



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

# Annual Report 2017



*The Disciplinary Board of the Supreme Court of Pennsylvania is dedicated to protecting the public, maintaining the integrity of the legal profession, and safeguarding the reputation of the courts.*

## **The Disciplinary Board of the Supreme Court of Pennsylvania**

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Harrisburg, Pennsylvania 17106-2625

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## Chair's Summary

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Following a year of significant changes in staffing and structure, in 2017 the Disciplinary Board turned its efforts to education and improvement as a resource for attorneys, the courts, and the public. Under Chair David E. Schwager, the Board took steps to enhance and restructure its website, finesse its social media approach, and increase its accessibility and availability to the public. The Board endeavored to make its website more user-friendly, giving visitors more guidance and information than in the site's prior iteration. As a result, in its short existence, the new website has seen an increase in unique visits from approximately 100,000 visits per month to 155,000 visits per month. Similarly, the Board worked to improve its ability to communicate electronically with attorneys.

In 2018, by directive of the Court, following the Board's research and recommendation, the Board will begin collecting data on the race, gender, and ethnicity of Commonwealth attorneys through attorney registration. This is viewed as a first step to increasing the diversity of the Pennsylvania Bar. Throughout 2017, the Board spent significant time researching and coordinating this effort. The Board is committed to doing its part to improve diversity of the bar; collection of the baseline statistical data is the first step toward that goal.

Board members were committed, individually and as a group, to increasing efforts at educating attorneys and the public. Board members participated in numerous Continuing Legal Education presentations throughout the Commonwealth and the country and have adopted a new training system for Hearing Committee Members, transitioning from one training session every year to quarterly training opportunities divided by disciplinary district.



David E. Schwager, Esquire  
*Board Chair*  
(Luzerne County)



Douglas W. Leonard  
*Board Vice Chair*  
(Butler County)

**Board Membership**



Brian J. Cali, Esquire  
(Lackawanna County)



John F. Cordisco, Esquire  
(Bucks County)



David A. Fitzsimons, Esquire  
(Cumberland County)



John P. Goodrich, Esquire  
(Allegheny County)



James C. Haggerty, Esquire  
(Philadelphia)



P. Brennan Hart, Esquire  
(Allegheny County)



Lawrence M. Kelly, Esquire  
(Lawrence County)



Tracey McCants Lewis, Esquire  
(Allegheny County)



Jane G. Penny, Esquire  
(Dauphin County)



Stefanie B. Porges, M.D.  
(Montgomery County)



Andrew J. Trevelise, Esquire  
(Philadelphia)

**Staff**

Office of Disciplinary Counsel

Chief Disciplinary Counsel  
Deputy Chief Disciplinary Counsel  
Counsel-in-Charge (4)  
Disciplinary Counsel (24)  
Auditors (7)  
Support Staff (16)

Executive Offices

Secretary of the Board  
Director of Finance  
Board Counsel  
Board Prothonotary  
Attorney Registrar  
Support Staff (5)

**Office of Disciplinary Counsel District Offices**

District I Office

1601 Market Street, Suite 3320  
Philadelphia, PA 19103  
215.560.6296

District II Office

820 Adams Avenue, Suite 170  
Trooper, PA 19403  
610.650.8210

District III Office

601 Commonwealth Avenue, Suite 5800  
Harrisburg, PA 17120  
717.772.8572

District IV Office

437 Grant Street, Suite 1300  
Pittsburgh, PA 15219  
412.565.3173

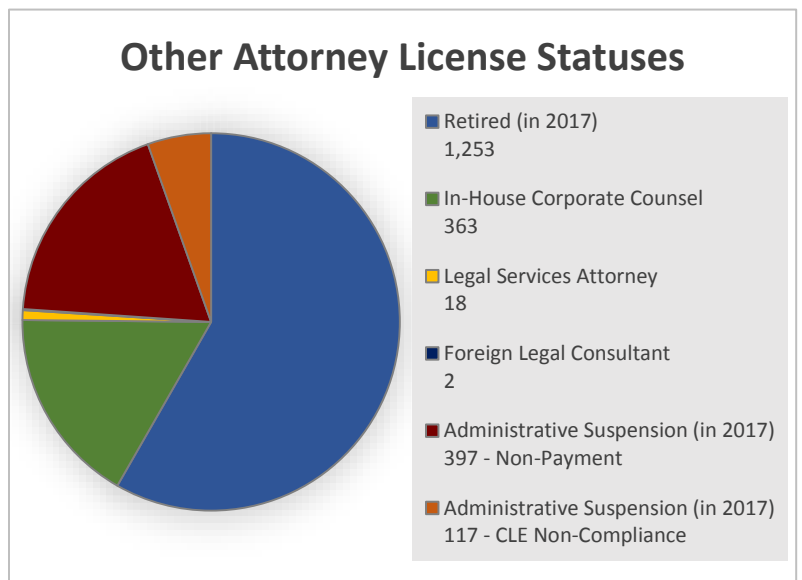
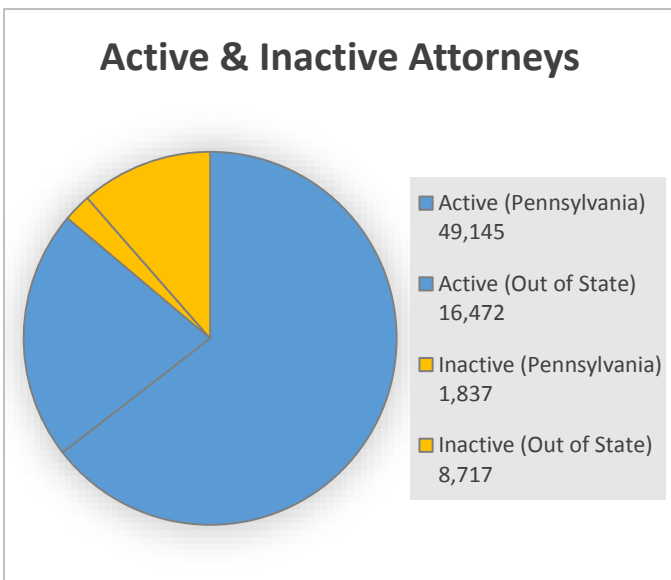
## Office Highlights

### Attorney Registration Highlights

In 2016, the Pennsylvania Rules of Disciplinary Enforcement were amended to require attorneys to complete their annual attorney registration electronically, through the Court’s Unified Judicial System (UJS) Portal. After an efficient first year, in 2017, the Board endeavored to improve its ability to communicate with attorneys concerning their registration obligations.

In 2017, in concert with the AOPC, the Board implemented a new system to electronically distribute all attorney registration communications. In doing so, Board staff were able to communicate directly with attorneys rather than through a vendor, as done in the past. This new system was highly effective in ensuring that notices reached attorney inboxes, as evidenced by a surge in registration numbers in the days following each email notice. Disciplinary Board staff were also able to more efficiently manage undeliverable emails with this new system. As of July 31, 2017, the last day to complete annual registration without penalty, 96.5% of attorneys had completed the registration process. A record low 0.6% of attorneys eligible to register were administratively suspended on October 26, 2017 for non-payment of the annual license fee.

The Board is committed to facilitating a smooth and user-friendly attorney registration process and to continuing its cooperative working relationship with the AOPC, who develops and hosts the UJS portal.



### Active Attorneys in the Most Populous Counties

| Pennsylvania Counties | Active Attorneys |
|-----------------------|------------------|
| Philadelphia          | 14,129           |
| Allegheny             | 9,175            |
| Montgomery            | 5,076            |
| Dauphin               | 2,506            |
| Delaware              | 2,404            |
| Chester               | 2,357            |
| Bucks                 | 1,709            |

### Top Ten Law Schools of New Admittees

| Law School   | 2017 Admittees |
|--|----------------|
| Temple University - James E. Beasley School of Law | 168            |
| University of Pittsburgh School of Law             | 120            |
| Duquesne University School of Law                  | 119            |
| Villanova University School of Law                 | 113            |
| Drexel University School of Law                    | 82             |
| Penn State Law & Penn State Dickinson Law          | 77             |
| Widener University - Delaware Law School           | 77             |
| University of Pennsylvania Law School              | 54             |
| Widener University - Commonwealth Law School       | 54             |
| Rutgers Law School                                 | 51             |

## Discipline Imposed

Efficient resolution of complaints is a primary Board objective. In 2017, the Office of Disciplinary Counsel received 3,707 complaints and resolved 3,555, of which 277 resulted in discipline.\* Enhancements to the Board's website now allow for submission of complaints online, a function which became operational during the last week of 2017. The Board is closely monitoring any effect this website enhancement will have on the number of received complaints.

*\*Please note that any disciplinary matter involving a single respondent may consist of multiple complaints; as such, the number of complaints resulting in discipline does not equal the number of attorneys disciplined.*

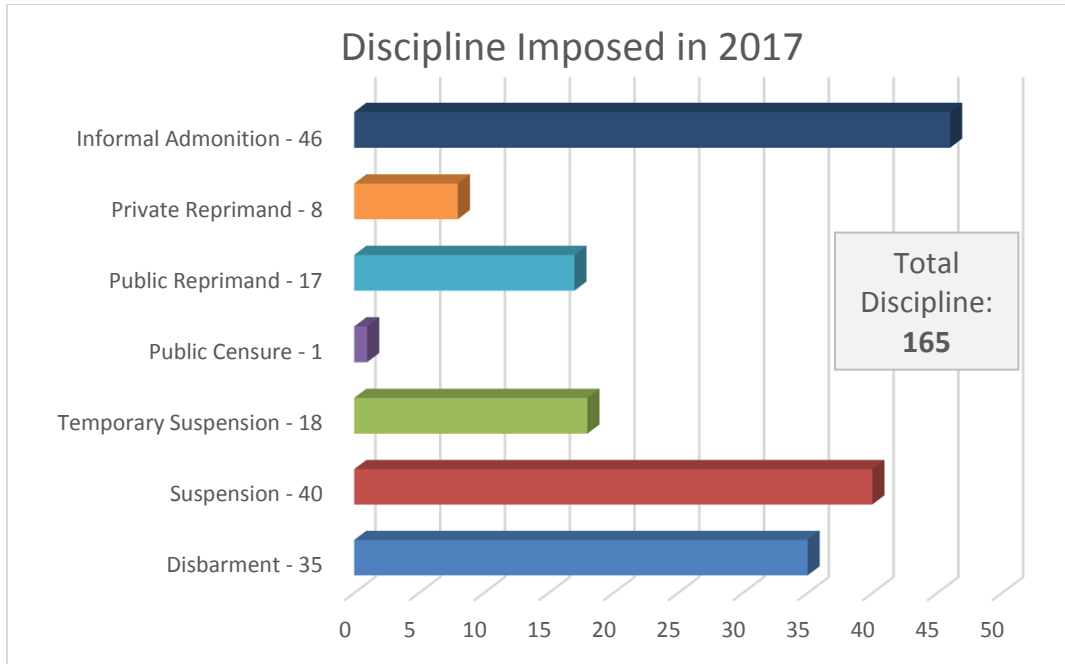
In 2017, the Disciplinary Board met four times in person, in Pittsburgh, Bedford, and twice in Philadelphia, combining both administrative and executive business. During its executive session, the Board adjudicated 25 matters: 10 reinstatement cases, 14 discipline cases, and 1 consolidated discipline and reinstatement case. Of these adjudications, 21 were referred to the Supreme Court along with the Board's Report and Recommendations. The remaining 4 adjudications resulted in reprimands. Notably, on June 20, 2017, the Court issued a written Opinion in a disciplinary matter, ***Office of Disciplinary Counsel v. Peter James Quigley***, 161 A.3d 800 (Pa. 2017).

In addition, three-member Board panels heard oral argument in 5 matters, considered recommendations for summary private reprimands in 9 cases and summary public reprimands in 12 cases, and imposed private reprimands on 8 respondents and imposed public reprimands on 17 respondents. Further, individual Board members reviewed and approved the filing of petitions for emergency temporary suspension with the Supreme Court in 6 cases and handled an additional 30 motions of various natures including, but not limited to, motions for deferment, motions for continuance and to quash subpoenas, and applications to terminate probation.

During the 2017 year, respondent-attorneys and Disciplinary Counsel filed 29 Joint Petitions in Support of Discipline on Consent with the Board, 24 of which were approved and 5 were denied, 3 by the Board and 2 by the Court. Of those approved, 19 resulted in public discipline and 5 in private discipline.

Of the 11 adjudicated reinstatement cases, including the consolidated case, 7 petitioners were reinstated, 3 were denied reinstatement, and 1 withdrew the petition. In 2017, formerly admitted attorneys filed 16 Petitions for Reinstatement from Discipline with the Board, all of which are currently pending in various stages of the process, not yet before the Board. In 2017, the Board approved 99 reinstatements to active status from formerly admitted attorneys on inactive, retired, or administrative suspension status for more than three years. The Attorney Registration Office processed 671 requests from formerly admitted attorneys seeking active status from inactive, retired, or administrative suspension status for less than three years.

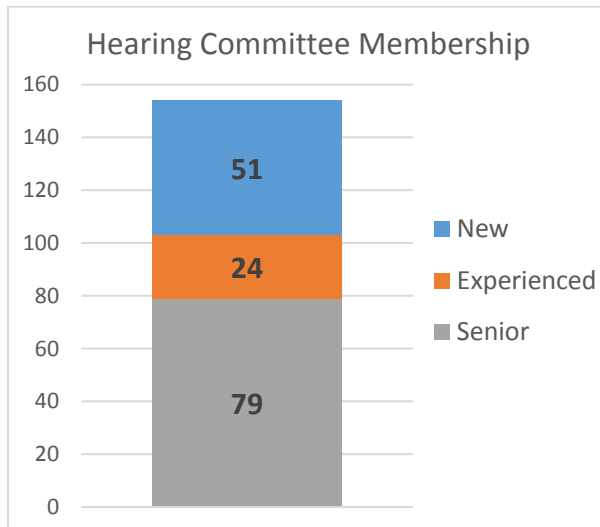




| Discipline Statistics - Historical Comparison |                     |                   |                  |                |                      |            |            |            |
|---|---------------------|-------------------|------------------|----------------|----------------------|------------|------------|------------|
|   | Informal Admonition | Private Reprimand | Public Reprimand | Public Censure | Temporary Suspension | Suspension | Disbarment | Total      |
| <b>2017</b>                                   | 46                  | 8                 | 17               | 1              | 18                   | 40         | 35         | <b>165</b> |
| <b>2016</b>                                   | 54                  | 6                 | 20               | 2              | 21                   | 39         | 19         | <b>161</b> |
| <b>2015</b>                                   | 58                  | 10                | 24               | 2              | 21                   | 38         | 37         | <b>190</b> |
| <b>2014</b>                                   | 76                  | 6                 | 8                | 0              | 16                   | 42         | 46         | <b>194</b> |
| <b>2013</b>                                   | 48                  | 13                | 9                | 1              | 12                   | 32         | 40         | <b>155</b> |
| <b>2012</b>                                   | 56                  | 15                | 9                | 5              | 25                   | 50         | 36         | <b>196</b> |

### Hearing Committee Membership

Hearing Committee Members, appointed by the Board, serve as volunteers to conduct hearings and act as a formal reviewing body to determine if a case can move forward in pursuit of a particular course of discipline. Hearing Committee Members are assigned to matters in their own geographical district. In 2017, 133 Hearing Committee Members presided over 39 disciplinary hearings, 13 reinstatement hearings, and 4 other miscellaneous matters.

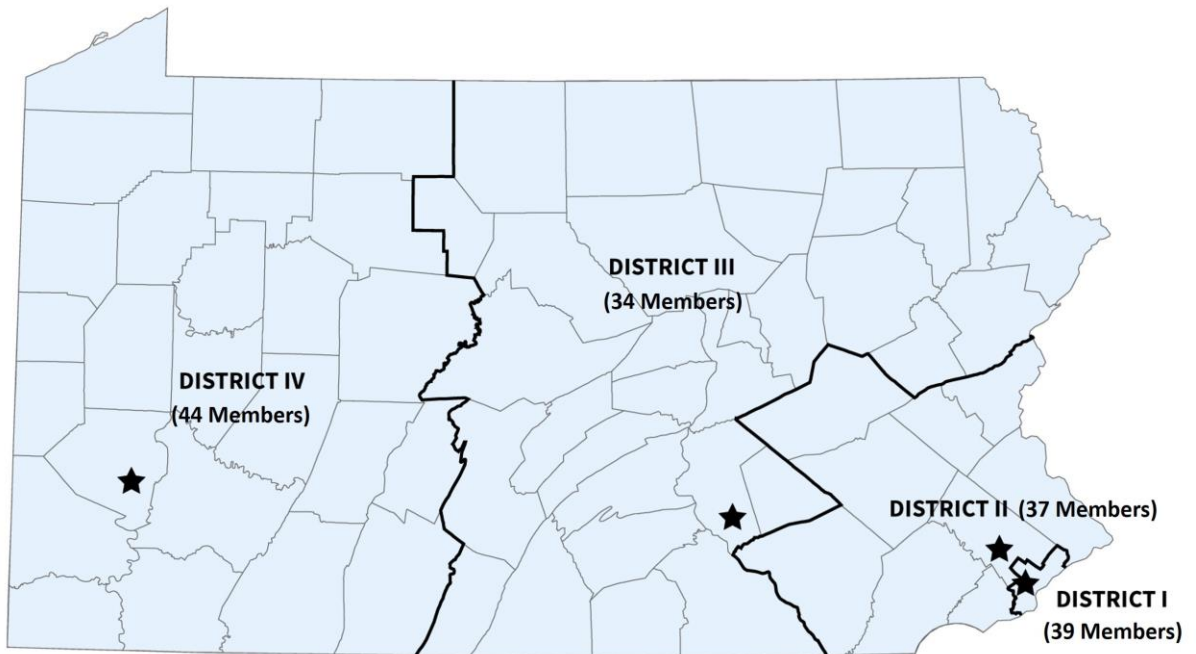


**Experienced Hearing Committee Member:**

A Hearing Committee Member who has served for at least one year as a Hearing Committee Member and who has served on at least one hearing into formal charges of misconduct by a respondent attorney.

**Senior Hearing Committee Member:**

A Hearing Committee Member who has either served on the Board or has served a full 3 year term during which time he or she served on at least 2 hearings into misconduct by respondent-attorneys.



★ Indicates location of Office of Disciplinary Counsel Office

## Technology Advancements

In late 2017, the Disciplinary Board revealed a newly designed website ([www.padisciplinaryboard.org](http://www.padisciplinaryboard.org)). Among other things, the necessary redesign allows the Board to be more transparent and provide the public with access to the most current accurate information; eliminates the need for vendors to update the website by allowing staff to do so; and makes preparations for future enhancements that will continue to increase transparency and efficiency. The website includes the following enhancements:

1. Find an Attorney – this page allows the public to access the live publicly-available data relative to an attorney, including status, contact information, and disciplinary history (if any);
2. File a Complaint – this new page allows the public to file a complaint against an attorney directly on the site;
3. Search Recent Discipline – this page allows the public to view recent Disciplinary Board and Supreme Court Orders;
4. View Public Proceedings – at the bottom of the home page, a scrollable list of upcoming public proceedings is listed, along with the scheduled date and location of the proceeding; and
5. Rules – this page allows for an interactive search of the Rules of Professional Conduct, Rules of Disciplinary Enforcement, and the Disciplinary Board Rules.

The Board expanded its use of electronic document management using the DocuWare storage system. Now in place throughout the organization, the system allows for prompt and immediate retrieval of documents, as well as maintaining a thorough audit trail for any changes or access.

As mentioned previously, the Board implemented a new system to electronically distribute all attorney registration communications. This enabled staff to directly provide electronic notice to attorneys, specifically with regard to Attorney Registration, without vendor intervention.

Additionally, although the SharePoint Extranet site has been used by Board Members for a number of years, there was no SharePoint Intranet site for use by staff. As such, the Disciplinary Board worked with the AOPC staff to develop a SharePoint Intranet site that provides staff with access to a single repository of important information and documents with a goal, among others, of standardizing the documents used throughout the Office of Disciplinary Counsel.

Standard enhancements were made throughout the year to the Board's Case Management System, Attorney Registration System, and the DocuWare electronic document management system. In 2017, the Board committed to operating all offices at their most efficient by embracing and utilizing technologies.

## Committee Progress Reports

In 2017, along with their adjudicatory duties, Board members served on two Board Committees. Each of the committees undertook significant and meaningful projects and assignments. In addition to the appointed committee members, Board Chair David E. Schwager, and Vice-Chair Douglas W. Leonard served as voting members on all committees. In 2017, the Committees met four times in person, coinciding with scheduled Board Meetings, and numerous times electronically and telephonically.

| <b>RULES COMMITTEE</b>          | <b>FINANCE &amp; PERSONNEL COMMITTEE</b> | <b>EDUCATION &amp; COMMUNICATIONS COMMITTEE</b> |
|---------------------------------|--|---|
| Andrew J. Trevelise, Chair      | Brian J. Cali, Chair                     | Stefanie B. Porges, Co-Chair                    |
| David A. Fitzsimons, Vice-Chair | Jane G. Penny, Vice-Chair                | Tracey McCants Lewis, Co-Chair                  |
| Lawrence M. Kelly               | James C. Haggerty                        | John P. Goodrich                                |
| James C. Haggerty               | Andrew J. Trevelise                      | David A. Fitzsimons                             |
| Jane G. Penny                   | Stefanie B. Porges                       | John F. Cordisco                                |
| Tracey McCants Lewis            | John P. Goodrich                         | Lawrence M. Kelly                               |
| Brian J. Cali                   | John F. Cordisco                         | P. Brennan Hart                                 |
| P. Brennan Hart                 |  |   |

### Rules Committee

The Rules Committee oversees the consideration of amendments to existing rules and the drafting of new rules in the Rules of Professional Conduct, Pennsylvania Rules of Disciplinary Enforcement, and Disciplinary Board Rules.

Requests for rule amendments and new rules come from various places, including, but not limited to: internally from the Office of Disciplinary Counsel, Disciplinary Board Members and staff; the Supreme Court of Pennsylvania; lawyers; bar associations; and the general public. Any recommendation received is placed on the Committee's agenda and is discussed.

Although each situation is unique, generally, once the Committee and the Board agree to propose a rule amendment, the Board publishes a Notice of Proposed Rulemaking in the Pennsylvania Bulletin explaining the proposal, providing the proposed amendment language, and requesting public comment. Once the comment period closes, the Board thoroughly reviews and discusses the comments before taking further action, typically submitting a final proposal to the Court.

The following rule changes were approved by the Supreme Court of Pennsylvania in 2017:

Pa.R.D.E. 208, 215 and 219: Effective May 21, 2017, these amendments changed procedures for taxing expenses allowing the Board's Finance Office to invoice respondent-attorneys on a one-time basis. This enhanced the Board's enforcement power by incentivizing respondent-attorneys to pay costs in a timely manner or receive an administrative suspension of their law license. Conforming amendments were made to the Disciplinary Board Rules.

Pa.R.D.E. 221: Effective December 31, 2017, this amendment gave heightened power to the IOLTA Board to address situations where eligible financial institutions fail to comply with IOLTA regulations. Conforming amendments were made to the Disciplinary Board Rules. This change was made in coordination with the IOLTA Board.

In addition to these rule changes, the Rules Committee drafted and published Notices of Proposed Rulemaking for four other rules during 2017. Concerning the drafting of all rules, the Committee and the Board strive to collaborate with and elicit comments from fellow Court Boards and interested parties.

The Rules Committee spent a significant amount of time on two additional amendment projects, specifically, an amendment to RPC 8.4 concerning discrimination and harassment and the creation of a new rule to allow for retired attorneys to volunteer with legal aid organizations under an emeritus status.

In addition to these amendments, under Committee Chair Trevelise's guidance, a working group of Board Members and staff have been tasked to review the Pennsylvania Rules of Disciplinary Enforcement in an effort to streamline and clarify the Rules.

## **Finance and Personnel Committee**

The Finance and Personnel Committee oversees the Board's assets, including financial, human, and technological, to develop an appropriate fiscal and operational strategy that furthers the mission of the Board.

In pursuit of its task, the Committee reviewed and approved the proposed Budget for fiscal year 2017-2018, and reviewed and approved the external audit of fiscal year 2016-2017, which was completed by Trout, Ebersole & Groff. Among many other personnel related matters, the Committee approved and implemented a formal succession plan for the Director of Finance and the Secretary of the Board, and adopted and implemented a formal performance evaluation process for its executive staff.

Committee Chair Cali serves as the Board's current representative to the Investment Advisory Board (IAB), established by the Supreme Court, and participated in the semi-annual meetings in April and December 2017.

## Education Committee

The role of the Education Committee is to propose and carry out education and training opportunities for Hearing Committee members and Board Members and coordinate the Board's relationship with law schools.

Committee Chair McCants Lewis and her committee planned and implemented regional Hearing Committee trainings in Pittsburgh in April, in Harrisburg in June, and in Philadelphia in October. These trainings consisted of 2-3 hour Continuing Legal Education (CLE) sessions, presented by a combination of Board members, Hearing Committee members, and Board staff. In addition to significant costs savings to the Board, this move to regional trainings allows for: the Committee to craft unique programming in response to Hearing Committee members' questions; Hearing Committee members to network in a smaller environment with other members from their own geographical district; and more robust conversation and discussion in a smaller group setting. The feedback from the trainings has been positive. This Committee also crafted and implemented a CLE opportunity for the entire Board at the July meeting, the theme of which was "Ensuring Consistency in Discipline Cases."

Several law schools in the Commonwealth, annually, request for Board members or Office of Disciplinary Counsel staff to speak to the professional responsibility classes and the Board provides materials at the schools' request.

Under Chair Schwager's leadership, Board Members committed themselves to increasing the number of CLE presentations across the Commonwealth, educating attorneys on ethical obligations and the role of the Disciplinary Board. In 2017, Chair Schwager presented at seven CLEs including at bar associations and legal aid organizations throughout the state. Board Member Fitzsimons presented at Widener University and is assisting the Continuing Legal Education Board in updating its Bridge the Gap program.

Board Members Leonard, Fitzsimons, Trevelise, Haggerty, and Goodrich along with Board Prothonotary Marcee Sloan, attended The National Council of Lawyer Disciplinary Boards Annual Meeting in Miami, Florida on February 2 & 3, 2017. Mr. Fitzsimons facilitated a large group discussion on *Hot Topics in Attorney Discipline Adjudication*. Mr. Goodrich gave a presentation on *Administrative Timelines in Adjudication*, explaining how Pennsylvania keeps its cases moving. Mr. Leonard presented on *Neuroscience and Neutrality*, in which he discussed the concept of Conversational Intelligence. All three programs were well received and well rated.

Additionally, the Education Committee led the effort in researching and presenting the case for collecting data on attorneys' race, gender, and ethnicity through the attorney registration process. The Committee thoroughly researched other states' initiatives, discussed the format and language of questions, and addressed data security concerns. The Committee is currently working on materials to notify attorneys of this initiative, its goals, purposes, the voluntary nature of it, and the security of the collected data.

**Communications Committee**

The role of the Communications Committee is to increase visibility and to explore ways of improving communications with attorneys and the public, specifically through the Board's media platforms. The Committee led the Board in the development of the new website and the new social media strategy.

One of the significant tasks of this Committee is the crafting and distribution of the Board's Attorney Newsletter. In 2017, upon review of readership analytics, the Board transitioned from a monthly to a quarterly newsletter. The Committee, at present, is reformatting the newsletter to enhance its look and content, as a resource for readers. At year end, there were 74,608 subscribers to the newsletter. In its desire to become a better resource for attorneys, courts, and the public, under Committee Chair Porges' leadership, the Board implemented new policies concerning internet engagement with a goal of posting, tweeting and/or sharing information and articles which may be beneficial to the profession. In addition to sourcing and authoring these interactions, the Board is coordinating with other Court boards to share information with the profession that is important to these boards.

In 2017, upon the request of the Supreme Court, the Board began publicizing openings and vacancies for Court Boards and Committees in its newsletter, on the website, and via Twitter. Court personnel advised that these efforts have resulted in increased numbers of applicants for these positions.

Another significant development under the leadership of this Committee, as discussed previously, was the implementation of a new system to electronically distribute all attorney registration communications in-house, as opposed to through a vendor. This allowed for the Committee and staff to craft the communications and follow up with undeliverable messages. The attorney registration statistics, discussed in the Office Highlights section, demonstrate the success of this development.

The Board's determination, at the Committee's suggestion, to move the control of the distribution of registration emails and social media content from an outside vendor will also result in a considerable cost saving for the Board.

## Finance and Budget

### Financial Highlights of FYE June 30, 2017

|                             |                       |
|-----------------------------|-----------------------|
| Operating Revenue:          | \$10,384,618          |
| Expenses:                   | <u>(\$10,260,179)</u> |
| Operating Income:           | \$ 124,439            |
| Non-Operating Revenue:      | \$ 769,945            |
| Change in Net Position:     | \$ 894,384            |
| Net Position as of 6/30/17: | \$12,258,920          |
| Reserve Funds (IAB):        | \$10,529,612          |

**Operating Revenue:** Annual fees plus administrative fees

**Non-Operating Revenue:** Gains or losses on the Board's investments with the IAB Fund

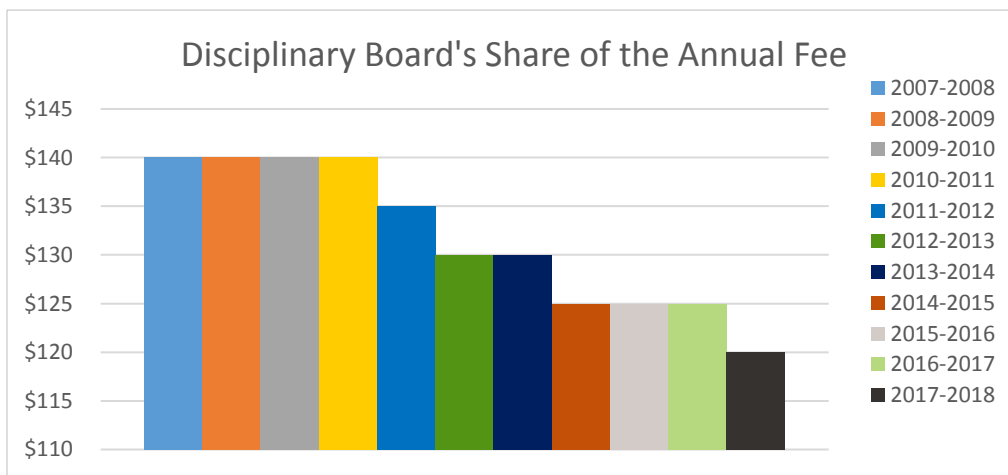
**Change in Net Position:** Operating Income plus Non-Operating Revenue

**Reserve Funds (IAB):** These funds, defined on page 15, constituted 86% of the Board's net position.

### Operating Revenue (Attorney Annual Fees)

On November 22, 2016, the Board participated in the annual Lawyer Assessment Committee (LAC) telephone conference call. At that time, the Board submitted a tentative Budget for Fiscal Year 2017-2018, proposing a .81% increase in its Budgeted Revenues and a 1.18% increase in its Budgeted Expenses. The submitted Budget projected that expenses would exceed revenues by \$1,149,014, or approximately 11% of revenue, based on an annual fee allocation to the Disciplinary Board of \$125 per Active Pennsylvania Attorney.

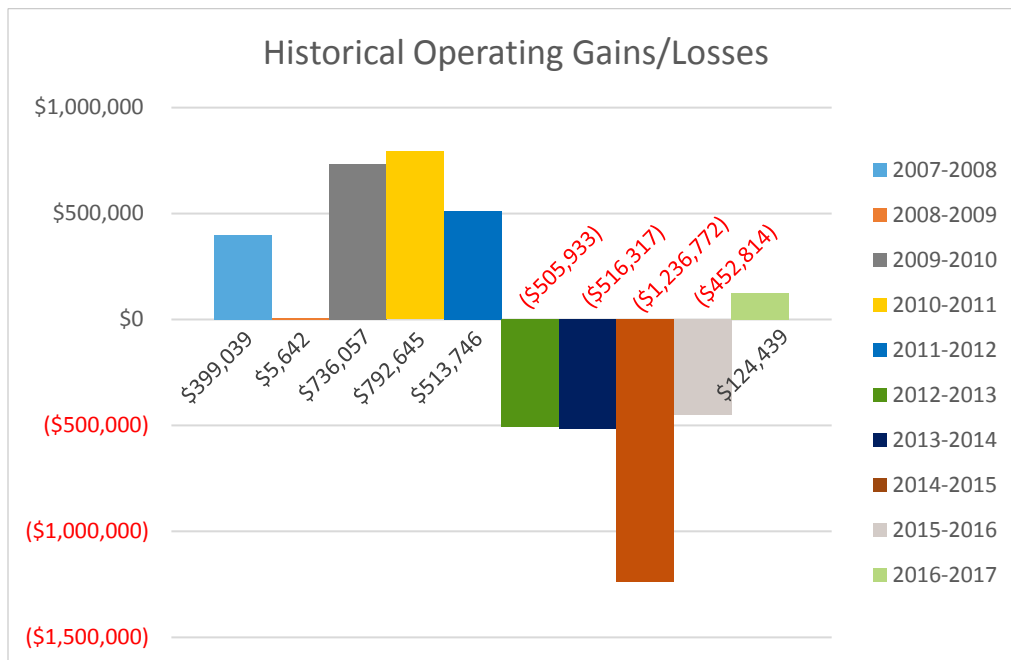
By Supreme Court Order dated February 15, 2017, the Court revised the annual fee for Active attorneys to a total of \$225, which is shared as follows: \$120 to the Disciplinary Board, \$75 to the Pennsylvania Lawyers Fund for Client Security, and \$30 to the IOLTA Board. This Order also changed the fee for Inactive attorneys to \$100 from the previous \$70, a fee which provides income only to the Disciplinary Board.



At the direction of the Court and in an ongoing effort to be an asset to the legal profession, in conjunction with the Pennsylvania Lawyers Fund for Client Security, the Disciplinary Board provides a portion of its

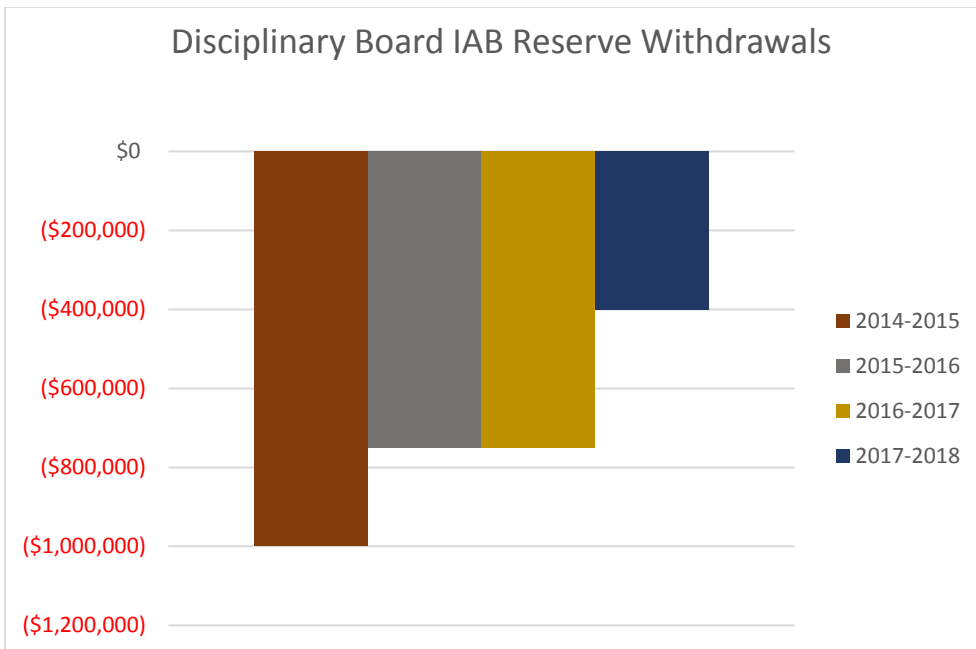
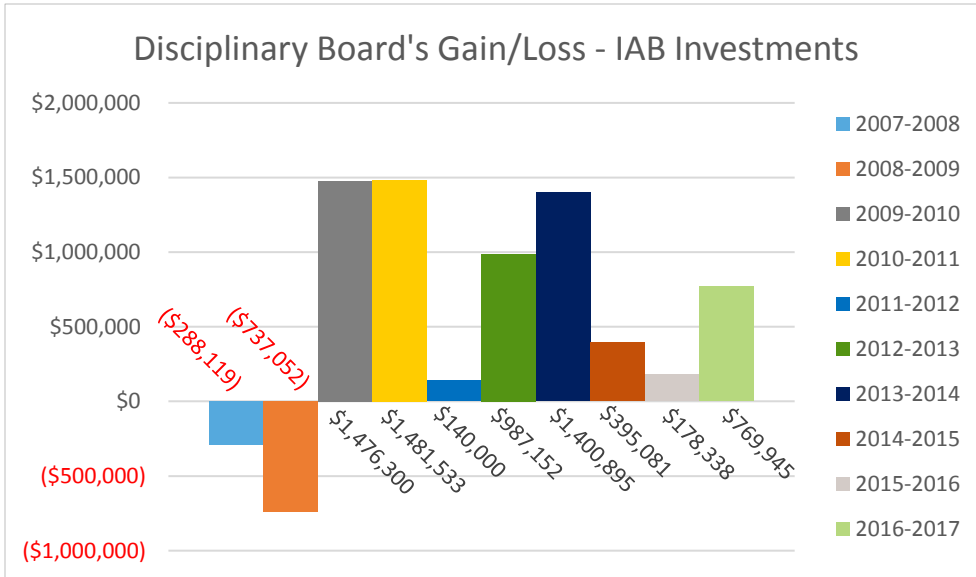


revenue to fund Lawyers Concerned for Lawyers (LCL), an organization whose mission is “to provide a caring peer assistance program to save the lives and restore the health and professional competence of Pennsylvania’s judges and lawyers, members of their families, and law students who are at risk as a result of alcohol and drug use, gambling, depression, or other serious mental illness.” LCL’s budget is approved annually during the LAC telephone conference call. For additional information about LCL, or to obtain assistance, please visit their website at [www.lclpa.org](http://www.lclpa.org).



**Non-Operating Revenue (Investment Gain/Loss)**

The Board’s non-operating revenue consists of its investment gains or losses for any given year. The Investment Advisory Board (IAB) was formed in 2005 to pool the reserves of multiple Court boards in an effort to provide enhanced leverage of resources. Since inception, the Board’s reserve fund has achieved a Net Return on Investment (ROI) of 5%. Prior to 2005, the Board received a lesser rate of return on investments. As evidenced by the Disciplinary Board’s Gain/Loss - IAB Investments chart, the Board has benefitted from this arrangement. The investment growth has been meaningful in light of the Board’s need to make significant withdrawals, in recent years, from the IAB reserve to fund operations.



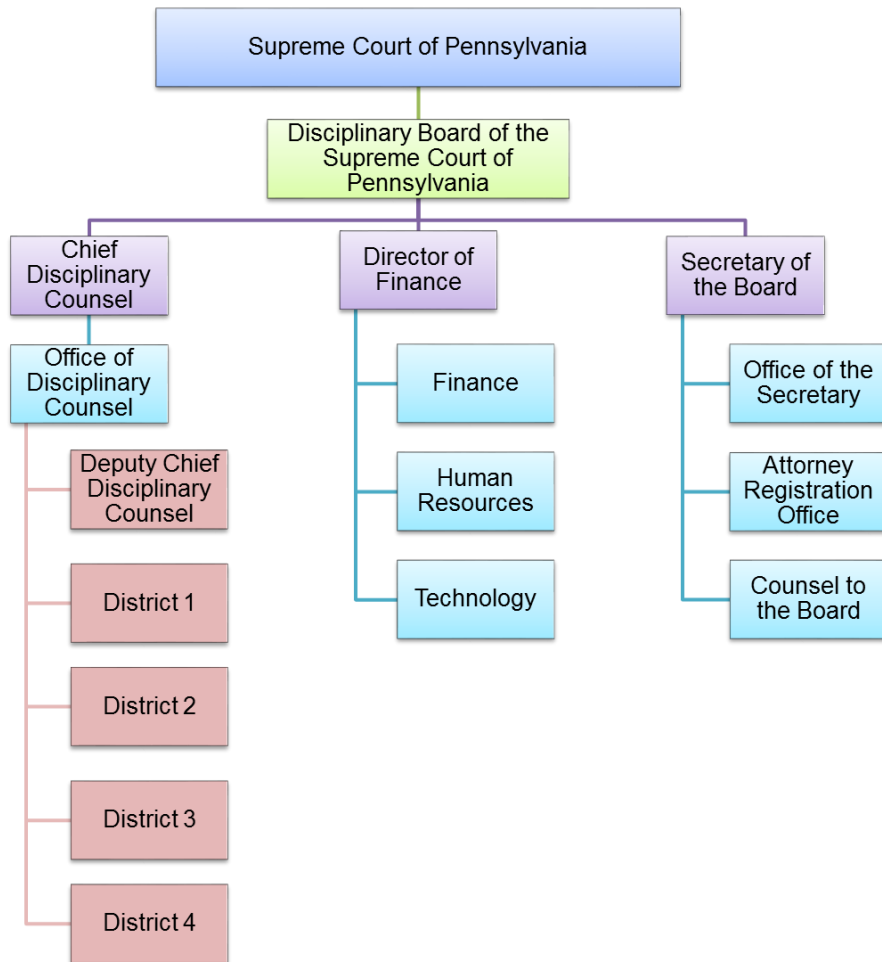
**Independent Auditor's Report**

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See attached (for Court-use only).

# Organizational Information

## Organizational Chart



## Contact Information

*Office of Chief Disciplinary Counsel*  
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717.231.3380

## **Further Inquiries**

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### **The Disciplinary Board of the Supreme Court of Pennsylvania**

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