



NCLDB

NATIONAL COUNCIL OF LAWYER DISCIPLINARY BOARDS, INC.

www.ncldb.org

14th ANNUAL MEETING SCHEDULE

FEBRUARY 2-3, 2017

Hilton Miami Airport

MIAMI, FLORIDA

THURSDAY, FEBRUARY 2, 2017

8:30 am Registration / Continental Breakfast

9:00 am Welcome / Introductions

Judge Leslie Hayashi (Ret.), Judge Catherine Purcell

9:30 am Hot Topics in Attorney Discipline Adjudication (Orange Tab) 

David A. Fitzsimons, facilitator

A facilitator will guide a large group discussion where conference attendees may raise and discuss interesting issues or cases in attorney discipline matters from the various jurisdictions.

10:30 am Break

10:45 am Selecting and Evaluating Adjudicators (Mustard Yellow Tab) 

Wendy Neeley, Judge Kearse McGill, Rick Dove


This program examines the application, selection, and evaluation process for disciplinary adjudicators at both the trial and appellate levels. Panelists will present an overview of current processes/systems used in Michigan, California, and Ohio, the results of a survey inquiry about evaluating appointed adjudicators, and the processes used if an appointed adjudicator fails to adequately perform.

11:45 am Recruitment for Committees, Membership, Communications, and Program Planning

Judge Leslie Hayashi (Ret.), facilitator


12:00 pm Lunch

1:00 pm Board Meeting (1/2 hour)

1:30 pm **Facing the Facts: Substance Abuse and Mental Health Issues in the Legal Profession** (Light Blue Tab) 
Judge Catherine Purcell, Patrick Krill, Don Massey

A national study conducted by the Hazelden Betty Ford Foundation and the American Bar Association has revealed that as many as one in three lawyers is a problem drinker and one in four suffers from some form of depression or anxiety. The panelists will discuss the study and its implications. Attendees will gain practical and useful information on: the current rates of substance use and mental health disorders among U.S. attorneys; the connection among substance use, mental health, and good lawyering; commonly identified barriers to seeking help; ethical obligations related to impairment; and suggestions for the profession to reduce the incidence of these problems.

3:00 pm **Break**

3:15 pm **Keep on Moving: Plusses and Minuses of Administrative Timelines in Adjudication** (Red Tab) 
Kevin Bank, Judge Donald Miles, Marianne Lee, Jack Goodrich

How do we best keep cases moving in the adjudicative phase? Do procedural rules and/or administrative timelines work to keep adjudicators from falling behind? Are there any consequences for adjudicators who do not resolve cases in a timely fashion? This panel will explore how different jurisdictions approach the challenge of keeping cases moving and whether these approaches have been effective.

4:15 pm **Break**

4:30 pm **The Louisiana Attorney Disciplinary Board's CLE Efforts: A Case Study**
Jordan Huck (Royal Blue Tab) 


Continuing Legal Education (CLE) is vitally important in maintaining a high level of attorney professionalism and knowledge. This program provides an overview of Louisiana's efforts to offer free and low-cost CLE to Louisiana attorneys.

5:15 pm **Break for the Day**

6:00 pm **Group Dinner**
Organized by Kevin Bank

FRIDAY, FEBRUARY 3, 2017

8:30 am **Continental Breakfast**

9:00 am **The Path from Advocate to Neutral: Learning the Ropes** (*Neon Yellow Tab*) 
Judge Ronald Stovitz, Doug Leonard, Marianne Lee

A panel of experts will explore the legal framework of neutrality and conflict-of-interest principles as well as practical considerations involved in making the transition from advocate to judge or hearing officer. Panelists will discuss their own experiences and how certain jurisdictions train adjudicators for this transition. One panelist will discuss the concept of Conversational Intelligence, which can teach us how to effectively recognize bias and harness conversations to create and reinforce trust, collaboration, and alignment, thereby addressing the challenges we face as we move towards a globally connected population.

10:00 am **Cost Awards to Prevailing Parties in Disciplinary Litigation** (*Pink Tab*) 
Jim Phalen

This program offers a discussion of the results of a cost recovery jurisdictional survey by prevailing parties in disciplinary litigation. This is intended to be an interactive program with the survey results serving as the starting point for a discussion regarding cost recovery.

10:30 am **Break**

10:45 am **Aggravating and Mitigating Factors: An In-Depth Look** (*Lime Green Tab*) 
Jordan Huck

Aggravating and/or mitigating factors can make a difference in the outcome of certain discipline cases. This program delivers an overview of how various jurisdictions use and apply the ABA Standards for Imposing Lawyer Sanctions, particularly the aggravating and mitigating factors outlined therein. As an example, Louisiana's application of aggravating and mitigating factors will be covered in detail through analyzing the case law of the Louisiana Supreme Court.

11:45 am **Wrap-Up / Complete Evaluations / Distribute CLE Certificates**
Judge Catherine Purcell, Judge Leslie Hayashi (Ret.)

12:00 pm **Meeting Ends**

PRESENTER BIOGRAPHIES



KEVIN BANK

Kevin Bank is an Assistant General Counsel at the Washington State Bar Association (WSBA) and serves as Counsel to its Disciplinary Board, Character and Fitness Board, and Lawyers Fund for Client Protection. A graduate of New York University Law School, his legal career has included stints in private practice, government (Federal Trade Commission), and since 1999, various roles at WSBA. Prior to joining the General Counsel's Office, he was a Managing Disciplinary Counsel.



RICHARD A. DOVE

Richard Dove is the current Director of the Ohio Board of Professional Conduct. He was appointed as the third full-time secretary of the Board in 2011 after serving for more than 22 years on the staff of the Ohio Supreme Court. He is also an instructor who speaks on judicial ethics for professional associations, including the Ohio Judicial College and Institute for Court Management. Mr. Dove is the immediate past President of the NCLDB.



DAVID A. FITZSIMONS

David Fitzsimons was appointed to the Disciplinary Board of the Pennsylvania Supreme Court for a three-year term in 2014. He is currently Co-Chair of the Pennsylvania Bar Association's Committee on Legal Ethics and Professional Responsibility (2013-2016), and has been a member since 1998. Mr. Fitzsimons is in private practice with Martson Law Offices in Carlisle handling contract and business disputes resolution with an emphasis on construction and business operation/succession. He is a Certified Mediator with the federal Middle District of Pennsylvania Court, and has served as a mediator, court-appointed or privately retained, in civil matters over the past 15 years. The mediations have included commercial contract, construction, employment, and personal injury matters.



JOHN (JACK) P. GOODRICH

Jack Goodrich is the principal of the law firm Goodrich & Associates, P.C. in Pittsburgh, Pennsylvania. He was appointed to the Disciplinary Board in April 2016. He has a business degree from St. Francis University (1983) and a law degree from Duquesne University School of Law (1987). His practice areas included complex civil personal injury litigation, with a focus on head trauma and vehicular accidents, as well as wrongful death, product liability, medical malpractice, workers' compensation, social security disability, wills,

and estates. Notably, Mr. Goodrich obtained one of the largest awards ever against a bar/restaurant for negligence in over-serving a driver who caused substantial injuries to an innocent victim. He also tried one of the first DNA-related cases, and conferred with experts from the O. J. Simpson trial. He was distinguished as a Top 100 Trial Lawyer by the National Trial Lawyers organization.



JUDGE LESLIE A. HAYASHI (Ret.)

Judge Hayashi serves as Vice-Chair of the Disciplinary Board of the Supreme Court of Hawaii as well as the current President of NCLDB. She was also a member of the Hawaii State Bar Association's Professionalism Committee, which is responsible for a mandatory professionalism course given twice a year. Judge Hayashi authored the *Client Trust Accounting* materials and helped to edit *A Handbook for Sole and Small Firm Practitioners*. In addition, she has been a faculty member of the National Judicial College since 1995.



JORDAN D. HUCK

Jordan Huck has been a staff attorney with the Louisiana Attorney Disciplinary Board since 2007, providing legal counsel to the Board and its Hearing Committees in administrative/adjudicative matters, as well as training and development of the Hearing Committee members. He served as a law clerk for the Honorable Emile St. Pierre in the 29th Judicial District Court of Louisiana (St. Charles Parish). He is a graduate of Loyola University New Orleans College of Law. Mr. Huck is on the Board of Directors of NCLDB, and is a member of the ABA Center for Professionalism, the Louisiana State Bar Association, the Association for Talent Development, and the eLearning Guild. He is also on the Board of Directors of the Alumni Association for Loyola University New Orleans and a past president of the Loyola Young Alumni Pack.



PATRICK R. KRILL

Recognized as a leading authority on the substance use/mental health problems of lawyers, Patrick Krill is the founder of *Krill Strategies*, a behavioral health consulting firm exclusively for the legal profession. He is an attorney, a licensed and board-certified alcohol and drug counselor, author, advocate, and thought leader. He earned a bachelor's degree from American University, a J.D. degree from Loyola Law School, an LL.M from American University Washington College of Law, and an M.A. in Addiction Counseling from Hazelden Betty Ford Graduate School of Addiction Studies. His groundbreaking work in the field of attorney behavioral health includes initiating and serving as lead author of the only national study on the prevalence of attorney addiction and mental health concerns. Mr. Krill is a former director of the Hazelden Betty Ford Foundation's Legal Professionals Program, and has spoken, lectured, and conducted seminars for nearly a hundred organizations throughout the U.S., including professional and bar associations, law firms, law schools, and corporations.



MARIANNE L. LEE

Marianne Lee is the Executive Secretary/Chief Counsel for the Maryland Attorney Grievance Commission. She received her B.A. and J.D. degrees from the University of Maryland. Her experience includes clerking for a Circuit Court judge, working as a civil litigator in federal and state courts, and, beginning in 2000, serving as litigation counsel at the Attorney Registration and Disciplinary Commission in Chicago. In 2002, Ms. Lee returned to Maryland, and became litigation counsel to the Maryland Attorney Grievance Commission, where she worked for the past 14 years until she was appointed to her current position in 2016.



DOUG LEONARD

In 2008, Doug Leonard was appointed to the Disciplinary Board by the Pennsylvania Supreme Court. He is the Director of Consulting Services for imapSuccess, with 20+ years' experience dealing with well-known domestic and global companies. He has served as an executive in various organizations, including a hospital laboratory a software development company, an industrial engineering firm, and a Pittsburgh law firm. Mr. Leonard has been Executive Administrator of the Court of Common Pleas of Allegheny County for six years, serving five terms on the Board of Directors and one year as President of the Pennsylvania Association of Court Management. He is among the first to be a Certified Conversational Intelligence® Coach in the world, having completed his study in 2016. He has taught PGA-certified continuing education classes, focusing on performance improvement through an enhanced mental approach to the game.



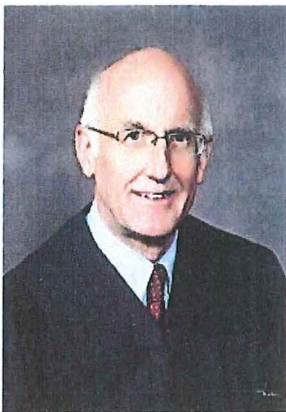
DONALD MASSEY

Don Massey is of counsel at Couhig Partners and Chief Legal Officer and general counsel with Delta SubSea, LLC, a subsea construction, inspection, maintenance, and repair company dedicated to bringing best-in-class solutions to the offshore oil and gas industry. His practice is a mix of complex litigation and commercial transactions. Mr. Massey has served in Special Master roles in the federal court system, including his recent appointment as Compliance Officer/Special Master in a 51-year-old case involving desegregation of a local school system. He is serving his second three-year term as a hearing committee chair for the Louisiana Attorney Disciplinary Board. In addition, he is on the Louisiana Judges and Lawyers Assistance Program Board of Directors and its Operating Committee. For over two decades, Mr. Massey has been an active volunteer in the recovery community on local, regional, national, and international levels.



JUDGE W. KEARSE MCGILL

Judge McGill is a review judge (appellate) with the California State Bar Court, appointed by the Supreme Court in 2016, after serving as a hearing judge from 2015 to 2016. He received his law degree from the University of the Pacific, McGeorge School of Law. He graduated *magna cum laude* from Clemson University in South Carolina in 1988 with a double major in political science and German. Judge McGill served as legal counsel to a California state senator, and practiced workers' compensation law for ten years until he became a judge at the Workers' Compensation Appeals Board in 2005. In 2013, he was appointed the Presiding Judge of the Workers' Compensation Stockton District Office. From 2008 to 2015, he was an adjunct professor of law at Humphrey's College, Laurence Drivon School of Law, in Stockton, California.



JUDGE DONALD F. MILES

Judge Miles is the supervising judge of the trial division of the California State Bar Court. He was appointed in 2006 by Governor Schwarzenegger and reappointed in 2012 by Governor Brown. He is an honors graduate, earning his J.D. degree from the University of California Hastings College of Law and a bachelor's degree in economics from Stanford University. Before entering private practice in 1975, he clerked for Justice William P. Clark of the California Supreme Court. Judge Miles is a former Director of the Howard, Rice firm in San Francisco, where he chaired the litigation department. He was a member of the California Legislature's Joint Committee on Tort Law and of the California State Bar's Attorney Civility Task Force. He is a former adjunct professor at University of California Hastings College and continues to be a frequent author and lecturer on legal issues throughout the state.



WENDY A. NEELEY

Wendy Neeley is the Deputy Director of the Michigan Attorney Discipline Board, which she joined in September 2013. From August 1995 to August 2013, she worked for the Michigan Attorney Grievance Commission, investigating and prosecuting discipline cases. She is a member of the National Organization of Bar Counsel (NOBC), the NCLDB, and the Professional Ethics Committee of the State Bar of Michigan. Ms. Neeley previously served two terms as a District Committee panelist for the Michigan State Bar's Character and Fitness Committee. She is a graduate of Michigan State University and the Detroit College of Law (now Michigan State University Law School) and is admitted to practice before the U.S. District Court for the Eastern District of Michigan.



JAMES PHALEN

Jim Phalen is the Executive Attorney for the D.C. Board on Professional Responsibility (BPR). Prior to joining the BPR in 2012, he was a partner in the Washington, D.C. office of King & Spalding, focusing on commercial litigation and arbitration. Mr. Phalen is also the NCLDB Treasurer.



JUDGE CATHERINE PURCELL

In 2014, Judge Purcell was appointed by the California Supreme Court as the Presiding Judge of the State Bar Court. She was previously a review judge (appellate) of the State Bar Court for six years. A 1985 *magna cum laude* graduate of Pepperdine University School of Law, she has been a civil litigator, a deputy district attorney, and a California Superior Court judge. She is President-elect of the NCLDB and the chair of the Program Planning Committee for this 2017 annual meeting.



JUDGE RONALD STOVITZ (Ret.)

Judge Stovitz is a retired Presiding Judge of the State Bar Court of California and currently serves as a review judge pro tem. Prior to his appointment, he was one of the founding judges of the State Bar Court, which was established in 1989. He has also served as President of the National Organization of Bar Counsel (NOBC). In 2004, Judge Stovitz was the founding President of the NCLDB. He later served as an alumni Regent of the University of California system, and as a member of the National Advisory Board of the Tamarind Institute of the University of New Mexico.

**OFFICERS AND DIRECTORS OF THEN NCLDB
2016-2017**

President: Hon. Leslie A. Hayashi (Ret.), Hawaii

President-elect: Hon. Catherine D. Purcell, California

Treasurer: James T. Phalen, District of Columbia

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Director: Wendy Neeley, Michigan

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Ex Officio Director: Elizabeth M. Row, Louisiana

2017 PROGRAM PLANNING COMMITTEE

Chair: Hon. Catherine Purcell, California

Mark Armitage / Wendy Neeley, Michigan

Jordan Huck, Louisiana

Kevin Bank, Washington State

James Phalen, District of Columbia

Marcee Sloan, Pennsylvania

Hon. Ronald Stovitz, California

Ex Officio: Hon. Leslie A. Hayashi (Ret.), Hawaii

ADMINISTRATIVE SUPPORT

Nikiah Hawkins,
Judicial Assistant to the Presiding Judge, California State Bar Court

Jenice Housman,
Senior Administrative Judicial Secretary, California State Bar Court

Jenny Fontes,
Administrative Assistant, California State Bar Court

2017 CURRENT MEMBER JURISDICTIONS

- Arizona** - Office of Presiding Disciplinary Judge
- Arkansas** - Arkansas Supreme Court Committee on Professional Conduct
- California** - State Bar Court of California
- Colorado** - Office of the Presiding Disciplinary Judge
- Connecticut** - Statewide Grievance Committee
- District of Columbia** - District of Columbia Board on Professional Responsibility
- Georgia** - Georgia Disciplinary Board
- Hawai'i** - Disciplinary Board of the Hawai'i Supreme Court
- Illinois** - Attorney Registration and Disciplinary Commission of the Illinois Supreme Court
- Indiana** - Indiana Disciplinary Commission
- Kansas** - Kansas Board for Discipline of Attorneys and Office of the Disciplinary Administrator
- Louisiana** - Louisiana Attorney Disciplinary Board
- Maine** - Maine Board of Overseers of the Bar
- Maryland** - Maryland Attorney Grievance Commission
- Massachusetts** - Massachusetts Board of Bar Overseers
- Michigan** - Michigan Attorney Discipline Board
- Missouri** - Advisory Committee of the Missouri Supreme Court
- New Jersey** - Disciplinary Review Board of the Supreme Court of New Jersey
- New Mexico** - Disciplinary Board of the New Mexico Supreme Court
- North Dakota** - Disciplinary Board of the North Dakota Supreme Court
- Ohio** - Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court
- Oregon** - Oregon State Disciplinary Board
- Pennsylvania** - The Disciplinary Board of the Supreme Court of Pennsylvania
- Tennessee** - Tennessee Board of Professional Responsibility
- Texas** - The Board of Disciplinary Appeals Appoint by the Supreme Court of Texas
- Virginia** - Disciplinary Board
- Washington** - Washington State Bar Association Disciplinary Board
- Wyoming** - Wyoming Board of Professional Responsibility