



The
DISCIPLINARY BOARD
of the Supreme Court of Pennsylvania

December
2019
Newsletter



From the Chair

As the year comes to a close and I look back on the Board's accomplishments in 2019, I am proud of the continued progress we have made in the advancement of the Board's mission – to protect the public, to maintain the integrity of the legal profession, and to safeguard the reputation of the courts. I hope that you, too, will look back on this year and be pleased with your accomplishments, both personally and professionally.

Looking forward to 2020, we will see the retirement of Paul Killion as Chief Disciplinary Counsel and the arrival of Tom Farrell as the new Chief Disciplinary Counsel. On behalf of the Board, I want to express our appreciation to Paul for his dedication and commitment to the Board and extend a warm welcome to Tom as he takes over as Chief Disciplinary Counsel.



On behalf of the entire Board, I wish you all a safe and happy holiday season!

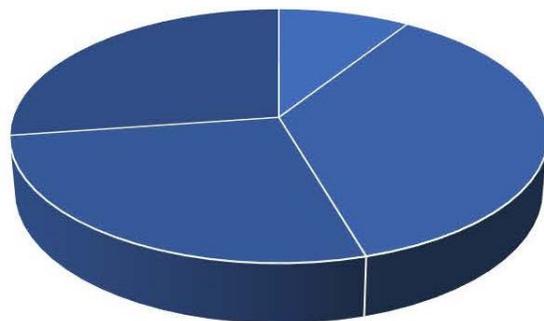
Andrew J. Trevelise, Esquire
Board Chair

Social Media

Like us on [Facebook](#), follow us on [Twitter](#), and connect with us on [LinkedIn](#) for more news and information.

Discipline Imposed

November 2019



- Informal Admonition - 0
- Private Reprimand - 0
- Public Reprimand - 0
- Public Censure - 0
- Disability Inactive Status - 1
- Temporary Suspension - 4
- Suspension - 3
- Disbarment - 3

Temporary Suspension

[David W. Harris, III](#)
[Timothy Robert Hough](#)
[Neil I. Mittin](#)
[James Kevin Reed](#)

Suspension

[Lewis P. Hannah, III](#)
[Anthony Charles Mengine](#)
[Cheri S. Williams Robinson](#)

Disbarment

[Robert Charles Cordaro](#)
[Glenn D. DeSantis](#)
[Mark T. Pilon](#)

Attorney Registration

Emeritus Renewal Period Coming Soon!

Emeritus status is available to attorneys who retire from the practice of law and seek to provide pro bono services to legal aid organizations. Emeritus programs create a pool of qualified volunteer attorneys to provide services to those in need. Emeritus attorneys perform valuable roles in the community by bolstering legal aid and other nonprofit programs to help close the gap between the need for and the availability of free legal services.

Attorneys whose license status is currently Emeritus are due to renew in January. Renewal information was recently mailed to those attorneys on Emeritus Status. **Emeritus renewal materials must be returned by January 31, 2020.**

Please see [Pa.R.D.E. 403](#) for detailed emeritus information, review the [Emeritus Attorney FAQs](#), or contact us at (717) 231-3380 or atty.registration@pacourts.us.

Articles of Interest

Former Judge Ciavarella, Key Player in “Kids for Cash,” Disbarred

One of the greatest judicial scandals in Pennsylvania history seems to be coming to an end. On October 1, 2019, the Supreme Court of Pennsylvania entered an [order accepting the disbarment by consent of Mark A. Ciavarella, Jr.](#)

Ciavarella, a former Judge of the Court of Common Pleas for Luzerne County, was at the center of what became known as the “Kids for Cash” scandal, which arose in 2008 from charges that Ciavarella and former President Judge Michael Conahan accepted kickbacks from parties with interests in child detention facilities in return for thousands of harsh dispositions which resulted in juveniles being committed to those facilities. Conahan pleaded guilty to Federal charges and was disbarred in 2011. Ciavarella chose to go to trial and was found guilty of 12 counts in 2011. His original convictions were upheld by the Court of Appeals, but in 2018 a Federal District Court vacated some of the convictions based on subsequent caselaw and stated its intention to schedule a new trial. The Court of Appeals affirmed that decision in March 2019, and an application for certiorari to the Supreme Court of the United States was pending at the time of Ciavarella’s resignation statement.

Although the Supreme Court application was still pending, Ciavarella signed a resignation statement acknowledging that he could not successfully defend the disciplinary proceedings, and the Supreme Court of Pennsylvania accepted the resignation and disbarred Ciavarella on October 1, 2019. He had assumed voluntary inactive status in 1996 and been temporarily suspended in 2012.

Disciplinary Board Publishes List of Approved Financial Institutions

The Disciplinary Board has published its annual list of financial institutions approved to hold client trust funds. Find the list [here](#).

So Long, Partner: A Changing Climate for Partnership

Making partner often isn’t what it used to be.

For many attorneys who entered the practice of law decades ago, “making partner” was the culmination of success in the legal profession. Becoming a full partner in an established law firm conferred job security close to life tenure, a comfortable income, and a measure of professional prestige. But as an [article in the Wall Street Journal](#) argues, times have changed, and so have the rewards of becoming a partner. As one industry saying goes, making partner is like winning a pie-eating contest, only to discover that the prize is more pie.

Lawyers who, as associates, worked long hours and hustled constantly to find new clients have been finding that not much changes when they become partners. Firms with hundreds or even thousands of partners no longer view individual partners as unique and irreplaceable assets. The largest U.S. law firm has over 10,000 lawyers, a third of them partners.

The diminished loyalty between firms and partners is not a one-way street. Lateral mobility of lawyers has spiked up as partners, with more information than ever as to the relative compensation in different firms, frequently jump ship to other firms, often taking clients, lawyers, and staff with them.

Meanwhile, the race to find and compensate partners often results in harsher working conditions and diminished expectations for those who have not yet achieved that title. Many associates find delays of up to ten years in achieving partnership, or find themselves shuttled to lesser titles like “counsel” or “non-equity partner,” still drawing salary rather than sharing profits. According to ALM Intelligence, the percentage of partners holding equity in their firms has declined from 78% in 2000 to 56% in 2018.

Brad Karp, chairman of Paul, Rice, Rifkind, Wharton, & Garrison, LLP, comments, “Many law firms have become so focused on the next client, the next matter, the next dollar that they have failed to notice the gradual but inexorable disintegration of their cultural glue.”

Sentence Fragment: Lifer Seeks Freedom after Temporary Death

An Iowa convict serving a life sentence made a remarkable argument. After being technically dead and then revived, he [claimed he had served his life sentence, and therefore should be free to go](#).

Benjamin Schreiber was convicted of murder in 1997 and sentenced to life in prison without the possibility of parole. In 2015, Schreiber suffered septic poisoning due to kidney stones and was rushed to the hospital, unconscious and unresponsive. Despite the fact that he had signed a “do not resuscitate” order, doctors worked fervently to save his life, and after emergency procedures he recovered.

Three years later, Schreiber filed his third petition for post-conviction relief on his own behalf, without counsel. He argued that during his 2015 hospitalization, he was legally dead for a period of time before he was revived by the doctors’ efforts. Therefore, he argued, his “death” completed his life sentence, and he was entitled to discharge as he was sentenced to life imprisonment, “but not to Life plus one day.”

The courts did not buy his argument. The district court granted the state’s motion to dismiss the petition without an evidentiary hearing, and refused to appoint counsel for him. On appeal, the Court of Appeals of Iowa, in an [opinion by Judge Amanda Potterfield](#), affirmed the lower court’s decision. She wrote, “Schreiber is either still alive, in which case he must remain in prison, or he is actually dead, in which case this appeal is moot.” She further noted that since Schreiber had signed the PCR application and his motion for reconsideration, the latter did not seem likely.

In other words, you only live once.

Tennessee Judge Holds Lawyer’s Son as He Swears Her into Bar

The [image of a Tennessee judge holding a lawyer’s baby](#) as he swears her into the bar is going viral. Newly admitted lawyer Juliana Lamar gave birth to her son Beckham while still in law school. Once admitted, she chose to be sworn in by Tennessee Court of Appeals Judge Richard Dinkins, for whom she had clerked and whom she regarded as a mentor and inspirational figure. She also wanted her son to be part of this important moment in her life. Judge Dinkins readily agreed, and bounced Beckham on his arm as he read the oath swearing Beckham’s mother into the practice of law. The video is [here](#).

Attorney Well-Being

Is the Billable Hour Model Bad for Lawyer Well-Being?

Lawyers have long known that the drive to accumulate billable hours can be stressful. But recent studies have raised the question of whether the practice model built on the billable hour is having an adverse effect on lawyers’ mental health and well-being.

A [2015 study from the Florida State University College of Law](#), examining factors leading to satisfaction and dissatisfaction in the practice of law, found that psychological predictors of well-being decreased as lawyers were required to bill more hours. Those lawyers with higher billable requirements cited less internal motivation and satisfaction, and reported increased levels of alcohol abuse. An [article in the journal *Psychiatry, Psychology and Law*](#) reported that Australian lawyers who billed the highest number of hours experienced the worst psychological problems,

including symptoms of severe depression and substance abuse.

In [an article in Law Practice Today](#), lawyer Stephen Embry argues that the billable hour causes many harmful effects. He notes that the focus on billable hours forces lawyers to make time-value judgments that too often are based purely on whether an activity is billable; distracts them away from real life into a world where everything is billable and therefore important, or not billable and thus not important; and discourages participation in business development or personal enrichment opportunities that require nonbillable time. It encourages overdoing work, raising cost for clients; resisting technologies and processes that would bring greater efficiency, since that could mean fewer billable hours; and failing to attend to things most other businesses routinely do, such as long-term planning, training and mentoring, research, and development.

Embry concludes his argument with the plea, “If we aren’t willing to look hard at reducing our dependence on the billable hour for pure business reasons, let’s do it for our mental health and well-being.”

Around the Court



AOPC Produces Video: Pennsylvania Veterans Treatment Courts – Overview

The AOPC recently produced a video titled [“Pennsylvania Veterans Treatment Courts – Overview”](#). Volunteer veteran mentors play a crucial role in the success of Veterans Treatment Courts. For Veterans looking to be of service to their fellow vets in need, becoming a mentor offers the opportunity to guide and support a struggling veteran as they navigate the court, treatment, and Veterans Affairs systems.

Investigating Grand Jury Task Force Completes Work; Delivers Report to Supreme Court

The [report](#) sets forth 37 recommendations focused on improving the efficiency, effectiveness, and fairness of investigating grand juries, most of which relate to actions that can be effectuated by the judicial branch.

Resources

[FAQs - For the Public](#)

[Annual Report](#)

[Recent Discipline](#)

[FAQs - For Attorneys](#)

[Rules](#)

[Discipline Statistics](#)

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