

[Click here to view this email in your browser](#)

Attorney News - November 2014



Articles & Updates

- **McCaffery, Melvin Matters Resolved**
- **Former Legislator, District Attorney Consents to Disbarment**
- **Term Paper Tactics: BP Lawyers Faulted for Short Spacing**
- **Comics and Memorabilia: the New Bearer Bonds?**
- **Five Minute Recess Is Forever**
- **Prayer for Relief**

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.***

McCaffery, Melvin Matters Resolved

Two controversies involving former Pennsylvania Supreme Court Justices have concluded.

Justice Seamus McCaffery **announced his retirement** from the bench, ending a period of conflict relating to emails which were publicized after an internal Attorney General's office review of the Sandusky investigation. With the Justice's retirement, the Pennsylvania Judicial Conduct Board **announced** it will dismiss its inquiry into the matter. Also, the Supreme Court **vacated** an **order** it entered October 20, 2014, suspending Justice McCaffery and referring the matter to the Judicial Conduct Board.

Days later, former Justice Joan Orié Melvin **withdrew her appeal** of a criminal conviction for using state staff in reelection efforts. Orié Melvin complied with an element of her sentence she had resisted, by writing letters of apology to her former staff and the state judiciary.

[\(back to top\)](#)

Former Legislator, District Attorney Consents to Disbarment

Last month we **reported** on the former chief of staff to the Minority Whip of the Pennsylvania House in the Bonusgate matter. This month another "Gate" claimed a prominent former attorney, who served as a district attorney and also a state legislator.

In an **order** dated October 15, the Supreme Court accepted the resignation of Brett Feese and disbarred him. Feese consented to disbarment based on his criminal conviction for theft, obstruction of the administration of law, and conspiracy. Feese served as District Attorney of Lycoming County before being elected to the House of Representatives, where he served from 1995 through 2006. Feese's downfall arose from the **Computergate scandal**, in which a number of legislators were convicted for using House personnel and computers to aid political campaigns.

[\(back to top\)](#)

Term Paper Tactics: BP Lawyers Faulted for Short Spacing

A Federal judge criticized lawyers for a tactic some of us may¹ have used in meeting page requirements in college term papers – fudging the spacing between lines to change the number of pages. In a **ruling**, U.S. District Court Judge Carl Barbier found that lawyers for British Petroleum Company abused leave to file a brief longer than usually allowed by reducing the spacing between the lines from double-spaced, yielding an extra six pages.² He wrote, "The Court should not have to waste its time policing such simple rules — particularly in a case as massive and complex as this Counsel's tactic would not be appropriate for a college term paper. It certainly is not appropriate here."

A former clerk for Judge Barbier, now teaching law at the University of Alabama, **notes** that the judge could have stricken the brief for noncompliance. Cheaters beware.

[\(back to top\)](#)

Comics and Memorabilia: the New Bearer Bonds?

A New York lawyer, Anthony Chiofalo, was **disbarred** after a conviction on theft charges in which he was accused of embezzling more than \$9 million from his employer, Tadano America Corp. a wholly owned subsidiary of a Japanese company that manufactures large cranes.

That result is nothing unusual, but one line in the decision stands out: “Respondent deposited the checks into an account he controlled and then used the funds to purchase, among other things, artwork, collectible comic books and sports memorabilia.” Items found in Chiofalo’s home **included** a boxing robe worn by Muhammad Ali, a signed first edition of Mario Puzo’s novel *The Godfather*, a baseball helmet signed by Pete Rose, a baseball signed by Babe Ruth, a first edition *Playboy*, and the first ever Batman comic book, worth about \$900,000.

At first blush it appears that Chiofalo was motivated to embezzlement by an obsession with celebrity, but a financial fraud consultant involved in the case speculated that the purchases were investments, and noted that such items are “are like bearer bonds because they’re hard to trace.” He said that comic books worth hundreds of thousands of dollars are still missing and that investigators are searching for them. Holy hot comics, Batman!

[\(back to top\)](#)

Five Minute Recess Is Forever

Attendees in the court of Leon County, Florida Judge Judith Hawkins probably didn’t think much of it when the judge suddenly declared a five minute recess in proceedings. But they may have been surprised when Judge Ronald Flury took the bench and asked the litigants, “Y’all want to tell me what’s going on?”

Judge Hawkins, as it turned out, had been **removed from the bench** by the Supreme Court of Florida for using her judicial office to promote and sell a ministry she operated and her self-published book.

In other abrupt judicial exits, the NBC sitcom *Bad Judge* has been **cancelled** after a women lawyer’s group **protested**. The Miami-Dade chapter of the Florida Association for Women Lawyers that the show portrayed the female judge, played by **Kate Walsh**, as “unethical, lazy, crude, hypersexualized and unfit to hold such an esteemed position of power.”³ The fact that the show’s ratings had tanked after a promising start probably had more to do with the decision.

Unlike Judge Hawkins, *Bad Judge* will finish its first-season run of 13 episodes, then adjourn sine die.

[\(back to top\)](#)

Prayer for Relief

The Kansas City Royals fell short in their Cinderella quest for a World Series title,⁴ but the Fall Classic gave the nation a fresh look at some talented but little known players. Notable among this group is the

three-headed dog of the Royals' bullpen, the estimable trio of **Kelvin Herrera**, **Wade Davis**, and **Greg Holland**. Herrera, Davis, and Holland spent much of the season turning the final bracket of opponents' scoring lines into an unbroken expanse of 0's, liberally dotted with K's and contributing to many W's.

It is something of a sports tradition that any combination of three names gets dubbed "the Law Firm,"⁵ and Herrera, Davis, and Holland were **no exception**. In the tradition of **Babip, Pecota, Vorp, and Eckstein**, voice actor **Andy Barnett** asked the eternal question: what if relief pitchers were marketed the same way as law firms? His answer is **here**.

(back to top)

¹ Or may not.

² That must have been some spacing trick. Not that we would know about such things.

³ The show's promotional spots describe the character as "a hard-living, sexually unapologetic woman who plays with the law, and whose life on the edge is constantly in balance as she also happens to be a judge in the Criminal Court system."

⁴ Ninety feet short, to be exact.

⁵ For that matter, **BenJarvus Green-Ellis** earned that sobriquet all by himself.

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.

Sign Up for Our RSS Feeds

Receive emails or link to your **personal feeder**.

This newsletter is being sent to you as a courtesy by The Disciplinary Board of the Supreme Court of Pennsylvania, www.padb.us. To subscribe, please click **here**. To unsubscribe, please click **here**. All comments and questions can be sent to us via email to comments@padisciplinaryboard.org. If you wish to contact us by other means, please address correspondence to:

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

Copyright © 2014 The Disciplinary Board of the Supreme Court of Pennsylvania, All rights reserved.

[unsubscribe from this list](#) [update subscription preferences](#)