



The
DISCIPLINARY BOARD
of the Supreme Court of Pennsylvania

50th Anniversary Celebration

March 1, 2022



Welcome

As I've mentioned in previous newsletters, the Board celebrates its 50th anniversary this month on March 21st. This momentous milestone will be showcased with "mini" newsletters each week and a comprehensive social media campaign, all focused on the history and value of the Board. Additionally this month, the Pennsylvania Bar Association (PBA) will be offering for **FREE** "[The Retirement Discussion.](#)" which was initially offered in November 2021. This collaboration between the Board and the PBA is designed to help guide attorneys on a successful path to retirement, including the need for all attorneys, regardless of age, to have a succession plan in place.



Each week, we will also highlight survey responses from current and former Board members so that you can gain some insight into the experiences of serving on the Board. This week, we asked members: "What did you enjoy most about serving on the Board?" My answer is clear - the friendships I've developed with my fellow members will last my lifetime. Those friendships are built on respect, vigorous debate, and trust. I am blessed to serve on this Board.

I encourage you to look for each of our weekly newsletters and to follow us on our social media channels - [Facebook](#), [Twitter](#), [LinkedIn](#), and [YouTube](#) - particularly during this celebratory month. I'm certain you will learn a great deal by doing so.

Have a successful week!

Jack P. Goodrich

Available to View in March...

The Retirement Discussion

In November 2021, "The Retirement Discussion" was presented in collaboration with the Pennsylvania Bar Association (PBA). Board Members and staff participated on a panel discussing a successful path to retirement. Highlighted topics included succession planning, license status options, applicable rules, ethical implications, and available resources. The PBA has graciously provided the opportunity to [view the full presentation \(for FREE\)](#) during the month of March. The Board thanks PBA for its support and collaboration in this and other educational endeavors.

Please note that CLE credit is NOT earned when viewing the presentation for free at the above link. If you wish to purchase the on-demand video through the Pennsylvania Bar Institute for CLE credit, you may do so [here](#).

Public Proceedings

We encourage you to observe our public disciplinary and reinstatement hearings, oral arguments, and public reprimands on the [Board's YouTube channel](#).

Please note that this list only reflects proceedings scheduled during the month of March. View [all "Upcoming Public Proceedings"](#) at the bottom of the Board's [home page](#).

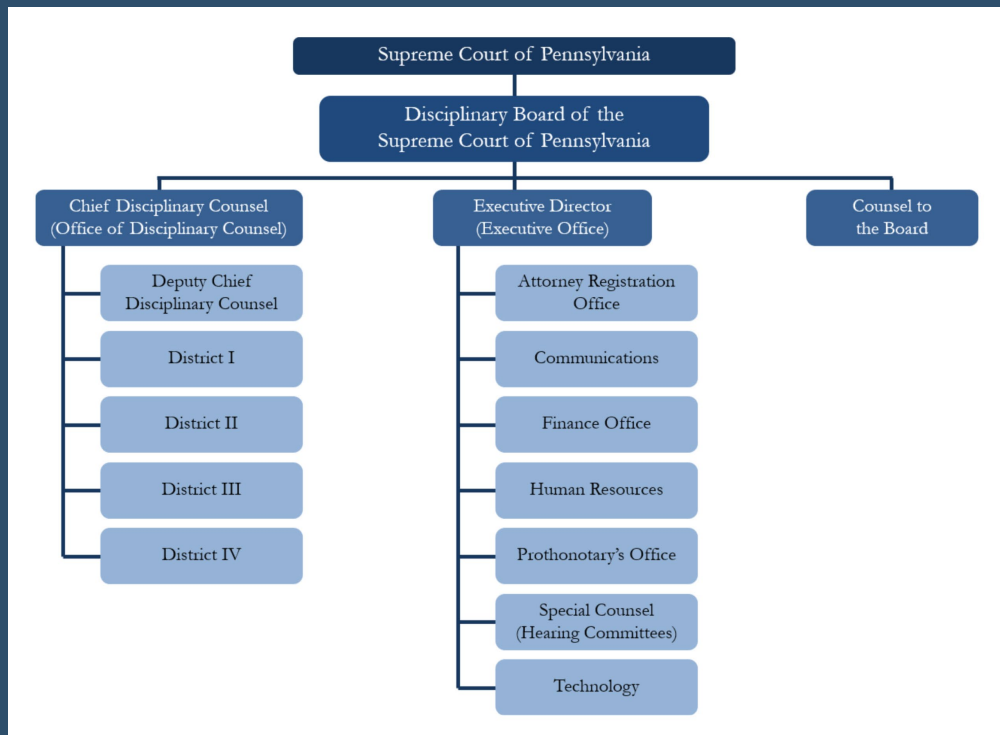
Scheduled proceedings begin at 9:30 am unless otherwise noted.

March		
March 2	Stephen Paul Hildebrand	Disciplinary Hearing
March 3	Shawn-Ryan White	Disciplinary Hearing
March 4 at 10:00 am	Steven Gaspar Bazil Michael Frederick Fink Todd Joseph Leta Kenneth Scott Saffren Richard G. Scheib William E. Vinsko, Jr. Edward Walter Wertman	Public Reprimand
March 8 March 9	Joshua Lawrence Gayl	Reinstatement Hearing
March 10 at 9:00 am	Jimmie Moore	Oral Argument Before the Supreme Court
March 22 March 23	Christopher Nicholas Urbano	Disciplinary Hearing

Did You Know?

- The Supreme Court of Pennsylvania has the inherent and exclusive power over the practice of law in the Commonwealth of Pennsylvania.
- By Order of the Supreme Court of Pennsylvania dated March 21, 1972, the Disciplinary Board was established to regulate attorney conduct.
- The Disciplinary Board is comprised of 12 members (10 attorneys, 2 non-attorneys) appointed by the Supreme Court for a term of six years, unless otherwise ordered. The Supreme Court designates one member as the Board Chair and one member as the Board Vice Chair.
- The Board appoints and hires the appropriate staff to carry out its duties.
- The mission of the Disciplinary Board is to protect the public, maintain the integrity of the legal profession, and safeguard the reputation of the courts.
- Hearing Committee members serve the Board as volunteers in their respective districts to conduct hearings and act as a formal reviewing body to determine if a case might move forward in pursuit of a particular course of discipline. Disciplinary Board members appoint approximately 150 Hearing Committee members for a term of three years, and may be reappointed for a second three-year term.

Structure of the Disciplinary Board of the Supreme Court of Pennsylvania



A Look Back...

The Clark Committee: The Origins of the Disciplinary System

Attorney discipline in Pennsylvania, as in most states, has not always been administered by a statewide Disciplinary Board. Up until the 1970s, attorney discipline was mainly the province of county courts and bar associations. Standards were arbitrary, procedures varied widely, and

enforcement was often haphazard.

In the late 1960s, the state of attorney discipline throughout the country was chaotic. The American Bar Association (ABA) responded to the sorry state of lawyer ethics with multiple initiatives. The House of Delegates of the ABA adopted the [Model Code of Professional Responsibility](#) on August 12, 1969, and the states had begun the process of incorporating the Code into their laws. Lawyers admitted before 1988 will recall the Model Code and its hyphenated Disciplinary Rules (DR).

The ABA also turned its attention to the procedures and process by which discipline was administered. In 1967, the ABA empaneled a Special Committee on Evaluation of Disciplinary Enforcement, headed by former Attorney General and Supreme Court Justice Tom Clark. The Special Committee, which became known as the Clark Committee, spent three years studying the state of attorney discipline around the country, and in 1970 issued a landmark report called [Problems and Recommendations in Disciplinary Enforcement](#), which has become known as the Clark Report.

After studying the disciplinary processes in the states, the Clark Committee concluded that certain problems were pervasive. Issues they identified included:

- Decentralized practices, resulting in undue local influence and disparate outcomes based on local relationships and attitudes;
- Lack of exchange of information, resulting in disbarred attorneys merely moving to a different county to resume practice;
- Lack of responses to disability and impairment of lawyers;
- Lack of independent, unbiased investigation;
- Great variations in procedures;
- Lax reinstatement policies, by which disbarred lawyers were allowed to resume practice without any examination of their current fitness;
- Lawyers convicted of serious crimes continuing to practice for years as their cases wound their ways through the appeals process;
- Reluctance of lawyers to report or testify about misconduct of peers with whom they work on a regular basis.

The Committee identified changes that were needed to address these issues. First, they recommended that attorney discipline be centralized into a statewide system under the control of the state Supreme Court. They opined that a reliable system for financing the disciplinary system was necessary, and one of the solutions they mentioned was funding the system through a system of assessments paid by all attorneys admitted to practice. They advocated establishment of an independent, professional staff to objectively investigate and prosecute complaints. They stressed the need for broad access to information on discipline, so lawyers adjudicated guilty of misconduct could not continue to practice simply by moving to another jurisdiction or failing to disclose their discipline.

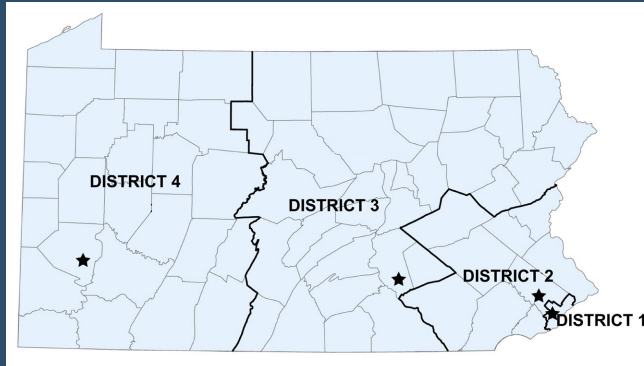
Today's lawyers will recognize that the current structure of the disciplinary process has roots in the guidance provided by the Clark Committee. All fifty states have adopted disciplinary structures reflecting the advice rendered in the Clark Report.

But the Committee was not the only group looking into the creation of a more effective disciplinary process. In Pennsylvania, a similar process was underway. The Pennsylvania Bar Association had already appointed a Special Committee on Disciplinary Procedures to make recommendations for the founding of a statewide disciplinary system. This process led to the founding of the Disciplinary Board of the Supreme Court of Pennsylvania, whose jurisdiction took effect November 1, 1972.

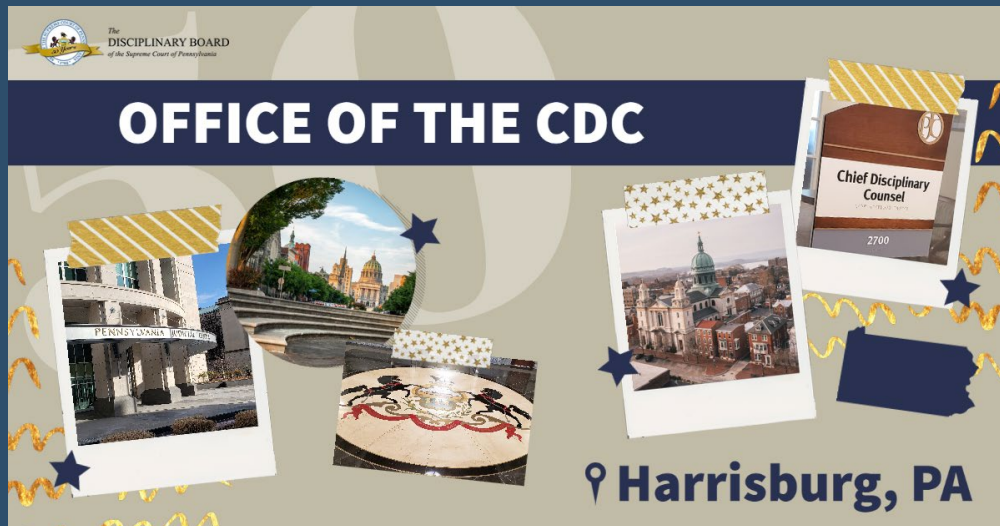
Office Locations

Office of Chief Disciplinary Counsel

Located in the Pennsylvania Judicial Center in Harrisburg, PA, the Office of Chief Disciplinary Counsel leads the Office of Disciplinary Counsel in investigating and prosecuting attorney misconduct. Incoming [complaints](#) against attorneys are assigned to one of four geographic districts. Information on each district office will be provided in upcoming newsletters.



Since 1972, the position of Chief Disciplinary Counsel (CDC) has been held by 8 attorneys from across the Commonwealth. Shown here is current CDC, Thomas J. Farrell (left) with the preceding CDC, Paul J. Killion (right). They are the current end of a long line of attorneys who have helped to mold the organization into what it is today. The first CDC was Anthony J. Giangliulo (1972), followed by Allen B. Zerfoss (1973-1984), Albert M. Nichols (1985-1986), Deborah A. Cackowski (1987-1990), Robert H. Davis, Jr. (Acting 1991-1992), John L. Doherty (1992-2002), Paul J. Killion (2002-2020), and Thomas J. Farrell (2020-present).



Executive Office

Also located in the Pennsylvania Judicial Center in Harrisburg, PA, the Disciplinary Board's Executive Office, led by the Executive Director, includes operational functions of the Board, which include: the Attorney Registration Office, Board Prothonotary, Communications, Finance, Human Resources, and Technology. Additionally, the Board's legal counsel, including Counsel to the Board and Special Counsel, are located within the Executive Office. Among many other duties, the

Executive Office oversees and facilitates the adjudication of disciplinary matters and annual attorney registration.

The title of Executive Director was created in 2004. Prior to 2004, the Executive Office was led by the Secretary of the Board. The leadership role in the Executive Office has been held by 5 individuals since 1972. The first to hold the position was Nan M. Cohen (1972-1991), followed by Elaine M. Bixler (1991-2004), Joseph W. Farrell (2004-2016), Julia M. Frankston-Morris (2016-2018), and Jesse G. Hereda (2018-present).



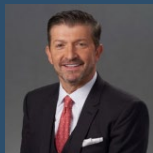
Survey Says...

Many of our current and former Board members were kind enough to provide responses to a recent survey. We received some truly great responses with nearly all making mention of the comradery and relationships formed during their time on the Board. We thank those members who provided their thoughtful responses!

We asked...

What did you enjoy most about serving on the Board?

They answered...



"The feeling of being involved in something that is extremely important, very serious and necessary is special."

-Jerry M. Lehocky (2018-present), Vice-Chair 2021-present



"Simply, I enjoy the fact that I am doing exactly what the mission of the Board is - to protect the public, maintain the integrity of legal profession, and safeguard the reputation of the courts. It is an awesome responsibility - one that I do not take lightly."

-Hon. Robert L. Repard (2018-present)

"Having served on the newly created Disciplinary Board as its youngest member, I had the privilege of working with Gil Nurick and fellow members in establishing the



initial rules and procedures, and selecting the staff, counsel, and hearing boards. It took a great deal of work and time under Gill's leadership but everyone cooperated to accomplish a working organization. It was a very interesting learning and rewarding experience."

-Thomas J. Foley, Jr. (1972-1978)

"I enjoyed serving on the Board with a group of professionals who were committed to ensuring that members of the bar were performing their duties properly and serving their clients ethically."

-Nancy M. Neuman (1980-1985)



"Serving a profession that I cherish, serving the public, and the commitment and integrity of those with whom I served."

-John R. McGinley, Jr. (1983-1989)

"I enjoyed meeting and working with the dedicated professionals from across the Commonwealth who served on the Board. This was the best professional experience in my 49 years of practice."

-Richard W. Stewart (1998-2004), Chair 2003-2004, Vice-Chair 2003

"Working closely with outstanding attorneys on the Board and on staff to maintain high standards of professional conduct."

-Marvin J. Rudnitsky (2000-2006), Chair 2005-2006, Vice Chair 2004-2005



"The collegiality; the dedication to our task; the professionalism. The integrity with which all the Board members with whom I served approached all the cases no matter how difficult."

-Marc S. Raspanti (2003-2009)



"The best professional activity of my career. It was not only an outstanding opportunity to give back to the profession but working with other talented lawyers in such an important role created deep lasting relationships."

-Gerald Lawrence, Jr. (2008-2014), Vice-Chair 2013-2014



"The incredible sense of both seriousness and comradery. We all knew the tough job at hand, but handled it in a respectful, collaborative manner."

-David A. Nasatir (2008-2014)



"I can summarize this in two words: 'education' and 'collegiality'... Being able to draw on the composite knowledge of so many talented and experienced people - both attorneys and lay members - greatly increased my knowledge not just on disciplinary matters, but of the law as a whole. But beyond the education, I was frankly always amazed at the collegiality of the Board members with whom I was privileged to serve."

-R. Burke McLemore, Jr. (2009-2015), Chair 2014-2015

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