

[View this email in your browser](#)



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

May 2021  
Newsletter



Facebook



Twitter



LinkedIn



YouTube

### Unified Judicial System of Pennsylvania Coronavirus Information

The Pennsylvania Judiciary has provided [updates](#) regarding local court operations and proceedings. The Court continues to monitor developments regarding the spread of the coronavirus (COVID-19) and its impact on court operations.

Contact your local court for more information or [visit their website](#). Learn more about [filing emergency PFAs](#) during this pandemic. You can also learn more about mitigating the spread of the virus at [Health.pa.gov](https://www.health.pa.gov).

### *From the Chair*

Earlier this month, Chief Justice Max Baer [penned a letter](#) to the profession regarding the importance of pro bono representation and asked for each lawyer's support in this effort, particularly in the face of the pandemic. Chief Justice Baer wrote "The global pandemic has disproportionately impacted low-income groups, and the resulting financial and familial stressors are exacerbating the need for civil legal aid among those who cannot afford private counsel." The Disciplinary Board, too, finds significant value in pro bono representation. In 2018, the Disciplinary Board adopted the [Emeritus status](#), which allows retired attorneys to provide pro bono representation through eligible legal aid organizations. Each of us has a responsibility to provide those in need with assistance during these difficult times.



As you have no doubt already heard, the 2021-2022 Attorney Registration season is upon us. The [registration site](#) hosted by the Unified Judicial System opened to all attorneys eligible to register on April 26, 2021. I encourage you to complete your annual registration by the July 1 deadline to avoid the imposition of any late payment penalties or, in the worst case, administrative suspension of your license.

Stay well,  
Jack P. Goodrich

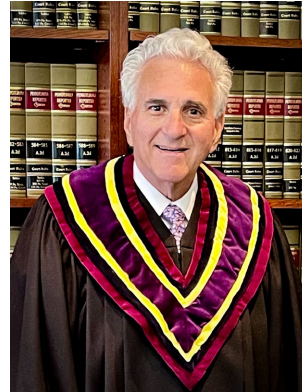
## *From the Chief Justice*

Chief Justice Max Baer has written a letter to the more than 75,000 Pennsylvania-admitted attorneys, recounting the success of the state's pro bono legal assistance program and requesting all attorneys to consider contributing time and financial support to Pennsylvanians in need of pro bono legal services.

The Chief Justice wrote:

"This year, the need is especially acute. The global pandemic has disproportionately impacted low-income groups, and the resulting financial and familial stressors are exacerbating the need for civil legal aid among those who cannot afford private counsel. The Supreme Court supports civil legal aid programs in a variety of ways, including creating a continuing legal education pilot program to increase support for those programs, enacting rule changes to facilitate the provision of pro bono services by retired lawyers, funding a loan forgiveness program, and celebrating the work of pro bono volunteers. The Pennsylvania Legal Aid Network works in conjunction with a range of regional and specialty legal aid providers, and these structures offer myriad opportunities for volunteer lawyers to donate their time and legal skills as well as their financial support."

Read the entire letter [here](#).



## *Annual Attorney Registration*

### **2021-2022 Registration Due By July 1**

It's that time of year again. Notices for 2021-2022 registration have been sent out. Each Pennsylvania attorney<sup>1</sup> must register by July 1 or face penalties as noted below.

Attorneys must complete their registration through the [Pennsylvania Unified Judicial System's \(UJS\) Portal](#). There is an [Online Video Tutorial](#) and a [Help Center](#) to assist with any problems that may arise. Additionally, frequently asked questions on attorney registration may be found [here](#).

The total active annual fee is \$225, allocated at \$145 for the Disciplinary Board, \$50 to the Lawyers Fund for Client Security, and \$30 for the IOLTA Board. For inactive lawyers the fee is \$100, and no fee is charged to lawyers **timely** requesting retired status.

The Disciplinary Board has published its schedule of collection fees and late payment penalties. The notice is published at [51 Pa.B. 2382](#) (5/1/2021).

Whenever a payment is returned unpaid, a collection fee of \$25 will be added to the assessment.

Any attorney who fails to complete registration by July 16 shall be automatically assessed a late payment penalty of \$200.00. If registration is not completed by August 1, a second late payment penalty of \$200.00 shall be automatically added to the delinquent account. These penalties are

non-waivable for any reason, including failure to receive the notice of the annual fee.

## Annual Registration Payment Reminders



Annual Registration payment is due by JULY 1.

First \$200 late fee is assessed after JULY 16.

Second \$200 late fee is assessed after AUGUST 1.

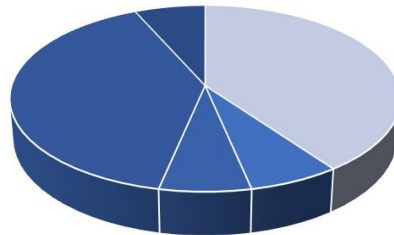


The  
DISCIPLINARY BOARD  
of the Supreme Court of Pennsylvania

<sup>1</sup>Those on the following statuses are required to register annually: Active, Inactive, In-House Corporate Counsel, Foreign Legal Consultant, Defender or Legal Services Attorney, and Attorney Spouse of Active-Duty Military.

## Discipline Imposed

April 2021



- Informal Admonition - 6
- Private Reprimand - 0
- Public Reprimand - 0
- Public Censure - 0
- Probation - 1
- Disability Inactive - 0
- Temporary Suspension - 1
- Suspension - 6
- Disbarment - 1

### Probation

[William M. Connor](#)

### Temporary Suspension

[Robert Captain Leite-Young](#)

### Suspension

[Sarah Ruth Barnwell](#)

[Bret Alison Beynon](#)

[Ivan Stewart DeVoren](#)

[Phillip F. Drinkwater, III](#)

[Valerie Andrine Hibbert](#)

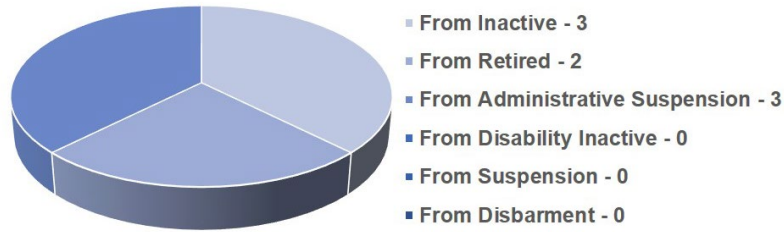
[Angela E.M. Montgomery-Budd](#)

### Disbarment

[Michael Robert Shapiro](#)

# Reinstatement Granted

April 2021



## **From Inactive**

[Patrick Michael Doherty, Jr.](#)  
[Peter J. Lucca, Jr.](#)  
[Cindy Lee Villanella Pieret](#)

## **From Retired**

[Dina L. Daubenberger](#)  
[Erin Katharine Morey](#)

## **From Administrative Suspension**

[Jay H. C. Bauer, Jr.](#)  
[Donald F. Browne, Jr.](#)  
[Peter James Hobson](#)

*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.padisiplinaryboard.org](http://www.padisiplinaryboard.org).

May 18 - William P. Fedullo - Disciplinary Hearing  
May 19 - William P. Fedullo - Disciplinary Hearing  
June 17 - John Anthony Costalas - Reinstatement Hearing  
July 13 - Sandra Couch Collins - Reinstatement Hearing  
August 2 - John Michael Pisanchyn, Jr. - Dispositional Hearing  
August 3 - John Michael Pisanchyn, Jr. - Dispositional Hearing  
TBD - Paul Christopher Dougherty - Public Reprimand  
TBD - Shawn Kendricks Page, Sr. - Public Reprimand

***Proceedings are scheduled to begin at 9:30am unless otherwise noted.***

# 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 is currently a vacancy on the following panel:**

- [Minor Judiciary Education Board](#) - There is one position available. Applicants should be knowledgeable about the practice and procedure in the magisterial district courts, as well as the curriculum and coursework that is required of the four-week certifying program for prospective minor court judges.

---

## Application Instructions

If you would like to be considered to serve on a board, committee, advisory group, or related independent entity, email the [application](#), cover letter, resume, and other pertinent information expressing your reasons of interest to [SCApplications@pacourts.us](mailto:SCApplications@pacourts.us). Application information may be found on the [Unified Judicial System of Pennsylvania](#) website.

---

**Applications are due by Monday, May 17, 2021**

# Rules

## CLE Board Amends Distance Learning Rules

The Pennsylvania Continuing Legal Education Board announced a new Standard 13(N) to Pennsylvania's regulations for Continuing Legal Education, effective March 8, 2021, at [51 Pa.B 1983](#) (4/10/2021).

The new standard provides that the Board may approve distance learning, computer based, and teleconference programs by accredited providers. Providers must include mechanisms to ensure interactivity and monitor course participation, complete certifications of attendance, and report results to the Board. Credits earned via distance learning in excess of the annual credit limit will not carry over into subsequent compliance periods.

---

## Board of Law Examiners Proposes Rule Allowing Admission by Transfer of UBE Score

As presented in the April edition of this newsletter, the Board of Law Examiners [proposed amendments](#) to adopt a new [Rule 206 of the Pennsylvania Bar Admission Rules](#) to provide for admission by transfer of a Uniform Bar Examination (UBE) score from a jurisdiction other than

Pennsylvania.

Comments may be submitted until **May 27, 2021** to:

Pennsylvania Board of Law Examiners  
Attn: Counsel to the Board  
601 Commonwealth Avenue, Suite 3600  
P.O. Box 62535  
Harrisburg, PA 17106-2535

---

### **Board Proposes Rule Changes on Advertising, Communications About Services**

As presented in the March edition of this newsletter, the Disciplinary Board [proposed amendments](#) to Rules 7.1, 7.2, 7.3, 7.4, 7.5, and 7.7 of the Pennsylvania Rules of Professional Conduct, addressing communications about legal services, advertising, solicitation, fields of practice, firm names, and other matters.

Comments may be submitted until **May 21, 2021** to:

The Disciplinary Board of the Supreme Court of Pennsylvania  
601 Commonwealth Avenue, Suite 5600  
PO Box 62625  
Harrisburg, PA 17106-2625  
Fax: (717) 231-3381  
Email: [DBoard.Comments@pacourts.us](mailto:DBoard.Comments@pacourts.us)

## *CDC Corner*

### **The Obligation to Report Attorney Misconduct**

Last month we discussed the obligation of judges to report suspected attorney misconduct. This month it is the lawyers' turn.

You must report a fellow attorney's misconduct if two conditions are met: you have actual knowledge of it, see [RPC 8.3\(a\) & comment \[4\]](#), and it "raises a substantial question as to that lawyer's honesty, trustworthiness or fitness in other respects," [RPC 8.3\(a\) & comment \[3\]](#). (There is an identical obligation to report judicial misconduct to the judicial conduct board, see [RPC 8.3\(b\)](#)). Actual knowledge "can be inferred from circumstances." [RPC 1.0\(f\)](#). The reference to inference suggests that actual knowledge may be present where "personal knowledge" as defined by the Rules of Evidence, see [Pa R. Evid. 602](#), is not: An attorney may gain knowledge from what others told him.

The "substantial question" requirement does not mean that a pattern of misconduct or repeated violations must exist to warrant reporting. The comments assume that knowledge of a single violation may trigger the obligation to report, see [comment \[1\]](#) ("a violation"). After all, while the attorney knows of only "[a]n apparently isolated violation," a disciplinary investigation may uncover a pattern. *Id.* Instead, "[t]he term 'substantial' refers to the seriousness of the possible offense and not the quantum of evidence of which the lawyer is aware." [Comment \[3\]](#).

What offenses are “serious”? [Comment \[3\]](#) says it is not obligatory to report every offense, but the comment does not provide a ranking, nor does any other rule. Violations of the competence requirements of [RPC 1.1](#), the reasonable diligence standard of [RPC 1.3](#), or [RPC 1.4](#)’s reasonable communication requirement often result in the less serious sanctions, but not when the conduct is repeated, substantially injures a client, or the attorney has been disciplined before – all the sorts of things that the attorney considering whether to report may not know. Therefore, err on the side of reporting.

A caveat: being an impaired lawyer, whether by dint of substance use disorders or mental health challenges, is **not** itself an RPC violation. Misconduct that results from those conditions should be reported to the Office of Disciplinary Counsel. But if you can, before misconduct occurs refer the attorney to [Lawyers Concerned for Lawyers](#) for help.

Yet another caveat: lawyers having supervisory authority over other lawyers may have a more demanding obligation to enact measures to prevent misconduct and to remedy their underlings’ offenses, see [RPC 5.1](#), but that is a discussion for another day.

It is often said that we are a self-regulating profession. In part, that means that the public and regulators trust the precise definitions of our duties to professional judgment. But it also means that attorneys must police themselves. If we want to continue to have that sort of independence, we must live up to that obligation.

A final comment that arises from my background as a criminal defense lawyer and my Irish-Catholic heritage: I recognize that there is a legitimate argument that “[snitching](#)” is immoral and actually undermines communities and law-abiding behavior. But “snitching” (or being a “[supergrass](#)”) means blaming another to evade just punishment for your own misbehavior and perhaps even to obtain license to continue it. Reporting what you witness as a bystander is very different. It shows you care about your community – our profession, and it shows you care about the clients and public we should serve. Shirking that duty – [apathy](#) – is [immoral](#).

Thomas J. Farrell  
Chief Disciplinary Counsel

## *Articles of Interest*

### **Opportunities to Provide Pro Bono Service**

During this year’s registration process, you’ll notice a new section on the annual attorney registration form. This new section provides attorneys the opportunity to receive information regarding “Opportunities to Provide Pro Bono Service” available through the Disciplinary Board, Continuing Legal Education Board (CLE), and Interest on Lawyers’ Trust Accounts Board (IOLTA). There are many opportunities for the profession to support pro bono programs through these Court entities: by the direct provision of pro bono services as an [emeritus status attorney](#); by participation in the [CLE Board’s pro bono pilot program](#) aimed at blending legal education initiatives with assistance for legal service programs; or by financial contribution to the [IOLTA Board’s mission](#) to fund accessible, high-quality legal aid programs.

---

**Appeals Court: Paralegal Fired for Refusal to Notarize Affidavit Can Sue**

A Connecticut appeals court [allowed a paralegal to continue suing](#) the law firm that fired her after she refused to notarize an affidavit she claimed was false.

[Helen Sieranski's lawsuit](#) alleges that her supervising lawyer realized they had missed the time to appeal an arbitrator's decision on a case and asked Sieranski to prepare an affidavit stating that they never received the arbitrator's decision. Sieranski states that she drafted an affidavit, but refused to notarize it, on the basis it was not true. She was fired a week later, on the basis that she "was no longer a good fit."

Connecticut is an employment at will state, but Sieranski argued that she was entitled to sue on public policy grounds, citing Connecticut laws which forbid a notary to perform any official action with intent to defraud or deceive and declare it a misdemeanor to intentionally make a false statement with the intent to mislead a public servant.

The trial court struck the count of Sieranski's complaint asserting the public policy arguments, but the Court of Appeals reversed that finding, stating that the laws cited "outline a public policy against knowingly assisting an affiant in submitting false statements to a court." The Court added, "This situation is one where ... the defendant allegedly punished the plaintiff for her conduct as a good citizen." The Court concluded that Sieranski sufficiently pleaded facts that, if proven, would fall under the public policy exception to the at-will employment doctrine, and remanded the matter to the lower court for trial.

---

### **Lawyer Saves Colleague's License**

[Ohio Attorney Paul Kelley was in trouble](#). Suffering from suicidal ideations and substance abuse, he was twice transported to a hospital for psychiatric evaluation, then taken to an inpatient mental-health-and-chemical dependency facility. His girlfriend left a message on his office answering machine stating, "He is no longer able to take on any new cases or continue with any cases that he currently has due to health reasons. He is immediately out of commission and any cases that are currently active will need to be reassigned to a new lawyer."

Attorney Patrick Cusma had dealt with Kelley, sensed he was in trouble, and confronted him about his suspicions. Rumors about Kelley's hospitalization reached Cusma, and when he called Kelley's office and heard the message, he decided he needed to act.

Cusma contacted Kelley's girlfriend and arranged to transfer Kelley's files to himself and a group of attorneys he recruited, all of whom accepted his cases pro bono.

After his release, Kelley suffered a relapse and abandoned his car at a gas station, where his girlfriend found twenty more files in the trunk of the car. She delivered them to disciplinary counsel.

In his [disciplinary proceeding](#), the Supreme Court of Ohio found that Kelley suffered significant addictions due to a stimulant drug prescribed for him since childhood. The Court found that he had abandoned his practice, but that the quick action of Cusma and other volunteer attorneys had averted harm to his clients. Kelley also began paying the attorneys who had taken over his cases, intending to eventually pay them the full market value of their services. The Court imposed a two-year suspension, but due to these mitigating factors, stayed the suspension in full while Kelley complies with the terms of his probation.

---



## As You Wish...

The District of Columbia Court of Appeals disbarred a lawyer because...well, because he asked for it.

In the case of [In Re Glenn H. Stephens, III](#), the Court noted that the respondent had sent an email to Disciplinary Counsel stating:

Rather than wasting time, money, and paper on your sophistries, please disbar me. Disbarment by ODC would be an honor. To date, aside from competing in the triathlon world championships, my greatest honors are my PhD from UCLA and my law degree from Boalt. But a disbarment letter from ODC will be framed and go up right alongside those diplomas. Please do me the honor of disbarring me. I will be so very very proud.

In spite of the lawyer's request, a hearing committee held a hearing and produced a 252-page report documenting his misconduct.

Normally under the Court's procedures, a lawyer consenting to disbarment must file an affidavit agreeing to the action. Given Stephens' expressed desire for disbarment, however, the Court observed that this was an "atypical" case and proceeded to enter an order of disbarment. The Court also ruled that for purposes of reinstatement, the period of respondent's disbarment would not begin to run until such time as Stephens files an affidavit as required by the rules.

# Attorney Well-Being

## Self-Compassion Tips for Lawyers

In the practice of law, one often encounters people who are suffering, and compassion is an important driver of most lawyer's desire to help their clients. But lawyers often neglect to exercise compassion for one of the most important people in their practice – themselves.

In an [article in the ABA Journal](#), James Gray Robinson, an Oregon lawyer who writes and teaches on burnout, personal crises, and healing, argues that lawyers need to exercise compassion for themselves as well as those they encounter in the practice of law.

He notes that five tendencies block lawyers from exercising self-compassion:

1. The abusive inner critic, for whom one's best is never enough;
2. Secondary trauma fatigue -- stress and depression that results from witnessing pain and suffering in others over a long period of time;
3. Perfectionism, which often manifests in working long hours and obsession with results;
4. Inability to ask for or receive help; and
5. Imposter syndrome, the belief that one is not good enough and doesn't deserve the success one has achieved.

Robinson offers tips for lawyers to achieve self-compassion:

1. Focus perception in a positive way. Do one thing at a time, plan for essential tasks and do nothing else while working on them, and compartmentalize time to get tasks done.
2. Rise above the fray. Resist letting the conflict inherent in law compromise one's own needs.
3. Focus on the positive. Don't let the thorns prevent you from seeing the blossom.

4. Be the hero of your own story. Learn to be your own best friend, your own cheerleader.
5. Treat yourself with compassion. Pay attention to your physical needs and treat them as you would for another.
6. Activate your parasympathetic nervous system. The sympathetic nervous system reacts to perceived threats, while the parasympathetic nervous system helps to relax and feel content. We activate our parasympathetic nervous system by deep breathing, vagus nerve exercises, focused relaxation and feelings of wellness and accomplishment.



**Does the Public Health Crisis Have You Feeling Anxious, Stressed or Depressed ?**

**Call Now**  
to learn more about our free services.

**LAWYERS CONCERNED FOR LAWYERS**  
**PENNSYLVANIA**

**100% Confidential Helpline**  
**1-888-999-1941**  
[www.lclpa.org](http://www.lclpa.org)

Peer & staff support, assessment by a qualified healthcare provider, literature, intervention assistance and resources

[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

Free CLE, resources, and information at [www.lclpa.org](http://www.lclpa.org)

Assessment by a healthcare professional to determine a customized treatment plan, if indicated

*Around the Court*



SUPREME COURT OF PENNSYLVANIA

## Pennsylvania Interest on Lawyer Trust Accounts Board

100% of donations to the IOLTA Fund increase funding available for grants that support civil legal aid providers across the Commonwealth. Make your donation when you complete your annual attorney registration or [anytime online](#).

### Mental Health Courts in Pennsylvania

info share  
PACOURTS

#### What are Mental Health Courts (MHCs)?

MHCs are problem-solving courts that work with key justice system officials and leaders in the mental health system to divert offenders with severe mental illness into a judicially-supervised program, including community-based treatment.

#### Statewide admission data (2019):

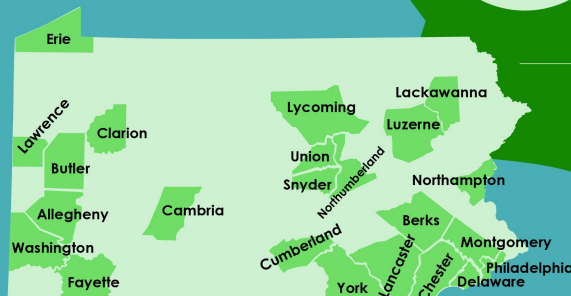
**367** people were admitted.

**58%** of participants were male.

Average age of participants is **36**.

#### There were 22 MHCs in PA in 2019

\*As of March 2021, two additional judicial districts have established MHCs: Clinton and Columbia/Montour.

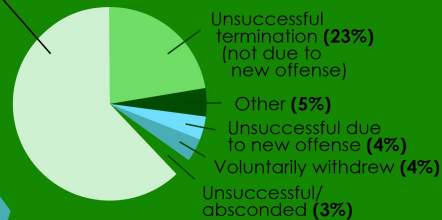


Among  
**successful graduates**,  
there was a

**134% increase**  
in employment.

#### Statewide discharge data (2019):

**61% (259)** of all discharges graduated successfully



Additional data, including county-level data, available at

<http://www.pacourts.us/news-and-statistics/research-and-statistics/>

AOPC

### Highlighting Pennsylvania's Mental Health Courts

In recognition of Mental Health Awareness Month, the Pennsylvania Courts released an infographic highlighting data from the state's mental health courts.

In 2019, **61 percent** of all discharged participants graduated successfully from these treatment programs and among those graduates, there was a **134 percent increase** in employment.

Mental health courts link key justice system officials with leaders in the mental health system to

divert offenders with severe mental illness into a judicially supervised program. These courts provide a team of court staff and mental health professionals that work together to screen and assess defendants, develop treatment plans and supervise offenders. Mental health courts offer defendants the opportunity to avoid incarceration through the completion of a rigorous program that requires compliance with community supervision and mandated treatment.

## *From the Pennsylvania Bar Association*



In the March and April [Disciplinary Board newsletters](#), account/record management resources were presented in this section. Maintaining accurate and thorough records is crucial in the practice of law and management of these records is regulated to one degree or another by the disciplinary rules. The Pennsylvania Bar Association offers many resources to help attorneys navigate the various rules and obtain practical advice.

**Don't forget about these IOLTA Compliance resources!**

[IOLTA Compliance: Keeping Client Funds Safe and Keeping You Out of Trouble](#)

[IOLTA Accounts - More Questions & More Answers to the Most Commonly Asked Questions](#) and [Download the Course Book](#)

---

*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*

[FAQs - For the Public](#)[Annual Report](#)[Recent Discipline](#)[FAQs - For Attorneys](#)[Rules](#)[Discipline Statistics](#)

Copyright (C) 2021 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