

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	
Petitioner	:	174 DB 2023
	:	No. ____ DB ____
v.	:	
	:	Atty. Reg. No. 89111
J. CONOR CORCORAN,	:	
Respondent	:	(Philadelphia County)

PETITION FOR DISCIPLINE

Petitioner, Office of Disciplinary Counsel ("ODC"), by Thomas J. Farrell, Esquire, Chief Disciplinary Counsel, and by Michael D. Gottsch, Esquire, Disciplinary Counsel, files the within Petition for Discipline and charges Respondent, J. Conor Corcoran, with professional misconduct in violation of the Rules of Professional Conduct as follows:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter "Pa.R.D.E."), with the power and duty to investigate all matters involving alleged misconduct of an attorney

FILED
12/07/2023
The Disciplinary Board of the
Supreme Court of Pennsylvania

admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.

2. Respondent, J. Conor Corcoran, was born on April 11, 1977, was admitted to practice law in the Commonwealth on October 23, 2002, maintains his office at 2601 Pennsylvania Ave., Ste. 501, Philadelphia, PA 19130, and is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

CHARGE

3. On August 27, 2015, Thomas Siderio (“Siderio”) signed a contingent fee agreement in which he retained Respondent to represent him “concerning my police brutality case against any prospective defendant[.]”

4. The attorney’s fee was 33% of any gross recovery.

5. That agreement pertained to police brutality to which Siderio allegedly had been subjected.

6. That agreement did not pertain to any other legal matter.

7. On March 1, 2022, Siderio's then-12-year-old son, Thomas J. Siderio ("TJ") was shot and killed by a Philadelphia police officer.

8. On March 3, 2022, Respondent, purporting to represent Siderio, Sr. (TJ's father), filed a Writ of Summons naming Siderio "individually, and as Administrator of the Estate of Thomas Siderio" as the plaintiff.

9. Respondent's writ omitted TJ's mother, Desirae Frame.

10. Respondent had not met with or spoken with Siderio before filing the Writ of Summons. Respondent admitted the following in his DB-7 Statement of Respondent's Position:

... I was unable to communicate with Mr. Siderio on that date, because I have never served as criminal counsel for Mr. Siderio, and therefore was not on SCI Coal Township's lists for approved attorney correspondence, in-person visitation, and/or telephone or Zoom calls as of that date.

I filed the Writ of Summons in the third matter [arising from TJ's death] on March 3, 2022, and the following morning, on March 4, 2022, I drove to SCI Coal Township [where Siderio was an inmate] to attempt direct communication with Mr. Siderio about the third matter [arising from TJ's death] and the

litigation of the same, on behalf of himself and T.J.'s estate.

Upon arrival at the prison, I was informed by the prison guard at the lobby front desk that, as I was not criminal counsel for Mr. Siderio (and therefore not on any attorney visitation list), that I could not speak with Mr. Siderio, and that Mr. Siderio would have to request that I be placed on the attorney visitation list.

* * *

11. Siderio had not retained Respondent with respect to any matters arising from TJ's death.

12. Further, at the time Respondent filed the Writ of Summons, no estate had been raised for TJ and there was no administrator for his estate.

13. Knowing the facts set forth in the two preceding paragraphs, Respondent nonetheless misrepresented to the court that Siderio was the administrator of TJ's estate, and implicitly, that Respondent represented him.

14. Motivated by a desire for attorney's fees that might be garnered from litigation over TJ's death, Respondent rushed to file a

Writ of Summons even though he did not represent Siderio, without obtaining Siderio's authorization or even speaking with him.

15. On March 10, 2022, a week after filing the Writ of Summons, Respondent filed a Petition for Probate and Grant of Letters Testamentary, purportedly on Siderio's behalf, seeking to have Siderio appointed as the sole administrator of TJ's estate.

16. In the section of the Petition where the petitioner is required to attest that "Petitioner(s), after a proper search has/have ascertained that Decedent left no will and was survived by the following spouse (if any) and heirs," Respondent listed only Siderio and omitted TJ's mother, Ms. Frame, even though Respondent was aware of her existence and her right to serve as the administrator, the co-administrator, or to renounce in favor of another.

17. Respondent's Petition for Probate and Grant of Letters Testamentary has never been granted.

18. Following TJ's death, numerous lawyers, including Respondent, Shaka Johnson, Esquire, and others were vying to obtain Siderio as a client in connection with TJ's death.

19. On or about April 22, 2022, Respondent furnished Siderio with a contingency fee agreement that Respondent requested he sign, pursuant to which Siderio would retain Respondent “with regard to any and all investigation(s), negotiation(s) for settlement and/or litigation concerning the murder of my son, T.J. Siderio, against any prospective defendant[.]”

20. That proposed agreement called for an attorney’s fee of 25% of any gross recovery.

21. Siderio never signed that proposed agreement.

22. Siderio informed Respondent orally that he had not called Respondent or hired Respondent to represent him in connection with TJ’s death.

23. Nearly two months after filing the Writ of Summons, purportedly on Siderio’s behalf, Respondent was still *attempting* to secure Siderio as a client.

24. By letter to Shaka Johnson, Esquire dated March 11, 2022, referencing Estate of TJ Siderio v. Mendoza, et al., Phila. C.C.P., March 2022, No. 0587, Respondent stated:

It is my understanding that you have been communicating with my client, Thomas Siderio, during the course of my representation of his interests in the above captioned matter, arising from the death of his son, TJ.

I sincerely hope my understanding is wrong, as I believe such behavior would constitute a violation of *inter alia* Rule 4.2 of the Pa. Rules of Professional Conduct.

Bob Mongeluzzi (who represents the interests of Desirae Frame, TJ's mother) is litigating the matter with me. All interested parties accordingly have the benefit of counsel.

Accordingly, if I am correct, please be advised that if you contact my client, or any members of his family with regard to the above captioned matter any further, I will initiate *inter alia* proceedings with the Disciplinary Board.

25. Thus, in his quest to obtain Siderio as a client in connection with TJ's death, Respondent sent a threatening letter to Johnson in an attempt to intimidate him, misrepresenting his (Respondent's) status, and making multiple false statements.

26. Respondent attempted to deprive Siderio, Respondent's former client, of his right to retain counsel of his own choosing.

27. By letter to Respondent dated May 5, 2022, Siderio stated “There’s multiple lawyers who want this case. 1 lawyer just offered me 20%. ... If you can beat 20% let my dad know, I need you to sign it and it has to state for trial [of] the whole case.”

28. Siderio never entered into a fee agreement with Respondent relating to the death of his son TJ.

29. On or about May 25, 2022, Respondent sent Siderio a Renunciation form for him to sign which would renounce his right to administer TJ’s estate and would designate Kristen L. Behrens, Esquire of Dilworth Paxson LLP as the administratrix of TJ’s estate.

30. Siderio never signed the renunciation that Respondent sent him.

31. By letter dated June 14, 2022, Ronald A. Clearfield, Esquire, informed Respondent that Siderio had retained Clearfield to represent him regarding the death of his son, TJ.

32. Clearfield attached a contingent fee agreement, dated June 2, 2022, signed by Siderio on that date, and notarized, which stated:

I hereby appoint the Law Offices of Ronald A. Clearfield & Associates as my attorneys to prosecute a claim for personal injuries against City of Philadelphia and Edsaul Mendoza or any other parties who shall be liable. The Claimant is Thomas Siderio for an accident/incident that occurred on March 1, 2022.

33. In his June 14, 2022 letter to Respondent, Clearfield further:

- a. informed Respondent that it had come to his attention that despite having no agreement with Siderio regarding representation in connection with TJ's death, Respondent may have taken action on Siderio's behalf;
- b. requested that Respondent cease and desist any and all action, including statements, legal filings, communications with counsel, and communications with any and all defendants; and
- c. requested that Respondent withdraw, without prejudice, the complaint filed under docket number 220300587.

34. The docket number referenced by Clearfield refers to the civil action that Respondent had initiated by filing the Writ of Summons on March 3, 2022, purporting to represent Siderio and TJ's estate.

35. Even if Respondent believed that Siderio had engaged Respondent or would engage Respondent to represent him in connection with TJ's death, Mr. Clearfield's letter to Respondent put Respondent on notice that Respondent was not retained by Siderio and was not authorized to act on his behalf.

36. On June 16, 2022, a case management conference was held, which Respondent attended. Respondent never advised the court that no estate had been raised for TJ or that Siderio had not been appointed as the administrator of TJ's estate.

37. In the civil action, docket number 220300587, Respondent named as the plaintiff "Thomas Siderio, individually and as the Administrator of the Estate of Thomas Siderio."

38. Siderio is not, and never has been, the Administrator of TJ's estate.

39. Respondent was never retained to represent Siderio or TJ's estate and was not authorized by any principal to file the writ of summons.

40. Respondent falsely told Siderio that by virtue of his August 27, 2015 fee agreement with Respondent for his police brutality case, he was under contract with Respondent to represent him in connection with TJ's death.

41. The 2015 contingency fee agreement pertained to the police brutality involving Siderio (which had occurred years before the case involving TJ and his estate).

42. It did not pertain to any other matters.

43. On June 17, 2022, Respondent filed a petition in the Orphans' Court Division of the Philadelphia Court of Common Pleas requesting that the court award a citation to Siderio to show cause why he should not be adjudicated an incapacitated person and have a plenary guardian of his estate appointed.

44. On that same day, Respondent filed a motion to defer case number 220300587 pending the appointment of a guardian for Siderio and to have such guardian substituted as the plaintiff in the case.

45. In that motion Respondent stated: “Plaintiff has been represented by undersigned counsel since 2015 pursuant to a contingency fee agreement (“CFA”) regarding matters including but not limited to police brutality[.]”

46. In the motion to defer, Respondent also asserted, falsely:

Thomas Siderio is believed by Petitioner and other persons who have had contact with him to be suffering from diagnosed and/or undiagnosed cognitive deficits, mental impairments, and/or drug addiction, and/or possibly other physical or mental impairments, which render him incapable of taking effective action with respect to the management of his assets and/or his person. ... Thomas Siderio is unable to manage his legal and financial affairs and property. Thomas Siderio receives oral and written information concerning his affairs assets [sic], but is unable to comprehend and, therefore, to act upon the information due to his condition, which has almost entirely obliterated his cognition and his ability to communicate about the same or his financial or legal affairs.

47. Respondent did not attach any expert medical report to support his claim that Siderio is legally incapacitated.

48. Unless and until there is a court finding of incapacity Siderio is presumed to be competent and is free to select counsel of his choice.

49. Respondent used Siderio's confidential medical information to Siderio's disadvantage.

50. Such information is information relating to the representation or prior representation within the meaning of Pennsylvania Rules of Professional Conduct 1.6(a) and 1.9(c)(1) and (2).

51. Respondent did not obtain Siderio's informed consent to reveal such information.

52. Respondent did not obtain Siderio's informed consent to use such information.

53. Respondent's revealing of such information was not impliedly authorized under RPC 1.6(b) or (c).

54. Respondent's revealing of such information was not necessary to comply with the duties stated in RPC 3.3.

55. Respondent did not reasonably believe that revealing such information was necessary for any purpose stated under RPC 1.6(c).

56. Respondent's use of such information was not permitted or required by the Rules of Professional Conduct.

57. Such information had not become generally known.

58. Respondent knew that Siderio was not incapacitated and was perfectly capable of making his own decisions. Nonetheless, in an attempt to force his representation on Siderio, and to secure the substantial attorney's fees that a case over TJ's death might bring, Respondent betrayed Siderio's (his former client's) trust.

59. Siderio never expressly or impliedly authorized Respondent to disclose, nor consented to Respondent's disclosure of, any alleged impairments or of any disclosure whatsoever of Siderio's medical records.

60. On June 22, 2022, Siderio gave a statement under oath, before a court reporter, in which Siderio stated, *inter alia*, that:

- a. he did not authorize Respondent to file a suit on his behalf arising from TJ's death;
- b. he never retained Respondent to represent him in connection with TJ's death;
- c. Respondent told him that he was under contract with Respondent in connection with TJ's death based on the 2015 fee agreement from Siderio's police brutality case; and
- d. he did not call or hire Respondent; Respondent just showed up at the prison uninvited but Siderio did not meet with Respondent in person.

61. On June 29, 2022, Siderio, who has never been appointed as the administrator of TJ's estate, signed a notarized Renunciation of the right to administer TJ's estate and requested that Letters be issued to Kristen L. Behrens, Esquire.

62. On July 12, 2022, Letters of Administration were granted to Kristen L. Behrens to be the administratrix of TJ's estate.

63. On July 14, 2022, knowing that Siderio was not and never had been the administrator of TJ's estate, that the petition for a grant of letters to him (filed by Respondent) had not been granted, and that Respondent had not been retained and was not authorized to represent Siderio, Respondent nevertheless filed a complaint asserting counts for civil assault and intentional infliction of emotional distress knowingly and falsely asserting that "Plaintiff is the Administrator of the Estate of Thomas Siderio, a/k/a T.J. Siderio"

64. Respondent filed that complaint notwithstanding that lawyers from Saltz, Mongeluzzi & Bendesky, P.C. had warned Respondent against doing so because the complaint contained inaccurate and false information.

65. Further, at the time Respondent filed the complaint, he knew that the Register of Wills had informed him that it would not appoint Siderio as administrator or co-administrator of TJ's estate because Siderio was incarcerated.

66. Respondent verified the complaint under penalty of perjury, subject to 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

67. Further, having knowledge that Ms. Frame, who was separately represented by other lawyers, would not “join” in the complaint because it was an improper filing that contained inaccurate and false information, Respondent nevertheless stated in the complaint: “Plaintiff anticipates that Desiree [sic] Frame, young T.J.’s mother, will join the above captioned matter individually and/or as co-Administrator of the Estate, through the auspices of her counsel, Robert Mongeluzzi and Andrew Duffy of Saltz, Mongeluzzi, & Bendesky, P.C. and/or through a jointly selected third party Administrator, Kristen Behrens of Dilworth Paxson, in the near future”

68. Even though, at a case management conference held on June 16, 2022, the court had ordered that a complaint be filed within 30 days of that date, Respondent has never been authorized by the court, by Siderio, or by the Orphans’ Court to act on behalf of Siderio.

69. Rather than file a complaint that Respondent had no authority to file, Respondent could have withdrawn the summons, dismissed the civil action without prejudice, or sought appropriate relief from the court.

70. On July 15, 2022, Kristen L. Behrens, Esquire, as “Administratrix of the Estate of Thomas Siderio Jr.,” signed a contingent fee agreement/retainer appointing Saltz Mongeluzzi & Bendesky P.C. and the Law Office of Ronald A. Clearfield and Associates, P.C. as attorneys to prosecute, on behalf of TJ’s estate, “a claim for personal injuries and/or civil rights violations against The City of Philadelphia, Police Officer Edsaul Mendoza and any and all other defendants arising out of the death of Thomas Siderio, Jr. on March 1, 2022.”

71. On July 19, 2022, Respondent filed a motion to disqualify and remove the Law Offices of Ronald A. Clearfield & Associates, Saltz Mongeluzzi & Bendesky, P.C., and Kristen Behrens, Esquire in case number 220300587.

72. Respondent had no legal or factual basis to seek the disqualification of Ms. Frame's or Ms. Behrens's choice of attorneys.

73. In that motion, Respondent made numerous false assertions, including that he represented Siderio in the matter, and also revealed medical information that Respondent obtained in the course of his prior representation of Siderio, paragraphs 19-22 of the motion and Exhibit H thereto (attaching medical records of Siderio).

74. On July 22 2022, Orphans' Court Judge Stella M. Tsai dismissed Respondent's petition to have Siderio declared an incapacitated person.

75. In her opinion accompanying her dismissal order, Judge Tsai recounted the contents of Siderio's May 5, 2022 letter to Respondent, and then noted that: on June 6, 2022, Siderio signed a contingent fee agreement with the Law Office of Ronald A. Clearfield & Associates to represent him in TJ's case; on June 14, 2022, the Law Office of Clearfield & Kofsky sent Respondent a cease and desist letter advising him that they were representing Siderio in TJ's case and requesting that Respondent take no further action in the matter; three

days later, on June 17, 2022, Respondent filed his petition asking the court to adjudicate Siderio an incapacitated person and to have a plenary guardian of his estate appointed.

76. In dismissing Respondent's petition, Judge Tsai stated that "[t]he primary evidence cited by [Respondent] to demonstrate Mr. Siderio's alleged incapacities are his conclusory assertions to that effect. Notably, there is no medical evidence or other reliable expert evidence presented to support the Petition." Opinion at 6.

77. She further stated:

[Respondent's] own exhibits undermine his showing that Mr. Siderio is incapacitated. Mr. Siderio's May 5, 2022 letter to [Respondent] is clear and cogent. Mr. Siderio is aware that other lawyers are interested in representing him in the corollary civil action [over TJ's death], he lists several reasons why he is entertaining other offers of representation, and he even allows [Respondent] the chance to make him a better offer. Far from "obliterated" cognition [as Respondent alleged], Mr. Siderio exhibits "comprehension of the nature of his currently pending litigation." Beyond this, [Respondent] lends credence to the substance of Mr. Siderio's letter (and therefore, Mr. Siderio's capacity) by relying on it himself as evidence of

third-party interference with his representation of Mr. Siderio in the corollary civil action. ...

... With scant, if any, evidence that Mr. Siderio is in fact incapacitated within the meaning of the law, [Respondent's] overarching concern over the disruptive effect of "vexatious efforts," "tortious interference," and "poaching" has little, if anything, to do with an adjudication of Mr. Siderio's capacity, but rather further indicates that [Respondent] filed this guardianship proceeding to preserve his role in the corollary civil action. ...

Given the factual record presented in the Petition, the Petition is demonstrably incomplete and fails to provide sufficient facts to proceed and is not instituted to benefit Mr. Siderio.

78. On July 25, 2022, Respondent filed a praecipe to withdraw his appearance in the civil action he had filed naming Siderio as the plaintiff (March 2022 No. 587, Case ID 220300587). Respondent noted that Siderio was being represented by other counsel who had entered their appearance on June 23, 2022.

79. By order dated August 15, 2022, Respondent's motion to disqualify and remove the other lawyers was denied.

80. On March 7, 2023, Respondent sent an email to Ron Clearfield, Andrew Duffy, and Mark Schiavo (of Dilworth Paxson LLP), with copies to Robert Mongeluzzi, Ben Hoffman (of Clearfield & Associates), Kristen Behrens, and Anthony Lopresti (of Clearfield & Associates), stating:

Dear Ron, Andrew and Mark:

I'm considering a lawsuit against your respective firms for claims of tortious interference, breach of contract, and civil conspiracy, arising from the TJ Siderio case.

81. On information and belief, Respondent has never filed the threatened lawsuit.

82. By his conduct as alleged in Paragraphs 3 through 81 above, Respondent violated the following Pennsylvania Rules of Professional Conduct:

a. RPC 1.2(a), which states that "Subject to paragraphs (c) and (d), a lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A

lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. ...”

b. RPC 1.6(a), which states that “A lawyer shall not reveal information relating to representation of a client unless the client gives informed consent, except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in paragraphs (b) and (c);

c. RPC 1.6(d), which states that A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client;

d. RPC 1.9(c)(1), which states that a lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter use information relating to the representation to the disadvantage of the former client except as the Rules of Professional Conduct would permit or require with respect to a client, or when the information has become generally known;

e. RPC 1.9(c)(2), which states that a lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter reveal information relating to the representation except as the Rules of Professional Conduct would permit or require with respect to a client;

f. RPC 3.1, which states that a lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law;

g. RPC 3.3(a)(1), which states that a lawyer shall not knowingly make a false statement of material fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

h. RPC 4.1(a), which states that in the course of representing a client a lawyer shall not knowingly: (a) make a false statement of material fact or law to a third person;

i. RPC 8.4(c), which states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation; and

j. RPC 8.4(d), which states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, Petitioner prays that your Honorable Board appoint, pursuant to Rule 205, Pa.R.D.E., a Hearing Committee to hear testimony and receive evidence in support of the foregoing charges and upon completion of said hearing to make such findings of fact, conclusions of law, and recommendations for disciplinary action as it may deem appropriate.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

Thomas J. Farrell
Chief Disciplinary Counsel

By: Michael D. Gottsch
Michael D. Gottsch
Disciplinary Counsel
Attorney Registration No. 39421

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OFFICE OF DISCIPLINARY COUNSEL,
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Respondent

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:
: No. ____ DB ____
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VERIFICATION

I verify that the statements made in the foregoing Amended Petition for Discipline are true and correct to the best of my knowledge or information and belief. This statement is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

12/7/23

Date



Michael D. Gottsch
Disciplinary Counsel

CERTIFICATE OF COMPLIANCE

I certify that this Petition for Discipline, in No. C1-22-470, complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Office of Disciplinary Counsel

Signature: Michael D. Gottsch

Name: Michael D. Gottsch, Disciplinary Counsel

Attorney No. (if applicable): 39421