



The
DISCIPLINARY BOARD
of the Supreme Court of Pennsylvania

**April 2023
Newsletter**



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From the Chair

For the past five years, it has been a privilege and pleasure beyond words for me to serve on the Disciplinary Board of the Supreme Court of Pennsylvania. Today, I have the highest honor of addressing you as the 2023-2024 Board Chair. Along with Vice-Chair Sen. John C. Rafferty, Jr. and the other Members of the Disciplinary Board, I am grateful for this extraordinary responsibility. As a Board, we again affirm our pledge to conscientiously and fully discharge our duties owed to both Pennsylvania's public and its legal community.



Led by previous Board Chair Jerry M. Lehocky, and in recognition of those before him, the work of our Board over the next year will be driven by a renewed and invigorated dedication to enhanced public access and professional outreach. The Board will continue to strengthen its efforts toward preventing attorney misconduct through several new projects and, in particular, educational initiatives to better support both the legal profession and the public. For example, our publication of new digital resources will reinforce our commitment to serving the Commonwealth by making many cases involving disciplinary precedent readily available to all.

Throughout the year, we will also recognize and honor the diverse experiences of our communities. In April, Autism Acceptance Month acknowledges the individual strengths, contributions, and needs of those on the autism spectrum. Pennsylvanians with autism are highly valued members of our legal profession, workplaces, schools, and families. I encourage all to visit the Unified Judicial System's "Autism and the Courts" [webpage](#) to learn about Pennsylvania's vigorous efforts to better assist court users with autism and to further increase access to justice.

Finally, I would like to again thank our Supreme Court, now three hundred years strong, for this opportunity to uphold the Board's mission in service of the Commonwealth, protecting the public, maintaining the integrity of the legal profession, and safeguarding the reputation of our courts.

With gratitude, humility, and enthusiasm for a great year to come,

Annual Attorney Registration

2023-2024 Online Registration Coming Soon!

Upcoming Registration Cycle Information

Online registration is NOT currently available but will open in early May. As always, email reminders will begin to be sent once registration is available on the UJS Portal. Please ensure that your [contact information](#) is up-to-date with the Board.

As you may recall, there were significant [changes](#) to the appearance of the UJS Portal and registration form last year. Minimal changes have been made this year, but please see the information below so that you may prepare as necessary for the upcoming registration deadline.

Financial Data Section Change

This area of the form will still be presented in three sections – (1) PA IOLTA & PA IOLTA Exempt, (2) Out-of-State IOLTA & Out-of-State IOLTA Exempt, and (3) Interest for Clients, Other Authorized Accounts, or Business/Operating.

The change to this section this year is in regards the “Holds Client/Third-Party Funds?” field. Previously, this particular information was designated on the form by simply choosing “yes” or “no”. In an effort to further promote the self-correction of errors that may have previously been submitted, these designations have been broken down to be more specific.

Because of this change, any accounts that are currently on file with a designation of a simple “yes” in this field will populate on the registration form as a blank entry for that field only. Users will need to select the appropriate response from the new options that will appear on the form as shown below.

- Yes, Holds PA Client/Third-Party Funds
- Yes, Holds Out-Of-State Client/Third-Party Funds
- No, Does Not Hold Client/Third-Party Funds

Voucher Processing Reminder

The Board continues to encourage users to “Pay Online” with a credit card for immediate confirmation of a completed registration once a credit card confirmation number is received. However, for those users who choose to “Pay by Mail” when submitting your online form, please remember that the unique voucher that is created must be submitted to the Attorney Registration Office directly. **Please ensure that your records reflect that voucher payments should be sent to:**

**Attorney Registration
Attn: Voucher Payment
601 Commonwealth Avenue, Suite 5600
PO Box 62625
Harrisburg, PA 17106-2625**



Annual Registration Coming Soon

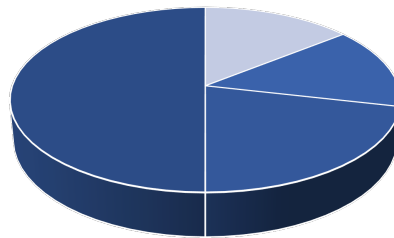
**Annual Registration
form and fee will be
due July 1, 2023.**



The
DISCIPLINARY BOARD
of the Supreme Court of Pennsylvania

Discipline Imposed

March 2023



- Informal Admonition - 2
- Private Reprimand - 0
- Public Reprimand - 0
- Public Censure - 0
- Disability Inactive - 0
- Temporary Suspension - 2
- Suspension - 3
- Disbarment - 7

Temporary Suspension

[Craig Tyler Edwards](#)
[Timothy Nicholas Tomasic](#)

Suspension

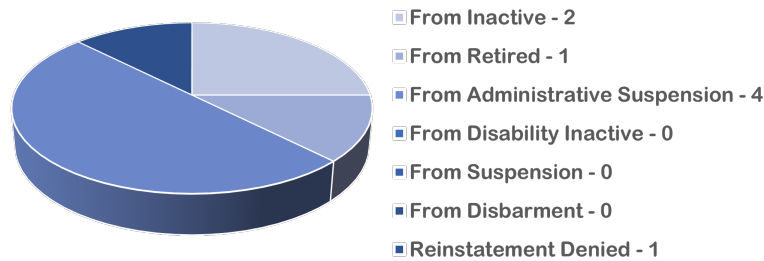
[William E. Gericke](#)
[Alan Kane](#)
[Richard Hulings Luciana](#)

Disbarment

[Joseph Cicala](#)
[Michael Brandon Cohen](#)
[Steven B. Fabrizio](#)
[Charles W. Johnston](#)
[Eric J. Landes](#)
[Jeffery R. Price](#)
[Lori A. Rexroth](#)

Reinstatements

March 2023



From Inactive

[Aaron Lewis Chandler](#)
[Michael Joseph Heaton](#)

From Retired

[Amy E. Robinson](#)

From Administrative Suspension

[Mia R. Brickhouse](#)
[Patricia Flynn Henry](#)
[Eugenia Cin Knopf](#)
[Scott Aaron Sheldon](#)

Reinstatement Denied

[Michael Andrew Rabel](#)

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.

Vacancies

The Supreme Court of Pennsylvania is aided by select boards, committees, commissions, and councils consisting of more than 180 appointed volunteers – most, but not all, are lawyers and judges.

The panels have a wide range of responsibilities and functions. Some make recommendations to the Court for amendments, revisions, or simplification of court procedural rules. Others regulate the practice of law, oversee continuing legal education for lawyers, and administer funds to assist individuals unable to pay for legal services. Still others advise on keeping the courts free of bias and discrimination and on long-range planning.

There are currently vacancies on the following panels:

[Minor Judiciary Education Board](#) – There are vacancies for both a Magisterial District Judge member and a lay elector. Applicants should be knowledgeable about the practice and procedure in the magisterial district courts, as well as the curriculum and coursework that is required of the four-week certifying program for prospective minor court judges.

[Appellate Court Procedural Rules Committee](#) – Applicants should be knowledgeable about the Pennsylvania Rules of Appellate Procedure and experienced in state appellate practice in Pennsylvania.

Application Instructions

If you would like to be considered to serve on a board, committee, advisory group, or related independent entity, email the application, cover letter, resume, and other pertinent information expressing your reasons of interest to SCApplications@pacourts.us.

More information may be found on the Unified Judicial System of Pennsylvania website.

Applications are due by April 30, 2023.

Rules

Rule 1.19 Amended for Former Government Officials as Lobbyists

By [Order](#) dated April 11, 2023, the Supreme Court of Pennsylvania amended [Rule 1.19 of the Rules of Professional Conduct](#), concerning lawyers acting as lobbyists, to impose a one-year waiting period before a lawyer leaving public service can engage in lobbying with the same agency.

The amendment adds a new Subsection (c) to the rule which governs the conduct of lawyers acting as lobbyists. The new language states that a lawyer who has served as a public officer or public employee of a governmental body shall not act as a lobbyist before the governmental body with which the lawyer had been associated for one year after termination of the lawyer's service as a public officer or public employee. The term applies to any activity defined as lobbying by:

- any statute, resolution passed or adopted by either house of the Legislature;
- regulation promulgated by the Executive Branch or any agency of the Commonwealth; or
- ordinance enacted by a local government unit.

The amendment applies only to those who leave service on or after June 1, 2023. The amendment is effective immediately.

Justice Christine Donohue dissented from the order without comment.

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>April</i> | | |
|---|--|---|
| April 25 | John P. Halfpenny | Reinstatement Hearing |
| <i>May</i> | | |
| May 4 | William J. Weiss | Disciplinary Hearing |
| May 23 | Richard P. Kimmins | Disciplinary & Reinstatement Consolidated Hearing |
| May 25 | Jeffrey Michael Childs | Disciplinary Hearing |
| <i>June</i> | | |
| June 7 | George Paul Chada | Disciplinary Hearing |
| June 12 | Stephanie Thomas Kramer & Joseph M. Olimpi | Consolidated Disciplinary Hearing |
| June 20 | Ashley Drue Martin | Disciplinary Hearing |
| June 21 June 22 | Kenneth Andrew Rubin | Reinstatement Hearing |
| June 28 June 29 | Dustin William Cole | Disciplinary Hearing |
| <i>July</i> | | |
| July 6 July 7 | Kelton Merrill Burgess | Disciplinary Hearing |
| July 10 | Stephanie Thomas Kramer & Joseph M. Olimpi | Consolidated Disciplinary Hearing |
| July 11 | John McDanel | Disciplinary Hearing |
| July 31 | Gary Scott Silver | Disciplinary Hearing |
| <i>August</i> | | |
| August 1 | Gary Scott Silver | Disciplinary Hearing |
| August 22 | Ralph David Karsh | Disciplinary Hearing |
| <i>October</i> | | |
| October 2 October 3 October 4 | Patrick C. Carey | Disciplinary Hearing |
| <i>To Be Rescheduled</i> | | |
| Anthony Hugh Rodriques - Disciplinary Hearing | | |

Disciplinary Board News

Disciplinary Board of the Supreme Court of Pennsylvania Announces New Leadership

The Supreme Court of Pennsylvania has [appointed](#) Dion Rassias as Board Chair and former Sen. John C. Rafferty, Jr. as Vice-Chair which became effective April 1, 2023.

Mr. Rassias is a trial lawyer with the Philadelphia law firm, The Beasley Firm LLC. He was first appointed to the Board in April 2018 and was reappointed in February 2021. He has extensive trial and appellate experience in state and federal courts and regulatory agencies throughout the six states where he is admitted to practice.

He has tried and settled a growing list of cases which have resulted in multi-million dollar verdicts and settlements for people and families who have been catastrophically injured and damaged as the result of medical malpractice, professional malpractice, partnership disputes and law firm disassociations, defamation and false light, products liability, civil rights violations, discrimination and harassment, and related personal injury actions.

In addition, he has tried and settled many complex commercial litigations involving business disputes, antitrust claims, contracting disputes, healthcare issues, bank fraud, and trade secret litigation.

Mr. Rassias previously served as a Hearing Committee Member from 2010-2016.

Former Senator John C. Rafferty, Jr. was first appointed to the Board in February 2019 and was reappointed in October 2021.

Prior to his appointment to the Disciplinary Board, Sen. Rafferty served the 44th Senatorial District which included Berks, Chester, and Montgomery counties. Since leaving the Senate after serving four terms, he re-joined the firm Hamburg, Rubin, Mullin, Maxwell & Lupin, PC.

Throughout Sen. Rafferty's time in the Senate, he served as the Chairman of the Senate Transportation Committee, Vice Chairman of the Judiciary Committee, and member of the Appropriations, Consumer Protection and Professional Licensure, and Law and Justice Committees. He was also appointed to serve on both the Pennsylvania Commission on Sentencing and the Pennsylvania Commission on Crime and Delinquency.

Before he ran for the Senate, Sen. Rafferty practiced law in private practice focusing on education, real estate, zoning, business, and estate law. He also served as a former Pennsylvania deputy attorney general in the criminal law division where he investigated and prosecuted Medicaid fraud.

Sen. Rafferty previously served as a member of the Methacton School Board, the Montgomery County Board of Assessment Appeals, and the Lower Providence Board of Supervisors.

The Disciplinary Board was created by the Supreme Court of Pennsylvania to review conduct and assure compliance by all attorneys to the Pennsylvania Rules of Professional Conduct. The Board assists the Supreme Court in the licensing and discipline of attorneys in Pennsylvania. Its mission is to protect the general public, maintain a high standard of integrity in the legal profession and safeguard the reputation of the courts of Pennsylvania.

Disciplinary Board members, which include ten lawyers and two non-lawyers from across the Commonwealth, meet regularly to decide cases, policies, and board administrative matters. All members of the Disciplinary Board serve as unpaid volunteers.

Disciplinary Board's 2022 Annual Report Available Online

The Disciplinary Board's [March newsletter](#) announced the publication of its [2022 Annual Report](#).

Highlights include an overview of 2022 disciplinary and reinstatement cases, new law school outreach initiatives, and the introduction of an application to waive the annual fee for attorneys under extreme financial hardship.

View past annual reports on the Board's [website](#).

Articles of Interest

Lawyer Suspended for Prioritizing Fee Over Client's Interest

By [Order](#) dated March 8, 2023, the Supreme Court of Pennsylvania suspended a Bucks County lawyer from the practice of law for misleading his client as to his entitlement to fees under their fee agreement and delaying settlement of her case in his efforts to extract more fees than the agreement allowed him.

Alan Kane of Warminster entered into a fee agreement with a client seeking to sue her former employer after her termination. The fee agreement provided that Kane would receive the greater of: 1) a \$3000 fee paid in advance; 2) 33 1/3% contingent fee on the total recovered, or 3) any attorney fee awarded by verdict or settlement. Over the course of the negotiation and litigation of the case, Kane received several settlement offers but led the client to believe that she would owe him attorney fees calculated on an hourly basis from (or over and beyond) the amount received in settlement. The client rejected several offers out of concern that Kane's attorney fees would eat up or exceed the amount recovered. Eventually Kane did accept a settlement offer, but the dispute over his fees held up distribution for several months, eventually resulting in the proceeds being paid into an account under the court. He filed suit seeking fees far in excess of the amount allowed in the fee agreement on a quantum meruit basis and revealed confidential information in his complaint that was not relevant to the fee dispute. The client had to expend \$40,000 in attorney fees defending the suit and for other complications of his insistence on fees.

The Disciplinary Board found that Kane was only entitled to fees in the amount of one third of the settlement and that he acted in his own interest of renegotiating the fee agreement and seeking more money than the original agreement allowed. The Board concluded that his conduct violated ten Rules of Professional Conduct, including rules involving abiding by a client's decisions, explaining a matter in a way that allows the client to make informed decisions, revealing confidences, conflicts of interest, frivolous claims, dishonest statements, and clearly excessive fees.

The Disciplinary Board recommended that Kane be suspended for one year and one day which will require him to file a petition for reinstatement and prove his current fitness to practice law to resume practice. The Supreme Court accepted this recommendation and suspended Kane for one year and one day.

Lawyer Suspended for Trading on Confidential Information

A Montgomery County attorney agreed to a suspension of his license for one year after admitting that he traded stocks based on confidential information he learned in the course of his practice.

William E. Gericke of Bala Cynwyd entered into a [Joint Petition for Discipline on Consent](#) with the

Disciplinary Board. While employed by Cozen O'Connor, he served as a founder of and conflicts counsel in the Conflicts Department and as a founder and member of the Legal Profession Services Group. In this role, he was often asked to review whether the acceptance of potential clients would cause any conflict of interest. He acknowledged that he owed a fiduciary duty to firm clients to exercise the highest degree of honesty and good faith in his dealings with firm clients and in handling information related to firm clients.

A partner in the firm asked Gericke to run a conflicts check on a firm with which a securities client was considering a merger. The prospect of the merger was highly confidential information that could significantly affect the stock value of both firms. On the same day as he sent the conflicts check report to the requesting partner, he purchased one thousand shares of the client company. At no point did he speak to anyone in the company about the stock acquisition.

When the merger was announced, the price of the stock went up, and Gericke sold the shares for a profit of about \$10,000. Subsequently, the Financial Industry Regulatory Authority, a government-authorized not-for-profit organization that oversees U.S. broker-dealers, conducted an investigation of possible insider trading arising from the merger. Gericke's name appeared on a list FINRA compiled of individuals who had engaged in trades. In communication with the counsel representing the company, he denied any knowledge other than what the conflicts check had covered.

Later, Gericke received a subpoena from the Securities and Exchange Commission (SEC) which was investigating the matter. The firm placed him on administrative leave, and he resigned three weeks later.

Gericke entered into a settlement agreement with the SEC under which he admitted he had engaged in insider trading in violation of SEC rules. He was barred from appearing as an attorney before the SEC and paid a civil penalty of \$20,000.

In the Joint Petition filed with the Board, Gericke acknowledged that he violated Rules of Professional Conduct [1.4\(a\)\(1\)](#) [failure to obtain informed consent], [1.8\(b\)](#) [use of information relating to representation without informed consent], [4.1\(a\)](#) [false statement of fact or law], and [8.4\(c\)](#) [conduct involving dishonesty, fraud, deceit, or misrepresentation]. He agreed that his license would be suspended for one year. The Supreme Court accepted the Joint Petition and suspended Gericke for one year.

The SEC [reported](#) the settlement on its website.

U.S. Supreme Court Dismisses Attorney-Client Privilege Case

By [Order](#) dated January 23, 2023, the Supreme Court of the United States dismissed an appeal of a [case](#) raising questions of attorney-client privilege as improvidently granted.

The case of *In Re Grand Jury* involved an unnamed law firm that resisted a subpoena issued by a grand jury. The case [examined](#) the privilege status of dual-purpose documents that contain both legal and nonlegal advice.

The Ninth Circuit Court of Appeals affirmed the decision of a trial court who held the law firm in contempt for refusing to produce the documents. The Ninth Circuit found that the test for dual-purpose documents was whether the "primary purpose" of the documents was to render legal advice. The law firm argued on appeal that the test should be whether the delivery of legal advice was a "significant purpose" of the communications.

The matter went to [oral argument](#) before the Supreme Court in January. Members of the Court seemed skeptical as to whether the proposed distinction was as significant as the parties presented it to be. “What is the disagreement?” Justice Neil Gorsuch asked. Noting that the “primary purpose” standard had been in use for years, Justice Elena Kagan invoked the adage, “If it ain’t broke, don’t fix it.”

The American Bar Association, the U.S. Chamber of Commerce, and eleven other organizations file amicus briefs in support of the law firm, but the justices were unconvinced.

Stephen Gillers at SCOTUS Blog [explains](#) that a DIG (dismissal as improvidently granted) might be based on a conclusion that the case was not the right vehicle to decide an important issue, that the secrecy of the record prevented a full analysis in a public decision, or that the Court decided to preserve the issue for decision in a case where the distinction of arguments is more pronounced. But the fact that the Court granted certiorari in the first place suggests it considers the issue one worthy of examination.

ABA Opinion Provides Guidance on Choice of Professional Conduct Law

The Standing Committee on Ethics and Professional Responsibility of the American Bar Association has issued an ethics opinion that assists lawyers in determining what jurisdiction’s version of the Rules of Professional Conduct applies in interstate representation situations.

Issued March 1, 2023, [Formal Opinion 504](#) examines several hypothetical situations in which a lawyer has an office in one state but undertakes representation in another state that has adopted a different version of the Rules of Professional Conduct.

One hypothetical that the committee examined is a situation in which a lawyer located in State X is retained by a resident of the same state to pursue litigation in State Y. The committee concluded that matters such as the execution of a fee agreement would be subject to the requirements of State X. The committee notes that Model Rule 8.5(b)(2) states, “A lawyer shall not be subject to discipline if the lawyer’s conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect of the lawyer’s conduct will occur.” The lawyer’s conduct in the litigation would likely be governed by the requirements of State Y if the “predominant effect” of that conduct would take place in State Y.

In another hypothetical, the opinion examines a situation in which a lawyer practicing in State A has nonlawyer partners in the firm which is permitted under that state’s version of the Rules. If the lawyer accepts a role as *pro hac vice* counsel in State B that does not allow the lawyer to share fees with a nonlawyer, can the lawyer share fees from that representation with a nonlawyer partner? By undertaking *pro hac vice* representation, the lawyer submits to the ethical standards of the jurisdiction where the litigation takes place for “conduct in connection with a matter pending before a tribunal”. The committee concludes that the structure of the partnership is not “conduct in connection with” that matter and that the prohibition of State B on fee sharing with nonlawyers does not control the lawyer’s business structure in State A.

Other scenarios considered by the Committee concern reporting professional misconduct, confidentiality of reporting client threats, and screening requirements for multistate firms.

In conclusion, the Committee states, “When a lawyer’s conduct is in connection with a matter pending before a tribunal, the lawyer must comply with the ethics rules of the jurisdiction in which the tribunal sits, unless otherwise provided. For all other conduct, including conduct in anticipation

of litigation not yet filed and conduct not involving litigation, a lawyer must comply with the ethics rules of the jurisdiction where the lawyer's conduct occurs or, if different, where the predominant effect of the lawyer's conduct occurs." The Committee further notes that the lawyer's reasonable belief as to the location of the conduct's predominant effect provides something of a safe harbor. All of these situations are very fact-sensitive.

U.S. Supreme Court Chews on Dog Toy Case: Bad Spaniels Case Argued Before Court

Back in [October 2020](#), we wrote of the dispute between whiskey distillery Jack Daniel's and VIP Products over the latter's summoning the former's legendary brew in its line of liquor-themed dog chew toys by marketing its "Bad Spaniels" product in a [knockoff](#) of Jack Daniel's' famous "black and white" bottle.

We noted at the time that Jack Daniel's was seeking a writ of certiorari to the Supreme Court of the United States after an adverse ruling in the Ninth Circuit Court of Appeals. After a few more years of litigation, the matter has finally [reached](#) the attention of the high court, and despite the chuckle factor of the fact situation, some fairly [serious legal issues](#) are at stake. The Supreme Court [granted](#) certiorari, and at least twenty-three amicus curiae briefs were filed.

The Supreme Court's [website](#) states that the issues presented are:

- Whether humorous use of another's trademark as one's own on a commercial product is subject to the Lanham Act's traditional likelihood-of-confusion analysis, or instead receives heightened First Amendment protection from trademark-infringement claims
- Whether humorous use of another's mark as one's own on a commercial product is "noncommercial" under 15 U.S.C. § 1125(c)(3)(C), thus barring as a matter of law a claim of dilution by tarnishment under the Trademark Dilution Revision Act

The case was [argued](#) before the Supreme Court on March 20, 2023. Despite the serious issues at stake, the argument presented [moments of levity](#). Justice Elena Kagan pointed out that other toys in the product line included "Doggie Walker," "Dos Perros," "Smella Arpaw," "Canine Cola," and "Mountain Drool" at which Justice Clarence Thomas was unable to suppress his laughter. The dog toy's label took off on Jack Daniel's' famous "Old No. 7" with the parody "Old No. 2" and other references to canine byproducts which led to some rather scatological moments in the argument. A Jack Daniel's lawyer arguing on the likelihood of confusion recovered from a slight misstatement by commenting, "Well, just showing how confused I was suggests that I would be your perfect consumer."

Despite the giggles in the argument, the justices noted serious concerns about the application of Lanham Act principles to creative parody expression. Justices Sonya Sotomayor, Joseph Alito, and Ketanji Brown Jackson all expressed concerns over the First Amendment implications of the suit.

Whatever decision the Court makes will doubtless be widely read, not only for the entertainment factor, but for the major implications it presents for the boundaries between protection of trademarks and the right to parody under the First Amendment.

Around the Court



The Supreme Court of Pennsylvania Honors Autism Acceptance Month and Announces Community Education Tour

In honor of Autism Acceptance Month, the Supreme Court of Pennsylvania [announced](#) plans for an upcoming community education tour led by Justice Kevin Dougherty who, in recent years, has fervently promoted several new court initiatives aimed at better serving Pennsylvanians on the autism spectrum. Justice Dougherty asserted, “Pennsylvania is the first and only state in the nation focused on creating meaningful change for those with an ASD coming through the court system. We have the opportunity to be the starting point for new conversations and increased levels of understanding – that’s not something to be taken lightly. We must do everything we can to be the positive change that children and families need.”

During the tour, Justice Dougherty will visit county courts effectuating “an autism-based focus in their courtrooms through innovative concepts including the use of environmental studies and sensory items”. Throughout the state, Justice Dougherty will meet with community autism providers to discuss court projects and to establish additional partnerships to support individuals with autism within the court system.

On its [website](#) and social media channels, the courts will share additional information about autism and the judicial system as well as resources and services available throughout the Commonwealth.

New Infographic Highlights Distracted Driving Citations in Pennsylvania

Earlier this month, the Unified Judicial System [released](#) a new infographic highlighting distracted driving citations across the Commonwealth. The graphic notes a ten percent decrease in citations from 2021, following a downward trend in recent years.

In Pennsylvania, a distracted driving citation can be issued for wearing headphones or texting while driving or using a handheld mobile phone while driving a commercial vehicle. A full breakdown of distracted driving offenses filed from January 2018 through the end of 2022 can be found on the UJS [website](#).

Distracted Driving Citations in Pennsylvania

(Data pulled from PA Courts case management systems and Philadelphia Municipal Court traffic division eTIMS system)

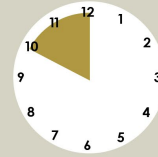


In Pennsylvania, distracted driving means:

- wearing or using headphones while driving
- texting while driving which includes sending, reading or writing a text-based message.
- using a handheld device while driving (commercial vehicle)

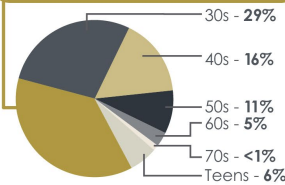


*Title 75, Section 3316

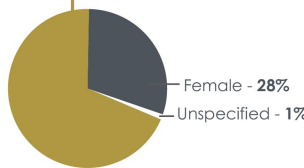


The greatest number of citations are given between 10 a.m. and 12 p.m.

32% of people cited were in their 20s



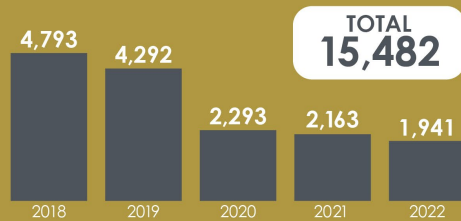
71% of people cited were male



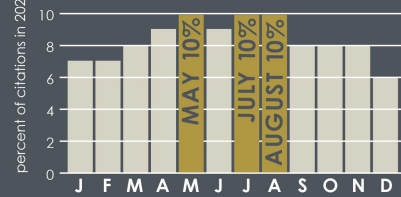
59% of citations were issued by Pennsylvania State Police



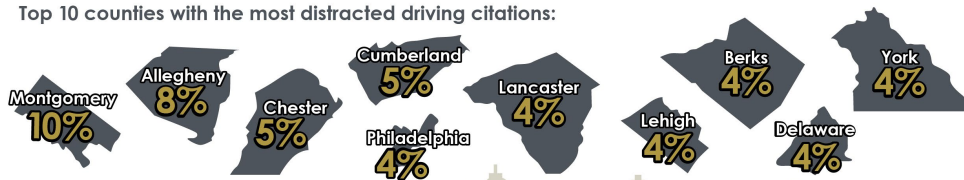
Distracted driving citations from 2018-2022.



Most citations were given during May, July and August.



Top 10 counties with the most distracted driving citations:



Data provided represents percentages from 1/1/2018 – 12/31/2022 (unless noted) based on the following state law: Title 75, Sections 1621, 1622, 3314 and 3316.

AOPC



SUPREME COURT OF PENNSYLVANIA

Pennsylvania Interest on
Lawyer Trust Accounts Board

FDIC Insurance and IOLTA Accounts

Recent bank failures have raised questions about how attorneys can protect their IOLTA accounts above and beyond the Federal Deposit Insurance Corporation (FDIC) insurance limits. [This guidance](#) provides detailed information in response to attorneys' concerns and explains how IOLTA accounts benefit from "pass-through" coverage as fiduciary accounts so that the FDIC insurance coverage limit is applied separately to each client or third party with funds held in an IOLTA account. Thus, a single IOLTA account holding funds from multiple clients will potentially benefit from much more than \$250,000 in FDIC coverage, and this guidance provides several

examples to show how this pass-through coverage would apply in practice. In addition, potential proactive measures that attorneys with high IOLTA balances can consider to provide additional protection are also described in detail, and include: (a) maintaining multiple IOLTA accounts; (b) arranging for excess balance protection via certain types of overnight sweep services; and, (c) paying financial institutions to secure IOLTA accounts with collateral.

Attorney Well-Being

You're Invited!: Well-Being Week in Law to Be Held First Week of May

May is Mental Health Awareness Month. This year's [Well-Being Week in Law](#) (WWIL) will be held from May 1-5, 2023. Sponsored by the [Institute for Well-Being in Law](#) (IWIL), this observance raises awareness about mental health and encourages action and innovation across the profession to improve well-being.

The celebration is structured around five daily themes: "Stay Strong", "Align", "Engage & Grow", "Connect", and "Feel Well". In support of this campaign, the IWIL offers resources for both organizations and individuals to promote mental health and well-being.

The IWIL website offers resources for both [organizations](#), including law firms, and [individuals](#) to use the occasion of WWIL to promote mental health and well-being in practice. An annual favorite is the thirty-one-day [Mental Health Challenge calendar](#), offering daily prompts engaging both the body and mind. Updated resources available to organizations include the "Legal Employer Participation Guide", listing readings, videos, podcasts, and activities for year-round well-being, and the "[Legal Association Participation Guide](#)", providing activities for legal associations to share with members.

The IWIL will also host a variety of online workshops free to any interested participants:

- Monday, May 1st: [Moving Together: The Science and Experience of Communal Movement!](#)
- Tuesday, May 2nd: [What Does the U.S. Surgeon General's Framework for Mental Health and Well-Being in the Workplace Mean for You?](#)
- Wednesday, May 3rd: [Pro Bono & Community Service as a Pathway to Well-Being & Job Satisfaction](#)
- Thursday, May 4th: [Building Friendships and Belonging](#)
- Friday, May 5th: [How to Build a Workplace that Supports Emotional Well-Being](#)

Follow along with the celebration on social media via #WellBeingWeekInLaw.



MON 
STAY STRONG
Physical Well-Being

TUES 
ALIGN
Spiritual Well-Being

WEDS 
ENGAGE & GROW
Career & Intellectual Well-Being

THURS 
CONNECT
Social Well-Being

FRI 
FEEL WELL
Emotional Well-Being

YOU'RE INVITED TO WELL-BEING IN LAW

WHAT IS IT?

Too many lawyers and their support teams aren't thriving. It's time to take action. **Well-Being Week In Law (WWIL)** is one way to do so. You're invited to join individuals and organizations in leading and participating in activities that promote holistic well-being during WWIL and all year-round.

WHEN IS IT?

May 1-5, 2023. The month of May is Mental Health Awareness Month.

MAY

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| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | | | | |

WHO'S INVOLVED?

The "who" is you! WWIL is an event of the Institute for Well-Being in Law (IWIL), a 501(c)(3) charitable organization. We invite you to join us and many other individuals and organizations in being a champion for well-being in the legal profession.

HOW CAN I GET INVOLVED?

The WWIL team of volunteers has been working hard to make it easy for you to get involved. On our website, you'll find out how to join an event or organize your own activities:

1. Register as an [individual](#) or register as an [organization](#)
2. Sign up for a webinar
3. Download an Activity Planning Guide to plan your own activities.
4. Read and download resources and tools (e.g., tip sheets, etc.).

Questions? Email WWIL Chair, Tara Antonipillai at tara@cultivate.center

WHY PARTICIPATE?

Too many in the legal profession struggle with mental health and alcohol use disorders. Many others, while not dealing with a diagnosable illness, still are not fully well. The aim of WWIL is to raise awareness about mental health and encourage action and innovation across the profession to improve well-being all year-round.

WELL-BEING WEEK IN LAW / lawyerwellbeing.net

Supporting the Mental Health of Law Students and Young Lawyers

Featuring [Lawyers Concerned for Lawyers](#) Executive Director Laurie Besden, the [Pennsylvania Bar Association](#) will host a one-hour online program on identifying stressors and how to manage them as well as different types of stress reduction support. [Register online](#) for April 17th's event "Stress-Busting and Self-Care Toolbox for Law Students, Young Lawyers, and Those Supporting Them".



The PBA Legal Academics Committee Presents

"Stress-Busting and Self-Care Toolbox for Law Students, Young Lawyers and Those Supporting Them"

April 17, 2023

Noon - 1:00 p.m.

Speakers:



Laurie
Besden



Mike
Butera

Moderators:



Kristine
Calalang



Martha
Mannix

Whether you are in law school, remember the stress of law school and are currently dealing with the stress of practicing, or know a law student or young lawyer you want to help through stressful times, please join the Legal Academics Committee's presentation of "Stress-Busting and Self-Care Toolbox for Law Students, Young Lawyers and Those Supporting Them," co-sponsored by the Young Lawyers Division and the Quality of Life/Balance Committee.

The Legal Academics Committee's co-chairs, attorney Kristine Calalang and University of Pittsburgh School of Law Professor Martha Mannix, will moderate a discussion with Laurie Besden, executive director of Lawyers Concerned for Lawyers of Pennsylvania, and Mike Butera, MFT. Their discussion will focus on identifying stressors, how to manage them and types of support one can provide others to reduce stress. They will also provide steps one can take to promote wellness, how to support others in the Eight Dimensions of Wellness and provide information about available support through LCL.

The program is free, but registration is required. [Register here.](#)

For questions, you may contact Bridget Gillespie at Bridget.Gillespie@pabar.org or 800-932-0311, ext. 2300.

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.



LAWYERS CONCERNED FOR LAWYERS
PENNSYLVANIA

lclpa.org | 1-888-999-1941

**Evaluation by a
healthcare professional
Information and literature
Peer and staff support
Assistance with interventions
Recovery meetings
Online resources and CLE**

[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

From the Pennsylvania Bar Association



Your Other Partner

Promoting Professional Excellence in the Law: Pennsylvania Bar News Explores Legal Issues of Facial Recognition Technology

The April 3rd issue of [Pennsylvania Bar News](#) offers invaluable articles and resources promoting professional excellence in the law. The cover story, "Legal Concerns, Challenges Persist with Facial Recognition Technology," includes an interview with Samuel D. Hodge Jr., professor of Legal Studies at Temple University. Professor Hodge introduces readers to a number of concerns surrounding FRT, including the lack of federal legislation regulating FRT and the inconsistencies with how individual states are addressing this issue. He considers the inability of the current FRT software to accurately identify non-white males and to adapt to hairstyle changes, different facial expressions, and aging, specifically noting, "The scary thing is that facial recognition technology struggles to recognize a person after just five years of aging."

The use of FRT impacts almost everyone and continues to exponentially grow and evolve. According to Hodge, "By the year 2026, the FRT market for consumer applications is expected to be \$11.6 billion." Readers will quickly realize that the FRT implications extend beyond our courtrooms, the practice of law, and our need to remain current on legal trends; FRT impacts our everyday lives. Through drivers' license photos, social media, and moving down local streets,

“more people are being exposed to greater facial recognition techniques without even being aware of it or by giving them your permission,” Hodge explains. “In a big city, it’s estimated that you will have about 75 encounters with a camera every single day.”

Further exploring this topic, Professor Hodge will present a one-hour CLE program on May 4, 2023 from 9:30-10:30 am during the PBA Annual Meeting in Philadelphia. Registration is required. Learn more about Annual Meeting events and register on PBA’s [website](#).

Pennsylvania Bar News is a benefit available to PBA members. Those who are not currently PBA members are invited to take advantage of PBA’s membership drive and save 25% off prevailing rates from now through the end of June 2023. [Join](#) to take full advantage of all the ways that PBA adds value to members’ practice and professional well-being.

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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| 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 |