

**THE
ATTORNEY
GRIEVANCE COMMISSION
OF
MARYLAND**

35th Annual Report

July 1, 2009 thru June 30, 2010



The Attorney Grievance Commission of Maryland is dedicated to protecting the public and maintaining the integrity of the legal profession. The Commission, through the Office of Bar Counsel, seeks to encourage and promote the ethical practice of law and the highest standards of professionalism by members of the Bar. In carrying out their functions of evaluating complaints and enforcing ethical standards for lawyers, the Commission and Bar Counsel strive for fairness and equity.

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**35th ANNUAL REPORT
ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
July 1, 2009 to June 30, 2010**

In the past two years complaints against members of the bar declined. This year saw an increase in total complaints from 1,885 in Fiscal Year 2009 to 2,003. Those complaints that required investigation (“docketed complaints”), increased from 353 the previous fiscal year to 406. Although there is no substantive evidence to explain the increase, it may be that the difficult economy has had some effect on the number of grievances.

This fiscal year concluded with the retirement of Melvin Hirshman, Bar Counsel, after twenty-nine and a half years serving in that position. He has been succeeded by former Deputy Bar Counsel Glenn M. Grossman. Mr. Grossman’s position as Deputy has been filled by Raymond A. Hein, who had served as an Assistant Bar Counsel since June 1, 1993.

Two members of the Attorney Grievance Commission, Cornelia Bright Gordon, Esq. and Harriette B. Taylor, Esq. completed their terms as Commissioners. They have been replaced by Betty Smith Adams, Esq. from Howard County and Kerry D. Staton, Esq. from Baltimore City. The names of the Commissioners as of June 30, 2010 appear at the end of this report.

SANCTIONS AND REINSTATEMENTS

In the last fiscal year the Court of Appeals reinstated seven (7) attorneys and denied reinstatement to seven (7). This fiscal year there were no reinstatements granted and seven (7) were denied.

Twenty-eight (28) attorneys were disbarred (13 of whom consented) compared to

eighteen disbarments (18) last fiscal year. There were thirteen (13) attorneys suspended compared with eighteen (18) last fiscal year. Four (4) attorneys were reprimanded by the Court of Appeals; six (6) last year. The Commission reprimanded thirty-one (31) attorneys compared with twenty (20) last fiscal year. Four (4) attorneys were granted inactive status.

DISCIPLINARY SUMMARIES
(July 1, 2009 through June 30, 2010)

* Maryland Lawyers' Rules of Professional Conduct referred to hereinafter as (MLRPC) *

ALLEGANY COUNTY

THOMAS, C. Trent - 60-day Suspension on April 20, 2010 by the Court of Appeals for failure to provide diligent and competent representation to clients involved in proceedings at which he failed to appear, in violation of (MLRPC) 1.1 and 1.3.

ANNE ARUNDEL COUNTY

HILL, John Lyster - Disbarred by Consent on November 24, 2009 by the Court of Appeals for mishandling two (2) domestic relations cases in which he failed to take prompt action, he implied he had paid a judge to expedite his client's case, failed to file an Information Report causing dismissal of his client's appeal, and failed to deposit and maintain his client's retainer in trust, in violation of (MLRPC) 1.1, 1.3, 1.4, 1.5(a), 1.15, 7.1(b) and 8.4(d), Maryland Rules 16-604 and 16-609 and Business Occupations and Professions Article, §10-306.

MARCALUS, Jeffrey S. - 60-day Suspension (beginning 30 days after the date of the Opinion) by the Court of Appeals on May 18, 2010 for engaging in criminal conduct, prostitution,

solicitation of prostitution and distributing a controlled dangerous substance, that adversely reflected on his honesty, trustworthiness and/or fitness to practice in other respects and engaging in conduct prejudicial to the administration of justice, in violation of (MLRPC) 8.4(b) and (d).

SHOUP, Jonathan H. - Reprimand on August 28, 2009 by the Court of Appeals for unintentionally misappropriating funds in violation of Maryland Rule 16-609.

STACK, Richard - Commission Reprimand for his failure, at an ex parte proceeding, to bring to the Court's attention the issue that two of the three Defendants contested process of service. The failure to do so prevented the tribunal from making an informed decision. Respondent's conduct violates (MLRPC) 8.4(a) and (d).

BALTIMORE COUNTY

CALLEGARY, Peter M. - Disbarred by Consent effective March 1, 2010 by the Court of Appeals for misconduct associated with his representation of a worker's compensation client, including failure to communicate properly with the client, failure to safeguard and account for client funds, conduct involving dishonesty, fraud, deceit or misrepresentation, conduct that is prejudicial to the administration of justice, misuse of trust money and violations of multiple provisions of Title 16, Chapter 600 of the Maryland Rules (rules governing attorney trust accounts), and failure to cooperate with Bar Counsel in the investigation of the underlying complaint, in violation of (MLRPC) 1.4, 1.15(a) and (d), 8.1(b), 8.4 (c) and (d), Maryland Rules 16-606, 16-606.1 and 16-609, and Business Occupations and Professions Article, §10-306.

CURTIS, Charles M. - Commission Reprimand for failure to appear at his client's hearing.

When ordered to appear before the Judge to explain his absence, he appeared late and

offered the Court an explanation that was untrue. His conduct violated (MLRPC) 1.3 and 8.4(c) and (d). He has since written a letter of apology to the Judge with a truthful explanation of his absence at the hearing.

CVACH, Paul R. - Indefinite Suspension by Consent on September 21, 2009 by the Court of Appeals for misappropriating trust funds, in violation of (MLRPC) 1.15.

DIXON, Isaiah, III - Disbarred by Consent on February 1, 2010 by the Court of Appeals for failure to act with reasonable diligence, failure to communicate with his clients, failure to safekeep clients' property by commingling his personal funds with funds held in his escrow account on behalf of clients and intentional misappropriation of client funds. He also engaged in criminal acts that reflected adversely on his honesty, trustworthiness or fitness as a lawyer when he admitted that he purchased and used cocaine, resulting in his arrest for possession of cocaine in violation of (MLRPC) 1.3, 1.4, 1.15, 3.3, 8.1(b), 8.4(b) and (c), Maryland Rules 16-607 and 16-609, and Business Occupations and Professions Article, §10-306 and §10-606.

FOLTZ, Richard Nelson, III - Disbarred on November 13, 2009 by the Court of Appeals for commingling funds in his attorney trust account and engaging in conduct involving dishonesty, fraud, deceit or misrepresentation in order to avoid his judgment creditors' collection efforts, in violation of (MLRPC) 1.15, 8.4(c) and (d) and Maryland Rule 16-607.

GEDE, James A. - Commission Reprimand for assisting a non-lawyer in the unauthorized practice of law. The non-lawyer was retained to re-open an estate and with Respondent's consent, used his name as attorney for that estate. The non-lawyer prepared and signed documents using Respondent's name as counsel. Respondent did not review the documents prepared and filed by the non-lawyer. Respondent violated (MLRPC) 5.5 and 8.4(a), (c) and

(d).

GILLAND, Michael Brian - Disbarred by Consent on September 14, 2009 by the Court of Appeals for misusing client funds, in violation of (MLRPC) 8.4(c) and (d), 16-607 and 16-609, and Business Occupations and Professions Article, §10-306.

GREENBERG, Kent L. - Commission Reprimand for failure to safekeep property and commingling funds by failure to deposit client's retainer monies in escrow and instead, deposited them into his operating account. The Respondent's practice was to deposit retainers for family law matters into his operating account and maintain a trust account for auto-tort related cases. His conduct was in violation of (MLRPC) 1.15(a) and (b) and Maryland Rules 16-604 and 16-607.

HOOVER-HANKERSON, Celicia - Disbarred by Consent on October 19, 2009 by the Court of Appeals for conviction of criminal charges involving submitting false invoices to the Court in the District of Columbia for payment of witnesses, in violation of (MLRPC) 8.4(b) and (d).

MILLAND, Charles Ford - Commission Reprimand for lack of competence by preparing pleadings for his client for relief unavailable to him under Maryland law, failure to safekeep property, failure to open and maintain trust account and failure to deposit client funds in a trust account as a result of not having a trust account, in violation of (MLRPC) 1.1, 1.15(a) and (c) and Maryland Rules 16-603 and 16-604.

SEIDLER, Samuel A. - Commission Reprimand for conviction of second degree assault on August 2, 2006 arising from an incident in which he was found to have struck his wife, which conduct the Commission found he violated (MLRPC) 8.4(d).

SIDLE, Barton J. - Commission Reprimand. While appointed as Conservator of the client

affairs of a deceased attorney which led to subsequent negotiations with the attorney for the decedent's Estate to purchase the law practice, the terms of which were memorialized in a letter; however, the Estate never signed an agreement and the sale was never approved by the Court. The Conservator continued his service and acted pursuant to the terms he believed to be the agreement for the purchase of the law practice, and consistent with the agreement, periodically remitted fees to the Estate which were accepted. A dispute arose between the Conservator and some beneficiaries of the Estate with respect to whether or not an agreement existed for the sale of the law practice, now to be determined by the Circuit Court. If there is an adjudication that an enforceable purchase agreement exists for the sale of the law practice, then he is in violation of Maryland Rule 16-777 by failing to obtain court approval prior to the sale. If, however, there is an adjudication that no valid purchase agreement exists, then his sharing of fees with the non-lawyer Estate violated (MLRPC) 5.4.

WEST, Brian Grayson - Disbarred on October 6, 2009 by the Court of Appeals for intentional misappropriation of trust funds, in violation of (MLRPC) 1.8(a), 1.15, 8.4(b), (c) and (d) and Business Occupations and Professions Article, §10-306.

BALTIMORE CITY

ALIVIZATOS, Constandin - Indefinite Suspension on December 16, 2009 by the Court of Appeals for lack of competence in handling settlements, failure to keep attorney trust account records, failure to maintain client monies in the trust account, commingling of funds and misuse of trust money through negligence, in violation of (MLRPC) 1.1, 1.15, 8.4(a) and Maryland Rules 16-606.1, 16-607 and 16-609.

HARDWICK, Clifford L. - Commission Reprimand for engaging in a relationship of a personal/romantic nature with a client he represented in a family law matter. Respondent did not discuss with the client the possible risks inherent in engaging in a personal relationship with him if he was representing her as an attorney and the possibility that such a relationship could result in a representation that was materially limited by Respondent's personal interests. Respondent did not obtain the client's informed consent to the possible conflict, in violation of (MLRPC) 1.7.

HYATT, Jack I. - Commission Reprimand for his representation of a Complainant in a custody case in which the Complainant was found in default, the Respondent failed to ensure his complete understanding of the primary reason for his retention and therefore prepared pleadings and discovery requests which were not calculated to serve the client's best interests. Respondent performed work that was of no practical use to the Complainant. These actions violated (MLRPC) 1.12, 1.2, 1.4 and 8.4(d).

COSTANZO, Frank M. - Disbarred on February 9, 2010 by the Court of Appeals for lack of competence, failure to carry out client's instructions, lack of diligence and failure to communicate with client; criminal act that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in other respects; dishonesty, fraud, deceit or misrepresentation; conduct that is prejudicial to the administration of justice; and misappropriation of client funds, in violation of (MLRPC) 1.1, 1.2, 1.3, 1.4, 8.4(b), (c) and (d), Maryland Rule 16-609 and Business Occupations and Professions Article, §10-306.

JAROSINSKI, George S. - Disbarred on November 16, 2009 by the Court of Appeals for intentional misappropriation of trust funds, in violation of (MLRPC) 1.15, 8.1 and 8.4(b),

Maryland Rule 16-609 and Business Occupations and Professions Article, §10-306.

KWARTENG, Charles Owusu - Disbarred on December 10, 2009 by the Court of Appeals for incompetent representation of his client by failure to prepare and answer Interrogatories, respond to a Motion for Sanctions and preserve client's right of appeal in one of his matters; failure to communicate with client concerning legal matters; lack of diligence; failure to communicate with and keep client informed; abandonment of representation of his client by failure to pursue client's cases; conduct prejudicial to the administration of justice by failure to take action in client's cases; and knowingly fail to respond to a lawful demand for information to Bar Counsel; in violation of (MLRPC) 1.1, 1.3, 1.4, 1.16(d), 8.4(d) and 8.1(b).

ROBATON, David M. - Indefinite Suspension on November 16, 2009 by the Court of Appeals for failure to enter an appearance with the Bankruptcy Court when required to do so, unauthorized practice before the Bankruptcy Court, failure to represent his client with competence and diligence and failure to disclose his compensation to the court as required under the Bankruptcy Rules, in violation of (MLRPC) 1.1, 1.3, 3.3(a)(1), 5.5(a), 8.4(c) and (d).

ROBATON, David M. - Disbarred by Consent on November 17, 2009 by the Court of Appeals for lying to clients about the status of their cases and to Bar Counsel about his communication with his clients, in violation of (MLRPC) 8.1(a) and 8.4(c).

THOMPSON, Robert Philip - Commission Reprimand for failure to include the attorney or firm name on his trust account and clearly designate the title of trust account on checks and deposit slips, from 9/1/08 through 1/31/09 he deposited earned fees and personal funds into the trust account, thereby commingling funds and failed to maintain client ledgers. In December, 2008 he issued a check to pay a personal obligation. His conduct was in violation of (MLRPC) 1.15 and Maryland Rules 16-606, 16-606.1 and 16-607.

VARES, Christopher K. - Indefinite Suspension by Consent on August 14, 2009 by the Court of Appeals. Interim Suspension was ordered October 31, 2006 based upon conviction of a crime (possession of a controlled dangerous substance), a violation of (MLRPC) 8.4(b). The Court's August 14, 2009 Order makes the Indefinite Suspension the final disposition of the case.

CALVERT COUNTY

HUTCHISON-SMITH, Erin - Disbarred by Consent on April 1, 2010 by the Court of Appeals for misappropriating fees from two law firms while employed as an associate, which conduct violated (MLRPC) 1.15(a), 8.1(b) and 8.4(b), (c) and (d).

STEUART, R. Calvert - Commission Reprimand for failure to take appropriate action on his client's behalf and to communicate with his client concerning the representation, in violation of (MLRPC) 1.3 and 1.4.

CARROLL COUNTY

None

CECIL COUNTY

HEMPHILL, William B. - Commission Reprimand for failure to abide by his client's instruction to file a law suit against Cecil County and its contractor, for failure to advise his client that he had elected not to file suit when he knew his client believed that he had filed suit and for failure to respond to requests for information from Bar Counsel, in violation of (MLRPC) 1.2(a) and 8.1(b).

CHARLES COUNTY

JENKINS, Frank Plowden - Disbarred by Consent on September 15, 2009 by the Court of Appeals for lack of competence, diligence, communication, misappropriations, commingling and misrepresentation, in violation of (MLRPC) 1.15 and 8.4(c).

FREDERICK COUNTY

GLESSNER, Stephen A. - Consent to Reprimand on August 12, 2009 by Court of Appeals relating to his representation of a defendant charged with multiple sex offenses and his failure to investigate the facts supporting every potential defense of which his client advised him, his failure to contact or subpoena for trial witnesses who could have provided testimony useful to the defense, and his failure to advise his client that he had a constitutional right to testify on his own behalf, in violation of (MLRPC) 1.1, 1.3 and 1.4(a)(2).

LEATHERMAN, Jennifer L. - Indefinite Suspension by Consent on August 25, 2009 by the Court of Appeals for failure to place unearned fees into an escrow account and for commingling of unearned fees in her operating account, in violation of (MLRPC) 1.15.

HARFORD COUNTY

HOLMES, Stephen John - Disbarred by Consent on September 1, 2009 for misappropriation of client funds, in violation of (MLRPC) 8.4(c) and (d), Maryland Rules 16-607 and 16-609, and Business Occupations and Professions Article, §10-306.

SIEJACK, Richard T. - Commission Reprimand for failure to be fully attentive to various client matters, failure to respond in a timely manner to the requests of several clients for an accounting of their funds (generally fees paid in advance) and failure, in varying degrees, to

respond promptly or at all to Bar Counsel's lawful demands for information, in violation of (MLRPC) 1.3, 1.4, 1.15(d) and 8.1(b)

TULLEY, Harold Joseph - Disbarred by Consent on September 1, 2009 by the Court of Appeals for filing a perjurious affidavit and failure to exercise diligence in representing bankruptcy clients. On October 15, 2007, he was indicted by a Harford County grand jury in a 21-count indictment, alleging theft, conspiracy to commit theft and accessory after-the-fact to theft. Pursuant to a plea agreement in that matter on August 17, 2009 the State entered a nolle prosequi of the charges in return for his agreement to consent to disbarment. His conduct violated the (MLRPC) 1.1, 1.2(a), 1.3, 1.4(a)(2) and (a)(3), 1.15, 3.3(a) and 8.4(b) (c) and (d); Maryland Rule 16-604; and Business Occupations and Professions Article, §10-304.

HOWARD COUNTY

HAMBY, Reuben I. - Commission Reprimand for lack of competence and conflict of interest in representation of client by preparing and recording title deed to transfer client's residential property to client, Respondent and his secretary as joint tenants in an attempt to protect the property from possession by the State or nursing home for future medical expenses, without consulting an estate planning/trust attorney for a better alternative, in violation of (MLRPC) 1.1 and 1.8(c).

HINISH, Lorn William - Commission Reprimand for his involvement in a bar fight that resulted in a criminal jury trial and a conviction of Second Degree Assault, which conduct Respondent agrees was prejudicial to the administration of justice and was conduct likely to reflect negatively on the image of the legal profession, in violation of the (MLRPC) 8.4(d).

HOSTAGE, Christopher A. - Commission Reprimand for engaging in professional misconduct

in violation of (MLRPC) 8.4(a). While representing a client, he sent a letter to a third-party threatening criminal prosecution unless she contacted him to discuss terms of an agreement to settle his client's alleged criminal and civil claims(s) against her. He claimed he had "already met" with the local Sheriff's department and an Assistant State's Attorney and "they agreed to pursue charges against you", which were false statements of material fact. He acknowledges that he wrote and sent the letter to the client's ex-wife in haste without giving proper consideration to its accuracy or to the propriety of sending such a letter. His conduct specifically violated (MLRPC) 4.1(a)(1) and 4.4(a).

STROUSE, James C. - Reprimand by Consent on September 15, 2009 by the Court of Appeals for lack of competence in preparing a power of attorney for an elderly client, naming a long-time client as the attorney-in-fact and thereafter suing the elderly client on behalf of the long-time client, in violation of (MLRPC) 1.1 and 8.4(d).

MONTGOMERY COUNTY

BLEECKER, Lorin Henry - Disbarred by the Court of Appeals on May 12, 2010 for misconduct arising from his representation of a personal injury client. Respondent missed the statute of limitations for filing suit on Complainant's claim but later filed a civil action in court after the expiration of limitations. The civil complaint he filed misstated the accident date by one (1) year, and the court eventually dismissed the case after defendant's counsel filed three (3) separate motions to which Respondent failed to respond to. Respondent took no steps to correct the erroneous accident date in the civil complaint. In the disciplinary case, the Court of Appeals determined that Respondent "systematically concealed from his client and the

court that the statute of limitations had expired on [the client's] claim.” Respondent also knowingly failed to respond to lawful demands for information by a disciplinary authority. The Court of Appeals found Respondent to have violated (MLRPC) 1.1, 1.3, 1.4, 1.16(a), 3.3(a)(1), 8.1(b) and 8.4(a), (c) and (d).

CINQUEGRANI, Peter Joseph - Disbarred on October 2, 2009 by the Court of Appeals for violation of (MLRPC) 8.4(b) and (c). This was a reciprocal disciplinary matter arising from Respondent's disbarment in the District of Columbia.

DORSEY, Nelson B., Jr. - Indefinite Suspension by Consent, by the Court of Appeals on June 28, 2010 for abandoning his clients' cases and for failure to return unearned fees, in violation of the (MLRPC) 1.1, 1.2(a), 1.3, 1.4(a)(2) and 1.4(a)(3), 1.5(a), 1.15(a), 1.16(d), 8.1(b) and 8.4(d), Maryland Rules 16-604 and 16-609, and Business Occupations & Professions Article, §10-304 and §10-306.

GARCIA, Jose Expedito M. - Disbarred on August 28, 2009 by the Court of Appeals as a result of his conviction of immigration fraud, in violation of (MLRPC) 8.4(b).

GREENBERG, Larry S. - Commission Reprimand for engaging in professional misconduct while serving as attorney for the personal representative of a decedent's estate opened in Prince George's County in which he failed to appear before the Orphans' Court on three occasions for show cause hearings scheduled by that tribunal to determine why a final account of the estate had not yet been filed. Respondent's failure to appear in response to duly issued notices constituted conduct prejudicial to the administration of justice, in violation of (MLRPC) 8.4(d).

HAMILTON, Dontrice P. - Commission Reprimand for failure to maintain an escrow account

after opening her law practice, which resulted in failure to keep personal funds separate from clients' or third persons' funds, failure to hold clients' or third persons' funds in escrow and failure to keep adequate records for the receipt and disbursement of clients' or third persons' funds, in violation of (MLRPC) 1.15 and Maryland Rules 16-606.1, 16-607 and 16-609.

HOU, Junwei W. - Commission Reprimand for failure to communicate and conflict of interest when Respondent represented a husband and wife in immigration matters and later agreed to represent them in connection with a Marital Separation/Property Settlement Agreement but failed to obtain their informed consent, confirmed in writing, for joint representation and also failed to timely inform Complainant of the fact that his wife had filed for divorce while Respondent remained the attorney of record on the immigration matter or to provide legal advice to Complainant concerning the pending immigration petition, in violation of (MLRPC) 1.4 and 1.7.

MIRSKY, Steven E. - Commission Reprimand for placing an earned fee in his attorney trust account, in violation of the (MLRPC) 1.15(b) and Maryland Rule 16-607. He also engaged in the practice of law after being decertified by the Court of Appeals for failure to file his pro bono report, in violation of (MLRPC) 5.5.

SUSS, Jonathan D. - Commission Reprimand for lack of competence and diligence for failure to obtain an abstract of title of client's family Arkansas property and failure to examine client's most-recent litigation to ascertain whether it was still possible to enter his title opinion letter in the case; as Respondent was not and was never admitted to practice law in Arkansas, for failure to limit the scope of representation, failure to consult with the client and failure to permit his client to make informed decisions regarding the representation; for unreasonable

attorney fee in light of Respondent's misconduct; and for conflict of interest by entering into a business transaction with his client, borrowing \$3,000 from client and preparing a promissory note, without advising his client in writing of the desirability of seeking advice of independent counsel on the Note and without giving client a reasonable opportunity to do so; in violation of (MLRPC) 1.1, 1.3, 1.2(c), 1.4(a)(4) and (b), 1.5(b) and 1.8(a).

WINER, Lisa I. - Commission Reprimand for failure to promptly advise opposing counsel that due to out-of-state medical treatment, Complainant would not be available for her deposition and/or failure to take any other steps to protect her interest, failure to promptly move to postpone the hearing, failure to advise Complainant of a Motion to Compel Discovery and for Sanctions and of the adverse affects it would have on Complainant's case, and failure to adequately inform Complainant of the implications that her failure to appear at the hearing would have on her claims, in violation of (MLRPC) 1.3 and 1.4.

PRINCE GEORGE'S COUNTY

ALLISON, Richard Wayne II - Disbarred by the Court of Appeals on June 4, 2010 based upon a reciprocal disciplinary matter in which he was disbarred from the practice of law in the District of Columbia after he pled guilty to committing mail and wire fraud by participating in a scheme to defraud homeowners and mortgage lenders, in violation of (MLRPC) 8.4(b), (c) and (d), and 18 U.S.C. §1341, §1343 and §1349.

BLAIR, Walter L. - Commission Reprimand for filing a lawsuit alleging fraud and other wrongdoing against two defendants, without having a basis to believe that these parties had, in fact, engaged in any fraud or other wrongdoing, in violation of (MLRPC) 3.1.

FISHER, Alene - Commission Reprimand for failure to competently represent her client by

failure to advise her of potential tax consequences of the marital award coming from the supplemental retirement income plan, failure to timely pursue clarification of the Consent Order, failure to pursue the QDRO for six (6) months and failure to communicate with her client, in violation of (MLRPC) 1.1, 1.2, 1.3 and 1.4.

HILL, Ronald C. - Commission Reprimand for conflict of interest when he and his co-counsel who represented a Homeowners Association (HOA), represented 2 individual Board Directors of and against the HOA as a defendant, that was directly adverse to another client and Respondent did not obtain or attempt to obtain the clients' informed consent, confirmed in writing; for lack of competence, Respondent failed to demonstrate the legal knowledge, skill, thoroughness and preparation necessary for the representation of the HOA and the other clients; and conduct prejudicial to the administration of justice in that it was conduct likely to reflect negatively on the image of the legal profession, in violation of (MLRPC) 1.7, 1.1 and 8.4(d).

JOHNSON, Renard D. - Disbarred on July 21, 2009 by the Court of Appeals based on misconduct in his management capacity at a title company he owned. Respondent was found to have facilitated a fraudulent, equity-stripping transaction, violating fiduciary obligations to the mortgage lender and to the sellers of the property, in violation of (MLRPC) 1.15(b)[now (d)], 8.4(a) and (c), 5.1(c) and 5.3(c).

KAPINUS, Bert W. - Commission Reprimand for engaging in professional misconduct in connection with his handling of a client's slip-and-fall personal injury case. He failed to provide competent representation, did not act with reasonable diligence and promptness in representing the client and failed to communicate adequately with the client, in violation of

(MLRPC) 1.1, 1.3 and 1.4.

NDUKWE, Azewah - Commission Reprimand for his conduct relating to his representation of a client in a Complaint for Absolute Divorce in Prince George's County, Maryland ("First Complaint") filed on 6/20/03 and in the District of Columbia ("Second Complaint"). The Second Complaint, filed on 8/14/03, incorrectly represented that client's wife ("Complainant") resided in a different jurisdiction from the First Complaint, was not signed by Respondent and appears that the client received assistance preparing the Second Complaint from someone who worked in Respondent's office, who is no longer employed by him. On 9/9/03 Respondent attended a hearing on the Second Complaint at which his client testified, in his presence, to questions from the Court that he had been a bona fide resident of the District of Columbia. Respondent did not participate in the hearing or address the Court. Divorce was granted. Respondent did not question his client's inconsistencies represented to the Circuit Court for Prince George's County and the Superior Court for the District of Columbia or otherwise attempt to determine the accuracy of the information contained in the First Complaint. On 2/24/04 a letter was sent on Respondent's office letterhead to Complainant which appears to have been signed by Respondent asking her to complete the enclosed Answer form and return it to Respondent's office for filing with the Circuit Court for Prince George's County. Respondent's conduct violated (MLRPC) 1.7, 5.3 and 8.4(d).

OLUJOBI (AWOJOBI), Adekunle B. - Disbarred on December 4, 2009 by the Court of Appeals for violating (MLRPC) 8.4(b), (c) and (d), Maryland Rule 16-609 and Business Occupations and Professions Article, §10-306, while acting in his capacity as trustee in a court-ordered sale of real property, for his intentional misappropriation of the proceeds of the sale

and leaving the United States. He has never repaid complainant's client for the money he owes him, in spite of promises to do so.

RUDDY, Joseph Cornelius, Jr. - Reprimand on October 6, 2009 by the Court of Appeals, for violation of (MLRPC) 1.7. Respondent failed to make arrangements for the payment of interest on a debt he owed a deceased aunt's estate after he became personal representative and attorney for the estate. The \$95,000 loan, made years earlier, was documented by a promissory note signed as part of a 2001 Conditional Diversion Agreement and provided for the loan to be payable, without interest, 120 days after the aunt's death. Four months after her death, Respondent opened his aunt's estate and, based upon a telephone conversation with Bar Counsel, came to believe he had the "blessing" of the Attorney Grievance Commission not to pay the principal, without incurring interest on the debt, until he concluded administration of the estate and could write-off the debt as an offset to his testamentary legacy. His conversation with Bar Counsel was treated as a mitigating factor with respect to the 1.7 rule violation.

SILVERMAN, Leslie Dana - 60-day Suspension, effective 30 days from the date of the Order dated December 8, 2009 (beginning January 7, 2010) by the Court of Appeals as reciprocal discipline corresponding to her 60-day Suspension in Virginia effective June 1, 2009, which involved two separate complaints, one of which also was filed with the Maryland Attorney Grievance Commission. In the Virginia proceeding, she entered into an Agreed Disposition acknowledging her failure to act with reasonable diligence in representing clients, failure to deposit an unearned retainer in an attorney trust account until the fee was earned and engaging in the practice of law while her license in Virginia was administratively suspended

for failure to comply with Virginia's mandatory continuing education requirements, in violation of Rules 1.3, 1.15(a)(2) and 5.5(a)(1) of the Virginia Rules of Professional Conduct. **TYNES, Erika A.** - Disbarred by Consent on September 2, 2009 by the Court of Appeals, effective thirty (30) days after the date of the Order. This case was in public charges following revocation of a Conditional Diversion Agreement and Supplemental Conditional Diversion Agreement (the CDAs) previously approved. The basis of the revocation was Respondent's additional professional misconduct while subject to the CDAs, which included misrepresentations to a client about a court date, creating a counterfeit hearing notice faxed to a client and misrepresentations to Bar Counsel. Her conduct violated (MLRPC) 1.4, 8.1(a) and 8.4(a), (c) and (d).

VANZEGO, Raymond J. - Commission Reprimand relating to Respondent's representation of a complaint for racial discrimination against Complainant's employer in the U.S. District Court for the District of Maryland. During his representation he failed to file a Response to Defendant's Motion to Dismiss his client's Complaint. He advised the court orally on May 12, 2008 that he would not be filing an opposition. Subsequently, the court dismissed the Complaint. Respondent failed to advise his Complainant of Defendant's Motion to Dismiss and his failure to file a Response until after the Court dismissed the Complaint, in violation of (MLRPC) 1.3 and 1.4(a)(2).

WALTON, Charles E. - Commission Reprimand for conflict of interest when he and his co-counsel who represented a Homeowners Association (HOA), represented 2 individual Board Directors of and against the HOA as a defendant, that was directly adverse to another client and Respondent did not obtain or attempt to obtain the clients' informed consent, confirmed

in writing; for lack of competence, Respondent failed to demonstrate the legal knowledge, skill, thoroughness and preparation necessary for the representation of the HOA and the other clients; and conduct prejudicial to the administration of justice in that it was conduct likely to reflect negatively on the image of the legal profession, in violation of (MLRPC) 1.7, 1.1 and 8.4(d).

QUEEN ANNE'S COUNTY

None

WICOMICO

McBROOM, Wayne Isaiah - Disbarred by Consent on August 10, 2009 by the Court of Appeals for failure to provide competent representation, failure to act with reasonable diligence, failure to communicate with his clients, failure to safeguard his clients' property, failure to refund to his client the unearned portion of his retainer and misrepresentation to the court concerning refunding his fee to his client, in violation of (MLRPC) 1.1, 1.3, 1.4, 1.15, 1.16, 3.3 and 8.4(b), (c) and (d). He also pled guilty to violating Criminal Law, §7-104 of the Annotated Code of Maryland for theft under \$500.

OUT OF STATE

BAHGAT, Mina - Disbarred by Order dated September 3, 2009 by the Court of Appeals for failure to provide competent representation, failure to act with reasonable diligence and promptness, misleading his client and failure to keep his client reasonably informed, failure to safekeep property, dishonesty, fraud, deceit and misrepresentation, and intentional

misappropriation of trust funds, in violation of (MLRPC) 1.1, 1.3, 1.4, 1.15 and 8.4 (c), Maryland Rule 16-609 and Business Occupations and Professions Article, §10-306.

GORDON, Jeffrey Keith - 45-day Suspension by the Court of Appeals on March 16, 2010 for violation of (MLRPC) 8.4(c) in which Respondent had his client execute the signature page of a contract the night before a Summary Judgment hearing when the original could not be located. This was a reciprocal disciplinary action arising from Respondent's Reprimand in Texas.

HAAS, Richard J. - Indefinite Suspension on February 17, 2010 by the Court of Appeals for lack of diligence and unreasonable fees when he neglected a client's case, accepted a large fee but thereafter provided little or no legal services, in violation of (MLRPC) 1.3 and 1.5, based upon a reciprocal disciplinary matter arising from Respondent's suspension in the State of New York, with reinstatement in Maryland conditioned upon his reinstatement to practice in the State of New York.

HUNTER, Deairich Ray - Disbarred on November 6, 2009 by Court of Appeals as reciprocal discipline corresponding to his disbarment in the District of Columbia for failure to pay medical providers pursuant to assignments, improperly withdrawing funds from his escrow account, failure to maintain client funds in escrow, settlement of a case without the client's consent and making misrepresentations. He violated (MLRPC) 1.3, 1.4, 1.15(a) and (b) and 8.4(b), (c) and (d).

LEE, Garrett Lamont - Disbarred on October 7, 2009 by the Court of Appeals, as reciprocal discipline corresponding to his disbarment by consent in the District of Columbia. The Respondent's Affidavit of Consent in the District of Columbia is under Seal. The Respondent

failed to respond to the Court's Show Cause Order and did not appear at oral argument scheduled on October 6, 2009, resulting in issuance of the Court's Order the next day.

MONROE, Monica Arrington (a/k/a MONROE, Monica Marie and a/k/a ARRINGTON, Monica) - Commission Reprimand resulting from her representation of a client's Chapter 13 bankruptcy case and another client's case (during which time she left the country due to her husband's military commitment) in which she failed to act with reasonable diligence, failed to conclude the work, upon termination of representation she failed to take steps reasonably practicable to protect a client's interests, such as reasonable notice, time for employment of other counsel, surrendering papers and property to the client and refunding any advance payment of fee or expense not earned or incurred, in violation of (MLRPC) 1.3, 1.4(a)(2) and (3), 1.4(b) and 1.16(d).

MURPHY, Brian P. - Commission Reprimand for lack of competence and failure to safekeep property in his representation, as trustee from 2003 to 2008 he failed to maintain adequate records in handling estate assets, thereby impairing the ability of his successor to take over the trusts and failed to give tenants appropriate notice required by law when the trust purchased an interest in an apartment building, in violation of (MLRPC) 1.1 and 1.15(a).

NEEB, Kimberly Ann - Suspended for One year, One day, effective October 2, 2009 by the Court of Appeals, for violation of (MLRPC) 8.4(b), based upon a reciprocal disciplinary matter arising from Respondent's suspension in the Supreme Court of Pennsylvania, and is subject to the reinstatement of Respondent to the Pennsylvania Bar by the Supreme Court of Pennsylvania.

O'DeNEAL, Ramsdale, Jr. - Indefinite Suspension on December 17, 2009 by the Court of Appeals for violating (MLRPC) 1.3 and 1.4 in connection with his representation in a criminal

case.

PURCELL, Will - Disbarred on July 21, 2009 by the Court of Appeals based on misconduct as a settlement agent for the title company owned by Renard Johnston (also disbarred by the same opinion). Respondent was found to have facilitated a fraudulent, equity-stripping transaction, violating fiduciary obligations to the mortgage lender and to the sellers of the property, in violation of (MLRPC) 1.15(b)[now (d)], 8.4(a) and (c), and 5.1(c).

STOFFAN, Philip M. - Disbarred by Consent on May 10, 2010 by the Court of Appeals, based upon a reciprocal disciplinary matter arising from Respondent's 3-year suspension in the State of Michigan for mail fraud, in violation of (MLRPC) 8.4(b) and 8.4(c).

PEER REVIEW COMMITTEE

This fiscal year 289 lawyers and 92 non-lawyers agreed to volunteer their time to sit on Peer Review Panels that heard complaints made against attorneys.

There were 104 Peer Review meetings held compared with 97 last fiscal year. Twenty-six (26) of the 104 involved more than one complaint against an attorney. Montgomery County (26) and Baltimore City (19) had the largest number of Peer Review Panels. Eleven (11) counties did not have a Peer Review Panel meeting.

The Commission has the final decision after receiving a recommendation from a Peer Review Panel. This fiscal year the Commission overturned twelve (12) recommendations, of which eleven (11) resulted in greater disciplinary exposure for the attorneys.

Twenty (20) Peer Review Panels were terminated prior to being held. Of this number, Fifteen (15) were due to non-cooperation by the attorney-respondent. Two (2) were resolved before the meeting was held; one (1) terminated by the respondent and two (2) by Bar

Counsel.

The average time to set a panel after notification from Bar Counsel to the Peer Review Chair was 29 days. The average time to have the panel meeting after it was constituted was 47 days and the average time for the report to be made after the meeting was 23 days.

CONDITIONAL DIVERSION AGREEMENTS

When it is determined that misconduct by an attorney can be remediated without the need for a sanction and the attorney and Bar Counsel agree, a conditional diversion agreement can be executed with the approval of the Commission. The agreement can have a variety of conditions, including an apology to a complainant, attendance at educational seminars, having a practice monitor for a period of time, hiring an accountant to instruct on proper bookkeeping practices, psychiatric and psychological treatment, or other conditions. Such agreements usually conclude the disciplinary process. Ordinarily, the attorney has not been the subject of prior complaints. At the end of this fiscal year, 38 attorneys were subject to these agreements.

CONSERVATORSHIPS

When an attorney dies, is disbarred or suspended, and there is no responsible person to take possession of the client files of that attorney, it becomes necessary for Bar Counsel to petition the local Circuit Court to establish a Conservatorship. If no attorney is available in the community to take on the task, an attorney on Bar Counsel's staff is nominated to serve as Conservator. Upon approval by the Circuit Court, an appointment of a Conservator is ordered, the files of the attorney are marshaled and, with the aid of the paralegal staff, notices are sent clients to determine the appropriate disposition of active files. Pursuant to Court order, the destruction of client files not claimed, is permitted.

This fiscal year Bar Counsel was responsible for four (4) Conservatorships and a law firm handled another. It was necessary for Bar Counsel to rent a second storage facility for

the files of those attorneys for whom a Conservatorship was established.

TARGETED MAIL SOLICITATIONS

Business Occupations and Professions Article of the Annotated Code of Maryland Section 10-605.2 requires an attorney to file with Bar Counsel copies of letters of solicitation sent to prospective clients under certain circumstances.

Last fiscal year there were 1,635 targeted mail submissions to Bar Counsel. This fiscal year that number increased to 2,226. Of the 2,226, 104 letters required revision for several reasons. Those reasons included the failure to have the wording “this is an advertisement” at the top and bottom of the solicitation letter as well as on the outside of the envelope, the advertisement letter contained a claim about the attorney’s practice that could not be substantiated, or compared that attorney’s services with others. Last fiscal year, 130 advertisement letters were revised.

ATTORNEY TRUST ACCOUNT OVERDRAFTS

Maryland Rule, Chapter 600 Attorney Trust Accounts, permits approved banks to hold trust accounts of attorneys. Those approved banks agree to report trust account overdrafts to Bar Counsel. Upon receiving the report, Bar Counsel then notifies the attorney and seeks an explanation for the overdraft. This fiscal year there were 137 overdraft notifications received. Thirty-four (34) were transferred to a investigative file because:

- the attorney failed to respond to Bar Counsel (7)
- non-compliance with the record-keeping rule (8)
- attorney already under investigation (6)
- funds not held in a trust account (4)

- **commingling of funds in the trust account (5)**
- **cash withdrawals not permitted by rule (4)**

Fifteen (15) overdrafts were attributed to an error by the bank for reasons that included late deposits, bookkeeping errors, late posting or stale checks, bank charging the disbursement twice, and the wrong decoding on a check.

Seven (7) overdraft notices were pending resolution at the end of this fiscal year.

REGISTRATION OF SANCTIONED ATTORNEYS AS PARALEGALS

Maryland Lawyers' Rule of Professional Conduct 5.3(d) requires an attorney or law firm that employs a disbarred or suspended attorney provide that employment information to Bar Counsel, including a copy of the employment agreement that complies with the rule. Should the employment terminate, Bar Counsel must be notified of the termination.

This fiscal year five (5) sanctioned attorneys were so employed. All required employment/termination information was provided to Bar Counsel.

UNAUTHORIZED PRACTICE OF LAW INVESTIGATIONS

There were twenty-seven (27) files opened for investigation this fiscal year. Three (3) remained under investigation at the close of this fiscal year. One was transferred to a docketed file because the attorney was practicing while being decertified. One case involved a disbarred attorney. Eleven (11) investigations failed to reveal evidence of the unauthorized practice of law. One attorney agreed to revise his advertisements to properly reflect his permitted practice of immigration law. Another agreed to remove a sign indicating the presence of an attorney. Three (3) files were closed when the alleged offender could not be located. Four (4) individuals agreed to cease their offending activities. One

case awaited the conclusion of an investigation by Arizona as to whether the attorney had a bona fide office in that state. In one file, the complainant was advised to raise the issue in pending litigation in the District Court.

ACTIVITIES OF PROFESSIONAL STAFF

Bar Counsel, Melvin Hirshman, authored six articles for the Maryland Bar Journal this fiscal year. He participated in a program for the National Organization of Bar Counsel dealing with difficult complainants and respondents. He participated in a webinar on lawyer advertising. He was interviewed on radio about the disciplinary system and types of complaints. He addressed the Charles County Bar Association, lectured at a large law firm and participated at a CLE program on representing clients under a disability. Mr. Hirshman was the keynote speaker at the annual Maryland State Bar Association Solo Day at its annual meeting. He provided thirty (30) tips to solo practitioners at that meeting. He was appointed by the 4th Circuit Court of Appeals to represent the Commission in proceedings involving the determination by that Court of its sanction of a Maryland disbarred attorney. The Court, in an unreported opinion, revoked the attorney's license.

Deputy Bar Counsel Glenn M. Grossman addressed the Maryland Public Defender Conference and the J. Dudley Digges Inn of Court. He participated in a Maryland Association for Justice webcast on internet advertising, appeared before the Legal Aid Bureau in Baltimore and participated in a seminar concerning litigation ethics sponsored by Chubb Insurance. Mr. Grossman was a speaker on legal malpractice at the Maryland Judicial Institute and he was a panelist on social networking sponsored by the Bar Association of Baltimore City. He spoke at two loss control seminars sponsored by the CNA

Insurance Company and Rossmann-Hurt-Hoffman. He spoke at a risk management program sponsored by the Maryland State Bar Association and he was a panelist on programs sponsored by the District of Columbia Bar and the J. Franklin Bourne Bar Association. He was a lecturer at the University of Maryland Psychiatric Fellowship Seminar.

Assistant Bar Counsel Raymond A. Hein participated in a CLE seminar on mortgage foreclosure scams.

Assistant Bar Counsel Dolores O. Ridgell was a member of the faculty on the professionalism program for new admittees to the bar.

Assistant Bar Counsel James P. Botluk was on a panel on professional responsibility issues for attorneys who practice immigration law.

Assistant Bar Counsel Fletcher P. Thompson continues to write papers on ethical issues for the Cawood Inns of Court.

THE COMMISSION AND PROFESSIONAL STAFF

(As of June 30, 2010)

THE COMMISSION

Linda H. Lamone, Esq. Chair
J. Donald Braden, Vice-Chair
Jeffrey P. Ayers, Esq.
John A. Bielec, Esq.
Cornelia Bright Gordon, Esq.
Louise T. Keelty, Esq.
George E. Meng, Esq.
B. Harriette Taylor, Esq.
C. Mayda Tsaknis, Esq.
Barry P. Gossett, Public Member
Linda Bowler Pierson, Public Member
Jerald S. Sachs, Public Member

ATTORNEY GRIEVANCE COMMISSION STAFF

Executive Secretary

Kendall R. Ruffatto

Administrative Assistant to Executive Secretary

Jane F. Carr

Bar Counsel

Melvin Hirshman

Deputy Bar Counsel

Glenn M. Grossman

Assistant Bar Counsel

James P. Botluk

Raymond A. Hein

Gail D. Kessler

Marianne J. Lee

Dolores O. Ridgell

Fletcher P. Thompson

Investigators

Marc O. Fiedler

Sterling H. Fletcher

Michael H. Peregoy

Dennis F. Biennas

William M. Ramsey

Edwin P. Karr

Paralegals

John DeBone

Kandace L. Harries

Office Manager

Debra L. Zachry

Administrative Assistant

Donna E. Marlowe

Secretaries

Sharon D. Gross

Patricia A. Johnston

Susan G. Townshend

Debra A. Goodrick

Donna M. Cornelius

Virginia F. Umberger

Debbie L. Long

Receptionist

Nancy I. Sale

CONCLUSION

The Commission adopted a mission statement that reflects the standards it has sought to meet over its 35 year history. That Mission Statement is set forth on the cover of this annual report.

The Commission is grateful to the many attorneys and public members who volunteer to serve on Peer Review Panels. Their efforts enhance the protection of the public, the promotion of best practices, and foster a more positive view of the profession by the public.

10 YEAR COMPARISON CHART

	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	10 Year Totals
Complaints Received	1,410	1,468	1,559	1,610	1,562	1,844	1,589	1,647	1,532	1,597	15,818
Docketed Complaints Received (Prima facia misconduct indicated)	460	420	475	485	469	400	351	406	353	406	4,225
	1,870	1,888	2,034	2,095	2,031	2,244	1,940	2,053	1,885	2,003	20,043
Docketed Complaints Concluded	585	556	435	487	472	441	368	414	375	361	4,494
Dispositions											
(by number of Attorneys)											
Disbarred	7	15	12	22	10	10	9	11	5	15	116
Disbarred by Consent	16	15	5	6	14	12	8	10	13	13	112
Suspension	26	27	35	23	22	21	20	24	18	13	229
Temporary Suspension Rule 16-773(d)	0	1	0	1	1	2	1	0	1	0	7
Public Reprimand by Court	12	8	7	6	3	10	3	9	6	4	68
Public Reprimand by Commission	0	12	12	22	22	16	16	12	20	31	163
Private & Bar Counsel Reprimands	32	26	1	0	0	0	0	0	0	0	59
Inactive Status	0	0	4	2	1	3	4	1	0	4	19
Dismissed by Court	5	8	6	6	4	4	4	7	8	11	63
Petitions for Reinstatement Granted	3	6	5	3	10	1	3	9	7	0	47
Petitions for Reinstatement Denied	2	1	4	2	0	4	5	7	7	7	39
Resignation (Voluntary) Denied	0	0	0	0	0	0	0	1	0	0	1
Resignations	0	0	0	1	0	0	2	1	0	0	4
	103	119	91	94	87	83	75	91	85	98	927
Number of active Attorneys admitted to practice law in Maryland 6/30/2010	2986 3	3064 6	31224	31934	32066	32390	33018	33400	34569	34,506	

**STATISTICAL REPORT
FISCAL YEARS 2009 and 2010**

	FY 2009 (7/1/08-6/30/09)	FY 2010 (7/1/09-6/30/10)
Inquiries filed	1532	1597
Complaints filed	353	406
TOTAL:	1885	2003
<u>TYPE OF MATTER:</u>		
A Injury to person, property, etc	49	45
B Family law	54	71
C Criminal	46	47
D Real estate	25	34
E Probate	17	18
F Tax	1	1
G Business matters	9	16
H Civil litigation	56	63
I Contract	6	2
J Bankruptcy	12	12
K Other	67	92
L Immigration	11	5
TOTAL:	353	406
<u>TYPE OF MISCONDUCT:</u>		
1.1 Competence	53	53
1.2 Scope of representation/allocation of authority	10	14
1.3 Diligence	26	28
1.4 Communication	11	27
1.5 Fees	21	15
1.6 Confidentiality of information	1	3
1.7 Conflict - General Rule	9	6
1.8 Conflict of Interest - current clients	5	1
1.9 Duties of former clients	0	0
1.10 Conflict - Imputed disqualification	0	0
1.11 Conflict - Successive government & private employment	0	1
1.12 Conflict - Former Judge/Arbitrator/Mediator	0	0
1.13 Organization as the client	0	0
1.14 (pre 7/1/2005) Client under a disability	0	0
1.14 Client with diminished capacity	0	0
1.15 Safekeeping of property	45	75

	FY 2009 (7/1/08-6/30/09)	FY 2010 (7/1/09-6/30/10)
1.16 Declining or terminating representation	16	22
1.17 Sale of law practice	0	0
1.18 Duties of prospective client	1	0
2.2 (pre 7/1/2005) Intermediary	0	0
2.3 Evaluation for use by third party	0	0
2.4 Lawyer serving as third-party neutral	0	0
3.1 Meritorious claims and contentions	4	4
3.2 Expediting litigation	0	0
3.3 Candor toward the tribunal	10	5
3.4 Fairness to opposing party and counsel	2	2
3.5 Impartiality to decorum of tribunal	1	0
3.6 Trial publicity	0	1
3.7 Lawyer as witness	0	0
3.8 Special responsibilities of prosecutor	0	0
3.9 Advocate in nonadjudicative proceedings	0	0
4.1 Truthfulness in statements to others	2	0
4.2 Communication with persons represented by counsel	1	4
4.3 Dealing w/unrepresented person	0	0
4.4 Respect for rights of third person	0	2
5.1 Responsibilities of partner/managers/supervisory lawyer	1	0
5.2 Responsibilities of subordinate lawyer	0	0
5.3 Responsibilities re non-lawyer assistants	3	0
5.4 Professional independent of lawyers	2	1
5.5 Unauthorized practice; multi-jurisdictional	11	15
5.6 Restrictions on right to practice	0	0
5.7 Responsibilities regarding law related services	0	0
6.1 Pro Bono Publico service	0	0
6.2 Accepting appointments	0	0
6.3 Membership in legal services organization	0	0
6.4 Law reform activities affecting client interest	0	0
6.5 Nonprofit and court annexed legal services programs	0	0
7.1 Communications concerning lawyer's services	0	0
7.2 Advertising	0	0
7.3 Direct contact with prospective clients	1	0
7.4 Communication of fields of practice	0	0
7.5 Firm names and letterheads	0	0
8.1 Bar Admiss. & Disc. matters	20	14
8.2 Judicial & legal official	0	0
8.3 Reporting professional misconduct	0	0
8.4 Misconduct		
(a) Violate or attempt to violate rules through another	1	5
(b) Commit a criminal act	20	14
(c) Dishonesty, fraud, deceit, misrepresentation	40	55
(d) Prejudicial to administration of justice	13	18

	FY 2009 (7/1/08-6/30/09)	FY 2010 (7/1/09-6/30/10)
(e) (pre 7/1/2005) Improperly influence	0	0
(e) Knowingly manifest by words/conduct - bias/prejudice	0	0
(f) (pre 7/1/2005) Knowingly assist judge in violation of judicial conduct rules	0	0
(f) State or imply an ability to influence government or agency official	0	0
(g) Knowingly assist judge/judicial officer in conduct that violates applicable rules of judicial conduct	0	0
8.5 Disciplinary Authority; Choice of Law	2	0
-- Other (Reinstatements, Overdraft, BOP Sec. 10-306)	21	21
TOTAL:	353	406
COMPLAINTS BY LOCALE		
01 Allegany	1	7
02 Anne Arundel	24	17
03 Baltimore County	60	50
04 Baltimore City	52	60
05 Calvert	1	12
06 Caroline	0	0
07 Carroll	2	5
08 Cecil	7	2
09 Charles	4	18
10 Dorchester	1	1
11 Frederick	5	4
12 Garrett	0	0
13 Harford	12	6
14 Howard	12	16
15 Kent	2	0
16 Montgomery	71	92
17 Prince George's	53	62
18 Queen Anne	2	0
19 St. Mary's	1	5
20 Somerset	0	0
21 Talbot	0	2
22 Washington	3	6
23 Wicomico	5	0
24 Worcester	4	5
00 Out of State	31	36
TOTAL:	353	406

	FY 2009 (7/1/08-6/30/09)	FY 2010 (7/1/09-6/30/10)
<i>FINAL DISPOSITION:</i>		
Administratively Closed	51	52
Dismissed	109	108
Warning	40	43
Dismissed - Peer Review	9	8
Warning - Peer Review	11	11
Reprimand by Commission (public)	22	38
Public Reprimand by Cour of Appeals	9	6
Suspension	30	16
Disbarment	8	26
Disbarment by Consent	65	30
Inactive Status	0	5
Dismissed by Court of Appeals	9	11
Resignation	0	0
Resignation Denied	0	1
Reinstatement - GRANTED	7	0
Reinstatement - DENIED	6	6
TOTAL:	376	361
<i>DISCIPLINE CONCLUDED - represents number of attorneys</i>		
Disbarment	5	15
Disbarment by consent	13	13
Suspension	18	13
Rule 16-716 Suspension	0	0
Interim Suspension	1	0
Public Reprimand by Cour of Appeals	6	4
Reprimand by Commission (public)(new rules)	20	31
Dismissed by Court of Appeals	8	11
Inactive Status	0	0
Inactive Status by Consent	0	4
Reinstatement - GRANTED	7	0
Reinstatement - DENIED	7	7
Resignation	0	0
Resignation Denied	0	0
TOTAL:	85	98
Non-compliance of Conditional Diversion Agreements	1	2

	FY 2009 (7/1/08-6/30/09)	FY 2010 (7/1/09-6/30/10)
<i>PENDING COMPLAINTS - represents number of docket complaints</i>		
Bar Counsel Stage	85	97
Investigative Stage	42	51
Peer Review	48	65
Conditional Diversion Agreements	33	40
Rule 16-716 Suspension - Pending	3	0
Interim Suspension - Pending	1	0
Charges pending in Court	78	77
Charges to be filed	18	22
Deferred Docket	14	15
TOTAL:	322	367
<i>PENDING COMPLAINTS - represents number of Attorneys versus number of actual pending complaints above</i>		
Bar Counsel & Investigative Stage	110	120
Peer Review	39	53
Conditional Diversion Agreements	31	38
Rule 16-716 Suspension - Pending	1	0
Interim Suspension - Pending	1	0
Charges pending in Court	52	59
Charges to be Filed	13	12
Deferred Docket	13	15
TOTAL:	260	297

<u>REASONS FOR DISCIPLINARY ACTION:</u> Represents number of attorneys - excludes reinstatement, resignation, inactive status, dismissal by the court, or monitoring. Disciplinary action may have resulted from several rule violations, <u>only the major rule violated is</u> indicated below.	2008-2009	2009-2010
Competent representation, diligence, communication, neglect and abide by client's decisions	16	17
Misconduct - dishonesty, fraud, deceit, or misrepresentation	10	13
Misconduct - prejudicial to administration of justice or unauthorized practice of law	7	8
Criminal Act or Conviction	4	10
Misappropriation - theft of client's funds, estate funds, fiduciary funds or law firm funds	8	9
Excessive fee, improper division of fee or illegal fee	1	2
Incompetence (substance abuse, mental or physical illness)	0	0
Responsibility of actions by subordinate lawyer or non-legal personnel	5	1
Conflict of Interest	1	5
Failure to maintain complete records, account to client or others, maintain trust account, or safeguard funds	5	8
Commingling	1	3
Failure to respond to disciplinary agency	5	0
	63	76

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
STATEMENTS OF BUDGET, RECEIPTS, EXPENDITURES AND FUND BALANCE
Years Ended June 30, 2010 and 2009

	2010			2009		
	Budget	Actual	Variance Positive (Negative)	Budget	Actual	Variance Positive (Negative)
RECEIPTS						
Attorney assessments	\$ 4,273,500	\$ 4,407,946	\$ 134,446	\$ 3,950,520	\$ 4,162,283	\$ 211,763
Investment income	120,000	77,265	(42,735)	120,000	120,967	967
Recovered court costs	17,000	36,992	19,992	15,000	28,278	13,278
Fees from CPF - administrator	123,751	116,663	(7,088)	109,732	118,604	8,872
Fees from CPF - secretarial	55,505	52,467	(3,038)	45,898	54,165	8,267
Fees from CPF - administrative assistant	71,700	69,861	(1,839)	62,049	70,344	8,295
Total receipts	4,661,456	4,761,194	99,738	4,303,199	4,554,641	251,442
EXPENDITURES						
Salary - bar counsel	123,004	123,004	-	123,004	123,004	-
- deputy bar counsel	102,389	102,389	-	102,389	102,389	-
- assistant bar counsel	514,980	504,569	10,411	514,980	514,980	-
- investigators	422,085	363,408	58,677	422,085	393,085	29,000
- office mgr. & admn. assistant	122,776	122,776	-	116,590	118,137	(1,547)
- paralegal	81,524	81,524	-	91,800	77,218	14,582
- secretaries	323,482	278,899	44,583	324,245	283,799	40,446
- CPF - secretarial	34,481	34,481	-	34,481	34,481	-
- CPF - administrator	86,547	86,547	-	86,547	86,547	-
- CPF - administrative assistant	47,080	47,080	-	47,080	47,080	-
- Legal secretary	45,355	45,355	-	45,355	45,355	-
- Executive secretary	97,797	97,797	-	97,797	97,797	-
FICA	124,368	114,437	9,931	120,105	116,786	3,319
Medicare	29,087	26,831	2,256	28,089	26,251	1,838
Employee benefits	618,543	581,733	36,810	587,989	586,456	1,533
Telephone	15,000	13,597	1,403	20,000	10,025	9,975
Photocopy	10,000	7,610	2,390	10,000	10,207	(207)
Postage meter	6,000	5,038	962	6,000	4,740	1,260
Office supplies	30,000	26,378	3,622	30,000	24,653	5,347
Postage	30,000	23,367	6,633	30,000	21,949	8,051
Insurance and bonds	14,000	10,397	3,603	12,000	11,471	529
Travel and mileage	60,000	49,505	10,495	60,000	49,576	10,424
Equipment maintenance	5,000	2,542	2,458	9,100	4,562	4,538

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
STATEMENTS OF BUDGET, RECEIPTS, EXPENDITURES AND FUND BALANCE
Years Ended June 30, 2010 and 2009
(Continued)

	2010			2009		
	Budget	Actual	Variance Positive (Negative)	Budget	Actual	Variance Positive (Negative)
EXPENDITURES (Continued)						
Dues/professional organizations	\$ 5,000	\$ 5,490	\$ (490)	\$ 8,000	\$ 4,350	\$ 3,650
Investigator/related costs	90,000	47,540	42,460	63,000	96,783	(33,783)
Depositions and transcripts	20,000	12,811	7,189	23,000	11,582	11,418
Expenses - commission	15,000	15,425	(425)	15,000	8,231	6,769
Peer Review Committee	98,637	64,949	33,688	98,552	59,273	39,279
Audit	12,000	11,875	125	11,100	10,366	734
Bank fees	700	411	289	(200)	374	(574)
Outside services	15,000	5,957	9,043	15,000	13,228	1,772
Outside services - Conservatorship costs	5,000	6,974	(1,974)	-	90,000	(90,000)
Office furniture and equipment	-	16,599	(16,599)	25,000	16,535	8,465
Training seminars	10,000	-	10,000	7,000	1,649	5,351
Law library	14,000	14,934	(934)	14,000	10,695	3,305
Lawyer counseling	97,128	96,928	200	114,563	114,263	300
Office supplies	2,000	1,258	742	1,800	1,346	454
Mailing costs	2,500	153	2,347	2,500	-	2,500
Equipment purchases	30,500	143	30,357	5,500	535	4,965
Equipment maintenance	4,800	3,515	1,285	4,800	3,382	1,418
Telephone	3,000	-	3,000	3,000	-	3,000
Miscellaneous	1,000	356	644	500	690	(190)
Compensated absences	-	56,084	(56,084)	-	2,313	(2,313)
Total Expenditures	\$ 3,369,763	\$ 3,110,666	\$ 259,097	\$ 3,331,751	\$ 3,236,143	\$ 95,608
INCREASE IN UNRESTRICTED NET ASSETS	\$ 1,291,693	\$ 1,650,528	\$ (159,359)	\$ 971,448	\$ 1,318,498	\$ 347,050
UNRESTRICTED NET ASSETS, BEGINNING OF YEAR		\$ 6,203,258			\$ 4,884,760	
UNRESTRICTED NET ASSETS, END OF YEAR		\$ 7,853,786			\$ 6,203,258	

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
F I S C A L Y E A R 2011 BUDGET

PROJECTED RECEIPTS:	REQUEST 2011
#301 Attorney Assessments	4,375,875.00
#305 Interest Income	80,000.00
#307 Court Recovered Costs	17,000.00
#309 CPF Executive Director	123,751.00
#310 CPF Secretarial	55,505.00
#311 CPF Administrator	71,700.00
#312 CPF Office Clerk	31,446.00
TOTAL:	4,755,277.00
PROJECTED EXPENDITURES:	REQUEST 2011
#411 Salary - Bar Counsel - outgoing	115,662.00
#411 Salary - Bar Counsel - incoming	125,000.00
#412 Salary - Dep. Bar Counsel	91,251.00
#413 Salary - Asst. Bar Counsel	513,344.00
#414 Salary - Investigator	407,566.00
#415 Salary - Offi. Mngr. & Adm. Asst.	122,776.00
#416 Salary - Secretarial	311,858.00
#420 Salary - Paralegal	81,524.00
#501 Salary - CPF Secretarial	34,481.00
#502 Salary - CPF Executive Director	86,547.00
#503 Salary - CPF Administrator	47,080.00
#504 Salary - CPF Office Clerk	24,016.00
#601 Salary - Executive Secretary	97,797.00
#602 Salary - Adm. Asst. to Exec. Secretary	45,355.00
#417 FICA	130,464.00
#418 Medicare	30,512.00
#419 Employee Benefits	575,122.00
#421 Telephone	16,000.00
#422 Photocopy Expenses	10,000.00
#423 Postage Meter Maintenance	6,000.00
#424 Office Supplies	35,000.00
#425 Mailing Postage	30,000.00
#426 Insurance and Bonds	14,000.00
#428 Travel & Mileage	60,000.00
#429 Equipment Maintenance	4,500.00
#431 Dues & Prof. Organization	10,000.00
#432 Investig. & Related Costs	80,000.00
#439 Transcripts - Depositions	20,000.00
#441 Expenses- Commission	15,000.00
#444 Expenses- Peer Review	98,637.00
#447 Audit & periodic support	14,500.00
#448 Bank Service Fees	800.00
#451 Outside Legal & Software Support	15,000.00

ATTORNEY GRIEVANCE COMMISSION F I S C A L Y E A R 2011 BUDGET	
PROJECTED EXPENDITURES Cont'd:	REQUEST 2011
#452 Conservatorship Costs	10,000.00
#461 Office Furniture	25,000.00
#462 Computer Hardware/Software	125,000.00
#463 Training/renewal mailing-Peer Review	10,000.00
#464 Law Library	15,000.00
#466 Lawyer Assistance Program	97,128.00
#605 Office Supplies - Executive Sec.	2,000.00
#606 Mailing Costs - Executive Sec.	2,500.00
#607 Equipment Purchase - Executive Sec.	5,500.00
#608 Equipment Maintenance - Executive Sec.	4,800.00
#609 Telephone - Executive Sec.	3,000.00
#610 Misc. Expenses (outside services, etc.)	1,000.00
TOTALS:	3,570,720.00

Anticipated Revenues in Excess of Expenses for FY 2011:	1,184,557.00
Fund Balance at 6/30/2010:	7,853,786.00
Anticipated Fund Balance 6/30/2011:	9,073,639.00