

**Disciplinary
Board
of the
Supreme
Court**

1996 Membership:

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William R. Caroselli, Esq.
Thomas J. Elliott, Esq.
Angelo L. Scaricamazza, Jr., Esq.

Staff:

Elaine M. Bixler, *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

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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 Rules 103, 205(a) and 205 (c)(1)(2) of the Pa. R.D.E.]

Through December of 1996, 51,540 active attorneys were registered in Pennsylvania. This is an increase of 0.06% over 1995.

During 1996, 4,914 complaints were filed with the Disciplinary Board, an average of 410 per month. Of these 4,914 plus the 1,246 complaints active at the start of the year, 4,857 complaints, or 78.85%, were disposed of in 1996, including 3,429 dismissed as "frivolous." At the start of 1997, 1,259 active complaints remained on hand.

1996 Activities

The board held seven meetings in 1996. The results of the executive sessions can be

found in Table 3.7.1 on page 71. A tabulation of the disciplinary actions taken since the beginning of the board's operations in 1972 is set forth on Table 3.7.2 on page 72. Comparisons of cumulative actions taken and actions taken in 1995 can be found in Chart 3.7.3 on page 73.

Rules Changes

The following are some of the recent amendments to the Pennsylvania Rules of Disciplinary Enforcement (Pa.R.D.E.), the Rules of Professional Conduct (R.P.C.) and the Disciplinary Board Rules Committee:

Pa.R.D.E. 219: Amended in April 1996 to clarify that the proper subject of the **overdraft reporting rules** is fiduciary accounts being maintained in connection with the practice of law in Pennsylvania.

R.P.C. 8.5: Amended in August 1996 to clarify that a lawyer who engages in misconduct may be subject to the **disciplinary authority** of both this jurisdiction and another jurisdiction where the lawyer is admitted, for the same conduct.

R.P.C. 5.7: Adopted in August 1996 to permit **lawyers to act as nonlawyers** when they are providing law-related rather than legal services.

R.P.C. 1.15, Pa.R.D.E. 219, 221 and 601: Amended in September 1996 to establish the **Interest on Lawyer Trust Accounts Program (IOLTA)**.

Board Rule 85.11: Amended in April 1996 to establish a procedure to be followed when filing motions for the **recusal** of board or hearing committees members or special masters.

Board Rules 89.272, 89.273, 89.274 and 89.275: Amended to provide expressly that **reinstatement** may not be sought by a suspended or disbarred attorney until all taxed costs have been paid and reimbursement to the Lawyers Fund for Client Security has been made.

Education Committee

The Education Committee conducted a training session for newly appointed hearing committee members in August 1996. Twenty-four of the 26 newly appointed members participated.

In addition, the Education Committee continued its efforts to establish a Mandatory Bridge-the-Gap Program for law students passing the bar examination prior to their admission to the Pennsylvania bar. Letters were sent to currently accredited CLE providers giving them an opportunity to submit proposals to offer this specialized course.

Hearing Committees

Currently, 168 regular hearing committee members and 24 alternates appointed by the Disciplinary Board are serving on a *pro bono* basis to conduct hearings into formal charges. This includes nine additional members appointed in 1996 in the Harrisburg (District III) area.

Since April 1994, when the Pa.R.D.E. were amended to permit the use of alternate hearing committee members, 21 alternates have been appointed to replace regular members who were unable to participate in those hearings.

In March 1996 the Disciplinary Board conducted a convocation in Hershey for all hearing committee members. Due to an unexpected snow storm, only 90 members were in attendance.

1996 Executive Session Results	
Action	Total
Adjudications involving formal charges	50
Cases resolved by three-member panels of board members who reviewed hearing committee members' recommendations for private reprimand [Rules 208(a)(5) Pa. R.D.E.]	30
Respondents appearing before Board to receive private reprimands	27
Oral arguments before three-member panels of board members	11
Board referrals to Supreme Court, including report and recommendation for public discipline	36
Supreme Court Orders for disbarment on consent (resulting from verified statements submitted by respondents)	30
Supreme Court Orders reinstating previously disbarred or suspended attorneys*	12
Supreme Court denials for reinstatement	0
Petitions for reinstatement to active status to attorneys inactive more than three years with no discipline involved	19
* Action taken following hearing on petition for reinstatement.	

Table 3.7.1

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. 

Table 3.7.2