

Report of the Work of  
The Disciplinary Board of the Supreme Court of Pennsylvania  
First Floor, Two Lemoyne Drive, Lemoyne, PA 17043  
For the Year 2005

### **General Statistics**

The attorney population in Pennsylvania has increased dramatically since the Board began its operations. The number of active paid attorneys for the 1972-1973 Fiscal Year was **13,057** as compared to **56,907** active paid attorneys as of December 31, 2005.

The Board is considering more serious and complicated matters. The efficient disposition of complaints is a matter that the Board is continually required to keep under review. During the year 2005, **4,716** new complaints were received by the Office of Disciplinary Counsel. **4,699** complaints were disposed of during the year, **347** of which resulted in discipline. A tabulation of the disciplinary actions taken since the beginning of the Board's operations in 1972 is set forth on the attached chart. In 2005, the Supreme Court ordered the disbarment of **37** attorneys and suspended **62** attorneys (11 of which were temporary suspensions). Due to the fact that a number of disciplinary matters involve multiple complaints of misconduct against that attorney, the number of complaints resulting in discipline will not equal the total disciplinary actions taken in any given year.

### **Budget**

As in previous years, the financial records of the Board have been subjected to unannounced examination by our outside auditors. The results of these audits have all been satisfactory. Further, Board Members are furnished with detailed monthly financial reports by the Executive Director. This enables the Board to monitor each budget line item on an ongoing basis.

For Fiscal Year 2004-2005, the Board's revenues totaled \$8,174,604 and expenditures totaled \$7,956,676. Although revenues exceeded expenses by \$217,928, revenues included a non-recurring loan repayment of \$500,000 from the Lawyer's Fund for Client Security. As the 2004 Annual Report indicates, Fiscal Year 2003-2004 resulted in a deficit budget of \$242,697. Although the costs of transcripts of hearings exceeded its budgeted amount by \$60,212 and the cost of Conservatorships exceeded its budgeted amount by \$103,122, due to prudent spending in other expense line items, the end result was a positive one.

After factoring in the unrealized gain on investments of \$318,082, revenues exceeded expenditures by \$536,010. The Board's invested funds experienced unrealized losses of \$66,583 in Fiscal Year 2002-2003 and \$501,243 in Fiscal Year 2001-2002 and saw its first gain of \$413,703 in 2003-2004.

## Increase in Annual Fee

The annual fees represent 92% of Disciplinary Board revenues. With the increase of the attorney annual assessment in 1991 from \$75.00 to \$105.00 and the Board's efforts to establish funds for computerization, leasehold improvements and education, in addition to conservative budgeting and prudent investments, the Board was able to continue its operations for ten (10) years without any additional increase.

In April 2001, the Disciplinary Board recommended to the Supreme Court that the annual assessment be increased to \$155.00 for Fiscal Year commencing July 1, 2001. After due consideration, by Order dated May 15, 2001, the Supreme Court directed that the annual assessment be increased to \$130.00. In the fall of 2001, the Board requested that our auditors prepare a three year forecast based on the increased fee of \$130.00. The 2002 forecast projected that income would exceed expenses until at least Fiscal Year 2004-2005. As you can see from the enclosed chart, since 1996 the average increase in the number of newly registered attorneys has dropped. The annual fees represent 92% of Disciplinary Board revenues.

On February 2, 2006, the annual Lawyer Assessment Committee telephone conference call took place. At that time, the Board submitted a Tentative Budget for Fiscal Year 2006-2007, which projects that expenses will exceed revenues by approximately \$838,617 (\$1,388,617, less the Board's estimated \$550,000 share of IAB earnings). It is anticipated that a draw down from the reserve fund will be needed to defray this deficit.

## Board Activities

During the year 2005, the Disciplinary Board met seven (7) times. Six of these meetings were two-day sessions combining administrative and executive business. A special Telephone Conference Call Meeting was held on August 23, 2005 to adjudicate a case which was under accelerated disposition. At its executive sessions, the Board adjudicated **92** proceedings involving formal charges, which is an increase of **23** from the number of proceedings adjudicated in 2004. Of the 92 major adjudications, **68** were referred to the Supreme Court, together with the Board's Report and Recommendations. In addition to regularly scheduled meetings, three-member Board panels heard oral argument in **19** matters. In **2** matters single Board Members conducted hearings on petitions to revoke and/or modify probation. Three-member review panels considered recommendations for summary Private Reprimands in **11** cases and considered appeals by the Office of Disciplinary Counsel from Reviewing Hearing Committee Members in **2** cases. **30** respondents appeared before three-member Board panels to receive private reprimands. Finally, **1** individual Board Member reviewed and approved the filing of a petition for emergency temporary suspension with the Supreme Court.

In addition to the matters considered at the regularly scheduled sessions of the Board in 2005, the Board Chair filed Reports with the Supreme Court recommending the reinstatement of **53** attorneys who had been on inactive status for more than three years,

had never been suspended or disbarred, and who had filed petitions for reinstatement to active status.

At the request of the Board, the Chief Disciplinary Counsel, the Executive Director and the Secretary of the Board have taken steps to speed up the disposition of complaints. The Board is cognizant of the fact that complainants and respondents deserve to have cases handled in a timely manner. A number of changes in procedures and productivity have served to significantly cut down the time it takes to process a case.

## **Board Committee Activities**

### **Rules Committee**

Once again, in 2005, the Rules Committee was extremely busy. They considered amendments to various Pennsylvania Rules of Professional Conduct, Pennsylvania Rules of Disciplinary Enforcement and Disciplinary Board Rules and Procedures.

During 2005, the Board published Notices of Proposed Rulemaking soliciting comments on proposed amendments to the following Rules:

- 1) Amendments to the Rule of Disciplinary Enforcement 215 relating to Discipline on Consent - no comments received;
- 2) Amendment to Rule of Professional Conduct 1.4 relating to Disclosure of Professional Liability Insurance - 42 comments received;
- 3) Amendments to the Rules of Disciplinary Enforcement and the Rules of the Board relating to taxation of expenses to be paid by respondent attorneys - no comments received;
- 4) Amendments to the Board's Rules of Organization and Procedure relating to the procedure for challenging subpoenas - no comments received; and
- 5) Amendments to the Pennsylvania Bar Admission Rules and the Rules of Disciplinary Enforcement relating to Misstatements or Omissions in Licensure Applications - no comments received.

In addition to the above proposed amendments, the following rule changes were approved by either the Board or the Supreme Court in 2005:

Pa.R.D.E. 102, 201, 203, 204, 212, 216, 217, 219 and 512 and Pa.R.P.C. 5.5 were amended by Order of the Supreme Court dated March 17, 2005 to conform with recent Pennsylvania Bar Admission Rule changes to provide for the limited admission of in-house corporate counsel and military attorneys. This Order also included amendments relating to foreign legal consultants, which took effect on September 1, 2005, at the same time new Rules 341 and 342, Pa.B.A.R. became effective.

Pa.R.D.E. 209 was amended by Order of the Supreme Court dated April 1, 2005, effective April 16, 2005 to provide that complaints against members of the Board be handled in the same manner as other complaints, except that if action is required by the Board, the Supreme Court would create an Ad Hoc Disciplinary Board comprised of five former members of the Board, who would discharge the functions of the Board and would serve for that one case only.

Pa.R.D.E. 221 and RPC 1.15 were amended by Order of the Supreme Court dated April 5, 2005, effective April 23, 2005 to create new standards of conduct governing the handling of property of others by lawyers.

Pa.R.D.E. 215 was amended by Order of the Supreme Court dated May 24, 2005, effective June 11, 2005 to provide for the imposition of discipline other than disbarment upon consent.

Pa.R.D.E. 219 was amended by Order of the Supreme Court dated October 13, 2005, effective October 29, 2005, to provide that the Chief Justice may delegate the signing of orders transferring attorneys to inactive status to the Prothonotary of the Court.

Pa.R.D.E. 104, 208, 209, 213, 215 and 402 were amended by Order of the Supreme Court dated October 26, 2005, effective November 12, 2005 to open all disciplinary proceedings to the public after the filing of an answer to a petition for discipline or the time to file an answer has expired without an answer being filed. Reinstatement proceedings open after the filing and service of a petition for reinstatement.

Pa.R.D.E. 208(h) was amended by Order of the Supreme Court dated November 9, 2005, effective November 26, 2005 to establish a procedure for the Board to handle violations of probation in cases where the probation was ordered by the Board.

R.P.C. 1.4 was amended by Order of the Supreme Court dated December 30, 2005, effective July 1, 2006 to require lawyers who do not have professional liability insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate per year, to inform new clients in writing if the lawyer does not carry insurance and to inform existing clients in writing at any time the lawyer's insurance drops below either of those amounts or if the insurance is terminated.

Rules of Organization and Procedure of the Board were amended by the Disciplinary Board effective March 12, 2005 to make conforming changes to its Rules to reflect the adoption of amendments to Pa.R.D.E. 102, 205(c), 206, 213, and 218(c).

Rules of Organization and Procedure of the Board were amended by the Disciplinary Board effective August 6, 2005 to make conforming changes to its Rules to reflect the adoption of amendments to Pa.R.D.E. 102, 201, 203, 204, 209, 212, 215, 216, 217, 219, and 221.

## **Finance & Pension Committee**

In 2005, the Finance & Pension Committee periodically reviewed the performance of the Board's pension funds managed by PNC Advisors. In addition, the Committee reviewed and approved the proposed Budget for Fiscal Year 2005-2006 and established a two-tiered late payment penalty of \$100 at the time the Final Notices were mailed to attorneys, and which increased to \$200 at the time the list of delinquent attorneys was forwarded to the Supreme Court. The Committee also established the returned check fee at \$50.

Effective January 1, 2004, the Disciplinary Board staff joined the Pennsylvania Judiciary's medical benefits plan. Although the judiciary's medical benefits were very similar to those offered to employees of the Disciplinary Board, the main reason behind the Board's request to join the Court's plan was to better control the rising costs of medical insurance through a larger group size. Although the Disciplinary Board is self-funded through the attorney's annual fees, the relatively small size of the staff and geographic location of the offices limited the Board's options with medical providers. Since joining the Judiciary's plan, the Board has neutralized any additional increases in medical insurance costs through employee co-payments and has reimbursed the Administrative Office of Pennsylvania Courts for the Board's insurance costs.

In July 2003, the Board was notified by the Supreme Court of the establishment of the Investment Advisory Board ("IAB"). The IAB has developed an investment policy and selected an investment firm to implement the policy. In addition, the IAB developed policies and procedures to ensure that each participating Board's normal operations would not be adversely affected by this new investment structure. The IAB consists of one representative from each of the three initially participating Boards and four members, including the Chair, appointed by the Supreme Court. The Court Administrator of Pennsylvania serves in an *ex officio* and tie-breaking capacity. The three Court-affiliated Boards involved are the Disciplinary Board, the PA Lawyers Fund for Client Security Board and the PA Continuing Legal Education Board. Board Member Donald E. Wright, Jr., Esq., was named as the Disciplinary Board's representative. Effective July 1, 2005, the Administrative Office of the Supreme Court began investing the Board's funds in the consolidated account through PNC Advisors.

## **Education Committee**

The Education Committee designed the program for the Board's Retreat Meeting in July 2005. The topics were Conservatorships and Probation. With respect to conservatorships, the Board observed that there is no question that the costs associated with conservatorships are rising each year. There was a great deal of discussion on ways to cover the rising costs and whether the Office of Disciplinary Counsel should handle conservatorships in-house. On the probation topic, the guest speaker was Mark Flaherty, one of the Co-Chairs of the PBA Lawyer's Assistance Committee, which Committee provides the sobriety monitors the Board uses when substance abuse probation is ordered. The Board reviewed the history of probation and how it is currently being used. The

sobriety monitoring program is working extremely well, and there is no need to make any changes to the procedures in place at this time. Mr. Flaherty answered many questions, and his participation in the program was extremely beneficial. However, that was not the case when the Board began discussions relating to the use of practice probation. There is no training ground for practice monitors and since there is no pool of ready volunteers for this type of monitoring, the respondent-attorney is required to select his or her own practice monitor. Although practice monitors are required to file quarterly reports, the Board must rely on the honesty and impartiality of the monitor filing the report.

As a result of the problems presented with the use of practice monitors, a high level task force was appointed to review this issue and other options which will be discussed in more detail in the "Other Highlights of 2005" section of this report.

The Education Committee also re-designed the program at the Training Session for New Hearing Committee Members held on September 13, 2005 in Hershey. A number of panels discussed topics such as the "*Braun*" Standard, Other Aggravating & Mitigating Factors and How to Determine the Appropriate Discipline. The panels were composed of respondents' counsel, ODC counsel and members of the Board.

### **Communications Committee**

In July 2003, the Board established a new Communications Committee. The role of the new Committee is to provide oversight to the Board's then-new Website and to explore ways of improving communications with the general public, attorneys, law students and others.

In January 2005, the Board approved the retention of Hershey Philbin Associates (HPA) for consultation services. A sub-committee was formed to meet with HPA monthly, draft an Attorney E-Newsletter, a Hearing Committee E-Newsletter, a new consumer brochure, establish a website for Hearing Committee Members, and to keep HPA apprised of newsworthy events.

In early 2005, a new consumer brochure was created and was distributed to the Pennsylvania Bar Association, all county bar associations, public libraries and courthouses throughout the Commonwealth. The brochure was also translated into Spanish and Braille. The English and Spanish versions of the new consumer brochure are also available on the Disciplinary Board's Website.

The first Attorney E-Newsletter was sent out on April 18, 2005 to 16,000 attorneys who provided email addresses when they submitted their PA Attorney's Annual Fee Forms. This Newsletter is intended to inform and educate members of the legal profession regarding activities and initiatives of the Disciplinary Board. Articles focus on changes in the Rules of Professional Conduct, activities of the Board, ethics education, and advice from members of the staff and the Board. As of December 2005, the number of subscribers increased to 21,501. The Board continues to receive positive feed-back from those who receive this Newsletter.

## **Disciplinary Board Website**

On June 25, 2003, the Disciplinary Board launched its Website at [www.padisciplinaryboard.org](http://www.padisciplinaryboard.org). This Website offers a wealth of information for consumers and lawyers and gives visitors the ability to easily search Pennsylvania attorney registration records, to verify address information and an attorney's current status, verify which lawyers are in good standing, and ascertain whether a lawyer has ever been publicly disciplined. The public discipline section contains links directly to the Board Reports posted on the Supreme Court's Website, where a Report is available. . In early March 2006, the HALT organization released its 2006 Lawyer Discipline Report Card. It noted that Pennsylvania's Website "is one of the best disciplinary Websites in the nation."

In 2005, the Board purchased two additional domain names ([www.padboard.org](http://www.padboard.org) and [www.padb.us](http://www.padb.us)) in an effort to provide easier access to the site. In addition, the Board, with the assistance of HPA, re-designed the Consumer pages of it's Web site and in September 2005, began making changes to the Attorney pages. This re-design is being done in an effort to make the site more user-friendly. It is anticipated that these changes will be ready to launch in the Spring of 2006.

## **Hearings and Hearing Committees**

In October 2004, the hearing committee organization was re-structured to give the Board the ability to assign formal hearings to committees within a disciplinary district using all available committee members. Members were ranked based on their experience.

The Rules governing the appointment of committees to hear cases require that the committee be composed of at least one Senior member and that one of the other members be either a Senior or an Experienced member. The Board designates a Senior member to Chair the committee. Only a Senior or Experienced member is permitted to conduct the mandatory prehearing conference required in disciplinary matters. The Board Chair designates the member to conduct the Prehearing Conference in his or her Scheduling Order, which is enclosed with the referral of the case to the committee.

In addition to reorganizing the Hearing Committees, the Board has also made changes in the procedures for scheduling hearings. At the same time the three Committee members are selected, they are contacted by telephone and prehearing and hearing dates are set. If one of the members is not available, the staff in the Secretary's Office can call another member to find someone available on the dates selected. The Notices of Prehearing and Hearing are sent to the parties and the Committee at the same time the assignment is made. This has eliminated the undue delays in scheduling that had been experienced in the past.

In January 2005, new procedures were put in place to try to eliminate overdue Hearing Committee Reports. After the briefing schedule has passed, the members of the Hearing Committee are sent a reminder letter by the Board Secretary giving them the date the Report is due. In addition, a week or two before the Report is due, Counsel to the

Board places a reminder phone call to the Committee Chair reminding him or her of the upcoming due date and offering assistance, if needed. Since the establishment of this new procedure, the Board has had several Board Meetings where no Hearing Committee Reports were reported as overdue.

As of December 31, 2005, there are **83** Senior members, **69** Experienced members and **47** New members appointed by the Disciplinary Board who serve on a pro bono basis to conduct hearings.

One of the goals of Board Chair Rudnitsky, was to better communicate and provide more support to our volunteer Hearing Committee Members. To that end, in August 2005, the Board launched a Website exclusively for the use of Hearing Committee Members. Only current members' names are accepted as users. This site offers sample hearing committee reports, orders and other documents, Word templates for the preparation of all types of committee reports, as well as travel expense forms and forms to use to transmit their reports. There is a Member section where they can look up address information of other members and verify their own information, such as when they were first appointed and when their term expires. There is a section dedicated to sending and viewing messages from other members, and a research section that offers selected Board Reports and Supreme Court Opinions from recent cases of interest.

The Board has also established a Hearing Committee E-Newsletter which is e-mailed to members quarterly. The first Volume was distributed in August 2005, the second Volume was e-mailed to members in December 2005 and the third Volume was released in March 2006. Board Members also receive copies of this Newsletter.

### **Other Highlights in 2005**

**Discipline on Consent** - In July 2005, the Board established a procedure for three-member panels to review Joint Petitions for Discipline on Consent, as a result of the Court's approval of amendments to Pa.R.D.E. 215, which took effect on June 11, 2005. When Joint Petitions are filed with the Board, they are assigned to three-member panels to review and either approve or deny the Joint Petitions. The Panel Chair contacts the other two members, using the most efficient method possible, in order to discuss the matter, and they come to a decision. Once a decision is made, the Panel Chair returns the signed Recommendation page to the Board Secretary. If the Joint Petition is approved and any costs have been incurred in the case, the Secretary's office notifies the respondent-attorney of the approval and that the necessary expenses must be paid as a condition to the grant of the Petition. The respondent-attorney is given ten days in which to do so. Upon receipt of payment, the Panel's Recommendation is forwarded to the Supreme Court, if the joint recommendation is for some form of public discipline. As of March 30, 2006, **24** Joint Petitions in Support of Discipline on Consent were filed with the Board, of which **16** were approved, **2** were denied and **6** are awaiting final action by the Supreme Court. Of those approved, **6** resulted in private discipline and **10** were forwarded to the Supreme Court.

**Opening the System** - As was mentioned earlier in this Report, after a two year study, effective November 12, 2005, the Supreme Court approved opening proceedings and hearings to the public after an answer is filed to a petition for discipline or the time to file an answer has passed. Pennsylvania has joined 41 other jurisdictions in the United States who allow public access to proceedings. As a result of this historic change, a number of new procedures are being implemented by the Board. For example, the Board's Case Tracking software has been integrated with the Attorney Registration software to allow for the posting of public proceedings on an individual attorney's Registration record. Likewise, the internal Web access used by the Unified Judicial System and the Board's public Website have been updated to post this information when proceedings have become public. Safeguards have been put in place to allow the transfer of only those activity records which meet the criteria for public access and confirmation by a second senior staff person is required before records are transferred to Attorney Registration.

Board Rules have been adopted to specify what documents are available to the public and where those documents may be obtained. These Rules also provide authority to Hearing Committees to dispose of motions for protective orders at the time of prehearing conferences or at hearings, by use of an in camera meeting between the parties and the Hearing Committee to consider and make a ruling on the motion. However, the parties would have the right to appeal a Committee's ruling to the Board.

**Professional Liability Insurance** - In addition to opening the system, Pennsylvania breaks historic ground by requiring lawyers to provide written disclosure to clients if lawyers do not carry professional liability insurance in the minimum amounts set forth in new Rule of Professional Conduct 1.4(c). Only four other jurisdictions (Alaska, New Hampshire, Ohio and South Dakota) have this requirement of direct disclosure. Eleven other jurisdictions have adopted some form of the ABA Model Rule on Insurance Disclosure which requires disclosure of whether lawyers have professional liability insurance on their annual registration statements.

**Task Force on Practice Monitoring** - As a result of those problems relating to the use of practice monitors expressed at the Board's Retreat Meeting, I appointed a Task Force consisting of Board Member Smith Barton Gephart, Paul J. Killion, Chief Disciplinary Counsel, Dick McCoy, Executive Director of the Pennsylvania Bar Institute and Barry Simpson, Executive Director of the Pennsylvania Bar Association to explore possible ways to resolve this issue. The Task Force initially met in September 2005, and all agreed that education is an important factor in attorney discipline. The use of law practice management courses would address some of the common violations found in a number of disciplinary cases. The PA Continuing Legal Education Board, however, will not award CLE credits for courses providing general instruction on how to prepare spreadsheets, use accounting and word processing software or training in other organizational skills, unless they are directed to lawyers. These are some of the basic skills the Board sees many lawyers lacking.

**Collection of Unpaid Costs** - During 2005, the Executive Director and Chief Disciplinary Counsel began collection efforts on the estimated \$200,000 in outstanding costs owed by attorneys who were disciplined or were granted or denied reinstatement. 160 collection letters were mailed to attorneys, 15 of which were returned with notations by the Post Office that their addresses were unknown, and 69 attorneys were offered a

payment plan but failed to respond in any way. Since these efforts began, \$29,560 in outstanding costs have been recovered. Collection efforts are ongoing.

**HALT Report Card** - As mentioned earlier in this Report, the HALT organization issued its 2006 Lawyer Discipline Report Card in early March 2006. In the fall of 2002, HALT issued its first Lawyer Discipline Report Card and ranked Pennsylvania's system 51<sup>st</sup> in the nation, assigned an overall grade of F, and HALT noted that no other disciplinary agency received a lower grade. The 2006 Report Card, ranked Pennsylvania 5<sup>th</sup> in the nation, assigned an overall grade of C+, and wrote "Pennsylvania takes top honors for Most Improved". They based this greatly improved grade primarily on the launching of the Board's Website, a more organized staff that now provides the American Bar Association with statistics related to its case processing, and opening the disciplinary system in Pennsylvania. While the Board appreciates the recognition from HALT, our efforts to improve the disciplinary system over the last several years were not made as a result of the first Lawyer Discipline Report Card but rather were in response to the Board's realization that in balancing the rights of respondents against our responsibility to protect the public, opening the disciplinary system in certain cases was warranted and necessary.

**National Meetings and Joint Dinners** - In February 2005, Board Member Min Suh, Executive Director Joseph Farrell, and Board Secretary Elaine Bixler attended the Second Annual Meeting of the National Council of Lawyer Disciplinary Boards (NCLDB) in Salt Lake City, Utah. Ms. Bixler is on the Board of Directors of the NCLDB. In May 2005, Board Chair Marvin J. Rudnitsky, Board Member Francis X. O'Connor and Ms. Bixler attended the ABA 31<sup>st</sup> National Conference of Professional Responsibility in Chicago, Illinois. In January 2005, the Board had a joint dinner with the PA Board of Law Examiners. Justice Castille and former Justice Nigro also joined the Boards for dinner. In September 2005, selected members of the Board and staff were invited to attend a working dinner with the PA Lawyers Fund for Client Security. The purpose of the dinner was to review problems the Lawyers Fund saw with revised Rule of Professional Conduct 1.15 and Rule 221, Pa.R.D.E. and to discuss other issues of interest to both Boards. Justice Eakin was also in attendance.

THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

Board Members Serving During 2005

- Marvin J. Rudnitsky, Esq., Served as Board Chair 4/1/2005 to 4/1/2006  
Gary G. Gentile, Esq., Served as Board Vice-Chair 4/1/2005 to 4/1/2006  
Louis N. Teti, Esq., Served Board Chair 4/1/2004 to 4/1/2005  
Martin W. Sheerer, Esq.  
\* C. Eugene McLaughlin  
Robert E. J. Curran, Esq.  
Donald E. Wright, Jr., Esq.  
Robert C. Saidis, Esq.  
Jonathan H. Newman, Esq.  
Marc S. Raspanti, Esq.  
Laurence H. Brown, Esq.  
Smith Barton Gephart, Esq.  
Francis X. O'Connor, Esq.  
Min S. Suh, Esq.  
William A. Pietragallo, Esq.  
\* Nikki P. Nordenberg, Resigned 9/23/2005  
\* Robert L. Storey, Appointed 9/23/2005

\*non-lawyer members

Principal Staff Member/Contact Person

Joseph W. Farrell  
Executive Director  
Phone: (717) 731-7073

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.

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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	14	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 1999 2000 2001 2002 2003 2004 2005 Total

Disciplinary Cases:

1. Informal Admonition	98	115	82	85	75	74	70	106	88	48	45	40	54	58	106	109	3,032
2. Private Reprimand	26	46	42	30	41	48	31	46	43	26	29	35	32	36	34	26	785
3. Probation	1	1	7	5	5	7	3	8	5	7	3	10	8	8	20	24	125
4. Public Censure	1	4	1	0	1	6	3	3	7	4	0	2	2	1	1	2	97
5. Suspension	18	10	20	12	23	26	37	33	24	23	30	27	29	31	38	51 <sup>•</sup>	623
6. Disbarment	26	27	38	20	32	35	41	40	33	29	32	31	42	38	37	37 <sup>♣</sup>	816
Total Disciplinary Actions	170	203	190	152	177	196	185	236	200	137	139	145	167	173	236	249	5,478

Reinstatement Cases:

1. Granted	34	35	27	29	24	44	31	35	33	45	35	55	64	58	75	72 <sup>*</sup>	894
2. Denied	1	0	1	1	0	1	0	2	1	4	2	3	4	4	2	1 <sup>‡</sup>	47

• This figure does not include **11** temporary suspensions (Rule 214 Pa.R.D.E.) and **4** temporary suspensions (Rule 208(f) Pa.R.D.E.)

♣ This figure includes **18** disbarments on consent (Rule 215 Pa.R.D.E.)

\* This figure includes **54** reinstatements to active status after being inactive three years or more, **12** reinstatements after having been suspended, and **6** reinstatements after having been disbarred.

‡ This denied reinstatement was after having been on inactive status for three years or more.

## Number of Registered Active Attorneys in PA

