

**Disciplinary  
Board  
of the  
Supreme  
Court**

**2000 Membership:**

M. David Halpern, Esq., *Chair*  
Angelo L. Scaricamazza, Jr., Esq., *Vice Chair*  
William R. Caroselli, Esq.  
Charles J. Cunningham, III, Esq.  
Christine L. Donohue, Esq.  
Thomas J. Elliott, Esq.  
Duke George, Jr., Esq.  
John E. Iole, Esq.  
C. Eugene McLaughlin  
John W. Morris, Esq.  
J. Michele Peck  
Marvin J. Rudnitsky  
Mark C. Schultz, Esq.  
Martin W. Sheerer, Esq.  
Richard W. Stewart, Esq.

**Staff:**

Elaine M. Bixler, *Executive Director & Secretary*

**Legal Authorization:**

Pa. Constitution, Article V, § 10(c)  
Rule 103, Pa. Rules of Disciplinary Enforcement  
Rule 205(a), Pa. Rules of Disciplinary Enforcement  
Rule 205(c), Pa. Rules of Disciplinary Enforcement

First Floor  
Two Lemoyne Drive  
Lemoyne, PA 17043  
(717) 731-7073

## History/Background

The Disciplinary Board was created by the Supreme Court in 1972 to consider and investigate the conduct of any person subject to the Pennsylvania Rules of Disciplinary Enforcement (Pa.R.D.E.). Such persons include:

- any attorney admitted to practice law in Pennsylvania
- any attorney of another jurisdiction specially admitted to the bar of the Supreme Court for a particular proceeding
- any disbarred, suspended or inactive attorney, with respect to violation of any rules committed prior to disbarment, suspension or transfer to inactivity
- any justice, judge or district justice, with respect to any violation of rules committed prior to taking office, if the Judicial Conduct Board declines jurisdiction
- any attorney who resumes practice of law with respect to any nonjudicial acts performed while in office as a justice, judge or district justice.

Investigations may be initiated by the Disciplinary Board on its own motion or upon complaint from another person. (See Pa.R.D.E. Rules 103, 205(a) and 205 (c)(1)(2).)

Through December 2000, 53,816 active attorneys were registered in Pennsylvania, an increase of 2.05% over 1999.

During 2000, 4,562 complaints were filed with the Disciplinary Board, an average of 380 per month and a decrease of 0.07% from last year. This marks the third year in a row complaints have decreased.

Of the 4,562 new complaints received plus 883 complaints active at the start of the year, 4,644, or 85.29%, were disposed of, including 3,219 dismissed as "frivolous." At the start of 2000, 801 active complaints remained.

## 2000 Activities

The board met six times in 2000. The results of the executive sessions can be found in Table 3.8.1 on page 69. A tabulation of the disciplinary actions taken since the beginning of the board's operations in 1972 is set forth on Table 3.8.2 on page 71. Comparisons of cumulative actions taken and actions taken in 2000 can be found in Chart 3.8.3 on page 73.

### *Rules Committee*

The Rules Committee met and considered amendments to various Pennsylvania Rules of Professional Conduct (Pa.R.P.C.), Pa.R.D.E., and Disciplinary Board Rules and Procedures (D.B.R.P.). Several proposed amendments were published for comment as follows:

**D.B.R.P. 85.13:** Would require that pleadings and other **documents filed** in a disciplinary proceeding be verified by the respondent-attorney

**Pa.R.D.E. 218(f)(2):** Would provide that an attorney suspended for a term not exceeding one year will be required to file a **petition for reinstatement** if the formerly admitted attorney has been on inactive status for more than three years or if the order of suspension has been in effect for more than three years

**Pa.R.D.E. 321-329:** Amendments to reflect the board's experience with **conservatorships** over the past several years. As a result of the expenses the board has incurred in a number of conservatorships in the last several years, the amendments also address the issue of compensation and expenses of conservators, including provisions for payment of the compensation at reasonable intervals and at the same hourly rate as court-appointed counsel in the judicial district where the conservator was appointed.

*Sale of a Law Practice Committee*

In August 2000 an ad hoc committee on the issue of sale of a law practice was established to again review the proposed new Rule 1.17 submitted by the Pennsylvania Bar Association and to rewrite those portions of the rule which were not acceptable to the board. The redraft was circulated to the members of the committee in October 2000 and final changes were made at the November 2000 board meeting. The final version was voted on by mail ballot and forwarded to the Supreme Court on March 7, 2001. At the November 2000 board meeting, a motion was unanimously passed to applaud the efforts of board member John E. Iole in the successful passage of new Rule 1.17.

*Finance & Pension Committee*

In February 2000 the Finance & Pension Committee amended the budget for fiscal year 1999-2000 to reflect a 32% increase in medical insurance premiums as a result of three employees who faced catastrophic illnesses in the plan year ending December 31, 1999. The committee determined to review the current medical benefits package for employees with a view of making changes to offset these increasing costs.

Also in 2000 the committee conferred with two outside consultants concerning the board's investment portfolio. Currently, the board's funds are maintained by one firm, PNC, which holds moneys almost exclusively in

2000 Executive Session Results	
Action	Total
Adjudications involving formal charges	45
Cases resolved by three-member panels of board members who reviewed hearing committee members' recommendations for private reprimand [Rule 208(a)(5) Pa. R.D.E.]	34
Respondents appearing before board to receive private reprimands	22
Oral arguments before three-member panels of board members	4
Violation of probation hearing (before one board member)	1
Board referrals to Supreme Court, including report and recommendation for public discipline	31
Supreme Court orders for disbarment on consent (resulting from verified statements submitted by respondents)	17
Supreme Court orders reinstating previously disbarred or suspended attorneys*	3*
Supreme Court denials for reinstatement	2+
Petitions for reinstatement to active status to attorneys inactive more than three years with no discipline involved	32
*Action taken following hearing on petition for reinstatement.	
+One after having been suspended and one after having been disbarred	

Table 3.8.1

Black Rock funds. The board felt that to ensure maximum return, the funds should be handled by more than one financial consultant. As a result of this review, the board will obtain proposals from other investment firms with the goal of using three different firms for the board's investments.

Finally, the committee approved the budget for fiscal year 2000-01, monitored the monthly financial reports prepared by the office of the secretary and made recommendations to the board concerning ways to limit spending and avoid unnecessary expenses.

### *Ad Hoc Policy Review Committee*

At the November 1999 board meeting, an ad hoc committee was established to review the current personnel policies of the Disciplinary Board to ensure that they are compliant with state and federal law. In August 2000 the committee recommended changes to the following policies:

- a minor change concerning medical care packages for retirees
- amendment of the military leave policy to reflect changes in federal law
- amendments to the hiring procedure of the Office of Disciplinary Counsel
- amendment to the sexual harassment policy to include all types of harassment
- adoption of a new policy for personal computers and Internet access.

### *Education Committee*

The Education Committee developed a program for Hearing Committee members, which was held on August 3, 2000. The program included a mock hearing involving allegations of misconduct by an alcohol-impaired attorney. Dr. Richard Limoges served as guest speaker and played the role of the respondent-attorney's treating psychiatrist. One hundred thirty-three members attended.

The committee also designed the program for the board's retreat meeting in the fall of 2000. The topic was "Practice of Law in the 21st Century - What Implications Do We Anticipate for Pennsylvania's System of Attorney Discipline?" Issues discussed during the retreat included how to regulate the sale of a Pennsylvania legal practice, the Internet, increased attorney movement between firms, discipline for private conduct and Rule 208(f) suspensions.

### *Bridge-the-Gap Committee*

The concept of a Bridge-the-Gap

program originated from a Disciplinary Board retreat meeting held in October 1994, where one of the topics for discussion was "Preceptorship-Mentoring Program vs. Practical Business Course." Following a lengthy debate, the board concluded that a practical business course for newly admitted attorneys in their first year of practice would be beneficial and referred the issue to the Education Committee to draft a proposal to the Supreme Court. The Court, upon learning of the idea, responded enthusiastically.

Over the next several years, the Education Committee researched the concept of a bridge-the-gap course thoroughly, obtaining information from other states concerning their mandatory courses, meeting with representatives of the Continuing Legal Education Board and the Board of Law Examiners, and writing to accredited continuing legal education providers to give them an opportunity to submit proposals for offering the course.

In January 1999 a Bridge-the-Gap Committee was established and in the spring of 2001, the program will be offered for the first time at Temple Law School, Dickinson Law School, the University of Pittsburgh Law School and Widener Law School in Harrisburg.

### *Hearing Committees*

As of December 31, 1999, 177 regular hearing committee members and 24 alternate members appointed by the Disciplinary Board were serving on a *pro bono* basis to conduct hearings.

### **Contact Person**

Anyone having questions about the Disciplinary Board may contact Elaine M. Bixler, Secretary to the Board, at (717) 731-7073 or write in care of the board to First Floor; Two Lemoyne Drive; Lemoyne, PA 17043. 