

IN THE SUPREME COURT
OF THE STATE OF OREGON

In re)
)
Complaint as to the Conduct of) Case No. 04-44
)
KENNETH W. McWADE,) SC S51559
)
Accused.)

ORDER OF SUSPENSION

Upon consideration by the court.

This matter is before the court on the notice of discipline in another jurisdiction with a recommendation by the Disciplinary Board Counsel on behalf of the Oregon State Bar's State Professional Responsibility Board that the accused be suspended for two years from the practice of law in Oregon. The court accepts the recommendation and orders that Kenneth W. McWade (OSB no. 70089) be suspended from the practice of law in Oregon for two years, effective 30 days from the date of this order.

DATED this 10th day of August 2004.

/s/ Wallace P. Carson, Jr.

Wallace P. Carson, Jr.

Chief Justice

SUMMARY

Effective September 9, 2004, the Supreme Court suspended Kenneth W. McWade of Hawaii for two years, pursuant to BR 3.5 (reciprocal discipline). The United States Tax Court had previously imposed the same sanction.

McWade represented the Internal Revenue Service in a number of cases brought against a large number of individual taxpayers. Among other things, McWade (1) engaged in a scheme to mislead the court and manipulate some of the cases in order to enhance the likelihood that his client would prevail in all of the cases, and then, in subsequent hearings, attempted to conceal from the court what he had done, (2) entered into agreements with some of the taxpayers, failed to disclose those agreements to the court and the other taxpayers, and intentionally mislead the court about the status of those cases, and (3) allowed a witness to offer misleading testimony to the court.

For engaging in the above referenced misconduct, McWade was found to have violated rules 3.1, 8.4(a), 8.4(c), and 8.4(d) of the American Bar Association Model Rules of Professional Conduct, which are applicable in the U.S. Tax Court.