

PENNSYLVANIA HANDBOOK FOR CONSERVATORS FOR INTERESTS OF CLIENTS

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DISCLAIMER

The content of this Handbook is not intended to be legal advice or a definitive analysis of the subjects discussed. The guidance and views expressed herein are those of the authors and do not necessarily represent the views of the Disciplinary Board or the Supreme Court of Pennsylvania.

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I. INTRODUCTION

The purpose of this publication is to provide general guidance to attorneys who are appointed by a president judge of a court of common pleas to serve as conservator for an “absent attorney”—that is, an attorney who has been temporarily suspended, abandons his or her practice, disappears, dies, or becomes incapacitated or disabled, and there is no partner or other responsible successor to the attorney’s law practice. The process and procedure from the conservator’s appointment to discharge, and identification of the conservator’s duties, are set forth in Pennsylvania Rules of Disciplinary Enforcement 321 through 329, which are reproduced in **Appendix 1**.

Service as a conservator is multi-faceted. After the initial process of application and appointment, the conservator is required to:

- Collect the client files and maintain them in a secure place.
- Prepare a written inventory of client files:
 - (a) Identify the client files opened within five years prior to the date of the conservator’s appointment and all active files regardless of age;
 - (b) Identify the client files opened more than 5 years before the conservator’s appointment that are closed.
- Notify clients with files opened within the prior five-year period and clients with active files of the conservator’s appointment by letter.
- Notify all other former clients of the conservatorship by publication.
- Return client files upon written authorization and obtain a written receipt.
- Identify and take control of the absent attorney’s business and fiduciary bank accounts.
- If there are active cases in a county outside the county of appointment, notify the presiding judges or that county’s president judge and county court administrator of the conservatorship appointment and automatic stay.
- Report on progress in completing duties to the supervising president judge (*i.e.*, the appointing court).
- Request the appointing court’s authorization to:
 - (a) Return funds to clients;
 - (b) Destroy remaining client files.
- Apply to the appointing court for discharge.

The conservator **does not** represent the absent lawyer’s clients. See Pa.R.D.E. 322(d)(2)(i), 327(1).

Discussion and guidance about the manner or method of administration should not be regarded as absolutes. The Enforcement Rules prescribe minimum requirements with which the conservator must comply, and this Handbook is not a substitute for reading the rules. Every conservatorship will present unique

circumstances that require flexibility and the conservator's exercise of sound judgment. The procedure for filing documents and communicating with the appointing court may be governed by the local rules of court and established practices in the county where the conservator is appointed.

Section II provides a checklist of conservator duties with timelines. Time limits for filing reports with the court are set by rule. A conservator can adjust the suggested timelines for completing other tasks, based on factors such as the volume of client files and the state of the absent attorney's records.

Additional assistance is provided in **Appendix ("App.") 2**, which is a compilation of forms that the conservator may find useful in all aspects of conservatorship practice, including advertising the appointment, providing written notices to the clients of the absent attorney, and submitting periodic reports to the appointing court.

Section III provides general guidance through a "Frequently Asked Questions" format grouped by topic.

Service as a conservator can be challenging but also immensely rewarding. A conservator protects clients from harm and the legal system from disruption. The Office of Disciplinary Counsel (ODC), the Disciplinary Board, and the Supreme Court greatly appreciate and thank you for your service as a conservator.

II. CONSERVATOR CHECKLIST

A. Duties/tasks to be undertaken immediately upon appointment:

- ☐ Request that the president judge and/or county court administrator in the county of appointment notify all judges within the county of your appointment and the “automatic stay” conferred by Rule 321(g).
- ☐ Take immediate possession of all files. Rule 322(a).
- ☐ Place a message on the absent attorney’s office door containing your contact information.
- ☐ Place a message on the absent attorney’s answering machine containing your contact information or have the office telephone number forwarded to a phone answered by your office until your discharge as conservator plus a few months thereafter.
- ☐ Check the absent attorney’s calendar to identify matters that are urgent or have pending trials, hearings or other matters scheduled. Provide notice of the absent attorney’s unavailability to presiding judges, opposing counsel/parties, and the absent attorney’s clients.
- ☐ Obtain from Disciplinary Counsel and the absent attorney’s staff the bank and financial account information for all professional (business/operating) and trustee (IOLTA, non-IOLTA Trust, IOLTA exempt, escrow, etc.) accounts. (Always check the absent attorney’s records and with staff because the accounts reported by the absent attorney on the annual attorney registration form are sometimes incomplete.)
- ☐ Serve banks with a certified copy of the order of appointment and have yourself designated as sole signatory on all accounts. Rule 324(a).
- ☐ Place a mail forwarding order with the Post Office.

B. Duties/tasks to be undertaken relatively promptly after appointment:

- ☐ Publish one or more notices of your appointment in conformity with the requirements of Rule 322(c) and with the approval of the appointing court.
App. 2, Form G.

- ☐ Request that the notice be in print and online.
- ☐ Ask publisher for a notarized Proof of Publication of Notice (for later submission with your Final Report to the president judge, Rule 322(c)(2)).
- ☐ Maintain a record of all calls received (a numerical statistic that is usually included in conservator reports).
- ☐ Notify the executor of the deceased absent attorney's estate of the Disciplinary Board's need to be reimbursed by the estate for the costs and expenses incurred. Rule 322(f).
- ☐ Open, review and sort unattended mail addressed to the absent attorney and place the mail in the appropriate file.
- ☐ Organize unfiled paperwork by placing same in the appropriate file; put paperwork that cannot be matched to a file into a separate "miscellaneous" file.
- ☐ Commence reviewing client files and making a written inventory in conformity with the requirements of Rule 322(c)(1) and (2):
 - active cases or files, regardless of the age of the file;
 - inactive files, opened within five years of appointment;
 - inactive files, opened more than five years before appointment.
- ☐ Review all client files, making note of files containing original records and documents, such as wills, trusts, deeds and powers of attorney.
- ☐ Mail and email to all clients with active files and clients with inactive files opened within the five years prior to appointment, a letter (**App. 2, Form I**) informing them of the availability of their file and the possible need to obtain substitute counsel (Rule 322(c)(1)), and requesting the return of the enclosed Authorization (**App. 2, Form J**).
 - ☐ Maintain a record of all letters returned undelivered and all emails that bounce back. (You should include the tally of unanswered mail and email notices in conservator reports.)

- ☐ Evaluate whether written notice to any or all clients whose files were opened more than five years before the appointment and are now inactive would be appropriate—for example, the files contain original documents that were not given or returned to the client.
- ☐ Return or release files to responding clients or the clients’ designated substitute counsel. Rule 322(c)(3).
 - ☐ When returning a file by mail, have clients and successor counsel execute and return the enclosed receipt (**App. 2, Form K**). Rule 322(c)(3).
 - ☐ Clients and successor counsel who pick up files in person must complete a receipt: **App. 2, Form K**.
 - ☐ Maintain a record of clients and substitute counsel who received a file by mail or in person. (Include total numbers in conservator reports.)
 - ☐ If the absent attorney kept original wills, maintain a record of the names and number of clients who retrieved or received their will. (Include numbers in conservator reports.)
- ☐ Notify courts in other counties where the absent attorney is counsel of record in pending legal and administrative proceedings of the entry of the order appointing a conservator and “automatic stay” conferred by Rule 321(g). **App. 2, Form H**. (District Court Administrators by County: www.pacourts.us/courts/courts-of-common-pleas/district-court-administrators; Common Pleas President Judges: www.pacourts.us/courts/courts-of-common-pleas/common-pleas-president-judges)
- ☐ Determine ownership of funds and return all client funds “as soon as possible.” Rule 324(b).
 - ☐ Examine the absent attorney’s books and records and, when necessary, the client file, to ascertain:
 - fees and expenses owed by the client to the absent attorney (see Rule 324(b)).

- fees and expenses paid in advance by the client that were neither earned nor incurred and therefore should be refunded to the client.
 - whether the client's file contains a fee agreement, settlement releases, distribution statements, invoices, and payment information (which could be useful in determining if the absent attorney or his or her estate owes the client money).
- ☐ If available bank records for the IOLTA and Trust Accounts are incomplete and more records are needed, contact the bank(s) and request the records. (No subpoena should be necessary as the conservator is now the court-appointed trustee on the fiduciary accounts.)
 - ☐ Engage the services of a CPA when necessary. Rule 324(c).
 - ☐ Before making any distribution, obtain an order from the appointing court approving the distribution. See Rule 324(a).
 - ☐ If there is a basis to believe that clients are owed funds, including unearned fees, and there are insufficient funds in trust to reimburse them, refer the clients to the Pennsylvania Lawyers Fund for Client Security (PLFCS). (**App. 2, Form O**; www.palawfund.com) Advise the client of the PLFCS requirement that a corresponding disciplinary complaint be filed with ODC (www.padisciplinaryboard.org or www.padb.us) unless the absent attorney is deceased.

C. Things not to do. Do not:

- undertake representation of any of the absent attorney's clients in any matter identified during the conservatorship. Rule 322(d)(2)(i).
- represent any client of the absent attorney during or within three years after the conclusion of the conservatorship. Rule 322(d)(2)(ii). This prohibition extends to all attorneys in your firm. *Id.*
- recommend to a client that the client retain a specific attorney. Rule 322(d)(1).

- refer a client to anyone other than a lawyer referral service or similar agency available to assist in locating substitute counsel. Rule 322(d)(1).
- move any files or property outside Pennsylvania (*i.e.*, the jurisdiction of the appointing court) without obtaining the permission of the appointing court.
- distribute any funds to any client or other person unless the appointing court has entered an order approving the distribution.
- use funds in any account to fund conservator expenses, without the approval of the appointing court.
- destroy any files or property without the approval of the appointing court.

D. Within 30 days of appointment:

- ☐ File a written report with the appointing court **and** the Disciplinary Board (“Board”) to inform them of the status of the tasks specified in Rule 322(a)-(c), namely:
 - ☐ taking possession of the files,
 - ☐ preparing an inventory,
 - ☐ notifying clients in writing and by publication of the availability of their files, and
 - ☐ returning files to clients.

Rule 322(e). See **App. 2, Form M** (example & template of initial report). You may need to serve the president judge directly, depending upon local procedure. File with the Board at www.padisciplinaryboard.org/attorney-gateway, create an account, select “CREATE NEW FILING,” from “Filing Type” menu select “Conservatorship,” select a “Filing Sub Type,” upload document(s), choose a “Classification” type from the menu, and click the “SUBMIT” button.

E. After filing the initial report:

- ☐ Continue the process of inventory, notice to clients in writing and by publication, and distribution of files to clients.
- ☐ “[I]f necessary,” send a second written notice (and Authorization) to clients whose files appear to be active. Rule 322(c)(1); **App. 2, Forms L & J**. Obtain the executed written Receipt (**App. 2, Form K**).

- ☐ Continue to determine ownership of funds.

F. Within 90 days (3 months) of appointment:

- ☐ File a second written status report with the appointing court and the Board, and every 60 days thereafter until discharge. Rule 322(e).

G. Within 150 days (5 months) of appointment:

- ☐ File a third written status report with the appointing court and the Board, and every 60 days thereafter until discharge. Rule 322(e).

H. Within 180 days (6 months) of appointment:

- ☐ File either a fourth and final report and application for discharge or application demonstrating “good cause” to extend the appointment for an additional three months. Rule 325.
- ☐ The application for discharge must:
 - ☐ include proofs of publication of the notice of conservatorship. Rule 322(c)(2).
 - ☐ deliver all written receipts for returned files. Rule 322(c)(3).
 - ☐ “set forth a full accounting of all funds disbursed to clients . . . , expended in the conservatorship or released to the full control of the absent attorney, and a summary of all other actions taken.” Rule 326(b).
 - ☐ request an order approving your recommendations for “the disposition and distribution of client and other funds” if an order had not been previously obtained. See Rule 324(a).
 - ☐ If the determination of ownership of fiduciary funds “is unreasonable and impractical” due to “the state of the financial accounts and records of the absent attorney, or other relevant circumstances,” then file a “petition . . . for permission to pay all funds . . . in any trust, escrow

or IOLTA account . . . to the [PLFCS].” Rule 324(c)(1). Make service of the petition by publication, the specific method and duration of which shall be approved by the appointing court. Rule 324(c)(1).

- ☐ If ownership of funds is determined but the owner cannot be located **or** the funds are unclaimed because the owner has not responded to the conservator’s reasonable efforts to encourage the owner to claim his or her funds, then file a petition for permission to pay all fiduciary funds to the PLFCS and make service by publication. See RPC 1.15, Comment [12], last sentence (adopting the procedure in Rule 324(c)(1)).
- ☐ If all client funds are accounted for and excess funds remain in any fiduciary or operating account, request that the appointing court order that remaining funds first go to the Board as reimbursement for fees and expenses paid, and any remaining funds thereafter go to the absent attorney or his or her estate. Rule 324(d).
- ☐ If insufficient funds remain to pay all conservator fees and expenses **and** if the absent attorney or his or her estate has sufficient funds to reimburse the Board for payment of fees and expenses, ask the appointing court to order the absent attorney’s estate to reimburse the Board. See *cf.* Rules 322(f), 328(b).
- ☐ Obtain an order directing disposition of original documents (wills, trusts, deeds and powers of attorney) in unclaimed client files.
- ☐ Obtain an order approving the destruction of remaining client files 90 days after the date of order (to give those clients an additional three months to claim their respective file.) See **App. 2, Form N** for a basic proposed Order of Discharge.

If an Order of discharge is obtained, skip Sections I – K and proceed to Section L.

I. Within 210 days (7 months) of appointment if the first application to extend the appointment at § H *supra* is granted:

- ☐ File fourth written status report. Rule 322(e).

J. Within 270 days (9 months) of appointment if the first conservatorship extension at § H *supra* was for the maximum of three months:

- ☐ File either fifth and final report and application for discharge or fifth report and application demonstrating “extraordinary circumstances” justifying an additional extension. Rules 322(e) & 325.
- ☐ See § H *supra* for requirements of application for discharge.

K. Within 330 days (11 months) of appointment if the second application to extend the conservatorship at § J *supra* was granted, with an extension period of two months:

- ☐ File sixth and final report and application for discharge.
- ☐ See § H *supra* for requirements of application for discharge.

L. Post-Discharge Tasks:

- ☐ Notify courts in other counties that received notice of the appointment and “automatic stay,” of your discharge. See Rule 321(g)(2).
- ☐ On or after the court-ordered destruction date, destroy all remaining files in a secure manner that protects confidentiality of the files. Rule 322(c)(3).
- ☐ Permanently store, dispose of, or deposit with a third party for permanent storage original client documents in accordance with the instructions of the president judge.
- ☐ If so ordered, disburse remaining funds to the Board and then to the absent attorney’s estate.
- ☐ Submit to the Executive Director of the Disciplinary Board any final invoices for fees and expenses paid out of pocket.
- ☐ Deliver to the absent attorney’s personal representative or next of kin any documentation relevant to estate administration or the filing of the final tax returns of the deceased attorney.
- ☐ Destroy any remaining “miscellaneous” files.

III. TOPICS FOR FREQUENTLY ASKED QUESTIONS

A. Minimum Qualifications

Q. What are the minimum qualifications for serving as a conservator?

Enforcement Rule 321(e) requires that a conservator be a member of the Pennsylvania Bar. An attorney is not eligible to serve if he or she is “represent[ing] any party who is adverse to any known client of the absent attorney” or has an “adverse interest or relationship with the absent attorney or his or her estate.” Rule 321(e)(1).

B. Liability

Q. Can I incur liability to the absent attorney or his or her clients by serving as a conservator?

Only under limited circumstances. By serving as a conservator, you do not enter into an attorney-client relationship with the absent attorney’s clients, although you do have an obligation of confidentiality with respect to information you acquire as a conservator. Rule 327(1). You have no liability to the absent attorney’s clients unless you cause injury by the “intentional, wilful, or grossly negligent breach” of your duties as conservator. Rule 327(2). You are immune from any suit brought by or on behalf of the absent attorney. Rule 327(3).

C. Representation by Counsel

Q. Will I be represented by Disciplinary Counsel?

No. Disciplinary Counsel may draft the application and proposed orders and submit them on your behalf to the president judge. Thereafter, you will be responsible for securing the application and the appointing order or order for hearing from the president judge and filing them with the county’s filing office. Although ODC would be the “petitioner” identified in the application, ODC and its Disciplinary Counsel are not counsel to the conservator. A designated Disciplinary Counsel will be available to provide support and informal guidance to you in your role as conservator.

D. Procedure for Appointment

Q. If I ask ODC for assistance in getting appointed as conservator, what will be the procedure?

Disciplinary Counsel will prepare an application averring facts sufficient to support: the appointment of a conservator; and you as the conservator to be appointed. **App. 2, Form A.** The application will usually include an affidavit of a next of kin or estate representative in support of the appointment. **App. 2, Form B.** If ODC is not the applicant, the application must have ODC's written concurrence. Rule 321(a).

The application may be granted with or without a hearing. If you, Disciplinary Counsel, and a representative of the deceased attorney's family or estate believe that there is no need for a hearing, the application will include a proposed appointment order only. **App. 2, Form C.** Otherwise, the application will also include a proposed order for hearing. Disciplinary Counsel will submit the application and proposed order or orders to the president judge of the county where the deceased attorney had his or her office along with a request to contact you to pick up the application and order, once signed, and file them with the county's filing office, whether it be the Prothonotary's Office or the Office of Judicial Records. A form cover letter to the president judge (**Form D**) appears in Appendix 2.

Prior to filing the application and signed order of appointment or for hearing, attach a civil court cover sheet—the form and instructions are available at www.pacourts.us/Storage/media/pdfs/20210224/220154-cofcpcivilcoversheet-000768.pdf and in Appendix 2, **Form E**—but check the local rules because the courts in some counties, including Philadelphia (**App. 2, Form F**), use a modified form. In Section A of the **Form E** cover sheet, under “Commencement of Action,” put an x in the box for “Petition.” Identify yourself as the lead plaintiff. In the box for lead defendant, put “N/A.” In Section B, the Nature of the Case is “MISCELLANEOUS Other”; type in “Conservator for deceased attorney's law practice under Pa.R.D.E. 321,” or words to that effect.

If you are appointed without a hearing, ask the filing clerk to give you several certified copies of the appointing order, which you will need to perform your duties as conservator.

If the president judge has signed the order for hearing, the hearing is to be held within seven days after the filing of the application and an order granting or denying the application is to be entered within three days after the conclusion of the hearing. Rule 321(c) and (d).

E. Compensation and Expenses

Q. Will the appointing court approve payment of my fee and reimbursement of my expenses?

No. Under Rule 328(a), all matters relating to compensation are addressed by the Disciplinary Board. Compensation is set “at an hourly rate identical to that received by court-appointed counsel at the non-court appearance rate in the judicial district where the conservator was appointed.” Once you and Disciplinary Counsel ascertain the applicable hourly rate, your agreement to serve at that rate will be confirmed in writing. Rule 328(a) allows you to apply to the Board Chair for an enhanced hourly rate if you believe that extraordinary circumstances justify enhanced compensation.

Keep an accurate and sufficiently detailed record of your time expended. Submit your itemized invoices to the Executive Director of the Disciplinary Board (“Executive Director”), with copy to Disciplinary Counsel, for payment.

The Board reimburses for publications, travel, tolls, envelopes, postage, packaging, and other necessary expenses. Record your mileage and obtain receipts or invoices for all expenses. Mileage is reimbursed at the IRS’s prevailing standard mileage rate for reimbursement. If you return a file to a client by mail, the Executive Office prefers that you use UPS or Federal Express and obtain a tracking number in case the client does not return the enclosed receipt. Submit a memorandum or expense voucher (**App. 2, Form P**), with receipts and invoices attached, to Disciplinary Counsel for approval. If advance payment of an expense is desired, send to the Executive Director and Disciplinary Counsel a memorandum identifying the expense and requesting receipt of a check made payable to the vendor in the amount of the expense.

Do not use funds in an absent attorney’s account, including a business or operating account, to fund conservator expenses.

A conservator may submit requests for approval and payment of fees and expenses on a periodic basis. Rule 328(a).

F. Support Staff

Q. If I utilize my law firm’s existing support staff, will they be eligible for compensation? Can I hire support staff to assist with conservatorship duties?

Yes to both questions, as Rule 328(b) refers to compensation for “attendant staff.” Delegation of administrative tasks to a secretary, paralegal or student intern can reduce the costs of conservatorships. The Board will pay the hourly wage of support

personnel, which will be less than the court-appointed hourly rate paid to the conservator, only if the Executive Director gives advance approval.

Rule 324(c) authorizes a conservator “to engage the services of a certified public accountant when considered necessary to assist in the bookkeeping and auditing of the financial accounts and records of the absent attorney.” The conservator must obtain the advance approval of the Executive Director.

G. Confidentiality and Privileged Information

Q. Does a conservator have a duty of confidentiality to the absent attorney’s clients?

Yes. The Enforcement Rules provide that the conservator is “bound by the obligation of confidentiality imposed by the Rules of Professional Conduct with respect to information acquired as conservator” and impose on the conservator the duty to handle and dispose of client files in a secure manner that protects the confidentiality of the files. (Rules 327(1), 322(c)(3))

Rule 322(b)(3) authorizes a conservator to return a file to a “client” and to release a file to “substitute counsel.” After a conservator sends notices to the absent attorney’s clients or publishes notice of the availability of the file, a person other than the client or the client’s designated agent may come forward to request the file or parts of it. A conservator should not release a file to any person other than the client—including a family member, a present or former spouse, or a person holding a purportedly valid power of attorney—without confirming with the client or having assurance that the client has authorized the release of the file to that person.

Q. Does a conservator have a duty to safeguard other information?

Under certain circumstances, yes. A conservator may be exposed to confidential information from sources other than client files. A claim filed with the Pennsylvania Lawyers Fund for Client Security (PLFCS) may be confidential. See Pa.R.D.E. 504.

A conservator usually has the option of not including confidential information in the public record. As with any court exhibit or filing, information and documents that are not to be accessible to the public at the courthouse and online under the *Public Access Policy of the Unified Judicial System of Pennsylvania*, 204 Pa.Code § 213.81, must be filed in redacted form and under cover of a Confidential Information Form (Section 7.0) (**App. 2, Form R**) or under cover of a Confidential Document Form (Section 8.0) (**App. 2, Form S**). (Both forms are also available online at www.pacourts.us/public-records.) When warranted, a conservator can ask the president judge to conduct part of a hearing *in camera* and to seal that portion of the record.

H. Scope of Duties

Q. Have I been appointed to wind up the law practice of the absent attorney?

No. The applicable section of the Enforcement Rules under which you were appointed is captioned, "CONSERVATORS FOR INTERESTS OF CLIENTS." Hence, with little exception, your appointment is limited to exercising control over the client files and the funds in the professional and trustee accounts with the purpose of protecting the interests of current and former clients.

You are not required to administer property of the absent attorney other than the property identified in the appointing order (such as an answering machine or computer hard drive on which client information is stored), nor are you required to collect unpaid fees, entertain claims of creditors, make delinquent rent payments for office space, pay business taxes, or fulfill statutory requirements pertaining to dissolution of the business. In the case of a deceased attorney, all incoming inquiries and notices on such matters should be referred to the personal representative of the estate or next of kin. Creditors can be told to contact the estate or to consult with counsel.

Q. Do I need to enter an appearance in the absent attorney's cases to protect clients' rights?

No. You do not represent the absent attorney's clients. The application for a conservatorship operates as an automatic stay of any of the clients' legal or administrative proceedings pending in the Commonwealth of Pennsylvania. Rule 321(g). It also tolls the statute of limitations and deadlines for appeal in the clients' matters and potential suits in the courts of the Commonwealth. Rule 321(f).

I. The Inventory

Q. Do I have to move the files to one location for storage and safekeeping?

No. Where you maintain the files will depend upon the circumstances. You can box and move all files to your home or office. You can review and inventory files at the absent attorney's office if the landlord or owner will allow it and if the area is secure. If you want to extend the lease or enter into a new lease agreement for the former office or at another location, you will have to obtain the written permission of the Executive Director; otherwise, the Board cannot guarantee that it will cover that expense.

Q. When reviewing and inventorying files, what should I be looking for other than the clients' contact information?

Rule 322(c)(1) requires the conservator to send written notice to clients with a case or file that is active or was opened within the five years prior to the conservator's appointment. To accomplish that task, the conservator must identify:

- active cases or files, regardless of the age of the file; and
- inactive files, opened within five years of appointment.

"Active" and "inactive" are not defined in the Enforcement Rules. However, a reasonable interpretation of an "active case or file" would include, but not be limited to, any file:

- containing one or more original documents—such as a will, trust, deed or power of attorney—that should now be delivered to the client or maintained ***indefinitely***, even if there has not been any activity on the file within the last five years; or
- containing property of the client, including important original documents, that the absent attorney is obligated to deliver or return to the client, even if there has not been any activity on the file within the last five years.

Unless the president judge directs otherwise, notice by publication will suffice for any file that is inactive and was opened more than five years before the date of the conservator's appointment. Rule 322(c)(2). A conservator is not precluded from giving written notice to that subset of clients.

The conservator should make note of any active files that have deadlines.

The conservator should note all matters in which there is a pending case in another county, for purposes of notifying the other-county courts of the conservator's appointment and the automatic stay conferred by Rule 321(g).

The conservator should flag all files that contain original documents belonging to the client, such as wills, trusts, deeds, and powers of attorney. The appointing court may decide that original documents be maintained indefinitely in a secure manner to be determined by the appointing court. See *cf.* PA Bar Assoc. Committee on Legal Ethics and Professional Responsibility Formal Op. 2021-300, *Ethical Considerations for Lawyers Retaining Original Wills* (March 25, 2021) (concluding that when the location and/or circumstances of a testator are unknown, a lawyer must safeguard an original,

signed will indefinitely unless there is a statute, rule or some other procedure authorizing the will's disposal).

To determine ownership of funds, the conservator may have to examine the contents of some of the client files. Unless the absent attorney was keeping adequate client ledgers or account ledgers, documents which might be in the client file—fee agreements, invoices for services rendered and billing statements, payment receipts, cancelled checks, and distribution (or settlement) statements—might help to ascertain:

- fees and expenses paid in advance by the client to the absent attorney that had not been earned or incurred and should be refunded to the client; and
- fees or expenses owed by the client to the absent attorney.

Although you are not required to collect earned fees from clients, you should make note of any record that clearly establishes an uncollected earned fee. The PLFCS may use such information as an offset against any award made to the absent attorney's client (*i.e.*, PLFCS claimant).

Rule 322(b)(3) authorizes a conservator to return a file to a "client." Generally, the records and files will describe the client's identity in straightforward fashion. At times, some thought and analysis may be required. In a decedent's estate matter, the deceased testator could be a former client, and a current client could be either the personal representative or the estate as an entity (*i.e.*, not the individual beneficiaries, each of whom can retain counsel to represent his or her personal interests). Other less-than-obvious scenarios include: a representation in which a third party, such as a parent or employer, was paying the fee; or a corporate matter where the officer to whom the absent attorney reported may have been replaced, or where the client might be a corporate employee personally, not the entity.

Q. Am I required to inventory client files that were opened more than five years before my appointment and send a written notice to those former clients?

With regard to compiling an inventory, files that were opened more than five years before the conservator's appointment are generally treated the same as files less than five years old, even if the former are believed to be "inactive." To begin with, unless the absent attorney left a master list of closed files or the absent attorney stored the closed files in a segregated area, all files must be subjected to at least a cursory review to determine or confirm their age and status. A review of the older files is also necessary to ascertain the presence of original documents—which would warrant classifying a file as "active"—unless the conservator has some assurance, such as a

statement from the office administrator coupled with a confirming spot check, that the older files do not contain original documents.

The volume and actual age—e.g., 15 to 25 years—of the older inactive files may influence the conservator’s decision whether to forgo mailing an initial or follow-up notice, neither of which is required, and relying solely on publication to give notice. If notice is not mailed or emailed, the appointing court may direct the conservator to publish an additional notice before approving destruction of the older files.

J. Accounting

Q. Do I take control of bank accounts that facially appear to hold nonfiduciary funds, such as accounts captioned as “business” or “operating” accounts?

Yes. Rule 324(a) refers to “professional accounts” in addition to trustee accounts. Moreover, until you examine a purported non-fiduciary account, you will not know whether that account is holding fiduciary funds. Indeed, RPC 1.15(i) allows an attorney, with client consent confirmed in writing, to deposit into a business or operating account unearned legal fees and expenses that have been paid in advance; those funds belong to the client until the fees are earned and the expenses are incurred.

The Office of Disciplinary Counsel will provide you with the bank account information reported by the absent attorney on his or her most recent annual attorney registration forms.

Q. When Is a conservator allowed to forgo or terminate a financial examination of the absent attorney’s financial records?

Under Rule 324(c)(1), a conservator can forgo or terminate a financial examination “[i]f the state of the financial accounts and records of the absent attorney, or other relevant circumstances, render a determination as to ownership of purported client funds unreasonable and impractical” The rule is one of “reasonableness” and “practicality.” A conservator can petition the appointing court for permission to pay all indeterminate funds in any fiduciary account to the PLFCS.

Q. Do I determine ownership of funds in every decedent’s estate account over which the absent attorney exercised control as personal representative and the estate account has a positive balance?

Not necessarily. When an entire vacancy occurs in the office of personal representative before estate administration has been completed, the conservator should notify the register of wills and inquire about the local procedure for the register’s appointment of a successor personal representative pursuant to 20 Pa.C.S.A. § 3159

(Letters of administration D.B.N. or D.B.N.C.T.A.). The conservator might: advise the potential testate beneficiaries or intestate heirs of the possible need to consult with counsel to protect their interest in the estate; and provide them with the contact information for a lawyer referral service. (See O.C. Rule 10.5(a)(1) – (9) for a listing of potential persons and parties to whom a conservator might give notice.) The conservator should consider releasing the file and the fiduciary (estate) account, ***after obtaining the president judge’s approval***, to the appointed successor personal representative, who will be charged with the duty of completing estate administration, conducting an examination of existing funds, preparing an accounting, and distributing the available estate funds either by informal agreement of the beneficiaries or heirs or after a formal audit in the Orphans’ Court.

Any proposed distribution to beneficiaries or heirs by a conservator should be approved by the president judge or the Orphans’ Court.

Q. What should I do if a client claims that he or she is owed funds?

When there is a basis to believe that a client is owed money, including a refund of unearned fees, and there are insufficient funds to reimburse the client, the conservator should refer the client to the PLFCS. The definition of “reimbursable losses” applicable to PLFCS claims includes a “loss . . . in the nature of unearned, unrefunded fees paid to a lawyer who, without completing the engagement, died, was transferred to inactive disability status, or cannot be located.” Pa.R.D.E. 514(a)(1)(ii). Provide the client with a claim form and instructions, which are available in Appendix 2, **Form O**, or refer the client to the PLFCS website, www.palawfund.com. The PLFCS has a requirement that claimants file a corresponding disciplinary complaint with ODC unless the absent attorney is deceased, and the client should be so advised.

Q. What should I do with a check made payable to the absent attorney? Does it matter whether the check was dated and/or received before or after the attorney became absent, or before or after my appointment?

The appointing order should specifically authorize the conservator to deposit all checks, except those that are stale-dated, and to administer the proceeds.

If the check proceeds represent an earned fee or a non-income receipt, such as reimbursement for malpractice insurance, deposit the check into the absent attorney’s operating account. The president judge might authorize those funds to be distributed to a client who is owed money or to the Board for reimbursement of expenses. See Rule 324(b), (d). Notify the estate administrator or next of kin, as both transactions may require reporting to the IRS—the earned fee as taxable income and the insurance reimbursement as an offset to a previous business expense deduction. Do not provide any tax guidance other than advising your contact to consult with a tax professional.

If the check proceeds represent an advance payment of fees and the client's account is up to date, return the check to the client.

Q. What if my financial evaluation reveals that there are available fiduciary funds to pay some but not all of the absent attorney's clients who are owed funds?

If you conclude that the Trust Account balances are not sufficient to reimburse all clients who are owed funds, ask the appointing court for permission to pay the available fiduciary funds to the PLFCS and advise the clients to file a claim with the PLFCS.

A conservator should **not** disburse any funds to any client or other person from an account maintained by the absent attorney without obtaining the written permission of the president judge.

K. Timeline of Significant Events

Q. How long does my appointment last and when are my written reports due?

Your appointment is for no longer than six months but may be extended, upon your application and for good cause, for an additional three months. The appointing court is not to provide any additional extensions unless you can show "extraordinary circumstances." (Pa.R.D.E. 325)

Your first written report is due no later than 30 days after the date of appointment. Thereafter, your report is due every 60 days until discharge. (Pa.R.D.E. 322(e)). Hence, your schedule of reporting the progress of the conservatorship is as follows:

First report due:	30 days (1 month) from appointment
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Second report due:	90 days (3 months) from appointment
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Third report due:	150 days (5 months) from appointment
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Fourth & final report & discharge
petition due, unless an extension
petition is filed:

180 days (6 months) from appointment

If extension granted, **Fourth** report due: 210 days (7 months) from appointment

Fifth & final report & discharge
petition due; **Fifth** report due even
if a second extension petition
is filed and granted:

270 days (9 months) from appointment

If a second extension petition had been filed and granted, **Sixth & final** report & discharge petition due; **Sixth** report due even if the appointing court had previously granted or will now grant additional time beyond 11 months to complete the conservatorship:

330 days (11 months) from appointment

L. Seeking Guidance

Q. What should I do if I am not sure about the action to be taken?

As previously explained, a Disciplinary Counsel will be available to respond to your questions, but responses constitute informal guidance, not legal advice. You can also conduct legal research and consult informal and formal ethics opinions.

Consider resolving issues by choosing the course of action that you believe best protects the interests of the absent attorney's client. Any client or non-client who feels aggrieved by your decision might ask the appointing court to review your decision. See Rule 327(3). You also have the option of filing with the appointing court a proposed order and application, therein asking the appointing court to enter an order approving the course of action you recommend be taken. The appointing court may require that you serve a copy of any such application on an affected party or ODC.

CONSERVATORS FOR INTERESTS
OF CLIENTS

Rule 321. Appointment of conservator to protect interests of clients of absent attorney.

(a) Upon application of Disciplinary Counsel or any other interested person with the written concurrence of Disciplinary Counsel, the president judge of a court of common pleas shall have the power to appoint one or more eligible persons to act as conservators of the affairs of an attorney or formerly admitted attorney if:

- (1) the attorney maintains or has maintained an office for the practice of law within the judicial district; and
- (2) any of the following applies:
 - (i) the attorney is made the subject of an order under Enforcement Rule 208(f) (relating to emergency interim suspension orders and related matters); or
 - (ii) the president judge of the court of common pleas pursuant to Enforcement Rule 217(g) (relating to formerly admitted attorneys) by order directs Disciplinary Counsel to file an application under this rule; or
 - (iii) the attorney abandons his or her practice, disappears, dies or is transferred to inactive status because of incapacity or disability; and
- (3) no partner or other responsible successor to the practice of the attorney is known to exist.

(b) A copy of the application for appointment of a conservator under this rule shall be personally served upon the absent attorney or the personal representative or guardian of the estate of a deceased or incompetent absent attorney. If personal service cannot be obtained, then a copy of the application shall be served in the manner prescribed by Enforcement Rule 212 (relating to substituted service).

(c) The president judge of the court of common pleas shall conduct a hearing on the application no later than seven days after the filing of the application. At the hearing the applicant shall have both the burden of production and the burden of persuading the court by the preponderance of the credible evidence that grounds exist for appointment of a conservator.

(d) Within three days after the conclusion of the hearing on the application, the president judge shall enter an order either granting or denying the application. The order shall contain findings of fact and a statement of the grounds upon which the order is based. If no appearance has been entered on behalf of the absent attorney, a copy of the order shall be served upon the absent attorney in the manner prescribed by Subdivision (b) of this rule.

(e) The conservator or conservators shall be appointed by the president judge, from among members of the bar of this Commonwealth, subject to the following:

- (1) non-disciplinary counsel conservators:
 - (i) shall not represent any party who is adverse to any known client of the absent attorney; and
 - (ii) shall have no adverse interest or relationship with the absent attorney or his or her estate.

Note: Nothing in the Rules of Professional Conduct relating to conflict of interest, confidentiality, or any other provision, shall prevent the Office of Disciplinary Counsel from serving as conservator, and from subsequently pursuing an investigation, and disciplinary prosecution of the absent attorney, based upon information gathered during the course of Disciplinary Counsel's service as conservator.

(f) The filing by Disciplinary Counsel or any other interested person of an application for the appointment of a conservator under these rules shall be deemed for the purposes of any statute of limitations or limitation on time for appeal as the filing in the court of common pleas or other proper court or magisterial district court of this Commonwealth on behalf of every client of the absent attorney of a complaint or other proper process commencing any action, proceeding, appeal or other matter arguably suggested by any information appearing in the files of the absent attorney if:

- (1) the application for appointment of a conservator is granted, and

(2) substitute counsel actually files an appropriate document in a court or magisterial district court within 30 days after executing a receipt for the file relating to the matter.

Note: Under 42 Pa.C.S. 5503(b) (relating to implementing court rules) the Supreme Court may define by rule the document which when filed constitutes the commencement of a matter for purposes of Chapter 55 of the Judicial Code (relating to limitation of time). Thus the application by Disciplinary Counsel under this rule is an omnibus pleading which stays the running of all statutes of limitations and appeal times pending a 30-day review of the files of the absent attorney.

(g) The filing by Disciplinary Counsel or any other interested person of an application for the appointment of a conservator under these rules shall operate as an automatic stay of all pending legal or administrative proceedings in this Commonwealth where the absent attorney is counsel of record until the earliest of such time as:

- (1) the application for appointment of a conservator is denied;
- (2) the conservator is discharged;
- (3) the court, tribunal, magisterial district court or other government unit in which a matter is pending orders that the stay be lifted; or
- (4) 30 days after the court, tribunal, magisterial district court or other government unit in which a matter is pending is notified that substitute counsel has been retained.

(h) As used in this rule, the term "government unit" has the meaning set forth in 42 Pa.C.S. § 102 (relating to definitions).

Rule 322. Duties of Conservator.

(a) The conservator shall take immediate possession of all files of the absent attorney. If such possession cannot be obtained peaceably, the conservator shall apply to the appointing court for issuance of a warrant authorizing seizure of the files. Probable cause for issuance of such a warrant shall be an affidavit executed by the conservator reciting the existence of the conservatorship and the fact that the persons in control of the premises where the files are or may be located will not consent to a search for them or their removal or other facts showing that the files cannot be obtained without the use of the process of the court.

(b) The conservator shall make a written inventory of all files taken into his or her possession.

(c) (1) The conservator shall make a reasonable effort to identify all clients of the absent attorney whose files were opened within five (5) years of the appointment of the conservator, regardless of whether the case is active or not, and a reasonable effort to identify all clients whose cases are active, regardless of the age of the file. The conservator shall send all such clients, and former clients, written notice of the appointment of a conservator, the grounds which required such appointment, and the possible need of the clients to obtain substitute counsel. All such notices shall include the name, address and telephone number of any lawyer referral service or similar agency available to assist in the location of substitute counsel. The conservator shall, if necessary, send a second written notice to all clients of the absent attorney whose files appear to be active.

(2) All clients whose files are identified by the conservator as both inactive and older than five (5) years shall be given notice by publication of the appointment of a conservator, the grounds which required such appointment, and the possible need of the clients to obtain substitute counsel. All such notices shall include the name, address and telephone number of any lawyer referral service or similar agency available to assist in the location of substitute counsel. The specific method of publication shall be approved by the appointing court, as to both the method, and duration, of publication. The conservator shall deliver proofs of publication to the appointing court at the time of filing the application for discharge.

(3) A file may be returned to a client upon the execution of a written receipt, or released to substitute counsel upon the request of the client and execution of a written receipt by such counsel. The conservator shall deliver all such receipts to the appointing court at the time of filing the application for discharge. On approval by the appointing court of the application for discharge, all files remaining in the possession of the conservator shall be destroyed by the conservator in a secure manner which protects the confidentiality of the files.

(d) Neither the conservator nor any partner, associate or other lawyer practicing in association with the conservator shall:

(1) Make any recommendation of counsel to any client identified as a result of the conservatorship in connection with any matter identified during the conservatorship.

(2) Represent such a client in connection with:

(i) any matter identified during the conservatorship; or

(ii) any other matter during or for a period of three years after the conclusion of the conservatorship.

(e) The conservator shall file a written report with the appointing court and the Board no later than 30 days after the date of appointment covering the matters specified in Subdivisions (a) through (c) of this rule. If those duties have not been accomplished, then the conservator shall state what progress has been made in that regard. Thereafter, the conservator shall file a similar written report every 60 days until discharge.

(f) In the case of a deceased attorney, the conservator shall notify the executor of the estate of the Disciplinary Board's need to be reimbursed by the estate for the costs and expenses incurred in accordance with Rule 328(b) (relating to compensation and expenses of conservator.)

Rule 323. Cooperation with Conservator.

Any absent attorney who is capable of cooperating with the conservator and any partner, associate, personal representative or guardian of an absent attorney shall cooperate to the best of his or her ability with the conservator in identifying the clients and client files (including records with respect to funds of clients) of the absent attorney and any unexpended funds of such clients. Wilful failure to so cooperate shall constitute a separate violation of these rules for the purposes of Enforcement Rule 203(b)(3) (relating to grounds for discipline).

Note: Under Rule 329(b) (relating to review by Supreme Court), review in the Supreme Court, unless otherwise ordered, does not stay the operation of this rule or any other aspect of the conservatorship.

Rule 324. Bank and Other Accounts.

(a) A conservator shall notify all banks and financial institutions in which the absent attorney maintained either professional or trustee accounts of the appointment of a conservator under these rules. Service on a bank or financial institution of a certified copy of the order of appointment of the conservator shall operate as a modification of any agreement or deposit among such bank or financial institution, the absent attorney and any other party to the account so as to make the conservator a necessary signatory on any professional or trustee account maintained by the absent attorney with such bank or financial institution. The appointing court on application may by order direct that the conservator shall be sole signatory on any such account to the extent necessary for the purposes of these rules and may direct the disposition and distribution of client and other funds.

(b) The conservator shall cause all funds of clients in the custody of the absent attorney to be returned to the clients as soon as possible, allowing for deduction of expenses or other proper charges owed by the clients to the absent attorney.

(c) The conservator may engage the services of a certified public accountant when considered necessary to assist in the bookkeeping and auditing of the financial accounts and records of the absent attorney.

(1) If the state of the financial accounts and records of the absent attorney, or other relevant circumstances, render a determination as to ownership of purported client funds unreasonable and impractical, the conservator shall petition the appointing court for permission to pay all funds held by the absent attorney in any trust, escrow, or IOLTA account, to the Pennsylvania Lawyers Fund For Client Security. Any petition filed under this subsection shall be served by publication, the specific method and duration of which shall be approved by the appointing court.

(d) Whenever it appears that sufficient funds are in the possession of the conservatorship to permit the return of all client funds in the custody of the absent attorney, and otherwise to complete the conservatorship and pay its expenses authorized under Enforcement Rule 328 (relating to compensation and expenses of conservator), the conservator shall permit the absent attorney or his or her estate to take full possession of any remaining funds.

Rule 325. Duration of Conservatorship.

Appointment of a conservator pursuant to these rules shall be for a period of no longer than six months. The appointing court shall have the power, upon application of the conservator and for good cause, to extend the appointment for an additional three months. Any order granting such an extension shall include findings of fact in support of the extension. No additional extensions shall be granted absent a showing of extraordinary circumstances.

Rule 326. Discharge of Conservator.

(a) The conservator shall apply to the appointing court for discharge when in the opinion of the conservator, nothing more remains to be done to protect the funds and other interests of the clients of the absent attorney.

(b) An application for discharge shall set forth a full accounting of all funds disbursed to clients of the absent attorney, expended in the conservatorship or released to the full control of the absent attorney, and a summary of all other actions taken by the conservator.

Rule 327. Liability of Conservator.

A conservator appointed under these rules shall:

(1) Not be regarded as having an attorney-client relationship with clients of the absent attorney, except that the conservator shall be bound by the obligation of confidentiality imposed by the Rules of Professional Conduct with respect to information acquired as conservator.

(2) Have no liability to the clients of the absent attorney except for injury to such clients caused by intentional, wilful, or grossly negligent breach of duties as a conservator.

(3) Be immune to separate suit brought by or on behalf of the absent attorney. Any objections by or on behalf of the absent attorney or any other person to the conduct of the conservator shall be raised in the appointing court during the pendency of the conservatorship.

Rule 328. Compensation and Expenses of Conservator.

(a) A conservator not associated with the Office of Disciplinary Counsel shall be compensated pursuant to a written agreement between the conservator and the Board Chair. Compensation under such an agreement shall be paid at reasonable intervals, and at an hourly rate identical to that received by court-appointed counsel at the non-court appearance rate in the judicial district where the conservator was appointed. When the conservator believes that extraordinary circumstances justify an enhanced hourly rate, the conservator may apply to the Board Chair for enhanced compensation. Such an application shall be granted only in those situations in which extraordinary circumstances are shown to justify enhanced compensation.

(b) The necessary expenses (including, but not limited to, the fees and expenses of certified public accountant engaged pursuant to Enforcement Rule 324(c)) and any compensation of a conservator or any attendant staff shall, if possible, be paid by the absent attorney or his or her estate. Any expenses and any compensation of the conservator that are not reimbursed to the Board shall be paid as a cost of disciplinary administration and enforcement. Payment of any costs incurred by the Board pursuant to this rule that have not been reimbursed to the Board may be made a condition of reinstatement of a formerly admitted attorney or may be ordered in a disciplinary proceeding brought against the absent attorney.

Rule 329. Review by Supreme Court.

(a) Any order entered by a court of common pleas upon an application for the appointment of a conservator, or arising out of the supervision, administration, operation or discharge of any conservatorship under these rules, shall be reviewable by the Supreme Court within the time and in the manner prescribed by the Pennsylvania Rules of Appellate Procedure for review of orders relating to the supervision of investigating grand juries.

(b) Review in the Supreme Court under this rule shall not stay proceedings below unless the court of common pleas or the Supreme Court or a justice thereof shall so order.

Note: See Rule 3331 (relating to review of special prosecutions or investigations) of the Pennsylvania Rules of Appellate Procedure.

Instructions

Completing the caption:

Always use the absent attorney's official registration name, which appears at padisciplinaryboard.org or padb.us.

After the attorney's name, you may include a designation for the absence: "Deceased," "a temporarily suspended attorney," "an administratively suspended attorney," "a suspended attorney," "a disbarred attorney," or "an attorney transferred to disability inactive status."

After editing the Application, attach the following:

- ☐ Order for Hearing **or** a proposed Order (**App. 2, Form C**)
- ☐ Rules of Disciplinary Enforcement 321 *et seq.* as "Exhibit A" (**App. 1**)
- ☐ Obituary (if available)
- ☐ Consent of Proposed Conservator
- ☐ Affidavit of a next of kin or personal representative (**App. 2, Form B**)
- ☐ Concurrence of Disciplinary Counsel
- ☐ Verification
- ☐ Proof of Service
- ☐ Certificate of Compliance (**App. 2, Form Q**)

When required by the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania, 204 Pa.Code § 213.81, Sections 7.0 (Confidential Information) or 8.0 (Confidential Documents), attach a:

- ☐ Confidential Information Form (**App. 2, Form R**)
- ☐ Confidential Document Form (**App. 2, Form S**)

WHEN THE APPLICATION IS FILED, USE A CIVIL FILINGS COVER SHEET:

- ☐ **App. 2, Form E** (form approved pursuant to Pa.R.C.P. 205.5(e))
- ☐ **App. 2, Form F** (Philadelphia Local Rule *205.2(b)(1)).

IN THE COURT OF COMMON PLEAS
OF *** COUNTY, PENNSYLVANIA

IN THE MATTER OF:

[Absent Attorney's Name as it
appears at padb.us], Deceased **[or**
other reason for being "absent"

(Attorney Registration No.*)

: CIVIL DIVISION

:
:

: No. ***-****

: **[Administrative Docket or**

: Miscellaneous Docket]

:
:

APPLICATION FOR APPOINTMENT OF
A CONSERVATOR PURSUANT TO
RULE 321 OF THE PENNSYLVANIA
RULES OF DISCIPLINARY
ENFORCEMENT

Counsel of Record for these
proceedings:

*, Esquire
Suite ****
123 Main Street
, PA **
(***) ***-****
Pa. Id. #*

IN THE COURT OF COMMON PLEAS
OF *** COUNTY, PENNSYLVANIA

IN THE MATTER OF	:	COURT OF COMMON PLEAS
	:	CIVIL DIVISION
	:	
, Deceased	:	No. ***-*
	:	[Administrative Docket or
[Absent Attorney's address]	:	Miscellaneous Docket]
, PA **	:	
	:	
(Attorney Registration No. *****)	:	

APPLICATION FOR APPOINTMENT OF A CONSERVATOR
PURSUANT TO RULE 321 OF THE PENNSYLVANIA
RULES OF DISCIPLINARY ENFORCEMENT

TO THE HONORABLE [*], PRESIDENT JUDGE OF SAID COURT:

Petitioner, _____, by _____,
Esquire, with the written concurrence of Disciplinary Counsel of the Disciplinary Board of
the Supreme Court of Pennsylvania, as appended hereto, makes this Application for
Appointment of a Conservator Pursuant to Rule 321 of the Pennsylvania Rules of
Disciplinary Enforcement ("Application"), and in support thereof represents as follows:

1. Petitioner is _____.
2. A true and correct copy of Rules 321 through 329 of the Pennsylvania Rules of Disciplinary Enforcement ("Pa.R.D.E."), which are the rules pertinent to the appointment and duties of a conservator, are attached hereto as "Exhibit A."
3. Respondent, [**Absent Attorney], was admitted to the practice of law in the Commonwealth of Pennsylvania on *.

REVIEW THE FOLLOWING PARAGRAPHS AND USE THEM SEPARATELY OR IN COMBINATION OR WITH SOME MODIFICATION BASED ON THE FACTS OF YOUR CONSERVATORSHIP.

4. Respondent died on ***. A true and correct copy of the Obituary is attached as "Exhibit B."

5. Respondent is survived by [his/her] spouse, *, who resides in [***city and state].

OR

6. [By Order of the Supreme Court of Pennsylvania dated *, Respondent was [placed on temporary suspension pursuant to Pa.R.D.E. 208(f)(1).] or [suspended from the practice of law for a period of * years.] or [disbarred [on consent].]

OR

7. On *, Respondent [put information in here regarding whether absent attorney is on inactive status or administratively suspended and has not complied with Pa.R.D.E. 217; or perhaps Respondent is incapacitated and under treatment, or has been involuntarily committed and/or transferred to disability inactive status under Pa.R.D.E. 301(c), (d) or (e); or whatever information is applicable].

8. Petitioner believes and therefore avers that because of Respondent's inability to attend to [his/her] current caseload, matters may be seriously neglected with the potential financial loss to the clients involved.

* * * * *

9. Pa.R.D.E. 321(a) provides, in pertinent part, that "[u]pon application of Disciplinary Counsel or any other interested person with the written concurrence of

Disciplinary Counsel, the president judge of a court of common pleas shall have the power to appoint one or more eligible persons to act as conservators of the affairs of an attorney or formerly admitted attorney if: (1) the attorney maintains or has maintained an office for the practice of law within the judicial district; and (2) . . . the following applies:"

[retain (i) or (iii) and delete the other:

- (i) the attorney is placed on emergency interim suspension under Pa.R.D.E. 208(f); and . . .

OR

"(iii) the attorney abandons his or her practice, disappears, dies or is transferred to inactive status because of incapacity or disability; and"]

"(3) no partner or other responsible successor to the practice of the attorney is known to exist."

10. At the time of [his/her] death, Respondent maintained an office for the practice of law at ***, PA, *****, which is in the *** Judicial District (*** County).

11. Petitioner is reliably informed, believes and therefore avers, that Respondent had been a sole practitioner since in or about ****, was so at the time of [his/her] death, and that no partner or other responsible successor to [his/her] law practice is known to exist.

12. Pa.R.D.E. 322 sets forth the duties of a conservator with respect to the files and clients of the deceased attorney for whose practice the conservatorship is sought. Among other things, these duties include the collection of the deceased attorney's files, the preparation of an inventory of the files, and distribution of the files to individuals who were current or former clients, accompanied by contact information for the lawyer referral

service in the locale where the lawyer practiced.

13. Petitioner has no reliable information concerning the number or identity of clients who have retained Respondent to represent their interests. [There exists approximately * open client files, as well as approximately * closed files.]

14. Pa.R.D.E. 324 sets forth the duties of a conservator with respect to professional or trustee accounts of the lawyer for whose practice the conservatorship is sought. Among other things, the conservator is required to give notice of the conservatorship to the bank in which such accounts are maintained, and to cause any funds of clients to be returned to the clients. Subsection (a) of Pa.R.D.E. 324 provides, in part, that “[t]he appointing court on application may by order direct that the conservator shall be sole signatory on any such account to the extent necessary for the purposes of these rules”

15. On information and belief, Respondent maintained professional and trustee accounts at ***** Bank. Petitioner requests that [the conservator/he/she] be the sole signatory on these and all professional or trustee accounts maintained by Respondent.

16. Conservator-nominee *****, Esquire, is a member of the Bar of this Commonwealth with an office located at *****, PA *****. Conservator-nominee is not related to Respondent. [He/She] has no adverse interest or relationship with Respondent, nor is [he/she] representing any party who is adverse to any known client of Respondent. [He/she] is willing to serve as conservator in this action, and [his/her] consent is attached hereto as “Exhibit C.”

17. An Estate has not been opened, and therefore there is no personal representative to whom to give notice, as required by Pa.R.D.E. 321(b). A copy of this

Application has been served upon Respondent's [spouse/other relative] at [his/her] residence. Respondent's [spouse/other relative] supports the appointment of a conservator, as shown in an Affidavit **[See Handbook, App. 2, Form B]**, which is attached as "Exhibit D."

18. Rule 321(c) provides, in part, that "[t]he president judge . . . shall conduct a hearing on the application no later than seven days after the filing of the application." However, president judges have granted such applications without a hearing. Since the need for a conservatorship is apparent and Respondent's [spouse/other relative] supports the appointment of a conservator, Petitioner and Office of Disciplinary Counsel believe that a hearing is unnecessary. If the court wants to hold a hearing, either in person or remotely, Petitioner, conservator-nominee and ODC will be available. (Petitioner is not attaching a proposed Order for Hearing to this Application but will provide one upon request of the court.)

* * * * *

WHEREFORE, Petitioner prays that your Honorable Court schedule a hearing, pursuant to Pa.R.D.E. 321(c), within seven (7) days of the date of the presentation of this Application, and thereafter enter an Order granting the Application and appointing *****, Esquire, as conservator to protect the interest of *'s clients, with full powers and duties as set forth in Pa.R.D.E. 321 through 329.

OR

WHEREFORE, Petitioner prays that your Honorable Court dispense with a hearing and enter an Order granting the Application and appointing *****, Esquire, as

conservator to protect the interest of *’s clients, with full powers and duties as set forth in Pa.R.D.E. 321 through 329. **[USE THIS WHEREFORE CLAUSE WHEN YOU HAVE AN AFFIDAVIT EITHER FROM A SPOUSE OR FROM THE APPROPRIATE INDIVIDUAL NOT CONTESTING THE CONSERVATORSHIP.]**

Respectfully submitted,

*

Suite ***
123 Main Street
, PA **
(***) ***-****
Pa. Id. #*

INCLUDE EITHER THE ORDER FOR HEARING AND THE PROPOSED ORDER FOR APPOINTMENT, OR JUST THE PROPOSED ORDER FOR APPOINTMENT WHEN THE REQUESTED RELIEF IS AN APPOINTMENT WITHOUT A HEARING.

IN THE COURT OF COMMON PLEAS
OF *** COUNTY, PENNSYLVANIA

IN THE MATTER OF : COURT OF COMMON PLEAS
: CIVIL DIVISION
:
, Deceased **[or other circumstance]** : No. ***-*
: **[Administrative Docket or**
: **Miscellaneous Docket]**
(Attorney Registration No. *****) :

ORDER FOR HEARING

AND NOW, this _____ day of _____, 20__, upon presentation and consideration of the Application for Appointment of a Conservator Pursuant to Rule 321 of the Pennsylvania Rules of Disciplinary Enforcement, a hearing is set for the day of _____, 20 __, at _____ o'clock __.m. in Courtroom No. _____.

The fee for filing this Application, and all costs, including certified copies, are waived.

By the Court:

P.J.

IN THE COURT OF COMMON PLEAS
OF *** COUNTY, PENNSYLVANIA

IN THE MATTER OF : COURT OF COMMON PLEAS
: CIVIL DIVISION
:
, Deceased **[or other circumstance]** : No. ***-*
: **[Administrative Docket or**
: **Miscellaneous Docket]**
(Attorney Registration No. *****) :

ORDER

AND NOW, this day of , 20____, upon presentation and consideration of the Application for Appointment of a Conservator Pursuant to Pennsylvania Rule of Disciplinary Enforcement 321 ("Application"), it is hereby

ORDERED AND DECREED that the Application is GRANTED. The Court appoints *** , Esquire, to act as Conservator. Conservator shall notify all parties of said appointment. Such notification shall include a publication, as set forth in Pa.R.D.E. 322(c)(2), once in both the *** and the *** County Law Journal.

It is further ORDERED and DECREED that the Conservator shall take immediate possession of all files, computers, cellular telephones, recorded voice messages, electronic media, financial records of Attorney *** , bank and other financial institution records, mail, or other material relating to Attorney *** 's clients, or which may contain client information, located at Attorney *** 's former office and [***his her] residence in *** , or at any other place discovered by Conservator during the execution of [***his her] his duties as Conservator. Conservator shall distribute (or attempt to distribute) the files to Respondent's clients, and take such other action as required by Pa.R.D.E. 321 through

329.

It is further ORDERED and DECREED that the Conservator shall, pursuant to Pa.R.D.E. 324, be the sole signatory on all professional or trustee accounts maintained by Attorney *** , including but not limited to Attorney *** 's IOLTA account at *** Bank, [his/her] IOLTA/Trust Account at *** Bank, and [his/her] operating account at *** Bank. Except for checks and other negotiable instruments that are stale-dated, Conservator shall have authority to endorse and/or deposit checks and other negotiable instruments—including those made payable to *** , Esquire, to the Law Office of *** , and to any similar designation of payee—to Attorney ***'s professional or trustee accounts and to manage and administer the funds in those accounts.

It is further ORDERED and DECREED that the Conservator shall have sole authority to receive, open and read all mail addressed to Attorney *** from *** [date], and on, for the duration of this conservatorship.

It is further ORDERED and DECREED that all of Attorney *** 's legal and administrative proceedings pending in the Commonwealth of Pennsylvania as of *** [date], are hereby STAYED, said Stay to continue, pursuant to Pa.R.D.E. 321(g), until the earliest of such time as: 1) the Conservator is discharged; 2) the court or other government unit in which a matter is pending orders that the stay be lifted; or 3) 30 days after the court or government unit in which a matter is pending is notified that substitute counsel has been retained. To the extent that Conservator becomes aware through [his/her] review of Attorney *** 's files that Attorney *** is attorney of record in active cases pending in other counties, Conservator shall notify the courts in the other counties

of the entry of this Order and Stay.

It is further ORDERED AND DECREED that the fee for filing this Application and costs are waived. All costs, including filing fees and certified copies, for the duration of this conservatorship, are waived. The [***Office of Prothonotary/Office of Judicial Records] shall provide the Conservator with certified copies of this Order, upon request, to enable [him/her] to carry out [his her] duties as Conservator.

BY THE COURT:

P.J.

IN THE COURT OF COMMON PLEAS
OF *** COUNTY, PENNSYLVANIA

IN THE MATTER OF : COURT OF COMMON PLEAS
: CIVIL DIVISION
:
, Deceased **[or other circumstance]** : No. ***-*
: **[Administrative Docket or**
: **Miscellaneous Docket]**
(Attorney Registration No. *****) :
:

CONSENT OF PROPOSED CONSERVATOR

TO THE HONORABLE **, PRESIDENT JUDGE:

I, *****, Esquire, hereby consent to serve as Conservator in this action.

Date

*
Suite ***
123 Main Street
, PA **
(***) ***-****
Pa. Id. #*

IN THE COURT OF COMMON PLEAS
OF *** COUNTY, PENNSYLVANIA

IN THE MATTER OF : COURT OF COMMON PLEAS
: CIVIL DIVISION
:
, Deceased [or other circumstance] : No. ***-*
: [Administrative Docket or
: Miscellaneous Docket]
:
Attorney Registration No. ***** :

CONCURRENCE OF DISCIPLINARY COUNSEL

I, ****, Disciplinary Counsel, do hereby provide my written concurrence, as required by Rule 321(a) of the Pennsylvania Rules of Disciplinary Enforcement, to the appointment of ****, Esquire, as Conservator in connection with the law practice of [deceased/temporarily suspended/suspended/disbarred] attorney *****, *** County, PA Bar ID *****.

Date

IN THE COURT OF COMMON PLEAS
OF *** COUNTY, PENNSYLVANIA

IN THE MATTER OF : COURT OF COMMON PLEAS
: CIVIL DIVISION
:
, Deceased **[or other circumstance]** : No. ***-*
: **[Administrative Docket or**
: **Miscellaneous Docket]**
(Attorney Registration No. *****) :
:

VERIFICATION

The statements contained in the foregoing Application for Appointment of a Conservator Pursuant to Rule 321 of the Pennsylvania Rules of Disciplinary Enforcement are true and correct to the best of my knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date

See Enforcement Rule 321(b) for service requirements.

IN THE COURT OF COMMON PLEAS
OF *** COUNTY, PENNSYLVANIA

IN THE MATTER OF : COURT OF COMMON PLEAS
: CIVIL DIVISION
:
, Deceased **[or other circumstance]** : No. ***-*
: **[Administrative Docket or**
: **Miscellaneous Docket]**
(Attorney Registration No. *****) :

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon the person
and in the manner indicated below, which service satisfies the requirements of Rule
321(b), Pa.R.D.E., addressed as follows:

By Personal Service [and/or First Class Mail]:

*

By email:

*,
Reg. No. *
Suite ***
123 Main Street
, PA **
--****

AFFIDAVIT

I, _____, depose and say that I reside at ***, and I am the [widow/widower, or ***] of ***. It has come to my attention that *** stored files at *** which need to be disseminated to [his/her] former clients. There is no responsible successor to the practice [and no estate has been raised.] I further depose and say that I have been personally served with a copy of ***'s Application for Appointment of a Conservator Pursuant to Pennsylvania Rule of Disciplinary Enforcement 321 to protect the interests of **'s current and former clients. I concur with the Application and request that such Conservator be immediately appointed.

Date

Sworn and subscribed to

before me this _____

day of _____, 20**.

Notary Public

IN THE COURT OF COMMON PLEAS
OF *** COUNTY, PENNSYLVANIA

IN THE MATTER OF : COURT OF COMMON PLEAS
: CIVIL DIVISION
:
, Deceased [or other circumstance] : No. ***_*
: [Administrative Docket or
: Miscellaneous Docket]
(Attorney Registration No. *****) :

ORDER

AND NOW, this day of , 20__, upon presentation and consideration of the Application for Appointment of a Conservator Pursuant to Pennsylvania Rule of Disciplinary Enforcement 321 (“Application”), it is hereby

ORDERED AND DECREED that the Application is GRANTED. The Court appoints *** , Esquire, to act as Conservator. Conservator shall notify all parties of said appointment. Such notification shall include a publication, as set forth in Pa.R.D.E. 322(c)(2), once in both the *** and the *** County Law Journal.

It is further ORDERED and DECREED that the Conservator shall take immediate possession of all files, computers, cellular telephones, recorded voice messages, electronic media, financial records of Attorney *** , bank and other financial institution records, mail, or other material relating to Attorney *** ’s clients, or which may contain client information, located at Attorney *** ’s former office and [***his her] residence in *** , or at any other place discovered by Conservator during the execution of [***his her] his duties as Conservator. Conservator shall distribute (or attempt to distribute) the files to Respondent’s clients, and take such other action as required by Pa.R.D.E. 321 through 329.

It is further ORDERED and DECREED that the Conservator shall, pursuant to Pa.R.D.E. 324, be the sole signatory on all professional or trustee accounts maintained by Attorney ***, including but not limited to Attorney ***'s IOLTA account at *** Bank, [his/her] IOLTA/Trust Account at *** Bank, and [his/her] operating account at *** Bank. Except for checks and other negotiable instruments that are stale-dated, Conservator shall have authority to endorse and/or deposit checks and other negotiable instruments—including those made payable to ***, Esquire, to the Law Office of ***, and to any similar designation of payee—to Attorney ***'s professional or trustee accounts and to manage and administer the funds in those accounts.

It is further ORDERED and DECREED that the Conservator shall have sole authority to receive, open and read all mail addressed to Attorney *** from *** [date], and on, for the duration of this conservatorship.

It is further ORDERED and DECREED that all of Attorney ***'s legal and administrative proceedings pending in the Commonwealth of Pennsylvania as of *** [date], are hereby STAYED, said Stay to continue, pursuant to Pa.R.D.E. 321(g), until the earliest of such time as: 1) the Conservator is discharged; 2) the court or other government unit in which a matter is pending orders that the stay be lifted; or 3) 30 days after the court or government unit in which a matter is pending is notified that substitute counsel has been retained. To the extent that Conservator becomes aware through [his/her] review of Attorney ***'s files that Attorney *** is attorney of record in active cases pending in other counties, Conservator shall notify the courts in the other counties of the entry of this Order and Stay.

It is further ORDERED AND DECREED that the fee for filing this Application

and costs are waived. All costs, including filing fees and certified copies, for the duration of this conservatorship, are waived. The [***Office of Prothonotary/Office of Judicial Records] shall provide the Conservator with certified copies of this Order, upon request, to enable [him/her] to carry out [his her] duties as Conservator.

BY THE COURT:

P.J.

[Date]

Via [Hand Delivery/FedEx Next Day Delivery]**

Honorable ***

President Judge, Court of Common Pleas

*** Judicial District of Pennsylvania

[Address of President Judge's Chambers]

Re: In the Matter of *** , Esquire, [Deceased]

Dear President Judge ***:

I am enclosing the original [and one copy] of an Application for Appointment of a Conservator Pursuant to Rule 321 of the Pennsylvania Rules of Disciplinary Enforcement ("Application"). [***As described in the Application, Petitioner is not requesting a hearing, but is available at the Court's convenience should the Court deem one necessary. In communicating with Mr. ***'s widow, Mrs. *** , she has conveyed that she has no objection to appointment of a conservator and has signed an Affidavit to that effect, which is attached to the Application.] [or In communicating with Mrs. ***'s widower, Mr. *** , he has conveyed that he has no objection to appointment of a conservator and has signed an Affidavit to that effect, which is attached to the Application.]

Should the Court deem it acceptable to sign the suggested Order accompanying the Application, I would appreciate your staff contacting me at (***) ***-**** or [***email address]. I will arrange to pick up the original Application and Order and file the same with the [Prothonotary/Office of Judicial Records]. [or I will make arrangements to have the original Application and Order picked up and filed with the [Prothonotary/Office of Judicial Records]. A copy of the Order will be served on Mrs. ** [or Mr. **].

Your courtesies regarding this matter are appreciated.

Very truly yours,

Honorable ***

President Judge, Court of Common Pleas

*** Judicial District of Pennsylvania

[Date]

Page 2

[Name]

Counsel for Conservator Nominee

***/**

Enclosures

cc: (via email)(w/encls.)

Thomas J. Farrell, Chief Disciplinary Counsel

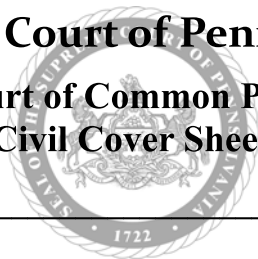
Raymond S. Wierciszewski, Deputy Chief Disciplinary Counsel

Anthony P. Sodroski, Disciplinary Counsel-in-Charge, Special Projects

***, Esquire, Conservator Nominee

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet



County _____

For Prothonotary Use Only:

Docket No: _____

TIME STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- ☐ Complaint ☐ Writ of Summons ☐ Petition
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name: _____

Lead Defendant's Name: _____

Are money damages requested? ☐ Yes ☐ No

Dollar Amount Requested: ☐ within arbitration limits
(check one) ☐ outside arbitration limits

Is this a *Class Action Suit*? ☐ Yes ☐ No

Is this an *MDJ Appeal*? ☐ Yes ☐ No

Name of Plaintiff/Appellant's Attorney: _____

☐ **Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)**

SECTION B

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☐ Other: _____

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other: _____

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional: _____

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

☐ Employment Dispute:
Discrimination
☐ Employment Dispute: Other

☐ Other: _____

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other: _____

CIVIL APPEALS

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other

☐ Zoning Board
☐ Other: _____

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations
Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other: _____

NOTICE

Pennsylvania Rule of Civil Procedure 205.5. (Cover Sheet) provides, in part:

Rule 205.5. Cover Sheet

(a)(1) This rule shall apply to all actions governed by the rules of civil procedure except the following:

- (i) actions pursuant to the Protection from Abuse Act, Rules 1901 et seq.
- (ii) actions for support, Rules 1910.1 et seq.
- (iii) actions for custody, partial custody and visitation of minor children, Rules 1915.1 et seq.
- (iv) actions for divorce or annulment of marriage, Rules 1920.1 et seq.
- (v) actions in domestic relations generally, including paternity actions, Rules 1930.1 et seq.
- (vi) voluntary mediation in custody actions, Rules 1940.1 et seq.

(2) At the commencement of any action, the party initiating the action shall complete the cover sheet set forth in subdivision (e) and file it with the prothonotary.

(b) The prothonotary shall not accept a filing commencing an action without a completed cover sheet.

(c) The prothonotary shall assist a party appearing pro se in the completion of the form.

(d) A judicial district which has implemented an electronic filing system pursuant to Rule 205.4 and has promulgated those procedures pursuant to Rule 239.9 shall be exempt from the provisions of this rule.

(e) The Court Administrator of Pennsylvania, in conjunction with the Civil Procedural Rules Committee, shall design and publish the cover sheet. The latest version of the form shall be published on the website of the Administrative Office of Pennsylvania Courts at www.pacourts.us.

Court of Common Pleas of Philadelphia
County Trial Division

Civil Cover Sheet

For Office of Judicial Records Use Only (Docket Number)

PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS	TOTAL NO. OF DEFENDANTS	COMMENCEMENT OF ACTION <input type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Commerce (Completion of Addendum Required) <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other: _____		
CASE TYPE AND CODE (SEE INSTRUCTIONS)			
STATUTORY BASIS FOR CAUSE OF ACTION (SEE INSTRUCTIONS)			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COORDINATION ORDER? Yes <input type="checkbox"/> No <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
TO THE OFFICE OF JUDICIAL RECORDS: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY		ADDRESS (SEE INSTRUCTIONS)	
PHONE NUMBER	FAX NUMBER		
SUPREME COURT IDENTIFICATION NO.		E-MAIL ADDRESS	
SIGNATURE		DATE	

Instructions for Completing Civil Cover Sheet

Rules of Court require that a Civil Cover Sheet be attached to any document commencing an action (whether the action is commenced by Complaint, Writ of Summons, Notice of Appeal, or by Petition). The information requested is necessary to allow the Court to properly monitor, control and dispose cases filed. A copy of the Civil Cover Sheet must be attached to service copies of the document commencing an action. The attorney or non-represented party filing a case shall complete the form as follows:

A. Parties

i. *Plaintiffs/Defendants*

Enter names (last, first, middle initial) of plaintiff, petitioner or appellant ("plaintiff") and defendant. If the plaintiff or defendant is a government agency or corporation, use the full name of the agency or corporation. In the event there are more than three plaintiffs and/or three defendants, list the additional parties on the Supplemental Parties Form. Husband and wife are to be listed as separate parties.

ii. *Parties' Addresses*

Enter the address of the parties at the time of filing of the action. If any party is a corporation, enter the address of the registered office of the corporation.

iii. *Number of Plaintiffs/Defendants:* Indicate the total number of plaintiffs and total number of defendants in the action.

B. Commencement Type: Indicate type of document filed to commence the action.

C. Amount in Controversy: Check the appropriate box.

D. Court Program: Check the appropriate box.

E. Case Types: Insert the code number and type of action by consulting the list set forth hereunder. To perfect a jury trial, the appropriate fees must be paid as provided by rules of court.

Proceedings Commenced by Appeal

Minor Court

5M Money Judgment
5L Landlord and Tenant
5D Denial Open Default Judgment
5E Code Enforcement
Other:

Local Agency

5B Motor Vehicle Suspension -
Breathalyzer
5V Motor Vehicle Licenses,
Inspections, Insurance
5C Civil Service
5K Philadelphia Parking Authority
5Q Liquor Control Board
5R Board of Revision of Taxes
5X Tax Assessment Boards
5Z Zoning Board
52 Board of View
51 Other:

Other:

Proceedings Commenced by Petition

8P Appointment of Arbitrators
8C Name Change - Adult
8L Compel Medical Examination
8D Eminent Domain
8E Election Matters
8F Forfeiture
8S Leave to Issue Subpoena
8M Mental Health Proceedings
8G Civil Tax Case - Petition
Other:

Actions Commenced by Writ of Summons or Complaint

Contract

1C Contract
1T Construction
1O Other:

Tort

2B Assault and Battery
2L Libel and Slander
4F Fraud
1J Bad Faith
2E Wrongful Use of Civil Process
Other:

Negligence

2V Motor Vehicle Accident
2H Other Traffic Accident
1F No Fault Benefits
4M Motor Vehicle Property Damage
2F Personal Injury - FELA
2O Other Personal Injury
2S Premises Liability - Slip & Fall
2P Product Liability
2T Toxic Tort
T1 Asbestos
TZ DES
T2 Implant
3E Toxic Waste
Other:

Professional Malpractice

2D Dental
4L Legal
2M Medical
4Y Other:
1G Subrogation
Equity
E1 No Real Estate
E2 Real Estate
1D Declaratory Judgment
M1 Mandamus

Real Property

3R Rent, Lease, Ejectment
Q1 Quiet Title
3D Mortgage Foreclosure - Residential
Owner Occupied
3F Mortgage Foreclosure - Not Residential
Not Owner Occupied
1L Mechanics Lien
P1 Partition
Prevent Waste
1V Replevin
1H Civil Tax Case - Complaint
Other:

F. Commerce Program

Commencing January 3, 2000 the First Judicial District instituted a Commerce Program for cases involving corporations and corporate law issues, in general. If the action involves corporations as litigants or is deemed a Commerce Program case for other reasons, please check this block AND complete the information on the "Commerce Program Addendum". For further instructions, see Civil Trial Division Administrative Docket 01 of 2000.

G. Statutory Basis for Cause of Action

If the action is commenced pursuant to statutory authority ("Petition Action"), the specific statute must be identified.

H. Related Pending Cases

All previously filed related cases, regardless of whether consolidated by Order of Court or Stipulation, must be identified.

I. Plaintiff's Attorney

The name of plaintiff's attorney must be inserted herein together with other required information. In the event the filer is not represented by an attorney, the name of the filer, address, the phone number and signature is required.

The current version of the Civil Cover Sheet may be downloaded from the FJD's website
<http://courts.phila.gov>

IN THE COURT OF COMMON PLEAS OF
_____ COUNTY, PENNSYLVANIA

In the Matter of _____
(Attorney Registration No. _____)

CIVIL DIVISION

No. 2021-_____
Administrative Docket

NOTICE OF CONSERVATORSHIP

Pursuant to an order dated _____, 202_, _____, Esq., was appointed as Conservator for the files of _____ (deceased).

If you believe the Law Office of _____ is holding monies that belong to you, please contact the Conservator immediately. Any monies remaining in the accounts of Mr. _____ may be paid over to the Pennsylvania Lawyers Fund for Client Security.

If you are a current or former client, please call the Conservator's Office at (____) ____-____ **[or send an email request to _____@_____]** within 45 days to retrieve your files. All unclaimed files will be destroyed in accordance with Rule 322 of the Pennsylvania Rules of Disciplinary Enforcement.

If you are in need of substitute counsel, you can contact the _____ Bar Association Lawyer Referral Service at (____) ____-____, _____, _____, PA ____.

_____, Esq.

Conservator for _____

[address]

_____, PA 19____

(____) ____-____

*****, ESQUIRE**
Conservator for ***
[Address]
*******, PA *******
(*) ***-**** (phone)**
(*) ***-**** (fax)**
Email: *****

**** [DATE] ****

**

President Judge
Court of Common Pleas of * County
[Address]

**

County Court Administrator
[Address]

RE: ***In the Matter of ***, Esquire, Deceased [***or other]***
PA Attorney Registration No. ***
Misc. No. *** (C.C.P. *** County)

Dear President Judge _____ and County Court Administrator
_____:

The purpose of this letter is to notify you of a STAY of all of the legal or administrative proceedings of ***, Esquire, pending in the Commonwealth of Pennsylvania in which Attorney *** is counsel of record, effective ***[insert date of filing of the application or such other date as set by the appointing court in the appointing order]. Pursuant to Rule of Disciplinary Enforcement 321(g), a copy of which is enclosed, the stay is effective until: the conservator is discharged; a court, tribunal, magisterial district court or other government unit in which a matter is pending orders that the stay be lifted; or 30 days after notification that substitute counsel has been retained.

Attorney *** passed away on *** (date), 20**. **[Or provide other explanation for attorney's absence]** On *** (date), 20**, the Honorable ***, President Judge of the Court of Common Pleas of *** County, appointed me as the Conservator of the case files of

Attorney *** in order to protect the legal interests of [his/her] clients. Attorney ***'s law practice is closed. A copy of the appointing Order is enclosed.

It appears that the majority of Attorney ***'s clients were in ***, ***, and *** counties. I am aware, however, that Attorney *** had the following active cases in your county:

I respectfully request that you make the judges presiding over above-identified cases aware of my appointment as conservator and the Stay. In addition, please coordinate whatever action is necessary to make the courts, magisterial district courts and adjudicatory governmental units within your judicial district aware of the conservatorship and Stay.

Thank you for your assistance and prompt attention to this important matter.

Very truly yours,

***, Esquire
Conservator

/

Enclosures

***, ESQUIRE
Conservator for ***
[Address]
*****, PA *****
(***) ***-**** (phone)
(***) ***-**** (fax)
Email: *****

**** [DATE] ****

PERSONAL AND CONFIDENTIAL

[***Name of Client
Address]

[The name of the client and mailing address are not required on this letter if it is being addressed generally to "Dear Client of ____." However, the client's name (and, of course, address) must appear on the envelope, along with the words, "**PERSONAL AND CONFIDENTIAL**," and you must retain a copy of the envelope so you have a record of the name of the client to whom the letter was sent and the address to which the letter was sent.]

RE: ***In the Matter of ***, Esquire, Deceased***
Misc. No. XXXXXXXX (CCP ***** County)

Dear Mr./Ms. ***:

Or

Dear Client of ***:

The Disciplinary Board of the Supreme Court of Pennsylvania has been notified that ***, Esquire, a member of the Pennsylvania Bar, passed away on ***. On ***, the Court of Common Pleas of *** County appointed me to act as Conservator of the case files of Attorney *** in order to protect the legal interests of [his/her] clients. From my examination of Attorney ***'s office files, it appears that at one time, Attorney *** represented your interests with respect to one or more legal matters, and [he/she] has been maintaining a file relating to your case. It is my responsibility to notify you of the closing of [his/her] law practice and to inform you that the confidential legal file has been secured and is being made available for you to retrieve.

As the Conservator, I have taken physical custody of all case files from Attorney ***'s law office. To protect your privacy regarding your legal matter, I must return your case file to you. In order for me to return the file to you, you must fill out the authorization enclosed with this letter and fax it to the number, or mail or email it to the street or email address, listed on the authorization **within 30 days of the date of this letter**. Make sure all clients involved in your case (for example, husband and wife) sign this authorization. In addition, please attach to the authorization a photocopy of your driver's license or other form of identification.

After receipt of this authorization, my office will mail the file by UPS or Federal Express to the address you list on the authorization. If you have already retained substitute counsel and want your file sent to your new attorney, please provide the name, mailing address, and phone number of your attorney on the authorization. When you or your attorney receives your file, the package will contain a receipt that the rules require you or your attorney to sign and date and return to me.

If you have any questions or prefer to pick up your file, please contact my office at (***) ***-**** between 9:00 a.m. and 4:30 p.m. to make arrangements for you to pick up your file. At the time you pick up your file, bring your driver's license or other form of identification. When you pick up your file, you will be asked to show identification and sign a receipt.

If Attorney * was performing legal services for you in a representation that was ongoing at the time of his death, [***or if attorney is not deceased but disabled, absent or under emergency temporary suspension, then substitute: If Attorney *** was performing legal services for you at the time of my appointment as the Conservator,] it is important that you retain another lawyer immediately so that, if necessary, your rights may be protected. If you do not retain a new attorney to act on your behalf in a timely manner, you could lose valuable legal rights.**

If you need another attorney but do not know one, there are lawyer referral services that can direct you to an attorney that practices in the pertinent area of law that concerns your specific legal matter. The address and telephone number of the lawyer referral service in our area is as follows:

Lawyer Referral Service
*** County Bar Association
[Address]

, PA **
(***) ***-*****

Finally, even if Attorney *** has completed the legal matter with respect to your case file and no longer represents you, you should make every effort to retrieve the file, for it may contain important documents that you may need to preserve. **If I do not hear from you within thirty (30) days from the date of this letter, I will assume that you do not want to retrieve your case file.** Thereafter, I will request that the Court of Common Pleas of *** County issue an Order that the file be permanently destroyed in a confidential manner in accordance with Rule 322(c)(3) of the Pennsylvania Rules of Disciplinary Enforcement.

I look forward to hearing from you as soon as possible. Thank you in advance for your prompt attention to this important matter.

Very truly yours,

***, Esquire
Conservator

***/**

Enclosure (Authorization form)

***, ESQUIRE
Conservator for ***
[Address]
*****, PA *****
(**) ***_***** (phone)
(**) ***_***** (fax)
Email: *****

**** REQUIRED ****
AUTHORIZATION FOR RELEASE OF ORIGINAL FILE
FROM PRIOR COUNSEL

I, _____, hereby authorize and direct *****, Esquire, to send my original file, containing any and all documents that are in any way connected with or related to my legal matter, immediately upon receipt of this authorization. The address to which I wish these materials to be sent is furnished below. (If you have retained substitute counsel and want the file mailed to your new attorney, provide the attorney's name and address on this form.) **All clients must sign this form and attach a copy of their driver's license or other proof of identification.**

Date

Signature

Telephone number

Name (Please Print)

Your email address

Signature of Second Client

Name (Please Print)

ADDRESS TO WHICH FILE IS TO BE SENT:

RETURN TO:

***, Esq.
Conservator for ***
[mailing address]
*****, PA *****
FAX: (**) ***_*****
EMAIL: *****

*****, ESQUIRE**
Conservator for ***
[Address]
XXXXXX, PA XXXXX
(XXX) XXX-XXXX (phone)
(XXX) XXX-XXXX (fax)
Email: XXXXXXXXXXXXXXXX

**** REQUIRED ****

R E C E I P T

I acknowledge receipt of the file of _____ (client).

By: _____
Signature

Name (Please Print)

Date

PLEASE RETURN TO:

***, Esq.
Conservator for ***
[Address]

FAX: (***) ***-****
Email: XXXXXXXXXXXXXXXX

***, ESQUIRE
Conservator for ***
[Address]
*****, PA *****
(***) ***-**** (phone)
(***) ***-**** (fax)
Email: *****

**** [DATE] ****

PERSONAL AND CONFIDENTIAL

SECOND and FINAL NOTICE

[***Name of Client
Address]

[The name of the client and mailing address are not required on this letter if it is being addressed generally to "Dear Client of ____." However, the client's name (and, of course, address) must appear on the envelope, along with the words, "PERSONAL AND CONFIDENTIAL," and you must retain a copy of the envelope so you have a record of the name of the client to whom the letter was sent and the address to which the letter was sent.]

RE: *In the Matter of ***, Esquire, Deceased*
Misc. No. *** (C.C.P. ***** County)

Dear Mr./Ms. ***:

Or

Dear Client of ***:

The Disciplinary Board of the Supreme Court of Pennsylvania has been notified that ***, Esquire, a member of the Pennsylvania Bar, passed away on ***. On ***, the Court of Common Pleas of *** County appointed me to act as Conservator of the case files of Attorney *** in order to protect the legal interests of [his/her] clients. From my examination of Attorney ***'s office files, it appears that at one time, Attorney *** represented your interests with respect to one or more legal matters, and [he/she] has been maintaining a file relating to your case. It is my responsibility to notify you of the closing of [his/her] law practice and to

inform you that the confidential legal file has been secured and is being made available for you to retrieve.

In accordance with the rules governing conservatorships, in order to return the file to you, you must execute the enclosed written authorization and return it to me. **Please return the Authorization to me by *** [date], 20** and your file will be returned to you. IF THE AUTHORIZATION IS NOT RECEIVED BY *** [date], 20**, THE FILE WILL BE DESTROYED.**

The authorization can be returned to me by fax, mail or email. The fax number and mail and email addresses are on the authorization. Make sure all clients involved in your case (for example, husband and wife) sign this authorization and attach to the authorization a photocopy of your driver's license or other form of identification. After receipt of this authorization, my office will mail the file by UPS or Federal Express to the address you list on the authorization. If you have already retained substitute counsel and want your file sent to your new attorney, please provide the name, mailing address, and phone number of your attorney on the authorization. When you or your attorney receives your file, the package will contain a receipt that the rules require you or your attorney to sign and date and return to me.

If you have any questions or prefer to pick up your file, please contact my office at (***) ***-**** between 9:00 a.m. and 4:30 p.m. to make arrangements for you to pick up your file. At the time you pick up your file, bring your driver's license or other form of identification. When you pick up your file, you will be asked to show identification and sign a receipt.

If Attorney * was performing legal services for you in a representation that was ongoing at the time of his death, [***or if attorney is not deceased but disabled, absent or under emergency temporary suspension, then substitute: If Attorney *** was performing legal services for you at the time of my appointment as the Conservator,] it is important that you retain another lawyer immediately so that, if necessary, your rights may be protected. If you do not retain a new attorney to act on your behalf in a timely manner, you could lose valuable legal rights.**

If you need another attorney but do not know one, there are lawyer referral services that can direct you to an attorney that practices in the pertinent area of law that concerns your specific legal matter. The address and telephone number of the lawyer referral service in our area is as follows:

Lawyer Referral Service
*** County Bar Association
[Address]
, PA **
(***) ***-*****

Finally, even if Attorney *** has completed the legal matter for which you had engaged him, and no longer represents you, you should make every effort to retrieve the file, for it may contain important documents that you may need to preserve. **Again, it is important that you contact me by returning the enclosed authorization by *** [date], 20**, after which date the file, if unclaimed, will be destroyed.**

I look forward to hearing from you as soon as possible. Thank you in advance for your prompt attention to this important matter.

Very truly yours,

***, Esquire
Conservator

***/**
Enclosure (Authorization form)

In addition to filing your reports with the court's filing office, you may have to send a copy of your reports directly to the President Judge to achieve service. Local procedures vary.

***, ESQUIRE
Conservator for *** (Deceased)
[Address]
, PA **
(***) ***-*****
Email: ***

*** [Date] ***

Honorable ***
President Judge, Court of Common Pleas
*** Judicial District of Pennsylvania
[Address]
, PA **

Re: In the Matter of ***, Esquire, Deceased
No. ***-***, Administrative Docket

Dear President Judge ***:

Enclosed is a copy of the Conservator's Initial Report ("Report") pursuant to Pa.R.D.E. 322(e).

The original of the Report will be filed with the [Office of Prothonotary/Office of Judicial Records].

Thank you.

Very truly yours,

***, Esquire
Conservator for ***

***/**

Enclosure

(via email) (w/attachment)

cc: Marcee D. Sloan, Prothonotary, The Disciplinary Board
Thomas J. Farrell, Chief Disciplinary Counsel
Anthony P. Sodroski, Disciplinary Counsel-in-Charge,
Special Projects

IN THE COURT OF COMMON PLEAS
OF *** COUNTY, PENNSYLVANIA

IN THE MATTER OF	:	COURT OF COMMON PLEAS	
	:	CIVIL DIVISION	
	:		
, Deceased	:	No. ***-*	
	:	[Administrative Docket	<u>or</u>
	:	Miscellaneous Docket]	
(Attorney Registration No. *****)	:		

CONSERVATOR'S INITIAL REPORT

***, Esquire
Conservator
Attorney Registration No. ****
[Address]
, PA **-****
--**** (telephone)
--**** (fax)
Email: ***

IN THE COURT OF COMMON PLEAS
OF *** COUNTY, PENNSYLVANIA

IN THE MATTER OF : COURT OF COMMON PLEAS
: CIVIL DIVISION
:
, Deceased : No. ***-*
: [Administrative Docket or
: Miscellaneous Docket]
(Attorney Registration No. *****) :

CONSERVATOR'S INITIAL REPORT PURSUANT
TO Pa.R.D.E. 322(e)

AND NOW, comes ***, Esquire, Conservator for *** (Deceased),
and files this Conservator's Initial Report as follows:

1. By Order dated January 18, 2018, President Judge *** appointed ***, Esquire ("Conservator") as Conservator of the above-captioned matter pursuant to Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E." or "Enforcement Rule") 321 to fully protect the rights and interests of the clients of *** ("Conservatee"). A copy of the Order of appointment is attached as **Exhibit A**.
2. The Order included a provision, pursuant to Pa.R.D.E. 321(g), imposing an automatic stay of all pending legal and administrative proceedings in the Commonwealth of Pennsylvania as of ***, the date of [***Conservatee's death] [*** the filing of the application for appointment of a conservator].
3. Enforcement Rule 322(e) requires that the Conservator provide a written report to the appointing Court and to the Disciplinary Board of the Supreme Court of Pennsylvania within 30 days of appointment covering the Conservator's progress made toward accomplishing the duties outlined in Enforcement Rule 322(a) through (c)—namely, taking possession of all files of the absent attorney; making a written inventory of all files; making a reasonable effort to identify the clients whose files were opened within five years of the appointment of the Conservator and all clients whose cases are active regardless of the age of the file, and sending to those clients at least one written notice advising of the

possible need to obtain substitute counsel; identifying clients with files that are both inactive and older than five years and providing notice to those clients by publication; and returning files to clients or to substitute counsel upon the request of the client and execution of a written receipt.

4. By this Initial Report, the Conservator reports that on January 22, 2018, she together with *** went to the office that Mr. *** maintained for the practice of law at ***, and collected his client files. The client files were packed into 69 regular-sized Banker boxes. An additional five boxes were filled with financial records and other miscellaneous documents. The 74 boxes were delivered to *** in ***, Pennsylvania. At this time, no additional files are known to exist. Conservatee's secretary, Ms. ***, was interviewed, and she advised that she was not aware of any electronic files that were not also maintained in paper form. She has also advised that she has access to all computer files and has agreed to assist Conservator in obtaining access to those files.
5. The Conservator is presently working to make a written inventory of the physical files taken into her possession, with a focus on identifying those files that are active and might require immediate attention. From her initial review, Conservator has identified 8 active files, all in *** County, and three files have been returned via Priority mail to clients who requested them urgently. The Conservator was able to contact the other five clients with active files by phone; three have made arrangements to retrieve their files in person, and the remaining two have advised that they have retained new counsel and would arrange for new counsel to contact the Conservator to obtain the file.
6. To date, the Conservator has identified 52 clients with files opened within five years of the Conservator's appointment that are closed.
7. The Conservator plans to send, in the days immediately following the filing of this report, a notice letter to those 52 clients via first class U.S. mail to the addresses provided in the files. In compiling the inventory, the Conservator is recording email addresses, where provided, for sending a second notice via email if

the mailing by U.S. mail is returned as undeliverable or there is no response from the client. The notice letter requests that the client sign a form of authorization to release the file, which must be returned to the Conservator. On receipt of the signed authorization, the Conservator will send the files to the client at the address provided on the Authorization for mailing, via UPS or U.S. mail with delivery tracking, and request the return of the written receipt required by Enforcement Rule 322(c)(3). The notice letter, authorization and file receipt are attached collectively as **Exhibit B**.

8. In the notice letter, the former clients are given the option to make arrangements with the Conservator to retrieve the file in person.
9. To date, the Conservator has identified 44 files that were opened prior to January 18, 2013 (*i.e.*, more than five years prior to the date of the Conservator's appointment) and are closed.
10. Unless original documents are discovered in the older files that are closed, which to date has not occurred, such former clients will receive notice of my appointment as Conservator through publication. Pursuant to this Court's appointing Order, a Notice of Conservatorship as required by Enforcement Rule 322(c)(2) was published in both the paper and online editions of the _____ on February 14, 2018. A similar notice is scheduled to be published in the _____ County Law Reporter and the online version on March 2, 2018.
11. The Conservator has reviewed the records available within Conservatee's law office pertaining to the IOLTA and business accounts. The bank account balances over the 14 months preceding Conservatee's death are minimal (less than \$1,000). Conservator anticipates that in the next report period, Conservator will be able to recommend to the Court the appropriate distribution of the remaining funds.
12. Inquiries and correspondence are being handled as received. To date, these number less than ten.

The Conservator would welcome the opportunity to answer any questions the Court or Board may have based on this Initial Report or to provide additional information as required.

WITNESS my hand to this Report this *** day of ***, 20**.

Respectfully submitted,

***, Esquire
Conservator for *** (Deceased)
Attorney Registration No. *****
(***) ***-***** (telephone)
(***) ***-***** (fax)
[**Email address]

IN THE COURT OF COMMON PLEAS
OF [REDACTED] COUNTY, PENNSYLVANIA

CIVIL DIVISION

IN THE MATTER OF

“
“
“

No. [REDACTED]

Attorney Registration No. [REDACTED]

RECEIVED
JUL 11 2014
AM 9:44
FAMILIAL AND ELEC

ORDER OF COURT

AND NOW this [REDACTED] day of [REDACTED], upon consideration of the Petition of the
Conservator appointed by this Court on [REDACTED], in the above-captioned case it is hereby
ORDERED that:

1. The remaining files in the Conservator's possession be retained for a period of [REDACTED] (10)
days, to provide clients with the additional opportunity to obtain their files; thereafter, the
destruction of files is permitted in a secure manner which protects the confidentiality of
the files and is in accordance with Pa.R.D.E. 322(c).
2. The computer servers that are property of the former law practice may be destroyed in a
confidential and secure manner in accordance with Pa.R.D.E. 322(c).
3. [REDACTED] Esq. is discharged as the Conservator of the files of [REDACTED]

Attest:

NOTICE OF ENTRY OF ORDER OR DECREE
PURSUANT TO PA. R.C.P. NO. 238
NOTIFICATION - THE ATTACHED DOCUMENT
HAS BEEN FILED IN THIS CASE
PROTHONOTARY OF [REDACTED] CO, PA
DATE: [REDACTED]

BY THE COURT.



Copied to: [REDACTED] Conservator

PENNSYLVANIA LAWYERS FUND FOR CLIENT SECURITY
INSTRUCTIONS FOR COMPLETING A STATEMENT OF CLAIM

IMPORTANT - Please read these Instructions prior to completing the Statement of Claim form.

Every question in the Statement of Claim must be completed, using separate sheets of paper if the space provided is insufficient. **An incomplete claim form will be returned.**

Pa. Rules of Disciplinary Enforcement 501, et seq. govern the operation of the Pennsylvania Lawyers Fund for Client Security (the "Fund"). The Rules are available on the Fund's website, www.palawfund.com. Briefly:

- a. By Order of the Supreme Court of Pennsylvania, financial resources are provided to the Fund through contributions of the members of the Bar of the Commonwealth of Pennsylvania. No tax dollars are received by the Fund.
- b. A claim must be based upon an attorney-client relationship or a fiduciary relationship customary to the practice of law, such as personal representative, guardian, or trustee.
- c. Reimbursable losses are those in the nature of a conversion of client funds. The Board may not consider claims based upon alleged malpractice, negligence, or ineffective representation.
- d. The maximum amount payable to any one Claimant shall be \$100,000. Interest will not be paid on a reimbursable loss, and damages resulting from the dishonest conduct may not be considered or paid.
- e. The following are not eligible to receive an award from the Fund:
 - 1. Spouse or other close relative, partner, associate, employer, or employee of the attorney or a business entity controlled by any of the foregoing;
 - 2. An insurer, surety or bonding agency or company, or any entity controlled by any of the foregoing;
 - 3. Any government unit;
 - 4. Any financial institution or other business organization having twenty or more employees; or
 - 5. A loss arising from a personal or business investment, not arising in the course of an attorney-client relationship.
- f. The attorney shall be given notice of the filing of the claim and will be provided with an opportunity to submit a statement with respect to the alleged conduct, which response will be shared with the Claimant.
- g. A condition to filing a Statement of Claim is to also file a corresponding disciplinary complaint, and to fully cooperate with the Fund, the Disciplinary Board, and any authorities in connection with the investigations and prosecution of the alleged dishonest conduct. **The Fund and the Disciplinary Board are two separate organizations.** A Claimant may receive requests for information/documentation from both organizations. The information/documentation should be provided directly to the requesting organization. The attorney need not have been disciplined prior to the filing of the claim or the payment of an award. **If the attorney is deceased at the time of the filing of the Statement of Claim, no corresponding disciplinary complaint is required.**
- h. No lawyer shall accept any payment for assistance with the preparation and filing of a claim with the Fund, unless such fee has been approved by the Fund prior to payment of the fee.
- i. Claims filed with the Fund are confidential, unless and until an award is approved by the Board. A Claimant's name will never be public unless the Claimant grants written permission.

Filing of Claims:

- a. Claims must be filed in writing on the form provided, shall set forth sufficient facts and provide such documentation as to establish eligibility, and shall be submitted to the Executive Director.
- b. Additional information and/or documentation may be requested. The Fund's Board may hold such conferences or hearings as the Board may determine is necessary.
- c. Claims are reviewed by the Board for disposition in the order in which they are received.
- d. Awards approved by the Board shall not be paid until the Claimant has executed such instruments, taken such actions, or entered into such agreements as the Board shall require as a condition to payment.

SUPREME COURT OF PENNSYLVANIA
PENNSYLVANIA LAWYERS FUND FOR CLIENT SECURITY
P.O. BOX 62585, HARRISBURG, PA 17106-2585
overnight or messenger delivery use only:
601 Commonwealth Ave., Suite 5400, Harrisburg, PA 17120-0901
(717) 231-9510 or (800) 962-4618
Fax: (717) 231-9511
Email: admin@palawfund.com
Web: www.palawfund.com

STATEMENT OF CLAIM

*Please read the Instructions prior to completing the claim form.
Please print and complete in ink.*

CLAIMANT/CLIENT

Name: _____
(First) (Middle Initial) (Last)

Street Address: _____

City/State: _____ Zip Code _____

Telephone: Home: (____) _____ Other: (____) _____

Email: _____

Social Security or Federal Tax ID#: _____

Age: _____ Marital Status _____ Gender _____ Occupation _____

CO-CLAIMANT (or person who paid for legal services, if different from Claimant)

Name: _____
(First) (Middle Initial) (Last)

Street Address: _____

City/State: _____ Zip Code _____

Telephone: Home: (____) _____ Other: (____) _____

Email: _____

Social Security or Federal Tax ID#: _____

Age: _____ Marital Status _____ Gender _____ Occupation _____

ATTORNEY INFORMATION *(Do not name a law firm or more than one attorney.)*

Name: _____
(First) (Middle Initial) (Last)

Street Address: _____

City/State: _____ Zip Code _____

Telephone: (____) _____ Email _____

CLAIM INFORMATION *(All questions must be answered. Incomplete claim forms will be returned.)*

1. When did you hire this attorney: Month: _____ Day _____ Year _____

2. What legal services was the attorney hired to provide and what services were provided?

3. How many meetings, telephone calls and/or emails/text messages did you have with the attorney?
Provide copies of any letters or other written communications exchanged with the attorney.

Meetings _____ Calls _____ Other(emails/text messages) _____

4. Does your loss involve:

A. a legal fee(s) paid to the attorney? Yes _____ No _____

If yes, provide a copy of the fee agreement or other communication discussing the fee.

B. a personal injury settlement or other settlement received by the attorney on your behalf?
Yes _____ No _____

If yes, provide a copy of all documents relating to the settlement, such as letters discussing the settlement, Release, settlement check, etc. If the settlement was the result of litigation, provide a copy of the Complaint, Answer, and any other relevant pleadings in the litigation. If such documents are not available, provide the name of the defendant and the court where the litigation was filed.

4. (con't)

C. an estate or trust? Yes _____ No _____

If yes, provide a copy of the relevant estate documents, such as the Will, Short Certificate, inheritance tax return, etc., or trust document.

5. What is the amount of your loss? _____

Provide copies of canceled checks, credit card statements, or other documentation to support the amount received by the attorney to support the claimed loss. If you do not have documentation, please explain why.

6. When did the loss occur? _____

7. When and how did you learn of your loss? Month _____ Day _____ Year _____

If the date is more than two years prior to the filing of this claim, also provide information for the reason the claim was not filed sooner.

8. Have you hired, or has the court appointed, a new attorney to represent you in the underlying matter? *If yes, provide the new attorney's name and contact information.*

Name _____

Address _____

City _____ State _____ Zip Code _____

Phone _____

9. Have you filed a claim with any other state's client protection fund? Yes _____ No _____

If yes, provide the name of the client protection fund, the date filed, the claim/file number, and the status of that claim.

10. Have you taken any action to recover the loss directly from the attorney or any other source?
Yes _____ No _____
If yes, please explain.

11. Prior to the filing of this claim, have you filed a complaint with the Disciplinary Board of the Supreme Court of Pennsylvania? Yes _____ No _____
If yes, provide the following information:

Date disciplinary complaint filed: Month _____ Day _____ Year _____

File Number _____ Contact person _____

If no, you must complete the Complaint Information Form provided and return the signed, completed form with the completed Statement of Claim to the Pennsylvania Lawyers Fund for Client Security. If the attorney is deceased at the time of the filing of this claim, no disciplinary complaint is required.

12. Have you contacted the local prosecutor and/or the local police department? Yes _____ No _____
If yes, please provide the following information:

Date contacted: Month _____ Day _____ Year _____

Contact information for the prosecutor and/or local police department:

Name _____

Address _____

City _____ State _____ Zip Code _____

Phone _____

13. At the time of the loss, were you the spouse or other close relative, partner, associate, employer, or employee of the attorney or a business entity controlled by any of the foregoing?
Yes _____ No _____ *If yes, please explain.*

14. Did an attorney assist you with the preparation and filing of this claim?
Yes _____ No _____ *If yes, please provide the attorney's contact information below.*
Pa.R.D.E. 514(c) prohibits an attorney from accepting payment for assisting a claimant with the filing of a claim with the Pennsylvania Lawyers Fund for Client Security, unless such fee has been approved by the Board prior to payment of the fee.

Name _____

Address _____

City _____ State _____ Zip Code _____

Phone _____

15. Prior to the filing of this claim, have you received any money as reimbursement for your loss?
Yes _____ No _____ *If yes, please provide the following information and copies of any documentation that accompanied the payment:*

Amount: _____ Date: Month _____ Day _____ Year _____

Claimant hereby agrees to notify the Pennsylvania Lawyers Fund for Client Security of any reimbursement received by, or on behalf of, the Claimant during the processing of this claim. If full reimbursement is received, Claimant acknowledges a written withdrawal of this claim should be submitted on a timely basis.

16. How did you learn of the Pennsylvania Lawyers Fund for Client Security?

CLAIMANT (and Co-Claimant, if applicable) MUST READ AND SIGN THE FOLLOWING PAGE.

By the execution of this Statement of Claim, Claimant/Co-Claimant acknowledges that in establishing the Pennsylvania Lawyers Fund for Client Security, the Supreme Court of Pennsylvania did not create nor acknowledge any legal responsibility for the acts of individual attorneys in their practice of law, that the making of any payment or reimbursement of losses from the Pennsylvania Lawyers Fund for Client Security shall be a matter of grace in the sole discretion of the Board and not a matter of right, and that no Claimant nor any other person shall have any right in the Fund as a third-party beneficiary or otherwise. Should any information provided in this Statement of Claim change, or should additional relevant information become available, Claimant/Co-Claimant agree and acknowledge Claimant/Co-Claimant's responsibility to provide such information to the Pennsylvania Lawyers Fund for Client Security prior to the Board's review of the claim.

Claimant/Co-Claimant has filed, or is simultaneously filing, a formal Complaint with the Disciplinary Board of the Supreme Court of Pennsylvania regarding this matter. Claimant/Co-Claimant agrees to cooperate in the fullest with the Disciplinary Board, with the authorities, and with the Pennsylvania Lawyers Fund for Client Security in connection with the investigation and prosecution of the alleged dishonest conduct. Claimant/Co-Claimant acknowledges the filing of the disciplinary complaint and cooperation with the Disciplinary Board, the authorities and the Pennsylvania Lawyers Fund for Client Security are conditions of receiving an award from the Pennsylvania Lawyers Fund for Client Security.

Claimant/Co-Claimant acknowledges the Pennsylvania Lawyers Fund for Client Security's jurisdiction is limited to claims alleging a conversion of client money or property, and the Pennsylvania Lawyers Fund for Client Security does not have jurisdiction over claims alleging malpractice, negligence, or ineffective representation as the sole basis of the claim. Claimant/Co-Claimant acknowledges the Board may only consider for reimbursement the money or property actually received by the attorney, which is being alleged to have subsequently been converted by the attorney for the attorney's own use or benefit.

Claimant/Co-Claimant understands claims filed with the Pennsylvania Lawyers Fund for Client Security are reviewed by the Board in the order in which they are received.

Claimant/Co-Claimant acknowledges claims filed with the Pennsylvania Lawyers Fund for Client Security are confidential.

The undersigned Claimant/Co-Claimant hereby states the facts set forth above are true and correct to the best of my/our knowledge, information and belief. Claimant/Co-Claimant understands the statements and information provided with this Statement of Claim are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Signature of Claimant

Print Name: _____

Date signed: _____

Signature of Co-Claimant, if applicable

Print Name: _____

Date signed: _____

BUSINESS EXPENSE VOUCHER

Disciplinary Board of the Supreme Court of Pennsylvania
Rev. 2022.01.01

Name				Board Name for Services Rendered Disciplinary Board of the Supreme Court of PA				I certify that the statements and expenses claimed are correct, reasonable and were incurred in the performance of Board Duties.							
Address				Position Title											
City State Zip				For the period from:											
File No. (if appropriate)				to:											
								Signature & Date				Supervisor Signature & Date			
ITINERARY				TRANSPORTATION				LODGING		MEALS			MISC. EXP.		
DATE	TIME		List Locations	Pers. Auto Miles	Name of Carrier	Cash You Paid		Name of Hotel	Cash You Paid	Brkfst	Lunch	Dinner	Identify	Cash You Paid	TOTAL
	LV	RET				Ticket	Local								
TOTALS															

Purpose of travel or related business:	For Accounting Use Only	PERSONAL AUTO:		TOTAL REIMBURSEMENT
		_____ miles @	\$ 0.585	

Receipts shall be attached

ACCOUNTING COPY

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: _____

Signature: _____

Name: _____

Attorney No. (if applicable): _____

CONFIDENTIAL INFORMATION FORM



Case Records Public Access Policy of the Unified Judicial System of Pennsylvania
204 Pa. Code § 213.81
www.pacourts.us/public-records

(Party name as displayed in case caption)

Docket/Case No.

Vs.

(Party name as displayed in case caption)

Court

This form is associated with the pleading titled _____, dated _____.

Pursuant to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*, the Confidential Information Form shall accompany a filing where confidential information is **required by law, ordered by the court, or otherwise necessary to effect the disposition of a matter**. This form, and any additional pages, shall remain confidential, except that it shall be available to the parties, counsel of record, the court, and the custodian. This form, and any additional pages, must be served on all unrepresented parties and counsel of record.

This Information Pertains to:	Confidential Information:	References in Filing:
<div>(full name of adult)</div> <div>OR</div> <div>This information pertains to a minor with the initials of _____ and the full name of _____</div> <div>(full name of minor)</div> <div>and date of birth: _____</div>	<div>Social Security Number (SSN): _____</div> <div>Financial Account Number (FAN): _____</div> <div>Driver License Number (DLN): _____</div> <div>State of Issuance: _____</div> <div>State Identification Number (SID): _____</div>	<div>Alternative Reference: SSN 1</div> <div>Alternative Reference: FAN 1</div> <div>Alternative Reference: DLN 1</div> <div>Alternative Reference: SID 1</div>
<div>(full name of adult)</div> <div>OR</div> <div>This information pertains to a minor with the initials of _____ and the full name of _____</div> <div>(full name of minor)</div> <div>and date of birth: _____</div>	<div>Social Security Number (SSN): _____</div> <div>Financial Account Number (FAN): _____</div> <div>Driver License Number (DLN): _____</div> <div>State of Issuance: _____</div> <div>State Identification Number (SID): _____</div>	<div>Alternative Reference: SSN 2</div> <div>Alternative Reference: FAN 2</div> <div>Alternative Reference: DLN 2</div> <div>Alternative Reference: SID 2</div>

**CONFIDENTIAL
INFORMATION
FORM**



Additional page(s) attached. _____ total pages are attached to this filing.

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Signature of Attorney or Unrepresented Party

Date

Name: _____

Attorney Number: (if applicable) _____

Address: _____

Telephone: _____

Email: _____

NOTE: Parties and attorney of record in a case will have access to this Confidential Information Form. Confidentiality of this information must be maintained.

CONFIDENTIAL INFORMATION FORM



Additional page (if necessary)

This Information Pertains to:	Confidential Information:	References in Filing:
<p>_____ (full name of adult)</p> <p>OR</p> <p>This information pertains to a minor with the initials of _____ and the full name of _____</p> <p>_____ (full name of minor)</p> <p>and date of birth: _____</p>	<p>Social Security Number (SSN): _____</p> <p>Financial Account Number (FAN): _____</p> <p>Driver License Number (DLN): _____</p> <p>State of Issuance: _____</p> <p>State Identification Number (SID): _____</p>	<p>Alternative Reference: SSN ____</p> <p>Alternative Reference: FAN ____</p> <p>Alternative Reference: DLN ____</p> <p>Alternative Reference: SID ____</p>
<p>_____ (full name of adult)</p> <p>OR</p> <p>This information pertains to a minor with the initials of _____ and the full name of _____</p> <p>_____ (full name of minor)</p> <p>and date of birth: _____</p>	<p>Social Security Number (SSN): _____</p> <p>Financial Account Number (FAN): _____</p> <p>Driver License Number (DLN): _____</p> <p>State of Issuance: _____</p> <p>State Identification Number (SID): _____</p>	<p>Alternative Reference: SSN ____</p> <p>Alternative Reference: FAN ____</p> <p>Alternative Reference: DLN ____</p> <p>Alternative Reference: SID ____</p>
<p>_____ (full name of adult)</p> <p>OR</p> <p>This information pertains to a minor with the initials of _____ and the full name of _____</p> <p>_____ (full name of minor)</p> <p>and date of birth: _____</p>	<p>Social Security Number (SSN): _____</p> <p>Financial Account Number (FAN): _____</p> <p>Driver License Number (DLN): _____</p> <p>State of Issuance: _____</p> <p>State Identification Number (SID): _____</p>	<p>Alternative Reference: SSN ____</p> <p>Alternative Reference: FAN ____</p> <p>Alternative Reference: DLN ____</p> <p>Alternative Reference: SID ____</p>

CONFIDENTIAL INFORMATION FORM



Instructions for Completing the Confidential Information Form

The following information is confidential and shall not be included in any document filed with a court or custodian, except on a Confidential Information Form filed contemporaneously with the document:

1. Social Security Numbers
2. Financial Account Numbers, except an active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified. "Financial Account Numbers" include financial institution account numbers, debit and credit card numbers, and methods of authentication used to secure accounts such as personal identification numbers, user names and passwords.
3. Driver License Numbers
4. State Identification (SID) Numbers
5. Minors' names and dates of birth except when a minor is charged as a defendant in a criminal matter (see 42 Pa.C.S. § 6355). "Minor" is a person under the age of eighteen.
6. Abuse victim's address and other contact information, including employer's name, address and work schedule, in family court actions as defined by Pa.R.Civ.P. 1931(a), except for victim's name. "Abuse Victim" is a person for whom a protection order has been granted by a court pursuant to Pa.R.Civ.P. 1901 et seq. and 23 Pa.C.S. § 6101 et seq. or Pa.R.Civ.P. 1951 et seq. and 42 Pa.C.S. § 62A01 et seq. **If necessary, this information must be provided on the separate Abuse Victim Addendum. Please note there are separate instructions for the completion of the Addendum located on the form.**

Please note this form does not need to be filed in types of cases that are sealed or exempted from public access pursuant to applicable authority (e.g. juvenile, adoption, etc.).

- **The best way to protect confidential information is not to provide it to the court. Therefore, only provide confidential information to the court when it is required by law, ordered by the court or is otherwise necessary to effect the disposition of a matter.**
- Do not include confidential information in any other document filed with the court under this docket.
- If you need to refer to a piece of confidential information in a document, use the alternate references. If you need to attach additional pages, sequentially number each alternate reference – i.e. SSN 3, SSN 4, etc.
- This form, and any additional pages, must be served on all unrepresented parties and counsel of record.

A court or custodian is not required to review or redact any filed document for compliance with the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*. A party's or attorney's failure to comply with this section shall not affect access to case records that are otherwise accessible.

If a filed document fails to comply with the requirements of the above referenced policy, a court of record may, upon motion or its own initiative, with or without a hearing, order the filed document sealed, redacted, amended or any combination thereof; a magisterial district court may, upon request or its own initiative, redact, amend or both. A court of record may impose sanctions, including costs necessary to prepare a compliant document for filing in accordance with applicable authority.

CONFIDENTIAL DOCUMENT FORM



Case Records Public Access Policy of the Unified Judicial System of Pennsylvania

204 Pa. Code § 213.81

www.pacourts.us/public-records

(Party name as displayed in case caption)

Docket/Case No.

Vs.

(Party name as displayed in case caption)

Court

This form is associated with the pleading titled _____, dated _____, ____.

Pursuant to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*, the Confidential Document Form shall accompany a filing where a confidential document is required by law, ordered by the court, or is otherwise necessary to effect the disposition of a matter. This form shall be accessible to the public, however the documents attached shall not be publicly accessible, except as ordered by a court. The documents attached will be available to the parties, counsel of record, the court, and the custodian.

Please only attach documents necessary for the purposes of this case. Complete the entire form and check all that apply. This form and any additional pages must be served on all unrepresented parties and counsel of record.

Type of Confidential Document	Paragraph, page, etc. where the confidential document is referenced in the filing:
<input type="checkbox"/> Financial Source Documents	
<input type="checkbox"/> Tax Returns and schedules	
<input type="checkbox"/> W-2 forms and schedules including 1099 forms or similar documents	
<input type="checkbox"/> Wage stubs, earning statements, or other similar documents	
<input type="checkbox"/> Credit card statements	
<input type="checkbox"/> Financial institution statements (e.g., investment/bank statements)	
<input type="checkbox"/> Check registers	
<input type="checkbox"/> Checks or equivalent	
<input type="checkbox"/> Loan application documents	
<input type="checkbox"/> Minors' educational records	
<input type="checkbox"/> Medical/Psychological records	
<input type="checkbox"/> Children and Youth Services' records	
<input type="checkbox"/> Marital Property Inventory and Pre-Trial Statement as provided in Pa.R.Civ.P. 1920.33	
<input type="checkbox"/> Income and Expense Statement as provided in Pa.R.Civ.P. 1910.27(c)	
<input type="checkbox"/> Agreements between the parties as used in 23 Pa.C.S. § 3105	

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Signature of Attorney or Unrepresented Party

Date

Name: _____

Attorney Number: (if applicable) _____

Address: _____

Telephone: _____

Email: _____



Instructions for Completing the Confidential Document Form

The following documents are confidential and shall be filed with a court or custodian with the “Confidential Document Form”:

1. Financial Source Documents as listed on the form
2. Minors’ educational records
3. Medical/Psychological records are defined as “records relating to the past, present, or future physical or mental health or condition of an individual”
4. Children and Youth Services’ records
5. Marital Property Inventory and Pre-Trial Statement as provided in Pa.R.Civ.P. 1920.33
6. Income and Expense Statement as provided in Pa.R.Civ.P. 1910.27(c)
7. Agreements between the parties as used in 23 Pa.C.S. § 3105

For each confidential document, list the paragraph, page, etc. where the document is referenced in the filing. Please note, this form does not need to be filed in types of cases that are sealed or exempted from public access pursuant to applicable authority (e.g. juvenile, adoption, etc.)

- **Please only attach documents necessary for the purposes of this case.**
- Complete the entire form and check all that apply.
- This form, and any additional pages, must be served on all unrepresented parties and counsel of record.

A court or custodian is not required to review or redact any filed document for compliance with the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*. A party’s or attorney’s failure to comply shall not affect access to case records that are otherwise accessible.

If a filed document fails to comply with the above referenced policy, a court of record may, upon motion or its own initiative, with or without a hearing, order the filed document sealed; a magisterial district court may do so upon request or its own initiative. A court of record may impose sanctions for failure to comply.