



The
DISCIPLINARY BOARD
of the Supreme Court of Pennsylvania

**June 2022
Newsletter**



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From the Chair

Annual Attorney Registration for 2022-2023 is in full swing with over 45,000 Pennsylvania attorneys having already completed the process for the coming year. Each year at this time, all active and inactive status attorneys are required to [complete](#) an annual registration form through the Unified Judicial System Web Portal.

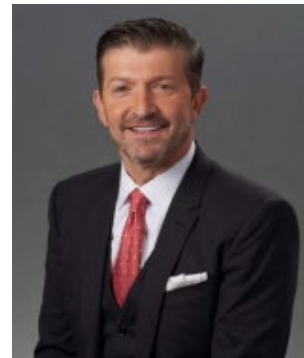
With this yearly responsibility, each attorney pays a [fee](#) that helps to finance, in addition to Board operations, the PA Lawyers Fund for Client Security which reimburses victims of attorney misconduct where needed and the PA IOLTA Board which supports pro bono legal services throughout the Commonwealth. Each portion of the annual fee is sanctioned by Supreme Court order. The Disciplinary Board and the Lawyers Fund provide funding for Lawyers Concerned for Lawyers which provides essential assistance to lawyers, judges, law students, and others who struggle with issues related to mental health and substance use.

New this year, the Supreme Court entered [an order](#) amending Rule 219 to allow an attorney to apply for waiver of the annual fee on the basis of financial hardship. Note that these waiver requests are due by **July 1st**.

The Board strongly urges each attorney to complete registration (or submit a waiver request) by the **July 1st** deadline to avoid the imposition of any late payment penalties or administrative suspension of his or her license. Prior to the assessment of last year's second late fee on August 2, 2021, over 98% of attorneys had completed the registration process which resulted in a 24% decrease in the number of attorneys administratively suspended for nonpayment.

Best wishes for a safe and healthy summer,

Jerry M. Lehocky
Board Chair



Annual Attorney Registration

Registration Due July 1st

The online 2022-2023 [Annual Attorney Registration](#) is open in the Unified Judicial System Web Portal. Attorneys must register by **July 1, 2022**. Exemptions from the requirement of *online* filing are available for good cause but must be requested in writing.

Registration fees are \$275 for active status and \$100 for inactive status; there is no fee for attorneys assuming retired status. Attorneys may choose to pay online with a credit card or to mail a check and printed voucher. Vouchers *cannot* be created after the initial July 1st deadline.

The first \$200 late fee is assessed after July 16th, and the second \$200 late fee is assessed after August 1st. These late payment penalties are imposed automatically and are not waivable by the staff or Board. An additional fee of \$25 will be attached in the event of any returned payment. Failure to complete registration by August 1st may be deemed a request for transfer to administrative suspension under [Pa. R.D.E. 219\(f\)](#).

In cases of extreme financial hardship, a waiver of the annual fee may be granted. Eligible attorneys must be registering for active status and have an adjusted gross income less than or equal to the federal poverty guidelines for the applicable household size. Learn more on the Disciplinary Board's [website](#).



**ANNUAL ATTORNEY
REGISTRATION
REMINDERS**

**Annual Attorney
Registration payment
is due by July 1st.**

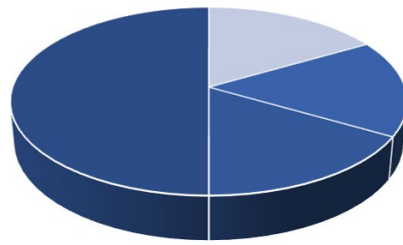
**First \$200 late fee is
assessed after July 16th.**

**Second \$200 late fee
is assessed after
August 1st.**

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Discipline Imposed

May 2022



- Informal Admonition - 1
- Private Reprimand - 0
- Public Reprimand - 0
- Public Censure - 0
- Disability Inactive - 0
- Temporary Suspension - 1
- Suspension - 1
- Disbarment - 3

Temporary Suspension

[Eugene Daniel Lucas](#)

Suspension

[Jewel M. Harmon](#)

Disbarment

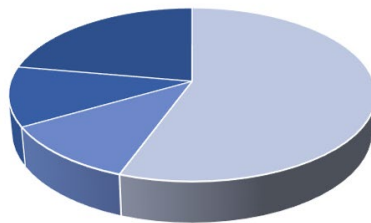
[Stephanie Julia Brown](#)

[Susan Ann Lowden](#)

[John Brian Sogliuzzo](#)

Reinstatements

May 2022



- From Inactive - 5
- From Retired - 0
- From Administrative Suspension - 1
- From Disability Inactive - 0
- From Suspension - 1
- From Disbarment - 2
- Reinstatement Denied - 0

From Inactive

[Kimberly Anne Kline](#)

[John Fleming Murray](#)

[Paul Pruitt](#)

[Rachel Elaine Brown Walters](#)

[Brian L. Watson](#)

From Administrative Suspension

[Michael Stephen Passaportis](#)

From Suspension

[Anthony M. Crane](#)

From Disbarment

[Sandra Couch Collins](#)

[Charles M. Naselsky](#)

Note: The above-listed granted reinstatement matters reflect only those granted by Supreme Court Order. An attorney listed as reinstatement granted, but whose current license status does not reflect reinstatement, has yet to submit the fees necessary to finalize reinstatement.

Upcoming Public Proceedings

We encourage you to observe our public disciplinary and reinstatement hearings, oral arguments, and public reprimands on the [Board's YouTube channel](#). You can also view "Upcoming Public Proceedings" at the bottom of the Board's [home page](#).

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

June		
June 17 at 1:00 pm	Michael Andrew Rabel	Oral Argument
June 17 at 1:45 pm	Thomas Joseph Dancison, Jr. Jennifer Johnson Milton E. Raiford Robert M. Tobia Jay L. Yackow	Public Reprimand
June 21 June 22	Douglas M. Marinos	Reinstatement Hearing
June 23	Neil E. Jokelson	Reinstatement Hearing
June 28 June 29	Brian M. Puricelli	Disciplinary Hearing
June 30	Steven Ronald Savoia	Disciplinary Hearing
July		
July 6 July 7	Mark Adam Goldstein	Disciplinary Hearing
July 13	John A. Gallagher	Reinstatement Hearing
July 14 July 15	Nicholas Urick	Disciplinary Hearing
July 26 July 27	Timothy Nicholas Tomasic	Disciplinary Hearing
August		
August 23	Matthew J. Reusing, Jr.	Reinstatement Hearing
August 29 August 30	Marianne Sawicki	Disciplinary Hearing
September		
September 13	Lawrence E. Bolind, Jr.	Disciplinary Hearing
September 15 September 20	Charles C. Shainberg	Disciplinary Hearing
September 22	Brian Frederick Levine	Disciplinary Hearing
September 27 September 28	Evan T. L. Hughes	Disciplinary Hearing
October		
October 5 October 27	Glenn Paul Cummings	Disciplinary Hearing

Disciplinary Board News

Disciplinary Board Member David S. Senoff Featured in Top 100 Attorneys Magazine

Earlier this month, *The Top 100 Magazine* announced lawyers to be featured on their list of the Top 100 Attorneys. Named among them is Disciplinary Board Member [David S. Senoff](#) whose term commenced in April 2020.

Inspired by his family's struggle with an insurance company while seeking medical treatment for his sister born with cystic fibrosis, Attorney Senoff has focused his practice on class-action lawsuits in public policy disputes. He was one of the lead attorneys involved in seeking justice for the victims of the "Kids-for-Cash" cases and has been instrumental in the development of Pennsylvania's Wage Law.

Prior to his Board appointment, Senoff served for twelve years as a Disciplinary Board Hearing Committee Member and for three years as a member on the Supreme Court of Pennsylvania's Civil Rules Committee.

The Board extends its congratulations to Attorney Senoff.

The Top 100 Magazine
Top 100 Attorneys

David S. Senoff,
Disciplinary Board Member

Congratulations!

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CDC Corner

Conflicts of Interest

Dealing with conflicts of interest among clients can be an especially vexing challenge. The applicable rules speak in terms of degree (e.g. "directly adverse," [RPC 1.7\(a\)\(1\)](#), "significant risk" and "materially limited," [RPC 1.7\(a\)\(2\)](#)). Lawyers and their clients often do not discover the facts that elevate a conflict past the permissible or waivable degree until well into a representation. Disqualification at this point, after the clients have invested considerable time and money in the lawyer's work, angers clients and harms the lawyer's reputation and business. Malpractice

insurers cite conflicts errors as the [most frequent cause](#) of malpractice claims.

To better manage potential conflicts, some clients and law firms attempt to stipulate to procedures governing disclosure, waiver, and withdrawal from representation in their engagement letters. [Recent Ethics Opinion 383](#) from the District of Columbia warns, however, that these letters often don't work and may create their own ethical issues.

The Opinion first addressed a provision which some companies insert in their outside counsel guidelines to require that their outside counsel advise the company before it agrees to represent a competitor even in an unrelated matter not involving the company. The DC Bar explained that client identity and the nature of the representation generally are confidential information that a lawyer may not reveal without the client's consent under D.C. RPC 1.6. See also [ODC v. Baldwin](#), 225 A.3d 817, 843-44 (Pa. 2020) (noting that the confidentiality obligations of PA [RPC 1.6](#) extend well beyond the privilege for confidential attorney-client communications). Therefore, the firm's agreement to this disclosure may be misconduct, and any company attorney who makes the request also may be liable for inducing another to commit misconduct. See DC RPC 8.4(a) (which is identical to PA [RPC 8.4\(a\)](#)).

Second, some engagement letters try to eliminate the risk that the firm must withdraw if a conflict develops later in the representation between this client and another, a "midstream conflict", by specifying that the firm can select which of the conflicted clients to keep. The DC Bar opinion cautions that in cases of midstream conflict, Rules 1.7 and 1.16, "and not an advance agreement between one client and its outside counsel, govern whether a lawyer must or *may* withdraw from her representation of another client if a 'midstream' conflict arises."

Pennsylvania law seems even less flexible on these points. DC's Rule 1.6 has an exception allowing disclosure of information that is not detrimental to the client; Pennsylvania does not. DC allows a lawyer to avoid withdrawal when a conflict was not reasonably foreseeable at the time of engagement, at least under some circumstances. DC RPC 1.7(d). Pennsylvania does not, and some caselaw indicates that the lawyer *must* withdraw from representing *all* of the conflicted clients; the lawyer cannot choose one over the other. *United States v. Self*, 681 F.3d 190, 198 (3d Cir. 2012).

Even though DC Bar Opinion 383 is not binding in Pennsylvania, it provides a helpful warning to lawyers that agreements cannot trump the Rules and a reminder that even careful planning does not relieve lawyers of the obligation to reevaluate conflicts as facts develop in the course of a representation.

Thomas J. Farrell
Chief Disciplinary Counsel

Articles of Interest

New Jersey Supreme Court Reconsiders Permanent Disbarment

The Supreme Court of New Jersey has long taken a hard line on knowing misappropriation of attorney trust funds. Ever since [In re Wilson](#), 81 N.J. 451, 453, 461 (1979), the Court has held that every such case shall result not just in disbarment, but in permanent disbarment, with no possibility of future reinstatement.

In a recent opinion, however, the Court [took steps](#) to reexamine whether disbarment should be permanent in such cases. In the [Matter of Dionne Larrel Wade](#), the Court considered the case of an attorney who engaged in several instances of “borrowing” from client funds, but who presented compelling evidence of her personal and professional achievements. The [Disciplinary Review Board](#) found that the “Respondent is a remarkable person who has overcome tremendous personal obstacles . . . to become a pillar of her church and local community and what appeared to be an excellent member of the New Jersey bar.”

The Supreme Court declined to reconsider the rule of automatic disbarment established in the *Wilson* case but decided to reevaluate the practice that such disbarment should be permanent. Chief Justice Stuart Rabner wrote, “The question – and the challenge – is whether and how to create a rigorous system that can determine if a lawyer disbarred for those reasons deserves a second chance years later... If the Court revises the current approach to permanent disbarment, Respondent and others would be able to reapply for admission in accordance with a new court rule.”

The Court entered an order disbaring Wade, but also directing the Court Administrator to convene a committee of attorneys and nonlawyer members of the public to study whether disbarment should continue to be permanent in all *Wilson* cases and recommend standards that might apply if New Jersey were to adopt a rule allowing reinstatement after a period of time.

Disciplinary Cases Address Probation Violation, Disrespectful Conduct, Unlicensed Practice

The Disciplinary Board has decided cases involving some unusual fact situations in the past two months.

In 2021, the Supreme Court imposed a suspension for one year on [William N. Conner](#) of Philadelphia, stayed in its entirety by a one-year period of probation. One of the terms of the probation was that Connor was required to meet twice a month and maintain weekly contact with a sobriety monitor. In February 2022, the Office of Disciplinary Counsel filed a probation violation petition alleging that Conner had failed to maintain the required level of contact with his sobriety monitor. A member of the Disciplinary Board presided over a hearing and found that Conner had failed to comply with the agreed schedule. He maintained his sobriety and continued to meet with his AA sponsor but failed to prioritize the meetings with his sobriety monitor. Based on these facts, the Member recommended that Conner’s probation be extended for one year, which the Supreme Court ordered.

A three-member panel of the Disciplinary Board approved a Joint Petition for Discipline on Consent to impose a public reprimand on Allegheny County attorney [Milton Raiford](#) based on his conduct in two cases. In one case, Raiford expressed a personal opinion that his client was guilty in a motion to withdraw; in another, he refused to proceed with representation of a client until Allegheny County District Attorney Stephen A. Zappala, Jr. met with him regarding what he felt was discriminatory treatment of his clients.

A three-member panel of the Disciplinary Board approved a Joint Petition for Discipline on Consent to impose a public reprimand on [Jay L. Yackow](#), a New York-admitted attorney who is not admitted to the bar of Pennsylvania. Yackow submitted two memoranda and appeared at a virtual conference in a Pennsylvania case without obtaining pro hac vice admission. He also failed without cause to respond to a supplemental DB-7A request for information or to the petition for discipline. He offered in defense that he did not realize the submission of legal memoranda required pro hac vice admission and noted that the court to which the documents were sent took

no action to strike them or enjoin his participation in the case. Yackow acknowledged that this belief was incorrect and that he was subject to the disciplinary jurisdiction of the Board and the Supreme Court of Pennsylvania under the terms of [Rule 8.5\(a\) of the Rules of Professional Conduct](#).

Are Lawyers Generally Rude and Aggressive? Court Officials Say No

The rude, aggressive lawyer who won't take no for an answer and runs roughshod over all he meets may be a stereotype in popular culture. Certainly, abrasive and abusive lawyers appear occasionally in the disciplinary cases, but is that a true picture of the legal profession? New Jersey court officials interviewed in a [story](#) in *The Legal Intelligencer* say no. Such behavior, they maintain, is the exception rather than the rule.

Marie Lihotz, a 20-year veteran of the state Superior Court now in private practice, told the *Intelligencer*, "Does it happen? It does. Does it happen a lot? No. Generally, it's not a problem. Generally, most lawyers are extremely respectful of the court and most of them understand they can't be rude or unprofessional to each other or to the other litigants." She added that people become frustrated with the results or the process and sometimes say things that are inappropriate, but added, "I don't think that's something that happens a lot."

Deborah Gramiccioni, who served as a New Jersey Superior Court judge from 2017 to 2021, agreed that verbal abuse of court staff was rare during her time on the bench. She noted that during her time in family court, emotions often ran high, and lawyers as well as litigants sometimes expressed their frustrations vocally. Gramiccioni said, "What I like to remember is, lawyers are human, judges are human, staff are human." She expressed the view that it was the role of the judge to take a break and encourage the parties to step back when emotions became heated. "That's what we tell our children to do in school and I think it's no less important in the courtroom," she said.

Referrals of lawyers for unprofessional conduct are relatively rare. J. Nicholas Strasser, Chairman of the Hudson County Bar Association's Professionalism Committee, said that three or four attorneys have been referred to the committee in the last three years. Strasser said, "It's not something that doesn't exist, but in my experience, it's a very small minority as opposed to a majority."

County Judge Arrested for Cattle Rustling

Yes, this story arose in a year beginning with 20, believe it or not.

The only judge in the county with the smallest population in the United States has been arrested on [charges of cattle rustling](#).

[Skeet Jones](#), a 71-year-old of Mentone, Texas, has been arrested on three counts of theft of livestock worth less than \$150,000 and one count of organized criminal activity arising from a year-long investigation by the Texas and Southwestern Cattle Raisers Association into the theft of cattle.

Jones, in addition to his extracurricular activities, is the judge and most prominent elected official of [Loving County, Texas](#), which, though three-fifths the size of Rhode Island, is the nation's [least populated county](#) with just 57 residents. Jones has been the county judge of Loving County since

2007 and earns an annual salary of \$133,294. His father was the sheriff for 28 years, his mother was the county appraiser, his sister is the county clerk, his cousin's husband is the county attorney, and his nephew is the constable.

According to law enforcement officers, Jones and his accomplices rounded up stray cattle and sold them without obeying procedures mandated by the state agriculture code.

"He's had free reign for the entire time since he's been the judge," said Constable Brandon Jones, the aforementioned nephew. "That's given him a sense of power and impunity that he can do whatever he wants whenever he wants. Even the feeling of self-righteousness. That he can do no wrong."

Susan Hays, a lawyer who has wrangled with Jones and his family in the past, commented, "You can't make this [stuff] up. It's a pain in the [rear] to round up cattle and take them to market. And then to risk real trouble for it? It's just asinine to me."

Attorney Well-Being

May's Mental Health and Well-Being Article Series Available on Disciplinary Board's Website

Throughout May's Mental Health Awareness Month, the Disciplinary Board partnered with Lawyers Concerned for Lawyers to publish an article series on mental health and well-being in the legal profession. With the expertise of Jennifer C. Zampogna, M.D., Director of Operations at Lawyers Concerned for Lawyers, the series presents several topics on wellness as it relates to both attorney's personal and professional lives and misconduct prevention. Articles address [challenges to mental health](#), [stress and burnout](#), [preventative strategies](#), [employer support](#), and [seeking support through LCL](#). All five articles are [available](#) on the Disciplinary Board's website.



Article Series

MENTAL HEALTH AND WELL-BEING WITHIN THE LEGAL PROFESSION



If you or someone you know is struggling, call LCL's confidential hotline at 1-888-999-1941.



LAWYERS CONCERNED FOR LAWYERS
PENNSYLVANIA

If you or someone you care about is in distress because of alcohol, drugs, depression, anxiety, stress, gambling, or other mental health issues, LCL can help.

1-888-999-1941

www.lclpa.org

[Lawyers Concerned for Lawyers](#) (LCL) is a confidential and safe resource for Pennsylvania attorneys and their family members who may be struggling with their mental health or substance use. An astounding one in three legal professionals will face these issues at some point in their career. Since 1988, LCL has confidentially assisted and supported thousands of individuals who have faced a myriad of challenges (including grief, stress, anxiety, depression, eating disorders, gambling problems, problematic alcohol or prescription drug use, etc.), helping them navigate through dark and difficult times. Members of our profession are dying because they are afraid or unable to ask for help. If you or someone you know is struggling, please call us. You may save a life. There is help and there is hope.

Resource Guide for the Legal Profession During COVID-19

Confidential 24/7 Helpline: 1-888-999-1941

Lawyers-only support meetings

Peer and staff support & resource coordination

LCL resources are free, voluntary, & confidential

Free CLE, resources, and information at www.lclpa.org

Assessment by a healthcare professional to determine a customized treatment plan, if indicated

Around the Court



Judicial Ethics Advisory Board to Begin Issuing Opinions in July

In January, the Supreme Court of Pennsylvania issued an [Order](#) establishing [guidelines](#) for the creation of a new Judicial Ethics Advisory Board (JEAB). Taking the place of the PA Conference

of State Trial Judges and the Special Court Judges Association of PA, this new organization is designed to adopt a unified approach to the prevention of judicial misconduct. The JEAB will be a separate entity from the Judicial Conduct Board and the Court of Judicial Discipline and will provide advisory opinions on ethical conduct as mandated by the Code of Judicial Conduct and the Rules Governing Standards of Conduct of Magisterial District Judges.

Brian D. Jacisin, Esq. has been [named](#) the Board's Executive Director, and Members of the Board include experienced judges from across the Commonwealth.

The JEAB is set to begin issuing opinions on July 1, 2022. Further strengthening the integrity of Pennsylvania's courts, this move affirms the Supreme Court's commitment to justice for all Pennsylvanians.

Celebrating Three Hundred Years of the Supreme Court of Pennsylvania

On May 22, 2022, the Supreme Court of Pennsylvania celebrated its [300th anniversary](#). The oldest appellate court in the United States, it has played an important part in the history of both our Commonwealth and the nation's judicial system. A series of events commemorated tricentennial, highlighting the Court's extraordinary position and influence. The celebration planning committee included Disciplinary Board Members Robert J. Mongeluzzi (who serves as committee co-chair) and David S. Senoff as well as Hearing Committee Member Sharon R. López.

Last month's celebration included two events in Philadelphia: a special in-person oral argument session held at Old City Hall and a two-day symposium at the National Constitution Center. The symposium was hosted by a panel which included PA Supreme Court Justices, justices from other state supreme courts, and members of the bar and academia illustrate key features of the Court's jurisprudence and the position of today's Court as the head of the Commonwealth's Unified Judicial System. The event was also attended by special guest Anthony Kennedy, retired Associate Justice of the Supreme Court of the United States, who led a discussion exploring broader issues related to the nation's judicial system.

With an emphasis on the crucial role of civics education, the Court also held coloring and essay contests open to PA K-12 students. Judged by Supreme Court Justices and members of the 300th anniversary celebration committee, winning entries are soon to be announced. On May 18th, the Court [announced](#) the release of a new [informational booklet](#) on the history of the Court. The resource includes momentous Court decisions and actions as well as a look at the artwork and symbolism within the Court's three historic courtrooms.

Additional celebratory content will be published throughout the year on the PA Courts' social media channels. Follow along via #Supreme300.

From the Pennsylvania Bar Association



PBA Resources for Ethical Law Practice

The Pennsylvania Bar Association offers members a range of [law practice management resources](#) so you can focus your time and attention on your clients and their legal matters. When you have questions, encounter issues, or need resources to assist you in managing the business side of your law practice, the PBA can assist. Members also have access to a [searchable database](#) of formal and informal opinions from the PBA Committee on Legal Ethics and Professional Responsibility. Any of these resources can be invaluable when you have questions and may help you to avoid or mitigate a potential disciplinary situation.

If you are already a PBA member, we thank you for your membership and encourage you to take advantage of the many resources and benefits available to you. If you are not yet a member, more information about the benefits of membership can be found on the [PBA's website](#). The PBA is committed to promoting professional excellence in the law and serving lawyers in every practice area in every corner of Pennsylvania.

Please note that the Disciplinary Board of the Supreme Court of Pennsylvania and the Pennsylvania Bar Association (PBA) are separate organizations. For more information about PBA, visit their [website](#).

We Want To Hear From You...

We are always on the lookout for stories of interest relating to legal ethics, new issues in the practice of law, lawyer wellness, and funny or just plain weird stories about the legal profession. If you come across something you think might be enlightening, educational, or entertaining to our readers or social media followers, [pass it along](#). If you are our original source, there may be a hat tip in it for you.

Resources

Pending Cases	Recent Cases
Case Research Collection	Attorney Gateway
Rules	Search Opinions
FAQs – For the Public	FAQs – For Attorneys
Pro Bono	Annual Report

[PA CLE Board](#)

[Discipline Statistics](#)

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