BEFORE THE DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

IN THE MATTER OF	:	
TODD ANDREW GOODMAN	:	**No. 14 DB 2024**
	:	
	:	**Atty. Reg. No. 57626**
PETITION FOR	:	
REINSTATEMENT	:	**(Philadelphia)**

BRIEF OF TODD ANDREW GOODMAN TO THE HEARING COMMITTEE

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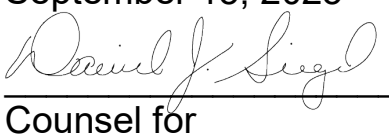
I hereby certify that I have this day served by e-mail the within document upon all parties of record in this proceeding in accordance with the requirements of 204 Pa. Code § 89.22.

September 15, 2025



Counsel for
Todd Andrew Goodman

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I. STATEMENT OF THE CASE

On October 16, 2024, the Supreme Court of Pennsylvania entered an Order suspending on consent Attorney Todd Goodman from the practice of law in Pennsylvania for a period of one year and one day. On March 19, 2025, Todd Goodman filed a Petition for Reinstatement. A Hearing was held on July 31, 2025, and testimony and other evidence were submitted to the Panel. Petitioner now files these Proposed Findings of Fact and Conclusions of Law in support of his Petition.

II. ISSUES BEFORE THIS PANEL

1. Has Petitioner demonstrated by clear and convincing evidence that he has the moral qualifications, competence, and learning in law, and the fitness to practice such that his resumption of practice will not be detrimental to the integrity and standing of the bar or the administration of justice, nor subversive to the public interest?

Suggested Answer: **Yes.**

2. Is advice of counsel a defense as a matter of law in disciplinary hearings?

Suggested Answer: **Counsel could find no case on point. However, the Panel should consider the circumstances surrounding its application here.**

3. If the Panel finds factually and legally that Petitioner violated Pa.R.D.E. 217((j)(4)(i), is that a per se basis to deny readmission to the practice of law or is it one factor?

Suggested Answer: **No. Every case must be examined on its own facts and merits.**

III. EVIDENCE RELIED UPON BY RESPONDENT

P-1 Joint Petition In Support of Discipline On Consent Under Pa.R.D.E. 215(d)

P-2 Statement of Compliance

P-3 May 9, 2024 e-mail from Petitioner to Daniel J. Siegel, Esquire

P-4 Interoffice Memo dated May 9, 2024, with attachments

P-5 Two Letters dated May 14, 2024

P-6 Letter dated January 8, 2025, with attachments

P-7 Petition for Reinstatement

J-1 Joint Stipulations

Transcript of Reinstatement Hearing, July 31, 2025

IV. PROPOSED FINDINGS OF FACT

A. Petitioner's Background and Education

1. Todd Andrew Goodman earned a Bachelor of Science in Pharmacy from Temple University (1986) and a Juris Doctorate from Widener University Law School (1989). (N.T. at 147)

2. He passed the Pennsylvania and New Jersey Bar exams in 1989. (N.T. at 147)

3. Goodman pursued both pharmacy and law degrees because of his interest in helping people and his family's background in pharmacy. (N.T. at 148)

B. Professional History

4. Goodman worked as an attorney at Kornblau & Kornblau, P.C., from 1989 to 2003, focusing on personal injury and medical malpractice cases. (N.T. at 150-151)

5. After leaving Kornblau & Kornblau, he worked part-time as a pharmacist and also operated a small law firm handling primarily Social Security, workers' compensation, and automobile cases. (N.T. at 151-152)

6. He started working at Verree Pharmacy in 2005. (N.T. at 152)

7. While working at his own firm, Goodman also began working part-time for Oxman Goodstadt Kuritz in 2015, which transitioned to full-time employment in April 2022. (N.T. at 152)

8. Goodman has not worked as a pharmacist since April 2022. (N.T. at 153)

C. Community Involvement

9. Goodman has been actively involved in coaching youth sports, including baseball, basketball, and soccer, for over 20 years. (N.T. at 153-154)

10. He founded a travel sports league in his township to provide opportunities for both boys and girls. (N.T. at 154-155)

11. Goodman has maintained relationships with many of the children he coached, often serving as a mentor. (N.T. at 155-156)

D. Circumstances Leading to Criminal Conviction

12. Goodman was indicted in December 2022 on a ten-count felony indictment related to filling forged opioid prescriptions. (N.T. at 157)

13. He pled guilty to one misdemeanor count of knowingly filling a forged prescription. (N.T. at 126)

14. Goodman has admitted responsibility and is remorseful for his actions and for what his actions caused to his family. He does not blame

anyone other than himself. He feels like he let his family down. (N.T. at 161, 165, 180)

15. He was sentenced to four months at Fort Dix, and served three months for good behavior, followed by one year of supervised release that he completed on May 3, 2025. He also was fined $1,000, which he paid immediately. He did not owe restitution because he did not make any money and did not profit financially from the crime. (N.T. at 161-162)

E. Self-Reported Conviction and Guilty Plea and Also Agreed to Suspension

16. Goodman self-reported his conviction and guilty plea to the Pennsylvania and New Jersey Disciplinary Boards as well as the Middle District of Pennsylvania, the Eastern District of Pennsylvania, and the Third Circuit Court of Appeals, as well as to the Pharmacy Board. (N.T. at 162)

17. He agreed to a three-year suspension of his pharmacy license, in which the first year is an active suspension that ends on August 27, 2025, and the next two years are probationary. He can then apply for reinstatement, but he does not intend to return to pharmacy work. (N.T. at 162-163)

18. He agreed to a one-year-and-one-day suspension of his law license as part of the Joint Petition for Discipline on Consent, effective October 2024. (N.T. at 163; Exhibit P-1)

F. Post-Suspension Activities

19. Goodman has engaged in voluntary community service, including working at the Willow Grove Baptist Food Bank and speaking to incoming inmates through Pretrial Services. His community service is voluntary and not required as part of his sentence. (N.T. at 164)

20. He mentored younger inmates during his incarceration and continues to assist individuals preparing for incarceration. (N.T. at 165-166)

21. He does the volunteer work because he is trying to pay it forward and help people. (N.T. at 181-182)

22. Goodman has completed 36 continuing legal education credits, including courses on substance abuse and opioid addiction. (N.T. at 191)

G. Reputation and Character

23. Witnesses, including Amy Titus, Lynn Kornblau, and David Kuritz, testified to Goodman's integrity, competence, and dedication to his community and profession.

a. Amy Titus

24. Amy Titus testified that she has known Goodman for 15 years and met him when Goodman was her son's baseball coach. (N.T. at 21)

25. Titus described Goodman as "an honorable man; a man with high integrity; a wise, kind, trustworthy, and most honest, good person that I know." (N.T. at 22)

26. Goodman told Titus about the criminal charges and conviction related to filling a forged opioid prescription. She believed the criminal action was completely out of character with the person she knows. Goodman is honest and good; he cares about his family, friends and community. He also supported her when her husband passed away unexpectedly in 2019. She would be comfortable sharing confidential or sensitive information with him if he were reinstated as an attorney. (N.T. at 23-25, 29)

27. She has observed Goodman since he was released from prison, and noted that Goodman regrets the situation and is remorseful. He will dedicate the rest of his life to restoring his reputation and will do what is right for his friends, family and community if he is reinstated. (N.T. at 24-26)

b. Lynn Kornblau, Esquire

28. Lynn Kornblau is an attorney who is the founder and president of a 501(c) non-profit charity for patient advocacy, Jeff Kornblau Partners for Patient Advocacy. In 1989, she and her husband opened the law practice, Kornblau and Kornblau, P.C., in Jenkintown. (N.T. at 40-41)

29. Goodman worked for Kornblau and Kornblau for about 15 years from 1989 or 1990 to 2003 or 2004. (N.T. at 41)

30. Kornblau described Goodman and stated: “Todd has always been a wonderful attorney with us and also a man of impeccable character and integrity. Came to know him personally and professionally. Our families came to know each other.” (N.T. at 41-42)

31. Goodman shared with Kornblau the circumstances of his criminal case and that he had pled guilty to one misdemeanor. She knew that this weighed heavily on Goodman. She also knew that his law license was suspended. (N.T. at 42-43)

32. Goodman testified that Ms. Kornblau may have been confused because he did tell her that he committed the crime for which he pled guilty. (N.T. at 224-225)

33. Goodman explained to her that he was not certain whether he would be able to continue in his law firm after he was suspended. Kornblau then offered that if he could not return to the law firm, she would find him non-legal work with her non-profit. She had absolutely no hesitation in offering him a job. (N.T. at 45)

34. Kornblau explained that Goodman has the character and integrity to return to the law and get his license back. His readmission would not be detrimental to the integrity of the bar (N.T. at 46, 65)

c. David Kuritz, Esquire

35. Attorney Kuritz is the managing shareholder of Oxman Goodstadt Kuritz, where he has practiced since 2001. (N.T. at 67-68)

36. Kuritz has known Goodman for over 20 years. They met when their children played in the same little league, and Goodman was coach. They also coached together for several seasons. Goodman was a beloved coach and able to manage all of the people involved. (N.T. at 68-70)

37. Kuritz then hired Goodman to do part-time legal work, and he was "fabulous." Kuritz finally convinced Goodman to join the firm full-time, and Goodman also practiced part-time as a pharmacist. (N.T. at 69)

38. Goodman began working part-time about four or five years before his suspension, and then full-time about a year or a year and a half before his suspension. (N.T. at 123-124)

39. Kuritz explained that Goodman is a pleasure to work with, that his work is excellent, and his ability as a trial attorney is superior. Kuritz and his partners all wanted Goodman to work on their assignments. Goodman was a competent and ethical attorney. He has never had any problem with Goodman. (N.T. at 71-73)

40. Goodman told Kuritz right away about the criminal charges and knew that Goodman had pled guilty to the knowing filling of an altered

prescription. Goodman took responsibility for his actions. Kuritz employed Goodman until his temporary suspension began. (N.T. at 75, 126-127)

41. Kuritz explained that what happened in the criminal case is not consistent with Goodman's character. Before these events, Goodman would tell Kuritz the difficulty he had being a pharmacist and making sure people truly needed the prescribed opioid medications. Goodman sometimes conducted his own investigation to make sure the doctor was legitimately prescribing opioids. (N.T. at 76-77)

42. Goodman was extremely remorseful when he pleaded guilty to the misdemeanor. He has gone out of his way since then to try to make up for that blip in his otherwise unblemished life and career. He has counseled inmates at Fort Dix, even after his release. (N.T. at 79-81)

43. Goodman returned to employment with Kuritz after his release. He came back initially in a reduced capacity. Kuritz prepared a memorandum to his partners dated May 9, 2024 that addressed what work Goodman would be able to do in terms of legal research and writing. (N.T. at 82-84, 121-122; Exhibit P-4)

44. Goodman and Kuritz discussed on multiple occasions about whether Goodman could work for Kuritz based upon Rule 217. Kuritz stated that the implication of the rule is that if the events that led to the

suspension were somehow related to the practice of law at his firm, then it could affect Goodman's ability to work for Kuritz. (N.T. at 86-88)

45. Goodman then advised Kuritz that his attorney had given him legal advice that he was able to continue to work for the firm because the events that led to his suspension had nothing to do with Kuritz's firm or the practice of law. (N.T. at 86-88)

46. Kuritz and his partners agreed with that interpretation of the Rule. (N.T. at 89)

47. Kuritz sent a letter to the Disciplinary Board advising that Goodman would be working for his firm and that Kuritz would be his direct supervisor. Kuritz provide his contact information if there were any questions. He never received a response from the Disciplinary Board. (N.T. at 90-92)

48. Goodman has worked for Kuritz as a law clerk/paralegal since he was released from prison and has adhered to all of the limitations and rules specified in his memorandum. Goodman has not had any client contact and has not held himself out as an attorney. Kuritz removed Goodman's name from the office website and letterhead too. Kuritz also wrote letters to all of his clients advising him about what happened and Goodman's new role. (N.T. at 92-93)

49. Before his suspension, Goodman did not have his own case files. The three partners, Mr. Kuritz, Mr. Oxman, and Mr. Goodstadt, had the cases and would give assignments to Goodman. When he returned to work after his release, Goodman did not enter his appearance on behalf of any clients for whom he previously had done work on their cases. (N.T. at 114-115)

50. All of the work Goodman performed after his release was under the supervision of the partners, Kuritz, Oxman and Goodstadt. (N.T. at 118)

51. If Goodman returns to the practice of law, he would be an asset to the bar. Kuritz stated: “Yes, 1,000 percent. I can’t state it strongly enough.” (N.T. at 94)

52. Kuritz has no doubt that Goodman has the moral qualifications and competency to be reinstated. (N.T. at 95)

53. Kuritz believed that his firm complied with Rule 217(j). Goodman’s work for the firm had nothing to do with his discipline. (N.T. at 95-96)

54. If Kuritz believed that Rule 217 barred Goodman from working for him, he would not have employed him. Goodman had made other arrangements for employment if he were not allowed to work for Kuritz. (N.T. at 96)

55. He believes the panel should recommend reinstatement for Goodman. He has followed all of the rules. Kuritz would hire him as a full-time attorney. (N.T. at 97-98)

H. Compliance with Rule 217

56. Goodman filed Statements of Compliance with Rule 217, including one filed by his wife under Power of Attorney while he was incarcerated. (N.T. at 174-175; Exhibit P-6)

57. None of the documents that he had to sign stated anything about him not being allowed to work. (N.T. at 226)

58. After his release, Goodman spoke to his attorney to determine whether Rule 217 applied to him and whether he could return to work for Oxman Goodstadt Kuritz. If his attorney had informed him that the rule applied, then Goodman would have gone to Ms. Kornblau and worked for her non-profit. (N.T. at 167)

59. Goodman wanted to comply with the rules so he could get his license back. He wanted to do everything right. (N.T. at 176, 201)

60. Goodman's counsel, Daniel J. Siegel, communicated with Gloria Randall Ammons, Disciplinary Counsel, on multiple occasions regarding Rule 217 and its implications for Goodman. (Joint Stipulation ¶ 1(a), (b))

61. Mr. Siegel then communicated with Goodman and advised him, based upon the conversations with Attorney Ammons, that he could work for Oxman Goodstadt Kuritz, PC during his suspension. Mr. Siegel believed that after his conversations with Disciplinary Counsel, "because the acts which resulted in Petitioner's suspension were not related to the law firm at which he was employed, Oxman Goodstadt Kuritz, PC, or his employment as a lawyer, Petitioner could continue to be employed with the firm that previously employed him after his suspension." (Joint Stipulation ¶ 1(c),(d))

62. Disciplinary Counsel Gloria Randall Ammons believes that she spoke to Mr. Siegel and stated she disagreed with his interpretation of Rule 217. (Joint Stipulation ¶ 2(b),(c))

63. Goodman also reviewed Rule 217(j) with Mr. Kuritz to determine what work he could perform. (N.T. at 208-209)

64. Mr. Kuritz sent a Notice of Engagement to the Disciplinary Board. (N.T. at 176; Exhibit P-5)

65. On or about May 15, 2024, Goodman returned to working for Oxman Goodstadt Kuritz as a law clerk during his suspension; had no client contact and did he work on any matters after his suspension that he had worked on before his suspension. (N.T. at 176-177, 207)

66. His work has involved performing legal research, drafting pleadings, and preparing legal documents. He always informs the attorneys for whom he is working what work he has performed, and those attorneys are responsible for reviewing his work and ensuring it is properly done. (N.T. at 178-179)

67. During his suspension, Goodman never held himself out as an attorney. He has not given legal advice to any clients. He changed his email address from rxlaw63 to goodman541@gmail.com to avoid giving the impression that he was an attorney. (N.T. at 182-183)

68. Goodman received the May 9, 2025 letter from the Office of Disciplinary Counsel raising concerns regarding his compliance with Rule 217(j)(4)(i). After speaking to counsel, Goodman decided to continue working for Oxman Goodstadt Kuritz. He believed that if he quit upon receiving the letter, it would be an admission that he was wrong and that Disciplinary Counsel's interpretation of Rule 217 was correct. (N.T. at 197-199)

I. Petitioner's Goals and Intentions

69. Goodman seeks reinstatement to the practice of law to continue helping people, particularly in medical malpractice cases. (N.T. at 186)

70. He is not driven by money; he just wants to help people. When he worked at Kornblau & Kornblau, he represented a workers' compensation claimant from whom he never took a fee. (N.T. at 189-190)

71. He agreed that opioids are a terrible problem in society. He has acknowledged that he filled a forged prescription, but he is not a threat to society and will never do anything like this again. (N.T. at 192-193)

72. He believes his reinstatement will benefit the legal community. (N.T. at 193)

V. PROPOSED CONCLUSIONS OF LAW

1. Petitioner established by clear and convincing evidence that he possesses the moral qualifications, competency and learning in the law required for admission to the practice of law in the Commonwealth of Pennsylvania. Pa.R.D.E. 218(c)(3).

2. Petitioner established by clear and convincing evidence that his resumption of the practice of law within the Commonwealth of Pennsylvania will be neither detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest. Pa.R.D.E. 218(c)(3).

VI. DISCUSSION

A. Petitioner has demonstrated by clear and convincing evidence that he has the moral qualifications, competence, and learning in law, and the fitness to practice such that his resumption of practice will not be detrimental to the integrity and standing of the bar or the administration of justice, nor subversive to the public interest.

The Pennsylvania Supreme Court recently reaffirmed that the standard for readmission to the bar requires that the Petitioner demonstrate his fitness to resume the practice of law, based upon an analysis of all relevant factors.

> To reiterate, this rule provides that a disbarred or suspended attorney has the burden of demonstrating, by clear and convincing evidence, that he "has the moral qualifications, competency and learning in law required for admission to practice law in this Commonwealth and that [his] resumption of the practice of law within the Commonwealth . . . will be neither detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest." Rule 218(c)(3). . . "In other words, the petitioner must demonstrate not only that he understands the nature of his wrongdoing, but also he must convince this court that he is not predisposed to commit future ethical infractions." *Costigan*, 664 A.2d at 520.

In re Cappuccio, 338 A.3d 115 (Pa. 2025). *Cappuccio* involved a disbarred attorney who committed more serious crimes than the misdemeanor to which Todd Goodman pleaded guilty. The import of the decision lies in the Supreme Court's reaffirmation that each case should be considered on its own facts and merits.

Todd Goodman meets this standard, as demonstrated by his testimony, the testimony of his various witnesses, and the documents submitted in support of his Petition, which collectively show that he has met this burden. The witnesses – an employer who also became a friend, a past employer who became a friend, and a fellow Little League mom who became a friend – each agreed that, despite his conviction, they know Todd Goodman to be a good man, a man of character who made an error for which he has taken full responsibility for and will regret every day of his life.

Disciplinary Counsel presented no contrary factual evidence. In fact, Disciplinary Counsel presented no evidence. While Disciplinary Counsel has no obligation to present evidence, the failure to do so here is telling because all of the witnesses were consistent in their regard for Todd Goodman, in their belief that he should be reinstated, and their belief that the crime for which he pleaded guilty was an aberration that they believe will never occur again.

Mr. Goodman also testified to his efforts at helping others and in maintaining his professional knowledge, not for this proceeding, but because he recognizes an obligation to help others avoid making errors in their lives. Disciplinary Counsel had no contrary evidence.

Thus, the central issue is whether Mr. Goodman's violation of Pa.R.D.E. 217(j)(4)(i) should bar his return to practice. It must also be determined whether his reliance on counsel's advice was reasonable, considering all the circumstances and his efforts to comply with the Rule. That assertion by Disciplinary Counsel raises questions. By opposing his Petition on that basis, Disciplinary Counsel (1) seems to accept no explanation that would allow for Mr. Goodman's reinstatement, and (2) asserts implicitly that his violation of the Rule bars his readmission to the Bar ad infinitum.

As further outlined below, this Panel should grant the Petition.

B. Because the standard of proof in attorney disciplinary matters, which are in the nature of quasi-criminal proceedings, requires the Pennsylvania Office of Disciplinary Counsel ("ODC") to establish attorney misconduct with evidence that is sufficient to satisfy a clear and convincing evidence standard of proof, that burden should apply to allegations that serve as a defense to this Petition

In *Office of Disciplinary Couns. v. Anonymous Atty.,* 331 A.3d 523 (Pa. 2025), the Pennsylvania Supreme Court held "that the standard of proof in attorney disciplinary matters, which are in the nature of quasi-criminal proceedings, requires the Pennsylvania Office of Disciplinary Counsel ("ODC") to establish attorney misconduct with evidence that is sufficient to satisfy a clear and convincing evidence standard of proof."

Office of Disciplinary Couns. v. Anonymous Atty., 331 A.3d 523, 525-26. While the burden in this proceeding remains on Petitioner to establish that he has the moral qualifications, competence, and learning in law, and the fitness to practice such that his resumption of practice will not be detrimental to the integrity and standing of the bar or the administration of justice, nor subversive to the public interest, ODC still has the burden of proof for any showing that Petitioner has violated the Rules such that he should not be readmitted to the practice.

There are two primary areas of controversy in this matter. First, regarding Todd Goodman's reliance on the advice of counsel, there is no evidence that his actions were taken in bad faith. To the contrary, Mr. Goodman acted only after conducting extensive due diligence and relying on the guidance of counsel, which was provided following a conversation whose substance remains disputed. When the Panel evaluates Mr. Goodman's conduct, the record shows no indication of bad faith or improper intent in his reliance on that advice.

Similarly, Petitioner's alleged noncompliance with Pa.R.D.E. 217(j)(4)(i) was not the result of bad faith or improper intent. His actions followed a careful process that included reviewing the Rule, consulting with other attorneys, and seeking advice from counsel. Given that the Rule is

subject to multiple reasonable interpretations, Mr. Goodman acted based on his understanding of its requirements. When the Panel considers his conduct, the record demonstrates no evidence of bad faith or wrongful intent on his part.

C. Although advice of counsel is not a per se defense as a matter of law in disciplinary hearings, it is a factor that the Panel should consider.

The term "advice of counsel" is defined as:

1. The guidance given by lawyers to their clients.
2. In a malicious-prosecution lawsuit, a defense requiring both a complete presentation of facts by the defendant to his or her attorney and honest compliance with the attorney's advice.
3. A defense in which a party seeks to avoid liability by claiming that he or she acted reasonably or in good faith on the attorney's advice.

Black's Law Dictionary, 7th Ed. (abridged)

In short, the defense is an assertion that a party relied in good faith on the legal advice of an attorney. This means the advice of a lawyer can negate the "intent" or "willfulness" required for some crimes and civil wrongs. For example, in a criminal context, the Third Circuit explained:

> The advice of counsel defense, "based on good faith reliance on an attorney's advice[,] requires full disclosure of all the material facts . . . ." *United States v. Martorano*, 767 F.2d 63, 66 (3d Cir.) cert. denied, 474 U.S. 949, 88 L. Ed. 2d 296, 106 S. Ct. 348 (1985). It must be remembered that the advice of counsel defense is meant to be available only to those who, after full and honest disclosure of the material facts surrounding

> a possible course of action, seek and obtain the advice of counsel on the potential legality of their actions. *Id*. The defense is not designed to insulate illegal conduct. *Id.* Rather, the basis for the defense "is that, in relying on counsel's advise, [a] defendant lacked the requisite intent to violate the law." *United States v. Polytarides*, 584 F.2d 1350, 1353 (4th Cir. 1978). *See also United States v. Conner,* 752 F.2d 566, 574 (11th Cir.) (must consult attorney in good faith for the purpose of securing advice on the lawfulness of future conduct), cert. denied, 474 U.S. 821, 106 S. Ct. 72, 88 L. Ed. 2d 59 (1985).

United States v. Traitz, 871 F.2d 368 (3d Cir. 1989)

The advice-of-counsel defense is recognized in Pennsylvania law as a potential defense in proceedings where a party's state of mind, such as intent, recklessness, or good faith, is at issue. For this defense to be effective, the party must demonstrate that the advice was sought in good faith, that all material facts were fully disclosed to the advising counsel, and that reliance on the advice was reasonable under the circumstances. Todd Goodman did so here.

Todd Goodman sought advice from counsel, his employer, and reviewed the statute himself to ensure compliance with the Rule. His efforts are documented in his testimony, in the testimony of others, and in his communication with counsel.

The Rule itself can be read both as he and his counsel read it. It can be read as Disciplinary Counsel reads it. That is why he sought advice as to the meaning of Pa.R.D.E. 217(j)(4)(i):

> (4) Without limiting the other restrictions in this subdivision (j), a formerly admitted attorney is specifically prohibited from engaging in any of the following activities:
>
> (i) performing any law-related activity for a law firm, organization or lawyer if the formerly admitted attorney was associated with that law firm, organization or lawyer on or after the date on which the acts which resulted in the disbarment, suspension or temporary suspension occurred, through and including the effective date of disbarment, suspension or temporary suspension.

The language at issue is whether "the acts which resulted in the disbarment, suspension or temporary suspension" refers to acts which were related in any way to the law firm or whether they are a bar regardless of the nature and location of the acts. The former analysis keeps the formerly admitted lawyer away from the scene of his acts, such as if he misappropriated client funds or committed other acts as an attorney. Conversely, the latter is a punitive interpretation barring the formerly admitted lawyer from working at a prior employer because he had worked there when the act occurred, even if the acts were wholly unrelated to the employment.

Although counsel could not find case law on whether advice of counsel is a per se defense in a disciplinary proceeding, as the Panel had requested, case law offers some guidance. For example, in *Kelley v. Gen. Teamsters, Local Union 249*, 544 A.2d 940 (Pa. 1988), the Supreme Court held that "[c]riminal proceedings initiated upon advice of counsel are

conclusively presumed to be supported by probable cause when the advice of counsel was sought in good faith and the advice was given after full disclosure of the facts to the attorney." *Kelley*, 544 A.2d 940, 942, citing *Stritmatter v. Nese*, 31 A.2d 510 (Pa. 1943).

Kelley involved a claim for malicious abuse of prosecution. In that context, the Supreme Court cited the *Restatement (First) of Torts,* § 666; the Court's interpretation is persuasive here:

> § 666. Effect of Advice of Counsel
> (1) The advice of an attorney at law admitted to practice and practicing in the state in which the proceedings are brought, whom the client has no reason to believe to have a personal interest in obtaining a conviction, is conclusive of the existence of probable cause for initiating criminal proceedings in reliance upon the advice if it is
> (a) sought in good faith, and
> (b) given after a full disclosure of the facts within the accuser's knowledge and information.
>
> So long as a person seeks the advice of counsel under the conditions set forth in section 666, he is entitled to rely on the advice. This reliance is warranted in view of the lengthy education and strict licensing of attorneys, as well as the continuing supervision of the legal profession exercised by this Court. The advice of an attorney, while not infallible, is sufficient to protect against most abuses of prosecution, and will continue to be conclusive of the existence of probable cause, as it has been since *Stritmatter* was decided in 1943.

Kelley, 544 A.2d 940, 942. *See also Cibrone v. Stover,* 505 A.2d 625 (Pa. Super. Ct. 1986), where the Superior Court held, again in the context of a malicious prosecution claim, that "It is immaterial whether the advice given

by the attorney is correct as long as the above stated conditions set forth in Stritmatter have been met." *Cibrone*, 505 A.2d 625, 628.

This Panel should consider Todd Goodman's "advice of counsel" defense. In the case of Todd Goodman, he sought advice from counsel, reviewed the statute himself, and reviewed the statute with his employer, all to ensure compliance with the Rule, as documented in his testimony and his communications with counsel.

D. If the Panel finds that factually and legally that Petitioner violated Pa.R.D.E. 217((j)(4)(i), that is not a per se basis to deny readmission to the practice of law; it is only one factor.

The Rules of Disciplinary Enforcement outline, *inter alia,* the bases for attorney discipline and the conduct permissible and impermissible by formerly admitted attorneys. Nowhere in those Rules does it state that any specific action is a per se bar to readmission. To the contrary, the Rules have been promulgated to set forth the standards for readmission. Relevant to those are Pa.R.D.E. 203, which sets out the "Grounds for Discipline," and by extension, standards for readmission. Rule 203 states in relevant part:

> (b) The following shall also be grounds for discipline:
> …
> (3) ***Wilful*** violation of any other provision of the Enforcement Rules.
> (emphasis supplied)

It follows that a violation of any Rule of Disciplinary Enforcement that is not wilful is not a basis for discipline. Willful conduct implies deliberate, knowing, or reckless behavior. The opposite is often “inadvertent” or “unintentional,” meaning the act occurred without intent or design. There is no evidence that Todd Goodman’s interpretation of Rule 217(j)(4)(i), his counsel’s interpretation of the Rule, and his employer’s interpretation of the Rule, were not in good faith. The testimony of Todd Goodman and Lynn Kornblau highlights this. Attorney Kornblau testified:

> Q. And did he ever approach you about work during his suspension of his law license?
>
> A. He did not come directly to me for that purpose. As he was explaining what was going on, he also explained that his license would be suspended and that he was able to do some work, but he wasn't sure whether he would be able to continue in his law firm where he was working at that time.
>
> I then offered him, if that were not possible, I told him he could always come and work at Kornblau & Kornblau, and I also told him that, if for any reason he wasn't permitted to do legal work, that I would find him some work with the non-profit. (N.T. at 45)

Todd Goodman testified

> When I got out, I wanted to work. But I need to back up a little bit. Because I want to be clear, that Rule 217 that we’re here talking about, I read that rule back in January of 2024 before I went in. I was familiar with that rule and I read that rule, and it just didn't logically make sense that I could work for any other firm in the state but not Dave. But in the meantime, when I got out, I made arrangements with Ms. Kornblau to comply with that rule because, you know, that's what I was going to do,

> but I asked my attorney, I said, “Can you find out if this is applicable to me? Because it just, to me, it just doesn't make sense”. If he told me it was applicable to me, I would have went to Ms. Kornblau and worked there. (N.T. at 167)

Todd Goodman had no intent to violate Rule 217(j)(4)(i). To the contrary, he acted reasonably and took every action possible to comply, including having a job available if he were told his former employer could not employ him.

The Supreme Court of Pennsylvania and the Disciplinary Board have emphasized that attorney discipline is not about punishment, but rather about protecting the public, maintaining the integrity of the bar, and safeguarding the administration of justice. The Supreme Court of Pennsylvania has stated the goals of attorney discipline. ‘[Our] cases stand for the proposition that punishment is not the primary function of the disciplinary system. Its primary function is rather to determine the fitness of an attorney to continue the practice of law. It thus serves to protect the courts and the public from unfit lawyers.” *Office of Disciplinary Counsel v. Lucarini*, 472 A.2d 186, 190 (Pa. 1983).

A violation of Pa.R.D.E. 217(j)(4)(i) is not a basis to deny readmission to Todd Goodman. It is one factor to be balanced against all the evidence presented, including the lack of any evidence to the contrary presented by Disciplinary Counsel.

VII. CONCLUSION

Todd Goodman has demonstrated through clear and convincing evidence that he possesses the moral qualifications, competency, and learning in law required for readmission to the bar. His commitment to community service, including mentoring younger inmates and volunteering at food banks, highlights his dedication to making amends and contributing positively to society. In addition, his completion of 36 continuing legal education credits, including courses on substance abuse and opioid addiction, underscores his commitment to professional development and understanding of the issues that led to his suspension.

The testimony of witnesses Amy Titus, Lynn Kornblau, Esquire, and David Kuritz, Esquire further supports Goodman's reinstatement. They attest to his integrity, competence, and dedication to his community and profession. Their consistent regard for Goodman, despite his conviction, and their belief that his actions were an aberration, reinforce the argument for his readmission. Given his remorse, his efforts to comply with disciplinary rules, and the support of his peers, Todd Goodman has shown that his reinstatement would not be detrimental to the integrity of the bar or the administration of justice.

Accordingly, Petitioner requests that this Panel recommend that Todd Andrew Goodman be reinstated to the Bar of Pennsylvania.

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Date: September 15, 2025

CERTIFICATE OF WORD COUNT COMPLIANCE

I, Daniel J. Siegel, Esquire, hereby certify that this Brief complies with the applicable Rules, because it contains 5,995 words as calculated by Microsoft Word, exclusive of all tables, cover page, signature blocks, etc.

Respectfully submitted,

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