



**THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA**

STANDARD GUIDANCE TO LAWYERS WHO HAVE BEEN SUSPENDED ONE YEAR OR LESS

1. Your suspension is effective 30 days after the date of the Court's order, unless it says otherwise. The terms of Rule 218(g), Pa.R.D.E., do not excuse the requirement for current compliance by you with the provisions of Rule 217. Reinstatement is not automatic. **See Paragraphs 5 and 6 below.**

(a) During the interim period prior to the effective date of your suspension, you are required "promptly" to give notice of your suspension to all clients represented in pending matters, or in litigation or administrative proceedings, and the attorneys for each adverse party in such litigation or proceedings, by use of the Forms DB-23 and DB-24 provided to you. (Rule 217(b), Pa.R.D.E.)

(b) You are also required to notify the following of your suspension: all persons or their agents or guardians, wards, heirs and beneficiaries to whom a fiduciary duty is or may be owed at any time after your suspension; all other persons to whom you may at any time expect to have professional contacts under circumstances where there is a reasonable probability that they may infer that you continue as an attorney in good standing; and any other tribunal, court, agency or jurisdiction in which you are admitted to practice.

(c) Such notices are to be delivered by the most efficient method possible as long as the chosen method is successful and provides proof of receipt. The notices may be delivered in person with you securing a signed receipt, electronic mailing with some form of acknowledgment from the client other than a "read receipt" and mailing by registered or certified mail return receipt requested. You are required to file copies of the notices with the Board Prothonotary and to serve copies on the Office of Disciplinary Counsel.

(d) Within 10 days after the effective date of the order (40 days from its entry), you are to file the "Statement of Compliance", Form DB-25 with the Board Prothonotary and serve a copy of that Form on Office of Disciplinary Counsel. If the suspension order was retroactive to an earlier date, the Statement of Compliance is required to be filed and served within 10 days after the date of the Court's order.

(e) From and after the entry of the order, you are not to accept any new retainer or engage as attorney for another in any new case or legal matter of any nature, although, in the 30-day period between entry of the order and its effective date, you may wind up and complete matters which were pending on the entry date.

(f) In addition to the steps that you must promptly take under the other provisions of Rule 217, Pa.R.D.E. to disengage from the practice of law, you shall promptly cease and desist from using all forms of communication that expressly or implicitly convey eligibility to practice law in the state courts of Pennsylvania, including but not limited to professional titles, letterhead, business cards, signage, websites, and references to admission to the Pennsylvania Bar.

2. It is not envisioned that you will, or that you may, unilaterally proceed to dispose of, or transfer to another lawyer, any case, without having given the required notice to the client.

(a) Each client is to be put in a position to make an informed choice as to who is to represent him or her in connection with the legal matter in which you represented the client, and his or her expressed directions are to be observed by you.

(b) When a new attorney is selected by the client, you must promptly make the client's file available to the new attorney, without waiving any right to compensation you may have earned.

(c) You are not to share in any fee for legal services performed by any other attorney, following your suspension, but you may be compensated for the reasonable value of your services rendered and disbursements incurred prior to the effective date thereof. In no event should the reasonable value of your services, and of those of the substituted attorney, exceed the amount the client would have had to pay, had no substitution of counsel been required.

3. You are permitted to complete existing appointments and accept new appointments as personal representative, executor, administrator, guardian, conservator, receiver, trustee, agent under a power of attorney, or other fiduciary position. However, if you desire to complete existing appointments or accept future appointments, you must give written notice of your suspension to appointing judges, courts and others and give all interested parties an opportunity to consider replacing you or enlisting another person to serve as the fiduciary.

4. If the various requirements of Rule 217 including the filing of the required Statement of Compliance and copies of notices to clients are not timely accomplished by you, the Office of Disciplinary Counsel will not hesitate to initiate action, in any court of competent jurisdiction, for such injunctive and other relief as may be appropriate to protect the interests of your former clients. (Rule 218(k)(2), Pa.R.D.E.)

5. Reinstatement is not automatic; your suspension continues until further order of Court. (Rule 218(a), Pa.R.D.E.) Rule 218(g)(1) states that after the term of suspension has expired, you are required to file a verified statement with the Board along with the payment of a non-refundable filing fee of \$250. The verified statement must certify that you have complied with all the terms and conditions of the order of suspension and of Rule 217, that you have paid in full any costs taxed by the Board, and that you have made any required restitution to the PA Lawyers Fund for Client Security. Upon receipt of the verified statement, the Board will certify such fact to the Supreme Court, which will enter an order reinstating you to active status.

6. Rule 218(g)(1) does not apply, and you will be required to file a petition for reinstatement in accordance with Rule 218(c) if: (1) other formal disciplinary proceedings are then pending or have been authorized against you; (2) you had been on retired status, inactive status or administrative suspension for more than three years prior to your suspension order; (3) you have not been on active status for more than three years due to a combination of retired status, inactive status, administrative suspension and/or a term of suspension not exceeding one year and have not been on active status at any time within the three-year period preceding the entry of the order; or (4) the order of suspension has been in effect for more than three years. (Rule 218(g)(2), Pa.R.D.E.)

7. If you were on retired status, inactive status or administrative suspension at the time of your disciplinary suspension, you may file a verified statement and request to be returned to that prior status.

8. A formerly admitted attorney may not engage in any form of law-related activities in this Commonwealth except in accordance with the requirements of Rule 217(j), Pa.R.D.E. This Rule sets forth boundaries pertaining to law-related activities and specifies certain activities which are prohibited to formerly admitted attorneys. You should carefully review Rule 217(j).

9. Lastly, in Pennsylvania, it is a misdemeanor of the third degree for a person, not currently admitted to practice law, to hold himself out to the public as being entitled to practice law, or use or advertise the title of lawyer, attorney at law, attorney and counselor at law, counselor, or the equivalent in any language, in such a manner as to convey the impression that he is a practitioner of the law of any jurisdiction. 42 Pa.C.S., Section 2524. No further guidance can or will be offered by the Disciplinary Board as to what constitutes the practice of law, within the meaning of that statute, or otherwise. In case you anticipate engaging in conduct which could reasonably raise question as to whether it constitutes the practice of law, it is urged that you formally seek prospective guidance in that regard, from appropriate local or state professional associations, whenever such question may arise.