

MEMORANDUM

FROM: Daniel S. White, District IV  
Disciplinary Counsel

TO: Board Prothonotary, The Disciplinary Board

DATE: August 3, 2023

RE: Office of Disciplinary Counsel  
v. Milton E. Raiford  
No. \_\_\_\_ DB 2023 (C4-22-424)

\*\*\*\*\*

Attached hereto please find a Petition for Discipline for filing in the above matter.

Respondent is represented by Turahn Jenkins, Kraus Jenkins, 1001 Liberty Avenue, 5<sup>th</sup> Floor, Pittsburgh, Pennsylvania 15222.

Thank you.

Attachment

cc: Renee L. Weber, Operations Coordinator

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,:	No.	DB 2023	
	Petitioner	:	
		:	
v.		:	Attorney Registration No. 49055
		:	
MILTON E. RAIFORD,		:	
	Respondent	:	(Allegheny County)

PETITION FOR DISCIPLINE

Petitioner, the Office of Disciplinary Counsel, by Thomas J. Farrell, Chief Disciplinary Counsel, and Daniel S. White, Disciplinary Counsel, files the within Petition for Discipline, and charges Respondent, Milton E. Raiford, 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, PA 17106-2485, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereafter "Pa.R.D.E."), with the power and the duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

2. Respondent, Milton E. Raiford, was born in 1955. He was admitted to practice law in the Commonwealth of Pennsylvania on May 27, 1987. Respondent's attorney registration mailing address is P.O. Box 17952, Pittsburgh, Pennsylvania, 15235.

3. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

### CHARGE

4. On or about July 1, 2019, David Walker, Jr., was arrested and charged with, *inter alia*, manufacture, delivery or possession with intent to manufacture or deliver controlled substances. This matter was thereafter docketed in the Court of Common Pleas of Indiana County at CP-32-CR-0000007-2020 (hereinafter the "Criminal Proceedings").

5. In or before May of 2021, Mr. Walker engaged Respondent to represent him in the Criminal Proceedings in exchange for eight thousand dollars (\$8,000.00).

6. In or about May of 2021, Mr. Walker's mother paid Respondent nine thousand two hundred and fifty dollars (\$9,250.00) in cash.

7. Respondent failed to maintain this advanced payment in a trust account or IOLTA until earned.

8. Respondent failed to obtain Mr. Walker's informed consent,

confirmed in writing, or the informed consent of Mr. Walker's mother, to not maintain this advanced payment in a trust account or IOLTA until earned.

9. On January 4, 2022, Mr. Walker pled guilty to manufacture, delivery or possession with intent to manufacture or deliver controlled substances.

10. On April 25, 2022, Mr. Walker was sentenced to confinement for a period of no less than two (2) years and no more than four (4) years.

11. Any appeal of this sentence was required to be filed on or before May 25, 2022. Pa.R.Crim.P. 903(a).

12. By text message to Respondent dated April 26, 2022, Noel Miller, Mr. Walker's fiancée, said, *inter alia*, "David also wanted me to ask you about an appeal he said he only has 30 days to do that."

13. Respondent failed to respond to this text message.

14. By text message to Respondent dated May 23, 2022, Ms. Miller said, *inter alia*, "he wants to appeal the suppression hearing."

15. By text message to Ms. Miller dated May 23, 2022, Respondent said, *inter alia*, "[i]f David appeals, he will lose and be exposed to 7 1/2 years in prison from the door. David is a child spoiled by his mom who lives a child's life who always latches on to someone like you."

16. By letter filed in the Criminal Proceedings on May 25, 2022, Mr. Walker said, *inter alia*:

I wanted to inform you that I have made several attempts to [sic] my attorney Mr. Milton Rayford [sic] that I wanted to appeal and withdraw my plea. I have been trying to contact him, my mother and my fiancé [sic] have made several attempts to [sic] him there are numerous things on appeal I would like to address

17. Respondent failed to file an appeal on Mr. Walker's behalf on or before May 25, 2022.

18. Respondent failed to consult with Mr. Walker regarding the possibility of filing an appeal, or otherwise address the means by which Mr. Walker's objectives could be accomplished.

19. On May 27, 2022, Mr. Walker filed a *pro se* "Motion to Appeal" in the Criminal Proceedings. This appeal was thereafter docketed in the Superior Court at 694 WDA 2022.

20. By Order dated June 28, 2022, the Superior Court, *inter alia*:

(a) noted that Respondent had not been permitted to withdraw in the Criminal Proceedings;

(b) directed the Superior Court Prothonotary to enter Respondent's appearance as Mr. Walker's counsel; and

(c) directed Respondent to show cause within ten (10) days why Mr. Walker's appeal should not be quashed as untimely.

21. Respondent failed to file anything on Mr. Walker's behalf in

response to the rule to show cause set forth in paragraph 20(c) *supra*.

22. Respondent did not file anything on Mr. Walker's behalf with the Superior Court.

23. By Order dated July 26, 2022, the Superior Court, *inter alia*:

(a) noted that no response had been received to the rule to show cause set forth in paragraph 20(c) *supra*; and

(b) again directed Respondent to show cause within ten (10) days why Mr. Walker's appeal should not be quashed as untimely.

24. By letter to the Superior Court dated August 2, 2022, Respondent said:

I was retained by David Lee Walker to represent him in his case in Indiana County. Mr. Walker, Jr. was sentenced on April 25, 2022 to a period of incarceration of not less than 2, nor more than 4 years. Defendant was given credit for time served as allowed by law. This sentence was beneath the guideline range based on the plea agreement entered into between myself and the Assistant District Attorney in Indiana County.

Several days after the sentencing, I was contacted by the defendant's mother and she, not he, indicated that Mr. Walker, Jr. wanted to appeal. I informed her of the substantial break that her son received and I informed her that I am not an appellate lawyer, nor do I believe it was wisdom [*sic*] to appeal. I have never heard from Mr. Walker directly in regards to filing an appeal. At the sentencing, the Court informed my client after the imposition of sentence of his appeal rights, as per custom. I considered then and consider now my representation for Mr. Walker, Jr.

completed.

Nevertheless I, by this letter in response to the Order from the Superior Court filed July 26, 2022, do affirm the truth that I have not been retained to represent Mr. Walker, Jr. on appeal and was not appointed to represent Mr. Walker on appeal and would not have accepted said appointment had it been offered; so I see no reason why the instant appeal should not be quashed as untimely.

25. On August 15, 2022, the Superior Court remanded the Criminal Proceedings to the Court of Common Pleas of Indiana County to, *inter alia*, determine if Respondent had abandoned Mr. Walker.

26. On August 29, 2022, the Court of Common Pleas of Indiana County conducted a hearing at which time, *inter alia*:

(a) Respondent made an oral motion to withdraw as counsel;

and

(b) the Court advised that, due to Mr. Walker's pending appeal,

it lacked jurisdiction to rule upon such motion.

27. By Order in the Criminal Proceedings dated August 31, 2022, the Court of Common Pleas of Indiana County, *inter alia*, noted that, "Milton E. Raiford clearly expressed that he does not intend to remain as counsel for Appellant. Therefore, the Court finds that Attorney Raiford has abandoned Appellant."

28. By Order dated August 31, 2022, attorney Mark D. Bolkovac was

appointed to represent Mr. Walker.

29. On September 20, 2022, Mr. Bolkovac, on Mr. Walker's behalf, filed a Praecipe to Discontinue Appeal.

30. By letter dated December 7, 2022, Disciplinary Counsel requested Respondent's Statement of Position regarding, *inter alia*, the allegations set forth in paragraphs 4-29 *supra*.

31. By letter dated February 6, 2023, Respondent, through counsel, provided his Statement of Position.

32. This Statement of Position failed to address each allegation of misconduct contained in the letter set forth in paragraph 30 *supra*. Specifically, this Statement of Position failed to address Respondent's disregard of the Superior Court's June 28, 2022 Order or the August 2022 finding that Respondent had "abandoned" Mr. Walker.

33. Respondent failed to provide with this Statement of Position the verification required by D. Bd. Rules § 85.13.

34. By letter dated March 20, 2023, Disciplinary Counsel requested that Respondent, *inter alia*:

(a) address each allegation of misconduct contained in the letter set forth in paragraph 30 *supra*; and

(b) provide the verification required by D. Bd. Rules § 85.13.



35. Respondent failed to comply with these requests.

36. By letter dated June 1, 2023, Disciplinary Counsel:

(a) enclosed a copy of the letter set forth in paragraph 34 *supra*; and

(b) advised that Respondent's failure to comply with the requests therein violated RPC 8.1(b) and Rule 203(b)(7), Pa.R.D.E.

37. Respondent failed to comply with the requests set forth in paragraph 34 *supra*.

38. By his conduct as alleged in Paragraphs 4 through 37 above, Respondent violated the following Rules of Professional Conduct:

(a) RPC 1.2(a), which provides, in pertinent part, that, "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";

(b) RPC 1.3, which provides that, "[a] lawyer shall act with reasonable diligence and promptness in representing a client";

(c) RPC 1.4(a)(2), which provides that, "[a] lawyer shall reasonably consult with the client about the means by which the client's objectives are to be accomplished";

(d) RPC 1.4(b), which provides that, “[a] lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation”;

(e) RPC 1.15(b), which provides that, “[a] lawyer shall hold all Rule 1.15 Funds and property separate from the lawyer’s own property. Such property shall be identified and appropriately safeguarded”;

(f) RPC 1.15(i), which provides that, “[a] lawyer shall deposit into a Trust Account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred, unless the client gives informed consent, confirmed in writing, to the handling of fees and expenses in a different manner”;

(g) RPC 8.1(b), which provides, in pertinent part, that, “a lawyer...in connection with a disciplinary matter[] shall not...knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority”; and

(h) RPC 8.4(d), which provides that, “[i]t 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 charge(s) 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 \_\_\_\_\_  
Daniel S. White  
Disciplinary Counsel  
Attorney Registration No. 322574  
The Disciplinary Board of the  
Supreme Court of Pennsylvania  
Suite 1300, Frick Building  
437 Grant Street  
Pittsburgh, PA 15219  
Telephone: (412) 565-3173

## **VERIFICATION**

The statements contained in the foregoing Petition for Discipline are true and correct to the best of my knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

8/3/23  
Date

  
\_\_\_\_\_  
Daniel S. White  
Disciplinary Counsel

**CERTIFICATE OF COMPLIANCE**

I certify that this filing 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: 

Name: Daniel S. White

Attorney No. (if applicable): 322574