

[View this email in your browser](#)



The  
**DISCIPLINARY BOARD**  
of the Supreme Court of Pennsylvania

January 2020  
Newsletter



## *From the Chair*

I hope everyone has had a wonderful holiday season!

Our first newsletter of this new year – truly, this new decade – provides a recap of cases of interest from 2019. I encourage you to review these cases to gain an understanding of the breadth of the work done by this organization.

As I have previously told you, January 2020 brings significant change to the Office of Disciplinary Counsel. Paul J. Killion is retiring as Chief Disciplinary Counsel, and Thomas J. Farrell is succeeding him in this role. The Administrative Office of Pennsylvania Courts wrote an article on this “passing of the torch,” which you can [read on our website](#). On behalf of the Board, I want to express our appreciation to Paul for his dedication and commitment to the Board and extend a warm welcome to Tom as he takes over as Chief Disciplinary Counsel.



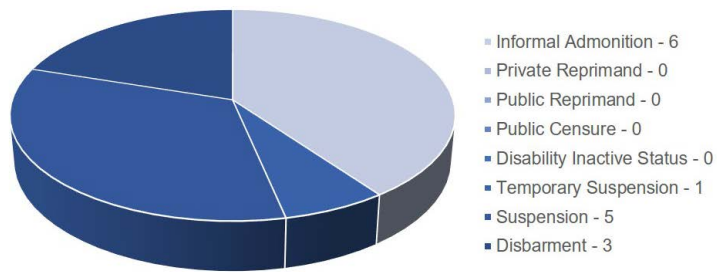
Andrew J. Trevelise, Esquire  
Board Chair

## *Social Media*

Like us on [Facebook](#), follow us on [Twitter](#), and connect with us on [LinkedIn](#) for more news and information.

## *Discipline Imposed*

December 2019



**Temporary Suspension**

[Rosendo F. Dacal](#)

**Suspension**

[Jeffrey S. Lisabeth](#)

[Douglas M. Marinos](#)

[Robert J. Murphy](#)

[Michael Joseph Savona](#)

[Craig B. Sokolow](#)

**Disbarment**

[Neal J. Blaher](#)

[Craig Cohen](#)

[J. Michael Farrell](#)

## *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 nine vacancies on these panels:**

- [Disciplinary Board](#) - There are **3 positions** available (2 lawyers and 1 non-lawyer). Applicants must be members of the Pennsylvania bar, except for two membership positions that are reserved for non-lawyer electors. In addition, applicants should be knowledgeable about the Pennsylvania Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement.
- [PA Board of Law Examiners](#) - There are **2 positions** available. Applicants must be members of the Pennsylvania bar or jurists. In addition, applicants should be knowledgeable about law school curriculum, legal practice, and attorney ethical obligations. Law school faculty may not serve on this Board. Additionally, applicants should not apply for a membership position if, during that position's term of service, they will have immediate family members who will be taking the bar examination or seeking membership in the Pennsylvania bar.
- [PA Lawyers Fund for Client Security](#) - Applicants must be members of the Pennsylvania bar, except for two membership positions that are reserved for non-lawyer members.

Applicants should be knowledgeable about the practice of federal or state law in Pennsylvania and about a lawyer's duties to clients.

- [Juvenile Court Procedural Rules Committee](#) - There are **2 positions** available. Applicants should be knowledgeable about the Pennsylvania Rules of Juvenile Court Procedure and experienced in juvenile law practice in Pennsylvania, including dependency and delinquency matters.
- [Domestic Relations Procedural Rules Committee](#) - Applicants should be knowledgeable about the Pennsylvania Rules of Civil Procedure governing domestic relations matters, and experienced in family law practice in Pennsylvania.

For application information, click [here](#). Applications are due **January 31, 2020**.

## *Rules*

### **Disciplinary Board Proposes Comment to Rule 1.5 Regarding Fee Division**

The Disciplinary Board has published a proposed amendment to Comment 4 to [Rule 1.5 of the Rules of Professional Conduct](#), concerning fees. The proposal appears at [49 Pa. Bulletin 7164](#) (December 7, 2019). The proposed comment would refer to [Formal Opinion 487](#) of the American Bar Association's Standing Committee on Ethics and Professional Responsibility for more guidance on the ethics of lawyers engaging in fee division with prior counsel.

---

### **Supreme Court Amends Lawyers Fund Rules**

By Order dated December 9, 2019, the Pennsylvania Supreme Court adopted a number of amendments to the rules for the Pennsylvania Lawyers Fund for Client Security. The rule changes are published at [49 Pa. Bulletin 7571](#) (December 28, 2019). Among the changes are:

- [Rule 504\(b\)\(1\)](#) is amended to state that the Fund may disclose the name of a claimant who has publicly disclosed the filing of the claim;
- [Rule 512](#) provides that the coverage of the Fund is expanded to attorneys licensed as the spouse of an active-duty member of the armed forces stationed in Pennsylvania;
- [Rule 514\(a\)\(1\)\(iii\)](#) now defines as a reimbursable loss "unearned, unrefunded fees paid to a lawyer who, without completing the engagement, died, was transferred to inactive disability status, or cannot be located";
- [Rule 521\(b\)](#) specifies that notice of a claim is satisfied if mailed to the covered attorney at their address of record with Attorney Registration; and
- [Rule 521\(c\)\(2\)](#) now makes provision for both the claimant and the covered attorney to requests subpoenas for witnesses or production of documents, at their own cost.

## *Articles of Interest*

**Disciplinary Board Cases of Interest for 2019**

Each year<sup>1</sup> we identify a list of the cases decided by the Disciplinary Board and/or the Supreme Court of Pennsylvania that most piqued our interest. Cases may be considered of interest for several reasons:

- That they involve prominent individuals or major news in the Pennsylvania legal community;
- That they raise or decide issues that cast light on ethical considerations in the practice of law;
- That they illuminate some aspect of the function of the disciplinary process; or
- That they are based on facts that are startling enough to warrant attention.

Usually we offer a list of the five or so top cases. This year, as we surveyed the [list of 156 disciplinary cases decided in 2019](#), the pattern of cases we selected pointed to a different structure. This year, we identified four categories of cases of interest and then selected three cases under each category to highlight. The categories and selected cases are presented in no particular order.

- Decisions regarding former judges;
- Decisions regarding former prosecutors;
- Decisions of interest for their reflections on practice; and
- Decisions that arose from unlicensed practice.

### **Decisions Regarding Former Judges**

#### [Mark A. Ciavarella, Jr., No. 26 DB 2012](#)

The disbarment by consent of former Luzerne County judge Mark Ciavarella brought to an end the disciplinary actions arising from the “Kids for Cash” scandal, by which Ciavarella and former judge Michael Conahan were removed from the bench and convicted of Federal crimes for accepting kickbacks in return for placing juveniles in detention facilities. Conahan was disbarred in 2011, but Ciavarella’s appeals were not decided until 2019. An application for certiorari to the United States Supreme Court was still pending when he submitted his resignation statement.

#### [Angeles Roca, No. 185 DB 2018 & Dawn A. Segal, No. 195 DB 2018](#)

Roca and Segal, as judges of the Court of Common Pleas of Philadelphia County, lost their judicial seats because of a scandal involving judges arranging special treatment for relatives and friends of other judges. Both agreed to suspensions for one year and one day, the minimum interval for which a petition for reinstatement is necessary.

### **Decisions Involving Former Prosecutors**

#### [Kathleen Granahan Kane, No. 17 DB 2019](#)

Kane was the first woman elected as Attorney General of Pennsylvania in 2012. In 2015, she was charged with perjury, false swearing, obstructing administration of law, and official oppression in connection with a pattern of grand jury leaks. She was convicted of nine counts in 2016 and resigned as Attorney General. After exhaustion of her appeals, she submitted her resignation and was disbarred by consent on March 22, 2019.

#### [Miles K. Karson, Jr., No. 12 DB 2019](#)

Karson served as the District Attorney of Mercer County. In January 2019, a jury convicted him of Obstruction of Administration of Law and Official Oppression arising out of efforts to intervene on behalf of a person with whom he had a personal relationship, and the court sentenced him to four years of probation. He was disbarred by consent on May 30, 2019.

#### [Stacy Parks Miller, No. 32 DB 2017](#)

As District Attorney of Centre County, Miller developed a pattern of communicating with judges about the substance of cases by emails and text messages sent ex parte. She also created a fake Facebook identity that she and members of her office used to investigate businesses suspected of illegal activities. The Board further found that some of her statements in the disciplinary proceeding about these matters were not candid. The Supreme Court suspended her for one year and one day.

### **Cases of Interest for their Reflections on Practice**

#### [Robert J. Colaizzi, No. 120 DB 2016](#)

Disciplinary Counsel charged Colaizzi with numerous violations relating to failure to preserve entrusted funds separate and apart and conversion of funds. Colaizzi left the management of the practice's funds to an employee, who was also his wife, and failed to supervise the employee's handling of the funds. She commingled and converted funds to her own benefit in six cases. After finding that Colaizzi was not aware of his wife's mismanagement of entrusted funds, the Disciplinary Board recommended a suspension of one year and one day, which was imposed by the Supreme Court. The case illustrated the importance of attorney oversight of employee actions, particularly in the handling of client funds.

#### [Douglas M. Marinos, No. 42 DB 2018](#)

Marinos was convicted of failure to collect and pay over taxes for payroll taxes he withheld from the paychecks of employees over a period of four years, but diverted to other firm expenses rather than delivering to the IRS. He was sentenced to twelve months and one day in prison, followed by three years of supervised release and payment of a fine and restitution. He agreed to suspension for four years, retroactive to the date of his temporary suspension. The case shows the importance of compliance with tax laws and other laws in the administration of a law practice as a business.

#### [Sandra Ilene Thompson, No. 142 DB 2019](#)

Thompson represented clients on a contingent fee agreement in a case in which a prior attorney began representation, also on a contingent fee agreement. After recovering funds, Thompson asserted that she was entitled to the full amount of her contingent fee without allowance for prior counsel's claim, and did not obtain the clients' informed consent to exposure to both fees. The court determined that the prior counsel was entitled to a charging lien on the recovery and ordered Thompson to pay it, but she failed to deliver the funds to either prior counsel or the client within the time directed by the court. As a result, the court found Thompson in contempt and ordered her to pay prior counsel's attorney fees. The Disciplinary Board directed that Thompson receive a Public Reprimand. The case demonstrates the importance of taking into account a prior counsel's claim to fees, and communicating clearly with clients as to what fees they will pay as a whole.

### **Cases Arising from Unlicensed Practice**

#### [John T. Lynch, Jr., No. 137 DB 2018](#)

Lynch, who was never licensed anywhere but in Pennsylvania, went on voluntary inactive status in 1983. Between 2009 and 2014, he worked as an investment banker and also as legal counsel for businesses located in Arizona, where he resided. He prepared bond statements and opinion letters as to bonds, as well as drafting other legal documents relating to the bond issues. He identified himself as an attorney on his letterhead. He failed to seek a certificate of registration as an in-house corporate counsel, as required under Arizona law. He was reprimanded by the Arizona Bar and sanctioned by the Securities and Exchange Commission. Based on this activity, Lynch agreed he had practiced law in violation of the laws of the jurisdiction, and accepted a 30-

month suspension of his license.

#### [Susan Steinthal, No. 156 DB 2018](#)

Steinthal is a New York attorney who serves as Deputy General Counsel for a bank. She prepared a streamlined version of Answers to Interrogatories in Aid of Execution for the bank as garnishee, and filed 232 such answers in Pennsylvania proceedings with affidavits identifying herself as Deputy General Counsel for the bank. At one point she filled out an online application to the Pennsylvania Board of Law Examiners for admission to the Pennsylvania bar, but failed to click "Submit" on the application. Her affidavits listed a Pennsylvania address and stated that her application for admission was pending. She acknowledged that she had engaged in unauthorized practice of law in Pennsylvania, consented to a six-month suspension, and agreed not to apply for admission to the Pennsylvania bar for two years. The Supreme Court approved that disposition, although three justices dissented in favor of just the suspension.

#### [Sheila K. Younger-Halliman, No. 239 DB 2018](#)

Younger-Halliman is admitted to the practice of law in Pennsylvania, but lives in Texas and works for a mediation firm. The mediation firm stated on its website that it does not practice law, but the language in Younger-Halliman's biography on the website made extensive reference to her background as an attorney, and Younger-Halliman acknowledged it was misleading as it could reasonably be interpreted as representing that she was an attorney admitted in Texas. In addition, she entered into fee agreements and provided legal advice and representation to clients through the mediation firm, leading to an action by the Unauthorized Practice of Law Committee of the Texas Bar and the entry of an injunction barring her and her firm from practicing law in Texas. Younger-Halliman agreed that she violated Texas law by practicing law in that jurisdiction, and consented to a suspension of her license for one year.

---

### **ABA Journal Lists Top Stories**

We are not the only ones doing year-end wrap-ups. The [ABA Journal has also compiled a list](#) of the ten top legal stories this year, based on which items drove the most web traffic. Only a couple are at all political.<sup>2</sup> The top story in this August publication is [this one](#), about a lawyer suspended for, among other things, meowing like a cat in court. The decision contained the inimitable line, "We fail to see how staring at a court employee for 45 minutes while tapping a pencil and making cat noises constitutes the maintenance of high standards of personal conduct or promotes the integrity of the judiciary."<sup>3</sup> Believe it or not, it gets worse from there. Caution: some stories may not be safe for work.

---

### **Researching Disciplinary Decisions: Tools to Find What You Need**

Have you ever needed to research Pennsylvania disciplinary decisions for useful precedents? The [Disciplinary Board's website](#) offers tools that allow you to search the [Unified Judicial System of Pennsylvania website](#) for terms relevant to your research.

The Search page for disciplinary opinions is [here](#). The [Research Tips](#) page offers a valuable guide for finding the information you need, including a listing of the keywords embedded into the decisions stored on the site. Happy hunting!

---

### **The Person Known as Santa Claus (a/k/a Saint Nick, Kris Kringle, Pelznickel, etc.) Is Expected to Be Present in Your Jurisdiction**

Just in case the [immortal words of Haven Gillespie](#), set to music by the great J. Fred Coots, are not specific enough, some helpful legal soul has codified the advice delivered by over 200 cover artists. Read the legalized version [here](#).

The question of due process remedies over the classification as “naughty” or “nice” remains unanswered.

---

<sup>1</sup> Well, most years. Many years?

<sup>2</sup> Those stories will top the list next year.

<sup>3</sup> Don't ask us how we missed that one. We don't know.

## *Attorney Well-Being*

### **Five Techniques for Preserving Well-Being**

Judges suffer many of the same pressures that lawyers do – a contentious adversarial system, deadlines, workloads requiring long hours, the need to manage emotions, and the constant drive to stay focused and professional. Burnout and its accompanying symptoms such as depression and substance abuse occur often in judges as they do in lawyers.

Bree Buchanan is a lawyer and director of the Texas Lawyers Assistance Program, which hosts the ABA's National Helpline for Judges Helping Judges (1-800-219-6474). She has [recommended to judges a list of five techniques](#) to help them cope with stress. These techniques could also be of help to lawyers.

1. **Practice Gratitude.** Studies show that consciously focusing on the aspects of life that are going well is a strength of people whose lives are flourishing. Buchanan recommends the practice of keeping a gratitude journal, a short list of the things for which you are most grateful.
2. **Practice Mindfulness.** Meditation, or mindfulness, is not just an “out there” New Age practice. It simply means paying attention to the present moment with intention and without judgment. It can increase focus, reduce negative effect, decrease depressive symptoms, and decrease rumination, all of which benefit judges and lawyers. Practicing mindfulness is often done by focusing on the breath or on a phrase.
3. **Volunteer to Help Others.** Studies have shown that volunteer service work can lead to an enhanced sense of well-being and an overall improvement in mental health and happiness. Some studies have even found a reduced death rate among those who volunteer.
4. **Practice Self-Compassion.** Self-compassion is the practice of sensitivity to the experience of one's own suffering and urgency to alleviate that suffering. Being one's own harshest critic is a dangerous practice. Buchanan recommends thinking of oneself with fairness, balancing self-criticism with kindness and positive thoughts.
5. **Cultivate Your Sense of Humor.** A 2014 study found that a good sense of humor may in

fact be one of the most important ingredients to resilience both for its effect on attitude and the useful behaviors it promotes. Many in stressful occupations have remarked that humor is often the main thing that gets them through a difficult day.

Buchanan notes that these practices may be time-consuming, but they are likely easier than repairing the damage done by stress and lack of self-care. Attention to self-care allows one to be a better judge or lawyer, as well as a happier human being.

## *Around the Court*



LET'S TALK ABOUT MENTAL HEALTH

Depressed?  
Stressed?  
Anxious?  
Overwhelmed?

**YOU ARE NOT ALONE.**

LAWYERS CONCERNED FOR LAWYERS  
PENNSYLVANIA  
[www.lclpa.org](http://www.lclpa.org)

**LCL CONFIDENTIAL HELPLINE  
1-888-999-1941**

[Lawyers Concerned for Lawyers](#) 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. Over the past 32 years, 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.

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

Lawyers-only support meetings  
Peer and staff support & resource coordination  
LCL resources are free, voluntary, & confidential  
Free CLE, resources, and information at <https://www.lclpa.org/>  
Assessment by a healthcare professional to determine a customized treatment plan, if indicated

## *Resources*

[FAQs - For the Public](#)

[Annual Report](#)

[Recent Discipline](#)



Copyright (C) 2020 The Disciplinary Board of the Supreme Court of Pennsylvania. All rights reserved.

Disciplinary Board of the Supreme Court of Pennsylvania,  
601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106

[Unsubscribe](#) &lt;&lt;Email Address>> from this list.

[Forward](#) this email

[Update your profile](#)