



The
DISCIPLINARY BOARD
of the Supreme Court of Pennsylvania

**October 2024
Newsletter**



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From the Chair

Each October, the legal community honors the [National Celebration of Pro Bono](#). This year, it is observed October 20-26, 2024. Through the 2024 theme, “Making Justice a Reality in Our Communities”, the celebration emphasizes the persistent need for pro bono legal services in our unique communities.

Reflective of the celebration’s Pennsylvania roots, lawyers across the state perform pro bono legal work that is absolutely vital to the well-being of their communities. As the demand for such support grows through natural disasters, public health crises, and myriad hardships, so does the generosity of individuals who offer their expertise and scarce free time to those most in need of civil legal assistance.



On Friday, October 25th, Allegheny County Bar Association will host a [virtual CLE event](#) (1.0 Substantive) spotlighting pro bono efforts and opportunities. This program will address management of common commitment barriers to pro bono involvement as well as the justice gap throughout local communities.

Thank you to all who find fulfillment in meaningful service through pro bono work. The Disciplinary Board urges all PA lawyers to fervently honor their professional obligation and ethical duty to “render public interest legal service” under [Rule of Professional Conduct 6.1](#).

I am proud of the Disciplinary Board’s [emeritus status program](#) which offers retired attorneys an opportunity to employ their robust skills in the aid of others through civil legal aid programs. I find myself equally moved by recent efforts of the Unified Judicial System (UJS) to further the access to justice for all Pennsylvanians. Just since January of this year, the Office of Elder Justice in the Courts [announced](#) a pilot project providing free legal representation to adults aged sixty and older in guardianship cases; spearheaded by PA Supreme Court Justice Kevin Dougherty, the UJS [expanded](#) sensory-friendly courtrooms across the state, supporting court users on the Autism Spectrum; and the Administrative Office of Pennsylvania Courts [created](#) a new Office of Behavioral Health which focuses on bettering the court system’s response to behavioral health

challenges.

There is much to take pride in as a member of Pennsylvania's legal profession.

Stay well,

John C. Rafferty, Jr.
Board Chair

Urgent Pro Bono Efforts Needed in Support of Victims of Hurricane Helene in North Carolina

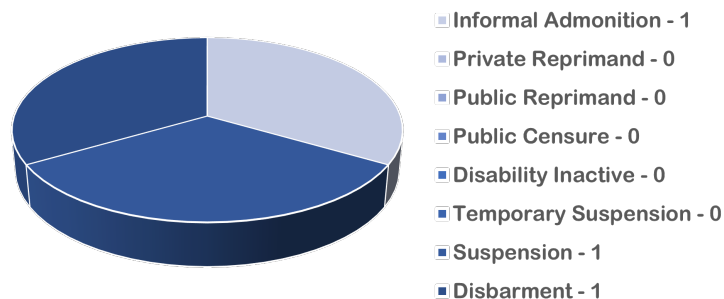
Earlier this month, the Supreme Court of North Carolina issued an [Order](#) allowing attorneys admitted in other states to [temporarily provide](#) pro bono legal services to NC victims of the Hurricane/Tropical Storm Helene disaster.

NC State Bar Executive Director Alice Neece Mine explained, "We are anticipating an unprecedented need for lawyers to help victims of the storm with the many legal problems that will arise including landlord/tenant issues, consumer fraud, and most specifically FEMA applications. To this end, we have obtained a 'Katrina order' from the NC Chief Justice that permits lawyers licensed in other states but not in NC to temporarily register with the NC State Bar to provide pro bono legal services to indigent residents of NC who are victims of Helene."

All interested attorneys can access the registration form [here](#).

Discipline Imposed

September 2024

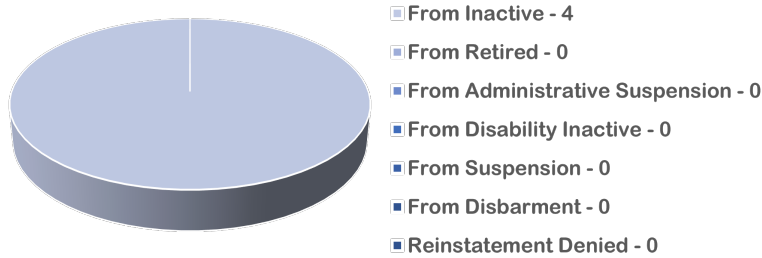


Suspension
[J. Conor Corcoran](#)

Disbarment
[Eugene Daniel Lucas](#)

Reinstatements

September 2024



From Inactive

[Walter R. Bashaw, II](#)

[Allan Michael Hoffman](#)

[Kathleen Louise Knisely](#)

[Jack Francis Stucker](#)

Note: The above-listed granted reinstatement matters reflect only those granted by Supreme Court Order. An attorney listed as reinstatement granted, but whose current license status does not reflect reinstatement, has yet to submit the fees necessary to finalize reinstatement.

Disciplinary Board News

Chief Disciplinary Counsel Speaks on Succession and Emergency Planning at PBA's Annual Solo and Small Firm Conference

Last month, Disciplinary Board Chief Disciplinary Counsel Thomas Farrell joined former Pennsylvania Bar Association president Anne John and the PBA's Law Practice Management Coordinator, Ellen Freedman, at the PBA's annual [Solo and Small Firm](#) conference to discuss the issue of Succession and Emergency Planning to protect clients in the event that their attorneys pass away or become disabled.

The Disciplinary Board issued a proposed rule in May to mandate succession and emergency planning. The discussion centered on the wisdom of the rule and, if it is adopted, how practitioners, bar associations, and the Office of Disciplinary Counsel can cooperate in implementing it effectively.

In 2023, the Board released a new ["Conservatorships" webpage](#). Within Pennsylvania's legal profession, conservators are "attorneys appointed by a court to protect the interests of the clients of an absent attorney". This webpage makes available important conservatorship information to all affected clients and other interested parties. Learn more [here](#) on the Board's website.

CDC Corner

Representation of Respondents in Disciplinary Proceedings

The infamous quote “A lawyer who represents himself has a fool for a client” is oft attributed to Abraham Lincoln, our sixteenth President, and has particular relevance in our work at the Office of Disciplinary Counsel. Our observation, shared by our counterparts nationwide, is that attorneys who represent themselves in disciplinary proceedings fare much worse than those who have counsel.

In January, the Office of Disciplinary Counsel and the Pennsylvania Bar Association presented a half-day CLE training for lawyers who expressed interest in volunteering to represent respondents who cannot afford counsel. The representation would be limited to the early, informal stage of an investigation – the stage before formal charges are filed.

Since ODC sits on the opposing side of disciplinary litigation, our role was limited to the training. We do not select the volunteer attorneys, and we do not screen the applicants.

Since the program’s inception, I have heard anecdotally that a number of respondents have availed themselves of this program. In addition, several respondents’ counsel – those attorneys experienced in our disciplinary system – have told me that they have been providing advice to volunteer attorneys.

I urge anyone who learns that they are under investigation – and certainly anyone who receives a DB-7 Request for Statement of Position from my office – to obtain counsel. Check your malpractice insurance; often it provides reimbursement for representation in disciplinary proceedings. If you can afford counsel, hire counsel. If you cannot, please consider seeking representation through this program.

More information on this program is available [here](#) on the PBA website.

Thomas J. Farrell
Chief Disciplinary Counsel

Upcoming Public Proceedings

We encourage you to observe our public disciplinary and reinstatement hearings, oral arguments, and public reprimands on the [Board’s YouTube channel](#). You can also view “Upcoming Public Proceedings” at the bottom of the Board’s [home page](#).

Scheduled proceedings begin at 9:30 am unless otherwise noted.

<i>October</i>		
October 28	Erik Mark Helbing	Disciplinary Hearing
<i>November</i>		
November 4	Matthew James Marcello	Disciplinary Hearing
November 6 November 7	Brian Joseph Salisbury	Reinstatement Hearing
November 13 November 14	Olivia A. Adams	Disciplinary Hearing
November 19 November 20	Richard J. McCague	Disciplinary Hearing
<i>December</i>		
December 16	John A. Gallagher	Reinstatement Hearing
December 18	Richard P. Joseph	Disciplinary Hearing
<i>January</i>		
January 7	Ryan D. Breen	Reinstatement Hearing
January 14 January 15	William E. Vinsko, Jr.	Disciplinary Hearing
January 31	John M. Kerr	Disciplinary Hearing
<i>February</i>		
February 12 February 13	David Tevis Shulick	Reinstatement Hearing
February 27 February 28	Alexander Geoffrey Tuttle	Disciplinary Hearing
<i>To Be Scheduled</i>		
Patrick C. Carey - Public Reprimand		
John P. Senich, Jr. - Public Reprimand		
Daryl Alan Yount - Disciplinary Hearing		

Vacancies

The Supreme Court of Pennsylvania is aided by select boards, committees, commissions, and councils consisting of more than 180 appointed volunteers – most, but not all, are lawyers and judges. The panels have a wide range of responsibilities and functions. Some make recommendations to the Court for amendments, revisions, or simplification of court procedural rules. Others regulate the practice of law, oversee continuing legal education for lawyers, and administer funds to assist individuals unable to pay for legal services. Still others advise on keeping the courts free of bias and discrimination and on long-range planning.

There are currently vacancies on the following panels:

[Continuing Legal Education Board](#) - Applicants must be active members of the Pennsylvania bar

with their primary residency in Pennsylvania. In addition, applicants should be knowledgeable about legal practice and procedures in Pennsylvania state or federal courts.

[Criminal Procedural Rules Committee](#) - Applicants should be knowledgeable about the Pennsylvania Rules of Criminal Procedure and experienced in state criminal practice in Pennsylvania.

[Interbranch Commission for Gender, Racial, and Ethnic Fairness](#) - Applicants should have a strong interest in promoting nondiscrimination.

Application Instructions

If you would like to be considered to serve on a board, committee, advisory group, or related independent entity, email the application, cover letter, resume, and other pertinent information expressing your reasons of interest to SCApplications@pacourts.us.

More information may be found on the Unified Judicial System of Pennsylvania [website](#).

Applications are due by Thursday, October 31, 2024.

Articles of Interest

Lawyer Faces Disciplinary Charges for Attempting to Hire Hackers of Judge

A California disciplinary judge [ruled](#) that a lawyer must face disciplinary charges alleging that he attempted to hire Israeli hackers to hack the email and phone accounts of a judge and a lawyer.

Lawyer Michael Libman was [already facing](#) disciplinary charges on allegations that he filed a class action lawsuit prepared by another attorney in order to assist that attorney in litigation against the Los Angeles Department of Water & Power, engaging in a scheme to kick back attorney fees. The State Bar then filed additional charges alleging that Libman told that lawyer he had made contact with hackers in the Israeli military to access the emails and telephone records of a judge and a lawyer involved in the case. The charges allege that he also took overt actions to pursue this plan, including obtaining an encrypted “burner” phone to communicate with the hackers. He discussed the present location of one of the Israeli hackers, a thorough description of the services the hackers would provide, the hackers’ request to schedule a call and discuss financial arrangements, and the hackers’ request for information about the target judge and lawyer.

Libman filed a motion to dismiss the charges. He argued that the only evidence of the alleged plot consisted of the conversations he had with the lawyer with whom he was conspiring and that he could not be disciplined for merely discussing an illegal act. He contended that his discussions were protected by the First Amendment. He also argued that he had a constitutional right to trial before a jury and a neutral, non-agency adjudicator.

In an [Order](#) dated September 17, 2024, Disciplinary Judge Yvette D. Roland rejected Libman’s argument and denied his motion to dismiss. She found that the charges against Libman go beyond mere speech to include several overt acts in pursuit of the scheme. She also held that

speech in furtherance of an illicit scheme is not protected by the First Amendment. As to the argument for jury trial, she cited caselaw holding that the right to a civil jury trial provided by the Seventh Amendment applies only to civil trials in federal court and does not apply to state court or administrative proceedings.

With the denial of the motion to dismiss, the case will now proceed to disciplinary hearing on the charges.

PDFail: Lawyers for Diddy Didn't Check PDF

Lawyers representing rap star Sean Combs (better known as Diddy, Puff Daddy and P. Diddy) in criminal charges alleging sex trafficking, racketeering, and other offenses, suffered a bit of embarrassment. The press discovered that they [failed to remove](#) a colleague's critical comment from a document filed in PDF (Portable Document Format).

Lawyers representing the music mogul submitted a ten-page letter in PDF to the judge, proposing that Combs be released on a fifty-million-dollar bond. A portion of the letter spoke of the defendant's philanthropic activities and community leadership.

Unfortunately, in this submission, someone failed to check that comments had been removed from the final document. Those who clicked on a highlighted word in the letter found a link to a comment by an attorney representing Combs in another matter, saying, "This reads awkwardly to me, and I'm not quite sure what it's going for."

The incident did not harm the lawyers' client in this instance, but it serves as a reminder that it is basic legal competence to know how to check for and remove hidden information from documents to be submitted to tribunals, opposing counsel, or third parties. In Word, hidden information can be identified with the Document Inspector, found at [file/info/Inspect Document](#), and most PDF management programs have options of their own. Your results may vary, but every lawyer needs to know how to find and remove hidden information and to make sure this is done every time.

In other Diddy news, a lawyer explained the presence of an estimated one thousand bottles of baby oil found in his house by [saying](#), "I mean, there is a Costco right down the street. I think Americans buy in bulk, as we know."

The Chicago Manual of Style Updates: Are You Aware of New Rules?

The 18th edition of [The Chicago Manual of Style](#) has come out, and there are some changes since the 17th edition came out in 2017. Lawyers who must be absolutely correct in their writing may want to take note of [some of the new prescriptions](#) in the 1,200-page, 2½ inch thick edition.

- The Manual now endorses use of "they" as a singular pronoun when the person's gender is unknown or unimportant. Some still take offense at this, but admit it: We've always done that, as in "Someone left their keys on the counter."
- If what follows a colon is a complete sentence, the first word should be capitalized. (Did you notice we did that in the preceding item?)
- Certain compound modifiers, like ill-advised and wild-eyed, may now be hyphenated, even when they appear after the noun they modify. If there is any confusion on this point, *The Manual* contains fourteen pages of hyphenation tables to resolve any doubts.
- Prepositions are now capitalized in headlines if they contain five or more letters: "Words

into Type” but “Much Ado About Nothing”.

- Indigenous, like Black and White when used to identify a racial or ethnic origin, is capitalized. So is Halley’s Comet. (You’ve written about Halley’s Comet many times in your legal work, haven’t you?)
- “Overly” is not overly colloquial.
- The title of a series such as a TV show is italicized, but individual episodes are not. It’s *Parks and Recreation*, “94 Meetings”.

We here at the Newsletter believe in strict adherence to guidelines such as *The Chicago Manual*. (Hmm, what does *The Manual* say about the use of “Yeah, right” as a sarcastic expression of doubt?)

Government Lawyer Makes Finals of MasterChef

We often celebrate lawyers with extraordinary nonlegal achievements, and this month’s accolade goes to Washington, DC lawyer [Kamay Lafalaise](#), a privacy and data security attorney with the Federal Trade Commission’s (FTC) Division of Privacy and Identity Protection. In this role, she represents the FTC in investigations related to deceptive acts and practices under Section 5 of the FTC Act.

In her other life, Ms. Lafalaise is an accomplished chef, who recently [reached the finals](#) on Fox’s [MasterChefs: Generations](#) with Gordon Ramsay. Although she [fell a little short](#), in the final round, one judge praised her Guava Rum Strawberry Shortcake with Tarragon Creme Diplomat as “magic”.

She credited her legal background as an advantage in the competition, saying, “The skills I’ve honed as an attorney were essential to my success. Following Gordon Ramsay as he cooked a complex, multi-part dish in real time is one of the hardest challenges I’ve ever faced in the kitchen. I was able to leverage my ability to quickly take in, analyze, and remember multiple steps to keep on track even when I was a few seconds behind Chef Ramsay.”

Attorney Well-Being

Mental Health and Well-Being Resources for Law Students

With the fall semester in full swing, mental health and well-being are among the top priorities for many. Despite high rates of depression throughout the legal community, far too few are educated about mental health challenges and good practices. Thankfully, there are numerous resources tailored to the [unique experiences of law students](#). Lawyers Concerned for Lawyers (LCL) provides a confidential hotline at 1-888-999-1941 open to all Pennsylvania lawyers, judges, [law students](#), and family members of legal professionals in need of support.

Among their offered resources and services are:

- General information, resources, and free literature;
- Referral to a qualified healthcare provider for a free and confidential consultation and diagnosis;
- Development of a personalized treatment plan, if indicated, by a healthcare professional;
- Assistance with treatment admissions;

- Peer support from a recovering law student or lawyer who has faced and overcome similar mental health or substance use challenges;
- Resource coordination and ongoing support by LCL staff; and
- Information law student-only support groups.

The Institute for Well-Being in Law selected “Law Student Well-Being” as a focal theme in 2022. Their October 2022 [resources guide](#) recommends a number of still-relevant articles and organizations addressing law student mental health.

Institute for Well-Being in Law to Host Free Webinar on Hazardous Drinking Within the Legal Profession

Hazardous drinking is not only a detriment one's own health, but it can also impair a lawyer's ability to perform well for their clients. On Tuesday, November 12th, the [Institute for Well-Being in Law](#) will host a free webinar on hazardous drinking within the legal profession. Learn more about "How Workplace Drinking Norms Influence Risky Drinking and What Legal Employers Can Do About It" and register [here](#).



Explore the Disciplinary Board's Lawyer Well-Being Webpage

The Disciplinary Board's "[Lawyer Well-Being](#)" webpage connects Pennsylvania attorneys with pertinent resources, [articles](#), events, and CLE opportunities to better understand and support their mental health and well-being. To access the Board's “Lawyer Well-Being” page, visit padisciplinaryboard.org/for-attorneys/well-being.

A promotional graphic for lawyer well-being resources. On the left, a dark blue box contains the text "LAWYER WELL-BEING" in large, bold, white capital letters. Below this, in smaller white text, it says "Connect to available resources to better understand and support mental health and well-being, particularly as they relate to the legal profession." At the bottom of this box is the URL "padisciplinaryboard.org/for-attorneys/well-being" in white. On the right, a photograph of a smiling woman in a white button-down shirt and dark pants is shown. She is holding a white coffee cup and a laptop. Overlaid on the right side of the photo is a list of resources in white text: "Digital resources", "Informative articles", "Upcoming events", and "CLE opportunities". At the bottom left of the graphic is the logo for The Disciplinary Board of the Supreme Court of Pennsylvania, which includes a circular seal and the text "The DISCIPLINARY BOARD of the Supreme Court of Pennsylvania".

Lawyers Concerned for Lawyers is a confidential and safe resource for Pennsylvania attorneys and their family members who may be struggling with their mental health or substance use. Since 1988, LCL has confidentially assisted and supported thousands of individuals who have faced a myriad of challenges (including grief, stress, anxiety, depression, eating disorders, gambling problems, problematic alcohol or prescription drug use, etc.), helping them navigate through dark and difficult times. If you or someone you know is struggling, please call us. You may save a life.



There is help, and there is hope.



LAWYERS CONCERNED FOR LAWYERS
PENNSYLVANIA

lclpa.org | 1-888-999-1941

**Evaluation by a
healthcare professional
Information and literature
Peer and staff support
Assistance with interventions
Recovery meetings
Online resources and CLE**

Lawyers Concerned for Lawyers is a confidential assistance program for the Pennsylvania legal community and their family members. LCL may not report information about a subject attorney back to the Disciplinary Board.

Confidential 24/7 Helpline: 1-888-999-1941

Last year, the Supreme Court of Pennsylvania adopted amendments to the Pennsylvania Rules of Disciplinary Enforcement (Pa.R.D.E.) relating to confidentiality of proceedings, providing for three exceptions to the requirement of confidentiality under [Pa.R.D.E. 402\(d\)](#). Included in these exceptions is the allowance for Disciplinary Counsel to make a referral of an attorney to [Lawyers Concerned for Lawyers of Pennsylvania](#) (LCL) and share information as part of the referral. *However*, it is crucial to note that LCL may *not* report information about a subject attorney back to the Disciplinary Board. LCL is a **confidential** assistance program for the Pennsylvania legal community and their family members.

Around the Court



Pennsylvania Courts and Penn State University to Host Free Webinar for Potential Court Interpreters

On Monday, October 22nd, the Administrative Office of Pennsylvania Courts, in partnership with Penn State University, will host a [free informational webinar](#) for individuals who may be interested in becoming a [PA court interpreter](#).

The Interpreter Certification Program was established to provide trained and qualified spoken language and sign language interpreters for PA courts. A statewide roster of qualified and certified spoken language and sign language interpreters helps each judicial district implement effective interpreter services. The October 22nd webinar will provide a step-by-step guide on the process to become a PA court interpreter.

Learn more and register for this event [here](#).

Pennsylvania Courts Offers Civics Education Digital Toolkit for K-12 Students

In recognition of the importance of civics education in the maintenance of a strong democracy, the Pennsylvania Supreme Court provides a free [digital toolkit](#) designed for K-12 students and teachers. Users can learn about a wide range of court-related topics through videos, printable handouts, virtual tours, and more. Access the Civics Education Toolkit in its entirety at pacourts.us/civics-ed.

Pa. Courts Civics Education Toolkit



Civics education undoubtedly plays a vital role in maintaining a strong democracy, as a basic understanding of how government works is required for citizens to become active participants in society. As one of the three branches of government, the judiciary reflects the core values of American democracy while acting as one of its essential pillars.

The Civics Education Toolkit was created by the Pa. Courts as a resource for teachers, students and the public to learn more about the work, role and structure of the state's courts.

Key Components

Learn about a wide range of court-related topics:



Educational Videos

The webpage contains several videos designed for all grade levels explaining how our state government works, how judges are selected and held accountable, how the jury system works and why judicial independence is so important.



To view the toolkit in its entirety, visit www.pacourts.us/civics-ed.
#CourtsInTheClassroom

From the Pennsylvania Bar Association



Thank You from the Pennsylvania Bar Association!

The Pennsylvania Bar Association would like to thank the PA legal community for efforts around Pro Bono Month! The PBA is grateful for the work and leadership of attorneys across the state.

Thanks to your support, the PBA has served over 22,000 veterans and first responders through the [Wills for Heroes](#) program. The program will continue throughout 2024 and into 2025 with seventy clinics already scheduled for 2025.

PBA to Host Fifth Annual Member Appreciation Week

The PBA will hold its fifth annual Member Appreciation Week from October 21st through October 25th. Throughout the week, PBA will thank members with exclusive offers, career-advancing resources, chances to win fantastic prizes, and member spotlights. From Mastery Monday to Feel Good Friday, members will get access to tips and tricks to take their career, firm, and wellness to the next level. Plus, members can enter for chances to win giveaways like overnight stays at top PA resorts and hotels, gift cards, a ProPass subscription, new tech, and more!

All members are eligible to participate. Stay tuned to learn more and sign up for a giveaway! Not a member? [Join today](#) for 2025 and receive the rest of 2024 free!

5TH ANNUAL MEMBER APPRECIATION WEEK

2024 Member Appreciation Week

October 21-25, 2024



Please note that the Disciplinary Board of the Supreme Court of Pennsylvania and the Pennsylvania Bar Association (PBA) are separate organizations. For more information about PBA, visit pabar.org or follow on Facebook, Instagram, and LinkedIn.

We Want To Hear From You...

We are always on the lookout for stories of interest relating to legal ethics, new issues in the practice of law, lawyer wellness, and funny or just plain weird stories about the legal profession. If you come across something you think might be enlightening, educational, or entertaining to our readers or social media followers, [pass it along](#). If you are our original source, there may be a hat tip in it for you.

Resources

[Pending Cases](#)

[Recent Cases](#)

[Case Research Collection](#)

[Attorney Gateway](#)

[Rules](#)

[Search Opinions](#)

[FAQs – For the Public](#)

[FAQs – For Attorneys](#)

[Lawyer Well-Being](#)

[Pro Bono](#)

[Annual Report](#)

[Discipline Statistics](#)

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