

Annual Report of the Professional Responsibility Program for FY 2004

September 1, 2004

The Professional Responsibility Board is required by Administrative Order 9, Rule 1 E.(2) to provide to the Supreme Court A an annual report, including statistics and recommendations for any rule changes, which report shall be public. The following is submitted in accordance with this mandate.

I. Report of Activities of Bar Counsel

A. Administration of the Dispute Resolution Program

Bar Counsel's first duty is to administer the dispute resolution program which operates informally through the resolution of telephonic and electronic inquiries and formally within the framework of the Assistance Panels. Administrative Order 9, Rule 3 B (1), 4.

1. Inquiries from the Public and from Lawyers

Bar Counsel reviews and responds to all telephone or email inquiries from members of the public who have concerns or questions regarding a lawyer's professional conduct. Whenever possible, Bar Counsel endeavors to resolve the underlying disputes that were the genesis of the contact. Not all informal inquiries can or should be resolved. Some raise disciplinary issues which should be referred to Disciplinary Counsel; some are not issues of professional conduct and require referral elsewhere.

Informal inquiries are responded to in a timely manner. By the close of the fiscal year, Bar Counsel was responding to each caller within one business day and endeavoring to resolve or close the matter of concern within five business days. Bar Counsel's work is reviewed by a member of the Board who reads her progress notes on each of the informal inquiries received.

This year, the Professional Responsibility Program did not offer this service to the general public for approximately five months due to staff shortages. During the seven months when the service was available, Bar Counsel responded to 73 people who had questions or concerns about attorney conduct. Of these 73 contacts, 45 or 62% were successfully resolved. Of the remaining 28, 25 were advised to file formal complaints, 2 were referred to the Vermont Bar Association's Fee Dispute Arbitration Committee, and 1 was referred to the Judicial Conduct Board.

Informal telephonic and email questions from lawyers both within and beyond Vermont are processed the same way as inquiries from non-lawyers, but the purpose of the contact is usually quite different. Whereas a member of the public often contacts the Program to seek assistance with a problem he or she is having with a lawyer, lawyers generally contact the Program to seek assistance about ethical quandaries they are facing. Their questions range from requests for simple information to consultations over complex ethical dilemmas which might require significant legal research.

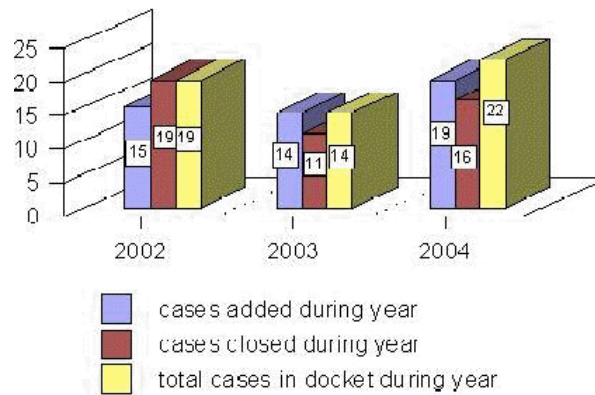
This year, the Professional Responsibility Program offered this service for all but three months of the year, again due to staff shortage. During the nine months the service was offered, Bar Counsel responded to 46 lawyers. Of the 46, the concerns of 36 of these lawyers were resolved to their satisfaction. Five were advised to file disciplinary complaints, three were referred to the Vermont Bar Association for an advisory opinion, and the remainder were referred elsewhere.

2. Formal Resolution: Assistance Panels

Five different¹ Assistance Panels were convened this year to hear and resolve 14 cases, all of which were referred by Disciplinary Counsel. There was a slight growth in the size of the Assistance Panel docket over previous years, as shown in **Chart 1**. During the fiscal year, 19 cases were added to the three held over from last year for a total of 22 pending cases during FY 2004.

Assistance Panels Caseflow

Chart 1



During the year, the Assistance Panels disposed of 16 cases, 14 by reaching a resolution at hearing and 2 by referral to Disciplinary Counsel. At the end of the fiscal year, 6 cases awaited hearing.

In striving to maintain quality control, a questionnaire is distributed to the participants after each Assistance Panel hearing. The Program distributed 24 questionnaires this year to participants, of which 13 - slightly more than half - were returned. The majority of those who responded, 77%, [10 out of 13] reported being satisfied or very satisfied with the impartiality and skill of the panel at moving the parties toward agreement. All of the questionnaires and the comments received were reviewed by the entire Board.

B. Liaison with other Organizations and Attorney Education

Bar Counsel is also charged with the responsibility for working with other organizations regarding matters concerning attorney conduct and professional responsibility. In carrying out that responsibility, Bar Counsel continued working with a sub-committee of the Supreme Court's Civil Rules Committee which is reviewing the 2002 - 2003 changes which the ABA made to the Model Rules of Professional Conduct. Bar Counsel attended the subcommittee's meetings and worked with its members in crafting proposed rules to suit Vermont's particular needs.

Bar Counsel also worked with the state and local professional organizations to present continuing legal education programs to Vermont lawyers. At the annual meeting of the Vermont Bar Association, she organized and co-presented a program on lawyer impairment. She was a presenter at the Franklin County Bar Association on avoiding common practice problems. At the annual conference of the Vermont Trial Lawyers Association she was a co-presenter on issues involving IOLTA. Finally, she and Disciplinary Counsel organized an annual training meeting for members of the Professional Responsibility Program which concerned a wide range of disciplinary enforcement and mediation issues.

C. Publishing of Decisions

Rule 13 provides that Bar Counsel is responsible for notifying various state and federal agencies of the imposition of public discipline. The rule also requires Bar Counsel to notify the courts within the State of Vermont and the local newspaper when a lawyer has been publicly disciplined. Bar counsel's office also publishes each hearing panel decision on line at <http://www.vermontjudiciary.org> and <http://dol.state.vt.us>. The decisions are also distributed to other publishers and are maintained in a loose-leaf binder for public access as required by Rule 13 E. This year, Bar Counsel published 9 decisions. In addition, Bar Counsel publishes a digest, with each decision summarized, also available for viewing on the Judiciary's homepage. The digest is attached hereto as *Appendix A*.

II. Report of Activities of Disciplinary Counsel

A. Introduction

Disciplinary Counsel administers the disciplinary side of the Professional Responsibility Program. In FY 2004, the administration of the disciplinary program included the screening of new complaints, the formal investigation of complaints that were not resolved at the screening phase, and the prosecution of disciplinary cases. In addition, Disciplinary Counsel spent a significant amount of time working with both the Professional Responsibility Board and the Bar on issues related to attorney ethics.

Throughout FY 2004, Disciplinary counsel's office consisted of two full-time attorneys, Disciplinary Counsel and Deputy Disciplinary Counsel, and a part-time administrative assistant. The office worked closely with the Board, Bar Counsel, and the Board's Program Administrator.

B. The Investigation and Prosecution of Ethics Complaints

Disciplinary Counsel's core function is to investigate and prosecute disciplinary complaints. In FY 2004, the Professional Responsibility Program opened 268 new files. The files were opened for the following reasons:

1. 221 were opened upon the receipt of a written complaint against an attorney licensed to practice law in Vermont;
2. 46 were opened upon the receipt of a notice of overdraft to an attorney trust account²; and
3. 1 was opened after an attorney who had previously been suspended for more than six months filed a Petition for Reinstatement.

C. Screening

Upon receipt, an ethics complaint is "screened@ by Disciplinary Counsel or Bar Counsel. *See A.O. 9, Rule 10.* The screening process is rather informal and is intended to determine the nature of the complaint and whether it can be resolved through non-disciplinary methods. Indeed, the screening attorney may attempt to resolve any complaint that does require formal action by an assistance panel or the disciplinary program.

In general, if a complaint alleges misconduct that might require a disciplinary sanction, the complaint is referred for a formal investigation by Disciplinary Counsel. Otherwise, the screening attorney either dismisses the complaint or refers it to an Assistance Panel for non-disciplinary resolution.

In FY 2004, 272 complaints were screened by counsel for the Professional Responsibility Program³. Disciplinary Counsel screened 238. The remainder were screened by Bar Counsel (7) and conflict counsel (27).⁴

In sum, in FY 2004, 245 complaints were assigned for screening by a lawyer affiliated with the Professional Responsibility Program. As FY 2004 ended, 244 had been screened. Of those, 154 were referred for a formal investigation by Disciplinary Counsel. The other 90 were dismissed.

1. Complaints Dismissed at Screening

If a complaint does not allege conduct that appears to require a disciplinary sanction, it is dismissed at screening. In FY 2004, 90 complaints were dismissed at screening. Upon dismissal, each complaint is assigned a "dismissal code@ . Each dismissal code represents a different reason for the decision to dismiss a particular complaint. The 90 complaints that were dismissed at screening in FY 2004 were dismissed for the following reasons:

- CBC-1: 8 -- Resolved by Screening Attorney
- CBC-2: 63 -- No Cause of Action
- CBC-3: 8 -- Insufficient Evidence to Open Investigation
- CBC-4: 1 -- Referred to Fee Dispute Program
- CBC-5: 4 -- Petition for Post-Conviction Relief
- CBC-6: 1 -- Complainant Seeks New Attorney
- CBC-7: 5 -- Lack of Disciplinary Jurisdiction

If a complaint is dismissed at screening, the complainant may appeal the dismissal to the Chair of the Professional Responsibility Board. *A.O. 9, 10(D)*. By contrast, if Disciplinary Counsel dismisses a complaint after the conclusion of a formal investigation, the complainant has no right to appellate review.

D. Formal Investigations by Disciplinary Counsel

As mentioned above, a complaint is referred for a formal investigation by Disciplinary Counsel if it alleges misconduct that appears to require a disciplinary sanction. The first step in the investigation is to require the attorney who is the subject of the complaint to file a written response to the allegations. Disciplinary Counsel reviews the response and then conducts whatever additional investigation is appropriate.

Upon concluding an investigation, Disciplinary Counsel has three options: (1) dismiss the complaint; (2) refer the complaint to an Assistant Panel for non-disciplinary resolution; or (3) ask a hearing panel to review for probable cause Disciplinary Counsel's decision to file formal disciplinary charges against the attorney.

As FY 2004 began, Disciplinary Counsel was investigating 71 complaints. Another 154 were referred to Disciplinary Counsel during the fiscal year. Thus, Disciplinary Counsel conducted 225 formal investigations during FY 2004.

Disciplinary Counsel took action against 42 Vermont attorneys in FY 2004. Of those 42 attorneys, 16 were the subject of formal disciplinary charges, while another 19 were referred to Assistance Panels for the non-disciplinary

resolution of complaints that had been filed against them. The remaining 7 attorneys were the subjects of Requests for Review for Probable Cause.⁵

1. Requests for Review for Probable Cause

Upon concluding an investigation, Disciplinary Counsel does not have the unilateral authority to file formal disciplinary charges against an attorney. Rather, if Disciplinary Counsel decides that formal charges are appropriate, he must ask a hearing panel to review his decision for probable cause.

By rule, a Request for Review for Probable Cause must be in writing and must include an Affidavit from Disciplinary Counsel that recaps the investigation and sets forth the factual basis for the decision to file formal charges. The process is *ex parte* in that the responding attorney does not submit material or argument directly to the panel. Moreover, Disciplinary Counsel does not appear or otherwise participate when a panel convenes to consider a Request for Review for Probable Cause.

If a panel finds that Disciplinary counsel's decision to file formal charges is supported by probable cause, Disciplinary Counsel is authorized to file a Petition of Misconduct. If a panel finds that there is no probable cause to file formal charges, Disciplinary Counsel dismisses the complaint. Per Board rule, if a probable cause request is denied, Disciplinary Counsel may not submit the case for probable cause review again unless he discovers new evidence that was not available when the first request was submitted.

In FY 2004, Disciplinary Counsel filed 17 Requests for Review for Probable Cause.⁶ The 17 cases involved 16 attorneys. Of the 17 requests, 12 were granted, 3 were denied, and 2 were pending rulings as the Fiscal Year ended.

2. Formal Disciplinary Proceedings

Formal disciplinary proceedings can be commenced in one of several ways. In FY 2004, Disciplinary Counsel initiated formal disciplinary proceedings in 19 cases. The 19 cases involved 16 attorneys.

a. Petitions of Misconduct

Disciplinary Counsel's charging document is known as a "Petition of Misconduct." The petition must be sufficiently clear so as to notify the attorney of the alleged misconduct and the rules allegedly violated. An attorney has twenty days to answer a petition. Once an Answer is filed, each party has the right to conduct discovery in advance of a disciplinary hearing.

In FY 2004, Disciplinary Counsel filed 10 Petitions of Misconduct against 8 attorneys.⁷ In sum, the Petitions charged 46 violations of the Vermont Rules of Professional Conduct. The charged violations were:

<i>Rule</i>	<i>Charged Violations</i>
8.4(h) engaging in any conduct which adversely reflects on the lawyer's fitness to practice law.	11
1.3 failing to act with reasonable diligence and promptness in representing a client.	5
1.4(a) failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.	4
8.4(b) engaging in a "serious crime," defined as illegal conduct involving any felony or involving any lesser crime a necessary element of which involves interference with the administration of justice, false swearing, intentional misrepresentation, fraud, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit a "serious crime"	4
8.4(c) engaging in conduct involving dishonesty, fraud, deceit or misrepresentation	4
8.4(d) engaging in conduct prejudicial to the administration of justice	4

4.4 failing to respect rights of third persons	3
3.5(c) engaging in undignified or discourteous conduct which is degrading or disrupting to a tribunal	2
1.15 Safekeeping Property (a) A lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property. Funds shall be kept in accordance with Rules 1.15A, B and C. Other property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of six years after termination of the representation.	1
1.15A failing to maintain a trust accounting system	1
1.4(b) failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.	1
3.3(a)(1) knowingly making a false statement of material fact or law to a tribunal.	1
3.3(a)(4) knowingly offering evidence that the lawyer knows to be false. If a lawyer has offered material evidence and comes to know of its falsity, the lawyer shall take reasonable remedial measures.	1
4.2. communicating with person represented by counsel	1
4.5 threatening criminal prosecution in order to obtain an advantage in a civil matter.	1
8.2(a) making a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.	1
DR 6-101(A)(3) neglecting a legal matter	1 ⁸

As FY 2004 closed, four of the Petitions had resulted in hearing panel decisions that imposed disciplinary sanctions on the respondents. The other six cases were pending trial.

b. Stipulations

As an alternative to a Petition of Misconduct, Disciplinary Counsel and a respondent may commence formal disciplinary proceedings by filing a Stipulation of Facts. From there, the parties may either join to recommend a particular sanction or present argument as to the appropriate sanction.

In FY 2004, there was only 1 case in which formal proceedings were commenced by the filing of a stipulation. In that case, Disciplinary Counsel and the respondent joined to recommend that a panel publicly reprimand the respondent for violating Rules 3.3(a)(1) and 8.4(c) of the Vermont Rules of Professional Conduct. The hearing panel rejected the recommendation and imposed a three-year suspension. As FY 2004 closed, the hearing panel's decision was subject to a motion for reconsideration.

c. Admonitions by Disciplinary Counsel

An Admonition by Disciplinary Counsel is a type of stipulation. Admonitions by Disciplinary Counsel can only be imposed with the consent of the respondent and the approval of a hearing panel. In addition, they are reserved for those cases involving minor misconduct, little or no injury, and little likelihood of repetition by the lawyer. Admonitions by Disciplinary Counsel cannot be imposed after formal charges have been issued.

In FY 2004, Disciplinary Counsel filed 7 requests for approval of an Admonition by Disciplinary Counsel. Each case involved a different lawyer and the cases totaled 12 violations of the Rules of Professional Conduct. The violations

were:

<i>Rule</i>	<i>Violations</i>
1.3 failing to act with reasonable diligence and promptness in representing a client.	2
1.4(a) failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information	2
1.15 Safekeeping Property	2
7.5(d) Firm Names and Letterheads. Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.	2
1.5(b) When the lawyer has not regularly represented the client, the basis or rate of the fee shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation.	1
1.15A failing to maintain a trust accounting system	1
3.5(b)(1) communicating <i>ex parte</i> with a judge or other person acting in a judicial or quasi-judicial capacity in a pending adversary proceeding, except as permitted by law or the Code of Judicial Conduct	1
7.1 A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services.	1

As FY 2004 closed, four of the requests had been approved by hearing panels, with three others awaiting formal action by the panel to which it was assigned.

d. Petition for Reciprocal Discipline

Vermont lawyers who are disciplined in other jurisdictions are subject to reciprocal discipline in Vermont. In FY 2004, Disciplinary Counsel filed a Petition for Reciprocal Discipline that asked the Supreme Court to disbar a Vermont attorney who had been disbarred in Massachusetts. The Petition was pending Court action as the fiscal year closed.

3. Referrals for Non-Disciplinary Resolution

Upon concluding an investigation, and as an alternative to commencing formal disciplinary proceedings, Disciplinary Counsel may refer a case to an Assistance Panel for non-disciplinary resolution. In essence, the Assistance Panels are the Professional Responsibility Program's version of court diversion. In FY 2004, Disciplinary Counsel referred 19 cases to Assistance Panels.⁹ Each case involved a different lawyer.

4. Dismissals

If Disciplinary counsel's investigation indicates that neither formal charges nor a referral to an Assistance Panel is appropriate, a case is dismissed. In FY 2004, Disciplinary Counsel investigated and dismissed 123 complaints.¹⁰ The reasons for the dismissals are set out in below:

CDC1: 21 -- Resolved
 CDC2: 61 -- No Cause of Action
 CDC3: 31 -- Insufficient Evidence
 CDC4: 5 -- Refer to Fee Dispute
 CDC5: 0 -- Lack of Jurisdiction
 CDC6: 0 -- Screener Dismissal Affirmed
 CDC7: 0 -- Transferred to Disability/Inactive
 CDC8: 3 -- Denial of Probable Cause
 CDC9: 1 -- Disciplined in Another File
 CDC10: 1 -- Post Conviction Relief Issue

5. Summary

Disciplinary Counsel completed 162 investigations in FY 2004. Of those, 42 resulted in some sort of formal action intended to address attorney misconduct¹¹. The other 120 were dismissed¹². As the fiscal year closed, 65 cases remained under investigation by Disciplinary Counsel.¹³

E. Other

Throughout FY 2004, Disciplinary Counsel devoted time and resources towards projects outside the investigation and prosecution of ethics complaints.

1. Random Audits of Trust Accounts

In FY 2004, Disciplinary Counsel continued to work with the accounting firm that had been chosen by the Board in FY 2003 to perform six random compliance audits of attorney trust accounts. Early in the fiscal year, Disciplinary Counsel received and reviewed the auditor's reports. None of the reports indicated a violation of the Rules of Professional Conduct. As such, Disciplinary Counsel did not pursue formal disciplinary charges against either of the attorneys or firms who were audited.

2. Rule 1.15

A hot topic in FY 2004 was the issue of when, exactly, an attorney may write trust account checks against funds that have been deposited to the trust account, but might not constitute A collected funds@ . The discussion was driven by two hearing panel decisions in which lawyers were admonished as well as by an advisory opinion issued by the VBA's Advisory Ethics Opinion Committee. In the closing months of FY 2004, Disciplinary Counsel was actively involved in working with the Board and the Bar to determine whether the Rules of Professional Conduct should be amended in order to make it easier for lawyers to conduct certain types of transactions in a manner consistent with their ethical responsibilities.

3. Continuing Legal Education

In FY 2004, Disciplinary Counsel presented at several CLE seminars. Disciplinary Counsel discussed a variety of topics, including Trust Account Management and Unbundled Legal Services. Disciplinary Counsel appeared at seminars at several meetings, including the Bar Association's Mid-Winter Thaw, the Bar Association's Winter Meeting, the State's Attorneys' Annual Training, the Public Defenders' Annual Training, and the Vermont Family Law Conference. In addition, Disciplinary Counsel spoke to a class at Vermont Law School on issues related to ethics and the internet.

III. Report of Activities of Board

The Board held four business meetings during FY 2004, plus an annual training meeting for all program members.

A. New Policies

The Board adopted two new policies this fiscal year.

In September 2003, the Board adopted Policy No. 27 which authorizes Disciplinary Counsel to investigate any conduct that comes to his or her attention that appears to constitute misconduct that might require a disciplinary sanction. Disciplinary Counsel need not wait for a formal complaint to be filed by a third party to take action. This policy is consistent with practice under the Professional Conduct Board Rules.

In March 2004, the Board adopted Policy No. 28 which prohibits hearing panel members from representing respondents in cases before the Professional Responsibility Program. The Board felt it would be a conflict of interest for an attorney to assume the role of opposing counsel vis à vis Disciplinary Counsel in one case and then assume the role of judge in another case in which Disciplinary Counsel appeared as an advocate. This policy applies only to the hearing panel member and does not extend to other members of his or her firm.

B. Proposed Revision of Administrative Order 9

In September, the Board received and reviewed reports from Bar Counsel and Disciplinary Counsel proposing various revisions to the overall structure of Administrative Order 9. The Board considered these and proposals of its own but did not adopt any of them. The Board did agree during the year that the Board should return to an adjudicative model, but has not agreed on what specific rule changes should be proposed to the Court. Instead, it appointed a study committee, chaired by Paul Ferber, to take on the task of proposing revisions to A.O. 9 which would transform the Board from an administrative body to an adjudicatory one.

C. Proposed Amendments to the Rules of Professional Conduct

The Board did not propose any further rule changes but did keep abreast of the work of the study committee of the Civil Rules Committee through reports from Bar Counsel.

D. Appointment of Hearing Panels

The Chair of the Board appointed six new members to two new hearing panels. This was necessary to address the fact that several hearing panel members will be completing their final term in 2005. In addition three additional individuals were appointed to fill vacancies on three other hearing panels. See *Appendix B* for a list of all hearing panel members. Newly appointed members are so designated by an asterisk.

E. Random Audits of Trust Accounts

During the fiscal year, the Board completed the pilot project which it has started in FY 2003 of randomly auditing lawyer trust accounts. It received the report of the auditor's work and concluded that future reviews should be more detailed than those that were conducted. The Board concluded that in FY 2005 it would seek funding for additional audits.

F. Annual Training Meeting

The Professional Responsibility Board held its annual meeting in Rutland on Tuesday, June 8 with approximately 40 board members, staff, hearing panel members and assistance panel members attending. Associate Justice Paul Reiber also attended. The morning agenda included a year in review of developments in the law of professional responsibility and separate break out sections for hearing panel members and Assistance Panel members. After lunch, a presentation regarding federal ethics was made by US Attorney Peter Hall.

IV. CONCLUSION

The oversight of program operations continues to be challenging. As contemplated and reported in last year's annual report, the Board did make a critical review of the four year experience under the new Rules and has elected to propose changes. The Board decision to request a change in the Rules to become an adjudicatory board and to request other substantive rule changes will be a focus of activity in the next fiscal year. The Board will also cause additional and more in-depth audits of attorney client trust accounts to be performed.

The Board acknowledges, with gratitude, the many hours the volunteers on the hearing panels and assistance panels have given to the Program. Without their contributions to the Program, the Program could not operate on the scope and scale that it does.

Appendix A

1	<i>In re Andrew Lichtenberg</i> PRB 2000.038	Not Applicable	Reinstatement	12/03/99	Upon successful petition of Respondent, previous suspension order lifted by the Supreme Court on January 5, 2000. E.O. 99-533.
2	<i>Unidentified Lawyer</i> PRB 1999.149	DR 1-102(A) (7)	Admonition by Disciplinary Counsel	02/28/00	Respondent possessed marijuana. No review by Court undertaken.
3	<i>Unidentified Lawyer</i> 1998.028	DR 4-101(B) (1)	Admonition by Disciplinary Counsel	04/13/00	Respondent sold a computer to a non-lawyer, knowing that it contained confidential client files. No review by Court undertaken.
4	<i>Unidentified Lawyer</i> 1999.009	DR 4-101(B) (1)	Admonition by Disciplinary Counsel	04/20/00	Respondent disclosed the secrets of one client to a second client without disclosing the first client's name. Respondent provided so many details about the first client's situation that second client was able to identify the first client. When the second client told respondent she thought she knew the person, the Respondent confirmed the first client's

5	<i>Unidentified Lawyer</i> 1997.049	DR 6-101(A) (3)	Admonition by Disciplinary Counsel	04/21/00	identity. No review by Court undertaken. Respondent neglected a legal matter entrusted to him by failing to complete service of a complaint within sixty days of filing, thus resulting in the Court granting a motion to dismiss. Respondent promptly referred client to malpractice carrier. No review by Court undertaken.
		DR 1-102(A) (5)			
	<i>In re David Singiser</i> 1999.020 1999.038	DR 1-102(A) (7)			
6	1999.051 1999.054 1999.090 1999.104	DR 6-101(A) (3) DR 9-102(B) (3) DR 1-102(A) (4) DR 2-110(C)	Disbarment	5/31/00	Respondent abandoned his clients, failed to provide accountings of client funds, made misrepresentations to the court, and failed to respond to Disciplinary Counsel. No review by Court undertaken.
	<i>In re Katherine Kent</i> 1999.039 1999.052 1999.053 1999.094	DR 1-102(A) (5) DR 1-102(A) (7) DR 2-110(A) (2) DR 6-101(A) (3)	2 Year Suspension	05/31/00	Respondent neglected her client, failed to return a file to him, improperly withdrew from representation, and abandoned her client. Respondent failed to respond to a request from Disciplinary Counsel for information and failed to advise the Board of Bar Examiners of a correct and current address. No review by Court undertaken.
8	<i>Unidentified Lawyer</i> 1999.172	DR 6-101(A) (3)	Admonition by Disciplinary Counsel	06/01/00	Respondent failed to file a Quit Claim Deed which awarded to the client the marital residence, free and clear of her ex-husband's interests. No review by Court undertaken.
9	<i>Unidentified Lawyer</i> 2000.015	DR 7-104(A) (1)	Admonition by Disciplinary Counsel	06/08/00	Respondent communicated with an adverse represented party, on the subject matter of the litigation, without receiving permission from opposing counsel. No review by Court undertaken.
10	<i>In re Sheldon Keitel</i> 1999.121	Hearing Panel found violations of DR 7-10(C)(6) and DR 7-102(A)(1) by default judgment and recommended public reprimand. Supreme	Dismissed	07/05/00	Supreme Court declined to find that Respondent, a lawyer on inactive status appearing pro se, violated DR 7-102(A)(1) (prohibiting a lawyer from taking any action A on behalf of his client when he knows or when it is obvious that such action would serve merely to harass or maliciously injure another@) or DR 7-106(C)(6) (prohibiting a lawyer A appearing in his professional capacity before a tribunal@) when he wrote a letter to the family court stating that the magistrate in his divorce case had his A head up his ass.@ The Court, nevertheless,

		Court ordered further review on its own motion.			required the Board of Bar Examiners to consider this conduct should Respondent ever choose to reactivate his license to practice law. Supreme Court entry order filed March 2, 2001.
11	<i>Unidentified Lawyer</i> 1998.021	DR 1-102(A) (5)	Admonition by Disciplinary Counsel	07/21/00	Prosecutor failed to disclose to defense counsel or the court that prosecutor's deputy had previously represented the defendant in a related matter. No review by Court undertaken.
12	<i>Unidentified Lawyer</i> 1997.028	DR 6-101(A) (3)	Admonition by Disciplinary Counsel	07/25/00	Respondent neglected a client's case for two years, missing a statute of limitations, and causing clients to lose their cause of action. No review by Court undertaken.
	<i>In re Joseph Wool</i> 1999.180 1999.189	DR 1-102(A) (5)			
13	2000.050 2000.061 2000.077 2000.082 2000.087	Rule 8.4(d) Rule 7(D) of A.O. 9	Public Reprimand	12/04/00	Respondent failed to comply with probationary terms imposed by the Supreme Court in 1999, requiring Respondent to submit written reports to Disciplinary Counsel every 60 days. Respondent failed to cooperate with Disciplinary Counsel's investigation of four new complaints, all filed after the 1999 probation order requiring that no new disciplinary violations be committed. No review by Court undertaken.
14	<i>In re Craig Wenk</i> 1996.050	DR 6-101(A) (3) DR 7-101(A) (2) DR 1-102(A) (4)	Six Month Suspension	10/16/00	Respondent failed to communicate properly with his client over a three year period and gave his client false information about the status of client's case in court when, in truth, Respondent had never filed the law suit. No review by Court undertaken.
15	<i>Unidentified Lawyer</i> 2000.019	Rule 8.4(d)	Admonition by Hearing Panel	10/24/00	Respondent failed to co-operate with Disciplinary Counsel's investigation, ignoring two letters requesting a response to a complaint filed by another lawyer. No review by Court undertaken.
16	<i>Unidentified Lawyer</i> 1995.019	Rule 7(D) of A.O. 9	Admonition by Disciplinary Counsel and 6 Month Probation	01/24/01	Respondent did not respond to request from PCB counsel seeking information about Respondent's compliance with conditions imposed by a PCB hearing panel sitting as an alternative dispute resolution (NDR) panel. In fact, Respondent did not comply with NDR panel's conditions. Hearing Panel found that Respondent violated Rule 7(D) by failing to furnish information to Disciplinary Counsel or a Hearing Panel. No review by Court undertaken.
17	<i>In re Joseph Wool</i> 2000.164	Rule 1.15(b) Rule 1.16(d) Rule 8.4(c)	Suspension of 1 year &	05/24/01	Respondent failed to render an accounting of retainers received from clients, failed to refund advance payments that were not

	2000.171	Rule 8.4(h)	Reimbursement of Retainers		earned, failed to represent clients in a diligent manner and neglected a client's case. No review by Court undertaken.
	2000.196	Rule 1.3			
	2000.209				
18	<i>Unidentified Lawyer</i> 1997.011	None	Dismissed	05/31/01	Insufficient evidence of misrepresentation or conduct prejudicial to the administration of justice in the way prosecutor answered inquiry from defense counsel re: the identity of person participating in deposition. No review by Court undertaken.
19	<i>In re Arthur Heald</i> 2000.197 2001.051	Rule 1.3 Rule 1.4(a) Rule 8.4(d)	Suspension of 2 months & Reimbursement of Legal Fees and Expenses Incurred by Complainant	06/05/01	Respondent publicly reprimanded and ordered to reimburse legal fees after he neglected to remit his client's withholding taxes in a timely manner, resulting in the assessment of an IRS penalty. Respondent failed to respond to his client's requests for help in rectifying this error. Client incurred substantial expenses in bringing suit against Respondent. Per Supreme Court Entry Order, Hearing Panel decision reversed and public reprimand imposed on 1/18/02.
20	<i>Unidentified Lawyer</i> 2000.091	Rule 1.11(c)(1)	Admonition by Disciplinary Counsel	07/13/01	Respondent improperly presided at a Town Board meeting during which that Board considered the merits of a matter in which Respondent had served as private counsel. No review by Court undertaken.
21	<i>Unidentified Lawyer</i> 2000.217	DR 6-101(A)(3)	Admonition by Hearing Panel	07/23/01	Respondent neglected a foreclosure action entrusted to him. No review by Court undertaken.
22	<i>In re Sigismund Wysolmerski</i> PRB 2001.171	Not applicable	Reinstatement	08/15/01	Respondent readmitted to the Vermont Bar per Entry Order of the Supreme Court on August 30, 2001. E.O. 2001-381.
23	<i>Unidentified Lawyer</i> 2001.022	DR 4-101(B)(1)	Admonition by Hearing Panel	08/20/01	Respondent disclosed to a relative of a murder victim an unsolicited letter from the pre-trial detainee charged with that murder. No review by Court undertaken.
24	<i>Unidentified Lawyer</i> 2001.176	Rule 1.3	Admonition by Disciplinary Counsel	09/12/01	Respondent failed to explore with his client whether there might be any defenses to a collection action. Respondent further acted without diligence or promptness when Respondent neglected to file any opposition to a Motion for Summary Judgment. Little or no injury resulted. No review by Court undertaken.
25	<i>In re Kjaere Andrews</i> 2001.014	Rule 1.5(b) Rule 1.15(a) Rule 1.15(A) Rule 1.16(d)	Suspension of 6 mos. and 1 day; Respondent to reimburse client for unearned fees	10/01/01	Respondent spent client funds for personal use and attempted to double her agreed upon hourly rate retroactively. No review by Court undertaken.

Respondent was convicted of three criminal

26	<i>In re William Frattini</i> 2001.078		Disbarment	08/31/01	offenses in the state of Maine for violations of embezzlement from a financial institution, mail fraud and tax evasion. Supreme Court Entry Order 2001-397 accepts resignation on 9/26/01.
27	<i>Unidentified Lawyer</i> 1998.020	DR 1-102(A) (5)	Admonition by Hearing Panel	10/15/01	Respondent negligently failed to disclose to defense counsel or to the Court the fact that Respondent had previously represented the defendant being prosecuted by Respondent's Office. No review by Court undertaken.
28	<i>In re David Sunshine</i> 2001.001 and 2001.075	DR 6-101(A) (3) Rule 1.3 Rule 8.4(d) Rule 8.4(c)	4 month suspension commencing 1/1/02; followed by 2 year probation	12/05/01	Respondent neglected two different client's cases, resulting in the dismissal and barring of the client's claims. Respondent also deceived one client by failing to disclose to him that his case had been dismissed and by leading him to believe that the case would soon go to trial. No review by Court undertaken.
29	<i>Unidentified Lawyer</i> 2001.200	None	Dismissed	12/12/01	A petition of misconduct for failing to respond to Disciplinary Counsel's request for information in violation of A.O. 9, Rule 7D was dismissed after Respondent provided evidence of reasonable grounds to justify his inaction. No review by Court undertaken.
30	<i>Unidentified Lawyer</i> 2000.167	Rule 1.3	Admonition by Disciplinary Counsel	01/15/02	Respondent failed to respond to client or to probate court's many requests for action over a two month period due to conflicting trial court responsibilities. No review by Court undertaken.
31	<i>In re Norman Blais</i> 1998.033, 1999.043 & 2000.042	DR 6-101(A) (3) DR 1-102(4)	5 Month Suspension 18 Month Probation	02/14/02	Respondent neglected five client matters and failed to file claims in court, thereby allowing the statute of limitations to expire in two cases. In addition, Respondent also made misrepresentations to three of his clients. Supreme Court Entry Order filed December 19, 2002.
32	<i>Unidentified Lawyer</i> 2001.184	Rule 8.4(h)	Admonition by Disciplinary Counsel	3/25/02	Respondent was rude and made unjustified comments about another attorney's youth, which presumably implied criticism because of lack of experience. Respondent also inappropriately handled the transfer of a file and the claim of an attorney's lien. No review by Court undertaken.
33	<i>In re Thomas Daly</i> 2001.189	None	Dismissed	5/13/02	A petition of misconduct for violating Rules 1.5 and 1.15(b) of the Vermont Rules of Professional Conduct was dismissed because of lack of jurisdiction over the Respondent for conduct alleged to have occurred prior to his admission to the Vermont Bar. No review by Court undertaken.
34	<i>In re Andrew Goldberg</i>	DR 6-101(A) (3) DR 6-101(A) (1)	Public Reprimand Transfer to A Inactive@ Status for 4 Months	5/14/02	A solo practitioner with only three years experience undertook representation in a products liability case in which he had no experience or expertise. He subsequently neglected the case, causing it to be dismissed. Complainant recovered for damages through a legal malpractice action. A public reprimand was imposed due to

	2000.081	DR 1-102(A) (5)	If license is reactivated; 2 year probation also imposed		several mitigating circumstances including Respondent having left the practice of law with no plans to return to Vermont and with strong probationary conditions imposed in the event he should seek to reactivate his license to practice. No review by Court undertaken.
		Rule 1.3			
35	<i>In re Thomas Bailey</i>	Rule 1.4	Disbarred	5/17/02	Respondent neglected a legal matter entrusted to him by failing to pursue an accident claim for his client, as agreed to, and subsequently allowing the statute of limitations to lapse. Supreme Court Entry Order 02-228 accepts resignation on 5/31/02.
	2002.118	Rule 8.4(c) Rule 8.4(d)			
36	<i>Unidentified Attorney</i>	Rule 1.4(a)	Admonition with 18 month Probationary Period	6/14/02	Respondent who did not return her client's calls regarding the status of a six-month overdue QDRO in a post-divorce matter was disciplined for failing to keep her client reasonably informed. No review by Court undertaken.
	2001.117	Rule 8.4(d)			
37	<i>Unidentified Attorney</i>	Rule 8.4(d)	Admonition with 18 month Probationary Period	6/14/02	Respondent failed to comply with an agreement reached with a Assistance Panel. No review by Court undertaken.
	2000.161				
38	<i>Unidentified Attorney</i>	Rule 7.3	Admonition by Disciplinary Counsel	07/30/02	Respondent sent written solicitations for legal work not identified as advertising material. No review by Court undertaken.
	2002.214				
39	<i>In re Raymond Massucco</i>	DR 6-101(A) (3)	Public Reprimand	08/14/02	Respondent neglected an estate matter that caused the heirs to experience unnecessary stress, anxiety and emotional turmoil as well as extensive litigation in the probate court. In addition, Respondent charged excessive fees. No review by Court undertaken.
	1998.050	DR 2-106			
40	<i>Unidentified Attorney</i>	Rule 1.4(a)	Admonition by Disciplinary Counsel	9/17/02	Respondent failed to comply with his client's reasonable request for an accounting of his fee. No review by Court undertaken.
	2002.201				
41	<i>In re Robert Andres</i>	Rule 1.3	Two Months Suspension	9/18/02	Respondent failed to act with reasonable diligence and promptness in a criminal case by failing to attend a pretrial hearing and he intentionally abandoned his client's case by failing to respond to a motion for summary judgment. ON APPEAL
	2002.110				
42	<i>In re Frederick S. Lane III</i>	Rule 8.4(b)(c) & (h)	Disbarment	10/09/02	While serving as Treasurer of the Chittenden County Democrats, Respondent temporarily used the Party's funds under his control for personal purposes. Supreme Court Entry Order 2002-431 accepts resignation on 10/9/02.
	2002.205				
43	<i>In re Howard Sinnott</i>	Rule 1.5(a)	Public Reprimand & Restitution	10/22/02 04/07/03	Respondent, who voluntarily left the practice of law, was reprimanded and ordered to reimburse to \$1200 to his client for charging an unreasonable fee when he used a standard flat rate but did nothing to advance his client's cause. Supreme Court E.O. 2003-170 dated 2/12/04 declined to reach the issue of whether respondent's fee agreement was a
	2001.190				

					nonrefundable fee.
44	<i>In re Robert DiPalma</i> 2002.031	Rule 1.3 DR 6-101(A) (3)	Public Reprimand 2 Years Probation	10/29/02	Respondent neglected a client litigation matter for several months, resulting in the suit being dismissed, and failed to keep his client informed about the status of his case. No review by Court undertaken.
45	<i>Anonymous Attorney</i> 1999.065 and 2000.122	DR 7-102(A) (1)	Admonition by Disciplinary Counsel	10/29/02	Respondent filed pleadings containing intemperate language which was unprofessional, uncivil and intended solely to harass and embarrass the opposing party and her counsel. No review by Court undertaken.
46	<i>Anonymous Attorney</i> 2001.165	Rule 4.3	Admonition by Disciplinary Counsel	11/20/02	Respondent interviewed a municipal employee against whom he knew he might bring a tort action. Based on Respondent's assurances that he wasn't going to sue the town, the employee obviously understood that there was no liability on his own part either, a misunderstanding which Respondent did not correct. The employee made several incriminating statements which Respondent later used in a suit against the employee personally. No review by Court undertaken.
47	<i>Anonymous Attorney</i> 2002.203	Rule 1.3	Admonition by Disciplinary Counsel	12/12/02	Respondent completed a real estate closing, withheld tax funds, but forgot to file the tax withholding with the Tax Department for seven months until his client brought the error to his attention. No review by Court undertaken.
48	<i>In re Norman Blais</i> 2002.108	Rule 1.3 Rule 1.4(a)	Six Month Suspension 12 Month Probation (Minimum) concurrent with sanction imposed in PRB 31	12/30/02	Respondent neglected a client's personal injury case and failed to keep his client reasonably informed about the status of her case. No review by Court undertaken.
49	<i>In re Thomas Daly</i> 2002.042	Rule 8.4(d)	3 Year Suspension <i>Effective May 21, 2003</i>	03/07/03	Respondent engaged in conduct prejudicial to the administration of justice by failing to supplement his Petition for Admission to the Vermont Bar to reveal that he was the defendant in a consumer fraud complaint and that his firm was the subject of an inquiry by the New York Committee on Professional Standards. No review by Court undertaken.
50	<i>In re Anne Whitten</i> 2000.040	None	Dismissed	3/13/03	A Petition of Misconduct alleging a violation of DR 7-104(A)(1) (causing another to communicate with a represented party) was dismissed upon motion of Special Disciplinary Counsel due to failure to meet burden of clear and convincing evidence.
51	<i>In re Charles Capriola</i>	DR 5-104(a) DR 1-102(A)	Public Reprimand	4/7/03	Respondent borrowed money from two different clients without advising either client that his interests in the loan differed from

	1999.035 & 1999.036	(7)			their interests. No review by Court undertaken.
52	<i>In re Robert Andres</i> 2002.043 & 2003.031	Rule 8.4(h)	3 Year Suspension	4/7/03	Respondent engaged in conduct adversely reflecting on his fitness to practice law as a result of his conviction for simple assault and his violation of terms of probation. ON APPEAL
53	<i>In re Lance Harrington</i> 2002.144	DR1-102(A) (3) Rule 8.4(b)	3 Year Suspension effective 1/9/03	4/14/03	Respondent entered into fee agreements that led to a federal investigation. Respondent was convicted of submitting false information to the Social Security Administration stating that his fee agreements complied with the law, when in fact he knew they did not. No review by Court undertaken.
54	<i>In re Arthur Heald</i> 2003.141 & 2003.142	Rule 8.4(d)	30 Day Suspension, commencing 45 days from date of decision	5/5/03	Respondent, who has a significant disciplinary history, was suspended after he failed to respond to a complaint filed against him and then failed to file an answer to a petition of misconduct. No review by Court undertaken.
55	<i>Anonymous Attorney</i> 2002-093	Rule 7.1(c) Rule 7.1(b)	Admonition by Disciplinary Counsel	6/4/03 Amended 11/19/03	Respondent placed an advertisement in the Yellow Pages stating that the lawyers in the firm were A the experts in...@ enumerated areas of law, thereby wrongfully comparing their services to those of other lawyers. SUPREME COURT HAS ORDERED REVIEW ON ITS OWN MOTION
56	<i>Anonymous Attorney</i> 2003-183	Rule 1.3	Admonition by Disciplinary Counsel	6/9/03	Respondent, who was the closing agent, failed to disburse three checks following a real estate closing, one of which was to the clients= credit card company. Such delay resulted in late fees and interest accruing on the clients= account.
57	<i>Anonymous Attorney</i> 2002-219	Rules 1.3 & 1.4(a)	Admonition & 3 Year Probation	7/7/03	Respondent failed to act with reasonable diligence and promptness in the handling of an application for a building permit and failed to keep her client informed of the status of this matter. No review by Court undertaken.
58	<i>Norman Blais</i> 2004-010	Not Applicable	Reinstatement	10/1/03	Respondent readmitted to the Vermont Bar per Entry Order of the Supreme Court on October 21, 2003. E.O. 2003-444.
59	<i>Anonymous Attorney</i> 2003-271	Rule 7.5(d)	Admonition by Disciplinary Counsel	10/24/03	Respondent used law office letterhead which indicated that he had associates when in fact, he did not. No review by Court undertaken.
60	<i>Anonymous Attorney</i> 2003-202	Rules 1.3, 1.4 (a) and 1.5(b)	Admonition by Disciplinary Counsel	10/29/03	Respondent failed to act with diligence, to keep his clients informed of the status of their case and to communicate clearly about his fees in connection with his handling of a collection matter. No review by Court undertaken.
61	<i>Anonymous Attorney</i> 2004-066	Rules 1.15 and 1.15A	Admonition by Disciplinary Counsel	1/26/04	Respondent deposited client funds in wrong trust accounts and failed to reconcile accounts for over two months. No review by Court undertaken.
					Respondent disbursed \$95,000 in funds in

62	<i>Anonymous Attorney</i> 2004-082	Rule 1.15(a)	Admonition by Disciplinary Counsel	1/28/04	connection with a real estate closing on the assumption that his client's wire transfer of funds had been received when, in fact, it had not, thus causing the use of other client's funds to cover the overdrafts created by the disbursements. No review by Court undertaken.
63	<i>In re Kenneth Levine</i> 2002-246	Rule 8.4(c) Rule 3.3(a)(1)	3 Year Suspension	4/22/04	Respondent filed a false affidavit in connection with an application to appear <i>pro hac vice</i> in a Vermont proceeding. Respondent's Motion to Reconsider Granted; Sanctions Hearing Pending
64	<i>In re George Rice</i> 2001-168	Rule 1.2(d) Rule 8.4(c) Rule 4.4	90 Day Suspension	5/3/04	Respondent, who intentionally hid his client's life insurance benefits in his own name to prevent attachment by known creditors, was suspended from practice for 90 days. Pending Appeal before Supreme Court.
65	<i>In re Mark Furlan</i> 2003-048 2003-051	Rule 1.3 Rule 1.4(a) Rule 1.4(b)	Public Reprimand 12 Month Probation	5/5/04	Contract public defender who took no action on behalf of two incarcerated clients and who failed to communicate with those clients or otherwise keep them adequately informed as to the status of their cases was publicly reprimanded and placed on probation for one year. No review by Court undertaken.
66	<i>In re Arthur Heald</i> 2003-041	Rule 1.15(a) Rule 1.15C(a)	Public Reprimand	5/14/04	For over five months, Respondent held escrowed funds in his client's file rather than depositing them in his trust account. No review by Court undertaken.
67	<i>In re Arthur Heald</i> PRB Docket No. 2004- 104	Rule 8.4(c) Rule 8.4(h) Rule 8.4(d)	Suspension of 3 years	6/15/04	Respondent failed to file state income tax returns, made a false statement on his licensing statement filed with the Board of Bar Examiners and failed to cooperate with disciplinary authorities. No review by Court undertaken.

Appendix B

Hearing Panel 1

- Barry Griffith, Esq. - Chair
- Martha Smyrski, Esq. (Resigning)
- Stephen Anthony (Tony) Carbine
- Christina Pollard, Esq.*

Hearing Panel 2

- Lawrin Crispe, Esq. - Chair
- Jesse Corum, Esq.*
- Michael Filipiak
- Douglas Richards, Esq. (Resigned)

Hearing Panel 3 (Probable Cause Panel) Hearing Panel 4

- Robert O= Neill, Esq., Chair
- S. Stacy Chapman, Esq.
- Ruth Stokes

- Paul Ferber, Esq., Chair
- Robert M. Butterfield, Esq.
- George Copenrath

Hearing Panel 5

- Mark Sperry, Esq., Chair
- Jane Woodruff, Esq.
- Sara Gear Boyd

Hearing Panel 6

- Judith Salamandra Corso, Esq., Chair
- James Gallagher, Esq.
- Toby Young

Hearing Panel 7

- Richard H. Wadhams, Esq., Chair
- Keith Kasper, Esq.

Hearing Panel 8

- Eileen Blackwood, Esq., Chair
- Peter Bluhm, Esq.

- Sam Hand

Hearing Panel 9

- Stephen Dardeck, Esq., Chair*
- Mary Gleason Harlow, Esq.*
- Barbara Carris*

- Tim Volk*

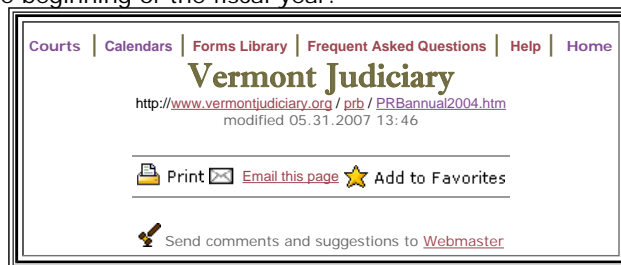
Hearing Panel 10

- Lon T. McClintock, Esq., Chair*
- Marianne Kennedy, Esq.*
- Donald Keelan*

*Newly appointed members are so designated by an asterisk.

Footnotes

1. The panel chaired by Neal Rodar met five times, the panel chaired by Mary Ann Carlson met twice; the panel chaired by Marion Milne met five times; a panel chaired by George Nostrand met once, and a panel chaired by Joan Wing met once.
2. Attorney trust accounts must be maintained in financial institutions approved by the PRB. See V.R.P.C. 1.15C (a). In order to be on the list of approved institutions, a bank must execute an agreement with Disciplinary Counsel in which it agrees to notify Disciplinary Counsel whenever an instrument is presented against a trust accounts that does not contain sufficient funds to honor the instrument. See V.R.P.C. 1.15C(b).
3. The total includes 267 of the 268 new files that were opened in FY 2004, as well as 5 files that were opened in FY 2003 but were not screened until FY 2004. The remaining file that was opened in FY 2004 was a petition for reinstatement filed by a suspended attorney and, as such, was not assigned for "screening".
4. If Disciplinary Counsel has a conflict that prohibits his office from screening a particular complaint, the Board's Program Administrator refers the complaint to private counsel for screening.
5. As FY 2004 closed, those 7 cases fell into one of three categories. They had either (a) been dismissed; (b) were awaiting a ruling on a Request for Review for Probable Cause; or (c) were awaiting further action by Disciplinary Counsel after a panel had granted a Request for Review for Probable Cause.
6. As compared to 14 in FY 2003 and 20 in FY 2002.
7. As compared to 7 petitions in FY 2003 and 8 in FY 2002.
8. The charged misconduct took place prior to September 1, 1999, and, as such, the Code of Professional Responsibility applied to the charge.
9. As compared to 9 in FY 2003 and 6 in FY 2002.
10. As compared to 179 in FY 2003.
11. Meaning there were 42 cases in which Disciplinary Counsel either commenced formal disciplinary proceedings, filed a request for review for probable cause, or made a referral to an Assistance Panel.
12. Section 4 reports that 123 cases were dismissed. The difference is a result of the fact that 3 cases were dismissed after a request for probable cause review was denied.
13. As compared to 71 at the beginning of the fiscal year.



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