



NCLDB

NATIONAL COUNCIL OF LAWYER DISCIPLINARY BOARDS, INC.

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2019

Annual Meeting

January 25-26, 2019

Las Vegas, Nevada

16th Annual NCLDB Meeting & Conference - Las Vegas, Nevada

Friday, January 25, 2019

8:00am - 9:00am	Registration and Breakfast
9:00am - 9:15am	Welcome
9:15am - 10:15am	<p>What's happening around the country in attorney discipline?</p> <p>From rule changes to recent cases, during this hour we will discuss what's new in the world of attorney discipline. Representatives from all jurisdictions will have the opportunity to fill in the blanks on what's happening at home.</p> <p>Speaker: Gayle Larkin (Kansas)</p>
10:15am - 10:30am	Break
10:30am - 11:00am	<p>Emeritus status and pro bono representation</p> <p>The Pennsylvania Supreme Court created an emeritus status for retired attorneys to do pro bono work. This session will discuss the creation of the emeritus status for attorneys who retire from the practice of law and seek to provide pro bono services to legal aid organizations.</p> <p>Speaker: Andrew J. Trevelise (Pennsylvania)</p>
11:00am - 11:40am	Breakout sessions
11:40am - 12:00pm	Business meeting
12:00pm - 1:00pm	Lunch
1:00pm - 1:45pm	Guest Speaker Lt. Gen. Christopher Burne
1:45pm - 2:00pm	Break

2:00pm - 2:45pm	<p>Unprofessionalism and Misconduct Implicating the Rules of Professional Conduct</p> <p>This panel discussion will address the topics of professionalism and attorney ethics, including how these concepts overlap and how the attorney regulatory system addresses alleged violations of unprofessionalism. Under some circumstances, a lack of professionalism can result in formal disciplinary proceedings against an attorney. The discussion will address the factors considered in deciding whether an attorney's lack of professionalism should proceed to formal proceedings, and if so, the types of sanction that address such conduct.</p> <p>Speaker: Judge William R. Lucero (Colorado)</p>
2:45pm - 3:15pm	<p>Update on the National Task Force on Lawyer Well-being</p> <p>Speakers: Doug Leonard (Pennsylvania); Kathleen M. Uston (Virginia)</p>
3:15pm - 3:30pm	Break
3:30pm - 4:15pm	<p>How states implement the ABA Standards:</p> <p>Prior discipline and adjudicators - How far do you look back? - What is a proper past action to consider in a new proceeding?</p> <p>Moderator: Marianne Lee (Maryland) Panelists: Lt Gen Burne; Tilly Weyl (Maine); Aisha Cassis (District of Columbia); Judge William R. Lucero (Colorado)</p>
4:15pm - 5:00pm	<p><i>Brady v Maryland</i> and beyond: A survey of prosecutorial misconduct</p> <p>This panel will discuss that Rule 3.8 imposes greater obligations on a prosecutor than <i>Brady v Maryland</i>, and then explore other types of prosecutorial misconduct.</p> <p>Speaker: Judge W. Kearse McGill (California); Jordan Huck (Louisiana); Jeffrey Woolf (Massachusetts)</p>
6:00pm - ?	Dinner - Location TBD

16th Annual NCLDB Meeting & Conference - Las Vegas, Nevada

Saturday, January 26, 2019

8:00am - 9:00am	Breakfast
9:00am - 10:00am	<p>Chicken Little, is the Sky Falling? Law Firm Entity Regulation: The End of the World or the New Order?</p> <p>With the exception of just two jurisdictions, Model Rules 5.1 and 5.3 impose managerial and supervisory responsibility (and discipline) only on individual lawyers, not law firms. But is the growth of new legal service models inescapable, requiring an examination of how all legal service providers, including law firms, are regulated? Does a disciplinary model that is focused on the professional independence of individual lawyers make sense in this global practice environment, or is some sort of principles-based entity approach the future of lawyer regulation? Come explore these questions and others as experts discuss what "entity regulation" means, what regulatory reform might look like in this country, and practical opportunities and constraints in getting meaningful reform adopted and implemented. Joint Session w/ NOBC and APRL</p> <p>Speakers: Jayne Reardon (Illinois); Hal Lieberman (New York); Mark Armitage (Michigan)</p>
10:00am - 10:20am	Break / Travel back to NCLDB room
10:20am - 12:00pm	<p>The YOU in Adjudication</p> <p>Understanding our own behavior and group decision making dynamics: What happens when a group of people are adjudicating a case? How might the group "personality" impact the way decisions are made? What is really motivating the person presenting the case to the group? Can one person's behavior influence the entire group dynamic?</p> <p>Speaker: Doug Leonard (Pennsylvania)</p>
12:00pm - 12:15pm	Closing remarks

Speaker Biographies – 2019 NCLDB Annual Meeting– Las Vegas Nevada

Gayle B. Larkin - Ms. Larkin graduated from 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, handling Medicare and Medicaid fraud cases. Ms. Larkin began her tenure with the Kansas Board for Discipline of Attorneys in 1999. She serves as counsel to the board, advising the board and drafting the final hearing reports following attorney disciplinary hearings. Ms. Larkin also serves as the Admissions Attorney, conducting character and fitness investigations of bar applicants.

Andrew J. Trevelise – Mr. Trevelise is the Vice Chair of the Disciplinary Board of the Supreme Court of PA. Mr. Trevelise is a litigator with more than 35 years of experience. He has extensive experience representing corporations in complex litigation involving mass torts and product liability. He has represented corporations in the asbestos litigation at the national, regional and local level since 1978. He served as co-defense liaison counsel in MDL 875 for a number of years and as defense liaison counsel in the Philadelphia Court of Common Pleas Asbestos Program. He has represented corporations in pharmaceutical and medical device litigation in Philadelphia and has served as co-defense liaison counsel in the PPA and Hormone Therapy Mass Tort Programs in Philadelphia.

Mr. Trevelise has also represented financial institutions in financial services litigation and has experience in general commercial litigation. He has been named a Best Lawyer in America in the area of Product Liability Defense every year since 2008. Mr. Trevelise was appointed to the Disciplinary Board in April of 2014 and currently serves as Vice-Chair of the Board. His term will expire in April of 2020

Lieutenant General Christopher F. Burne (Retired 7/1/2018) – Lt. Gen. Chris F. Burne, the Judge Advocate General, Headquarters U.S. Air Force, Arlington, Virginia. In that capacity, General Burne served as the Legal Adviser to the Secretary of the Air Force, the Chief of Staff, and all officers and agencies of the Department of the Air Force. He directed all judge advocates in the performance of their duties and was responsible for the professional oversight of more than 2,200 judge advocates, 350 civilian attorneys, 1,400 enlisted paralegals and 500 civilians in the Total Force Judge Advocate General's Corps worldwide. General Burne oversaw military justice, operational and international law, all civil law and litigation functions, and personal legal assistance to military members and their families.

General Burne is a native of Dunmore, Pennsylvania. He received a direct commission in 1983. Following the lead of his father, a decorated World War II Eighth Air Force B-24 bombardier, General Burne's first assignment was to an Eighth Air Force bomber base in Plattsburgh, New York. Since then, he has served in a variety of legal adviser and

leadership positions at every level of command, to include seven tours as a staff judge advocate and as director of the Secretary of the Air Force's Executive Issues Team. In 1991, he deployed to the United Arab Emirates during Operation Desert Storm as the staff judge advocate for an aerial refueling wing. For his service in three major commands, including a combat theater of operations, General Burne was named the 1991 Air Force Outstanding Judge Advocate of the Year. In 1995, General Burne again deployed to Southwest Asia, this time to Riyadh, Saudi Arabia, to serve as the Joint Task Force-Southwest Asia Staff Judge Advocate. Following the 9/11 terrorist attacks, he served as the senior judge advocate on the Air Force Crisis Action Team directing mobilization and response operations from the Pentagon. General Burne is admitted to practice law before the United States Supreme Court, the Court of Appeals for the Armed Forces, and the Pennsylvania Supreme Court. Prior to becoming The 17th Judge Advocate General of the Air Force, General Burne served as the Staff Judge Advocate, Headquarters Air Combat Command, Joint Base Langley-Eustis, Virginia.

EDUCATION

1980 Bachelor of Arts degree in history and law enforcement, University of Scranton, Pa.
1983 Juris Doctor, The Dickinson School of Law, Pa.
1986 Squadron Officer School, by correspondence
1993 Air Command and Staff College, Maxwell Air Force Base, Ala.
1998 Air War College, by seminar
2003 Master of Science degree in national security strategy, National War College, Washington, D.C.

ASSIGNMENTS

1. January 1984 - April 1987, Chief, Civil Law and Chief, Military Justice, 380th Bomb Wing, Plattsburgh AFB, N.Y.
2. April 1987 - August 1989, Executive Officer to the Staff Judge Advocate, Headquarters Strategic Air Command, Offutt AFB, Neb.
3. August 1989 - May 1990, Circuit Defense Counsel, 4th Judicial Circuit, Offutt AFB, Neb.
4. May 1990 - November 1991, Deputy Staff Judge Advocate, Western Space and Missile Center, Vandenberg AFB, Calif.
5. November 1991 - July 1992, Deputy Staff Judge Advocate, 20th Air Force, Vandenberg AFB, Calif.
6. July 1992 - June 1993, student, Air Command and Staff College, Maxwell AFB, Ala.
7. July 1993 - July 1994, Staff Judge Advocate, 32nd Fighter Group, Soesterberg Air Base, the Netherlands
8. July 1994 - July 1997, Director, Operations Law, United States Central Command, MacDill AFB, Fla.
9. July 1997 - July 2000, Staff Judge Advocate, 20th Fighter Wing, Shaw AFB, S.C.

10. July 2000 - July 2002, Chief, Administrative Law, General Law Division, Office of The Judge Advocate General, Headquarters U.S. Air Force, the Pentagon, Arlington, Va.
11. July 2002 - June 2003, student, National War College, Fort Lesley J. McNair, Washington, D.C.
12. June 2003 - July 2005, Staff Judge Advocate, Air Force District of Washington and 11th Wing, Bolling AFB, D.C.
13. July 2005 - December 2005, Director, Air Force Executive Issues Team, Office of the Secretary of the Air Force, the Pentagon, Arlington, Va.
14. December 2005 - July 2006, Vice Commander, Air Force Legal Operations Agency, Bolling AFB, D.C.
15. July 2006 - April 2007, Staff Judge Advocate, Headquarters 8th Air Force, Barksdale AFB, La.
16. April 2007 – May 2014, Staff Judge Advocate, Headquarters Air Combat Command, Joint Base Langley-Eustis, Va.
17. May 2014 – present, The Judge Advocate General, Headquarters U.S. Air Force, the Pentagon, Arlington, Va.

MAJOR AWARDS AND DECORATIONS

Distinguished Service Medal with oak leaf cluster
Legion of Merit
Defense Meritorious Service Medal
Meritorious Service Medal with five oak leaf clusters
Air Force Commendation Medal with oak leaf cluster

EFFECTIVE DATES OF PROMOTION

First Lieutenant Dec. 1, 1983
Captain July 6, 1984
Major Feb. 1, 1992
Lieutenant Colonel Feb. 1, 1997
Colonel May 1, 2002
Brigadier General Nov. 2, 2008
Lieutenant General May 23, 2014

Judge William R. Lucero - William R. Lucero received his J.D. in 1972 from the University of Denver. He served in the Denver District Attorney's Office from 1972 to 1990 and the United States Attorney's Office from 1990 to 2001, where he supervised the Complex Prosecution Unit and the Appellate Unit. He then returned to the Denver District Attorney's Office and served as Chief Trial Deputy until 2004, when the Colorado Supreme Court appointed him Presiding Disciplinary Judge. In 2002, Judge Lucero was inducted into the American College of Trial Lawyers. He is a past member of numerous committees handling professional responsibility matters, including the Colorado Supreme Court Grievance Committee, the Attorney Regulation Committee, and the Federal

Committee on Conduct. He received the Colorado Hispanic Bar Association's award for Outstanding Hispanic Lawyer of the Year in 1995.

Doug Leonard - Doug Leonard has more than 20 years of experience working with the executives of well-recognized domestic and global companies such as Boeing, NASA, State Farm, Aramark, PNC Financial Services, DuPont, PPG Industries, Schlumberger, CDC (Center for Disease Control) as well as many mid-size and smaller organizations.

Doug specializes in creating program design that integrates the behavioral insights and data from the Birkman Method into educational or coaching processes. He works with senior executives on strategies for improving both their own personal performance as well as the success of the teams they lead. He is especially sought out for four of his many programs; 'Intricacies of Trust', 'Teams in Transition: From One Trapeze to Another', 'Teams in Transition: Rock Steady' and Change at the Speed of Trust.

Doug gained extensive experience in both private and public sector having held executive positions in organizations as diverse as hospital laboratory software development to administrating a large metropolitan court system. Additionally he has a distinctive background in linking his business and legal experience having also managed a Pittsburgh law firm for 3 years and served as a mediator in the child custody mediation program in Allegheny County (Pittsburgh) for 2 years.

Doug is certified in Conversational Intelligence® in 2016 (He succinctly describes C-IQ as a mash-up of neuroscience, leadership and language). He was in the very first cohort of 250 coaches worldwide to certify in this methodology. He has served as a peer group facilitator and mentor to the last two C-IQ candidate classes. Since 2015 Doug has been studying neuroscience and its relationship to accelerating new behaviors through brain based learning.

Doug was originally appointed to the Pennsylvania Disciplinary Board of The Supreme Court of Pennsylvania in 2008. He concluded his term in August 2018 as Board Chair. Doug continues his commitment to the legal industry through his participation on The National Task Force on Lawyer Well-Being and in April of 2018 Doug became the Chair of the Pennsylvania Task Force for Lawyer Well-Being.

Kathleen M. Uston - Kathleen M. Uston is an Assistant Bar Counsel with the Virginia State Bar in Alexandria, Virginia, and an adjunct professor of law at American University Washington College of Law teaching Ethics for Trial Lawyers. She received her J.D. from George Mason University School of Law in 1991 where she served as President of the Student Bar Association and as a Justice on the Moot Court Board. Ms. Uston was previously in private practice focusing in the areas of attorney ethical defense work, GAL representation, and civil litigation. While in private practice, she also served as a Commissioner in Chancery for the Circuit Court for the City of Alexandria. Ms. Uston is a past President of the VSB Young Lawyers Conference during which time she served on the VSB Council and Executive Committee. She also served as vice-chair of the American Bar Association Young Lawyers Division Solo and Small Firm Committee. Ms. Uston is a former President of the Alexandria Bar Association, and is currently serving as

Immediate Past President of the National Organization of Bar Counsel. Ms. Uston is also currently serving as a member of the National Task Force on Lawyer Well-Being, is a member of the Presidential Committee on Wellness of the Virginia State Bar, and served as a member of the Virginia Committee on Lawyer Wellness formed by the Chief Justice of the Virginia Supreme Court. Ms. Uston has lectured extensively on the subject of attorney ethics, and co-authored the updated edition of *Lawyers and Other People's Money* with Frank Thomas, Esquire.

Marianne L. Lee - Marianne 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.

Elizabeth ("Tilly") Weyl - Tilly has been the Board Clerk for the Maine Board of Overseers of the Bar since June 2017. She is a graduate of Mount Holyoke College and the University Of Maine School Of Law. She previously served as a judicial law clerk for the Maine Superior Court. During law school, Tilly gained practical experience with the Office of the Maine Attorney General, the University of Maine School of Law Refugee and Human Rights Clinic, Legal Services for the Elderly, and the Maine Judicial Branch's Access to Justice Department, all while working as a part-time Regulatory Affairs Specialist for a local specialty and compounding pharmacy. Prior to law school, she worked as a legal assistant. She is licensed to practice in the State of Maine.

Aisha L. Cassis - Assistant Executive Attorney, D.C. Board on Professional Responsibility Ms. Cassis advises Hearing Committee and Board members concerning legal issues arising in disciplinary matters based on analysis and interpretation of applicable state laws. She participates in the Hearing Committee recruitment process and prepares training materials for the committees. Prior to her tenure at the Board, Ms. Cassis was engaged in private practice at Gilbert LLP, Covington & Burling LLP, and Simpson Thacher & Bartlett LLP.

Judge W. Kearsie McGill – Judge McGill was the presiding judge of the Division of Workers' Compensation in Stockton, CA prior to his appointment to the State Bar Court of California's hearing department in May 2015. He is currently a review judge in Los Angeles, CA for the State Bar Court of California. As a workers' compensation judge, he oversaw the processing of workers' compensation claims and resolved disputes over claims for benefits. Prior to that, he was counsel for applicants and defense counsel in private practice. Judge McGill is a graduate of the McGeorge School of Law and Clemson University.

Jordan D. Huck – Jordan is the Hearing Committee Counsel at the Louisiana Attorney Disciplinary Board. Jordan provides legal counsel to the Board’s Hearing Committees in adjudicative matters. Jordan is also responsible for the training and development of the Hearing Committee members. Prior to working for the Disciplinary Board, Jordan served as the 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. Jordan currently serves on the Board of Directors of the National Council of Lawyer Disciplinary Boards as the President.

Jeffrey Woolf – Mr. 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. Before that, 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. Since 2012, he has been an adjunct professor at Boston University Law School. He also previously taught at New England School of Law and at Northeastern University. He has also taught numerous continuing legal education programs in civil litigation, discovery and 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.

Jayne Reardon – Jayne Reardon is the Executive Director of the Illinois Supreme Court Commission on Professionalism. A tireless advocate for professionalism, Jayne oversees programs and initiatives to increase the civility and professionalism of attorneys and judges, create inclusiveness in the profession, and promote increased service to the public. Jayne developed the Commission’s successful statewide Lawyer-to-Lawyer Mentoring Program which focuses on activities designed to explore ethics, professionalism, civility, diversity, and wellness in practice settings. She spearheaded development of an interactive digital and social media platform that connects constituencies through blogs, social networking sites and discussion groups. A frequent writer and speaker on topics involving the changing practice of law, Jayne asserts that embracing inclusiveness and innovation will ensure that the profession remains relevant and impactful in the future.

Jayne’s prior experience includes many successful years of practice as a trial lawyer, committee work on diversity and recruiting issues, and handling attorney discipline cases as counsel to the Illinois Attorney Registration and Disciplinary Commission Review Board. Jayne graduated from the University of Notre Dame and the University of Michigan Law School. She is active in numerous bar and civic organizations. She served

as Chair of the American Bar Association's Standing Committee on Professionalism and is a Steering Committee member of the National Lawyer Mentoring Consortium. Jayne also is active in the ABA Consortium of Professionalism Initiatives, Phi Alpha Delta Legal Fraternity, Illinois State Bar Association, Women's Bar Association of Illinois, and the Chicago Bar Association.

Hal Lieberman - Hal Lieberman is the co-author of "New York Attorney Discipline," and the former Principal Trial Attorney and Chief Counsel for the Departmental Disciplinary Committee in New York's First Department. During the past 17 years, he has defended hundreds of lawyers and law firms before disciplinary and grievance committees in connection with lawyer discipline complaints, formal disciplinary prosecutions, reciprocal discipline proceedings, post-conviction disciplinary proceedings, reinstatements, and matters related to bar admissions before the several New York character and fitness committees. Mr. Lieberman is a regular columnist for the New York Law Journal on the subject of Professional Discipline. He also publishes a blog, NYLegalethics.attorney.

In addition to attorney discipline defense, Mr. Lieberman has been a lecturer in law at Columbia Law School teaching legal ethics, has lectured widely, and published numerous articles on the subjects of legal ethics and professional discipline. He has testified as an expert in legal ethics in approximately 45 civil and criminal adjudications since 1998, including, among others, disqualification motions, legal malpractice cases, partnership disputes, fee disputes, and numerous issues involving interpretation and application of the Rules of Professional Conduct. Mr. Lieberman joined Emery Celli Brinckerhoff & Abady LLP in 2014. He is the past partner-in-charge of the New York office of Hinshaw & Culbertson LLP.

Mark A. Armitage – Mark is the Executive Director and General Counsel of the Michigan Attorney Discipline Board. Prior to joining the Board's staff in 1994, Mark clerked for the Michigan Court of Appeals, was in private practice, served as a hearing panelist, and was on the State Bar's Standing Committee on Grievance. He is a graduate of Albion College and the University Of Detroit Mercy School Of Law. Mark is a past president of the National Organization of Bar Counsel (NOBC) which consists of discipline counsel and lawyer regulators from over 75 agencies in the United States, Canada, and Australia. He taught professional responsibility at the University of Detroit Mercy School of Law, Wayne State Law School, and Thomas M. Cooley Law School. He lectures on legal ethics and professional responsibility at seminars sponsored by the State Bar, the Institute for Continuing Legal Education (ICLE) and at national conferences conducted by NOBC and the National Council of Lawyer Disciplinary Boards (NCLDB). Mark has served as a member of the Board and the program committee of NCLDB, and has served on three ABA consulting teams to review the operation of statewide discipline systems and present recommendations to the Supreme Courts of those states. He has been active in ABA and State Bar of Michigan committees relating to legal ethics and served on the Council of the Government and Public Sector Lawyers Division of the ABA. Mark is a fellow of the Michigan and American Bar Foundations.