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The  
**DISCIPLINARY BOARD**  
of the Supreme Court of Pennsylvania

February 2020  
Newsletter



## *From the Chair*

As we look forward to the arrival of Spring, I wanted to report to you that the Supreme Court has recently entered an Order appointing [James C. Haggerty and John F. Cordisco to serve as the next Chair and Vice-Chair](#) of the Disciplinary Board, respectively, commencing April 1, 2020. Mr. Haggerty currently serves as Vice-Chair of the Board and Mr. Cordisco currently serves as the Chair of the Board's Finance & Personnel Committee. Congratulations to Jim and John! I am confident that the incoming leadership of this Board will continue the advancement of our mission.



In addition, this month's newsletter brings you some important amendments to various rules – a [proposal](#) to adopt significant changes to the Board's procedural rules; notice of certain [other changes](#) to the Board's procedural rules; and notice of the Supreme Court's Order amending [Rule 322 of the Pennsylvania Bar Admission Rules](#) regarding Certified Legal Interns.

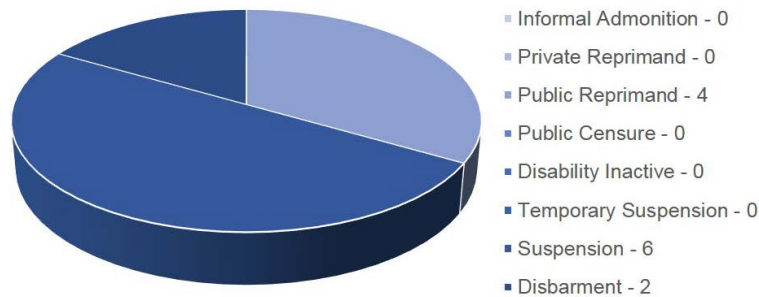
Andrew J. Trevelise, Esquire  
Board Chair

## *Social Media*

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

## *Discipline Imposed*

January 2020



**Public Reprimand**

[Stuart R. Lundy](#)  
[Timothy J. McMahon](#)  
[Ann Miller](#)  
[Sandra Ilene Thompson](#)

**Suspension**

[James Stephen DelSordo](#)  
[Holly C. Dobrosky](#)  
[Samir George Hadeed](#)  
[William James Helzlsouer](#)  
[Hercules Pappas](#)  
[Patrick O'Hare Regan](#)

**Disbarment**

[Kenneth Haley](#)  
[Lawrence Jay Weinstein](#)

## Rules

### Disciplinary Board Proposes Extensive Amendments to Procedural Rules

The Disciplinary Board has proposed an extensive set of amendments to its procedural rules. The full proposal was published on February 1, 2020 at [50 Pa.B. 642](#).

The amendments arise from the fact that the current language of [Rule 89.2](#) of the Rules of Organization and Procedure of the Disciplinary Board (Disciplinary Board Rules) states that formal proceedings conform generally to the practice in actions in equity under the Pennsylvania Rules of Civil Procedure. This became a problem as the Supreme Court merged the action in equity with general civil actions in 2003, and simple substitution of reference to the Rules of Civil Procedure would not be satisfactory because those rules contain many provisions clearly inapplicable in disciplinary proceedings. Instead, the Board plans to recommend to the Court that [Enforcement Rule 208\(c\)](#) be amended to provide that all formal proceedings be governed by the Board Rules, the Enforcement Rules, and the decisional law of the Court and the Board in attorney discipline and reinstatement matters. If the Supreme Court adopts the Board's recommendation, the Board proposes to replace current D.Bd. Rules § 89.2 with a new subdivision (a) of D.Bd. Rules § 89.2, which would reaffirm the applicable sources of procedural law established by new Enforcement Rule 208(c).

A few specific rule revisions are also incorporated into the proposed rulemaking:

- [Rule 85.11](#), regarding recusal, would be amended to provide that a motion for recusal must state the grounds on which recusal is sought, specify procedure for service and response when an interlocutory appeal of a decision on recusal is filed with the Board, and

permit the Vice Chair to rule on the motion when the Chair is unavailable.

- [Rule 89.2](#) would be amended to add two new subsections (b) and (c), providing that certain prehearing and hearing motions may not be filed and will not be considered, including motions for summary judgment or judgment on the pleadings, to strike the petition for discipline in whole or in part, to dismiss based on insufficient evidence, for directed verdict or nonsuit, to dismiss based on insufficient evidence, or attacking the validity of the proceedings.
- [Rule 89.21](#), regarding service, would be amended to state that initial process, whether a petition or an Order, must be served personally on the respondent-attorney if possible, and other forms of service are authorized if personal service is unsuccessful.
- An official note would be added to [Rule 89.55](#), pleadings allowed, specifying that if new matter is included in an answer, a reply to the new matter is not required.

Comments may be submitted until **March 9, 2020** to:

The Disciplinary Board of the Supreme Court of Pennsylvania  
601 Commonwealth Avenue, Suite 5600  
PO Box 62625  
Harrisburg, PA 17106-2625  
Fax: (717) 231-3381  
Email: [DBoard.Comments@pacourts.us](mailto:DBoard.Comments@pacourts.us)

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### **Disciplinary Board Adopts Three Rule Amendments**

In addition to its ambitious rule change proposals, the Disciplinary Board finalized three amendments to the Rules of Organization and Procedure of the Disciplinary Board (Disciplinary Board Rules) published in the [February 1, 2020 issue of the Pennsylvania Bulletin](#):

- In Order No. 93, published at [50 Pa.B. 647](#), the Board amended several rules to conform with changes in the Rules of Disciplinary Enforcement regarding limited admission statuses such as attorney spouse of an active-duty service member or attorney participant in defender or legal services programs.
- In Order No. 94, published at [50 Pa.B. 648](#), the Board amended Rule 93.142, filing of annual fee form by attorneys, to eliminate references to “checks” in payment of annual fees, as the majority of payments are now made electronically.
- In Order No. 95, published at [50 Pa.B. 651](#), the Board amended [Rule 93.21](#) to reflect the current provision of [Enforcement Rule 205 \(a\) and \(b\)](#) that the Board consists of ten attorneys and two non-lawyers serving single six-year terms.

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### **Supreme Court Amends Rules Regarding Certified Legal Interns**

In an [Order](#) dated January 15, 2020, the Supreme Court amended [Rule 322 of the Pennsylvania Bar Admission Rules](#) to alter some provisions regarding Certified Legal Interns.

The amendment removes restrictions that prohibited certified legal interns from appearing before the Supreme, Superior, and Commonwealth Courts, and specifically authorizes such individuals presenting oral argument. Two new provisions are also added to Rule 322(c), regarding the duties of supervising attorneys. The supervising attorney must assure that the certified legal intern is fully prepared and appropriately supervised, and must be present during any appearance the certified legal intern makes before any tribunal. Previously, the supervising attorney’s presence was only

required in a criminal matter where the defendant has the right to counsel.

## *Articles of Interest*

### **Trial Judges Ethics Panel Offers Opinion on Quasi-Judicial Officers**

The Ethics Committee of the Pennsylvania Conference of State Trial Judges has published its Ethics Opinion No. 2019-1, addressing the ethics code applicable to lawyers serving as masters, hearing officers, and other quasi-judicial officers. The opinion is published at [50 Pa.B. 7](#) (1/4/2020).

The opinion begins by stating that such officers are not subject to the [Code of Judicial Conduct](#). It finds that masters, hearing officers, and other quasi-judicial officers who are “county-level court employees...under the supervision and authority of the President Judge” are subject to the [Code of Conduct for Employees of the Unified Judicial System](#). However, masters and hearing officers serving on a temporary, contract, or case-by-case basis are not employees subject to that code either. The opinion concludes that the supervising judge, consistent with his or her supervisory responsibilities under [Rule 2.12 of the Code of Judicial Conduct](#), may require such officers to abide by certain provisions of the Code, including:

*[C]omplying with the law, Rule 1.1; promoting confidence in the judiciary, Rule 1.2; avoiding abuse of the prestige of one’s position, Rule 1.3; being impartial and fair, Rule 2.2; performing one’s duties without bias or prejudice, Rule 2.3; avoiding external influences on one’s conduct or decisions, Rule 2.4; performing one’s work competently and diligently, Rule 2.5; ensuring the right to be heard, Rule 2.6; requiring order and decorum in proceedings, Rule 2.8; avoiding ex parte communications, Rule 2.9; and disqualifying oneself when appropriate, Rule 2.11.*

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### **Kansas Man Requests “Trial by Combat” with Swords Against Ex-Wife, Lawyer**

A domestic relations litigant in Kansas has filed a motion seeking leave of court to resolve the case by a sword fight between him and his ex-wife and her lawyer. [David Ostrom, of Paola, Kansas, said in a January 3 court filing](#) that his former wife and her attorney had destroyed him legally and requested the opportunity to “rend their souls from their bodies” with swords. He argued that trial by combat has never been specifically abolished in the United States.

It should come as no surprise that his wife’s counsel opposed the motion. The judge, citing deficiencies in both the motion and the response, does not plan to issue a ruling soon.

## *Disciplinary Board News*

### **Supreme Court Names Haggerty, Cordisco to Lead Disciplinary Board**

By [Order](#) dated January 15, 2020, the Supreme Court designated James C. Haggerty of Philadelphia as Chair of the Disciplinary Board and John F. Cordisco of Bucks County as Vice-Chair, effective April 1, 2020.



Mr. Haggerty is a founding partner of Haggerty, Goldberg, Schleifer & Kupersmith. He served for six years on the Appellate Rules Committee of the Supreme Court. Mr. Haggerty joined the Disciplinary Board in April 2015 and was appointed to a second term in 2018. He became the Disciplinary Board's Vice Chair on April 1, 2019.

Mr. Cordisco is the founding partner of Cordisco & Saile LLC in Trevose, Bucks County. Mr. Cordisco served as a State Representative from 1981-1986 and as a Hearing Committee Member for the Disciplinary Board before his appointment to the Board. He was named to the Board in April 2015 and reappointed in 2018.



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### **Chief Disciplinary Counsel Paul Killion Retires: Thomas Farrell Named New Chief**

Effective January 31, 2020, Paul J. Killion retired as the Chief Disciplinary Counsel for the Disciplinary Board. In this office, he served as the chief prosecutor for the disciplinary system and supervised all cases handled by the Office of Disciplinary Counsel.

Mr. Killion succeeded John F. Doherty as Chief Disciplinary Counsel in 2002. His 17-year tenure is the longest of any Chief Disciplinary Counsel since the founding of the Disciplinary Board in 1972. Prior to joining the Office of Disciplinary Counsel, he served with the U.S. and Pennsylvania Attorney General offices, then maintained a private practice specializing in white collar criminal defense. He retires after a distinguished 50-year career in the practice of law.

Thomas J. Farrell, formerly a partner at Farrell Reisinger & Comber, LLC in Pittsburgh, succeeds Mr. Killion as Chief Disciplinary Counsel. Mr. Farrell also served as an Assistant United States Attorney and Federal Public Defender, before establishing a private practice centered on criminal defense and civil complex litigation, including leading internal investigations for municipalities and public authorities. He undertakes leadership of an Office of Disciplinary Counsel consisting of over 30 Disciplinary Counsel and 10 investigators and auditors.



*Thomas J. Farrell (left) and Paul J. Killion (right)*

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## Office of Disciplinary Counsel Management Updates

In late January 2020, Chief Disciplinary Counsel Thomas J. Farrell announced the following management changes within the Office of Disciplinary Counsel:

- Raymond S. Wierciszewski was named Deputy Chief Disciplinary Counsel
- Ramona M. Mariani was named Counsel-in-Charge of the District II Office
- Kristin A. Wells was named Counsel-in-Charge of the District III Office

More information about the [District Office locations](#) is available on the [Disciplinary Board's website](#).

## *Attorney Well-Being*

[Lawyers Concerned for Lawyers](#) of Pennsylvania has provided an article previously published by the [American Bar Association](#) in [Law Practice Today](#). With permission from author Roberta Tepper, an excerpt of the article, "[Work, Rest, Repeat - Giving Yourself a Break](#)", is shared below.

As lawyers we have been encouraged, subtly or overtly, to be proud of the number of hours we work and bill. This is particularly true in the medium-to-large firm environments, but the message has pervaded the legal profession. We should be happy when we work 70 hours a week; those who work fewer hours are somehow considered . . . well, less. The implementation of technology to make lawyers more efficient has not typically resulted in a corresponding reduction of work hours for lawyers; in the practice management world, we hear anecdotal stories about lawyers being able to take on even more clients/cases because technology has made them more productive. Wouldn't it be nice to hear a lawyer share that they are taking more time for themselves, or for their families, because they have been able to streamline processes?

Read the [full article](#) in the ABA's Law Practice Today publication.

### **About the Author**

*Roberta Tepper is the Lawyer Assistance Programs director for the State Bar of Arizona, where she advises lawyers on practice management and wellness. Ms. Tepper is the President of the Arizona Women Lawyers Association, serves on the ABA Law Practice Division Council and on the 2019 TECHSHOW Board. She may be reached at [Roberta.Tepper@sta.azbar.org](mailto:Roberta.Tepper@sta.azbar.org).*

## *Around the Court*



### **Learn About the Judicial System – Clean Slate, Expungement and Limited Access**

What is a Clean Slate? What is Act 5 limited access? What is expungement? [Find answers to these and more Frequently Asked Questions.](#)

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### **Court Programs – Language Access Coordinators**

Language Access Coordinators oversee the provision of language access services in their judicial districts. The Courts have provided a [list of individuals](#) to contact if you wish to request an interpreter for your case or you need assistance obtaining information.

## *Resources*

[FAQs - For the Public](#)

[Annual Report](#)

[Recent Discipline](#)

[FAQs - For Attorneys](#)

[Rules](#)

[Discipline Statistics](#)

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