(Rev. 11-2023)

In general, the Conservator transmits the report directly to the President Judge and files the report with the court’s filing office and the Disciplinary Board. Local procedures vary.

\*\*\*, ESQUIRE

Conservator for \*\*\* (Deceased)

[Address]

\*\*\*, PA \*\*\*\*\*

(\*\*\*) \*\*\*-\*\*\*\*

Email: \*\*\*

\*\*\* [Date] \*\*\*

Honorable \*\*\*

President Judge, Court of Common Pleas

\*\*\* Judicial District of Pennsylvania

[Address]

\*\*\*, PA \*\*\*\*\*

Re: In the Matter of \*\*\*, Esquire, Deceased

No. \*\*\*-\*\*\*, Administrative Docket \_\_\_

Dear President Judge \*\*\*:

Enclosed is a copy of the Conservator’s Initial Report (“Report”) pursuant to Pa.R.D.E. 322(e).

The original of the Report will be filed with the [Office of Prothonotary/Office of Judicial Records].

Thank you.

Very truly yours,

\*\*\*, Esquire

Conservator for \*\*\*

\*\*\*/\*\*\*

Enclosure

(via email)(w/attachment)

cc: Marcee D. Sloan, Prothonotary, The Disciplinary Board

Thomas J. Farrell, Chief Disciplinary Counsel

Anthony P. Sodroski, Disciplinary Counsel-in-Charge,

Special Projects

IN THE COURT OF COMMON PLEAS

OF \*\*\* COUNTY, PENNSYLVANIA

IN THE MATTER OF : COURT OF COMMON PLEAS

: CIVIL DIVISION

:

\*\*\*, Deceased : No. \*\*\*-\*\*\*\*

: **[**Administrative Docket **or**

: Miscellaneous Docket]

(Attorney Registration No. \*\*\*\*\*) :

CONSERVATOR’S INITIAL REPORT

\*\*\*, Esquire

Conservator

Attorney Registration No. \*\*\*\*\*

[Address]

\*\*\*, PA \*\*\*\*\*-\*\*\*\*

\*\*\*-\*\*\*-\*\*\*\* (telephone)

\*\*\*-\*\*\*-\*\*\*\* (fax)

Email: \*\*\*

IN THE COURT OF COMMON PLEAS

OF \*\*\* COUNTY, PENNSYLVANIA

IN THE MATTER OF : COURT OF COMMON PLEAS

: CIVIL DIVISION

:

\*\*\*, Deceased : No. \*\*\*-\*\*\*\*

: **[**Administrative Docket **or**

: Miscellaneous Docket**]**

(Attorney Registration No. \*\*\*\*\*) :

**CONSERVATOR’S INITIAL REPORT PURSUANT**

**TO Pa.R.D.E. 322(e)**

AND NOW, comes \*\*\*, Esquire, Conservator for \*\*\* (Deceased), and files this Conservator’s Initial Report as follows:

1. By Order dated January 18, 2018, President Judge \*\*\* appointed \*\*\*, Esquire (“Conservator”) as Conservator of the above-captioned matter pursuant to Pennsylvania Rule of Disciplinary Enforcement (“Pa.R.D.E.” or “Enforcement Rule”) 321 to fully protect the rights and interests of the clients of \*\*\* (“Conservatee”). A copy of the Order of appointment is attached as **Exhibit A**.
2. The Order included a provision, pursuant to Pa.R.D.E. 321(g), imposing an automatic stay of all pending legal and administrative proceedings in the Commonwealth of Pennsylvania as of \*\*\*, the date of [\*\*\*Conservatee’s death] [\*\*\* the filing of the application for appointment of a conservator].
3. Enforcement Rule 322(e) requires that the Conservator provide a written report to the appointing Court and to the Disciplinary Board of the Supreme Court of Pennsylvania within 30 days of appointment covering the Conservator’s progress made toward accomplishing the duties outlined in Enforcement Rule 322(a) through (c)——namely, taking possession of all files of the absent attorney; making a written inventory of all files; making a reasonable effort to identify the clients whose files were opened within five years of the appointment of the Conservator and all clients whose cases are active regardless of the age of the file, and sending to those clients at least one written notice advising of the possible need to obtain substitute counsel; identifying clients with files that are both inactive and older than five years and providing notice to those clients by publication; and returning files to clients or to substitute counsel upon the request of the client and execution of a written receipt.
4. By this Initial Report, the Conservator reports that on January 22, 2018, she together with \*\*\* went to the office that Mr. \*\*\* maintained for the practice of law at \*\*\*, and collected his client files. The client files were packed into 69 regular-sized Banker boxes. An additional five boxes were filled with financial records and other miscellaneous documents. The 74 boxes were delivered to \*\*\* in \*\*\*, Pennsylvania. At this time, no additional files are known to exist. Conservatee’s secretary, Ms. \*\*\*, was interviewed, and she advised that she was not aware of any electronic files that were not also maintained in paper form. She has also advised that she has access to all computer files and has agreed to assist Conservator in obtaining access to those files.
5. The Conservator is presently working to make a written inventory of the physical files taken into her possession, with a focus on identifying those files that are active and might require immediate attention. From her initial review, Conservator has identified 8 active files, all in \*\*\* County, and three files have been returned via Priority mail to clients who requested them urgently. The Conservator was able to contact the other five clients with active files by phone; three have made arrangements to retrieve their files in person, and the remaining two have advised that they have retained new counsel and would arrange for new counsel to contact the Conservator to obtain the file.
6. To date, the Conservator has identified 52 clients with files opened within five years of the Conservator’s appointment that are closed.
7. The Conservator plans to send, in the days immediately following the filing of this report, a notice letter to those 52 clients via first class U.S. mail to the addresses provided in the files. In compiling the inventory, the Conservator is recording email addresses, where provided, for sending a second notice via email if the mailing by U.S. mail is returned as undeliverable or there is no response from the client. The notice letter requests that the client sign a form of authorization to release the file, which must be returned to the Conservator. On receipt of the signed authorization, the Conservator will send the files to the client at the address provided on the Authorization for mailing, via UPS or U.S. mail with delivery tracking, and request the return of the written receipt required by Enforcement Rule 322(c)(3). The notice letter, authorization and file receipt are attached collectively as **Exhibit B**.
8. In the notice letter, the former clients are given the option to make arrangements with the Conservator to retrieve the file in person.
9. To date, the Conservator has identified 44 files that were opened prior to January 18, 2013 (*i.e.,* more than five years prior to the date of the Conservator’s appointment) and are closed.
10. Unless original documents are discovered in the older files that are closed, which to date has not occurred, such former clients will receive notice of my appointment as Conservator through publication. Pursuant to this Court’s appointing Order, a Notice of Conservatorship as required by Enforcement Rule 322(c)(2) was published in both the paper and online editions of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_ on February 14, 2018. A similar notice is scheduled to be published in the \_\_\_\_\_\_\_\_ County Law Reporter and the online version on March 2, 2018.
11. Inquiries and correspondence are being handled as received. To date, these number less than ten.

The Conservator would welcome the opportunity to answer any questions the Court or Board may have based on this Initial Report or to provide additional information as required.

WITNESS my hand to this Report this \*\*\* day of \*\*\*, 20\*\*.

Respectfully submitted,

\*\*\*, Esquire

Conservator for \*\*\* (Deceased)

Attorney Registration No. \*\*\*\*\*

(\*\*\*) \*\*\*-\*\*\*\*(telephone)

(\*\*\*) \*\*\*-\*\*\*\* (fax)

[\*\*Email address]