



The
DISCIPLINARY BOARD
of the Supreme Court of Pennsylvania

50th Anniversary Celebration Continues

November 1, 2022



Welcome

All within the legal community have a professional responsibility not only to their clients but to the public at large. Even those who are not judges or elected officials hold a position of public trust. With all that our legal education and experience has afforded each of us, it is imperative that we do not take lightly our obligation to uphold ethical standards.

When we become members of the bar, we also owe that same rectitude to one another and to the honor of our vocation. Pennsylvania's sources of disciplinary authority, which include *The Pennsylvania Rules of Disciplinary Enforcement*, *The Rules of Professional Conduct*, and *Disciplinary Board Rules and Procedures*, serve as a guiding star for honest, ethical practice of law, further strengthening the profession.



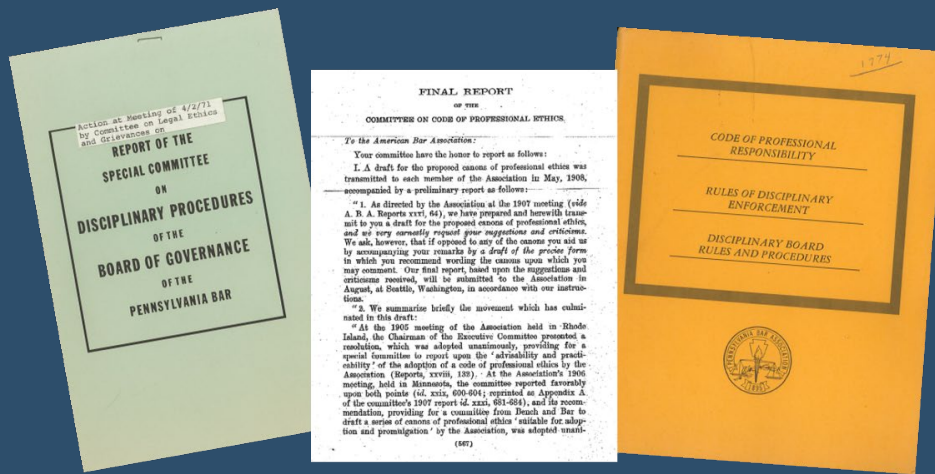
Article V of the Pennsylvania Constitution provides that the Supreme Court of Pennsylvania has the inherent and exclusive jurisdiction over the practice of law. By its Order dated March 21, 1972, the Supreme Court established the Disciplinary Board to regulate attorney conduct and thereby protect the public, maintain the integrity of the legal profession, and safeguard the reputation of the courts. This month, we celebrate the historic fifty years since the *Rules of Disciplinary Enforcement* became effective on November 1, 1972. Since the Board's creation, exemplary conduct and law practice remain the lynchpin of the Board's mission and work.

Stay well,

Celebrating Another Milestone

On March 21, 2022, the Disciplinary Board celebrated its fiftieth anniversary. By Order of the Supreme Court of Pennsylvania dated March 21, 1972, the Board was established to regulate attorney conduct. Attorney discipline in Pennsylvania, as in most states, has not always been administered by a statewide disciplinary body. Prior to 1972, attorney discipline was largely under the jurisdiction of county courts and bar associations.

During this Golden Anniversary year, the Board honors a second milestone. The Court's March 21, 1972 Order adopted *The Pennsylvania Rules of Disciplinary Enforcement*, effective November 1, 1972. In the five decades since the Board first enforced its *Code of Professional Responsibility*, it has prudently developed and evolved its sources of disciplinary authority to better serve its mission to protect the public, maintain the integrity of the legal profession, and safeguard the reputation of the courts.



A Look Back...

Adoption of Sources of Disciplinary Authority

On November 1, 2022, the Disciplinary Board of the Supreme Court of Pennsylvania celebrates the 50th anniversary of the day its mission to serve the public by regulating the legal profession began.

On March 21, 1972, the Supreme Court of Pennsylvania entered an order adopting the first version of the *Pennsylvania Rules of Disciplinary Enforcement*. Those rules ran to about 7800 words in length, compared to over 43,000 for the current rules. But the basic structure of the current disciplinary system is all set forth. Rule 17-5 created the Disciplinary Board with nine members, all of whom had to be lawyers. Justice Manderino dissented from the order, objecting to the lack of nonlawyer representation. The Board has since expanded to twelve members, including two nonlawyer representatives. Rule 17-2 designated the four disciplinary districts that still exist. Rule 17-6 provided for hearing committees to hear cases and review recommendations from counsel.

Rule 17-7 established the Office of Disciplinary Counsel under the leadership of Chief Disciplinary Counsel appointed by the Board. Rule 17-19 mandated that the system be financed by annual assessments to be paid by each attorney admitted to practice (\$25 at the time). The disciplinary system in Pennsylvania has continued to operate under this same structure for fifty years with many changes in procedures and practices.

The adoption of the Rules did not take place without controversy. A legal challenge argued that the provision of Rule 17-19 creating a mandatory fee structure was unconstitutional. But in the case of *Cantor v. Supreme Court of Pennsylvania*, 353 F. Supp. 1307 (E.D. Pa. 1973), Judge Leon Higgenbotham upheld the fee requirement. He found that *Lathrop v. Donohue*, 367 U.S. 820 (1961), which approved a requirement of mandatory membership in the Wisconsin State Bar Association, conclusively validated the rule.

The Order stated that the effective date of the Rules of Disciplinary Enforcement was to be July 1, 1972 and that all pending disciplinary matters were to be transferred to the Disciplinary Board as of that date. Sometimes things take longer to get set up than originally anticipated, and the effective date was later pushed back to November 1st. The Disciplinary Board has been in operation ever since.

The Evolution of Self-Regulation of the Bar

In [March](#), we provided a brief history of the development of the original *Code of Professional Responsibility* that the Supreme Court adopted as the governing standards for the legal profession at the time the Disciplinary Board was established. This [video](#) produced by Wake Forest University's law school provides a comprehensive overview of the stages of the evolution of ethical standards for the legal profession from the *laissez-faire* era of the late nineteenth century to the present.

In the late nineteenth century, attorney regulation was mostly an informal process conducted by local bars. The main constraint on the conduct of attorneys was ostracism by peers. About this time, many professions were organizing into associations, and the American Bar Association was founded in 1878. It was primarily a social organization at first, but by the turn of the twentieth century, the ABA began turning its attention to the place of the legal profession in society. In 1906, in response to a speech by President Theodore Roosevelt critical of the greed of the profession, the ABA formed its Committee on the Code of Professional Ethics. That Committee issued a report calling on the profession to undertake self-regulation, noting that ostracism by the bar was no longer adequate to deter a new generation of hungry lawyers. The Committee wrote, "Now the shyster, the barratrously inclined, the ambulance chaser, the member of the Bar with a system of runners, pursue their nefarious methods with no check save the rope of sand of moral suasion." The Committee authored *The Canons of Ethics* which was published in 1908 and by 1920 adopted in all but thirteen of the states. By the 1960s, more than 1,400 ethics opinions and court decisions clarifying the ethical duties of lawyers under the Canons were available, forming a substantial body of law on legal ethics.

This body of law led to the development of the ABA *Model Code of Professional Responsibility*, ultimately published in 1969. The *CPR* featured a three-part structure. It set forth Canons which were general statements of ethical principles, Ethical Considerations which offered aspirational statements of guidance, and the Disciplinary Rules which set forth mandatory minimum standards of conduct which lawyers could not breach without facing disciplinary action. The *CPR* was designed to be more comprehensive and practical than the philosophical orientation of *The Canons of Ethics*.

The shifting perspectives of attorney ethics continued with the development of the *Model Rules of Professional Conduct*, unveiled in 1983. This set of standards abandoned any pretense at providing aspirational guidance and set forth practical, real-world rules for lawyers to follow in their everyday practice. The Comments to the rules, though nonbinding, were designed to clarify the application of the mandatory standards, not to offer advice for situations not addressed by the rules.

The evolution of the rules has continued. A project named Ethics 2000 produced a set of proposed revisions to the existing *Rules of Professional Conduct* rather than undertaking the drafting of a new code. The amendments proposed by Ethics 2000 looked beyond the traditional focus on lawyers, their clients, and the court system, devoting more attention to obligations to third parties and social norms.

The process of revision continued with Ethics 20/20 which led to a set of recommended changes focused on issues such as globalization, technological change, multidisciplinary practice, and alternative and nontraditional approaches to the practice of law.

The legal profession and the standards governing its practice have seen a great deal of change in the fifty years the Disciplinary Board has existed. As the pace of change indicates that the next fifty years may see even more dramatic evolution, the Disciplinary Board remains focused on innovation and adaptation to the changing needs of the profession, its clients, the system of justice, and the public they serve.

Did You Know?

All sources of disciplinary authority are available to the public as searchable webpages, interactive booklets, and downloadable PDFs on the Disciplinary Board's website. Visit the Board's "Rules" [webpage](#) to access these resources.

Available to View Online

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.

November		
November 2 November 3	Louis Alfred Piccone	Reinstatement Hearing
November 16	Brian Frederick Levine	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
December 7 at 10:00 am	Demetrius William Fannick Marc Alan Roberts James J. Ruggiero, Jr. Steven Ronald Savoia Timothy Nicholas Tomasic	Public Reprimand
December 8 at 1:00 pm	George W. Bills, Jr. Richard E. Bower William R. Korey Laurence Anthony Narcisi, III Anthony Hugh Rodriques	Public Reprimand
December 13 December 14	Craig B. Sokolow	Reinstatement Hearing
January		
January 5 January 10	Gary Scott Silver	Disciplinary Hearing
January 11 January 12	Anthony C. Cappuccio	Reinstatement Hearing
January 23 January 24 January 25	Joseph D. Lento	Disciplinary Hearing
January 31	Lawrence E. Bolind, Jr.	Disciplinary Hearing
February		
February 2	Gordon D. Fisher	Disciplinary Hearing
February 3 February 15	George Paul Chada	Disciplinary Hearing
February 21	Ashley Drue Martin	Disciplinary Hearing
March		
March 6 March 7 March 8	Patrick C. Carey	Disciplinary Hearing
March 21	Gina Yvonne Toppin	Disciplinary Hearing
April		
April 4	John T. Lynch, Jr.	Reinstatement Hearing

Free Online Replay: Lawyers Concerned for Lawyers CLE Event

Long stints of screen time can affect well-being through a wide range of factors from anxiety and depression to disrupted sleep and stifled melatonin production. Through "Shackled to Our Screens: How Technology Has Imprisoned the Legal Profession", first presented earlier this year, Lawyers Concerned for Lawyers Executive Director Laurie Besden discussed how dependence on screens negatively impacts mental health and, potentially, one's ability to honor the Rules of Professional Conduct. View the free CLE session (PA - 1.0 Ethics) replay via [Lawline](#).



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