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## Attorney News - March 2017



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### Things to Remember

- **Follow the Disciplinary Board on Twitter**

*This newsletter is intended to inform and educate members of the legal profession regarding activities and initiatives of the Disciplinary Board of the Supreme Court of Pennsylvania. To ensure you receive each newsletter and announcement from the Disciplinary Board of the Supreme Court of PA, please add us to your "safe recipients" list in your email system. **Please do not reply to this email. Send any comments or questions to [comments@padisciplinaryboard.org](mailto:comments@padisciplinaryboard.org).***

## Court Docks Pennsylvania Firm for Disbarred Lawyer Billings

A Berwyn, Pennsylvania firm involved in a multimillion dollar shareholder lawsuit against cellphone provider Sprint was stunned when a Kansas judge **docked its attorney fees award by nearly 90%**. The action came after the Weiser Firm **advised the court** that a contract lawyer who compiled a massive number of hours on the case was in fact a disbarred former lawyer.

The firm included in its attorney fees claim a figure of 6,905 hours of service valued at \$1.5 million for Alexander J. Silow, a contract attorney who reviewed discovery documents in the case. A lawyer named Alexander J. Silow is admitted to the Pennsylvania bar in active status, but the person who performed the work for the Weiser Firm was not him. The imposter was Jeffrey M. Silow, who consented to disbarment in 1987.

A staffing agency placed Silow with the Weiser firm in 2008. The Wall Street Journal reports that despite his disbarment, Silow apparently worked for the staffing agency as a contract attorney for at least eight years prior to that.

Kansas Judge James Vano slashed the firm's requested \$4.25 million to \$450,000. The firm maintains that despite Jeffrey Silow's deceptions as to his licensure, its records are accurate and that the award is justified based on the results. An appeal is pending.

## Annual Attorney Registration Opens in May

**May 8th – Online Registration Portal Opens**  
**July 1st – Registration Due Date**

Online registration for Active and Inactive Attorneys, Attorney Participants in Defender or Legal Services Programs, In-House Counsels, and Foreign Legal Consultants will soon be open. Do not attempt to complete the annual registration process prior to May 8th. The ability to register online will not be available for attorneys who are currently on Retired status or are Administratively Suspended.

Attorneys have the option to pay their annual fee by credit card or by voucher and check. Last year, 60,790 attorneys paid with a credit card and 13,700 attorneys paid by voucher.

### License Status with the Pennsylvania Bar

Active	65,522
Inactive	10,726
Retired	17,447
Attorney Participants in Defender or Legal Services Programs	16

In-House Counsel	355
Administrative Suspension	9,350
<b>Total Attorneys</b>	<b>103,418</b>

The Supreme Court of Pennsylvania has determined that the current fee allocations will be adjusted for Fiscal Year 2017-18. The allocations of the active annual attorney fee, now totaling \$225, will be as follows:

- Disciplinary Board \$120;
- Client Security Fund \$75;
- IOLTA Board \$30.

The Inactive annual fee will now be \$100.

## Tip of the Month: Who Do I Call?

Have a question or a need to speak to someone in the disciplinary system? Here's who to contact:

**The Disciplinary Board:** The Office of the Secretary fields questions on:

- Attorney registration;
- Attorney status inquiries; and
- Adjudicatory questions on matters pending in the disciplinary system.

You can contact the Office of the Secretary at 717-231-3380, by fax at 717-231-3381, or by mail at P.O. Box 62625, Harrisburg, PA 17106-2625 (physical address 601 Commonwealth Ave., Suite 5600).

**The Office of Disciplinary Counsel:** The **four districts of the Office of Disciplinary Counsel** handle:

- Initial complaints;
- Matters under investigation; and
- The prosecution of cases.

Ideally communications about complaints should be addressed to the district office where the attorney who is the subject of the complaint is located, but the staff will direct communications to the right place. The Office of the Chief Disciplinary Counsel provides oversight to the investigation and prosecution of complaints. Reach the Office of the Chief Disciplinary Counsel at 717-783-0990 (telephone), 717-783-4963 (fax), or by mail at P.O. Box 62485, Harrisburg, PA 17106.

The Office of Disciplinary Counsel also provides statements of disciplinary history, using [this form](#).

**Certificate of Good Standing:** If you are an active attorney, you may request a Certificate of Good Standing from the Supreme Court of Pennsylvania Prothonotary's Office. Please visit the [Court's website](#).

**Ethics Opinions and Questions:** Neither the Office of the Secretary nor Disciplinary Counsel are

authorized to offer ethics opinions or advise attorneys on ethical questions. Lawyers who are members of the Pennsylvania Bar Association may inquire with the Ethics Hotline of the PBA as to whether existing opinions address their concerns, or may request an ethics opinion. Contact the Ethics Hot Line at 800-932-0311, ext. 2214, or 717-238-6715, or submit a written request for an ethics opinion to [Victoria.White@pabar.org](mailto:Victoria.White@pabar.org).

Some county bar associations, notably the [Philadelphia Bar Association](#), also offer advisory ethics opinions.

**Admission to Practice, Client Security Fund, Continuing Legal Education, and Interest on Lawyer Trust Accounts:** These topics are handled by separate boards. Contact information for these boards is available at their respective websites:

Admission to Practice: [Pennsylvania Board of Law Examiners](#)

Client Security Fund: [Pennsylvania Lawyers Fund for Client Security](#)

Continuing Legal Education: [Pennsylvania CLE Board](#)

Interest on Lawyer Trust Accounts: [Pennsylvania IOLTA Board](#)

## Supreme Court Seeks Volunteers

The Supreme Court will seek volunteers to serve in the following vacancies:

- (1) Appellate Procedural Rules Committee
- (2) Civil Procedural Rules Committee
- (3) Minor Judiciary Education Board (this position is for an MDJ member)
- (4) Continuing Legal Education Board

Applications will be accepted during the month of April and close April 30. Full details will be published on the [website of the Pennsylvania Courts](#) on April 1, 2017.

## Lawyer's Pants Catch on Fire During Argument

The term "pants on fire" has long been the cliché of choice to describe a real whopper of a lie, popularized recently by a certain fact-checking site<sup>[1]</sup> and longer ago by [The Castaways](#) in their 1965 hit "[Liar, Liar.](#)"<sup>[2]</sup>

The phrase took on an unfortunate relevance for Miami lawyer Stephen Gutierrez. According to an account in the [Miami Herald](#), Gutierrez suffered the unfortunate fate of having his pants catch on fire during an argument before a jury. In the "you wouldn't believe this if I made it up" department, the case he was trying was an arson case.

Gutierrez's client, Claudy Charles, was on trial for arson, accused of setting his own car on fire. Gutierrez was in the heat of an argument that spontaneous combustion caused the blaze when smoke began billowing from his right pocket. He rushed from the courtroom and returned moments later unharmed, but with a singed pocket. He later explained that the cause of the conflagration was a defective battery in an e-cigarette.<sup>[3]</sup>

Despite, or perhaps, because of Gutierrez's remarkably effective in-court demonstration of the concept of spontaneous combustion,[4] the jury convicted his client of arson in the second degree.

So the next time a lawyer tells you she or he was "on fire" in an argument, they've got nothing on Mr. Gutierrez.

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[1] Which shall go unnamed.

[2] We apologize to any readers who may find that song stuck in their head for the rest of the day.

[3] Another risk of smoking the PSA's don't mention.

[4] He insists the incident was not intentional, but **Lowering the Bar** is skeptical.

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## Let Us Know

Got a tip, a link, a correction, a question, a comment, an observation, a clarification, a wisecrack, an idea you'd like to see addressed? We are always glad to hear from you. Please do not reply to this email. Write us at [comments@padisciplinaryboard.org](mailto:comments@padisciplinaryboard.org).

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The Disciplinary Board of the Supreme Court of Pennsylvania  
PA Judicial Center  
601 Commonwealth Ave., Suite 5600  
P.O. Box 62625  
Harrisburg, PA 17106-2625  
(717) 231-3380

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