



NCLDB

NATIONAL COUNCIL OF LAWYER DISCIPLINARY BOARDS, INC.

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# 2016

## ANNUAL MEETING

FEBRUARY 4-5, 2016  
SAN DIEGO, CALIFORNIA

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2015-2016**

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**ANNUAL CONFERENCE SCHEDULE  
FEBRUARY 4-5, 2016  
Westin Gas Lamp District  
SAN DIEGO, CALIFORNIA**

**THURSDAY, FEBRUARY 4, 2016**

**11:00 a.m. Registration & Lunch**

**12:15 - 12:30 p.m. Aloha Welcome & Annual Business Meeting**

**12:45 - 1:45 p.m. Attorney Disciplinary Sanctions: Consistent or Disparate? Prosecutors' Duties: Beyond Brady**  
Presenter: James T. Phalen & David Fitzsimons

Ever wonder how the attorney disciplinary sanctions in your jurisdiction compare to other jurisdictions? This topic focuses on examining certain types of ethical violations and understanding the complex nature of attorney disciplinary sanctions.

**1:45 - 2:45 p.m. Washington's LLLT: Pandora's Box or Panacea?**  
Presenters: Paula Littlewood & Steve Crossland  
(Materials after Tab I of Handbook)

In June 2012, the Washington Supreme Court adopted Admission and Practice Rule 28, creating the first limited license legal technician (LLLT) in the United States. The first LLLTs were licensed in the Summer of 2015 in the area of family law and started providing services to the public. This program describes the training, education, scope of practice, and rules and regulations that the LLLTs are governed by. Already other jurisdictions are considering similar programs as a way to provide access to justice. Find out what this might mean for the disciplinary system in your jurisdiction.

**2:45 - 3:00 p.m. Break**

**3:00 - 3:30 p.m.**

**Let's Get a Plan!**

Presenters: Mark Armitage & Rick Dove  
(Materials after Tab II of Handbook)

This program will focus on management and your mission. Whether you are a stand-alone agency tasked with the support of volunteer or professional adjudicators or you are a staff member or volunteer with responsibility for the adjudicative function largely administered by a court or bar association, you have lists, goals, duties and dreams. This session provides an overview of big-picture formulations of what you do, nitty-gritty lists of the same, and will explore the concept of strategic planning to move you toward your goals.

**3:30 – 3:45 p.m.**

**Walk to US Grant at 400 West Broadway for Joint NOBC/NCLDB/APRL Program**

**3:45 - 5:15 p.m.**

**I Always Feel Like Somebody's Watching Me!**

Presenters: Christine Long (NOBC), David Carr (APRL), & Howell Rosenberg (NCLDB)  
(Materials after Tab III of Handbook)

This program delves into the challenges faced and best practices for monitoring and supervising lawyers who are on probation as a condition of discipline or who were suspended from practice. Issues to be discussed include structuring and clearly articulating probation and suspension conditions, methods for monitoring compliance with conditions of probations or suspension, selecting and instructing supervising attorneys or practice monitors, proper limitations on the scope of duties of a lawyer on probation or a suspended attorney, and methods of enforcing noncompliance or proper actions to be taken when an attorney is no longer in compliance with probation or suspension terms.

**7:00 p.m.**

**Dinner (TBA)**

## **FRIDAY, FEBRUARY 5, 2016**

**8:30 a.m.**

**Breakfast**

**9:30 - 10:00 a.m.**

### **Look into My Crystal Ball: Can We Predict Who's at Risk?**

Presenter: Judge Leslie A. Hayashi (ret.) & Andy Trevelise  
(Materials after Tab IV of Handbook)

No attorney starts off practicing law planning to commit ethical violations. And yet it happens. Is the newly admitted attorney more at risk than someone practicing over 20 years? Are there trends in attorney discipline that can help predict who might be at risk? And for which types of ethical violations? This segment will examine recent cases from a number of jurisdictions.

**10:00 - 10:15 a.m.**

**Break**

**10:15 - 11:45 a.m.**

### **Innovation and Inspiration: New Educational Programs**

Presenters: Lori Keating, Jayne Reardon, & John Baker  
(Materials after Tab V of Handbook)

Given the number of disciplinary cases nationwide, are there ways to prevent ethical violations? Yes, but it requires a new model. Education for new lawyers is moving beyond classroom teaching to participation in mentoring programs. These programs match new lawyers with experienced attorneys, providing invaluable guidance while awarding participants with CLE credit. Find out how effective these programs are on new lawyers and our legal communities. What must a state or organization have in place to administer an effective mentoring program?

**11:45 - 1:00 p.m.**

**Lunch**

**1:15 - 2:15 p.m.**

### **Nightmare on Board Street: What to Do When You are Sued**

Presenter: Judge Rick Platel & Larry Kelly  
(Materials after Tab VI of Handbook)

Across the country, attorneys subject to state court disbarment and suspension orders are filing lawsuits to stop or delay the imposition of discipline. What steps should a Disciplinary Board take when faced with a lawsuit and what common defenses are available? Also how should a Disciplinary Board respond to life after *North Carolina State Board of Dental Examiners*?

**2:15 - 3:15 p.m.**

**Second Chances**

Presenters: Judge Catherine Purcell, Judge Donald Miles, & Judge Ron Stovitz

In most jurisdictions, a disbarred attorney may seek reinstatement after a period of time for rehabilitation has passed. Such a reinstatement opportunity demonstrates a belief that an attorney may be reformed from past misconduct and that the discipline system is not designed to be punitive. Yet, protection of the public and the profession remains a primary concern in whether to grant or deny a reinstatement petition. In this presentation by California State Bar Court judges, the panel focuses on the reinstatement process and emerging trends throughout the jurisdictions.

**3:30 -3:45 p.m.**

**Mahalo Wrap Up and Evaluation**