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The
DISCIPLINARY BOARD
of the Supreme Court of Pennsylvania

February 2019
Newsletter



From the Board

Many of our readers have asked us to return to a more frequent newsletter. We have spent the past few weeks developing a plan for us to commit to and deliver a monthly newsletter. Our newsletter will continue to provide you with information about the discipline imposed, Board and Hearing Committees, pertinent information related to rule changes, information about other boards and committees from around the Court, and (your favorite) articles of interest related to the profession.



For this, our February newsletter, I have asked my fellow Board Member, Dion G. Rassias (Philadelphia), to raise the topic of succession planning with you. His article, featured below, is designed to spark the conversation about the essential need to protect the interests of our clients above all else in the event of a catastrophe. As a profession, we must be willing to plan for the unpleasant. Oscar Wilde said it best when he said “To expect the unexpected shows a thoroughly modern intellect.”

Brian J. Cali, Esquire
Board Chair

SUCCESSION PLANNING – Is it mandatory for lawyers in Pennsylvania?

by Dion G. Rassias, Esquire

One of the most significant (and recurring) professional responsibility topics that remains unsettled is whether or not succession planning should be mandatory for lawyers. Smart thinking suggests that it should be; but so far, not only is succession planning not mandatory in Pennsylvania, it is not required by the majority of other states across the country. Thus, as smart, logical, and commonsensical as it seems, trends show that many lawyers have done no form of succession planning.



Is this because it is not a requirement? Probably not. In fact, it's likely just one of those things that we, as busy lawyers, have a tendency to keep on the list, but never get around to checking off. Further, succession planning is hard. It requires a lot of forethought and ultimately, a lawyer can spend a tremendous amount of time and energy coming up with a comprehensive succession

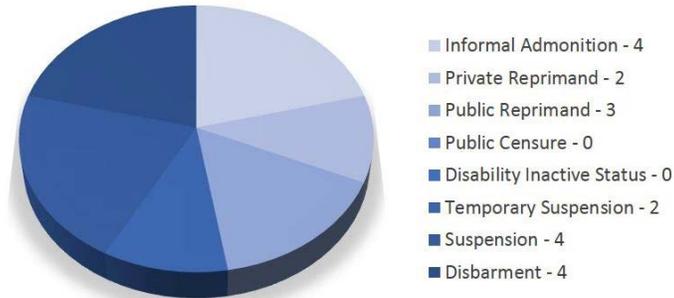
plan which may well be flatly rejected by a client leading to a lot of potentially wasted energy and effort. Nevertheless, even though the client can always reject a lawyer's statement or recommendation about succession planning, it is still worth the effort and peace of mind. In fact, taking the time to carefully explain a succession plan to a client can go a long way toward alleviating future problems and will very likely be to everyone's enormous benefit. [Read More...](#)

Social Media

Don't forget to like us on [Facebook](#), follow us on [Twitter](#), and connect with us on [LinkedIn](#) for more news and information.

Discipline Imposed

January 2019



Suspension

[James Downing Brady](#)
[Robert J. Colaizzi](#)
[Michael P. Guido](#)
[Harry Tun](#)

Disbarment

[Jerome David Mitchell](#)
[Christie-Lynn Nicholson](#)
[Dominic G. Bocco, Jr.](#)
[Jason Michael Tabor](#)

Temporary Suspension

[Franklin Albert Bennett, III](#)
[Robert Patrick Hoopes](#)

Public Reprimand

[Robert J. Dixon](#)
[Cynthia Lynn Pollick](#)
[William E. Vinsko, Jr.](#)

Articles of Interest

Suicide in the Legal Profession: Know the Signs

One unfortunate effect of the stress levels in the legal profession is a high rate of suicide among lawyers. The legal profession has the eleventh highest suicide rate of all professions.

The ABA Journal offers a guide to recognizing the signs of suicidal tendencies in a colleague.

These include:

- excessive sadness or moodiness;
- expressing helplessness or feeling defeated;
- losing their sense of humor;
- continuing to be fully engaged but becoming more agitated;
- talking about suicide, death or dying;
- seeking access to firearms or pills;
- giving away important possessions;
- experiencing relief or sudden improvement in symptoms;
- telling people goodbye for seemingly no reason;
- sudden calmness;
- withdrawing from family and friends;
- mood swings;
- increased substance use;
- experiencing sleep changes.

All of these can be symptoms of other problems, or not symptomatic at all, but people moving toward suicide often display [several of these patterns](#).

A lawyer who has written a best-selling book on addiction and the law argues that we need to change the language we use when discussing suicide. We should not say that people commit suicide, which contains echoes of judgment and condemnation; we should say that they die of suicide, which recognizes the long pattern of loss of control that leads to the outcome. [Read more...](#)

Supreme Court Suspends Former Legislator for Frivolous Lawsuit Abuse

The Supreme Court has suspended a lawyer who once served as a state legislator for a pattern of filing frivolous motions and appeals, engaging in incompetence, misrepresenting facts, and failing to withdraw when disqualified over a period of eight years.

[In the case of Thomas Peter Gannon](#), the Disciplinary Board found that over a period of ten years, Gannon pursued a number of frivolous and vexatious motions, appeals, and lawsuits in both state and Federal trial and appeals courts. He represented a client in what began as a claim against the client's condominium association for \$3,577.93 to repair a defective beam in the client's garage. Over the course of ten years, multiple judgments for fines and attorney fee sanctions were entered against Gannon, which he refused to pay, and he was found in contempt. He was also disqualified from the case, but he continued to represent the client through the time of the disciplinary hearing. The judge who presided over one of the cases testified that Gannon's conduct was always professional, but that he "just wouldn't take no for an answer."

The Disciplinary Board found that Gannon violated numerous Rules of Professional Conduct over the course of his conduct and recommended that he be suspended for five years. On December 21, 2018, the Supreme Court of Pennsylvania entered an order suspending Gannon from the practice of law for two years.

Local Judge Resigns after Not Reading Email for Three Years

We all know the attorneys, usually of the older generation,¹ who insist that they "just don't do email." Most at least delegate the distasteful function to staff, but a town justice in New York took this attitude to extremes.

Justice Bruce Scolton of Chautauqua County, New York, [resigned a post he had held for 28 years](#) in response to an inquiry by the state Commission on Judicial Conduct, facing allegations that, among other issues, he had failed to monitor his official email account for three years and failed to activate or use the computerized system adopted by the court for financial and case management control.

Current interpretation of [Rule 1.1 of the Rules of Professional Conduct](#), regarding competence, does not allow lawyers the option of refusing to acknowledge the advance of technology in the legal system and profession. Comment 8 to the rule states, "To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, **including the benefits and risks associated with relevant technology...**" [emphasis added].

¹ The author of this note is of the older generation and deals regularly with lawyers of this type, so this is not an ageist observation.

Disciplinary Board News

By [Order](#) dated January 29, 2019, the Supreme Court of Pennsylvania designated Andrew J. Trevelise and James C. Haggerty as Chair and Vice Chair of the Disciplinary Board of Pennsylvania, commencing April 1, 2019.



Andrew J. Trevelise was appointed to the Board in 2014, reappointed in 2017 and first appointed as vice chair in 2018. Prior to being named to the Board he served multiple terms as a Hearing Committee Member. Trevelise also served for three years as Chair of the Rules Committee of the Disciplinary Board.

A graduate of Villanova University School of Law, Trevelise has more than 35 years of experience as a litigator representing corporations in complex litigation involving mass torts and product liability, asbestos, pharmaceutical, medical device and financial services litigation. [Read More...](#)

James C. Haggerty was first appointed to the Board in April 2015 and reappointed in 2018.

A founding partner of Haggerty, Goldberg & Kupersmith, Haggerty's practice focuses on bad faith, insurance coverage, uninsured/Underinsured, personal injury and appellate litigation.

He is a frequent lecturer throughout Pennsylvania on insurance and litigation matters. Mr. Haggerty also is often called upon to serve as an expert witness in insurance cases. [Read More...](#)



Allegheny County personal injury attorney **John P. Goodrich** has been [re-appointed](#) to serve as a member of the Disciplinary Board by the Supreme Court of Pennsylvania.



First appointed to the Board in April 2016, Goodrich will begin serving his next three-year term beginning April 1, 2019.

Goodrich is a principal of the law firm Goodrich & Associates in Pittsburgh, Pennsylvania. His practice focuses on personal injury with a concentration on head trauma and vehicular accidents including wrongful death and complex civil personal injury litigation. [Read More...](#)

Former Senator **John C. Rafferty, Jr.** has been [named](#) as a member of the Disciplinary Board by the Supreme Court of Pennsylvania. Sen. Rafferty will serve as a member of the Board until December 1, 2021.

Prior to his appointment on the Disciplinary Board, former Sen. Rafferty served the 44th Senatorial District which included Berks, Chester and Montgomery counties. Before he ran for the Senate, Sen. Rafferty practiced law in private practice focusing on education, real estate, zoning, business and estate law. He also served as a former Pennsylvania deputy attorney general in the criminal law division where he investigated and prosecuted Medicaid fraud. [Read More...](#)



To see the current membership of the Disciplinary Board of the Supreme Court of Pennsylvania, click [here](#).

Rule Changes

Amendments to Rules of Organization and Procedure of the Disciplinary Board

[Effective March 4, 2019](#), the Disciplinary Board is amending its Rules of Organization and Procedure to modify Rule § 89.278 regarding reinstatement filing fees and Rule § 93.111 regarding administrative fees, to make these rules consistent with the Pennsylvania Rules of Disciplinary Enforcement. [Pa.R.D.E. 208 and 218](#) were [amended](#) effective November 16, 2018 to establish a schedule of [administrative fees](#) to be charged to attorneys are who subject to disciplinary sanctions or who seek reinstatement.

Around the Court

Lawyers Concerned for Lawyers

PENNSYLVANIA

[Lawyers Concerned for Lawyers of Pennsylvania \(LCL\)](#) is a **100% confidential** assistance program that helps lawyers, judges, and their family members, as well as law students who may be struggling with substance use and/or mental health issues. LCL services are free and include peer support, assessment by a healthcare professional (if indicated), literature, lawyers and judges-only recovery meetings, and intervention support services. Stress, anxiety, depression, substance use, and problematic drinking significantly affect our profession. **One in three legal professionals will struggle with these issues during his/her career.** If left unaddressed, they eventually impact relationships, health, and competency. There is no need to suffer in silence. If you are experiencing mental health or substance use issues, or if you are concerned about a colleague or loved one, please call LCL for assistance or visit the websites below for more information and resources, self-assessment screens, articles, and free CLE videos.

Lawyers' Confidential Helpline: 1-888-999-1941

Judges' Confidential Helpline: 1-888-999-9706

www.lclpa.org or www.jcjsa.org

Also, please read "[Can the science of addiction ease compassion fatigue?](#)" that was authored by LCL's Director of Operations, Jennifer Zampogna, MD.

Resources

[FAQs - For the Public](#)

[Annual Report](#)

[Recent Discipline](#)

[FAQs - For Attorneys](#)

[Rules](#)

[Discipline Statistics](#)

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