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The
DISCIPLINARY BOARD
of the Supreme Court of Pennsylvania

March 2019
Newsletter



From the Chair

It is hard to believe that my time on the Disciplinary Board is coming to an end. I have met so many wonderful people over the past six years – many of whom I would not have met under other circumstances. From my fellow members to our diligent staff, I am honored to have had the opportunity to serve with such distinguished men and women.

In all ways, the members of this Board work tirelessly for our profession. The work we do is paramount. Whether it be adjudicating cases or overseeing 70 employees and 6 offices, the workload of the members of the Board is not insignificant. Our thoughtful (and sometimes vigorous) deliberations showcase the true passion each of us has for the law.

I retire from my service on the Board knowing that progress has been made since my first arrival six years ago. Most remarkably, this Board and its members spent an inordinate amount of time developing a modern attorney regulation system which holds everyone accountable and that is able to evolve over time. I am truly proud of our work on this front.

I thoroughly enjoyed my time as Vice Chair under the leadership of Chair Douglas W. Leonard. As a non-lawyer, he was able to teach me different ways to view the same circumstance. That working relationship molded the way I engaged with Vice Chair Andrew J. Trevelise upon my appointment as Chair. I truly believe that incoming Chair Trevelise will foster the same relationship with incoming Vice Chair James C. Haggerty.

I would be remiss if I did not acknowledge that none of this would have been possible without the support of the Justices of the Supreme Court. I thank each of you for your trust and for the opportunity to serve in this important role. I am honored, humbled, and forever grateful.

Brian J. Cali, Esquire
Board Chair

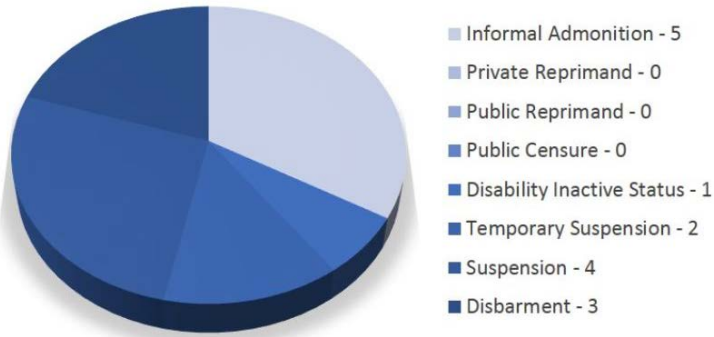


Social Media

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Discipline Imposed

February 2019



Suspension

[Stacy Parks Miller](#)
[Sheila K. Younger-Halliman](#)
[Joseph P. Maher](#)
[Sal Greenman](#)

Disbarment

[Michael Francis P. Bradley](#)
[Linda L. Ziemicki](#)
[Lawrence Brean](#)

Temporary Suspension

[Lance Timothy Mason](#)
[Michael Robert Shapiro](#)

Articles of Interest

Chief Justice Pens Letter to Bar on Pro Bono; Asks Support

Chief Justice Thomas G. Saylor has written a letter to all 70,000 Pennsylvania-admitted attorneys, recounting the success of the state's pro bono legal assistance program and requesting all attorneys to consider contributing time to assisting Pennsylvanians in need of volunteer legal services.

The Chief Justice wrote:

Together with Charles Eppolito, III, President of the Pennsylvania Bar Association, I call on each of the nearly 70,000 attorneys registered in the Commonwealth to make a personal commitment to provide whatever pro bono service you can through direct representation to the poor and financial support of our legal aid programs. Please take a few moments to reflect on the meaning of Rule 6.1, to access [palawhelp.org](#), and to register with [paprobono.net](#) to review the range of opportunities there are for pro bono service.

He added that the Court has approved the creation of a new continuing legal education (CLE) pilot program allowing lawyers to earn up to three CLE hours through pro bono service.

Read the entire letter [here](#).

Know your Mechanic: Lawyer Suspended for Multiple Contempt Incidents

In the case of [Office of Disciplinary Counsel v. Joseph P. Maher](#), a Lehigh County lawyer has been suspended for a year and a day following two adjudications of contempt. In one incident, he failed to appear for a hearing after being denied a continuance he requested on the basis that his car was in the shop for repairs. When the court demanded that he provide proof of the excuse he offered, he responded that his mechanic was named “Eddie” and didn’t give receipts. He was found in contempt and fined.

In another episode, he filed an appellate document on behalf of a client after being ordered to cease representation because of a conflict due to the fact that he was a potential fact witness.

The Disciplinary Board noted that Maher had received an informal admonition for similar behavior the day before his appearance at a contempt hearing. The Board found that Maher’s conduct displayed “a continuing pattern of disrespect for disciplinary authority,” and recommended that he be suspended for a year and a day, the minimum period for which a petition for reinstatement must be filed. The Supreme Court entered an order suspending Maher as recommended.

Ghost in the Machine: Can Someone Else Write for your Legal Blog?

For many lawyers, a law blog or blawg is an important tool for maintaining the lawyer’s public presence. Informative articles on one’s blog can enhance the lawyer’s visibility and draw traffic, some of which may lead to clients. Naturally, where there is a need, resources will spring up to meet it. More and more lawyers are using IT and public relations consultants to develop and provide content for their pages.

But there may be an ethical problem with using third-party materials to fill in a lawyer’s website or social media, if the origin of that material is not clearly identified. [Rule 7.1 of the Rules of Professional Conduct](#) states:

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer’s services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

If a lawyer posts an article about a legal topic on his or her website, and fails to identify the authorship, is the lawyer making a misleading comment about his or her qualifications? Some consumers might assume that the lawyer is the author and the article is a product of the lawyer’s expertise. No disciplinary cases or ethics opinions have explored the issue, and [experts are divided as to whether it presents a problem](#).

Furthermore, the question of whether a lawyer’s blog represents advertising or protected speech under the First Amendment is fact-sensitive and far from settled. The [State Bar of California’s Standing Committee on Professional Responsibility and Conduct](#) wrestled with a number of

hypotheticals and concluded that whether or not a lawyer's blog constitutes a communication about the lawyer's services subject to ethical rules depends on the content of the blog and the way it is presented and linked to the attorney's practice.

Hairy Heirs: Estate Provision for Pets

The extravagant amounts some wealthy celebrities leave for their pets have made the news; Leona Helmsley made a \$12 million bequest to her dog, Trouble.¹ But wealthy eccentrics aren't the only ones who worry about what will happen to their beloved pets when they are gone. What should estate planning lawyers know about pet bequests?

Estates and trusts planning attorney Cori Robinson [provides some guidance](#) on how attorneys can accommodate their pet-loving clients' concerns for their fur babies when they have passed on. Techniques available include a "pet trust"² and a conditional gift to a person charged with caring for the animal. Warning: puns on the word "kitty" ahead.

¹ Subsequently the court reduced this to a paltry \$2 million. Maybe Trouble was more trouble than he was worth.

² Happily the Rule against Perpetuities does not apply, which could be an issue with long-lived pets like parrots and turtles.

Disciplinary Board News



By [Order](#) dated February 15, 2019, the Supreme Court of Pennsylvania appointed Gretchen A. Mundorff, Esquire, to the Disciplinary Board for a term of three years, commencing April 1, 2019.

Mundorff is a founding partner of the Connellsville, Pennsylvania law firm of Watson Mundorff & Sepic LLP where she concentrates her practice in personal injury, medical malpractice and family law, and was named a Pennsylvania Super Lawyer for seven consecutive years. [Read More...](#)

Vacancies

The Supreme Court of Pennsylvania is aided by select boards, committees, commissions and councils consisting of more than 180 appointed volunteers - most, but not all, are lawyers and judges.

The panels have a wide range of responsibilities and functions. Some make recommendations to the Court for amendments, revisions or simplification of court procedural rules. Others regulate the practice of law, oversee continuing legal education for lawyers and administer funds to assist individuals unable to pay for legal services. Still others advise on keeping the courts free of bias

and discrimination and on long-range planning.

There are currently four vacancies on these panels:

- [PA Board of Law Examiners](#) - Applicants must be members of the Pennsylvania bar or jurists and be knowledgeable about law school curriculum, legal practice and attorney ethical obligations. Please note – law school faculty may not serve on this Board. Applicants should not apply if, during the term of service, they will have immediate family members who will be taking the bar examination or seeking membership in the Pennsylvania bar.
- [Appellate Procedural Rules Committee](#) - Applicants should be knowledgeable about the Pennsylvania Rules of Appellate Procedure and experienced in state appellate practice in Pennsylvania.
- [Civil Procedural Rules Committee](#) - There are two vacancies. Each vacancy will be for a five year term. Applicants should be knowledgeable about the Pennsylvania Rules of Civil Procedure and experience in state civil practice in Pennsylvania.

For application information, click [here](#). Applications are due March 31, 2019.

Rule Changes

By [Order](#) dated February 25, 2019, the Supreme Court of Pennsylvania amended Rule 219 of the Pennsylvania Rules of Disciplinary Enforcement to alter the dates by which an attorney must complete the annual registration requirement to avoid the assessment of non-waivable late payment penalties. [Read more...](#)

By [Order](#) dated February 15, 2019, the Supreme Court of Pennsylvania amended Rule 208 of the Pennsylvania Rules of Disciplinary Enforcement to establish the assessment of a monthly penalty for unpaid taxed expenses and administrative fees. [Read more...](#)

Annual Fee Distribution Amended

Pennsylvania lawyers have a right to know how their annual fee payment is used. On February 7, 2019, the Supreme Court of Pennsylvania adopted an amendment to various rules changing the distribution of annual fee payments. It was published at [49 Pa.B. 824](#) (2/23/2019).

[Rule 1.15\(u\) of the Rules of Professional Conduct](#) was amended to reduce the amount directed to the Pennsylvania IOLTA (Interest on Lawyer Trust Accounts) Board from \$30 to \$25. [Rule 502\(b\) of the Pennsylvania Rules of Disciplinary Enforcement](#) was amended to reduce the amount delivered to the Pennsylvania Lawyers Fund for Client Security from \$75 to \$60. [Rule 219 of the Pennsylvania Rules of Disciplinary Enforcement](#) was changed to increase the sum payable to the Disciplinary Board from \$120 to \$140. The changes cancel each other out, so the total annual fee remains the same at \$225.

New Rules for Admission of Military Spouses, DACA Beneficiaries

Two amendments to the Pennsylvania Bar Admission Rules open up the opportunity for

admission to military spouses and immigrants who qualify under the DACA (Deferred Action for Childhood Arrivals) program.

An amendment to [Rule 202 of the Bar Admission Rules](#), published at [49 Pa.B. 824](#) (2/23/19), provides that an undocumented immigrant who has current DACA status, or equivalent status under a successor program, and who has current and valid employment authorization to work in the United States, is eligible for admission to the bar. The amendment meets the requirements of [8 U.S.C. §1621\(d\)](#) that state law may make certain persons otherwise disqualified under 8 USC §1621(a) eligible for state public benefits.

By order dated January 29, 2019, the Supreme Court adopted a new Rule 304 of the Pennsylvania Bar Admission Rules, published at [49 Pa.B. 705](#) (2/16/19), providing for limited admission under certain circumstances for a lawyer admitted to another jurisdiction who is present in Pennsylvania as the spouse of an active-duty member of the U.S. uniformed services. An attorney so admitted may practice in legal employment or with the Federal, state, or local government, in either case under the supervision of a Pennsylvania-licensed attorney. The limited admission terminates if any of the eligibility conditions no longer apply, or if the applicant is admitted to the Pennsylvania bar.

Around the Court



[The Pennsylvania Lawyers Fund for Client Security](#) was established by the Supreme Court of Pennsylvania in 1982 as a means of recovery for clients who have suffered a loss resulting from a misappropriation of funds by their Pennsylvania licensed attorney. The Fund receives all of its financial resources from the members of the Pennsylvania Bar through an annual fee. The Fund is overseen by a seven-member Board, all of whom are appointed by the Supreme Court of Pennsylvania. Five members of the Board are lawyers and two members are non-lawyers, all of whom serve without compensation as a service to the profession. The Fund does not have jurisdiction over claims alleging malpractice, negligence, or ineffective assistance of counsel as the sole basis of the claim. The Board will not arbitrate what the Board determines to be a fee dispute.

The Board and Staff of the Pennsylvania Lawyers Fund for Client Security are grateful to the Supreme Court of Pennsylvania for providing this remedy for the victims of the few members of the Pennsylvania Bar who engage in this type of conduct. Every claimant who receives an award is made aware that the Fund's financial resources are received from the members of the Pennsylvania Bar and no funding is received from tax dollars.

More information about the Fund may be found at www.palawfund.com.

Resources

[FAQs - For the Public](#)

[Annual Report](#)

[Recent Discipline](#)

[FAQs - For Attorneys](#)

[Rules](#)

[Discipline Statistics](#)

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