



The
DISCIPLINARY BOARD
of the Supreme Court of Pennsylvania

50th Anniversary Celebration

March 8, 2022



Welcome

Heading into the second week of March, the Disciplinary Board continues its Golden Anniversary celebration. It has been exciting to look back on the Board's fifty-year legacy within Pennsylvania's legal community, and I look forward to another opportunity to reflect upon its growth and achievements.



Last week, we explored the origins of the attorney disciplinary system and the Clark Committee's seminal 1970 report, *The Problems and Recommendations in Disciplinary Enforcement*. The critical guidance formed by the committee's research shaped our current disciplinary process. In this week's edition, we delve into the evolution of professional standards.

We also present current and former Board Members' responses to our question "How has serving on the Board helped you personally or professionally?". Through my six years of Board service, I've gained a deeper understanding of the importance of compassion and empathy in our mission to protect Pennsylvania's communities and legal system. We thank our current and former Board Members who have offered their own experiences to be shared with Pennsylvania's attorneys.

Once again, be sure to follow along with us on [Facebook](#), [Twitter](#), [LinkedIn](#), and [YouTube](#) for more anniversary content.

Stay well,
Jack P. Goodrich
Board Chair

Available to View in March...

The Retirement Discussion

Don't miss the opportunity to view "The Retirement Discussion" for FREE throughout March! The program 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.



*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 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

Upcoming CLE Opportunity

A **FREE** 90-minute virtual Ethics CLE event will be held on March 11 at 12:00pm. Jim Holman, partner at Duane Morris, will moderate a panel consisting of Laurie Besden, Executive Director of [Lawyers Concerned for Lawyers Pennsylvania](#); the Honorable Thomas M. Del Ricci, Court of Common Pleas of Montgomery County; the Honorable William R. Carpenter, Court of Common Pleas of Montgomery County; and Roberta Besden, principal at the School District of Philadelphia.

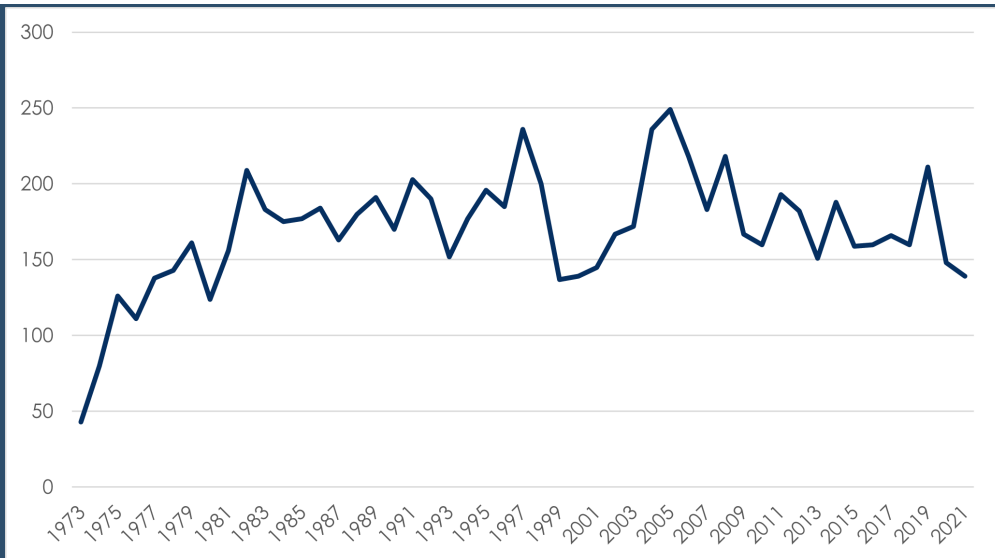
View more information and register for "*Time Takes Time: Building Communities of Health and Hope Within the Legal Profession*" [here](#).

A flyer for an educational event. The top half has a dark blue background with the text 'EDUCATIONAL EVENT' in large white letters. Below this, on a white background, is the text 'DUANE MORRIS LLP' in small black letters. Underneath is the event title 'Time Takes Time: Building Communities of Health and Hope Within the Legal Profession' in bold black letters, enclosed in a thin black border. Below the title is the date and time 'Friday, March 11, 2022 online only' and the category 'PA CLE - ETHICS' in bold black letters. The right side of the flyer features a circular image of a laptop on a desk with a pen and a notepad.

Did You Know?

- Attorneys who engage in misconduct may be disciplined by either public or private discipline.
- Public discipline means that the public is entitled to know that discipline was imposed. There are five types of public discipline: public reprimand, probation, public censure, suspension, and disbarment.
- Private discipline means that the public is not entitled to know that the attorney engaged in misconduct. There are two types of private discipline: informal admonition and private reprimand.
- A definition of each type of discipline can be viewed [here](#). Additionally, a glossary of terms commonly used during the disciplinary process can be viewed [here](#).
- Discipline on Consent was established in 2005. This means that, at any time during an investigation, a Respondent-attorney can come to an agreement with Disciplinary Counsel as to a recommended discipline. The Joint Petition in Support of Discipline on Consent shall be reviewed by a three member panel of the Board and the Supreme Court, if applicable. See [Pa.R.D.E. 215](#).
- In 2012, the Rules were amended to create the "Public Reprimand" as a new form of discipline. There were 9 public reprimands administered that first year. Public reprimands have always been just that - public - but in 2020, they became even more public as they began to be and still are live-streamed on the [Board's YouTube Channel](#).

Total Disciplinary Actions 1973-2021



A Look Back...

Evolving Guidance: Professional Standards over the Years

Lawyers admitted to practice in Pennsylvania in 1988 or later have always looked for guidance to the [Pennsylvania Rules of Professional Conduct](#). But these Rules weren't always the standard of practice. Two other codes preceded the RPCs as the legal profession's governing prescriptions.

For much of the Twentieth Century, the legal profession operated under the [Canons of Professional Ethics](#). First adopted by the American Bar Association (ABA) in 1908, the Canons were a loose set of 32 rules and recommendations, often phrased in aspirational terminology such as "the lawyer should..." These rules were arranged in an order that seems arbitrary to modern eyes, and often contained very little mandatory language to specify to lawyers exactly what they could and couldn't do. All the language in the Canons about client funds, for instance, was contained in the 39 words of Canon 11, which stated in full:

Money of the client or other trust property coming into the possession of the lawyer should be reported promptly, and except with the client's knowledge and consent should not be commingled with his private property or used by him.

In contrast, the current [RPC 1.15. Safekeeping Property](#), contains 2,871 words.

The Canons formed the basis for disciplinary action for nearly sixty years, during a time when most disciplinary prosecutions took place before Courts of Common Pleas, often at the initiation of local bar associations.

The legal profession went through a period of upheaval and innovation on the front of legal ethics in the 1960s. Last week, we highlighted the work of the Clark Committee, whose landmark [1970 Report](#) summarized many of the failures of the fragmented discipline systems in the various states, and made recommendations which have become the foundation of attorney professional discipline systems throughout the United States.

While the Clark Committee focused on procedures, a parallel effort to revise the substance of the standards also took place during the late 1960s and early 1970s. In 1964, the ABA President and later Supreme Court Justice Lewis F. Powell requested the formation of a Special Committee on Evaluation of Ethical Standards to examine the Canons of Professional Ethics and to make

recommendations for changes. Over the following five years, this committee produced a draft document called the Model Code of Professional Responsibility. The document followed the prior standard by stating aspirational Canons, but followed them up with mandatory Disciplinary Rules and Ethical Considerations which clarified and expanded on the Disciplinary Rules, much as the Comments to today's Rules of Professional Conduct do. On August 12, 1969, the ABA House of Delegates adopted the [ABA Model Code of Professional Responsibility](#). Most of the states followed up by adopting their own Code of Professional Responsibility, as did Pennsylvania in 1970. When the Disciplinary Board began its work in 1972, it enforced the Code of Professional Responsibility.

The Disciplinary Rules provided much more concrete guidance and mandatory requirements than the Canons of Ethics. For instance, DR 9-102, although it ran only 263 words in the ABA Model Code, established many of the principles now incorporated into requirements for the handling of funds, such as separation of lawyer and client funds, notice of receipt of funds, recordkeeping, accounting, and delivery of funds when due.

Although the Disciplinary Rules proved far more effective than their predecessor, dissatisfaction quickly arose, much of it growing from the critical focus on the actions of lawyers during the Watergate era. In 1977, the ABA empaneled a new Commission on Evaluation of Professional Standards, headed by Robert J. Kutak, which became known as the Kutak Commission. After almost three years of work, the Kutak Commission concluded that the Code of Professional Responsibility was inadequate, and composed a new code, the Model Rules of Professional Conduct, published in January 1980. The ABA House of Delegates adopted the Model Rules of Professional Conduct in August 1983. Over the next several years, most jurisdictions adopted the new Rules, including Pennsylvania, effective April 1, 1988.

The Rules of Professional Conduct, as amended over the years, have proven a durable and effective set of standards for the profession, remaining in effect for 34 years. The work of the Kutak Commission proved to be of lasting benefit to the legal profession.

Office Locations

Office of Disciplinary Counsel, District I

The District I location of the Office of Disciplinary Counsel is [located](#) in Philadelphia, PA. Two Counsels-in-Charge, five Disciplinary Counsel, two Auditors, one Paralegal, and three administrative staff support the District I office. This office investigates and prosecutes attorney misconduct in Philadelphia County.

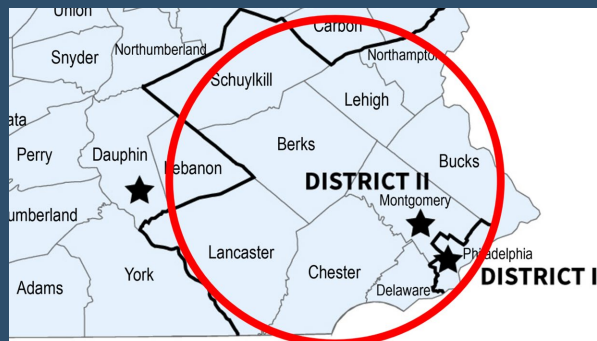


The District I Office has always been located in Philadelphia, but has moved locations within the city several times to accommodate spacing needs. The office has been led by seven different Counsels-in-Charge.



Office of Disciplinary Counsel, District II

The District II location of the Office of Disciplinary Counsel is located in Trooper, PA. One Counsel-in-Charge, five Disciplinary Counsel, three Auditors, and four administrative staff support the District II office. This office investigates and prosecutes attorney misconduct in Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, and Schuylkill Counties.



The District II Office was originally located in Norristown, PA and later moved to Blue Bell, PA. In 2002, the office relocated to its current home in Trooper, PA. This office has been led by six different Counsels-in-Charge. In the 70s and 80s, the District II office opened 20-30 cases monthly; now it averages 100.



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...

How has serving on the Board helped you personally or professionally?

They answered...

"I developed a realization that although we all abide by the same rules, there are procedures in practice that may be significantly different depending on location. Recognizing those local practices and procedures was very helpful in evaluating conduct of a member of the Bar. That understanding clearly made me more willing to appreciate the position of fellow lawyers on opposing sides. I believe I became a better lawyer as a result of the privilege of serving two terms on a hearing committee and two terms on the Disciplinary Board."

-James D. McDonald, Jr. (1983-1989)

"Service on the Board makes it clear that every day is one that a lawyer has to earn the respect of his/her client and the community in which he/she lives."

-John A. Tumolo (1985-1991), Chair 1990-1991



"I learned how effective our disciplinary system is in offering the public protection..."

-Murray S. Eckell (1988-1994), Chair 1993-1994, Vice-Chair 1992-1993



"I felt an immediate tie to the profession and all it represents. I met many people who stayed in my life for years after my 2 terms."

-Penina K. Lieber (1990-1996)

"Chief Justice Ralph Cappy recommended me to be the first woman, first non-lawyer to serve as Chair of the Board which was a bit daunting at first, but I received a great deal of support from my fellow Board Members and my husband. I realized that my experience as a psychologist/family therapist would serve me well."

-Carolyn Wray Rudnitsky (1993-1999), Chair 1998-1999, Vice-Chair 1997-1998



"It provided me with an awareness of many potential ethical issues that could arise in handling files and dealing with clients..."

-Carl D. Buchholz, III (2006-2012), Chair 2010-2011, Vice-Chair 2009-2010



"My Board service helped me immensely. Professionally it led me to become more directly involved in the well-being in law movement. I currently serve on the Governance Committee of IWIL (Institute for Well-Being in Law). While a member of the Disciplinary Board, I spoke annually at the National Council of Lawyer Disciplinary Boards on various topics linking behavior and motivation to discipline. I also presented programs on lawyer stress at the National Organization of Bar Counsel. In addition, I have continued to remain an active speaker to state and local bar associations. In 2021 I became

a faculty member of Lawline.com, and in late 2021 I presented my first online CLE. I am now designing a second course targeted for a late spring 2022 release. I would be remiss if I did not thank Burke McLemore, who, as Board Chair, showed great interest in my work as a consultant and behavioral specialist. He encouraged and helped me on this path."

-Douglas W. Leonard (2008-2010 and 2012-2018), Chair 2018, Vice-Chair 2017-2018



"Serving on the Board with so many talented and passionate individuals who continuously fulfilled that mission, while being sensitive to the lives of the individuals that were affected by their decisions was rewarding and an unforgettable privilege. I was honored to serve with so many wonderful Board members and staff, who remain my friends forever."

-Brian J. Cali (2013-2019), Chair 2018-2019, Vice-Chair 2018



"It gave me greater insight as to the trust relationship between an attorney and his client."

-Lawrence M. Kelly (2013-2018)



"Greater respect for the profession and the responsibilities associated with it."

-John F. Cordisco (2015-2021), Vice-Chair 2020-2021

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