



The
DISCIPLINARY BOARD
of the Supreme Court of Pennsylvania

December 2022 Newsletter



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From the Chair

As we near the end of 2022 and I reflect upon this past year, I am immensely proud of all that the Disciplinary Board and its staff have accomplished in service of its mission to protect the public, maintain the integrity of the legal profession, and safeguard the reputation of the courts. Moving through the significant obstacles of the past few years, they continue to meet each challenge head-on. A new year often presents new opportunities, and I look forward to all that 2023 may bring to the Board and the profession at large.



This holiday season, allot time to care for yourself. Reconnect with old friends. Watch a movie with family. Share a meal with neighbors. Cherish your time with loved ones. Your time away from work is essential to your well-being as a lawyer and, more importantly, as an individual.

As some plan for retirement with the end of another calendar year, I encourage those seeking a way to serve their fellow Pennsylvanians to learn more about the Board's [emeritus status](#) program. As members of Pennsylvania's legal profession, we are well aware of the impact that free, high-quality legal services makes throughout the commonwealth. However, the Board recognizes that much need remains within our communities. Members of this program have the opportunity to offer their years of experience and unique expertise to the advancement of Pennsylvania as a whole.

On behalf of the Disciplinary Board, I wish you a safe, healthy, and happy holiday season.

Stay well,

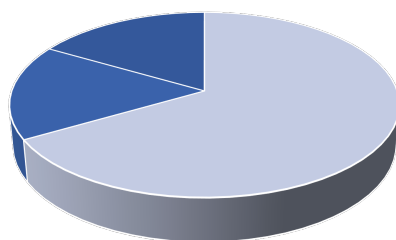
Jerry M. Lehocky
Board Chair

Correction

In the email edition of the Disciplinary Board's November newsletter, an article titled "Pennsylvania Lawyer Sanctioned for Copying Motion" used an incorrect pronoun in reference to Judge Gene E. K. Pratter. She currently serves as a United States District Judge for the Eastern District of Pennsylvania.

Discipline Imposed

November 2022



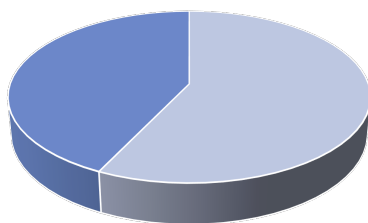
- Informal Admonition - 4
- Private Reprimand - 0
- Public Reprimand - 0
- Public Censure - 0
- Disability Inactive - 0
- Temporary Suspension - 1
- Suspension - 1
- Disbarment - 0

Temporary Suspension
[Robert Langston Williams](#)

Suspension
[Clarissa Thomas](#)

Reinstatements

November 2022



- From Inactive - 4
- From Retired - 0
- From Administrative Suspension - 3
- From Disability Inactive - 0
- From Suspension - 0
- From Disbarment - 0
- Reinstatement Denied - 0

From Inactive
[Jessica Alexandra Foster](#)
[Shannon Patricia McNulty](#)
[Jill Marie Moffitt](#)

From Administrative Suspension
[Glen Eugene Ellsworth](#)
[Kristine Celeste Howard](#)
[Danielle Suzanne Py-Salas](#)

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.

Disciplinary Board News

Worry-Free Retirement: Avoiding Administrative Suspension and Penalties Post-Retirement

Retirement tends to be a common end-of-year event. If you are considering ending your practice in Pennsylvania, what should you do about your license? One thing is for sure –**do NOT do nothing!** Your retirement from the practice of law *only* affects your license status if *you* effect a change. If you simply choose to not complete your annual registration or your CLE requirement, you will receive late penalties and ultimately be administratively suspended. Instead, pursue one of the following options:

- **Continue maintaining active status.** If you would like to keep your ability to practice open, continue to maintain active status by completing all requirements of an actively licensed attorney (annual registration, CLE, etc.).
- **Assume inactive status.** While inactive status still requires annual registration, assuming such status automatically defers your CLE requirement. If you are unsure of your need to practice law in the future, consider maintaining inactive status. Please see the Board's ["Reinstatement" webpage](#) for information about reinstatement from inactive status.
- **Assume retired status.** If you believe that your need to practice law in Pennsylvania has concluded, assuming retired status will end your annual requirements (annual registration, CLE, etc.). Please see the Board's ["Reinstatement" webpage](#) for information about reinstatement from retired status.
- **Assume emeritus status.** After assuming retired status, an attorney may request to assume emeritus status. Emeritus status allows a retired attorney to provide *pro bono* services to eligible Legal Aid Organizations. For more information, please see the [FAQs](#) regarding emeritus status and the Board's ["Pro Bono" webpage](#).

Visit the Board's ["Forms" webpage](#) to find appropriate forms to request the above status changes and, as always, ensure that your [contact information](#) is up-to-date.

Not retiring any time soon? It's still never too early to start planning for retirement as there are steps that you must take before walking out the door. In November 2021, the Disciplinary Board and Pennsylvania Bar Association collaborated to present ["The Retirement Discussion"](#) which included information on succession planning, license status options, applicable rules, ethical implications, and available resources. The on-demand [video](#) is available through the Pennsylvania Bar Institute.

IF YOU ARE CONSIDERING RETIREMENT, WHAT SHOULD YOU DO ABOUT YOUR LICENSE?



Rules

Board Adopts Amendments on Temporary Suspension, Public Access

By an Order published at [52 Pa.B. 6841](#) (11/5/2022), the Disciplinary Board adopted amendments to its *Rules of Organization and Procedure (Disciplinary Board Rules)* regarding temporary suspensions and public access to disciplinary proceedings.

Temporary Suspension:

The Board amended [§ 91.151. Emergency temporary suspension orders and related relief](#) to provide for situations where a respondent-attorney has been on temporary suspension for two years, and evidence appears of noncompliance with the terms of the suspension. The amendment allows Disciplinary Counsel to petition the Supreme Court for the issuance of a rule to show cause why an order of disbarment should not be entered when one of six circumstances occurs:

1. the respondent-attorney has **not complied with conditions** imposed in the order of temporary suspension or with the requirements of Enforcement Rule 217;
2. the order of temporary suspension was based, in whole or in part, on the respondent-attorney's **failure to provide information or records**, and the respondent-attorney has not provided the information or records or otherwise cured the deficiency;
3. the respondent-attorney has engaged in **post-suspension conduct, by act or omission, that materially delays or obstructs** Disciplinary Counsel's ability to investigate allegations of misconduct;
4. the respondent-attorney's **whereabouts are unknown**, and Disciplinary Counsel has not been able to contact or locate the respondent-attorney at the address provided by the respondent-attorney;
5. a **conservatorship** of the affairs of the respondent-attorney has been appointed; or
6. 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.

The amended rule notes that Enforcement Rule 208(f)(9) provides that if a rule to show cause has been issued, and the period for response has passed without a response having been filed or after consideration of any responses, the Court may enter an order disbarring the respondent-attorney from the practice of law, discharging the rule to show cause or directing such other action as the Court deems appropriate.

Public Access:

In August, we [noted](#) that the Supreme Court of Pennsylvania adopted amendments to Rules 205 and 402 of the *Pennsylvania Rules of Disciplinary Enforcement*, addressing circumstances under which disciplinary proceedings may use electronic technology in lieu of in-person appearances. The Board adopted a set of amendments to its own rules reflecting the changes implemented by that rulemaking.

[§ 93.23\(a\). Powers and duties](#) is amended to add a new Paragraph (17) noting that [Pa. R.D.E. 205\(c\)\(17\)](#) allows the use of electronic means to conduct prehearing conferences and post-hearing proceedings before a hearing committee, special master, or the Board. All adjudicatory proceedings shall be conducted in person unless warranted by extraordinary circumstances. Witness testimony may be presented via ACT upon motion for cause shown.

[§ 93.107. Broadcasting and other recording of proceedings](#) is amended to add two new paragraphs relating to public access to public proceedings. Paragraph (B) notes that [Pa.R.D.E. 402\(j\)\(2\)](#) provides that public access shall consist of or be supplemented by livestream technology which ceases upon conclusion of the proceeding. Paragraph (C) observes that Pa.R.D.E. 402(j)(3) requires that requests for in-person access to proceedings by persons other than the parties, their attorneys, and staff must be made thirty days in advance of the scheduled proceeding.

These amendments took effect December 5, 2022.

Written Comments on CLE Board's New Proposed Rule Due January 5th

Last month, the Continuing Legal Education Board of the Supreme Court of Pennsylvania [published](#) a proposed set of amendments to [Rule 105](#) of the Pennsylvania Rules for Continuing Legal Education ("Pa.R.C.L.E.") and [Section 3](#) of the Regulations for Continuing Legal Education.

The proposed amendment would consolidate subsections 105(a)(2)(ii) through (iv) into one subsection (ii), Ethics and Professionalism. The minimum annual CLE requirement will remain at twelve hours.

The Ethics and Professionalism requirement would be expanded to two hours with ten hours of substantive law, practice, and procedure.

The amendment to Section 3 of the Regulations further provides that the CLE requirement for ethics and professionalism shall include a minimum of one (1) hour in subjects relating to diversity, inclusion, and anti-bias training and a minimum of (1) hour in subjects relating to sexual harassment awareness and prevention training. These are to be completed by the lawyer's second full compliance period following adoption of the amendment. This is a one-time requirement that terminates as to each lawyer upon completion of such coursework. Lawyers may, but are not required to, take additional coursework in these subjects to fulfill their annual CLE ethics and professionalism requirement.

Interested persons are invited to submit **written** comments to the proposed amendments by mail or email **on or before January 5, 2023**.

The Continuing Legal Education Board of the Supreme Court of Pennsylvania
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PO Box 62495
Harrisburg, PA 17106-2495
Email: kbuggy@pacle.org

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.

<i>January</i>		
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
<i>February</i>		
February 2	Gordon D. Fisher	Disciplinary Hearing
February 3 February 15	George Paul Chada	Disciplinary Hearing
February 21	Ashley Drue Martin	Disciplinary Hearing
<i>March</i>		
March 6 March 7 March 8	Patrick C. Carey	Disciplinary Hearing
March 9	Joseph M. Yablonski	Disciplinary Hearing
March 21	Gina Yvonne Toppin	Disciplinary Hearing
<i>April</i>		
April 4	John T. Lynch, Jr.	Reinstatement Hearing
<i>To Be Scheduled</i>		
Anthony Hugh Rodriques - Public Reprimand		
Gary Scott Silver - Disciplinary Hearing		

Articles of Interest

ABA Opinion: “Reply All” Represents Consent to Client Receipt of Counsel Communications

The American Bar Association’s Standing Committee on Ethics and Professional Responsibility has issued its [Formal Opinion 503](#) which contains cautionary advice for lawyers who copy their clients on email communications.

The Committee notes that Rule 4.2 of the ABA Model Rules of Professional Conduct states that a lawyer may not communicate about the subject of the representation with a represented person absent the consent of that person’s lawyer. The Committee raises the concern that if a client is copied on an email communication to opposing counsel, and opposing counsel replies using “reply all,” the client will receive opposing counsel’s response in violation of Rule 4.2. The opinion addresses the question of whether sending lawyers, by copying their clients on electronic communications to receiving counsel, impliedly consent to their clients receiving the receiving counsel’s “reply all” response.

The Committee states, “We conclude that given the nature of the lawyer-initiated group electronic communication, a sending lawyer impliedly consents to receiving counsel’s ‘reply all’ response that includes the sending lawyer’s client, subject to certain exceptions discussed below.” It argues that the sending lawyer has chosen to give receiving counsel the impression that replying to all copied on the email or text is permissible and perhaps even encouraged. In this situation receiving counsel is not overreaching or attempting to pry into confidential lawyer-client communications, the prevention of which are the primary purposes behind Model Rule 4.2.

This consent covers only the specific content of the initial email; the receiving counsel cannot reasonably infer that such email opens the door to copying the sending lawyer’s client on other emails and topics.

The Committee raised an additional concern that by copying their clients on emails and texts to receiving counsel, sending lawyers risk an imprudent “reply all” from their clients. Email and text messaging replies are often generated quickly, and the client may reply hastily with sensitive or compromising information. The Committee expressed the view that a better practice is to forward the email or to text separately to the client, avoiding any risk from a direct response.

The Committee declared that the presumption of implied consent is not absolute. First, an express oral or written notice to receiving counsel that the sending lawyer does not consent to a “reply all” communication would override the presumption of implied consent. Such a notice should be prominent and not part of a long list of boilerplate notices.

Second, the presumption applies only to emails or similar group electronic communications, such as text messaging, that the lawyer initiates. It does not apply to other forms of communication, such as a traditional letter printed on paper and mailed. A lawyer receiving a letter or such communication which the sending lawyer has copied to the client should not presume that direct contact with the client is authorized and should not copy the opposing client on any response to such a communication.

Prosecutor

A three-judge panel of the District of Columbia Court of Appeals handed down an important decision addressing the nature of attorney-client privilege at length. The Court [struck down](#) a defendant's conviction, finding that his former court-appointed counsel was improperly permitted to testify as to threats he made against the prosecuting attorney.

Brian E. Moore was convicted and sentenced to eight years in federal prison for threatening a public official and obstructing justice. The convictions were based on statements Moore made to his court-appointed attorney, John Harvey, expressing frustration over positions the prosecuting attorney had taken in his case.

On one occasion, Moore remarked to Harvey, "I'll shoot that b****," referring to the prosecutor. Harvey warned Moore he may have to withdraw as his attorney and left to contact Bar Counsel for advice as to whether he was required to reveal the threats. He was advised that decision was within his discretion. Harvey decided to file a motion to withdraw from representing Moore without revealing his reasons, but that motion was denied. Harvey told Mr. Moore that he would continue to represent him but instructed him, "You will never, ever use this kind of language with me about anybody because, from this point forward, I'm going to believe you. So if you decide you want to go shoot somebody, you need to keep that to yourself and don't make me a part of it." Moore responded that he understood and that he was "just b***s****ing".

Two months later, Moore again became agitated at the prosecution's positions in his case. In a hallway conversation, he told Harvey, "I'm going to bust a cap in this b****" while making a hand gesture simulating a gun. After Moore's second threat, Harvey immediately returned to the courtroom and renewed his motion to withdraw. This time, he offered to reveal what Moore had said. After hearing Harvey's account of the comments, the court immediately ordered Moore to be detained and subsequently granted Mr. Harvey's withdrawal motion.

Based on Harvey's testimony before a grand jury, Moore was indicted and convicted on all counts of threatening a public official and obstructing justice.

On appeal, Moore's counsel argued that the testimony of Harvey was improperly admitted in violation of the attorney-client privilege. In a long, scholarly opinion, the Court of Appeals agreed and reversed the conviction. The Court found that the trial court erred in ruling that Harvey's conversations with Moore were not privileged and thus his testimony about these conversations was admissible against Mr. Moore at trial. Further, the Court found that this error was not harmless, and accordingly vacated Moore's convictions. The majority found that the communications were for a legal purpose, as the relationship between Harvey and Moore had no nonlegal purpose, and therefore that the statements fell within the coverage of the attorney-client privilege. The Court noted that, in real life, defendants under criminal charges will often make inappropriate statements arising from their emotional state and that such statements are still protected due to the need to encourage clients to express themselves freely with the counsel upon whom they rely. The Court expressed the view that the importance of such protections is elevated in situations of court-appointed defense counsel so that defendants do not come to see their appointed counsel as an extension of the system that is prosecuting them.

One judge dissented from the ruling, arguing that Harvey's actions complied with the exception to confidentiality that allow an attorney to reveal possible future criminal conduct by the client. She noted that Moore's prior conduct and Harvey's warning not to make such statements removed any expectations Moore might have held that such comments were appropriate and protected within the bounds of the attorney-client relationship. She also disagreed with the majority's argument that the standard of protection is any different for appointed counsel than other attorneys.

The decision is still subject to *en banc* review by the Court as a whole. The opinion is a thorough and informative analysis of the nature of the attorney-client privilege. Professor Mike Frisch notes on the [Legal Profession](#) blog, “Whether you agree with the majority or not, the opinion in my view is an impressive blending of first-rate scholarship with an understanding of the real world experience of representing indigent clients.”

Court: Lawyer Can See Billy Joel, but not Knicks, at Madison Square Garden

A judge of the New York Supreme Court – which, one might remember, is a trial level court – has [ruled](#) that Madison Square Garden (MSG) can revoke a lawyer’s season ticket to New York Knicks games in retaliation for his suing them. But they cannot deny him admission to events sold through third-party vendors such as concerts.

Judge Lyle E. Frank issued the ruling in a suit brought by attorney Larry Hutcher who incurred the wrath of the storied arena by representing a class of ticket resellers in a lawsuit against MSG. The company responded by banning Hutcher and sixty lawyers in his firm from attendance at events in MSG or three venues owned by the same company. Hutcher’s suit relied on a New York statute that requires venues to allow entry to nonsporting events to anyone age twenty-one or older who is behaving appropriately. Judge Frank found that sporting events at MSG are outside the coverage of the law. He also found that the venue is within its rights to refuse to sell tickets to the plaintiffs, and it can revoke tickets to the plaintiffs up until the time that they present the tickets for entry at the covered events and locations. He held, however, that if the tickets are purchased through legitimate means such as third-party sellers, the venues must admit the patrons when they present the tickets at the time of the event.

Although he didn’t get his Knicks tickets back, Hutcher [proclaimed](#) the decision a huge win, noting that at least 75% of event tickets are acquired through third-party sources. “This is the first time that there’s been any limitation imposed on Madison Square Garden in terms of who they are required to admit,” he said.

Attorney Well-Being

Sleep Hygiene, Mental Health, and the Legal Profession

Many know all too well the feeling of fatigue on a morning commute or impending drowsiness sitting down to an afternoon conference call. Maybe this exhaustion has even interfered at home – perhaps impatience with a partner or the lack of energy to enjoy time with children. The effect of sleep, or the lack thereof, on an individual’s mood, job performance, or overall well-being has been much studied in recent years. Consistent sleep hygiene may be more important to one’s law practice and personal life than many currently understand.

[According to](#) the Sleep Foundation, “Sleep hygiene encompasses both environment and habits, and it can pave the way for higher-quality sleep and better overall health.” It is an overall series of behaviors that support ideal productive sleep conditions. Quality sleep is vital for both [physical](#) and mental health, enhancing overall quality of life.

The CDC (Centers for Disease Control and Prevention) [recommends](#) that the average adult get

seven to nine hours of sleep each night. However, at least one third of American adults surveyed [reported](#) less than seven hours of sleep on average with closer to one *half* of participants of some racial and ethnic demographics reporting insufficient sleep.

In many cases of routine sleep deficiency, [poor sleep hygiene](#) may be a significant factor. Inconsistent bedtimes, interaction with electronic screens before sleep, unfavorable bedroom temperatures, poor dietary habits, and inadequate physical activity can contribute to substandard sleep hygiene. Stress and anxiety also often make it difficult for the brain to “relax” and for an individual to fall asleep soundly. Clear [signs](#) of poor sleep hygiene include trouble falling asleep, disrupted sleep, frequent bathroom use throughout the night, and daytime sleepiness and fatigue.

Inadequate sleep over multiple days builds “[sleep debt](#)”. Sleep debt is easy to accumulate but can be challenging to overcome. The CDC poses that an individual requiring eight hours of sleep, but only getting six, creates a two-hour sleep debt that day, and repeating this behavior for five days builds a sleep debt of ten hours. It will take several consecutive nights of quality sleep to “repay” that debt.

In addition to the effects that prolonged sleep deficit may have on physical health, an individual’s mental health often suffers in tandem. A team from the University of California, Berkeley [found](#) that chronic disrupted sleep can profoundly change an individual’s brain chemistry. And while symptoms of anxiety and depression [often lead to](#) poor sleep, poor sleep can likewise prompt or exacerbate symptoms of anxiety and [depression](#). Sleep is also thought to have a [bidirectional relationship](#) with obsessive-compulsive disorder, panic disorder, bipolar disorder, attention-deficit/hyperactivity disorder, and post-traumatic stress disorder.

The human brain requires sufficient [REM sleep](#) to assist with the [processing](#) of both positive and negative emotions and to assess thoughts and memories. Sleep debt often begets irritability, mood swings, and difficulty concentrating. It impedes reflexes, encumbers emotional reactivity, and hinders problem-solving.

While several studies detail the effects of sleep deficiency on mental health, other recent reports show that the prevalence of mental health disorders is substantially greater among legal professionals compared to the general United States population. For lawyers struggling with mental health issues, including anxiety, disordered eating, excessive gambling, etc., the stress of legal practice frequently further aggravates such conditions. It is not uncommon for the weight of these factors to cause individuals to [attempt to soothe](#) symptoms with maladaptive behaviors (e.g., disordered eating, problematic gambling, etc.). “Without intervention and proper treatment,” Jennifer C. Zampogna, M.D., Director of Operations at Lawyers Concerned for Lawyers of Pennsylvania, [explains](#), “[these issues] are usually progressive, leading to impairment, unprofessional behavior, and subsequent risk of disciplinary action. Other mental health issues like depression and anxiety, when left untreated or improperly treated, can be so debilitating that lawyers can barely function at work as their judgement, decision making skills, and even memory can be compromised.”

Prolonged sleep deficiency can take a heavy toll on mental health, but there are attainable practices for building a better sleep routine. *What are some [strategies](#) for encouraging good sleep hygiene?*

- **Stick to a routine.** Bodily cues indicating tiredness can develop with routine sleep times. On weekends or during a vacation, endeavor to vary that bedtime by no more than one or two hours.
- **Build a sleep-friendly atmosphere.** Make your bedroom quiet and relaxing. Keep the temperature of the room cool and comfortable. Employ soft, dim light indoors and block outside light.

- **Restrict phone use before bed.** A [2016 study](#) by University of California, San Francisco researchers found that exposure to smartphone screens often precedes poor sleep quality. Avoid use of digital screens at least one hour before bedtime. (See [tips](#) on how to break bedtime scrolling.)
- **Calm the mind.** [Cortisol](#), or the “stress hormone”, augments alertness. Taking a warm bath, reading, journaling, meditating, or other calming practices can help to release stress or tension before bed.
- **Limit fluid intake.** While it is important to stay well-hydrated throughout the day, reduce fluid intake before bedtime. Avoid caffeine consumption in the late afternoon or evening and avoid drinking alcohol too close to winding down for the evening.
- **Prioritize a healthy diet and exercise routine.** Make time for a brisk walk or a series of stretching exercises. Prepare consistent, balanced meals. Small tweaks to a daily routine can have a meaningful impact on the quality of sleep.

Sleep debt and deficiency can wreak havoc on personal and professional lives. Getting sufficient sleep is a worthy investment in both work performance and productivity as well as one’s physical and mental health, relationships, and happiness.

HOW CAN SLEEP HYGIENE AFFECT MENTAL HEALTH AND LAW PRACTICE?



Managing Holiday Stress and Expectations

Laurie Besden, Executive Director of [Lawyers Concerned for Lawyers of Pennsylvania](#), was recently interviewed for the *ABA Journal: Asked & Answered* [podcast](#). Besden discusses holiday stress and expectations and how to manage both through honoring boundaries and seeking meaningful personal traditions. Listen to the *Asked & Answered* [episode](#) for the full interview.

Lawyers Concerned for Lawyers is a confidential and safe resource for Pennsylvania attorneys and their family members who may be struggling with their mental health or substance use. 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. If you or someone you know is struggling, please call us. You may save a life.



There is help, and there is hope.



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**Evaluation by a
healthcare professional
Information and literature
Peer and staff support
Assistance with interventions
Recovery meetings
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[Lawyers Concerned for Lawyers](#) is a confidential assistance program for the Pennsylvania legal community and their family members. LCL may not report information about a subject attorney back to the Disciplinary Board.

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

Around the Court



Pennsylvania Courts Awarded Federal Grant Funds to Further Its Work in Protecting the Commonwealth's Elders

The Unified Judicial System was recently [awarded](#) nearly \$1 million in federal Elder Justice Innovation Grant funds to further its work in protection of older Pennsylvanians. This three-year grant will help to finance the efforts of the Office of Elder Justice in the Courts (OEJC) to advance the management of cases of adult guardianship. The OEJC initially was established by the Supreme Court to assist in executing recommendations presented in the 2014 [Report and Recommendations of the Elder Law Task Force](#).

Among other projects, the OEJC and the Advisory Council on Elder Justice and the Courts plan to implement a new pilot program which will designate experienced attorneys to represent alleged incapacitated individuals in guardianship matters. Another will appoint court monitors to visit the individual both in advance of and following the determination of a guardian. The OEJC and the Advisory Council also will design new educational programs and online training modules for judges, court staff, attorneys, and guardians.

Chief Justice Debra Todd affirmed, "We are grateful for this grant award which will allow us to continue educating elders and their families about guardianship. Knowledge is power and these

additional resources provide a tremendous opportunity to develop new and innovative programs and trainings which will give people the information they need to change lives across Pennsylvania.”

For more information about Pennsylvania’s OEJC, visit the Unified Judicial System’s [website](#).

Supreme Court Holds Autism and Dependency Court Summits

On December 8, 2022, the Supreme Court of Pennsylvania [held](#) a central-region summit in Lewisburg, PA to further educate court personnel and partner organizations on Autism Spectrum Disorder and the needs of individuals with autism in the state’s court system. Local youth representatives, school officials, court personnel, law enforcement, and community service providers were in attendance.

Supreme Court Justice Kevin Dougherty, who oversaw the project, remarked, “Education and awareness are critical to ensuring we are providing for the needs of all Dependency Court users, especially those with autism. The more we learn, the more we grow as a system and as a community, but most importantly in our ability to be part of the type of positive change that will impact Pennsylvania families.” Justice Dougherty currently serves on the [Autism in the Courts Task Force](#).

A northeast region summit was held earlier this month. The primary goal of these educational events is to help county, judicial, and law enforcement agencies to be better informed and prepared to support individuals with autism in dependency cases.

Visit the Unified Judicial System's website for more information about [Autism and the Courts](#).

From the Pennsylvania Bar Association



Did you know that Pennsylvania Bar Association members have access to its ethics counsel and ethics opinions as a benefit of membership? Members receive free advisory opinions based on the current Rules of Professional Conduct. Published ethics opinions are also available in searchable format in the members-only area of the PBA website. This member benefit alone can easily cover the cost of annual dues. PBA invites Pennsylvania lawyers who are not members to [join](#) in order to use this service.

“Every lawyer, regardless of practice area, has ethical obligations to clients and to the public. The PBA’s online repository of ethical opinions is a great place to turn to find guidance on how to handle ethical issues.” – Rachel H.

In 2021 and 2022, the PBA Legal Ethics and Professional Responsibility Committee issued several significant opinions on issues impacting law practice. Among others, these opinions

include ethical obligations for lawyers, using email, and transmitting confidential information; ethical considerations for lawyers storing information relating to the representation of a client on a smart phone; ethical considerations for lawyers practicing law from physical locations where they are not licensed; ethical considerations in the handling of flat, earned-upon-receipt and nonrefundable fees; ethical considerations relating to use of medical marijuana; ethical considerations for lawyers retaining original wills; use of attorney IOLTA accounts for real estate settlement transactions; and an attorney's obligation to request counsel fees under section 440 of the PA Workers' Compensation Act. These opinions and more can be accessed on the PBA website. PBA members can also reach the [ethics hotline](#) by calling (800) 932-0311.

In 2022, PBA also worked with the Disciplinary Board to develop a number of one-hour, on-demand CLE programs, including interviews with Chief Disciplinary Counsel Thomas J. Farrell and several Hearing Committee Members. Users can explore over one hundred CLE courses – live and on-demand – specifically related to ethics and disciplinary issues through the [Pennsylvania Bar Institute](#) where the [Pennsylvania Ethics Handbook](#) is also available for purchase.

The PBA Legal Ethics and Professional Responsibility Committee responds to requests from any PBA member concerning the impact of the provisions of the Pennsylvania Rules of Professional Conduct upon the member's prospective conduct. The committee does not address questions about a lawyer's past conduct, disciplinary matters, matters in litigation, or questions of law. If this is a practice area of interest to you, PBA invites you to join its Legal Ethics and Professional Responsibility Committee.

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

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