

[http://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/model\\_rules\\_of\\_professional\\_conduct\\_table\\_of\\_contents.html](http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_table_of_contents.html)

Note: This presentation discusses reported decisions imposing discipline. It does not include referrals by courts for discipline, malpractice actions, discovery disputes or sanctions, Rule 11 sanctions or orders, voluntary license surrenders, consent orders, applications for reinstatement, applications to take a bar examination or for admission on motion, or opinions imposing reciprocal discipline without providing in-depth discussion.

### *A. An Interesting Case Involving an ALJ*

*Matter of Discipline of LaJeunesse*, 2018 UT 6 (2018). Respondent was the chief administrative law judge for Utah's workers compensation agency. In his leadership capacity, he changed the procedure for handling medical panel reports (rejecting medical panel reports as insufficient without providing copies of the rejected reports to the parties), a practice which led to his termination and an ethics complaint for "conduct prejudicial to the administration of justice." In its decision finding that the respondent had not violated rule 8.4, the Utah Supreme Court wrote:

We may ultimately agree with the OPC that the better view of the Workers' Compensation Act is one that would call for an open and transparent use of medical panel reports by ALJs. But the Workers' Compensation Act nowhere expressly forecloses the approach endorsed by *LaJeunesse*. And we see no reason to conclude that *LaJeunesse* made anything other than a good faith mistake in interpreting the law. That conclusion is sufficient to sustain the dismissal of the charge against him.

### *B. Attorneys Convicted of Crimes*

1. *Office of Disciplinary Counsel v. Agard*, 2018 WL 4672634 (Haw. Sept. 27, 2018) (false tax return: four year suspension)

2. *Columbus Bar Ass'n v. Okuley*, 2018 WL 4627127 (Ohio Sept. 26, 2018) (road rage, plus false assertions in a civil suit related to road rage: one year suspension, six months stayed on conditions)
3. *In re Steffensen*, 2018 UT 53 (2018) (failure to file state taxes: affirming violation but remanding for calculation of discipline - was this crime serious enough for disbarment?)
4. *In re Brown*, 2018 WL 4474769 (La. Sept. 18, 2018) (OWI first offense, causing injury: one year and one day suspension)
5. *Mahoning County Bar Ass'n v. McNally*, 2018 WL 4516365 (Ohio Sept. 18, 2018) (four misdemeanor violations [false statements, unlawful use of a telecommunications devices, etc.]: one year suspension, with six months stayed)
6. *In re Rohde*, 2018 WL 4136542 (D.C. Aug. 30, 2018) (felony leaving-the-scene: two year suspension)
7. *Matter of Norton*, 81 N.Y.S.3d 216 (App. Div. 2018) (OWI, possession of a controlled substance, fleeing the scene, etc.: five year suspension)
8. *Attorney Grievance Comm'n v. Blair*, 188 A.3d 1009 (Md. 2018) (money-laundering: disbarment)
9. *Attorney Grievance Comm'n of Md. v. Paul*, 459 Md. 526 (2018) (road rage: three month suspension)
10. *Matter of Seri*, 234 N.J. 183 (2018) (federal visa fraud: eighteen month suspension)
11. *In re DeMelo*, 162 A.D.3d 1303 (N.Y. App. Div. 2018) (conspiracy to commit wire fraud and mail fraud: disbarment)
12. *Lorain County Bar Ass'n v. Lewis*, 152 Ohio St.3d 614 (2018) (false statements to police investigating a motor vehicle accident: two year suspension, with final six months stayed)
13. *Matter of Smith*, 97 N.E.3d 621 (Ind. 2018) (felony intimidation: disbarment)
14. *In re Schuyler*, 97 N.E.3d 618 (Ind. 2018) (theft of over \$500,000 from probate estates: disbarment)
15. *In re Concalves*, 161 A.D.3d 1377 (N.Y. App. Div. 2018) (felony conversion of client funds: disbarment)
16. *In re Cassibry*, 249 So.3d 801 (La. 2018) (OWI, forgery, assault, "loud noise" violation, failure to appear, failure to pay fines: disbarment)
17. *Matter of Tanden*, 2018 WL 2459657 (Cal. State Bar Ct., Apr. 24, 2018) (two OWIs: one year suspension, stayed with conditions)
18. *Attorney Grievance Comm'n v. Ogilvie*, 457 Md. 686 (breaking-and-entering, "malicious wounding," abduction: disbarment)
19. *In re Olivetti*, 2018 WL 1324651 (Ind. March 15, 2018) (OWI with endangerment: six month suspension)
20. *Office of Disciplinary Counsel v. Pozonsky*, 177 A.3d 830 (Pa. 2018) (conviction of theft of cocaine - respondent was the county's Drug Court judge, and the cocaine was evidence: disbarment)
21. *Ohio State Bar Ass'n v. Mason*, 152 Ohio St.3d 228 (2017) (attempted felony assault and domestic abuse - respondent was a trial court judge: indefinite suspension)
22. *In re Hernandez*, 66 N.Y.S.3d 577 (App. Div. 2017) (wire fraud plus "clear disinterest in his fate as an attorney" [respondent had failed to file 11 biennial reports]: disbarment)

23. *In re LaMartina*, 235 So.3d 1061 (La. 2017) (shoplifting, second offense, plus noncooperation with disciplinary authorities: three year suspension)

#### C. Conduct of Attorney's Personal Affairs

1. *In re Linn*, 2018 WL 3148598 (N.Y. App. Div. June 28, 2018) (purchase of heroin from client: one year suspension)
2. *In re Martin*, 2018 WL 4560263 (La. Sept. 21, 2018) (drug offenses, sexual relationship with client, providing drugs to client, practicing while suspended: disbarment)
3. *Matter of Pelsinger*, 164 A.D. 3d 189 (N.Y. App. Div. 2018) (false statements in unfair debt collection practices litigation against attorney, misappropriation of client funds: disbarment)
4. *Matter of Cottingham*, 423 P.3d 818 (Wash. 2018) (repeated filing of frivolous petitions and motions in boundary dispute with neighbor: eighteen month suspension)
5. *Disciplinary Proceedings Against Nora*, 380 Wis.2d 311 (2018) (vexatious litigation concerning foreclosure of attorney's property: one year suspension)
6. *In re Disciplinary Action against Trombley*, 916 N.W.2d 362 (Minn. 2018) (abuse of power of attorney granted by his mother: six month suspension)
7. *Matter of McMillan*, 81 N.Y.S.3d 222 (App. Div. 2018) (fraudulently depriving sister of inheritance while serving as the representative of mother's estate: disbarment)
8. *In re McCoy-Jacien*, 2018 VT 35 (failure to file tax returns, as required by a prior disciplinary order: nine month suspension)
9. *In re Zappin*, 73 N.Y.S.3d 182 (App. Div. 2018) (domestic abuse, misconduct during attorney's divorce where he appeared pro se: disbarment)
10. *Lawyer Disciplinary Bd. v. Campbell*, 240 W. Va. 146 (2017) (public defender's sexual relationship with client predated attorney client relationship; however, attorney was admonished for lying about the nature of her relationship)

#### D. Attorney's Conduct of Law Practice

1. *Columbus Bar Ass'n v. Midian*, 2018 WL 46226807 (Ohio Sept. 27, 2018) (very large fee, no fee-sharing agreement: public reprimand)
2. *Warren County Bar Ass'n v. Ernst*, 2018 WL 4627996 (Ohio Sept. 27, 2018) (neglect, trust account violations: public reprimand)
3. *Toledo Bar Ass'n v. Rehkopf*, 2018 WL 4627929 (Ohio Sept. 27, 2018) (appearance of dual representation: public reprimand)
4. *Akron Bar Ass'n v. Glitzenstein*, 2018 WL 4627021 (Ohio Sept. 26, 2018) (trust account, client safekeeping violations: eighteen month suspension, fully stayed on conditions)
5. *In re Pupke*, 2018 WL 4608768 (N.Y. App. Div. Sept. 26, 2018) (commingling, misappropriation, diligence: two year suspension)
6. *Cleveland Metro. Bar Ass'n v. Rosett*, 2018 WL 4628001 (Ohio Sept. 26, 2018) (neglect, trust account: one year suspension, stayed on conditions)

7. *Columbus Bar Ass'n v. Rieser*, 2018 WL 4627658 (Ohio Sept. 26, 2018) (failure to inform client of no malpractice insurance, fee violations, commingling, excessive fees, etc.: two year suspension, with one year stayed)
8. *In re Blumenthal*, 2018 N.Y. Slip Op. 06219 (App. Div. Sept. 25, 2018) (conversion of client funds: disbarment)
9. *Cincinnati Bar Ass'n v. Fernandez*, 2018 WL 4627258 (Ohio Sept. 25, 2018) (neglect, commingling, trust account issues, etc.: indefinite suspension)
10. *In re Boutté*, 2018 WL 4559502 (La. Sept. 21, 2018) (neglect, failure to communicate with clients, conversion, trust account issues: disbarment)
11. *In re Bokenfohr*, 2018 WL 4560265 (La. Sept. 21, 2018) (respondent knew client was withholding evidence in response to a search warrant, counseled client to turn the evidence over, and was successful in doing so after three months: complaint dismissed)
12. *In re Podlofsky*, 82 N.Y.S.3d 169 (App. Div. 2018) (inadvertent misappropriation of client funds: two year suspension)
13. *In re Disciplinary Proceedings Against Erhard*, 2018 WL 4344365 (Wisc. Sept. 12, 2018) (messy trust account: three month suspension)
14. *In re Disciplinary Proceedings Against Jelinske*, 383 Wisc. 2d 604 (2018) (mishandling large amounts of money as estate's representative, double-billing, unauthorized disbursements : eighteen month suspension)
15. *In re Montgomery*, 251 So.3d 401 (La. 2018) (neglect of a divorce case: one year and one day suspension)
16. *In re Goudeau*, 251 So.3d 393 (La. 2018) (practicing while suspended: one year and one day suspension)
17. *In re Adams*, 2018 WL 4126561 (D.C. Aug. 30, 2018) (neglect of five criminal matters: six month suspension, followed by practice monitoring)
18. *In re Roberts*, 82 N.Y.S.3d 153 (App. Div. 2018) (conflict of interest, diligence, accounting for client funds, trust account issues: two year suspension)
19. *Matter of Rausher*, 82 N.Y.S.3d 182 (App. Div. 2018) (failure to comply with client requests for information: public censure)
20. *Attorney Grievance Comm'n v. Ghatt*, 2018 WL 4140658 (Md. Aug. 29, 2018) (participating in complex money-laundering scheme as escrow agent: disbarment)
21. *Board of Overseers of Bar v. Prolman*, 2018 ME 128 (sexual relationship with client - who was a sex trafficking victim: six month suspension imposed below was insufficient)
22. *Attorney Grievance Comm'n v. Powell*, 2018 WL 4083539 (Md. Aug. 28, 2018) (conflicts, frivolous litigation, disregard of court orders, unreasonable fees: disbarment)
23. *In re O'Connell*, 2018 WL 4191482 (Cal. State Bar Ct., Aug. 23, 2018) (incompetence, failure to render accountings, unearned fees, appearing without authority: disbarment)
24. *Cleveland Metro. Bar Ass'n v. Thomas*, 2018 WL 3913327 (Ohio Aug. 16, 2018) (neglect, missed deadlines, etc.: one year suspension, stayed with conditions)
25. *Porter v. Kentucky Bar Ass'n*, 552 S.W.3d 509 (Ky. 2018) (failure to supervise non-lawyer staff - who had, along with another attorney - stolen respondent's identity: public reprimand and probated suspension of 181 days)

26. *Columbus Bar Ass'n v. Magee*, 2018 WL 3943032 (Ohio Aug. 16, 2018) (conversions of trust funds while acting as trustee: disbarment)
27. *Attorney Grievance Comm'n v. Lang*, 2018 WL 2949409 (Md. Aug. 16, 2018) (unauthorized practice of law, failure to cooperate with disciplinary authorities: indefinite suspension)
28. *Stanziano-Sparks v. Kentucky Bar Ass'n*, 552 S.W.3d 507 (Ky. 2018) (missed deadlines, trust account violations, fee violations, client communication issues: public reprimand)
29. *Matter of Kalba*, 164 A.D.3d 39 (N.Y. App. Div. 2018) (misappropriation of escrow funds: two year suspension)
30. *Board of Prof'l Responsibility v. Parrish*, 2018 WL 2853472 (Tenn. Aug. 14, 2018) (inflammatory and demeaning statements about judges in recusal motions: six month suspension)
31. *Disciplinary Counsel v. Gold*, 2018 WL 3913632 (Ohio Aug. 14, 2018) (misappropriation of client funds: two year suspension, with the second year stayed on conditions)
32. *Board of Prof'l Responsibility v. Sheppard*, 2018 WL 3829229 (Tenn. Aug. 13, 2018) (commingling, trust account violations: sixty day suspension followed by two years probation)
33. *Matter of Luti*, 2018 WL 3968218 (Cal. State Bar Ct., Aug. 6, 2018) (conversion of \$15,000 in client funds: disbarment)
34. *In re Avery*, 189 A.3d 715 (D.C. 2018) (neglect: sixty day suspension, with thirty days stayed in favor of one year probation)
35. *Matter of Colleluori*, 164 A.D.3d 88 (N.Y. App. Div. 2018) (fees, improper fee-sharing arrangement: public censure)
36. *Matter of Disciplinary Action Against Turcotte*, 915 N.W.2d 848 (N.D. 2018) (neglect, including failure to file written plea agreement: six month and one day suspension)
37. *Matter of Disciplinary Action Against Bruhn*, 915 N.W.2d 850 (N.D. 2018) (client communication issues: sixty day suspension and one year probation)
38. *In re Disciplinary Action Against Springer*, 915 N.W.2d 894 (Minn. 2018) (trust account violations: public reprimand)
39. *In re Disciplinary Action v. Eichhorn-Hicks*, 916 N.W.2d 32 (Minn. 2018) (failure to communicate plea offer to client, forgery of client's signature on release of information form: one hundred and twenty day suspension)
40. *In re Primes*, 163 A.D.3d 189 (N.Y. App. Div. 2018) (conversion, commingling: disbarment)
41. *In re Sprouls*, 2018 WL 3648286 (Cal. State Bar Ct., July 24, 2018) (incompetence amounting to moral turpitude - immigration matters: six month suspension and two years probation, served concurrently)
42. *Matter of Brownell*, 163 A.D.3d 1346 (N.Y. App. Div. 2018) (neglect, fees: ninety day suspension)
43. *Disciplinary Proceedings Against Goldmann*, 383 Wisc.2d 472 (2018) (abandonment of ten clients: revocation)
44. *Dayton Bar Ass'n v. Wilcoxson*, 153 Ohio St. 3d 279 (2018) (neglect, failure to provide client with file, noncooperation with disciplinary authorities: six month suspension)
45. *Disciplinary Counsel v. Rutherford*, 2018 WL 3387490 (Ohio July 11, 2018) (functional abandonment of criminal, family law, and immigration matters: disbarment)

46. *Matter of Gorski*, 424 S.C. 11 (2018) (neglect, etc., including taking ten years to have three QDROs prepared and failure to comply with a fee arbitration panel award: twelve month suspension)
47. *Mahoning County Bar Ass'n v. Mickens*, 2018 WL 3387281 (Ohio July 10, 2018) (neglect, etc.: six month suspension)
48. *Akron Bar Ass'n v. Tucker*, 2018 WL 3387977 (Ohio July 10, 2018) (trust account violations, etc.: six month suspension, stayed with conditions)
49. *The Florida Bar v. Petersen*, 248 So.3d 1069 (Fla. 2018) (violations of the following rules: 1.1, 1.3, 1.4, 1.5, 1.8, 3.3, 4.1, 4.3, 4.4, & 8.4: three year suspension, plus costs of \$7,513.81). The referee had recommended 91 days.
50. *In re Grandell*, 2018 WL 3213784 (Del. June 29, 2018) (failure to comply with restrictions in private admonition: public reprimand and two years probation)
51. *In re Machado*, 2018 WL 3215183 (D.C. June 28, 2018) (neglect of court-appointed criminal defense client's case, failure to cooperate with court or disciplinary official orders: ninety day suspension, stayed in favor of two years probation)
52. *In re Evans*, 187 A.3d 554 (D.C. 2018) (neglect of criminal appeal, resulting in its dismissal: thirty days suspension, stayed in favor of one year probation)
53. *In re Frishberg*, 79 N.Y.S.3d 184 (App. Div. 2018) (multiple missed deadlines: six month suspension)
54. *In re Herman*, 79 N.Y.S.3d 144 (App. Div. 2018) (neglect: public censure)
55. *In re Krasnoff*, 100 N.E.3d 697 (Ind. 2018) (practicing law while suspended: two year suspension without automatic reinstatement)
56. *Cleveland Metro. Bar Ass'n v. Horton*, 153 Ohio St. 3d 327 (2018) (fees, trust account, disclosures, safeguarding client property: two year suspension, with one year stayed)
57. *Crosby v. Mississippi Bar*, 2018 WL 3061961 (Miss. June 21, 2018) (failure to file brief for criminal appeal client, failure to cooperate with disciplinary authorities: public reprimand)
58. *State ex rel. Oklahoma Bar Ass'n v. Kruger*, 421 P.3d 306 (Okla. 2018) (diligence, communication, financial transactions with clients, financial assistance to clients, fees, safekeeping client property: disbarment)
59. *In re Crosley*, 99 N.E.3d 643 (Ind. 2018) (out-of-state law firm directed all casework, Indiana attorney did not communicate with clients: thirty day suspension)
60. *In re Kitto*, 382 Wis.3d 368 (2018) (conversion of \$10,000 in client funds: sixty day suspension)
61. *In re Coulter*, 816 So.3d 1 (Ga. 2018) (fees, self-dealing, conversion of client funds: disbarment)
62. *In re Clement*, 382 Wis.2d 324 (2018) (multiple violations in connection with representing client accused of first-degree murder [competence, diligence, communication regarding client objectives, mandatory withdrawal, etc.]: public reprimand)
63. *Merz v. Kentucky Bar Ass'n*, 547 S.W.3d 764 (Ky. 2018) (use of trust account to make payroll payments: public reprimand)
64. *Kentucky Bar Ass'n v. Niehaus*, 547 S.W.3d 523 (Ky. 2018) (safekeeping of client property, duties upon termination, suspension for failure to file annual report and CLE report: disbarment)

65. *Kentucky Bar Ass'n v. Chenault*, 2018 WL 2979586 (Ky. June 14, 2018) (attorney, while serving as her county's Master Commissioner, withdrew unauthorized funds from Master Commissioner account: four year suspension, with final eighteen months probated)
66. *Kentucky Bar Ass'n v. Gallaher*, 547 S.W.3d 517 (Ky. 2018) (functional abandonment of the practice of law: disbarment)
67. *Board of Prof'l Responsibility v. Hiatt*, 422 P.3d 940 (Wyo. 2018) (problems with diligence and communication with child custody client: thirty day suspension)
68. *Matter of Maynard*, 2018 WL 2938633 (V.I. June 8, 2018) (allowing probate case to remain needlessly open for over a decade, among other things: eighteen month suspension and \$29,269.85 in restitution)
69. *Board of Prof'l Responsibility v. Daniel*, 549 S.W.3d 90 (Tenn. 2018) (misappropriation of client funds: one year suspension followed by two years probation)
70. *Cleveland Metro. Bar Ass'n v. Gay*, 153 Ohio St. 3d 251 (2018) (trust account mismanagement, loan to client: one year fully stayed suspension)
71. *In re Matisik*, 186 A.3d 117 (D.C. 2018) (failure to file corporation's registration documents, misrepresentation to client, conversion of client funds: disbarment)
72. *Matter of Beauregard*, 189 A.3d 1236 (Del. 2018) (client trust account mismanagement, false trust account reporting, supervision of nonlawyer staff: six month suspension and permanent bar from being in charge of his or his firm's books and accounts)
73. *Board of Prof'l Responsibility v. Mears*, 418 P.3d 839 (Wyo. 2018) (false statements during disciplinary proceedings: nine month suspension)
74. *Lawyer Disciplinary Bd. v. Hart*, 2018 WL 2769144 (W. Va. June 5, 2018) (abandonment, commingling: annulment [revocation])
75. *Matter of McCann*, 391 Mont. 443 (2018) (failure to cooperate with investigation of another attorney's misconduct: seven month suspension)
76. *Office of Chief Disciplinary Counsel v. Egbarin*, 2018 WL 3060659 (Conn. Super. Ct. June 4, 2018) (multiple fees issues: three month suspension)
77. *Matter of Snipes*, 303 Ga. 800 (2018) (settlement without client authority, conversion: disbarment)
78. *In re Ashley*, 243 So.3d 547 (La. 2018) (missing court dates, failure to return unearned fees, failure to communicate with clients: fully stayed eighteen month suspension)
79. *In re Mendy*, 243 So.3d 538 (La. 2018) (while disbarred, attorney took \$7000 from a patent client and did no work: permanent disbarment)
80. *In re Conduct of Webb*, 363 Or. 42 (2018) (conversion of client funds: disbarment)
81. *The Florida Bar v. Blackburn*, 244 So.3d 168 (Fla. 2018) (sexual relations with two clients while they were in prison: disbarment)
82. *In re Anderson*, 184 A.3d 846 (D.C. 2018) (competence, communication with clients, withdrawal duties, unauthorized practice of law: one year suspension)
83. *In re Charges of Unprofessional Conduct*, 912 N.W.2d 224 (Minn. 2018) (communication with represented party: private admonition)
84. *Attorney Grievance Comm'n v. Jacobs*, 459 Md. 291 (2018) (lack of communication with clients, abandonment: disbarment)

85. *Matter of Caldwell*, 303 Ga. 748 (2018) (settlement without client consent, commencing actions without client consent, conversion of settlement proceeds: disbarment)
86. *In re Hunter*, 242 So.3d 1210 (La. 2018) (lack of diligence, failure to keep clients informed: one year and one day suspension, with all but four months stayed)
87. *Matter of McAteer*, 2018 WL 2269555 (R.I. May 17, 2018) (false, ex parte statement to court: public reprimand)
88. *Attorney Grievance Comm'n v. Hecht*, 459 Md. 133 (2018) (practicing while suspended: indefinite suspension, with right to seek reinstatement after twelve months)
89. *In re Vega*, 241 So.3d 993 (La. 2018) (neglect of immigration client's matter, resulting in deportation: permanent disbarment)
90. *In re Dunn*, 241 So.3d 984 (La. 2018) (conversion of third-party funds from client's personal injury settlement: disbarment)
91. *In re Weiner*, 2018 WL 2459092 (Cal. State Bar Ct., May 8, 2018) (conversion: disbarment)
92. *Matter of Morgan*, 814 S.E.2d 394 (Ga. 2018) (withdrawing client funds for personal use: two year suspension)
93. *In re Popper*, 910 N.W.2d 832 (N.D. 2018) (unauthorized practice of law by Illinois attorney: public reprimand and cease-and-desist order)
94. *The Florida Bar v. Parrish*, 241 So.3d 66 (Fla. 2018) (improper fee agreements, improper business transactions with clients: three year suspension)
95. *In re Burns*, 249 So.3d 811 (La. 2018) (sent paralegal to lawyers-only pretrial conference, falsely claiming he was ill on that date: one year suspension)
96. *Attorney Grievance Comm'n v. Ndi*, 459 Md. 42 (2018) (unauthorized practice of law: disbarment)
97. *Ligon v. Bennett*, 2018 Ark. 150 (2018) (disregard of client's instructions on distribution of inheritance, commingling: disbarment)
98. *In re Malyszek*, 182 A.3d 1232 (D.C. 2018) ("reckless misappropriation" of client funds: disbarment)
99. *Matter of Hudspeth*, 95 N.E.3d 515 (Ind. 2018) (failure to keep clients informed of matter, false statements to clients, neglect, misrepresentation of law practice on web page: eighteen month suspension)
100. *Matter of Kishaveh*, 2018 WL 2459565 (Cal. State Bar Ct., Apr. 24, 2018) (multiple acts of misconduct - failure to inform client, failure to respond to insurance carrier, allowing the limitations period to expire: three year suspension)
101. *Matter of Moran*, 479 Mass. 1016 (2018) (multiple probate issues - misrepresentations in probate inventories, drafting documents which made sizeable gifts to the attorney: fifteen month suspension)
102. *Attorney Grievance Comm'n v. Sacks*, 458 Md. 461 (2018) (diligence, unreasonable fees, misappropriation of funds, false statements to courts, clients, opposing parties, fabricating fee agreements, criminal trespass: disbarment)
103. *Disciplinary Proceedings Against Rostollan*, 381 Wis.2d 5 (2018) (fees, conversion: two year suspension)
104. *In re Hulstrand*, 910 N.W.2d 436 (Minn. 2018) (safeguarding client property, conversion, false statements to tribunal, failure to follow court orders: disbarment)

105. *Disciplinary Proceedings Against Gray*, 381 Wis.2d 56 (2018) (drafting a non-relative's will in which the attorney received a sizable gift [\$298,742.12]: sixty day suspension)
106. *In re Iwu*, 813 S.E.2d 336 (Ga. 2018) (practicing while ineligible for failure to pay annual fees: three year suspension)
107. *In re Barton*, 813 S.E.2d 590 (Ga. 2018) (abandonment: disbarment)
108. *In re Garcia*, 813 S.E.2d 591 (Ga. 2018) (abandonment: disbarment)
109. *Matter of Disciplinary Proceedings Against Placide*, 190 Wash.2d 402 (2018) (among other things, an "off-the-books" law practice in violation of a partnership agreement: disbarment)
110. *In re Strauss*, 479 Mass. 294 (2018) (conversion of client funds: indefinite suspension)
111. *Matter of Lenowitz*, 74 N.Y.S.3d 97 (App. Div. 2018) (commingling, misappropriation: two year suspension)
112. *In re Kitay*, 2018 WL 2459569 (Cal. State Bar Ct., Apr. 9, 2018) (practicing while suspended, commingling, failure to report sanctions and malpractice actions as required by California rule: two year suspension, the last six months stayed)
113. *In re McGraw*, 362 Or. 667 (2018) (excessive fee, frivolous litigation: eighteen month suspension)
114. *In re Li*, 2018 WL 2452211 (Cal. State Bar Ct., Apr. 4, 2018) (practicing while suspended [for two matters involving a sibling]: two year suspension, with one year stayed)
115. *Matter of Geer*, 422 S.C. 415 (2018) (neglect, practicing while suspended, failure to pay annual fees: three year suspension)
116. *In re Disciplinary Action Against Sayaovong*, 909 N.W.2d 575 (Minn. 2018) (misappropriation, abandonment: disbarment)
117. *Attorney Grievance Comm'n v. Aita*, 458 Md. 101 (2018) (failure to inform client of hearings, failure to appear for hearings, failure to communicate with clients, unearned fees: disbarment)
118. *In re Klaila*, 238 So.3d 949 (La. 2018) (neglect, trust account violations: one year and one day suspension)
119. *In re Swafford*, 238 So.3d 957 (La. 2018) (neglect, communication failures: six month suspension)
120. *Krause v. Grievance Comm.*, 160 A.D.3d 136 (N.Y. App. Div. 2018) (neglect of client matter, misrepresentation of services rendered: censure)
121. *Lawyer Disciplinary Bd. v. White*, 240 W. Va. 363 (2018) (multiple violations, including sexual relationship with client and providing client with prescription drugs and alcohol - which resulted in the client's probation being violated: annulment)
122. *Matter of Chang Woon Foo*, 159 A.D.3d 1218 (N.Y. App. Div. 2018) (telling social worker in courthouse hallway that she should be "shot" for taking away "too many kids": censure)
123. *Matter of Whitlark*, 422 S.C. 362 (2018) (multiple violations, including failing to disclose after discovering offered evidence was false and failing to pay a court reporter bill: six month suspension)
124. *Matter of Hurley*, 2018 WL 1319010 (Del. March 14, 2018) (unprofessional letters to opposing counsel, which had "no substantial purpose other than to embarrass, delay or burden": public reprimand)

125. *Matter of Wray*, 91 N.E.3d 578 (Ind. 2018) (violation of rule against solicitation of clients, dishonest statements to clients and disciplinary authorities: six month suspension)
126. *The Florida Bar v. Ratiner*, 238 So.3d 117 (Fla. 2018) (a record of repeated disruption of hearings [kicking counsel table, stage whispering “lie, lie, lie”]: disbarment)
127. *In re Koeck*, 173 A.3d 463 (D.C. 2018) (disclosure of confidences and secrets to a media outlet, a United States attorney, the SEC, and the government of Brazil: sixty day suspension)
128. *State ex rel. Oklahoma Bar Ass’n v. Brookings*, 411 P.3d 377 (Okla. 2018) (rolling back the date on the clerk of court’s “filed” stamp: sixty day suspension)
129. *Matter of Thomas*, 69 N.Y.S.3d 316 (App. Div. 2018) (failure to take action to finalize divorce for sixteen years: public censure)
130. *The Florida Bar v. Christensen*, 233 So.3d 1019 (Fla. 2018) (providing unlawful “Official Legal Certifications” to clients purportedly allowing them to grow marijuana, several of whom were arrested: disbarred)
131. *Disciplinary Counsel v. Williams*, 152 Ohio St. 3d 57 (2017) (magistrate judge mentioned her position in a traffic stop, to avoid a ticket: public reprimand)
132. *In re Fontenot*, 230 So.3d 185 (La. 2017) (settling personal injury case without client’s consent, forging client signatures on settlement agreement, failing to disburse settlement funds: disbarment)
133. *In re Disciplinary Proceedings Against Baratki*, 378 Wis.2d 1 (2017) (sexual comments to clients, practicing while under suspension, failure to cooperate with disciplinary authorities: six month suspension)

#### *E. Procedural Issues*

1. *In re Bertoni*, 363 Or. 614 (2018) (defense of claim preclusion not available under these facts)
2. *D.A.R. v. R.E.L.*, 2018 WL 4266697 (Ala. Sept. 7, 2018) (bar complainants were immune from attorney’s suit alleging the complaints were frivolous); accord *Carey v. Board of Overseers of Bar*, 2018 ME 119.
3. *Roberts v. State Bar*, 818 S.E.2d 45 (Va. 2018) (rule prohibiting attorney from withdrawing funds from trust account whenever two or more persons claimed an interest in the funds was not unconstitutionally vague)
4. *Disciplinary Counsel v. Mancino*, 2018 WL 3672599 (Ohio Aug. 2, 2018) (rule requiring client to be informed of matter is not violated if there is no attorney-client relationship)
5. *Disciplinary Counsel v. Engel*, 2018 WL 3672445 (Ohio July 31, 2018) (board had discretion to refuse attorney’s request to supplement a post-hearing brief)
6. *In re Speights*, 189 A.3d 205 (D.C. 2018) (hearing board had the authority to make credibility determinations)
7. *State ex rel. Oklahoma Bar Ass’n v. Knight*, 421 P.3d 299 (Okla. 2018) (resigning in lieu of discipline in State X for conduct occurring in State X does not bar discipline in State Y)
8. *Matter of Disciplinary Proceeding Against Waechter*, 419 P.3d 827 (Wash. 2018) (Double Jeopardy Clause does not apply to attorney discipline proceedings)

9. *In re Bolinske*, 908 N.W.2d 462 (N.D. 2018) (no due process right to personally appear before disciplinary board to argue case)
10. *In re Conduct of Klemp*, 363 Or. 62 (2018) (allegations not included in complaint are dismissed on due process grounds: lack of notice)
11. *Boyce v. North Carolina State Bar*, 814 S.E.2d 127 (N.C. 2018) (complainants do not have standing to challenge dismissal of grievance); *D'Attilo v. Statewide Grievance Committee*, 329 Conn. 624 (2018) (same)

*F. A Special Situation: Prosecutorial Misconduct - Consider the following cases in light of Model Rule 3.8 (Special Responsibilities of a Prosecutor)*

1. *In re Nassar*, 2018 WL 4490909 (Cal. State Bar Ct., Sept. 18, 2018) (withholding evidence from defense: six month suspension, served concurrently with two years probation with conditions)
2. *Matter of Hudson*, 105 N.E.3d 1089 (Ind. 2018) (knowing prosecution of criminal count not supported by probable cause, *Brady* violation: eighteen months suspension)
3. *In re Rain*, 79 N.Y.S.3d 387 (App. Div. 2018) (multiple instances of misconduct by prosecutor, including improper closing argument and issuing grand jury subpoenas for improper purposes: two year suspension)
4. ***Matter of Neary*, 84 N.E.3d 1194 (Ind. 2017)** (prosecutor eavesdropping on attorney-client communications between defendants and defense counsel: four year suspension)
5. *See Matter of Keiffner*, 79 N.E.3d 903 (Ind. 2017) (a finding of prosecutorial misconduct in closing argument is not preclusive re: allegation of violation of Model Rules) (improper vouching for victim, impugning integrity of opposing counsel - resulting in reversal of conviction: complaint dismissed); *Matter of Smith*, 60 N.E.3d 1034 (Ind. 2016) (a finding of prosecutorial misconduct in closing argument is not preclusive re: allegation of violation of Model Rules) (improper vouching for victim - resulting in reversal of conviction: complaint dismissed)