



*The*  
**DISCIPLINARY BOARD**  
*of the Supreme Court of Pennsylvania*

**May 2023**  
**Newsletter**



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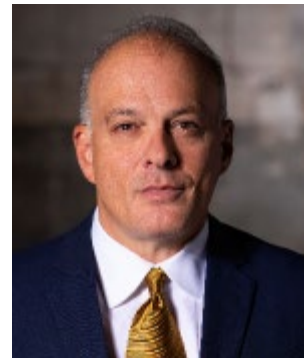


YouTube

## *From the Chair*

By the time I became Board Chair, I had already decided that my final year of service would emphasize educating lawyers about Pennsylvania's disciplinary process.

Most lawyers know very little about the Disciplinary Board, likely on purpose. The Disciplinary Board is not as scary as it might seem; in fact, we are an extremely close-knit, cordial group that works very hard trying to *help* lawyers, not to punish them. However, let's be clear. When a lawyer deviates from the Rules, some punishment is usually necessary.



I previously served as a Hearing Committee Member for six years. I thought that my entry into the "disciplinary world" should begin with a review of the Rules of Professional Conduct. Remarkably, a task that I thought was necessary only as part of my new responsibilities was actually very helpful in my everyday practice. Given a couple of decades of experience as a lawyer, reading the Rules was much easier than when I last read them in law school. Please read the [Rules](#); they make much more sense now as a practicing lawyer.

For the last five years, I have had the honor to serve as a member of the Disciplinary Board. Why does this matter to you? Because having served as both a Hearing Committee Member and a Board Member, I might be qualified to share some thoughts with you about why the disciplinary system in Pennsylvania works so well.

Our disciplinary process is an extraordinarily fair one; and, if you're still reading this article, you might be surprised to learn that every lawyer has multiple opportunities to explain the troubling professional conduct at issue. What could be fairer than that? Although this article is not intended to cover Office of Disciplinary Counsel's processes, know that every lawyer has the chance to provide full explanations during both the investigative phase and eventual disciplinary proceedings. If the investigation results in the filing of formal charges, the lawyer charged with violating the rules ("Respondent") has his or her first chance to present evidence before a Hearing Committee comprised of three lawyers from the same geographic region. At the hearing, it is

common for the Respondent to testify on his or her own behalf in addition to presenting other witnesses and evidence.

After the hearing concludes, the Hearing Committee makes a recommendation to the Board based upon its factual findings and legal conclusions and consistent with case precedent.

Thereafter, if the Respondent believes that the Hearing Committee erred, he or she gets a second, fresh chance to explain why things went wrong – this time to the Disciplinary Board. The Respondent has the opportunity to file exceptions to the Hearing Committee’s recommendation and may also request oral argument before a three-member panel of the Board which is usually granted. On the Board, we are charged with reviewing the Hearing Committee recommendations and rendering our own independent decisions based upon the facts, circumstances, and arguments of counsel. We may see things differently than the Hearing Committee, and we have the authority to make our own findings, conclusions, and recommendations.

It is very important for all of the lawyers in Pennsylvania to know that during this process, the overwhelming majority of our decisions on the Disciplinary Board have been rendered unanimously. Board Members are required to read the record of every case that has been submitted, and we devote one entire day of our meetings to the adjudication of cases. We discuss each case in great detail before we vote. Our discussions are robust, often lengthy, and always guided by Supreme Court precedent. Ultimately, the Disciplinary Board is the second stop in the process of lawyer discipline.

Finally, if a lawyer disagrees with the Disciplinary Board’s decision, there is a last, third opportunity to appeal to the Supreme Court of Pennsylvania. While oral argument before the Supreme Court on disciplinary issues is not by right, even without oral argument, the Disciplinary Board’s recommendations are all reviewed *de novo* by the Court, which decides each case according to its own deliberative process.

The Disciplinary Board remains an absolute necessity for the legal profession. For every “what was that lawyer thinking?” moment on the Board, there are so many lesser infractions that are corrected through private discipline and letters of education, all with the belief that the Board will likely never see those lawyers again. While Respondents have ample opportunities to explain themselves as described above, your initial instinct that you do not want to appear before the Disciplinary Board is a good one, and you should keep it that way. However, let’s be sure that perception meets reality. The Board works very hard to consistently adjudicate matters based on the totality of the facts and circumstances so that appropriate discipline is imposed, if deemed necessary. The Supreme Court’s close oversight ensures that this occurs. In the end, I will remind you often in the months ahead that the Disciplinary Board is here to help, not hurt, Pennsylvania lawyers.

Dion G. Rassias  
Board Chair

## *Annual Attorney Registration*

**2023-2024 Online Registration Is Open!**

**Attorney Registration Portal Is Open; Registration Due July 1st**

Annual Attorney Registration is now open for [2023-2024 online registration](#). Attorneys must register by July 1, 2023. Exemptions from the requirement of online filing for good cause are available but must be requested in writing.

**Payment Note:** *If you choose to "Pay Online" with a credit/debit card, it is recommended to manually enter your information on the payment screens and not allow your browser to auto-populate your information.*

As always, please ensure that your [contact information](#) is up-to-date with the Board.



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### Disciplinary Board Upholds Attorney Registration Fee Waiver Opportunity

Announced in May 2022, the Disciplinary Board allows attorneys to apply for a waiver of the annual fee under the condition of extreme financial hardship. The application, instructions, and FAQs are available on the Board's [website](#). Extended only to attorneys filing for active status, a granted waiver will apply to one registration year only.

In order to qualify for the waiver, an applicant's income must be equal to or below the [federal poverty guideline](#). In 2023, the poverty guideline for a Pennsylvania household of four is \$30,000.

The application process includes a [waiver request form](#) along with supporting financial documents. Applicants must provide a description of the nature of the financial hardship, proof of monthly income (e.g., wages, pension, Social Security, Workers Compensation, public assistance, dividends, etc.), the most recent year's personal tax return, and proof of all year-to-date personal income. If applicable, the attorney must also present the most recent year's business tax return and proof of year-to-date business income. Included in the application packet, a paper registration form also must be submitted.

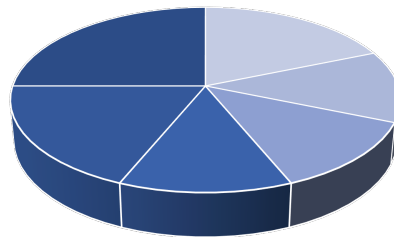
Waiver requests will be reviewed by the Executive Director of the Disciplinary Board. If the request is granted, the Attorney Registration Office will process the annual registration form. If the request is denied, the applicant has ten days from the date of notice of denial to appeal for reconsideration by the Board Chair. The Chair will make the final decision within twenty days of receipt of a request for reconsideration. It is important to note that while any application or reconsideration is in process, no late fees will accrue. The attorney will have fourteen days from a final denial or until July 16<sup>th</sup> – whichever the later date – to pay the annual fee in full without penalty. Failure to pay

timely may subject the attorney to late payment penalties and transfer to administrative suspension under [Pa.R.D.E. 219\(f\)](#).

Requests for a waiver of the attorney registration fee must be filed by July 1st, the deadline for annual registration. Requests submitted after this date will not be eligible for review.

## *Discipline Imposed*

**April 2023**



- Informal Admonition - 3
- Private Reprimand - 2
- Public Reprimand - 2
- Public Censure - 0
- Disability Inactive - 0
- Temporary Suspension - 2
- Suspension - 3
- Disbarment - 4

### **Public Reprimand**

[Richard John Gerace](#)  
[Bruce Martin Ginsburg](#)

### **Temporary Suspension**

[Shawn-Ryan White](#)  
[Patrick Francis Lomax](#)

### **Suspension**

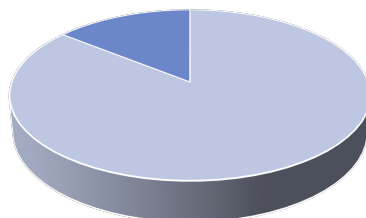
[Mary C. Kilgus](#)  
[Brian Joseph Smith](#)  
[Christopher Nicholas Urbano](#)

### **Disbarment**

[James J. Conaboy](#)  
[Diane L. Rohrman](#)  
[Manrico A. Troncelliti, Jr.](#)  
[Harry Tun](#)

## *Reinstatements*

**April 2023**



- From Inactive - 6
- From Retired - 0
- From Administrative Suspension - 1
- From Disability Inactive - 0
- From Suspension - 0
- From Disbarment - 0
- Reinstatement Denied - 0

**From Inactive**

[Andrew P. Bainbridge](#)  
[Arthur H. Bernstein](#)  
[Terryann Suzanne Howell](#)  
[Melvin Scott Hess, III](#)  
[Kali Jones Schellenberg](#)  
[Jordan G. Spahr](#)

**From Administrative Suspension**  
[Seanne N. Murray](#)

*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 panel:**

[Continuing Legal Education Board](#) – Applicants must be active members of the Pennsylvania bar with their primary residency in Pennsylvania. In addition, applicants should be knowledgeable about legal practice and procedures in Pennsylvania state or federal courts.

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## 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](mailto:SCApplications@pacourts.us).

More information may be found on the Unified Judicial System of Pennsylvania [website](#).

***Applications are due by May 31, 2023.***

## Rules

### **Rule on Lobbying Amended for Former Government Attorneys**

By [Order](#) dated April 11, 2023, the Supreme Court of Pennsylvania approved an [amendment to Rule 1.19](#) of the Pennsylvania Rules of Professional Conduct regarding lawyers as lobbyists.

The amendment adds a new subsection (c) to the [Rule 1.19](#). The new language states that a lawyer who leaves service as a public officer or public employee of a governmental body on or after June 1, 2023 may not act as a lobbyist on any matter before the governmental body with which the lawyer had been associated for one year after leaving.

The amendment applies to any activity defined as lobbying in any:

1. Statute or resolution passed or adopted by either house of the Legislature;
2. Regulation promulgated by the Executive Branch or any agency of the Commonwealth; or
3. Ordinance enacted by a local government unit.

The amendment is effective immediately. Justice Donohue dissented 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><b>May</b></i>		
May 23	Richard P. Kimmins	Disciplinary & Reinstatement Consolidated Hearing
May 25	Jeffrey Michael Childs	Disciplinary Hearing
<i><b>June</b></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 June 27	Kenneth Andrew Rubin	Reinstatement Hearing
June 28 June 29	Dustin William Cole	Disciplinary Hearing
<i><b>July</b></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><b>August</b></i>		
August 1	Gary Scott Silver	Disciplinary Hearing
August 22	Ralph David Karsh	Disciplinary Hearing
August 23 August 24	Edward A. Shenderovich	Disciplinary Hearing
August 29	Kathleen D. Dautrich	Disciplinary Hearing
<i><b>October</b></i>		
October 2 October 3 October 4	Patrick C. Carey	Disciplinary Hearing
<i><b>To Be Scheduled</b></i>		
Brandon Michael Eberle – Public Reprimand		
Mark Bae Jander – Public Reprimand		
Leo M. Mulvihill, Jr. – Public Reprimand		
John R. Parroccini – Public Reprimand		
Anthony Hugh Rodriques – Public Reprimand		
Calvin Taylor, Jr. – Public Reprimand		
Tiarra Taylor – Public Reprimand		

# Articles of Interest

## Lawyer Reprimanded for Affectionate Messages to Incarcerated Client

A Warren County lawyer agreed to the imposition of a public reprimand after admitting he engaged in a series of romantic messages with a client though the relationship did not result in physical intimacy.

John R. Parroccini admitted that he engaged in an extended series of increasingly romantic messages with a female client incarcerated at the Warren County Jail. He and his client exchanged approximately 188 email communications through the jail's Lockdown Officer Client. Over a period of approximately a month, the tenor of the messages grew into expressions of love, sexual innuendo, and affectionate forms of address such as "baby". Eventually prison authorities searched the client's cell and found a handwritten letter from the client addressed to "my future husband", expressing specific sexual activities contemplated. Parroccini was then denied access to the jail or court facilities.

He self-reported the conduct to the Office of Disciplinary Counsel and confessed to being "disappointed and ashamed" of his own conduct. He entered into a [Joint Petition in Support of Discipline on Consent](#) acknowledging that his conduct violated [RPC 1.7\(a\)\(2\)](#) [concurrent conflict of interest] and [RPC 1.16\(a\)\(1\)](#) [failure to withdraw when representation will result in violation of the Rules of Professional Conduct]. The Joint Stipulation noted significant mitigating factors including that Parroccini and the client had a prior acquaintance that included flirtatious banter and that he was under stress as the primary caretaker of his wife who was in the later stages of a terminal illness.

A three-member panel of the Disciplinary Board concurred in the joint recommendation for public reprimand.

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## Lawyers Suspended for Taking Client Files, Unilaterally Soliciting Clients to New Firm

Two Florida lawyers have been suspended from the practice of law based on findings that they copied clients' digital files while employed at their previous firm, disabled the firm's access to aspects of the files, and sent clients solicitation letters without informing or working with the firm.

The Florida Supreme Court suspended [Jonathon Charles Avery Blevins](#) and [Michael Andrew Adams](#). The Court found that [Blevins](#) and [Adams](#) were employed at Dan Newlin Injury Attorneys (DNIA) until January 6, 2021 when they abruptly resigned to join the firm of Blevins and Adams (B&A) which they formed prior to leaving DNIA. Before leaving, they made digital copies of files for clients they intended to recruit to their new practice without the firm's knowledge or permission. They also disabled a feature in the case management system that would have permitted the firm to send a mass email to their clients. They also began contacting their DNIA clients to persuade them to transfer to B&A in violation of required procedures that call for a joint letter giving clients an informed choice between the firms. The lawyers stipulated that this conduct violated the Florida version of RPC 5.8 (which deals with lawyers leaving firms), RPC 8.4(a) (violate the Rules of Professional Conduct), and RPC 8.4(c) (conduct prejudicial to the administration of justice).

Blevins was suspended for sixty days and Adams for forty-five. Adams's plea set forth a more



extensive litany of mitigating factors than Blevins's. Both were also required to attend the Florida Bar's Ethics School.

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### **ABA Notifies Members of Stolen Data**

The American Bar Association has [notified](#) members that a data breach has exposed usernames and passwords to an unauthorized party. Approximately 1.5 million accounts of lawyers and others were affected.

The passwords were "salted and hashed". "Hashing" is a method of storing users' passwords in an encrypted format to enhance security. "Salting" is a method of inserting random characters to the hash function to make breaking the code even more difficult.

In an [email](#) to affected members, Annaliese Fleming, Senior Associate Executive Director and General Counsel of the ABA, suggested that users change their passwords as a precautionary measure.

A [lawsuit](#) has been filed in the Eastern District of New York, alleging that the ABA's failure to safeguard its data caused harm to affected members.

The California Bar experienced a [similar data breach](#) in 2022 when hackers gained access to records on 260,000 confidential disciplinary cases.

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### **The Court Watch Movement Grows: Nonlawyers Are Tuning in and Taking Names**

The trend of conducting court hearings by remote technology has given rise to a rather surprising development: the rise of the [court watch movement](#).

Court watchers are nonlawyer volunteers who log on to observe court proceedings in which they are not involved, often through organizations that recruit watchers, and collect information from their observations. Court watchers are trained to sit in on bail hearings and other court proceedings and document what happens in each case. They share their notes in reports, on social media, and in letters meant to provide transparency and accountability for court proceedings. Some judges have stated that they always read the letters, and many have taken action to correct conditions documented in the letters.

Organizations such as [Court Watch NYC](#), [Court Watch PG](#), [Court Watch Los Angeles](#), and [Court Watch NOLA](#) recruit and train watchers and coordinate court watching programs. Court Watch NYC describes its mission as "harness[ing] the power of New Yorkers to organize for transformative change toward abolition. We watch court proceedings, shift power in the courtroom, report what we see, and hold court actors accountable to ending the injustices in the criminal legal system that target Black, brown, indigenous, immigrant/migrant, queer and [Transgender and Gender Non-Conforming] communities." Court Watch NOLA states, "We are a non-profit organization dedicated to promoting transparency, equity and justice through tracking, observing and reporting thousands of criminal court cases a year."

Courtwatch PG Executive Director Carmen Johnson started the organization based on her own concerns after an encounter with the court system in Prince George's County, Maryland. Once the organization's only watcher, she has observed more than 5,600 bail hearings and other court proceedings in Prince George's County. She also has trained more than four hundred volunteers

and one hundred law students to court watch.

Scott Hechinger, a former public defender in Brooklyn, New York, serves as the executive director of the advocacy organization Zealous which led the movement to form the national network. He says, “Court Watch is unique because these are not lawyers. They are high school students, they are retired librarians and everything in between who are trained in the language of that particular court.”

The COVID-19 pandemic provided a major boost to the court watch movement as many courts moved to conducting proceedings online. Claire Glenn, then a public defender in Prince George’s County, became alarmed with reports of clients who were contracting COVID and experiencing terrible conditions in jails while awaiting bail hearings. Ms. Glenn allied with Ms. Johnson, Mr. Hechinger, and others to form the national network.

Singer-songwriter Fiona Apple participates in court watching through Courtwatch PG and, along with actor Jesse Williams, narrated an [animated film](#) produced by the [National Court Watch Network](#), describing the process. The film has recorded over 200,000 views.

In the film, Ms. Johnson states, “Injustice happens in empty courtrooms. Honestly, I knew I had to be a court watcher because words that are spoken are only in the air. Words that are recorded remain for all to see.”

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### **You Can Judge, but Just Don’t Dance: Judge Admonishes Jurors in Ed Sheeran Trial**

Music copyright fights are always entertaining for music fans to watch. Led Zeppelin [won](#), Robin Thicke and Pharrell Williams [lost](#), and Huey Lewis [settled](#) – and then [was sued](#) for violating the settlement terms.

It’s English pop-crooner Ed Sheeran’s turn to perform on the witness stand instead of the bandstand. Sheeran [was sued](#) by the heirs of songwriter Ed Townsend who alleged that Sheeran’s 2014 single “Thinking Out Loud” plagiarized Marvin Gaye’s “Let’s Get It On” which Townsend co-wrote with Gaye. Sheeran may have brought the suit on himself by performing the two songs as a medley; counsel for the Townsend heirs describe the medley as a “confession”, but Sheeran answered, “If I had done what you’re accusing me of doing, I’d be a quite an idiot to stand on a stage in front of 20,000 people and do that.”

As part of the trial, counsel for the plaintiffs played a [video](#) mashing up the two songs for the jury. This prompted U.S. District Judge Louis Stanton of Manhattan to caution the jury to keep their composure. “We don’t allow dancing,” he admonished.

This gives a whole new meaning to “swaying the jury”.

Ultimately, the jury delivered a verdict in Sheeran’s favor. No dancing around that.

## *Around the Court*



### **Justice Kevin M. Dougherty Discusses Judicial Reform in Support of Pennsylvanians on the Autism Spectrum**

Last month, Pennsylvania Supreme Court Justice Kevin M. Dougherty [appeared](#) on CBS News Pittsburgh to discuss judicial reform in support of Pennsylvanians on the autism spectrum. Justice Dougherty promoted the Court's [recently-announced](#) community education tour and shared his journey of "self-reform through self-education" in working with individuals with autism in the courts. Such experiences inspired his dedication to inclusive judicial practices.

Noting "We found that 81% of our judges who handle child-type cases realized that they had someone in front of them that was on the [autism] spectrum," Justice Dougherty affirmed the Court's recognition of the diverse needs of Pennsylvanians and asserted its responsibility to thoroughly equip judges and judiciary staff to assist court users with autism.

Justice Dougherty commended work being done throughout the Commonwealth and praised the creation of [sensory-friendly areas](#) at the Family Division of the Allegheny County Courthouse under the leadership of Hon. Jennifer Staley McCrady.

The [Autism in the Courts](#) Task Force has developed environmental analysis tools and educational programming to prepare the courts to meaningfully serve court users with autism and their families. Justice Dougherty told *Talk Pittsburgh* Host Heather Abraham, "With the commitment and the encouragement of our Chief Justice, Pittsburgh's own Debra Todd, our Court now is committed to ensuring that anybody that enters our court doors can be ready, willing, and able to meet the needs of the population who we serve."

The full interview is available on the KDKA CBS News Pittsburgh [website](#).



## **Justice Donohue: Let's Get Young Lawyers into Court**

Under the leadership of Supreme Court Justice Christine Donohue, the Pennsylvania Bar Association has thrown its support behind a [project](#) to help young lawyers get courtroom experience.

Justice Donohue notes that, as more and more cases are resolved by nonlitigation strategies such as arbitration and more proceedings are gravitating online, newly-admitted lawyers have fewer chances to observe and practice in court.

Project Litigate, chaired by Pittsburgh attorney John Gismondi, is an organization that seeks to promote opportunities for young lawyers to gain valuable courtroom experience. The organization has published a pledge that sets forth steps firms can take to develop the trial skills of young attorneys, including training sessions, observation of court proceedings, and scaling up of associates' responsibilities in court cases.

Gismondi notes that as more legal work is performed through remote technology, less-experienced attorneys have fewer opportunities for spontaneous encounters within the office that helped lawyers of the past learn from senior counsel. Project Litigate aims to help firms focus on ways to make up for that changing environment by consciously creating opportunities for young lawyers to learn.

Justice Donohue observes that Project Litigate is part of a two-pronged campaign. The Pennsylvania Conference of State Trial Judges is also developing guidelines for trial court judges on helping to create space for young lawyers to observe and learn.

Justice Donohue says, "From the perspective of younger lawyers I've spoken to, they are excited and anxious to have opportunities to get into the courtroom. It's just a matter of making room for them in the cases."

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## **Supreme Court Announces Upcoming Retirement of State Court Administrator Geoff Moulton**

Last month, Pennsylvania Chief Justice Debra Todd [announced](#) the upcoming retirement of State Court Administrator [Geoff Moulton](#). Moulton plans to retire on September 30, 2023 after seven years of service to the state judiciary. Prior to his tenure as Court Administrator, Moulton held the position of Counsel to the Pennsylvania Supreme Court.

Chief Justice Todd lauded Moulton's leadership throughout the COVID-19 pandemic: "On behalf of the Court, I express sincere thanks and appreciation to Geoff for his commitment and dedication to public service and the judiciary. Geoff became Court Administrator at the outset of the pandemic and ably led us through more than those years of challenges and uncertainty. Through his leadership, the court system remained open and accessible to the public."

From August 2016 through December 2017, Moulton served as judge in the Pennsylvania Superior Court, authoring over 330 opinions. Since his 1984 graduation from Columbia Law School, Moulton has dedicated his professional life to public service.

Deputy Court Administrator Andrea Tuominen will succeed Moulton upon his retirement.

The full press release is available on the Unified Judicial System's [website](#).

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### **Pennsylvania Courts Holds First Annual Take Your Child to Work Day**

On Thursday, April 26<sup>th</sup>, the Pennsylvania Courts held its first annual Take Your Child to Work Day. Approximately sixty children attended the program, learning about the importance of the state judiciary within Pennsylvania's communities.

Pennsylvania Chief Justice Debra Todd emphasized, "When we bring learning opportunities like this to our kids, we not only build on the firm educational foundation set by their amazing teachers, but we hopefully encourage the next generation of legal professionals to take our place on the bench someday."

The full press release is available on the Unified Judicial System's [website](#).

Access the UJS online civics education toolkit on its outreach [webpage](#).

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### **New Infographic Highlights Pennsylvania's Mental Health Courts**

In honor of May's Mental Health Awareness Month, the Unified Judicial System released a new infographic highlighting data on the state's mental health courts. Pennsylvania's mental health courts "link key justice system officials with leaders in the mental health system to divert offenders with severe mental illness into a judicially-supervised program". Currently, there are such courts in twenty-six PA counties.

Read the full [press release](#) on the UJS website.

### What are Mental Health Courts (MHCs)?

MHCs are problem-solving courts that work with key justice system officials and leaders in the mental health system to divert offenders with severe mental illness into a judicially-supervised program, including community-based treatment.

### Statewide admission data (2021):

**304** people were admitted.

**68%** of participants were male.

Average age of participants is **36**.

### Pennsylvania's MHCs: 26 courts currently



**11% of participants**

improved their **level of education** at discharge.

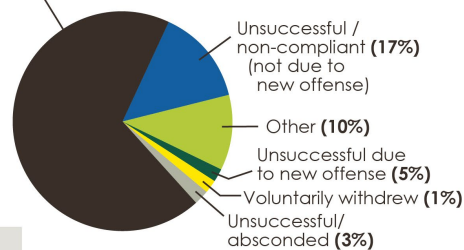
Among successful graduates, there was a

**113% increase**

in employment.

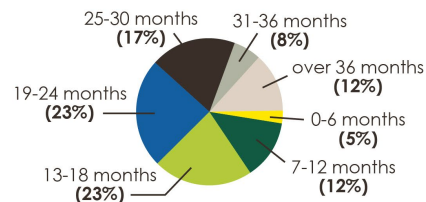
### Statewide discharge data (2021):

**64% (233)** of all discharges graduated successfully



**63%** successfully completed the program in 2 years or less.

Months in program (graduated successfully):



Additional data, including county-level data, available at

<http://www.pacourts.us/news-and-statistics/research-and-statistics/>

AOPC



SUPREME COURT OF PENNSYLVANIA

Pennsylvania Interest on  
Lawyer Trust Accounts Board

### Reporting Financial Data During Attorney Registration

It's time to log into the [UJS Portal](#) to complete the annual attorney registration requirement.

When completing registration, it's important to keep in mind that the financial disclosure requirement in Pa.R.D.E. 219(d) requires that attorneys report all of the accounts utilized in the course of the practice of law since May 1<sup>st</sup> of the previous year. The list of accounts that must be reported can be substantial depending on the attorney's area of practice since the scope of activities that are regulated by the Pennsylvania Rules of Professional Conduct involves the

handling of funds of others by attorneys in a variety of roles such as serving as an escrow agent or representative payee. Attorneys can find additional detail on which accounts must be reported, as well as exceptions to the requirements in the registration form instructions, [Pa.R.D.E. 219](#), and in the [PBA's Revised Formal Ethic's Opinion 2016-100 \(May 2017\)](#).

Attorneys completing annual registration may have noticed some formatting changes over the past few years to the Financial Data section of the form. These changes have been made to help attorneys report the information that is required by the rules while also accounting for the practical reality posed by the variety of bank, brokerage, and trust accounts that attorneys may utilize.

There are three sections in the Financial Data section into which accounts are to be entered:

1. Pennsylvania IOLTA or Pennsylvania IOLTA Exempt;
2. Out-of-State IOLTA and Out-of-State IOLTA Exempt; and
3. Interest for Clients, Other Authorized Accounts, or Business/Operating.

The **first section** is for any Pennsylvania IOLTA trust accounts (or trust accounts that would otherwise be IOLTA accounts but for which the attorney requested and received an exemption from the Pennsylvania IOLTA Board) that are utilized to hold funds related to the attorney's practice of law in Pennsylvania. The **second section** is for any IOLTA or IOLTA Exempt accounts that an attorney utilizes for their practice *in a state other than Pennsylvania*. The **third section** is for other types of accounts required to be reported (such as operating accounts, estate accounts, interest bearing accounts solely for the benefit of one client, etc.) and attorneys should select the most appropriate account type for each account reported in this section.

Regardless of section, when each account is entered, other account identifying information must also be provided: bank name, account number, account type, account location, and whether the account is set up to hold client/third party funds. Accounts that are reported (such as Pennsylvania IOLTA, Out-of-State IOLTA, Interest for Clients, or Other Authorized Accounts) can be marked as holding client or third party funds related to the attorney's practice in Pennsylvania or the attorney's practice in a state other than Pennsylvania. This is a slight change from years past when the same question asked if an account held Pa.R.P.C. 1.15 funds with the simple response choices of "Yes" or "No" which caused confusion as every state has a version of Rule 1.15. Law firm operating accounts that are reported, but which only held funds of the law firm in which no client or third party held an interest, can be marked as not holding client or third party funds.

If a reporting error is discovered after submitting the registration form, a [Financial Data Reference Guide and Amendment Form](#) should be submitted to rectify the error.

## *Attorney Well-Being*

### **Healthy Stress vs. Burnout: Recognizing Risk Factors for Attorney Disciplinary Action**

Some stress is healthy. A totally stress-free life is not only unrealistic but can actually be a harmful form of denial. Positive stressors can energize and motivate lawyers to be productive and creative problem solvers. Stress is usually tied to a specific endpoint or goal that can be reasonably accomplished, whereby there is an anticipated resolution of the stressor or 'relief in sight'.

Stress becomes distress when it starts to negatively impact our view of ourselves and the world around us, our relationships, our efficacy, and our health and wellness. The point at which we



cross that imaginary threshold from healthy, motivating stress to distress or negative stress is often only seen in hindsight and varies among individuals. Persistent distress can lead to burnout, which is a chronic state of emotional, mental, and often physical exhaustion precipitated by prolonged stress that an individual believes cannot be abated. It often presents itself as a sense of dread about work, apathy, persistent cynicism and feelings of inadequacy, irritability, anger, a reduced sense of self-efficacy, reduced concentration, 'brain fog', and diminished compassion for clients.

If left unaddressed, burnout can lead to the development of major depression and/or maladaptive coping skills ranging from emotional detachment, alcohol or other substance misuse, problematic gambling or shopping, over-eating, etc., which can in turn progress to substance use disorders, process addictions and eating disorders. Burnout can also exacerbate pre-existing mental health issues. It may manifest as physical symptoms including headaches, muscle, body, and stomach aches, fatigue, and heartburn, among others. Based on the symptoms above, one can see how easily burnout and other mental health issues could lead to reduced efficiency, missed deadlines, compromised client service, reduced overall competence, and even disciplinary action if not properly acknowledged and addressed/treated.

Problematic gambling is a predictable reason why lawyers misappropriate client funds. As their gambling addiction progresses, they often incur significant debt, leading to such desperate acts. Without intervention and proper treatment, alcohol and other substance use disorders 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.

It is imperative that the symptoms mentioned above are discussed with a healthcare professional, if possible, as burnout shares many overlapping symptoms with depression, anxiety, chronic fatigue syndrome and other physical and mental health disorders. Undergoing an assessment by a qualified healthcare professional is often a vital first step to addressing these issues. The healthcare professional can determine the proper diagnosis and collaborate with the individual to develop and implement effective mitigation and/or treatment strategies. LCL can arrange a free and confidential evaluation by a vetted healthcare professional for lawyers, judges, their family members, and law students who may be facing these issues. With the right support and treatment, all of these conditions are manageable and conducive to a thriving legal career. When a lawyer seeks help and engages treatment early and proactively, the chances of future symptoms or behaviors developing that could lead to disciplinary action are significantly reduced.

Jennifer C. Zampogna, M.D.

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*Originally published in 2022, this article is part of a [series](#) produced in partnership with [Lawyers Concerned for Lawyers of Pennsylvania](#), exploring lawyer well-being as misconduct prevention. Topics include challenges to mental health, stress and burnout, preventative strategies, employer support, and seeking support through LCL.*

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### **Free Online Mental Health and Well-Being CLE Opportunities**

Did you know that [Lawyers Concerned for Lawyers of Pennsylvania](#) partners with other providers to offer free online CLE opportunities that promote mental health and overall well-being within the legal profession? Myriad topics include work-life balance, technology and mental health, recognizing signs of depression, and more.




View all recommendations and offerings on LCL's [website](#).

**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.**

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**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*



### **Mental Health and Well-Being with PBA**

May is “Mental Health Awareness Month”, and being a member of the Pennsylvania Bar Association is good for your well-being!

People who are socially integrated and have strong social ties live happier, longer lives. PBA membership helps you expand your knowledge, diversify your network, and grow your career – or as newly-installed PBA President Michael J. McDonald shared, “The PBA helps make good lawyers better.” Meaningful human connection and a sense of belonging have been shown to positively impact mental well-being and physical health. Perhaps two of the easiest ways to make these lasting connections is by being actively engaged with peers in the many PBA committees and sections or through the numerous bar association networking events. Of course, members also get many additional benefits, like free guidance and resources on [law practice management](#) and [ethics issues](#) as well as up-to-date information on changes and trends in the law through

PBA's [legislative department](#), award-winning publications, and [CLE programs](#).

And don't overlook how giving back and helping others through [pro bono work](#) can also positively contribute to well-being and feelings of connection.

For those who are beginning to plan for retirement, the PBA has excellent resources to and a new membership rate for retired lawyers to stay connected to the legal field. Attorneys on retired or [emeritus status](#) with the Disciplinary Board of the Supreme Court of Pennsylvania qualify for PBA's new dues rate of \$150 per year! All benefits and services of a regular member continue with the retired member status.

Moments of connection are important to well-being. Join now and get [25% off](#) 2023 PBA membership. And to current members, PBA thanks you and invites you to connect and learn more about the benefits and opportunities that are available with membership.

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*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*

<a href="#">Pending Cases</a>	<a href="#">Recent Cases</a>
<a href="#">Case Research Collection</a>	<a href="#">Attorney Gateway</a>
<a href="#">Rules</a>	<a href="#">Search Opinions</a>
<a href="#">FAQs – For the Public</a>	<a href="#">FAQs – For Attorneys</a>
<a href="#">Pro Bono</a>	<a href="#">Annual Report</a>
<a href="#">PA CLE Board</a>	<a href="#">Discipline Statistics</a>

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