



NCLDB

REGISTER
TODAY!



THE NATIONAL COUNCIL OF LAWYER DISCIPLINARY BOARDS VIRTUAL ANNUAL CONFERENCE

February 10-11, 2022

SCHEDULE OF EVENTS



Thursday, February 10, 2022

**12:00 - 12:30 pm EST Welcome and Opening Session
Meet and Greet**

Joseph S. Berman, President, NCLDB
Massachusetts Board of Bar Overseers of the Supreme Judicial Court

Jeffrey D. Woolf, President-Elect, NCLDB
Massachusetts Board of Bar Overseers of the Supreme Judicial Court

12:30 - 12:45 pm Break

12:45 - 1:30 pm The Future of Lawyer Discipline

Hon. Richard Honn
State Bar Court of California

Judge Honn will review some of the prior and current themes in lawyer discipline and discuss what the future will likely hold for lawyer discipline. He will offer his views of how the field could (and should) be shaped in the years to come. What are the next issues we will face? Will we continue to struggle with issues involving implicit bias or the Americans with Disabilities Act, or will new issues occupy the forefront, such as non-lawyer licensing, due process issues in post-COVID remote hearings, or money laundering in a cryptocurrency world?

1:30 - 1:45 pm Break

1:45 - 3:00 pm Roundtable of Jurisdictions

Gayle B. Larkin
Kansas Board for Discipline of Attorneys

During this session, we will have our annual and always-popular and -fun discussion of what is new in the world of attorney discipline. Representatives from each jurisdiction in attendance will have the opportunity to introduce their colleagues and provide an update about what is new in their jurisdiction.

3:00 - 3:15 pm Break

3:15 - 4:00 pm

Sanction Alternatives: Short and Stayed Suspensions

Joseph S. Berman, *President, NCLDB*

Massachusetts Board of Bar Overseers of the Supreme Judicial Court

Aisha Cassis, *Board Member, NCLDB*

D.C. Board on Professional Responsibility

Marianne J. Lee, *Immediate Past President, NCLDB*

Attorney Grievance Commission of Maryland

There is a growing interest in alternatives to traditional long license suspensions. This reflects a national trend to think more broadly and less punitively about lawyer discipline and with the goal of protecting the public and preventing future harm. These alternatives include shorter suspensions or stayed suspensions with conditions, similar to probation in criminal law. This program will explore different alternatives and discuss their pros and cons.



Friday, February 11, 2022

12:00 - 12:30 pm EST Business Meeting

Joseph S. Berman, *President, NCLDB*
Massachusetts Board of Bar Overseers of the Supreme Judicial Court

12:30 - 12:45 pm Break

12:45 - 1:45 pm Proceedings from the Perspective of a Hearing Officer, Committee Member, or Disciplinary Judge (Plenary Session)

Marianne J. Lee, *Immediate Past President, NCLDB (moderator)*
Attorney Grievance Commission of Maryland

Brigid A. Duffield
Hearing Board of the Illinois Attorney Registration and Disciplinary Commission

Hon. W. Kearsce McGill
California State Bar Court

Patricia Wise
Ohio Board of Professional Conduct

This panel discussion will address the decision-making process in disciplinary cases and proceedings from the perspective of both adjudicator and counsel to the adjudicator. The panel will focus on topics such as how adjudicators decide cases and what factors may influence their decisions or recommendations.

1:45 - 2:00 pm Break

2:00 - 3:00 pm Mitigation

Richard A. Dove
Ohio Board of Professional Conduct

This session will provide an overview of Ohio's standards for mitigation evidence and how the existence of mitigating factors impacts the recommendation and imposition of disciplinary sanctions. The session also will address the specific mitigation requirements relative to mental health and substance use disorders.

3:00 - 3:15 pm Break

3:15 - 4:00 pm

Recruiting, Training, Supporting, and Appreciating Hearing Committee Members

Kimberly M. Henderson

Disciplinary Board of the Supreme Court of Pennsylvania

Marcee D. Sloan, Secretary, NCLDB

Disciplinary Board of the Supreme Court of Pennsylvania

This presentation will include the recruitment, appointment, and training of hearing committee members; assignment and evaluation of the work of hearing committee members; and the support and appreciation of hearing committee members.



Speaker Biographies

Joseph S. Berman has served as the general counsel of the Massachusetts Board of Bar Overseers of the Supreme Judicial Court since 2017. As General Counsel, Mr. Berman oversees the enforcement of the Massachusetts Rules of Professional Conduct while writing and speaking frequently on legal ethics. Prior to holding this position, Mr. Berman practiced commercial litigation for more than twenty-five years and worked exclusively as a mediator and arbitrator for two years. Mr. Berman graduated *cum laude* from Dartmouth College in 1986 and *cum laude* from the University of Michigan Law School in 1990. Immediately after law school, he clerked for the Honorable Richard Matsch of the United States District Court for the District of Colorado. In addition to his legal work, Mr. Berman is active in the community. He serves on the Conservation Commission in Weston, Massachusetts and is a board member of the Associates of the Boston Public Library. He has long been active in the Anti-Defamation League (ADL) and currently serves as Vice-Chair of the New England Region and National Chair of the ADL's Legal Affairs Committee. Mr. Berman currently serves as President of the Board of Directors of the National Council of Lawyer Disciplinary Boards.

Aisha Cassis is the Deputy Executive Attorney of the District of Columbia Board on Professional Responsibility. Ms. Cassis advises hearing committee and board members in matters pending before them concerning substantive and procedural issues as they arise. She participates in the hearing committee recruitment process and facilitates the training of newly appointed members. Ms. Cassis currently serves on the Board of Directors of the National Council of Lawyer Disciplinary Boards.

Richard A. Dove is the Director of the Ohio Board of Professional Conduct and serves as the Board's chief legal and administrative officer. Prior to his appointment in 2011, Mr. Dove served for more than twenty-two years on the staff of the Supreme Court of Ohio, the last four as Assistant Administrative Director. He is an instructor for the Ohio Judicial College, Institute for Court Management (Visioning and Strategic Planning), and other professional associations and authored articles on judicial campaign conduct regulations that were published in the *Loyola (LA) Law Review* and *The Judges' Journal*. He received the 2007 Award of Merit from the Columbus Bar Association, the 2014 Founders Award from the Ohio Center for Law-Related Education, and the 2019 Distinguished Alumnus of the Year Award from Capital University Law School. Mr. Dove is a member of the Chief Justice Thomas J. Moyer Legacy Committee and a distinguished life fellow of the Ohio State Bar Foundation. Mr. Dove is past president of the National Council of Lawyer Disciplinary Boards, Ohio Center for Law-Related Education, and Northside Children and Family Services (now Columbus Early Learning Centers). Mr. Dove is a graduate of Wittenberg University and Capital University Law School and is admitted to practice in Ohio and before the United States District Court for the Southern District of Ohio and the United States Supreme Court.

Brigid A. Duffield is the owner of the Law Office of Brigid A. Duffield, P.C., established in 1984, which offers services in mediation, litigation, collaborative law, arbitration, and other alternative dispute resolution in the area of family law and domestic relations. She has over thirty years of experience in matters involving conflict resolutions, child custody and visitation, financial business disputes, real estate, and related dissolution proceedings. A trained mediator, she was approved in 2000 by the Association of Conflict Resolution as a trainer of the forty-hour Family Law Mediation Training. In 2008, Ms. Duffield became a provider of MCLE credits by the MCLE Board of the Illinois Supreme Court. She is

the owner of the professional speaking company Legally Speaking, Inc. and provides keynote training for professional organizations, trade shows, and universities on the issues of conflict resolution and alcoholism in the profession, work life balance, and family law. In 2009, she authored and published *The No BS Divorce: Secrets of a Divorce Attorney*, *The No BS Divorce Workbook*, and *The No BS Divorce Mediation Training Manual*. A 1984 graduate of John Marshall Law School, Ms. Duffield is a member of the DuPage County Bar Association, the DuPage Women Association of Lawyers, the Illinois State Bar Association, and the National Speakers Association. She serves on the Board of the Celtic Lawyers and the Lawyers Assistance Program. In 2001, she was appointed a member of the Hearing Board of the Illinois Attorney Registration and Disciplinary Commission where she has served as Chair since 2003.

Hon. Richard Honn is an appellate judge on the State Bar Court of California, handling appeals in attorney disciplinary and administrative matters. He was originally appointed by the California Supreme Court in November 2002 as a trial judge on the State Bar Court. He was elevated to the appellate court in 2014. Before his appointment, he was in private practice, handling litigation and business and real estate transactions. From 1980 until his appointment to the bench, he was a faculty member of the Marshall School of Business at the University of Southern California, teaching both undergraduate and graduate law courses. As a lawyer, Judge Honn served as Chair of the Los Angeles County Bar Association's Volunteers in Parole Committee and as Chair of its Lawyer Referral and Information Service Committee. He was the Chair of the Ad Hoc Committee on Private Judging and a member of the Committee on Legal Services to the Poor. Judge Honn was Chairman of the Board of California Special Olympics, a state-wide organization serving over 25,000 athletes with mental disabilities in the State of California. Judge Honn graduated *magna cum laude* from the University of California at Santa Barbara in 1974. He received a master's degree in Public Administration from UCLA in 1975 and his Juris Doctor degree from Loyola Law School in 1978.

Kimberly M. Henderson is a graduate of Eastern Mennonite University and Mississippi College School of Law. While in law school, Ms. Henderson interned for the Honorable John F. Cherry in the Dauphin County Court of Common Pleas. She has previously worked at a large civil defense firm and has been an Assistant Public Defender. Ms. Henderson has represented individuals and businesses in numerous aspects of the legal process. In 2020, Ms. Henderson was hired a Special Counsel to provide guidance and support to the Pennsylvania Disciplinary Board's more than 170 volunteer hearing committee members.

Gayle B. Larkin graduated from the University of Kansas, School of Law in 1990. She started her career as a criminal prosecutor – first as an Assistant District Attorney for Douglas County, Kansas and later as an Assistant Attorney General. While in the Attorney General's office, Ms. Larkin was cross-designated as a Special Assistant United States Attorney for the District of Kansas. In 1999, she began her career in attorney discipline. From June 1999 through September 2021, she served as Counsel to the Kansas Board for Discipline of Attorneys. She advised the Board and drafted final hearing reports following disciplinary hearings. From January 2003 through June 2021, she also served as the Admissions Attorney, investigating and prosecuting bar admissions cases related to character and fitness. In October 2021, the Kansas Supreme Court appointed Ms. Larkin as the Disciplinary Administrator. She now heads up the attorney disciplinary office in Kansas. As the Disciplinary Administrator, she supervises the investigation and prosecution of attorney disciplinary cases, bar admissions cases, and client protection fund claims.

Marianne J. Lee is the Executive Counsel and Director for the Attorney Grievance Commission (AGC) of Maryland. Prior to her appointment in 2016, she served as Assistant Bar Counsel and Senior Assistant

Bar Counsel for over fourteen years, investigating and prosecuting disciplinary cases. Before joining the AGC, Ms. Lee served as Litigation Counsel of the Illinois Attorney Registration & Disciplinary Commission in Chicago. Ms. Lee also previously worked as a civil litigator in federal and state courts in Chicago, focusing on class action and consumer protection litigation, and clerked for the chief judge of the Circuit Court for Baltimore City. She received both her B.A., *magna cum laude*, and J.D. from the University of Maryland. Ms. Lee currently serves as the Immediate Past President of the Board of Directors of the National Council of Lawyer Disciplinary Boards.

Hon. W. Kearsie McGill is a judge for the California State Bar Court which is the nation's only trial and appellate court system dedicated solely to adjudicating attorney disciplinary cases. He was appointed as a review judge by the California Supreme Court on November 1, 2016 after previously serving eighteen months as a hearing judge for the court. Judge McGill's earlier legal career includes work as legal counsel to a California state senator. After ten years of private practice, Judge McGill was appointed as a worker's compensation judge to the Worker's Compensation Appeals Board Stockton District Office on May 2, 2005. On July 1, 2013, he was appointed to the position of Presiding Judge of the Stockton District Office. Additionally, in 2013, the California State Bar Board of Trustees appointed Judge McGill to the State Bar's Standing Committee on Professional Responsibility and Conduct on which he served until his appointment to the State Bar Court. Judge McGill also taught for several years as an adjunct professor of law, and he has presented numerous seminars to local, state, and national attorney and judicial organizations, primarily in the areas of professional responsibility and legal ethics. Judge McGill is a graduate of the McGeorge School of Law and Clemson University.

Marcee D. Sloan is the Prothonotary for the Disciplinary Board of the Supreme Court of Pennsylvania. She has more than thirty years of case management experience. Before joining the Disciplinary Board in 2006, Ms. Sloan worked as a legal clerk for Magisterial District 12-02-01 in Dauphin County. She graduated from Harrisburg Area Community College with an associate degree in criminal justice. Ms. Sloan currently serves as Secretary of the Board of Directors of the National Council of Lawyer Disciplinary Boards.

Patricia Wise is a nationally known practitioner in the area of labor and employment law. She has been interviewed by NPR, quoted in *The Wall Street Journal* and *The Economist*, and has contributed to publications across the nation. She has testified before a Congressional subcommittee, before the EEOC, and for the California State Legislature. Ms. Wise was appointed by former EEOC Chair Jenny Yang to the EEOC Select Task Force on Workplace Harassment, and she is a past member of the SHRM Labor Relations Special Expertise Panel which she co-chaired from 2014-2015. She has been a part-time professor for the University of Toledo College of Law for twenty years. Ms. Wise is a member of the faculty of the Graduate School of Banking at the University of Wisconsin in Madison. She has published books on harassment and retaliation, most recently the third edition of her book *Understanding and Preventing Workplace Retaliation*, published by the Thompson Publishing Group, Inc. Ms. Wise is certified by the Ohio State Bar Association as a specialist in the area of labor and employment law. She represents diverse clients of all sizes and from all industries. In 2014, the Ohio Supreme Court appointed her to serve as a member of the Board of Professional Conduct where she is currently the Board Chair. For more than ten years, Ms. Wise has held Martindale-Hubbell's AV Preeminent rating, the highest possible rating in both legal ability and ethical standards. She is a member of the College of Labor and Employment Lawyers and is a certified Title IX investigator.

Jeffrey D. Woolf is an Assistant General Counsel to the Massachusetts Board of Bar Overseers and was previously an Assistant Bar Counsel at the Office of the Bar Counsel. He spent many years in private practice where he concentrated in personal injury, products liability, medical malpractice, toxic torts, and corporate litigation. He is a member of the Massachusetts and District of Columbia bars and is active in numerous bar associations. From 2012-2016, he was an adjunct professor at Boston University Law School and is currently an adjunct professor at New England School of Law. He has taught numerous continuing legal education programs in legal ethics, civil litigation, discovery, and other related topics. He is the author of numerous articles, seminar materials, and book chapters. Mr. Woolf has also served as a mediator for the federal court mediation program as a conciliator for the Boston Bar Association's volunteer project and as a hearing officer for the Board of Bar Overseers. From 1995 through 2000, he was a special assistant attorney general, representing the Commonwealth of Massachusetts in tobacco litigation (*Commonwealth v. Philip Morris*). He received his undergraduate degree from Yale University, where he was on the Dean's List, and received his M.A. and law degree from Boston University. Mr. Woolf currently serves as Program Chair and President-Elect of the Board of Directors of the National Council of Lawyer Disciplinary Boards.

Registration Information

- This year's conference will be entirely virtual.
- The registration fee is \$215 per person.
- Annual membership in NCLDB is \$100 per jurisdiction. New jurisdictions do not have to pay the membership fee for the first year of NCLDB membership.

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