



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

**August 2024**  
**Newsletter**



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## *From the Chair*

On July 23<sup>rd</sup> and 24<sup>th</sup>, the Disciplinary Board hosted its annual Hearing Committee Training, welcoming newly-appointed volunteer Hearing Committee Members from around the Commonwealth. Assessing the Office of Disciplinary Counsel's recommendations for discipline and conducting hearings on formal charges of professional misconduct and petitions for reinstatement, these Members play a critical role in the disciplinary system. Comprehensive training remains integral to Members' judicious endeavors.



The Board would like to extend its sincere gratitude to all attendees deepening their understanding of Pennsylvania's disciplinary system and to all staff who executed a truly educational event. I would like to take this opportunity to thank our session speakers who generously shared both their time and expertise. And, especially, I would like to thank Chief Justice Debra Todd whose sage comments reminded us that attorney ethics and professional discipline are the backbone of the legal system.

On August 12, 2024, the Supreme Court issued an [Order](#) administratively suspending 1,031 Pennsylvania attorneys for failing to file their 2024-2025 annual registration form and pay the associated fees. The Court's Order will become effective on September 11, 2024, revoking the privilege of practicing law in this Commonwealth from any attorney who has not fulfilled his or her yearly registration obligation before that date. The Board strongly urges those attorneys to complete their registration promptly.

Reflecting on both the responsibilities and joys of a career in law, I cannot stress enough what an honor it is to be a member of Pennsylvania's bar. Please join me in cherishing this privilege.

Stay well,

John C. Rafferty, Jr.  
Board Chair

# Annual Attorney Registration

## 2024-2025 Registration Past Due

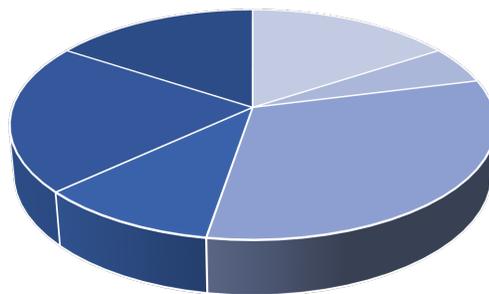
A [Supreme Court Order](#) dated August 12, 2024 was issued to administratively suspend the [1,031 attorneys](#) who have not yet completed their annual registration.

The deadline for the 2024-2025 [Annual Attorney Registration](#) was July 1, 2024. Via [Pa.R.D.E. 219](#), any attorney currently on active or inactive status must file an annual registration form and pay the accompanying fee. The first \$200 late fee was assessed after July 16th, and the second \$200 late fee was assessed after August 1st. These late payment penalties are imposed automatically and are not waivable by the staff or Board.

Registration **must be completed on or before September 10, 2024** to avoid transfer to administrative suspension. To register online, visit the [Unified Judicial System Web Portal](#).

# Discipline Imposed

July 2024



- Informal Admonition - 3
- Private Reprimand - 1
- Public Reprimand - 6
- Public Censure - 0
- Disability Inactive - 0
- Temporary Suspension - 2
- Suspension - 4
- Disbarment - 3

### Public Reprimand

[Gordon Sander Brown](#)  
[Deon Basheer Browning](#)  
[Jessica Michelle Dean](#)  
[Paul M. Goltz](#)  
[Carlos A. Martir, Jr.](#)  
[James S. Tupitza](#)

### Suspension

[Lesley Rae Childers-Potts](#)  
[Robert Scott Clewell](#)  
[Nichole E. Humes](#)

### Temporary Suspension

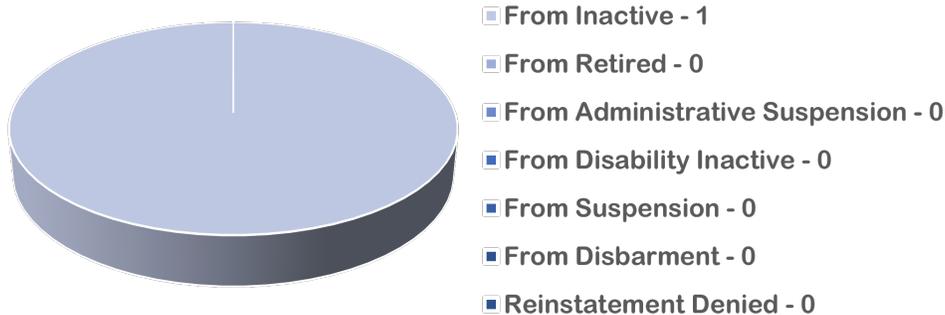
[Anthony Darnell Cox, Jr.](#)  
[Kimberly Ann Furmanek](#)

### Disbarment

[Patrick Francis Lomax](#)  
[Christopher Nicholas Urbano](#)  
[Edward E. Zang](#)

## *Reinstatements*

**July 2024**



**From Inactive**

[Shelby Ruth Martin](#)

*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 Holds Annual Hearing Committee Training, Hosts Chief Justice Debra Todd**

Last month, the Disciplinary Board hosted its annual Hearing Committee Training. Comprehensive training is integral to Members' essential role within Pennsylvania's disciplinary system. Duties of Hearing Committee Members entail reviewing the recommended disposition of complaints as offered by the Office of Disciplinary Counsel; conducting disciplinary and reinstatement hearings, either as a three-member panel or single designated member; and preparing a written report and recommendation to the Board following disciplinary and reinstatement proceedings.



*Attendees gathered in the Midstate for training, discussion, and networking.*

This year, the Board invited all newly-appointed volunteer Hearing Committee Members to the educational conference. Including Board Members, Board staff, Senior Hearing Committee Members, and other experts, presenters and panels explored an assemblage of topics most pertinent to Hearing Committee service.



*Disciplinary Board Vice-Chair Gretchen A. Mundorff, Counsel to the Board Laura K. Mohney, Chief Disciplinary Counsel Thomas J. Farrell, and Special Counsel Kimberly M. Henderson expound the Hearing Committee's role in Pennsylvania's disciplinary process.*

Once again, the Board was highly honored to host Chief Justice Debra Todd at this year's conference. Chief Justice Todd welcomed all attendees, reflecting on the Board's duty to the public and the justice system and emphasizing the significant undertakings of Hearing Committee Members. She praised the rehabilitative work of the Board and stressed the importance of diversity amongst the Hearing Committee Members and Board adjudicators.



*Pennsylvania Supreme Court Chief Justice Debra Todd addresses the conference, setting the tone for the day's activities.*

In addition to instructional presentations including the practicalities of Hearing Committee duties, writing Committee reports, and new Court Opinions and future precedent, a panel of featured Board Members detailed their tenure on the Board – and, in some cases, terms on the Hearing Committee. The panel comprised Board Chair John C. Rafferty, Jr., Vice-Chair Gretchen A. Mundorff, and Members Christopher M. Miller and Hon. Robert L. Repard. Vice-Chair Mundorff highlighted the rehabilitative, rather than punitive, nature of the Board's mission and work as Member Miller stressed that, ultimately, the Board's goal is to protect the public.

## *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.***

<b>September</b>		
September 5	Daniel Michael Dixon	Reinstatement Hearing
September 16 September 18	Daryl Alan Yount	Disciplinary Hearing
<b>October</b>		
October 1	John M. Kerr	Disciplinary Hearing
October 8 October 9	Steven Ostroff	Disciplinary Hearing
October 28	Erik Mark Helbing	Disciplinary Hearing
<b>November</b>		
November 4	Matthew James Marcello	Disciplinary Hearing
November 6 November 7	Brian Joseph Salisbury	Reinstatement Hearing
November 13 November 14	Olivia A. Adams	Disciplinary Hearing
November 19 November 20	Richard J. McCague	Reinstatement Hearing
<b>To Be Scheduled</b>		
Patrick C. Carey - Public Reprimand		

## *Articles of Interest*

### **Former District Attorney Suspended on Consent for Failure to Prosecute Cases**

By [Order](#) dated July 16, 2024, the Supreme Court of Pennsylvania suspended the license of Blair County attorney Lesley Rae Childers-Potts for two years, based on a Joint Petition for Discipline on Consent entered into by Disciplinary Counsel and Childers-Potts.

The Joint Petition arose from events occurring while Childers-Potts was serving as the elected District Attorney of Bedford County, a position from which she [resigned](#) on February 10, 2023. The Joint Petition stipulates that, in her role as District Attorney, she failed to diligently prosecute cases and take other actions necessary to discharge her duties in four cases, three of which resulted in court orders dismissing proceedings due to the failure of the District Attorney's office to diligently proceed with the cases or file required documents. One of the decisions stated, "We are compelled to comment upon what we now find to be a course of conduct of egregious inaction by the District Attorney. In a span of only a month, this is the second case in which the failure of the District Attorney to perform a basic task has violated a person's right to due process, and necessitates the complete dismissal of a petition to revoke probation."

The parties agreed in the Joint Petition that this course of conduct violated five Rules of Professional Conduct dealing with competence, diligence, meritorious claims, expediting litigation, and conduct prejudicial to the administration of justice.

The Joint Petition set forth two aggravating factors: that the conduct was committed in her role as a public official and that it generated negative local publicity. Four mitigating factors were noted: that she accepted responsibility, cooperated with the Office of Disciplinary Counsel, had no history of discipline, and participated in a number of community activities. She was the only attorney in the Bedford County District Attorney's office at times during the course of conduct.

After reviewing relevant case law, the parties agreed that a suspension for two years was the appropriate measure of discipline which the Disciplinary Board recommended and the Supreme Court imposed.

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### **Indiana Lawyer Receives Stayed Suspension for Review Response, "Offensive Personality"**

An Indiana lawyer [received](#) a stayed suspension on consent after his intemperate responses to a negative review on Google.

[Stanley F. Wruble, III](#) took it personally when a dissatisfied client left a one-star review on Google, complaining that he had difficulty communicating with Wruble. Wruble responded with "derogatory and profane language", demanding that the client delete the review. When the client refused to do so, Wruble responded with a public post that included damaging information about the client relating to the subject of the representation. He also included such information in a defamation lawsuit filed against the client which was later dismissed on his motion.

In a stipulation, Wruble admitted that his conduct violated Indiana's [Rules of Professional Conduct Rule 1.9\(c\)](#) by improperly revealing information relating to the representation. He also admitted to violating Indiana's [Admission and Discipline Rule 22](#), providing for the oath that attorneys take upon admission. That oath includes a statement that "I will abstain from offensive personality."

The Supreme Court of Indiana accepted the stipulation and imposed a suspension of eighteen months, stayed in full under probation. The Court was not unanimous in accepting the reference to Admissions and Discipline Rule 22, though. Justice Geoffrey P. Slaughter filed an opinion, concurring in part and dissenting in part, in which he expressed the view that the violation of RPC 1.9(c) was a sufficient basis for the imposition of discipline but disagreeing that the attorney oath for "offensive personality" was enforceable in discipline. He stated, "My specific concern is with the ever-present threat that lawyers will face charges for whatever the commission deems an 'offensive personality' — an inherently subjective assessment that risks a dangerous slippery slope." He did note that "Wruble's personality during this episode was indeed offensive." Three justices joined in a concurring opinion that they would consider whether Justice Slaughter's view was correct under other fact situations.

The terms of the probation imposed on Wruble included attendance at anger management courses.

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### **ABA Issues Formal Opinion on Use of AI**

The American Bar Association Standing Committee on Ethics and Professional Responsibility has [released](#) a Formal Opinion addressing ethical duties of lawyers who employ generative artificial intelligence (GAI) technology in their practice.

[Formal Opinion 512](#), entitled "Generative Artificial Intelligence Tools", addresses five questions:

- What level of competency should lawyers acquire regarding a GAI tool?
- How can lawyers satisfy their duty of confidentiality when using a GAI tool that requires input of information relating to a representation?
- When must lawyers disclose their use of a GAI tool to clients?
- What level of review of a GAI tool's process or output is necessary?
- What constitutes a reasonable fee or expense when lawyers use a GAI tool to provide legal services to clients?

*As to competence*, the Opinion states, "Lawyers need not become GAI experts. Rather, lawyers must have a reasonable understanding of the capabilities and limitations of the specific GAI technology that the lawyer might use. ... [L]awyers should either acquire a reasonable understanding of the benefits and risks of the GAI tools that they employ in their practices or draw on the expertise of others." It suggests reading about GAI tools targeted at the legal profession, attending relevant continuing legal education programs, and consulting others who are proficient in GAI technology, along with numerous other recommendations.

The use of GAI technology carries risks, the Committee said, including inadvertent errors and misinterpretations due to the software's lack of human thought process as well as "hallucinations" – completely false information which have led to many cases of lawyer discipline when lawyers cited nonexistent cases and authorities provided them by GAI technology.

*Issues of confidentiality* examined by the Committee include the risk that client information put into a GAI application may be accessed either by others outside the firm through the application's information-gathering capabilities or within the firm by individuals who may not recognize resources provided as confidential client information.

The Opinion also addressed the question of whether a client's consent may be required before confidential client information can be put into a GAI application. Such consent would need to be informed by disclosure to the client of the risks discussed above.

The Committee suggests, at a minimum, that the lawyer should read and understand the Terms of Use, privacy policy, and related contractual terms and policies of any GAI tool into which client information will be entered.

*On the subject of disclosure*, the opinion states that "lawyers must disclose their GAI practices if asked by a client how they conducted their work, or whether GAI technologies were employed in doing so, or if the client expressly requires disclosure under the terms of the engagement agreement or the client's outside counsel guidelines." It also notes that clients have a reasonable expectation to know whether the lawyer is exercising independent judgment or relying on the output of a GAI tool or if its output will influence significant decisions in the representation.

*Addressing the issue of review of the output of GAI products*, the Opinion states, "Lawyers should review for accuracy all GAI outputs. In judicial proceedings, duties to the tribunal likewise require lawyers, before submitting materials to a court, to review these outputs, including analysis and citations to authority, and to correct errors, including misstatements of law and fact, a failure to include controlling legal authority, and misleading arguments."

It goes on to discuss the responsibilities of managing and supervising attorneys in terms of setting policies and supervising subordinate attorneys and nonlawyer personnel. It also stresses the need to define and closely supervise the work of outside contractors. The Opinion sets forth a list of factors to consider and questions to ask.

The Opinion discusses several considerations regarding the *charging of legal fees and expenses*. It stresses that, while GAI technology may result in huge savings of time, legal fees

must be based on actual time incurred, so any savings achieved by greater efficiency must be passed on to the client by billing only for time actually spent in research and review.

On the question of flat fees, the Opinion suggests that when a GAI tool enables a lawyer to complete tasks much more quickly than without the tool, it may be unreasonable under Rule 1.5 for the lawyer to charge the same flat fee when using the GAI tool as when not using it.

As to the charging of expenses, the Opinion states that a lawyer or law firm should not add a surcharge in excess of actual cost of services employed. If a particular tool or service is routinely used in the practice, a lawyer or law firm should consider its cost to be overhead and not charge the client for its cost absent a contrary disclosure to the client in advance.

Finally, the Opinion states that a lawyer may not charge a client for time expended learning about how to use a GAI tool or service if the lawyer will regularly use it in representing clients the course of practice.

The Opinion provides much more detailed information and guidance than can be set forth in this brief summary. It appears to be essential reading for lawyers and law firms looking to employ GAI technology in their practices.

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### **Ninety-Seven-Year-Old Judge Fights Suspension Recommendation**

A ninety-seven-year-old federal judge [is fighting](#) to return to active case assignments after a three-judge circuit committee [renewed a determination](#) that she was not competent to hear cases.

Judge Pauline Newman [was appointed](#) to the District of Columbia Court of Appeals in 1984. The Judicial Council of the Federal Circuit suspended Newman for a year by an [Order dated September 20, 2023](#) based on findings that she displayed memory loss, lack of comprehension, confusion, and an inability to perform basic tasks, resulting in her becoming frustrated, agitated, belligerent, and hostile towards court staff. The Council noted that she refused to cooperate with the inquiry, including efforts to determine her current capacity. The order removed her from hearing cases at the panel or *en banc* level for one year, subject to renewal if she continued to resist the examination requirements imposed by the Council.

Judge Newman filed a lawsuit challenging the action, but it [was dismissed](#) by a District Court judge on July 9, 2024.

On July 24, 2024, the three-judge Special Committee [recommended](#) that Judge Newman's suspension be continued for an additional year. The committee found that she had not presented evidence that rebutted the extensive findings of the September 2023 Order and continued to refuse to undergo required neurological exams, to provide medical records, or even to sit for an interview.

Not everyone agrees that the judge is as disabled as the court reports find. Her lawyer, Greg Dolin of the New Civil Liberties Alliance, [pointed](#) to the U.S. Supreme Court's April opinion in a veterans' benefits case where the high court, by a seven-to-two margin, adopted the legal rationale set out in a December 2022 Newman dissent. David Lat, a lawyer, founder of Above the Law, and author of the podcast [Original Jurisdiction](#), stated, "On January 4, I met with Judge Newman and her clerks in chambers, for about four hours. Last Friday, I interviewed Judge Newman on my podcast for another hour. I'm now of the view that she's completely lucid and sane."

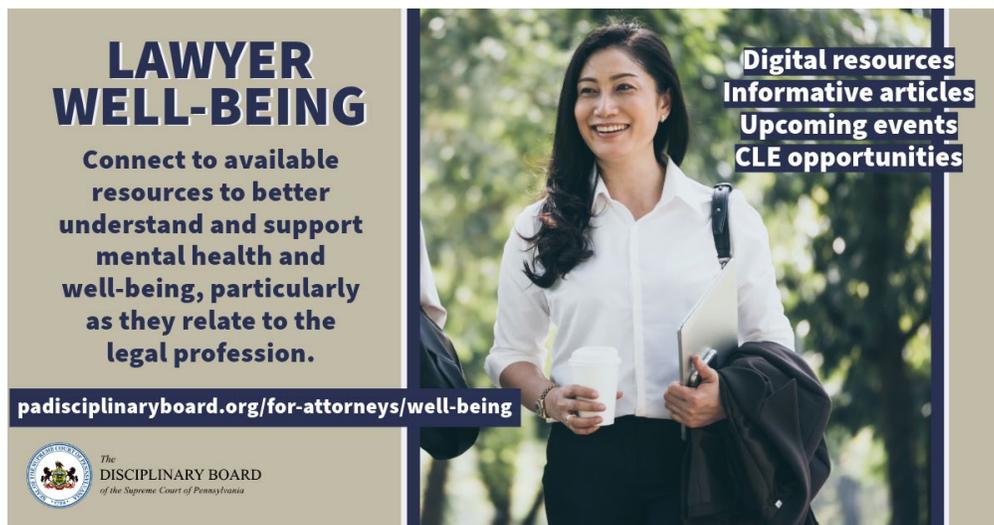
The full court will review the panel's recommendation and issue an Order in the next few weeks or

months.

## Attorney Well-Being

### Explore the Disciplinary Board's Lawyer Well-Being Webpage

The Disciplinary Board's "[Lawyer Well-Being](https://padisciplinaryboard.org/for-attorneys/well-being)" webpage connects Pennsylvania attorneys with pertinent resources, [articles](#), events, and CLE opportunities to better understand and support their mental health and well-being. To access the Board's "Lawyer Well-Being" page, visit [padisciplinaryboard.org/for-attorneys/well-being](https://padisciplinaryboard.org/for-attorneys/well-being).



**LAWYER WELL-BEING**

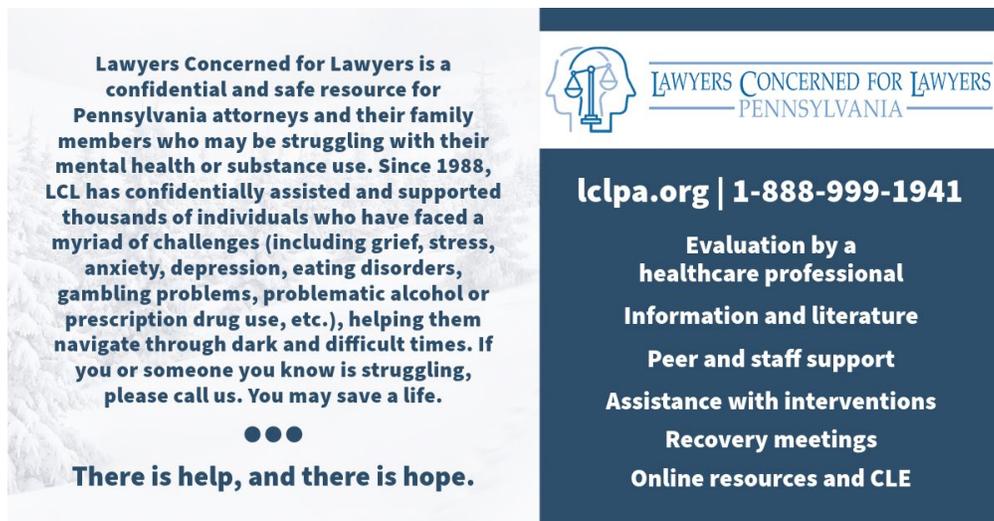
Connect to available resources to better understand and support mental health and well-being, particularly as they relate to the legal profession.

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

**Digital resources**  
**Informative articles**  
**Upcoming events**  
**CLE opportunities**

The DISCIPLINARY BOARD  
of the Supreme Court of Pennsylvania

A photograph of a smiling woman in a white shirt and black pants, holding a coffee cup and a laptop, standing outdoors.



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](https://www.lclpa.org/) 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**

Last year, the Supreme Court of Pennsylvania adopted amendments to the Pennsylvania Rules of Disciplinary Enforcement (Pa.R.D.E.) relating to confidentiality of proceedings, providing for three exceptions to the requirement of confidentiality under [Pa.R.D.E. 402\(d\)](#). Included in these exceptions is the allowance for Disciplinary Counsel to make a referral of an attorney to [Lawyers Concerned for Lawyers of Pennsylvania](#) (LCL) and share information as part of the referral. *However*, it is crucial to note that LCL may *not* report information about a subject attorney back to the Disciplinary Board. LCL is a **confidential** assistance program for the Pennsylvania legal community and their family members.

## *Around the Court*



### **Pennsylvania Courts Releases New Infographic on Animal Abuse Data**

The Unified Judicial System recently released a new infographic highlighting key data and demographics concerning animal abuse cases and offenses committed statewide since Libre's Law, an anti-cruelty law, took effect in August 2017. Libre's Law strengthened protection for animals and increased penalties for animal abuse in the Commonwealth. Since the law took effect, over 52,000 offenses were filed across Pennsylvania with neglect comprising a majority of those offenses.

Access the full press release [here](#).

# Animal Abuse Data in Pennsylvania Since Libre's Law Took Effect

(All data refers to cases and offenses filed from 8/27/2017-12/31/2023)

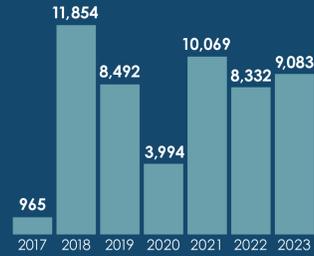


## What is Libre's Law?

Libre's Law is an anti-cruelty law that strengthened protection for animals and increased penalties for animal abuse in Pennsylvania — including the ability for aggravated animal cruelty to be charged as a felony.

The law, inspired by a Boston Terrier puppy who was found badly neglected and abused in Lancaster County, went into effect Aug. 28, 2017.

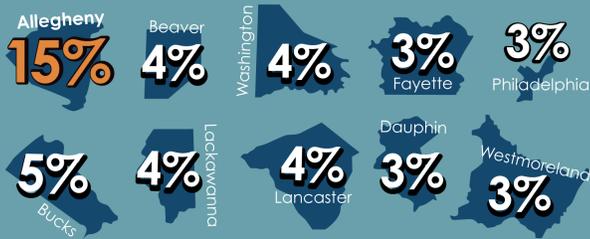
## Animal abuse offenses filed since Libre's Law was enacted:



Total number of offenses filed statewide = 52,789

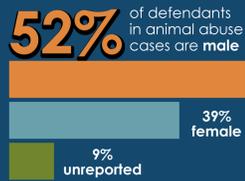
Animal abuse offenses refer to Title 18 – Sections 5532, 5533 and 5534

## Top 10 counties with the highest number of animal abuse cases:

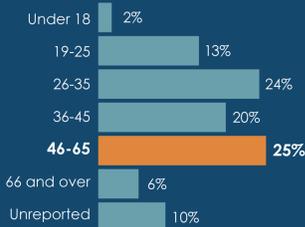


Total # of cases filed statewide = 13,190

## Gender of defendants:

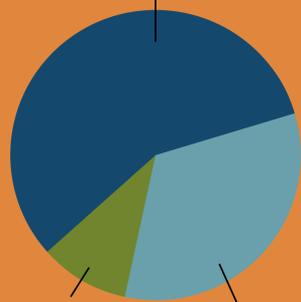


## Age of defendants:



Total # of defendants = 6,229

**61%**  
(32,233 offenses) of animal abuse offenses were filed for neglect of an animal



**10%**  
Aggravated cruelty to an animal  
(5,056 offenses)

**29%**  
Cruelty to an animal  
(15,500 offenses)

\*\*All data refers to cases and offenses filed from 8/27/2017 - 12/31/2023 for Title 18 - Sections 5532 (Neglect of animal), 5533 (Cruelty to animal) and 5534 (Aggravated cruelty to animal) as recorded in the Magisterial District Judge System (MDJS) and Common Pleas Case Management System (CPCMS).





Pennsylvania's Advisory Council on Elder Justice in the Courts highlights its mission through a new promotional video. Learn more about the council on the Unified Judicial System's [website](#).

## *From the Pennsylvania Bar Association*



### **September Kicks Off Law-Related Education for Students**

September means back to school for students, and the Pennsylvania Bar Association is offering its support with a collection of activities and lesson plans developed by teachers and lawyers. This includes [Civics and LRE Resources](#) and lessons around [Judges and Lawyers in the Classroom](#) for K-12 students.

Additionally, every fall, the PBA “Celebrates Our Constitution” with an award-winning program that gives students opportunities to learn about the Constitutions of the United States and Pennsylvania through fun and informative learning activities. Geared to assist in celebrating Constitution Day on September 17<sup>th</sup>, these resources to help to teach students about their rights and responsibilities. These include [Many People. Many Beliefs. One Constitution](#) and [Resources on the Constitution](#). Additionally, the PBA has copies of the Constitution available. These resources may be requested using this [form](#).

The PBA’s focus on law related education continues year-round and includes Law Day in May, Mock Trial, and Project Peace. Additional information can be found [here](#).

*The PBA thanks you for your support!*

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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 [pabar.org](http://pabar.org) or follow on Facebook, Instagram, and LinkedIn.

## *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*

[Pending Cases](#)

[Recent Cases](#)

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