



The
DISCIPLINARY BOARD
of the Supreme Court of Pennsylvania

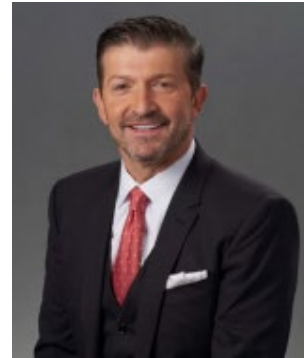
**August 2022
Newsletter**



Facebook Twitter LinkedIn YouTube

From the Chair

On August 10, 2022, the Supreme Court issued an Order administratively suspending 1,039 Pennsylvania attorneys for failing to file their 2022-2023 annual registration form and pay the associated fees. The Court's Order will become effective on September 9, 2022; any attorney who has not fulfilled the yearly registration obligation before that date will lose the privilege of practicing law in this Commonwealth. My fellow Board Members and I strongly urge those attorneys to [complete](#) their registration promptly.



Looking to the coming autumn season, the American Bar Association has [announced](#) its theme for this year's National Celebration of Pro Bono, to be observed October 23-29, 2022. "Law in Everyday Life" will illuminate ways in which obstacles to legal assistance have further disadvantaged low-income communities and how the need for pro bono services persists. Earlier this year, Chief Justice Max Baer penned his [second letter](#) to the Bar encouraging PA attorneys to support pro bono legal work throughout the Commonwealth. Through this October's celebration, I hope you will continue to honor your professional duty to PA communities by seeking further education on the need for free legal services as well as opportunities to volunteer your time and expertise.

Stay well,

Jerry M. Lehocky
Board Chair

Annual Attorney Registration

2022-2023 Registration Past Due

A Supreme Court Order dated August 10, 2022 was issued to administratively suspend the 1,039

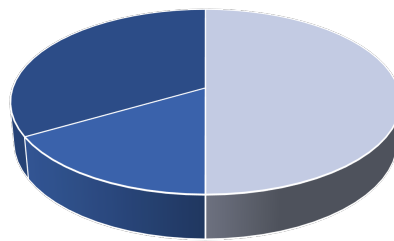
attorneys who have not yet completed their annual registration.

The deadline for the 2022-2023 [Annual Attorney Registration](#) was July 1, 2022. Via [Pa. R.D.E. 219](#), any attorney currently on active or inactive status must file an annual registration form and pay the accompanying fee. Registration fees are \$275 for active status and \$100 for inactive status; there is no fee for retired status. The first \$200 late fee was assessed after July 16th, and the second \$200 late fee was assessed after August 1st. These late payment penalties are imposed automatically and are not waivable by the staff or Board.

Registration **must be completed on or before Thursday, September 8th** to avoid transfer to administrative suspension. To register online, visit the [Unified Judicial System Web Portal](#).

Discipline Imposed

July 2022



- Informal Admonition - 6
- Private Reprimand - 0
- Public Reprimand - 0
- Public Censure - 0
- Disability Inactive - 0
- Temporary Suspension - 2
- Suspension - 0
- Disbarment - 4

Temporary Suspension

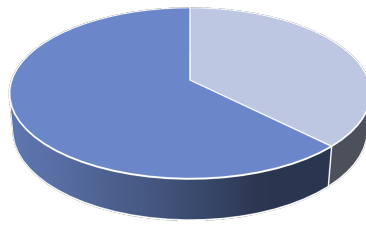
[Brian M. Puricelli](#)
[Manrico A. Troncelliti, Jr.](#)

Disbarment

[Michael Nielson Behunin](#)
[Charles Kevin Blackmon](#)
[Alfred DiGirolomo, Jr.](#)
[Arthur P. Fisch](#)

Reinstatements

July 2022



- From Inactive - 3
- From Retired - 0
- From Administrative Suspension - 5
- From Disability Inactive - 0
- From Suspension - 0
- From Disbarment - 0
- Reinstatement Denied - 0

From Inactive

[Laura Louise Cook](#)
[Robert Bivens Furr, Jr.](#)
[Steven J. Tegrar](#)

From Administrative Suspension

[Andrew B. Finkelstein](#)
[Richard H. Glanton](#)
[Benjamin Joel Goldman](#)
[Ryan Michael Jones](#)
[Alicia Anne Thompson](#)

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.

August		
August 18	Neil E. Jokelson	Reinstatement Hearing
August 29 August 30	Marianne Sawicki	Disciplinary Hearing
September		
September 13	Lawrence E. Bolind, Jr.	Disciplinary Hearing
September 22	Brian Frederick Levine	Disciplinary Hearing
September 27 September 28	Evan T. L. Hughes	Disciplinary Hearing
October		
October 5	Glenn Paul Cummings	Disciplinary Hearing
October 13	John T. Lynch, Jr.	Reinstatement Hearing
October 25 October 26	James P. Miller	Disciplinary Hearing
October 27	Glenn Paul Cummings	Disciplinary Hearing
November		
November 2 November 3	Louis Alfred Piccone	Reinstatement Hearing
November 15 November 17	Charles C. Shainberg	Disciplinary Hearing
November 29	Matthew J. Reusing, Jr.	Reinstatement Hearing
November 30	Michael Eric Adler	Disciplinary Hearing
December		
December 1	Michael Eric Adler	Disciplinary Hearing
To Be Scheduled		
Anthony Hugh Rodriques - Public Reprimand		
Timothy Nicholas Tomasic - Public Reprimand		

Rules

Supreme Court Adopts Rule Allowing Disbarment for Noncompliance with Temporary Suspension Orders

By [Order](#), dated July 27, 2022, the Supreme Court of Pennsylvania adopted an [amendment to Rule 208](#) of the Pennsylvania Rules of Disciplinary Enforcement, providing an expedited disbarment procedure for attorneys on temporary suspension who fail to comply with temporary suspension orders.

The amendment applies to attorneys on temporary suspension for two years or more without initiation of a formal proceeding. Upon filing of affidavits showing that the respondent-attorney has failed to comply in certain ways with the order placing him or her on that status, Disciplinary

Counsel may petition the Supreme Court for issuance of a rule to show cause why the attorney should not be disbarred. Circumstances that warrant such action include:

- i. Failure to comply with conditions imposed by the order or with Rule [Pa.R.D.E. 217](#);
- ii. Continuing failure to provide records, where the temporary suspension was based in part on that failure;
- iii. Post-suspension conduct, by act or omission, that materially delays or obstructs Disciplinary Counsel's ability to investigate allegations of misconduct;
- iv. The respondent-attorney's whereabouts are unknown, and despite reasonably diligent efforts, Disciplinary Counsel has not been able to contact or locate the respondent-attorney for information or to serve notices;
- v. A conservatorship of the affairs of the respondent-attorney has been appointed; or
- vi. The respondent-attorney has not participated in proceedings before the Pennsylvania Lawyers Fund for Client Security in which an adjudicated claim has resulted in an award.

Upon filing of a petition under the rule, the Court may issue a rule to show cause to which the respondent-attorney must respond within 14 days. After consideration of the response, or after the 14-day response period has expired, the Court may take such action as it deems appropriate, including entering an order disbaring the respondent-attorney.

Articles of Interest

Oregon Approves Paralegal Licensure

The Supreme Court of Oregon has approved a [set of rules](#) to allow licensing of paralegals to practice in limited areas of the law. Oregon becomes the [fifth state](#) to allow some sort of paralegal licensing, following Washington, Utah, Arizona, and Minnesota.

Paralegals will be allowed to [provide limited services](#) in seven areas of the law without the supervision of a lawyer: dissolution of marriage, separation and annulment, custody and parenting time, child and spousal support, remedial contempt, landlord/tenant, and forcible entry and wrongful detainer. Services permitted include meeting, contracting with, and advising clients; drafting and filing documents; performing discovery; attending (but not representing clients in) court hearings and depositions; and preparing clients for court hearings and depositions. Licensed paralegals may not appear or argue in court proceedings.

Licensed paralegals will be required to meet continuing legal education requirements, maintain IOLTA accounts where necessary, pay into the Client Security Fund, and carry malpractice insurance.

Applicants must pass a character and fitness review and meet minimum educational and experience requirements and pass an entrance exam. Licensed paralegals will be bound by the [Oregon Rules of Professional Conduct for Licensed Paralegals](#) which closely parallel the Rules of Professional Conduct for lawyers.

New York Lawyer Suspended for In-Court Cell Phone Photos

A New York lawyer was [suspended](#) for six months on a reciprocal basis after a Federal Court

suspended him for taking unauthorized cell phone photos in a courtroom.

The Court [found](#) that Michael Anthony Deem used his cell phone to take photos and videos of a person who he believed was conspiring with the defendant to hide bankruptcy assets in the Federal courtroom before the judge took the bench. A rule of court prohibited the taking of photographs or videos in the courtroom. When a court security officer confronted him, he claimed he did not realize the phone was in video rather than still-photo mode. A member of the court's Security Committee revoked his Attorney Service Pass and referred the matter to the court's Committee on Grievances. The Committee on Grievances suspended him for six months, finding him "far more dismissive than he is apologetic."

Deem then embarked on a series of lawsuits against state and Federal judges, alleging that his suspension was retaliation against him for disclosing corrupt practices in the New York State court system.

In response to the state court's rule to show cause, Deem filed an "affirmation" arguing that the state's attorney licensing system was unconstitutional and making further accusations against various state court judges on matters arising from his federal lawsuits and domestic relations cases. The Court rejected all these defenses and found that a suspension for six months was warranted.

Lawyer Disbarred after Practicing from Jail

An Oklahoma lawyer was [disbarred](#) after he attempted to keep practicing from his prison cell, following his conviction for assault and battery with a deadly weapon.

In an [Order](#) dated June 28, 2022, the Supreme Court of Oklahoma disbarred attorney Jay Silvernail. The order was based in part on Silvernail's conviction for shooting a man in an altercation outside a bar. Silvernail claimed that he fired in defense of himself and another person. The jury found him guilty but recommended a sentence of two and one-half years imprisonment and a \$10,000 fine for an offense that could have resulted in life imprisonment. The Court found that several alternative courses of action open to Silvernail and that his "extremely poor choice" adversely reflected on his fitness to practice law.

The Court also found as an aggravating factor that Silvernail attempted to continue his legal practice from jail after his imprisonment. Through telephone calls to his mother, daughter, and brother, he tried to monitor open cases, manage the firm's accounts, and arrange for fellow attorneys to stand in for him and seek continuances on pending matters. Silvernail estimated that he had sixty to seventy active cases. In one call, Silvernail told his mother to deposit any checks received from clients directly into his operating account, rather than his client trust account. The Court found that he believed that so long as he could find attorneys to stand in for him at hearings, he could operate his practice as a sort of general manager and could take on new clients as well. The Court concluded that Silvernail was not acting in his clients' best interests, and that he placed his own financial motives first. It cited obstacles to effective representation from a jail cell including inability to confer with clients confidentially, communicate freely with prosecutors or other opposing counsel, appear in court on his clients' behalf, or access legal resources, a computer, or even his own files. The Court also concluded practicing from prison gives the appearance of impropriety.

The Court rejected an agreed recommendation that Silvernail be suspended for two years and one day. It concluded, "Silvernail resorted to deadly force in circumstances that did not justify such a response. He then placed his own financial interests above the interests of his clients, by trying

to keep his practice on life support while he awaited sentencing. We believe Silvernail's behavior demonstrates his inability to provide the kind of judgment expected of a lawyer." Accordingly, Silvernail was disbarred.

California Bar Files Disciplinary Charges Against Its Former Executive Director

The State Bar of California has filed disciplinary charges against its former Executive Director. The [notice of charges](#) filed July 5 against Joseph L. Dunn, who was fired from the position of Executive Director in 2014, alleges that Dunn made false and misleading claims in his capacity as executive director to the state bar's Board of Trustees.

The notice alleges that Dunn urged the Board of Trustees to support a bill to allow the bar to seek civil penalties for the unauthorized practice of law and falsely told them the bill had no opposition. In fact, the chief justice of the California Supreme Court had expressed concerns about the legislation.

The notice alleges that, on another occasion, Dunn told the Board that no state funds were used for a trip to Mongolia to assist in setting up a lawyer oversight process. In fact, the state had expended \$7,000 for the trip of which \$5,000 was later reimbursed by a law firm.

A lawyer for Dunn [denies](#) the charges and argues that the bar's prosecution involves a conflict of interest. A former assistant chief prosecutor Dunn had fired later became the administrator overseeing Dunn's discipline case. The Bar contends that the administrator recused himself from any involvement in Dunn's case.

Dog Defender Doesn't Care Whether You Like Him

Americans love dogs. We love people who fight for dogs. Lawyers who litigate against puppy mills and abusive pet stores are heroes. But one lawyer has been attacked for his work on behalf of dogs. And he doesn't care.

Richard Rosenthal is a [dog lawyer](#). He handles dog custody cases and sues veterinary clinics for malpractice. But he also represents bad dogs. Specifically, he has developed a specialty in defending dangerous dogs threatened with euthanasia after hurting people. Sometimes this garners him a lot of ill will.

He represented Onion, a 120-pound mastiff-Rhodesian ridgeback mix, who killed his owner's one-year-old grandson after the child stumbled and startled the sleeping dog. Rosenthal and a local lawyer argued that the dog was not vicious but had reacted the way any animal might when startled. The case went to the Nevada Supreme Court. The family was divided as Onion's owner was strongly attached to Onion and wanted him spared even though he had killed her grandson. Eventually, the county dropped the case rather than force the grieving family to appear in court, and Onion was sent to a rescue sanctuary in another state, a disposition Rosenthal calls a "get-out-of-town-by-sundown order." His work in the case earned Rosenthal a lot of negative reaction. "With Onion, we got hate mail," he said. "We got death threats."

Rosenthal has appeared in many states fighting the killing of dogs deemed to be dangerous. In 2009, he and his wife, Robin Mittasch, founded the Lexus Project, a nonprofit that provides legal representation for dogs ordered to be euthanized. It was named after the central character in his first dangerous dog case, Lexus, a greyhound faced with execution after killing a Pomeranian in a

dog park. He quickly encountered demand for his services. Later he and another animal lawyer, Thompson Page, created the Center for Animal Litigation, a nonprofit network of lawyers that, like the Animal Legal Defense Fund, works pro bono on animal cases around the country. In addition to providing legal representation for threatened canines, they also work to reform animal control systems. They argue that animal control officers, often scorned as “dogcatchers,” tend to be an underpaid, undertrained corps. “We want animal control officers to actually have training in dog behavior so they understand why and when dogs fight,” Page said.

In addition to their legal work, Rosenthal and Mittasch are active in volunteer work especially within the greyhound adoption community. Rosenthal, a licensed pilot, tells stories of using his personal aircraft to transport dozens of dogs from shelters to adopters.

Rosenthal is not particularly concerned with the legal question of whether animals should be granted legal personhood, a major theme in many animal law circles. He bases his arguments mainly on property law concepts. For him, the urgency in most of his cases is to save a life rather than establish a legal concept. “The difference is, in my cases, there is a dog or cat that’s going to die if I don’t win,” he said. “So to me, I need to win the case.”

Need Law Jokes? We Got ‘Em

If your supply of law jokes is getting low, this [collection](#) might provide you with some new material. There are only a few we have heard before.

Attorney Well-Being

Employers' Role in Lawyer Burnout Prevention

With reports of burnout on the rise, legal employers are increasingly seeking guidance for mitigating burnout in the workplace. Burnout is [characterized](#) by the World Health Organization as “resulting from chronic workplace stress that has not been successfully managed” and marked by three common properties: “feelings of energy depletion or exhaustion; increased mental distance from one’s job, or feelings of negativism or cynicism related to one’s job; and reduced professional efficacy.”

Aside from the personal toll that burnout can take on lawyers suffering from mental and physical exhaustion, burnout also often has psychological and emotional ramifications for their legal practice, as [noted](#) by Jennifer C. Zampogna, M.D, Director of Operations at Lawyers Concerned for Lawyers of Pennsylvania (LCL), in LCL’s May mental health series in partnership with the Disciplinary Board.

In a recent [article](#) on LawPracticeToday.org, Kendra Brodin, Esq., founder and CEO of EsquireWell, expounds frequent workplace factors begetting an unhealthy environment and the repercussions, including potential ethics violations, of employee burnout for law firms and other legal organizations.



LAWYERS CONCERNED FOR LAWYERS
PENNSYLVANIA

LCL offers nonjudgmental, discreet, and confidential assistance to lawyers, judges, and law students struggling with alcohol, drugs, depression, anxiety, stress, gambling, or other mental health issues.

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

From the Pennsylvania Bar Association



Much to Offer at the Pennsylvania Bar Association

There is so much happening at the Pennsylvania Bar Association. Be sure to check out the PBA [website](#) to learn more about upcoming events, CLE programs, news, tips, legal ethics and professional responsibility guidance, awards and recognition, open leadership positions, and so much more to enhance members' law practice.

The PBA works to promote professional excellence in the law and serves lawyers in all practice areas across the commonwealth. If you are not yet a member, take advantage of the **half price [dues offer available until September 30th](#)** and immediately gain access to the many member benefits and services!

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](#)

Copyright (C) 2022 The Disciplinary Board of the Supreme Court of Pennsylvania. All rights reserved.

Disciplinary Board of the Supreme Court of Pennsylvania,
601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106