



The
DISCIPLINARY BOARD
of the Supreme Court of Pennsylvania

VERSION: MAY 2019

The Discipline Process



PROCESS BEGINS

A formal complaint is filed with the Office of Disciplinary Counsel (ODC).
ODC starts its investigation.

Generally, the Office of Disciplinary Counsel:

- Acknowledges receipt of the complaint;
- Requests additional information or documentation, if necessary; and
- Notifies Complainant of case disposition.

TO FILE A COMPLAINT:

Fill out or download our complaint form at:

<https://www.padisciplinaryboard.org/for-the-public/file-complaint>

FOR MORE DETAILED INFORMATION:

Visit our Rules Page:

<https://www.padisciplinaryboard.org/for-attorneys/rules>



01

Office of Disciplinary Counsel

Investigates

In this Section

RESPONDENT'S POSITION

REFERRAL OF COMPLAINT

HEARING COMMITTEE
MEMBER REVIEW

DISPOSITION



02

Hearing Committee

Presides

In this Section

PETITION FOR DISCIPLINE

HEARINGS

BRIEFS FILED

REPORT &
RECOMMENDATION



03

Disciplinary Board

Adjudicates

In this Section

BRIEFS FILED

ORAL ARGUMENT

ADJUDICATION

DISPOSITION



04

Supreme Court

Orders

In this Section

ORAL ARGUMENT

ADJUDICATION

DISPOSITION

01

Office of Disciplinary Counsel *Investigates*

Request for Statement of Respondent's Position (DB-7)

ODC sends to the Respondent a DB-7, a notice which advises the Respondent of the complaint and requests a formal statement of Respondent's position.

ODC's review of the response and any additional investigation can result in the preparation of a DB-3 or dismissal of the complaint.

In accordance with the provisions of [Disciplinary Board Rule 87.7](#) and [Pennsylvania Rules of Disciplinary Enforcement 203\(b\)\(7\)](#), the Respondent has 30 days to respond to the DB-7.

Referral of Complaint to Reviewing Hearing Committee Member (DB-3)

ODC prepares a DB-3, a document which provides justification and recommended resolution (Informal Admonition, Private Reprimand, Public Reprimand, or the initiation of formal charges). The DB-3 and any supporting documentation is provided to the Reviewing Hearing Committee Member.

Review by Hearing Committee Member

The Hearing Committee Member reviews the DB-3 and any supporting documentation. The Member may approve or modify ODC's recommended disposition, or direct dismissal of the complaint. If the initiation of formal charges is approved, ODC prepares a Petition for Discipline.

The Hearing Committee Member does not thereafter participate in the matter.

For additional information, please see [Disciplinary Board Rule 87.32](#) and [Pennsylvania Rules of Disciplinary Enforcement 208\(a\)\(3\)](#).

Disposition

The matter may be concluded by:

- Dismissal
- Informal Admonition
- Private Reprimand
- Public Reprimand

Respondent may demand formal proceedings be instituted.

02 Hearing Committee

Presides

Petition for Discipline

ODC prepares a Petition for Discipline, a document which sets forth the charges of misconduct. ODC files this document with the Board Prothonotary to which the Respondent may file a response within 20 days.

For more detailed information, please see Disciplinary Board Rules, Chapter 89, Subchapter B, Institution of Proceedings and Pennsylvania Rules of Disciplinary Enforcement 203(b)(3).

Hearings

The matter is assigned to a 3-member Hearing Committee. Dates are scheduled for the prehearing conference and hearing, at which ODC presents evidence of Respondent's misconduct and Respondent presents any defense thereto.

For more detailed information, please see Disciplinary Board Rules, Chapter 89, Subchapter C, Hearing Procedures.

Briefs Filed

After hearing(s) are completed, ODC and Respondent each may file a brief with the Hearing Committee setting forth proposed findings of fact, conclusions of law, and suggested disposition.

For more detailed information, please see Disciplinary Board Rules 89.162 – 89.164.

Report and Recommendation

The Hearing Committee issues its Report and Recommendation, which includes, among other things, findings of fact, conclusions of law, and recommended disposition.

03 Disciplinary Board *Adjudicates*

Briefs Filed

ODC and Respondent respectively may file with the Disciplinary Board a Brief on Exceptions to the Hearing Committee's Report and Recommendation. After these briefs are filed, both parties may file with the Disciplinary Board a Brief Opposing Exceptions, in response to the other party's exceptions.

Either party may request oral argument before the Board.

For more detailed information, please see Disciplinary Board Rules, Chapter 89, Subchapter D, Action by Board and Supreme Court.

Oral Argument

If requested and granted, oral argument is held before a panel of three Board members.

Adjudication

The Disciplinary Board adjudicates the matter and: 1.) issues an Order concluding the matter by Dismissal, Informal Admonition, Private Reprimand, or Public Reprimand; or, 2.) files its Report and Recommendation with the Supreme Court of Pennsylvania recommending Probation, Public Censure, Suspension, or Disbarment.

Disposition

The Disciplinary Board Order may conclude the matter by:

- Dismissal
- Informal Admonition
- Private Reprimand
- Public Reprimand

Dependent upon the recommended disposition, the Respondent may file a Notice of Appeal, or either party may file a Petition for Review with the Supreme Court of Pennsylvania.

04 Supreme Court *Orders*

Oral Argument

Either party may request oral argument before the Supreme Court of Pennsylvania, which the Court may grant.

Adjudication

The Supreme Court of Pennsylvania adjudicates the matter and issues an Order.

Disposition

The Supreme Court Order may conclude the matter by:

- Dismissal
- Informal Admonition
- Private Reprimand
- Public Reprimand
- Probation
- Public Censure
- Suspension
- Disbarment

The matter may also be remanded back to the Disciplinary Board.

Items of Note

- This is only a high level representation of the process. For further details, please refer to the Disciplinary Board Rules.
 - A matter may be dismissed at any point prior to review by Hearing Committee Member or at Disposition points only.
 - Consent discipline may occur at any point prior to the issuance of the Hearing Committee's Report and Recommendation.
-

For more detailed information:

Visit our Rules Page: <https://www.padisciplinaryboard.org/for-attorneys/rules>



The
DISCIPLINARY BOARD
of the Supreme Court of Pennsylvania

Pennsylvania Judicial Center
601 Commonwealth Ave, Suite 5600
P.O. Box 62625
Harrisburg, PA 17106-2625

Phone: 717.231.3380
Fax: 717.231.3381

www.padisciplinaryboard.org