

Report of the Work of
The Disciplinary Board of the Supreme Court of Pennsylvania
For the Year 1998

The attorney population has increased dramatically since The Disciplinary Board was created by the Supreme Court in 1972. The number of registered attorneys for the 1972-1973 Fiscal Year was **13,057** as compared to **52,324** registered "active" attorneys through December of 1998. The increase in the number of attorneys has been attributed to the increase in the number of complaints filed with the Board. During the year 1998, **4,845** complaints were filed. An average of **403** complaints were filed monthly. **4,936** complaints were disposed of during the year, of which **3,449** were dismissed as "frivolous". At the start of 1999, **957** active complaints were on hand.

Board Meetings - **7** meetings were held during the year of which all were two day meetings. The meetings combined executive and administrative business. At its executive sessions, the Board adjudicated **63** proceedings involving formal charges. **38** matters were disposed of by three member panels of Board Members who reviewed hearing committee members' recommendations for a Private Reprimand (Rule 208(a)(5) Pa.R.D.E.); and **37** respondents appeared before the Board to receive Private Reprimands. In addition to the regularly scheduled meetings, three member panel of Board Members heard oral argument presented before them in **11** matters. Of the **63** major adjudications, **38** were referred to the Supreme Court, together with the Board's Report and Recommendation for public discipline. **20** Supreme Court Orders for Disbarment on Consent resulted from verified statements submitted by respondents. **15** Supreme Court Orders reinstated previously disbarred or suspended attorneys (following hearing on petition for reinstatement). The Supreme Court denied **1** petition for reinstatement. In addition, **18** petitions for reinstatement to active status after being inactive more than three years, with no discipline being involved, were granted by the Supreme Court. A tabulation of the disciplinary actions taken since the beginning of the Board's operations in 1972 is set forth on the attached sheet.

Rules Committee - The Rules Committee met and considered amendments to various Pennsylvania Rules of Professional Conduct, Pennsylvania Rules of Disciplinary Enforcement and Disciplinary Board Rules and Procedures.

The Board recommended and the Supreme Court adopted amendments to Pa.R.D.E. 301 concerning incapacitated or severely mentally disabled attorneys and Pa.R.D.E. 219(d) requiring that members of the Pennsylvania Bar submit to plenary jurisdiction for any action brought against them by the Pennsylvania Lawyers Fund for Client Security.

In September 1998, the Board forwarded to the Supreme Court a Report on Proposed Rule of Professional Conduct 1.17, relating to the sale of a law practice . That Report is presently pending before the Supreme Court.

During 1998, the Board Rule amendments which were approved and adopted by the Disciplinary Board are as follows: §89.272(b) was amended to prohibit formerly admitted attorneys from applying for reinstatement until any previously taxed expenses from a disciplinary or previous reinstatement proceeding has been paid. §89.272(b) was also amended to conform with Pa.R.D.E. 218(b) which provides that a person who has been disbarred may not apply for reinstatement until the expiration of at least five years from the date of the disbarment.

Finance & Pension Committee - In 1997, the Board determined to merge the Financial & Personnel Committee and the Pension Plan Committee into one Committee which was renamed the Finance & Pension Committee. This decision was made based on the fact that both the general assets and pension plan funds are administered through PNC Bank, although the general assets are managed by PNC in Camp Hill and the pension funds are managed by PNC in Pittsburgh. Having the same Committee members receive and review the quarterly investment reports, will better enable the Board to compare the performance of it's investments. In 1998, the Chair of the Committee met quarterly with representatives of PNC Bank to review the Board's investments and recommended changes to the portfolio based on economic growth and earnings in the last quarter.

Education Committee - The Education Committee designed the Program for the Board's Retreat Meeting in the Fall of 1998. The Topics were *Formerly Admitted Attorneys Engaging in Law Related Activities* and *Civility*. Justice Nigro participated in the program. Following a lengthy discussion on both Topics, it was determined to refer *Formerly Admitted Attorneys...* to the Rules Committee for publication of a Notice of Proposed Rulemaking. The Topic of *Civility* led to a revival of the need for a mandatory Bridge-the-Gap program for law students seeking admission to the Pennsylvania Bar. Justice Nigro recommended that the Disciplinary Board meet with the Board of Law Examiners and the Continuing Legal Education Committee to re-visit the concept of Bridge-the-Gap.

Hearing Committees - As of December 31, 1998, there were **168** regular hearing committee members and **24** alternate members appointed by the Disciplinary Board who serve on a pro bono basis to conduct hearings. Due to an increasing number of formal proceedings being filed through the District II Office (Blue Bell), the Board approved the establishment of three (3) additional Hearing Committees to serve that area, effective February 1, 1999.

On May 1, 1998, the Board had an Educational Seminar and Convocation for all hearing committee members in Hershey, Pennsylvania. A total of **105** hearing committee and Board members participated in the Seminar. The Board conducts these every two years to update hearing committee members as to changes in the rules and case law in Pennsylvania.

A Training Session for newly appointed hearing committee members is scheduled in August 1999.

Year 2000 (Y2K) Compliance - All of the Disciplinary Board's computer systems are Year 2000 compliant, or were scheduled for replacements during the first quarter of 1999. By December 31, 1998, the Board had successfully converted the date fields in the main computer database which contains the attorney registration, docketing/case tracking, accounting and payroll applications processed in the Office of the Secretary located in Lemoyne. Date-sensitive software has been tested and is able to accurately process date/time data (including, but not limited to, calculating, comparing and sequencing) from, into, and between the twenty-first century and the years 1999 and 2000. Additionally, the leap year concerns of 2000 have been met. The Board plans to prepare a Year 2000 Statement to make available to those who request same.

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

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Gregory P. Miller, Esq.
Duke George, Jr., Esq.
Thomas J. Elliott, Esq.
Angelo L. Scamicamazza, Jr., Esq.
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CITATION OF AUTHORITY AND DEFINITION OF BOARD'S FUNCTION

Rule 103. Pennsylvania Rules of Disciplinary Enforcement.

The Supreme Court declares that it has inherent and exclusive power to supervise the conduct of attorneys who are its officers and in furtherance thereof promulgates these rules.

(Power is reasserted in Section 10(c) of Article V of the Constitution of Pennsylvania.)

Rule 205(a). Pennsylvania Rules of Disciplinary Enforcement.

The Supreme Court shall appoint a board to be known as "The Disciplinary Board of the Supreme Court of Pennsylvania" which shall be composed of fourteen (14) members of the Bar of this Commonwealth and two (2) non-lawyer electors. One of the members shall be designed by the Court as Chair and another as Vice-Chair.

Rule 205(c). Pennsylvania Rules of Disciplinary Enforcement.

The Board shall have the power and duty:

(1) To consider and investigate the conduct of any person subject to these rules and may initiate any such investigation on its own motion or may undertake the same upon complaint by any person.

(2) To appoint a Secretary, a Chief Disciplinary Counsel, and such assistant disciplinary counsel and staff as may from time to time be required to properly perform the functions prescribed by these rules.

THE DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA
Calendar Years

	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
Disciplinary Cases:																	
1. Informal Admonition	37	55	95	81	96	102	121	98	113	156	137	125	123	101	110	106	123
2. Private Reprimand	0	7	8	9	7	4	5	5	4	6	9	21	19	27	17	25	31
3. Probation	0	0	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0
4. Public Censure	0	2	5	8	10	7	6	1	1	2	6	1	3	2	3	0	2
5. Suspension	3	12	12	8	10	13	17	8	17	12	7	7	16	5	10	17	17
6. Disbarment	3	4	6	5	13	6	12	12	21	33	24	21	16	29	23	32	18
Total Disciplinary Actions	43	80	126	111	138	143	161	124	156	209	183	175	177	164	163	180	191
Reinstatement Cases:																	
1. Granted	1	2	2	3	3	4	2	6	42	21	22	25	21	17	24	34	27
2. Denied	1	2	2	0	0	3	1	5	4	0	0	2	0	2	1	1	0

	1990	1991	1992	1993	1994	1995	1996	1997	1998	Total
Disciplinary Cases:										
1. Informal Admonition	98	115	82	85	75	74	70	106	88	2,572
2. Private Reprimand	26	46	42	30	41	48	31	46	43	567
3. Probation	1	1	7	5	5	7	3	8	5	45
4. Public Censure	1	4	1	0	1	6	3	3	7	85
5. Suspension	18	10	20	12	23	26	37	33	24*	394
6. Disbarment	26	27	38	20	32	35	41	40	33 ^o	570
Total Disciplinary Actions	170	203	190	152	177	196	185	236	200	4,233
Reinstatement Cases:										
1. Granted	34	35	27	29	24	44	31	35	33 [‡]	548
2. Denied	1	0	1	1	0	1	0	2	1	31

* This figure does not include two (2) temporary suspensions (Rule 214 Pa.R.D.E.) and six (6) temporary suspensions (Rule 208(f) Pa.R.D.E.)

^o This figure includes 20 disbarments on consent (Rule 215 Pa.R.D.E.)

[‡] This figure includes 18 reinstatements to active status after being inactive three years or more and who have never been suspended or disbarred.