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Attorney News - April 2015



Articles & Updates

- **Chief Justice Addresses Pennsylvania Lawyers on Pro Bono, Support for Legal Aid**
- **Supreme Court Launches Pro Bono Pilot Program**
- **Bucks County Attorney John Cordisco Joins Disciplinary Board**
- **Registration Season Begins in May**
- **Judicial Reference: Conference of State Trial Judges Committee Addresses Reference Letters**
- **It Came in through the Broken Window: Lawyer Experiences Turkey Invasion**

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

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Chief Justice Addresses Pennsylvania Lawyers on Pro Bono, Support for Legal Aid

This month we have two guest authors: Pennsylvania Chief Justice Thomas Saylor, and Stephanie S. Libhart, Executive Director of the Pennsylvania Interest on Lawyer Trust Accounts (IOLTA) Board.

Chief Justice Saylor writes:

Dear Counselor:

I write to express my personal appreciation for the contributions of financial support which you have provided to legal aid programs, as a component of your annual attorney registration fees.

I also join Pennsylvania Bar Association President Frank O'Connor in asking you, among the Commonwealth's nearly 70,000 registered attorneys, to make an additional personal commitment to provide pro bono service through direct representation to the poor and financial support of our legal aid programs. Both avenues of assistance further the important work of representing clients who have critical needs but cannot afford to retain private counsel.

Every Pennsylvanian deserves their day in court, even if the ability to pay for counsel is limited. To this end, Rule of Professional Conduct 6.1 indicates that all lawyers licensed in Pennsylvania should "render public interest legal service."

The Pennsylvania Supreme Court supports civil legal aid in a variety of ways, from funding a loan forgiveness program for legal services practitioners to honoring the work of pro bono volunteers. The Pennsylvania Legal Aid Network, in partnership with regional legal aid providers and a network of specialty legal aid programs, helps provide the structure for legal assistance for the poor. Our law schools instill the values of pro bono service in the next generation of Pennsylvania lawyers.

In 2015, every lawyer in Pennsylvania will once again contribute to civil legal aid through the IOLTA portion of our annual licensing fee. However, it is the volunteer efforts whether through directly representing clients or providing additional financial support - which most greatly impact those in need.

I encourage you to visit the website at www.palawhelp.org and register with the online legal community at www.paprobono.net to encounter a wide range of available opportunities for pro bono service. Please also consider taking advantage of pro bono videos which will soon be offered by the Pennsylvania Bar Institute, accompanied by free continuing legal education credits.

For those of you who already contribute your time and financial support, thank you, once again, for serving to reflect the best of our profession.

Sincerely,

Thomas G. Saylor
Chief Justice of Pennsylvania

Ms. Libhart adds:

As officers of the court, lawyers are reminded of their responsibility to perform pro bono publico service by Rule of Professional Conduct 6.1. One way to help meet this ethical obligation is through the voluntary financial support of local pro bono programs. In conjunction with the annual attorney fee assessment process, the Supreme Court provides the opportunity for lawyers to make a \$50 voluntary contribution to a dedicated pool of funds to establish or expand county-based pro bono programs. Contributions are used to award grants to local county bar associations and nonprofit organizations that provide the administrative structure for local pro bono efforts. In the last two years, the following counties received grant awards from this pool of funds: Chester, Cumberland, Delaware, Clinton, Indiana, Washington and Allegheny.

In 2006-07, attorneys and firms contributed more than \$85,000 to this fund. In 2013-2014, contributions fell below \$40,000. The majority of the attorneys that contribute to the fund are solo practitioners and about 73% have a Pennsylvania mailing address. Of the contributing attorneys living in Pennsylvania, 58% reside in Eastern Pennsylvania, 25% reside in Western Pennsylvania and 17% reside in Central Pennsylvania. The average contribution for an attorney residing in Pennsylvania is \$60. Attorneys with a Florida address are the most generous with an average contribution of \$108. Attorneys with a New York address come in second with an average contribution of \$88.

Make your contribution when you complete your annual registration form or anytime online at <https://www.paiolta.org/donate/>.

Supreme Court Launches Pro Bono Pilot Program

In other pro bono news, the Supreme Court has announced a pilot program seeking volunteer lawyers to provide pro bono representation to certain indigent clients with representation in appellate matters. The nine-month pilot program is patterned after one employed by the United States Court of Appeals for the Third Circuit. David R. Fine, a Harrisburg attorney who spent six years on the Supreme Court's Appellate Court Rules Committee, has been appointed as pro bono coordinator for the pilot program. The order establishing the program was published March 5, 2015, at **45 Pa.B. 1361**. The Administrative Office of the Pennsylvania Courts has issued a **news release** as well.

The pro bono coordinator will gather a list of experienced appellate attorneys in the Western, Middle, and Eastern Districts who are willing to participate in this Court's pilot program by providing pro bono legal services to selected self-represented criminal and civil litigants. Less-experienced attorneys will be allowed to participate in the pilot program as volunteers with careful supervision from an experienced appellate lawyer to ensure consistent, high-quality representation.

After a nine-month trial period, the coordinator will evaluate the program, and forward recommendations to the Supreme Court for consideration.

Bucks County Attorney John Cordisco Joins Disciplinary Board

The Supreme Court has appointed Bucks County attorney **John F. Cordisco** to the Disciplinary Board for a term of three years, commencing April 1, 2015. Cordisco is the founder and principal of **Cordisco Law, LLC**, of Langhorne, Bucks County.

Cordisco's diverse career includes many roles, from factory worker and teacher, to member of the Pennsylvania House of Representatives, where he served three terms. His practice focuses on representing plaintiffs in personal injury and wrongful death matters in Bucks County and Philadelphia.

With assistance from Food for the Poor, he established and helped build The John Cordisco Education and Feeding Center in Managua, Nicaragua to provide a safe place for Nicaraguan children to play, attend classes and obtain healthy and nutritious meals. He has also helped build orphanages for special needs children and schools in Central America. He founded the Have a Heart Foundation, which provides assistance for special needs children and their families. He received the Ted Lindeman Humanitarian Award for helping special needs children within Pennsylvania.

Registration Season Begins in May

Some of you may have received an email in late March indicating that the online attorney registration portal was open. Some of you, unable to wait another minute to register, may have tried to take advantage of that opening (rather like the people who spend their Thanksgivings in line at Best Buy). Some who did may have found the portal not open. Broken and battered by the crushing of your dreams, some of you may be wandering the mean streets in desolation.

Those folks probably aren't reading this newsletter, but the Disciplinary Board apologizes. A programming error resulted in the email going out prematurely. On the other hand, some of you did manage to pay your fees successfully. These are being refunded. No, we are not paying you to be a lawyer. You will still have to pay the fee again when the portal opens for real in May. This time it will count.

In other registration news, the Disciplinary Board has published the schedule for late and returned checks at **45 Pa.B. 1500** (3/28/2015). The collection fee for returned checks will be \$100. Lawyers who fail to complete registration by July 31 shall be automatically assessed a non-waivable late payment penalty of \$150.00. If the registration (including late fee) is not paid by August 31, a second non-waivable late payment penalty of \$150.00 shall be automatically added to the delinquent account.^[1] Don't wait. It gets expensive.

Judicial Reference: Conference of State Trial Judges Committee Addresses Reference Letters

The Ethics Committee of the Pennsylvania Conference of State Trial Judges has published its **Formal Opinion 2015-1**, superseding Formal Opinion 98-1, addressing under what circumstances a judge may write a reference letter.

The Committee sets forth several guidelines, including:

- A judge should never write a reference letter for one the judge does not personally know.
- A judge may write a letter if it is the type that would normally be written in the ordinary course of business (e.g., a reference for an employee or someone the judge knows in his or her personal capacity).
- The letter should be addressed and mailed to the intended recipient, unless the judge has concern that the letter could be construed as pressure by reason of judicial office.
- Letters may be written on official stationery; and
- No letter should be written which the judge has reason to believe may be used in litigation.

The opinion reiterates the provision of Rule 1701(e) of the Rules of Judicial Administration that "No judge or magisterial district judge shall testify voluntarily as a character witness."

It Came in through the Broken Window: Lawyer Experiences Turkey Invasion

Many a lawyer has experienced a walk-in client that left him or her thinking, "What a turkey!" But Kansas City lawyer Jeffrey Tonkin can top them all. His came in straight through the window. The third floor window.

Apparently overwhelmed by powerful winds in an overnight storm, **a wild turkey crashed through Tonkin's window** and landed in his law office.^[2] A secretary spotted the rattled but still feisty fowl when she arrived at the office on a Monday morning. An animal control officer used a tablecloth to capture the bird and remove it to a nature center, where it was given a clean bill of health except for a cut on the head. Tonkin was left to resume his practice in an office littered with papers, broken glass, feathers, and, of course, turkey droppings.^[3]

The animal control officer remarked, "This is my first turkey call of my career. I've been doing this for twelve years."

But hey, he's not practicing law.

^[1] Non-waivable means the staff are not permitted to excuse payment of the late fee, no matter how understandable the failure, how nice you ask, or how killer you think your intimidation skills are.

^[2] Yes, Mr. Carlson. **Turkeys can fly.**

^[3] If you were flung through a window and didn't know where the restroom was, what would you do?

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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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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