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Attorney News - December 2014



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- **Follow the Disciplinary Board on Twitter**

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Disciplinary Board Ups Online Hours Allowance for Reinstatement CLE

It's not nearly as far-reaching as the recent trust account rulemaking, but the Disciplinary Board has changed the schedule of CLE courses required for lawyers seeking reinstatement after discipline, administrative suspension, or extended inactive status. Such lawyers are required to complete 36 hours of accredited Pennsylvania CLE courses. Previously only 12 of these hours could be completed by interactive, Internet or computer based CLE programs, but in a schedule revision published December 6, 2014, at **44 Pa.B. 7549**, the Board increased the allowance for electronic courses to 16 hours effective January 1st. You're welcome.

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The Wages of Justice

Thinking of running for judicial office? You can check out what you will make if you win. The Administrative Office of the Pennsylvania Courts has published the 2015 judicial salary scale [here](#).

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Home for Christmas

Last month we **reported** that former Supreme Court justice Joan Orie Melvin had completed the term of her sentence for corruption by writing letters of apology to judges and staff. We spoke too soon.

Allegheny County Common Pleas Judge Lester Nauhaus did not find the letters brought the case to a conclusion, criticizing them as "generic" and "unsatisfactory." He **reinstated Melvin's house arrest and ordered her to write new letters**, personalized to each of 600 jurists and staff. Melvin will be confined to her 3,650 square foot home in Marshall, except for church services. At least it isn't an apartment.

In a related case, on December 10, the Supreme Court **accepted** the resignation from the practice of law and consent to disbarment of Melvin's sister, former state senator Jane Orie, based on her conviction of charges arising out of the same practices.

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Lawyer Steals from Secretary; Dog Not Bitten

From time to time we hear stories of lawyers victimized when trusted staff members embezzle law firm funds. In a turnabout on that sad story, the Illinois Review Board has **recommended** that a lawyer be suspended for three years based on findings that he misappropriated \$95,000 from the funds of his elderly and ailing former secretary, who turned her finances over to him when her health declined and she was hospitalized. Charles William Helmig sought dismissal of the charges based on a precedent where an attorney was not disciplined for mishandling a family trust, but the Board found that he was acting as her attorney, and recommended suspension.

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Wretched Exes: Should an attorney represent her spouse in domestic relations litigation against an ex?

A Florida attorney became embroiled in issues when she represented her husband in a contentious domestic case against his ex-wife. The ex-wife's attorney obtained an order disqualifying her from representing her husband in all aspects of the domestic case, on the ground that she might be called as a witness in a contempt hearing. She did in fact testify at that hearing. On appeal, the Court of Appeal **rendered a decision** overturning the disqualification order. The court found that the order overbroad, since Florida Bar **Rule 4-3.7(a)**, on which the motion was based, only prohibits a lawyer from acting as advocate at a trial in which the lawyer is likely to be a necessary witness. The court held that this rule did not require that the lawyer be disqualified from all representation in the case.

The court chastised the first wife's attorney for ignoring adverse precedent in bringing the motion. But although the second wife-attorney was allowed to continue representing her husband, her conduct did not escape criticism. The court expressed its displeasure at the intemperate tone of a pleading she filed (later stricken), and stated that she "does not aid her husband (and client's) case by lobbing acrimonious grenades in the form of unprofessional comments directed at opposing counsel and the trial court. We are stunned at Ferrer's disrespectful, offensive, and inflammatory argument directed at the trial judge on behalf of the client." Just because you can, doesn't mean you should.

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Best Law Firm Holiday Cards

In the past we've highlighted amusing and well done law firm holiday cards, with Manatt, Phelps & Phillips, LLP often **taking honors**.

This year **Above the Law** assembled a collection of holiday cards and ran a **contest**. The winner is the effort from **Akin Gump**, riffing on the "Most Interesting Man in the World" meme. Sutliff Stout took second with a simple **concept**. Perennial contender Mannatt took **third** (and our vote as well). We lack the media budget to compete with these creative folks, but wish happy holidays to all.¹

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¹ We apologize if anyone is offended by being wished happy holidays. We will understand if you decline the wish and experience unhappy holidays.

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