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Attorney News - June 2015



Articles & Updates

- **July 1 Registration Deadline Looms**
- **Suspended Animation: Lawyer Disciplined for Using CM/ECF Account of Another**
- **Attorney Who Expanded Contract Hours Suspended**
- **Following Sioux: Lawyer Receives Reciprocal Reprimand for Tribal Discipline**
- **Supreme Court Raises Pro Hac Vice Fee**

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.***

July 1 Registration Deadline Looms

Within days after you receive this newsletter, the July 1 deadline for filing your 2015-2016 form will arrive. Bear in mind, this is the **last year paper registration forms will be accepted**. To register online, click **here**. A **tutorial** and **Frequently Asked Questions** are available. Remember that there are **new requirements for reporting accounts** used in the practice of law, so don't wait until the last moment.

Suspended Animation: Lawyer Disciplined for Using CM/ECF Account of Another

By order dated May 14, 2015, the Supreme Court of Pennsylvania suspended Allegheny County attorney William N. Renwick from practice for two years, based on findings of the United States District Court for the Western District of Pennsylvania that Renwick had used the CM/ECF (Case Management/Electronic Case Filing) account of a suspended attorney to practice in the bankruptcy court.

Attorney Allan G. Gallimore was suspended from the practice of law in **2007** and **2008**, and never reinstated. In 2009, Renwick and Gallimore entered into an arrangement under which Gallimore worked as a paralegal and Renwick appeared in court. Renwick began filing documents with the Bankruptcy Court using Gallimore's CM/ECF account, and twice contacted the court to change the name on the account, the first time to the name of a retired attorney, and the second time to his own. Renwick did not have his own CM/ECF account and did not complete the training required to have an account. After staff detected these changes, the Chief Judge of the Bankruptcy Court called Renwick and Gallimore before him. The Court found that Renwick had:

- violated the login and password requirements for the CM/ECF system;
- misled the Court as to the retired attorney whose name he used;
- engaged in, aided and abetted the unauthorized practice of law;
- failed to complete the required training; and
- abused the CM/ECF privileges and deceived the court.

The Court closed Gallimore's CM/ECF account, and ordered Renwick to notify clients and obtain his own account before filing any more documents. The Court also referred the matter to the Disciplinary Board.

The Disciplinary Board found that Renwick violated **RPC 3.3(a)(1)** [false statement to a tribunal], **5.5(a)** [practicing law in a jurisdiction in violation of its regulations], and **8.4(d)** [conduct prejudicial to the administration of justice]. The Board reviewed two other cases in which lawyers assisted suspended attorneys in continuing to practice, and recommended a suspension for two years. The Supreme Court agreed and imposed the requested discipline.

Attorney Who Expanded Contract Hours Suspended

On May 27, 2015, the Supreme Court approved a Joint Petition in Support of Discipline on Consent, by which **Benjamin Hart Perkel** was suspended for two years retroactive to his temporary suspension. The agreement recited that Perkel, while working as a contract attorney for Drinker, Biddle, and Reath, LLP, submitted numerous reports of hours worked that overstated his actual hours. Over a period of a year, Perkel reported 1,721.5 hours, when he only spent 1,303 hours on the project software at a contract rate of \$40 per hour. The firm billed the client for his time at a rate of \$245 per hour, so a refund of \$49,752 to the client became necessary.

The agreement notes a number of mitigating factors, and cites several cases in which attorneys were disciplined for over-reporting their time to law firms. The parties agreed that a suspension for two years was appropriate.

The case inspired an article in [The Legal Intelligencer](#) which examined multiple perspectives on the issue of hour markups on contract attorneys, and their effect on value to clients.

Following Sioux: Lawyer Receives Reciprocal Reprimand for Tribal Discipline

Rule 216(a) of the Rules of Disciplinary Enforcement provides that an attorney may be disciplined upon proof that discipline has been imposed in “any court or any body authorized by law or by rule of court to conduct disciplinary proceedings against attorneys by any state or territory of the United States or of the District of Columbia, a United States court, or a federal administrative agency or a military tribunal.” This provision is fairly typical of reciprocal discipline rules in most states. The definition of a body which may impose discipline is quite broad, as one North Dakota attorney found out.

In an [order filed June 10, 2015](#), the Supreme Court of North Dakota reprimanded an attorney based on a similar sanction imposed by the Supreme Court of the Oglala Sioux Nation. The action followed a finding that the attorney made false statement to a court regarding a former judge, impugning the judicial integrity of the judge and the Oglala Sioux courts.

Supreme Court Raises Pro Hac Vice Fee

By [order](#) dated May 28, 2015, published at 45 Pa.B. 2825, the Supreme Court of Pennsylvania increased the fee paid by attorneys admitted in other jurisdictions who appear pro hac vice^[1] in Pennsylvania cases. **Section 81.505 of the Interest on Lawyers Trust Account Regulations** has been amended to require payment of a fee of \$375 for each case, in lieu of the former figure of \$200. The change took effect June 12, 2015. The fee is not refundable under any circumstances.

[1] Each occurrence of the term “pro hac vice” raises the question, how do you pronounce the thing? Traditionally most lawyers have used the pronunciation “pro hawk vee-chay,” but others have pointed out that in classical Latin the letter “v” is pronounced as [w] is in English. The second syllable of the last word also contains a pronunciation bomb, as the “c” is pronounced as a [k] in **classical Latin**, but as the [ch] sound when preceding an “l” in **ecclesiastical Latin**. So the classical Latin pronunciation would be “pro hawk wee-kay” and the ecclesiastical “pro hawk wee-chay.” **Merriam-Webster** opts for the strict classical sound, while **Nolo’s Legal Dictionary** stays with the [v] tradition. The **Oxford Dictionary** allows either “wee-kay” or “vie-see,” which we understand to prevail in some areas, particularly rural ones. What that pronunciation lacks in historical accuracy, it makes up in lack of pretension. **Black’s Law Dictionary** avoids the issue of pronunciation. Until we’re pinned down when the newsletter goes podcast, we think we’ll say “special admission” wherever possible.

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.

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