



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

**June 2023**  
**Newsletter**



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## *From the Chair*

I hope this message finds everyone doing well and enjoying the full bloom of the start of summer. We at the Disciplinary Board have a full slate of business-as-usual hearings and upcoming educational programs that will require our ongoing attention.

On May 1, the 2023-2024 [Annual Attorney Registration](#) opened to all Pennsylvania attorneys, and as of this writing, **nearly 40,500 attorneys** have already completed the process. As you know, all active and inactive status attorneys are obligated under [Pa.R.D.E. 219](#) to complete an annual registration form through the Unified Judicial System Web Portal. As part of that process, each lawyer pays an annual fee which is approved by the Pennsylvania Supreme Court.



Some of you may have from time to time asked where does this money go? The annual fees that are collected [help to finance](#) several extremely important resources, including: the PA Lawyers Fund for Client Security, which reimburses victims of attorney misconduct throughout the Commonwealth; the Pennsylvania IOLTA Board which oversees the Interest on Lawyer Trust Accounts; providing for *pro bono* legal services provided in all 67 counties of our state; the Disciplinary Board and its Office of Disciplinary Counsel; and last but not least, providing resources for Lawyers Concerned for Lawyers of Pennsylvania, an extremely important mental health and substance use support for lawyers, judges, and law students.

With respect to [Lawyers Concerned for Lawyers of Pennsylvania](#), you should know that an attorney well-being hub is [now available](#) on the Board's new "[Lawyer Well-Being](#)" webpage. You are encouraged to explore the page's offerings which include a variety of mental health resources, articles, CLE opportunities, and well-being events for lawyers. The practice of law can be extremely stressful and conflict-riddled. As such, it can compromise overall health and well-being that can affect not only an attorney's practice of law but also private life and can lead to patterns of behavior that unfortunately prompts professional misconduct. During my five years on the Disciplinary Board, we have noticed a sharp increase in such patterns and, even more frightening, a sharp increase in the percentage of law students who have sought the support, help, and

guidance of Lawyers Concerned for Lawyers of Pennsylvania. While the trend is an alarming one, it is something that we are keenly aware of, and combatting it is a very important and significant part of every Disciplinary Board meeting. However, the Disciplinary Board can only do so much; we as lawyers all have an obligation and responsibility to look out for one another.

Finally, with regard to the annual registration payment, you should know that upon consideration and recommendation from the Disciplinary Board in 2022, the Pennsylvania Supreme Court issued an [order](#) which amended Rule 219 and now allows an attorney to apply for a [waiver](#) of the annual fee under the condition of extreme financial hardship. All such waiver requests are due by July 1<sup>st</sup> every year.

Enjoy the start of summer. It is a great time of year and remember that the Disciplinary Board of Pennsylvania, together with all of its ongoing initiatives, is here to help.

Stay well,

Dion G. Rassias  
Board Chair

## *Annual Attorney Registration*

### **2023-2024 Registration Due July 1st**

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

Registration fees are \$275 for active status and \$100 for inactive status; there is no fee for attorneys assuming retired status. Attorneys may choose to pay online with a credit card or to mail a check and printed voucher. Vouchers *cannot* be created after the initial July 1<sup>st</sup> deadline.

The first \$200 late fee is assessed after July 16<sup>th</sup>, and the second \$200 late fee is assessed after August 1<sup>st</sup>. These late payment penalties are imposed automatically and are not waivable by the staff or Board. An additional fee of \$25 will be assessed in the event of any returned payment. Failure to complete registration by August 1<sup>st</sup> may be deemed a request for transfer to administrative suspension under [Pa. R.D.E. 219\(f\)](#).

***In cases of extreme financial hardship, a [waiver](#) of the annual fee may be granted. Eligible attorneys must be registering for active status and have an adjusted gross income less than or equal to the federal poverty guidelines for the applicable household size.***

### ANNUAL ATTORNEY REGISTRATION REMINDERS

**Annual Attorney  
Registration payment  
is due by July 1st.**

**First \$200 late fee is  
assessed after July 16th.**

**Second \$200 late fee  
is assessed after  
August 1st.**

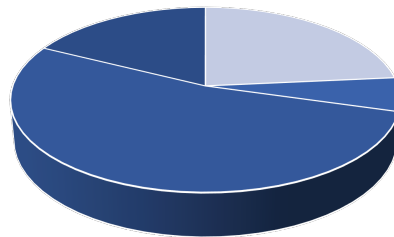


The  
DISCIPLINARY BOARD  
of the Supreme Court of Pennsylvania



## *Discipline Imposed*

**May 2023**



- Informal Admonition - 4
- Private Reprimand - 0
- Public Reprimand - 0
- Public Censure - 0
- Disability Inactive - 0
- Temporary Suspension - 1
- Suspension - 9
- Disbarment - 3

### **Temporary Suspension**

[Conrad Benedetto](#)

### **Suspension**

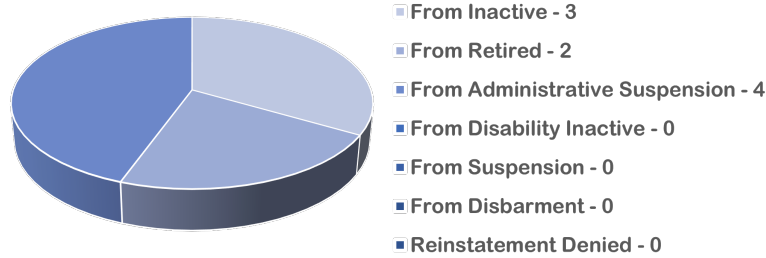
[Barry Jay Beran](#)  
[Jonathan Warren Chase](#)  
[Craig Tyler Edwards](#)  
[Mark William Ford](#)  
[Ralph A. Gonzalez](#)  
[Edward Harrington Heyburn](#)  
[Kelley Elizabeth Clements Keller](#)  
[Michael David Lindner, Jr.](#)  
[Gina Yvonne Toppin](#)

### **Disbarment**

[Scott Brian Allinson](#)  
[Sean Andrew Potter](#)  
[Lanhi Saldana](#)

## *Reinstatements*

May 2023



**From Inactive**

[Aarathi Deshmukh Haig](#)  
[Jaini Jacob](#)  
[Russell Warren Lewis, IV](#)

**From Retired**

[Thomas LeBaron Church](#)  
[Kim Ronald Smith](#)

**From Administrative Suspension**

[Kenneth Lewis](#)  
[Mark J. Malone](#)  
[Nicole Lin Mangino](#)  
[Daniel P. Ring](#)

*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*

### **Disciplinary Board Releases New Lawyer Well-Being Webpage**

On May 26<sup>th</sup>, the Disciplinary Board released a new [webpage](#) “connect[ing] Pennsylvania attorneys with available resources to better understand and support their mental health and well-being, particularly as they relate to the legal profession.” The new “Lawyer Well-Being” page highlights mental health organizations, articles, and upcoming events for the legal community.

The Board worked with [Lawyers Concerned for Lawyers](#) (LCL) to assemble relevant content supporting a wide breadth of individuals and needs. Helpful links to resources address those facing anxiety, depression, eating disorders, PTSD, and drug and alcohol misuse. Resources centering the unique experiences of BIPOC and LGBTQ communities also feature on the page.

The webpage offers a frequently-updated list of both virtual and in-person well-being events available to the legal community. Such events will include guided meditations, CLE opportunities, and local and national conferences.

Spotlighting matters like vicarious trauma, sleep hygiene, and mindfulness, Board-published articles provide practical approaches to well-being issues pertinent to law practice. Throughout May 2022, the Board partnered with LCL to publish an article series on mental health and well-being in the legal profession. With the expertise of Jennifer C. Zampogna, M.D., former Director of

Operations at LCL, the series presents several topics on wellness as it relates to both attorneys' personal and professional lives and misconduct prevention.

To access the Board's new "Lawyer Well-Being" page, visit [padisciplinaryboard.org/for-attorneys/well-being](http://padisciplinaryboard.org/for-attorneys/well-being).

**LAWYER WELL-BEING**  
Connect to available resources to better understand and support mental health and well-being, particularly as they relate to the legal profession.

[padisciplinaryboard.org/for-attorneys/well-being](http://padisciplinaryboard.org/for-attorneys/well-being)

The DISCIPLINARY BOARD of the Supreme Court of Pennsylvania

**Lawyer Well-Being**  
To connect Pennsylvania attorneys with available health and well-being, particularly as they relate to the legal profession.

**MENTAL HEALTH AND WELL-BEING WITHIN THE LEGAL PROFESSION**

**RESOURCES**  
LCLPA General Lawyer BIPOC & LGBTQ

## Board Publishes Late/Collection Fees

In a posting at [53 Pa.B. 2588](#), the Disciplinary Board has published the schedule of late and collection fees for attorney registration for 2023-2024.

Failure to complete registration by July 16<sup>th</sup> will automatically result in imposition of a late payment penalty of \$200. If registration is not completed as of August 1<sup>st</sup>, a second late payment penalty of \$200 will be automatically added to the delinquent account for a total late charge of \$400 over and beyond the registration fee. These penalties are non-waivable and cannot be excused by the staff for cause.

If any payment of the annual registration fee is returned to the Board unpaid, a collection fee of \$25 will automatically be added.

Complete registration now to avoid late fees or administrative suspension.

## CDC Corner

One violation we see frequently is the lack of a written fee agreement. In a recent investigation, the respondent's attorney insisted that, among criminal defense attorneys, the prevailing practice was to forego a written agreement. The issue was the respondent's failure to complete the case for which he was retained, but he and his lawyer took the position that since the lawyer had represented the client on a previous occasion and the client understood that the fee was a flat, nonrefundable fee, there was no violation and no reason to return money.

We hear this all the time, and it is wrong, both on the need for a written agreement and the

refundability of the fee. [RPC 1.5](#) requires a written fee agreement for every paying engagement unless the lawyer “regularly represented” the client. “Regularly” does not mean that once upon a time you did a divorce or handled a drug prosecution for this client. It means an ongoing engagement to handle similar tasks under an identical billing arrangement, such as business closings or collection matters or its severance agreements.

An exchange of text messages doesn’t suffice. They are writings, but at 160 characters per text, the exchange is unlikely to explain adequately that the fee is nonrefundable. There are two other problems with texts: [Rule 1.15\(c\)](#) requires that fee agreements be preserved for five years and in a format can be printed and produced to ODC and the Lawyers Fund for Client Security, see [RPC 1.15\(c\)\(3\)](#). Few people keep a cell phone for five years, carriers don’t save texts, and many phones are set to delete texts automatically after a time. Secondly, cell phone texts often [are not confidential](#). Other people often have access to a lawyer’s cell phone, and the phone’s apps may access texts and send them to the app creator.

As for flat fees, recently, the PBA and the Philadelphia Bar Association issued a [joint opinion](#) on “Flat, Earned Upon Receipt and Non-Refundable Fees”. Anyone who charges fees must read this opinion. At minimum, the agreement must say that the fee is “nonrefundable and earned upon receipt”. And, even then, if the attorney is discharged before the work is done, part of the flat fee might need to be refunded to avoid the prohibition against excessive fees.

A final word: even more recently, the ABA [opined](#) that nonrefundable, earned on receipt fees are *never* permissible. It characterized the language approved in the PBA/Philadelphia opinion as “an act of legerdemain” that “does not withstand even superficial scrutiny”. ODC does not issue advisory opinions, but there are two significant differences between the ABA’s [Model Rule 1.15](#) and Pennsylvania’s [RPC 1.15](#). MR 1.15(c) reads, “A lawyer shall deposit into a client trust account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred”; to that PA’s corresponding Rule 1.15(i) adds, “unless the client gives informed consent, confirmed in writing, to the handling of fees and expenses in a different manner.” Rule 1.15’s comments on fees, [comment \[3\]](#) in the ABA Rules and [\[7\]](#) in PA’s, also are identical, except PA’s adds a sentence: “Unless the fee is non-refundable, it should be deposited to a Trust Account and drawn down as earned.” The additional language in our Rule and comment seems to condone non-refundable fees.

Thomas J. Farrell  
Chief Disciplinary Counsel

## *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:**

[IOLTA Board](#) – Applicants should be familiar with legal practice and procedure in Pennsylvania federal or state courts. Experience with financial institution practices is also beneficial. Applicants should have an understanding of and/or appreciation for the delivery of civil legal aid to the indigent.

## 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 June 30, 2023.***

## 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.***

| June                          |   |                                      |
|-------------------------------|---|--------------------------------------|
| June 20                       | Ashley Drue Martin                            | Disciplinary Hearing                 |
| June 21<br>June 22<br>June 27 | Kenneth Andrew Rubin                          | Reinstatement Hearing                |
| June 28<br>June 29            | Dustin William Cole                           | Disciplinary Hearing                 |
| July                          |   |                                      |
| July 6<br>July 7              | Kelton Merrill Burgess                        | Disciplinary Hearing                 |
| July 10                       | Stephanie Thomas Kramer &<br>Joseph M. Olimpi | Consolidated<br>Disciplinary Hearing |
| July 20 at 11:00 am           | Michael Eric Adler                            | Oral Argument                        |
| July 31                       | Gary Scott Silver                             | Disciplinary Hearing                 |
| August                        |   |                                      |
| August 1                      | Gary Scott Silver (cont.)                     | Disciplinary Hearing                 |
| August 16                     | George Paul Chada (cont.)                     | Disciplinary Hearing                 |
| August 22                     | Ralph David Karsh                             | Disciplinary Hearing                 |
| August 23<br>August 24        | Edward A. Shenderovich                        | Disciplinary Hearing                 |
| August 29                     | Kathleen D. Dautrich                          | Disciplinary Hearing                 |

|   |                           |   |
|---|---------------------------|---|
| August 28                                 | Nathaniel D. Strasser     | Disciplinary Hearing                                    |
| <b>September</b>                          |                           |   |
| September 18                              | Nathaniel Edmond Strasser | Disciplinary Hearing                                    |
| September 19                              | Robert Scott Clewell      | Disciplinary Hearing                                    |
| September 28                              | Suzanne Spencer Abel      | Reinstatement Hearing                                   |
| <b>October</b>                            |                           |   |
| October 2<br>October 3<br>October 4       | Patrick C. Carey          | Disciplinary Hearing                                    |
| <b>November</b>                           |                           |   |
| November 8<br>November 9                  | Laura Testa Musi          | Consolidated<br>Disciplinary &<br>Reinstatement Hearing |
| November 20<br>November 21                | Thomas Gregory G. Coppolo | Disciplinary Hearing                                    |
| <b>To Be Scheduled</b>                    |                           |   |
| 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

### ABA Formal Opinion Addresses Retainers and Fees Paid in Advance

The Standing Committee on Ethics and Professional Responsibility of the American Bar Association has released a formal ethics opinion discussing the treatment of retainers and fees paid in advance. [Formal Opinion 505](#) was issued May 3, 2023.

The Committee begins by noting, “Fees for services may be paid after completion of the services, of course. However, for certain matters, many lawyers request or require that funds in a certain amount be paid to the lawyer at the outset of the representation to secure payment for the lawyer’s later work.” Under the terms of [Model Rule 1.15](#), such fees must be placed in a trust account. The Model Rule allows lawyers to protect themselves from the prospect of nonpayment by requiring payment in advance, and the requirement to place such funds in trust protects the client against the risk that the lawyer may be unable to repay them if the fees are not earned.

The opinion comments, “When a client pays an advance to a lawyer, the lawyer takes possession – but not ownership – of the funds to secure payment for the services the lawyer will render to the client in the future.”



The Committee acknowledges that some lawyers refer to fees paid in advance as “retainers” but points out that this term does not appear in the Rules of Professional Conduct. They note that a general retainer to assure the attorney’s availability may be considered earned when received but state that this does not mean the general retainer is nonrefundable if the lawyer does not perform services contemplated in connection with the retainer. The Committee characterizes such true general retainers as rare but claims that fees are nonrefundable on this theory are more common.

The Committee notes that many lawyers charge flat or fixed fees for certain services such as real estate transactions, will preparation, or business incorporation. Such fees are permissible but are still fees paid in advance which the lawyer must keep in a trust account until the services are performed.

On the subject of “nonrefundable” retainers, the Committee states, “The Model Rules of Professional Conduct do not allow a lawyer to sidestep the ethical obligation to safeguard client funds with an act of legerdemain: characterizing an advance as ‘nonrefundable’ and/or ‘earned upon receipt’.” It points out that [Comment \[4\] to Rule 1.5](#) specifically states that such fees cannot be characterized as nonrefundable and must be placed in a trust account and refunded if not earned.

The Committee observes, “In 2002, Model Rule 1.15 was amended to address specifically the issue of advance fees in a new paragraph (c): ‘A lawyer shall deposit into a client trust account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred.’” It is noteworthy that this language was not incorporated into Pennsylvania’s version of RPC 1.15 which differs dramatically from the ABA Model Rule. However, RPC 1.15(i) states, “A lawyer shall deposit into a Trust Account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred, unless the client gives informed consent, confirmed in writing, to the handling of fees and expenses in a different manner.”

The Committee goes on to note that [Model Rule 1.16\(d\)](#), regarding termination of services, requires that, upon termination of representation, the lawyer must refund “any advance payment of fee or expense that has not been earned or incurred.” According to the Committee, Rules 1.15 and 1.16(d) work in tandem to protect the client against loss due to the conduct of unscrupulous lawyers. The Committee notes that apportioning earned and unearned fees can be difficult but that courts routinely apportion the services completed and sum earned when a representation ends before completion of the intended goals.

The Opinion concludes with three hypothetical situations, involving a “nonrefundable” retainer, a general retainer, and a flat fee arrangement. The Opinion as a whole provides detailed guidance for lawyers dealing with different fee structures and the approach to be taken when a representation ends short of completion of the contemplated goals.

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### **Attorney Suspended for Dismissing Case without Client’s Approval**

A Philadelphia attorney agreed to a one-year suspension of his license after admitting that he dismissed a client’s case without the client’s knowledge or consent and led the client to believe the case was ongoing for more than six months.

Jonathan Warren Chase of Philadelphia entered into a [Joint Petition in Support of Discipline on Consent](#) with the Office of Disciplinary Counsel. In the factual stipulations, Chase admitted that he represented Keith Regan in an Americans with Disabilities Act claim against Regan’s former employer, Temple University. In August 2019, he filed a complaint on Regan’s behalf with the

United States District Court for the Eastern District of Pennsylvania. Subsequently, Chase left his former law firm and took the case with him to his new practice.

Chase served interrogatories and requests for production of documents to which Temple University responded in December 2019. However, he did not take depositions or conduct further discovery. In May 2020, Chase informed the client of a possible June 2021 trial date.

In February 2021, Temple University filed a Motion for Summary Judgment against Regan. Chase informed his client of the motion and suggested they get together to discuss the case.

However, on March 2, 2021, without Regan's knowledge or consent, Respondent signed and filed a Joint Stipulation and Order of Dismissal with Prejudice. The judge approved the Stipulation, dismissing Regan's case with prejudice.

Chase did not inform his client of the dismissal. Instead, he continued to make statements in telephone calls and emails that led the client to believe the case was ongoing. The client spent considerable amounts of time amassing evidence and communicating with Chase about how to respond to the motion to dismiss and prepare for trial.

In September 2021, Regan independently discovered that the case had been dismissed. When confronted by the client, Chase explained that he was worried the client would be liable for legal fees, and said, "Sorry, I apologize." He offered to compensate Regan with free legal advice "down the road".

Chase expressed remorse and a sincere belief that failing to dismiss the lawsuit would result in the imposition of attorney fees on his client.

The Stipulation provided that Chase's conduct violated nine of the Rules of Professional Conduct and called for a one-year suspension from the practice of law. A three-member panel of the Disciplinary Board approved the agreement, and the Supreme Court accepted the recommendation and suspended Chase for one year.

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### **Attorney Reprimanded for Unknowingly Bringing Gun to Court**

A New Jersey-based attorney agreed to a public reprimand before the Disciplinary Board after his plea of guilty to the offense of unlawful possession of a weapon for leaving a firearm in his trial bag when he appeared at the courthouse for a case.

[Mark Bae Jander](#) of Oakhurst, New Jersey entered into a Joint Petition for Discipline on Consent in which he acknowledged that he had pled guilty to the offense in a New Jersey court. He stated that he was preparing for his first case trial in his office in the basement of his parents' home, where he lived. He took a break from preparation to clean a .38 caliber revolver and put the revolver into his trial bag, intending to transfer it into his safe. However, he forgot to do so, and the gun was still in his trial bag when he went to the courthouse for his trial. The court's scanner picked up the presence of the weapon, and he was arrested on the spot. He did not have a permit to carry a firearm as is required by state law.

Jander pled guilty to the offense of unlawful possession of a weapon and was admitted to the pre-trial intervention program. He underwent thirty-six months of supervision, performed fifty hours of community service, and forfeited the gun and his firearms purchasing permit. He complied with all other aspects of the order. He self-reported the matter to the Disciplinary Board.

The Supreme Court of New Jersey imposed a censure on Jander's New Jersey law license.

In the Joint Petition, Jander acknowledged that his conduct violated [Rule 8.4\(b\) of the Rules of Professional Conduct](#), criminal conduct that reflects adversely on a lawyer's honesty, trustworthiness, or fitness to practice law. He and Disciplinary Counsel agreed that the appropriate discipline was a public reprimand before the Disciplinary Board. A three-member panel of the Disciplinary Board agreed with that disposition and ordered the reprimand which has yet to be scheduled.

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### **Lawyer Cited Fake Court Cases from ChatGPT**

We [previously reported](#) that the Artificial Intelligence program ChatGPT was lumbering toward legal competence, [earning](#) a passing, if mediocre, score on a law school examination. But lawyers tempted to save some time with this mediocre-but-passable resource may want to double-check that work. As a New York attorney [found out](#) the hard way, it turns out that ChatGPT sometimes cites cases that aren't quite there.

Stephen Schwartz, an attorney with over thirty years of experience, used ChatGPT to draft a response to a motion to dismiss in a personal injury case in the U.S. District Court for the Southern District of New York. It was the first time he had used the program to assist in legal drafting. A member of his firm, Peter LoDuca, filed the response as Schwartz was not admitted in the district. It did not go well. As an [Order](#) entered by the Court explained, several of the cases cited in the response were simply non-existent. The Court noted:

*The Clerk of the United States Court of Appeals for the Eleventh Circuit, in response to this Court's inquiry, has confirmed that there has been no such case before the Eleventh Circuit with a party named Vargese or Varghese at any time since 2010, i.e., the commencement of that Court's present ECF system. He further states that the docket number appearing on the "opinion" furnished by plaintiff's counsel, Docket No. 18-13694, is for a case captioned George Cornea v. U.S. Attorney General, et al. Neither Westlaw nor Lexis has the case, and the case found at 925 F.3d 1339 is A.D. v Azar, 925 F.3d 1291 (D.C. Cir 2019).*

The bogus decision contained several citations and quotes which the Court also found to be non-existent. The Court also identified five other non-existent cases cited in the filing.

The judge ordered Attorney LoDuca to appear for a hearing on June 8, 2023, to show cause why he should not be sanctioned. In an [affidavit](#), LoDuca responded that he relied on Schwartz's experience and research. In [his affidavit](#) Schwartz stated that he "consulted the artificial intelligence website ChatGPT in order to supplement the legal research performed" but that he "relied on the legal opinions provided to him by a source that has revealed itself to be unreliable". He stated that the incident was his fault for not verifying the citations provided and that he "regrets having utilized generative artificial intelligence to supplement the legal research performed herein and will never do so in the future without absolute verification of its authenticity". His affidavit included a screenshot in which he asked the AI, "Is varghese a real case?"

"Yes," it replied. "It is a real case." It went on to add that the case and the others cited could be found in Westlaw and Nexis.

Therein lies a disturbing difference between people and AI: people can admit when they are wrong.

# *Around the Court*



## **Chief Justice Todd Authors Letter to Bar Encouraging Support for Pro Bono**

Chief Justice Debra Todd has published her second open letter to Pennsylvania attorneys encouraging support of pro bono legal work across the Commonwealth. She joins Michael J. McDonald, whose term as Pennsylvania Bar Association President commenced on May 5, 2023, in urging all PA attorneys to consider furthering their support of legal aid and free legal services.

Chief Justice Todd lauds the efforts of those currently performing such needed legal work and recognizes each PA attorney's contribution to civil legal aid through the IOLTA portion of the annual attorney registration fee. She also acknowledges the impact of direct service in Pennsylvania's communities. "It is *lawyers who volunteer* who have the most direct impact on those in need," Chief Justice Todd emphasizes.

Chief Justice Todd recognizes the variety of opportunities to perform pro bono legal work in the Commonwealth, including the Court's [emeritus status](#), first established in 2018 for attorneys who have retired from the practice of law who seek to provide pro bono services through eligible legal aid organizations, and the PBA's [PA Free Legal Answers](#) program.

Read Chief Justice Todd's full letter [here](#).



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## **New Infographic Highlights Data on Elder Abuse Offenses in Pennsylvania**

The Unified Judicial System recently [released](#) a new infographic highlighting elder abuse offenses in Pennsylvania. Among the most common offenses are neglect of care, financial exploitation, and endangerment of welfare. In 2022, reported offenses rose by eighty-six percent from the previous

year.

Learn more about the work of the [Office of Elder Justice in the Courts](#) on the UJS website.

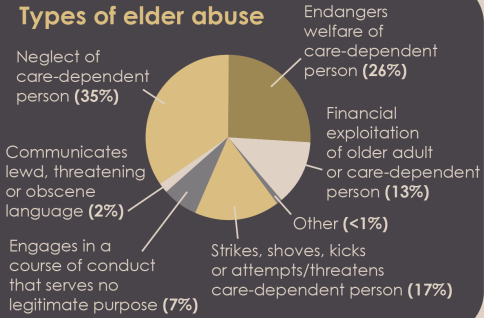
## Elder Abuse in Pennsylvania



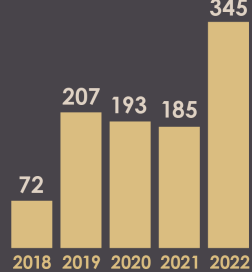
### What is elder justice in Pennsylvania?

Elder justice focuses on the prevention of elder abuse, neglect and exploitation of older adults. This mistreatment and abuse can come in the form of physical, sexual, financial and emotional abuse – or abandonment and neglect.

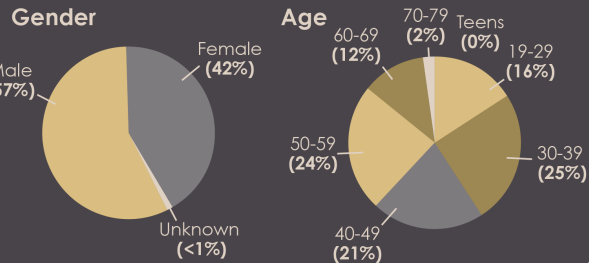
### Types of elder abuse



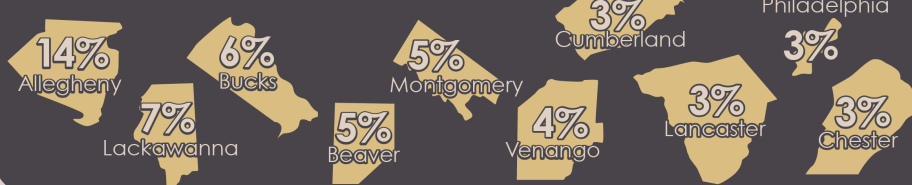
### Elder abuse offenses from 2018-2022:



### Elder abuse defendants (2018-2022)



### Counties with the most elder abuse offenses:



Learn more about the work of the [Advisory Council on Elder Justice in the Courts](#).

<https://www.pacourts.us/judicial-administration/court-programs/office-of-elder-justice-in-the-courts>

\*\*\*All data refers to cases and offenses filed from 1/1/2018 – 12/31/2022 for Title 18 – Sections 2713.1 (A1i, A1ii, A1iii, A2), 2713 (A1, A2, A3) and 3922.1.

AOPC

## Attorney Well-Being


### 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.

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*



### **How Does PBA Membership Help Make a Better Lawyer?**

Bar association [membership](#) provides a variety of opportunities to elevate and grow as a lawyer and as a human being. The Pennsylvania Bar Association connects you with people, resources, and opportunities. Below are just a few highlights:

- Are you concerned about **cybersecurity** and cyber insurance to protect you, your firm, and your clients in the event of a data breach? The PBA provides numerous resources to help, including the [Cybersecurity and Data Privacy Committee](#), [CLE programs](#), [cyber insurance](#), law practice management [articles](#) on technology, and so much more.
- Are you a **new attorney** with a lot of questions about practicing law? Attend the [Young Lawyers Summer Summit](#), July 19-21 in State College, to get practical advice, connect with PBA leaders and young lawyers, and engage in the [Young Lawyers Division](#) to continue learning and growing your practice.
- Are you looking for convenient ways to stay **current and competent** in substantive

practice area knowledge? The PBA includes over sixty-five [committees](#) and [sections](#) that are a great way to connect with other practitioners and judges. Members also have access to [Fastcase](#), PBA's free legal research tool, which recently merged with vLex, a major global legal research provider, making it the world's largest global law library with over one billion legal documents from around the world. And, of course, PBA's continuing legal education department offers hundreds of live and on-demand CLE courses, manuals, and books – as well as a yearly CLE subscription service to [ProPass](#) – to help you stay up-to-date on your CLE credit hours and knowledge.

- The PBA cares deeply about its members' **wellness, quality of life, and work balance** and have officially adopted a [Wellness Pledge and "seven-point framework"](#) aimed at reducing substance abuse disorders and mental health distress in the legal profession. Members of PBA's [Quality of Life/Balance Committee](#) have the opportunity to connect with other attorneys and share helpful resources.
- For those who are ready to take on a **leadership role in PA's legal profession**, the PBA is the perfect place to connect with judges and lawyers from across the Commonwealth and to expand one's statewide circle of influence. There are many paths to leadership; if you are not sure where to start, [send PBA an email](#) to discuss opportunities.

The PBA provides the tools, resources, and opportunities to grow legal careers and enhance quality of life. Learn more and [join](#) today.

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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*

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