



The
DISCIPLINARY BOARD
of the Supreme Court of Pennsylvania

**September
2021
Newsletter**



From the Chair

As Summer transitions to Fall, I wanted to thank all of you who timely took care of completing your attorney registration this year. Registration was efficient and ran smoothly and in addition to all of you, I wanted to thank our staff for their efforts in that regard. For those that have not completed registration yet, you can do so until tomorrow, Thursday, September 9 through the [UJS Portal](#).

The article submitted by Chief Disciplinary Counsel Thomas J. Farrell this month focuses on the emeritus program – an excellent way for those retired attorneys to use their skills and experience to perform pro bono service. I also encourage you to review our new [Pro Bono webpage](#) for more information.



Lastly, please review our [Around the Court](#) section. In particular, the PA CLE Board has provided some important information regarding distance-learning accommodations in the wake of the pandemic.

Stay well and I look forward to talking with you next month.

Jack P. Goodrich
Board Chair

Annual Attorney Registration

**2021-2022 Registration Past Due
Pending Administrative Suspension Effective Friday, September 10**

Annual
Registration
Update

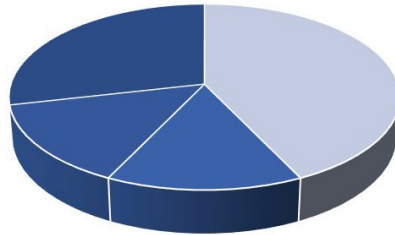
A Supreme Court Order was issued August 11 to administratively suspend attorneys who have not yet completed their annual registration.

REGISTRATION MUST BE
COMPLETED BY
THURSDAY, SEPTEMBER 9
TO AVOID ADMINISTRATIVE
SUSPENSION.



Discipline Imposed

August 2021



- Informal Admonition - 3
- Private Reprimand - 0
- Public Reprimand - 0
- Public Censure - 0
- Disability Inactive - 0
- Temporary Suspension - 1
- Suspension - 1
- Disbarment - 2

Temporary Suspension

[Matthew J. Zeigler](#)

Suspension

[William T. Krzton](#)

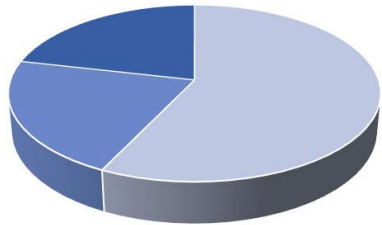
Disbarment

[Thomas Richard McCarthy, Jr.](#)

[Chad M. Salsman](#)

Reinstatement Granted

August 2021



- From Inactive - 8
- From Retired - 0
- From Administrative Suspension - 3
- From Disability Inactive - 0
- From Suspension - 3
- From Disbarment - 0

From Inactive

[Tiffany Agatha Cunningham](#)
[Amanda Rachel Gaynor](#)
[Charles M. Goldman](#)
[Frank Peter Ippolito](#)
[Laura M. Turlip](#)
[John Paul Oleksiuk](#)
[Erin Lynn Sherwood](#)
[Angela Nicole Tonye](#)

From Administrative Suspension

[George C. Godfrey, III](#)
[Emily Kathleen Lavelle](#)
[James Thomas Podgorney](#)

From Suspension

[Sarah Ruth Barnwell](#)
[Stacy Parks Miller](#)
[Ross Peter Wagner](#)

Note: The above-listed reinstatements reflect only those granted by Supreme Court Order. An attorney listed above whose current license status does not reflect reinstatement has yet to submit the fees necessary to finalize reinstatement.

Upcoming Public Proceedings

We encourage you to observe our public disciplinary and reinstatement hearings, oral arguments, and public reprimands on the [Board's YouTube channel](#). View "Upcoming Public Proceedings" at the bottom of the Board's home page, www.padisciplinaryboard.org.

September

September 9 - Anthony M. Crane - Reinstatement Hearing
 September 29 - Erik Benjamin Cherdak - Disciplinary Hearing
 September 30 - Erik Benjamin Cherdak - Disciplinary Hearing

October

October 5 - John Anthony Costalas - Reinstatement Hearing
 October 6 - Joshua M. Briskin - Disciplinary Hearing
 October 13 - Joseph A. Gembala, III - Reinstatement Hearing

November

November 4 - Herbert Karl Sudfeld, Jr. - Reinstatement Hearing
 November 17 - Joshua Lawrence Gayl - Reinstatement Hearing
 November 18 - Joshua Lawrence Gayl - Reinstatement Hearing

December

December 9 - Alan Kane - Disciplinary Hearing
 December 10 - Alan Kane - Disciplinary Hearing

To Be Scheduled

Julie Chovanec - Public Reprimand
Thomas James Fieger, Jr. - Public Reprimand

Scheduled proceedings begin at 9:30 am unless otherwise noted.

CDC Corner

A Call to Action: Pro Bono Services Provide Greater Access to Justice

Recently, Chief Justice Baer [wrote the bar](#) and urged us all to donate our services pro bono to assist individuals and nonprofits in need. I want to highlight a way in which those of us who have retired can use our skills and experience to contribute to this effort: the emeritus program.

Emeritus status under [Rule 403](#) of the Pennsylvania Rules of Disciplinary Enforcement is a registration option for lawyers who have transferred to retired status per Pa.R.D.E. 219(i) but still wish to contribute their services as lawyers. Rather than the current \$225 registration fee, emeritus attorneys pay a \$35 annual fee. An emeritus attorney is restricted to pro bono work; she cannot receive or expect compensation for her legal work. She must do her work under the auspices of an eligible legal aid organization.

The one-page [emeritus application form](#) can be found on the Disciplinary Board's website. Before the attorney can represent clients, the eligible legal aid organization also must submit a [one-page form](#), completed and signed by its supervising attorney. The emeritus attorney can send the legal aid organization form together with her application, or the organization can send it separately. Right now, turn-around time on emeritus applications is one to two days.

The Disciplinary Board does not pre-approve eligible legal aid organizations nor does it maintain a comprehensive list of them. The Rule requires only that they must be not-for-profit organizations that provide legal services, that they have malpractice insurance to cover the emeritus attorney, and that they will provide "training and support to the emeritus attorney." [Pa.R.D.E. 403\(e\), \(f\)\(3\), \(4\)](#). The rules do not define what the training and support must be. It is safe to assume that the Office of Disciplinary Counsel will defer considerably to the judgment of the emeritus attorney and her legal aid supervisor.

Emeritus attorneys must satisfy reduced CLE requirements: six substantive and two ethics credits every year. (See [Pa.R.C.L.E. 105\(d\)](#)). Many legal aid organizations and county bar associations offer free or inexpensive CLEs to attorneys who do pro bono work. Attorneys who provide pro bono legal services also can obtain [one credit for every five hours of pro bono service](#), up to three credits per year.

The attorney registration office sends each emeritus attorney a renewal form in December, which the attorney must return with the \$35 fee by January 31. The legal aid organizations do not need to renew their verifications.

The Board's website has more [information on emeritus status](#), and attorney registration staff are available to assist at atty.registration@pacourts.us.

There is a need for pro bono attorneys in nearly all areas of practice and in ways more than I can imagine. The Disciplinary Board website has a [new page](#) that directs attorneys to pro bono opportunities, but the possibilities are endless so long as it is pro bono and the insurance and

supervision requirements are met.

Throughout our careers, we all have experienced how our license and expertise enable us to help people. I hope for all of us that our retirements will be a time to relax and reflect upon lives well-lived, but also to enjoy sharing our hard-earned wisdom with society. It needs it. The emeritus program can be one way to honor and continue our status as counselors and maybe even sages.

Thomas J. Farrell
Chief Disciplinary Counsel

Articles of Interest

One Chance Too Many: Pennsylvania Lawyer Suspended after Repeat Thefts by Employee

A [Pennsylvania lawyer has been suspended](#) for thefts made by his “perfect secretary,” after he gave her a second chance after learning of her misappropriation from an estate account.

[William T. Krzton](#), of Allegheny County, employed Joy Hale, a nonlawyer, in a position where her duties included preparing estate administration forms, preparing estate account checks for signature, and all of the accounting for estates. He described her as a good employee, the “perfect secretary.” Krzton allowed her to manage the estates unsupervised. He failed to review or reconcile estate account records and statements.

For this reason he was surprised when he learned in 2013 that Ms. Hale had stolen \$3,300 from an estate account for Krzton’s aunt. Krzton reasoned that the amount stolen was no more than the fee he earned on the estate, so he treated the theft as such and recouped the money from Ms. Hale by reduction in salary. He did not terminate Ms. Hale’s employment, remove her from handling estates, or increase supervision of her activities.

In 2016, a complaint from an executor led to the revelation that Hale had stolen over \$96,000 from an estate. Hale also prepared an elaborately forged bank statement to conceal her actions. Further investigation revealed that Hale had stolen over \$191,000 from seven estate accounts.

In spite of these revelations, Krzton did not terminate Hale’s employment for nearly two months. He explained he was busy with pressing client matters and needed her to train new employees, and because she was computer literate, unlike him.

The Disciplinary Board found Krzton guilty of violating several Rules of Professional Conduct, including those requiring maintenance of trust account records and supervising staff. It did not find him personally responsible for the thefts under RPC 1.15 or guilty of dishonest conduct under Rule 8.4(c). The Board found mitigating factors, including Krzton’s long career without disciplinary action, his general reputation for honesty, partial restitution, and his cooperation in the investigation of Hale’s thefts and the disciplinary inquiry.

The Board examined several cases in which lawyers had failed to supervise their staff resulting in thefts or other misconduct by staff, and concluded that suspension for six months was appropriate. The Supreme Court concurred and imposed that suspension on Krzton.

Neurodiverse Lawyers Have a Place in the Practice, Autistic Attorney Argues

Florida lawyer [Haley Moss](#) did not take a conventional path into the practice of law. She was diagnosed as autistic at the age of three, and did not speak before that age. She learned to speak through play with toys, worked with occupational and speech therapists, and rode horses. A lot of her early language was echolalia—speech patterns and phrases often learned from other people, books, movies, or television. She did not develop the ability to speak in her own words until the first grade.

She found more comfort in writing than in speaking, and wrote her first book at the age of fifteen. She graduated from high school and enrolled at the University of Florida, where she majored in psychology, because she believed that as an autistic person who does not naturally understand people, the study of the workings of the human mind would be her best path to understanding other people. At college she found that her passions were for writing, speaking, and helping others understand the neurodiverse community.

After college she attended the University of Miami School of Law, [graduating in 2018](#). She chose law because lawyers communicate both orally and in writing, engaging in persuasion and changing attitudes. Currently she is the principal of Haley Moss LLC, from which she engages in writing, speaking, and education of the public and the legal community on the challenges and capabilities of the neurodiverse community. She has written four books and numerous articles, and engages in speaking, teaching, and advocacy for the neurodiverse community, as well as serving as an adjunct professor at Taylor University in the Psychology department.

Neurodiversity refers to the concept that certain developmental conditions classed as disorders are normal variations in the brain. The concept points to the fact that people who have these features have difficulty dealing with some parts of life the way others do, but also have strengths. Examples of neurodiverse conditions include autism and attention deficit hyperactivity disorder (ADHD).

In her book [Great Minds Think Differently: Neurodiversity for Lawyers and Other Professionals](#), Moss argues that law firms can benefit, in business terms, from including neurodiverse professionals on their teams. She provides guidance for firms looking to add neurodiverse employees, develop better working relationships with neurodiverse clients, and create more supportive workplaces to help their neurodiverse employees succeed. She also argues that neurodiverse professionals can help their firms by providing alternate perspectives, seeing problems in new ways, and helping firms to understand and effectively represent neurodiverse clients.

In a [Modern Law Library podcast](#), Moss discusses her own journey as a child who was nonverbal to an adult with a law degree and numerous public speaking engagements. She provides advice for students entering law school or attempting to pass the bar exam, and for people who never received a diagnosis but have wondered whether they may have a condition such as ADHD or autism.

Although Moss is the first openly declared Florida lawyer with autism, many suspect that the incidence of neurodiversity in the legal community is greater than has been measured. A [2016 study](#) found that 12.5% of lawyer respondents to a survey about mental health reported having attention deficit hyperactivity disorder, compared to an incidence of about 4-8% in the general population. Neurodiverse attorneys may already be contributing more to the legal community than generally believed.

A [Massachusetts Supreme Court Justice determined](#) that the public interest did not require the interim suspension of a lawyer who was convicted of six counts of neglect of an adult with severe impairments. Lawyer [Carlton Vose was convicted of the charges](#) after his elderly and disabled mother was found wandering in public on several occasions and living in poor conditions. She was expelled from two nursing homes, the first time after attempting to climb the fence, the second after pulling a fire alarm to make the facility's automatic doors open so she could escape. Vose appealed his convictions, and also filed a civil rights suit against the city of Pawtucket, Rhode Island, alleging violation of his and his mother's rights.

Justice Scott L. Kafker defined his role as determining whether the public interest required that Vose be suspended while appeals and disciplinary proceedings were pending. He noted that Vose's crimes were not related to his practice, and that they did not involve interference with the administration of justice, dishonesty, fraud, deceit, or misrepresentation. He determined that the interest of the public did not require Vose's interim suspension.

He did, however, note the potential for clients to be adversely affected if they were unaware of Vose's legal problems, or if they unknowingly entered into a representation that would be disrupted if Vose were ultimately suspended or disbarred. He concluded that the protection of the public would best be served by requiring Vose to disclose to present and future clients that he had been convicted of the offenses, and that he may face imprisonment or removal from the practice of law. He was also required to make this disclosure to counsel for all parties in pending matters. Justice Kafker denied the motion for interim suspension without prejudice, noting that it could be reviewed if events showed a risk to the public, with Vose's compliance with the disclosure requirement as a relevant factor.

John Morton-Finney: Education Never Ends

This month we salute Indiana attorney [John Morton-Finney](#). He was born in 1889, the son of a former slave. Upon reaching adulthood, he joined the 24th Infantry Regiment of the United States Army and fought in the Philippines. After being honorably discharged from the army in 1914, he earned his first degree in 1916 from Lincoln College in Jefferson City, Missouri.

During this period he married and began teaching to support his family. He taught at Crispus Attucks High School in Indianapolis. Eventually, Morton-Finney became the dean of foreign languages at the high school and taught African American youth the importance of quality education for 47 years.

Despite his full-time employment, he continued his education. He successfully completed all of the degree requirements to receive his Ph.D. in Education at Indiana University, but he decided to turn down the degree. He then undertook the study of law, and earned his first law degree from Lincoln College in 1935 at the age of 46. He was admitted to the Indiana bar and went into private practice. He earned a J.D. from Indiana University in 1946 at the age of 57, and another academic degree from Butler University at the age of 75.

Morton-Finney argued cases before the Indiana Supreme Court. In 1972, at the age of 83, he was admitted to practice law before the United States Supreme Court. He was inducted to the National Bar Association Hall of Fame in 1991.

He did not give up his lifelong quest for education. At age 96, he earned his Doctor of Letters degree through Lincoln College (now University).

He continued to practice law nearly until the end of his life. He finally retired in 1996. At that point

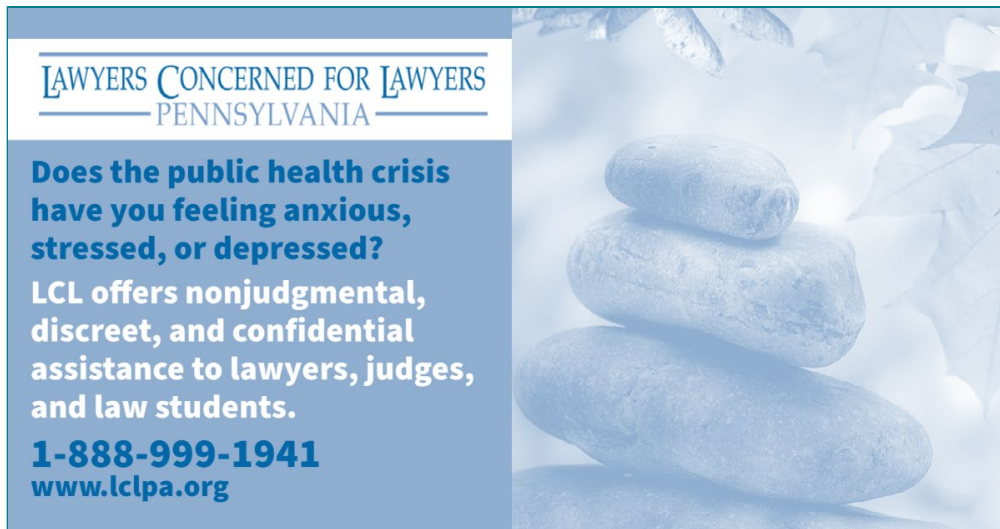
he had been continuously practicing law for 61 years, after being first licensed at the age of 46. At age 107, he was one of the oldest practicing attorneys in the history of the United States.

Dr. John Morton-Finney died on January 28, 1998, at the age of 108. He once said of his lifelong devotion to learning, "I never stop studying. There's always lots to learn. When you stop learning, that's about the end of you."

"The Client Will Do You in Every Time": Tales of Self-Sabotage

As the saying goes, "The client will do you in every time." Surely every practicing attorney has tales of cases that were blown up because the client just had to say or do something against legal advice. [Here](#) is a slideshow of attorneys recalling instances when the clients were their own worst enemy. Sure, it's clickbait, but still a fun read.

Attorney Well-Being



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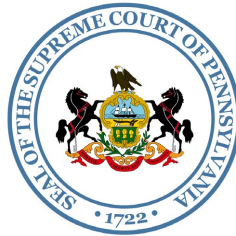
[Lawyers Concerned for Lawyers](#) (LCL) is a confidential and safe resource for Pennsylvania attorneys and their family members who may be struggling with their mental health or substance use. An astounding one in three legal professionals will face these issues at some point in their career. Since 1988, LCL has confidentially assisted and supported thousands of individuals who have faced a myriad of challenges (including grief, stress, anxiety, depression, eating disorders, gambling problems, problematic alcohol or prescription drug use, etc.), helping them navigate through dark and difficult times. Members of our profession are dying because they are afraid or unable to ask for help. If you or someone you know is struggling, please call us. You may save a life. There is help and there is hope.

[Resource Guide for the Legal Profession During COVID-19](#)

Confidential 24/7 Helpline: 1-888-999-1941

Lawyers-only support meetings
Peer and staff support & resource coordination
LCL resources are free, voluntary, & confidential

Around the Court



Supreme Court of Pennsylvania Rules Committees

On August 11, 2021, upon recommendation of the [Committee on Rules of Evidence](#), the Court ordered the adoption of Pennsylvania Rule of Evidence 413 governing the admissibility of evidence of immigration status. The catalyst for this rulemaking was a suggestion of the Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness for changes to the Pennsylvania Rules of Evidence to limit the admissibility of a party's or witness's immigration status. Click here for the [rule text](#) and [Committee report](#). The rule becomes effective October 1, 2021.



PA CLE Distance-Learning Update

The Continuing Legal Education Board continues to monitor pandemic recovery and administer policy regarding the rules and regulations for continuing legal education. Policy regarding distance-learning accommodations is applied by compliance period. Continuing legal education requirements for compliance periods ending in 2021 may be completed through credits earned through live or pre-recorded online programs. Compliance periods ending in 2022 are subject to a cap on pre-recorded distance learning programs. Please review information on your specific compliance group [here](#).

Please note that CLE accommodations due to COVID-19 are subject to change. Check www.pacle.org for the most current information.

From the Pennsylvania Bar Association



Based on data from the [Legal Services Corporation](#), 86% of low-income people with civil legal problems reported receiving no or insufficient legal assistance. The need for pro bono legal services only continues to increase.

The PBA offers guidance to Pennsylvania attorneys who answer the call to action and fulfill the responsibility noted in [Rule 6.1 of the Rules of Professional Conduct](#).

One easy way to get started is to register with [Pennsylvania Free Legal Answers](#). This program offers attorneys a convenient pro bono opportunity and, more importantly, narrows the gap in access to justice in the commonwealth.

If you would like more information on providing pro bono services, please [contact us](#) or visit the [PBA website](#).

October is [Pro Bono Month](#), and the PBA is seeking to highlight the efforts of Pennsylvania attorneys volunteering legal representation to Pennsylvanians with limited income. If you or someone you know is performing pro bono legal work, contact Pro Bono Coordinator [David Trevaskis](#) to share that story.

Please note that the Disciplinary Board of the Supreme Court of Pennsylvania and the Pennsylvania Bar Association (PBA) are separate organizations. For more information about PBA, visit their [website](#).

We Want To Hear From You...

We are always on the lookout for stories of interest relating to legal ethics, new issues in the practice of law, lawyer wellness, and funny or just plain weird stories about the legal profession. If you come across something you think might be enlightening, educational, or entertaining to our readers or social media followers, [pass it along](#). If you're our original source, there may be a hat tip in it for you.

Resources

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