



The
DISCIPLINARY BOARD
of the Supreme Court of Pennsylvania

50th Anniversary Celebration

March 15, 2022



Welcome

As we near the midpoint of the Disciplinary Board's 50th anniversary celebration, I am impressed by the history of achievements of Pennsylvania's legal community and the Board's role in its legacy. There has been much advancement of the legal profession over the past five decades, and I feel optimistic for all that is still to come.



In last week's newsletter, we considered the evolution of professional standards, looking at early attorney discipline under county courts and bar associations guided by the *Canons of Professional Ethics*. This week, we explore the development of discipline on consent, first established in 2005 by Supreme Court amendment to Rule 215.

Also featured are current and former Board Members' responses to our question "What have you learned from your service on the Board?". My experience has highlighted for me the Board's mission - protecting the public, maintaining the integrity of the profession, and safeguarding the reputation of the courts. Prior to my service, I did not have a strong understanding of the good that the Board does for the profession; I saw the sanctions it imposed or recommended to the Court. Through its education efforts and outreach to the profession and the public, the Board serves us all - the public, the bar, and the bench. I am proud and humbled to lead such an important organization.

Continue to follow along with us on [Facebook](#), [Twitter](#), [LinkedIn](#), and [YouTube](#) as we celebrate fifty years of the Disciplinary Board.

Gratefully,

Available to View in March...

The Retirement Discussion

There are only a couple of weeks left to view "The Retirement Discussion" for FREE! 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](#).

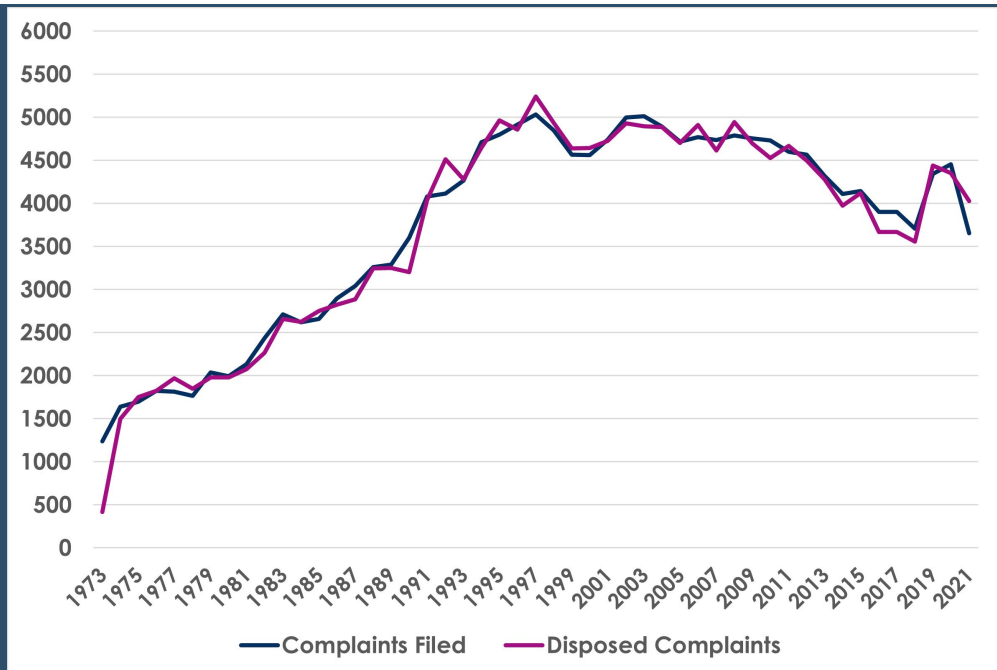
Scheduled proceedings begin at 9:30 am unless otherwise noted.

March		
March 22 March 23	Christopher Nicholas Urbano	Disciplinary Hearing

Did You Know?

- The disciplinary process most often begins with a complaint.
- In late 2017, the Board's website added the ability to [file a complaint](#) online.
- Allegheny, Bucks, Dauphin, Delaware, Lackawanna, Montgomery, and Philadelphia Counties received the highest number of complaints over the past five years. It is important to note that these counties are among the most populated of actively licensed attorneys in Pennsylvania.
- For every complaint received, a complainant can expect: an acknowledgment of receipt of the complaint and assignment of a file number for future reference; a fair and impartial investigation performed by the Office of Disciplinary Counsel (ODC); an efficient disposition of the complaint, being mindful of the complexity of the matter, cooperation of all parties, and availability of documents, among other things, which may affect the duration of the investigation; and to receive official notification of the disposition of your complaint.
- When filing a complaint, a complainant should NOT expect to receive: assistance or advice from the Disciplinary Board or ODC with respect to legal matters; direction from the Board or ODC to your attorney to take or refrain from a particular action; representation by the Board or ODC with respect to any legal matter; a referral by the Board or ODC to a new lawyer to handle your matter; or reimbursement or other monetary compensation through the process.
- Fee disputes are not normally handled within the attorney disciplinary process. Fee disputes should be pursued with the Bar association in the county where the attorney practices.
- If a financial loss is sustained as a result of an attorney's dishonest conduct, a claim may be filed with the Pennsylvania Lawyers Fund for Client Security (PaLFCS). Claim forms and additional information may be found on the [PaLFCS website](#).
- The complaint process may result in one of four outcomes: dismissal of the complaint; imposition of private discipline (either an informal admonition or a private reprimand); imposition of public discipline (public reprimand); or filing of a formal disciplinary proceeding against the attorney, which usually involves a hearing.

Complaints Filed and Disposed from 1973-2021



A Look Back...

Discipline on Consent: The Path of Agreement

Once upon a time, namely for the first 33 years of the Board's existence, there was no provision in the procedural rules of the Disciplinary Board for a swift resolution when the parties agreed on the facts and the discipline. The only consent discipline allowed under the rules at that time was when a respondent submitted a voluntary statement of resignation and the Supreme Court ordered a disbarment on consent. In other matters, even if the Respondent did not desire to contest the facts and the parties were on the same page for discipline, they still had to go through the formality of convening a Hearing Committee, holding a hearing, and having a report filed, reviewed by the Board, and if necessary, forwarded to the Supreme Court for action. Stipulations of fact could resolve factual issues, and the parties could express their agreement as to the result in briefs, but the process went forward as if contested.

This process could result in additional hardship and expense for Respondents. As a result, in 2005 the Board took steps to establish a process for amicable agreements.

At its educational conference on July 16, 2004, the Board considered the topic of "Discipline on Consent". Ellyn Rosen, Associate Regulation Counsel with the American Bar Association Center for Professional Responsibility, attended the conference and presented information from other jurisdictions demonstrating that Pennsylvania was an outlier by limiting discipline on consent to disbarment. The Board authorized its Rules Committee to draft proposed amendments to the Rules of Disciplinary Enforcement to permit discipline on consent in cases which result in private discipline, public censure or suspension.

At its meeting in September 2004, the Board reviewed the Rules Committee's recommendations and approved publishing a Notice of Proposed Rulemaking proposing to amend Rule 215 of the Pennsylvania Rules of Disciplinary Enforcement (Pa.R.D.E.) to provide for the imposition of consent discipline in matters other than disbarment on consent.

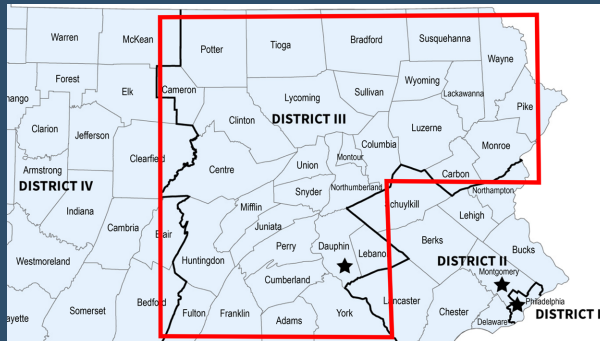
On March 9, 2005, Board Chair Louis N. Teti sent to the Supreme Court a set of proposed amendments to Pa.R.D.E. 215, establishing the procedure for discipline on consent. On May 24, 2005, the Supreme Court [amended Rule 215](#) to allow for discipline by Joint Petition in Support of Discipline on Consent.

Since then, Joint Petitions in Support of Discipline on Consent have increased dramatically and now form a significant portion of the disciplinary actions taken by the Board. In 2021, 17 Joint Petitions were filed, compared to 21 Petitions for Discipline to initiate formal disciplinary proceedings, a nearly equal number. Of the 17 Joint Petitions, the Board approved 15 petitions and denied one; one such case is still pending. The Board imposed three reprimands and filed recommendations with the Supreme Court in 12 cases. All 12 recommendations on consent were approved by the Supreme Court.

Office Locations

Office of Disciplinary Counsel, District III

The District III location of the Office of Disciplinary Counsel is located in Harrisburg, PA. One Counsel-in-Charge, four Disciplinary Counsel, one Auditor, one Paralegal, and three administrative staff support the District III office.



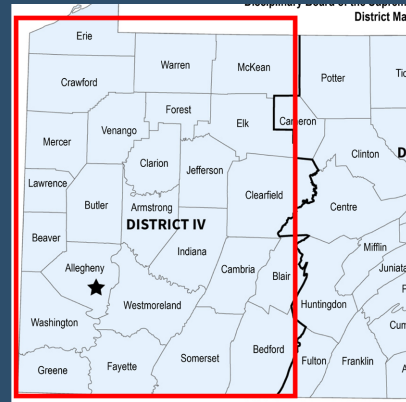
The District III Office investigates and prosecutes attorney misconduct in Adams, Bradford, Cameron, Carbon, Centre, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lebanon, Luzerne, Lycoming, Mifflin, Monroe, Montour, Northumberland, Perry, Pike, Potter, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York Counties.

The District III Office was originally located in a couple of Harrisburg, PA locations. The office was relocated to Lemoyne, PA in 1992 and then to its current home in the Pennsylvania Judicial Center (also in Harrisburg) in 2012. This office has been led by seven Counsels-in-Charge.



The District IV location of the Office of Disciplinary Counsel is located in Pittsburgh, PA. One Counsel-in-Charge, five Disciplinary Counsel, two Auditors, one Paralegal, and four administrative staff support the District IV office.

The District IV Office investigates and prosecutes attorney misconduct in Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland Counties.



The District IV Office has always been located in Pittsburgh, but has moved locations within the city several times before moving into its current home in the Frick Building in 2006. This office has been led by five Counsels-in-Charge.



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 have you learned from your service on the Board?

They answered...



"I have learned that the legal profession in Pennsylvania is a great group of professional individuals. It is a very low percentage of those who discredit the profession."

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

"The disciplinary system is vital to our profession. It is important for all attorneys to be honest and forthright when dealing with ODC (the Office of Disciplinary Counsel). It is also important to

promote compliance with the Rules of Professional Conduct."

-Philip B. Friedman (1990-1996), Chair 1994-1995, Vice-Chair 1993-1994



"I learned that practicing law can be difficult and challenging for many and that the profession as a whole has important standards and values."

-Penina K. Lieber (1990-1996)

"That very difficult situations can be viewed very differently and listening to other well-reasoned opinions can lead to good results."

-Dwight Michael Stine (1990)

"As a non-lawyer, I learned a great deal about the law and was truly impressed with the extent to which attorneys go to maintain the high standards of their profession."

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

"The vast majority of attorneys in Pennsylvania perform their services in a knowledgeable and ethical manner."

-Duke George, Jr. (1995-2001)



"How to serve the legal community and protect the public."

-Jonathan H. Newman (2003-2009), Chair 2007-2008, Vice-Chair 2006-2007



"That there is no substitute for doing the right thing..."

-William A. Pietragallo (2004-2010), Chair 2009-2010, Vice-Chair 2008-2009

"I have learned the responsibility each lawyer has to the legal community and to his community in general."

-Sal Cognetti, Jr. (2006-2012), Chair 2011-2012, Vice-Chair 2010-2011



"I've learned too many things to list, yet a few things stick out. Perhaps first and foremost, when I first joined the Board in 2008, I learned that the legal industry lagged in providing employee assistance-type programs in comparison to the corporate world. Lawyers were often fearful of getting the type of help they needed due to the stigma associated with treatment. As a result, we heard all manner of cases that should have been addressed by professional counseling or treatment well before they became a disciplinary matter. However, the good news is that attitude is shifting, and while there is still a long way to go, things are significantly better in 2022 than in 2008. More than 50% of the states have active well-being task forces and more are moving in that direction. Several states have increased fees to fund an intensified focus on well-being in the legal industry, and in some cases, forward-thinking states now employ full-time well-being coordinators. Larger firms across the country have also started hiring "director of lawyer well-being," a new role charged with cultivating a healthy work environment and general work-life balance. It is not a stretch to believe that wellness is essential; it speaks to Competence (Rule 1.1). A healthy lawyer is a better lawyer for themselves, their clients, and their families."

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

"The work of the Disciplinary Board is extremely serious. In maintaining its mission to protect the public, the Board regularly determines the future ability of lawyers to continue to be members of our outstanding profession."



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

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