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## Attorney News - October 2014



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### Things to Remember

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## Guidance on Social, Political Activities of Judges and Candidates Issued

The past month saw the publication of two items which should provide guidance to judicial officials and candidates.

The Ethics Committee of the Pennsylvania Conference of State Trial Judges published **Formal Opinion 2014-1**, addressing the propriety of various social activities of judges. The opinion provides lists of social activities deemed acceptable in three categories: those involving attorneys, law firms and attorney associations; those sponsored by charitable organizations; and other activities such as inaugurations, symposia, and seminars. The opinion identifies ten questions a judge should ask regarding any proposed engagement:

1. Is the event intended to improve the law, the legal system, or the administration of justice, or is it purely a social function?
2. Are the sponsoring attorneys currently involved or likely to be involved in litigation before the judge?
3. Is the event held at a law firm or off site?
4. Is attendance limited to attorneys in the sponsoring firm or is it open to other attorneys and/or the general public?
5. Will the firm's clients or potential clients attend the event?
6. Will an appearance at the social event convey the impression that the sponsors are in a special position to influence the judge?
7. Will the judge's presence be advertised in advance of the event or will the judge be recognized during the event?
8. In the case of an event sponsored by an attorney association, is the function limited to one sector of the bar, such as the plaintiffs' bar, defense counsel, prosecutors, etc.?
9. Will attendance at the function call into question the judge's impartiality?
10. Will attendance interfere with the performance of the judge's judicial duties?

The Formal Opinion does not address political events.

In conclusion, the opinion states,

Judges ... must freely and willingly accept restrictions on their conduct that might be viewed as burdensome by the ordinary citizen. This does not mean, however, that judges must isolate themselves from society or decline all social invitations. Indeed, the new Code continues to encourage judges to be involved in the communities in which they serve. However, the need to maintain an impartial and independent judiciary gives rise to special concerns.

In a second development, the Supreme Court, by **order dated September 18, 2014**, published at **44 Pa.B. 6204** (October 4, 2014), amended **Canon 4, Rule 4.2** of the Code of Judicial Conduct to eliminate Rule 4.2(C)(1), which read, "A judge who is a candidate for elective judicial office shall not: .... (1) personally solicit or accept campaign contributions other than through a campaign committee authorized by Rule 4.4."

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## Former Top Legislative Aide Disbarred for Bonusgate Conviction

The Supreme Court of Pennsylvania has **disbarred** an attorney who was once the chief of staff to the Minority Whip of the Pennsylvania House. Jeff Foreman pleaded guilty to two counts of theft by failure to make required disposition based on his activities as a top aide to Representative Michael Veon, who was also convicted and is currently serving a prison sentence. Foreman did substantial amounts of campaign work and legal activity on behalf of his law firm while drawing a state salary. He also billed and received funds for his law firm for work that was indistinguishable from his legislative activities. On three occasions he billed or claimed time in excess of 24 hours per day. As mitigating factors, Foreman expressed shame and remorse, and cooperated with prosecutors.

Nonetheless, the Disciplinary Board recommended disbarment. The Board noted that previous cases in which lawyers serving as public officials were convicted of corruption charges generally resulted in disbarment or the maximum five-year suspension. Based on Foreman's choice of personal enrichment over integrity, the Board concluded that disbarment was the appropriate sanction. The Board recommended retroactivity to the date of Foreman's discharge from his criminal conviction in light of Foreman's remorse and cooperation. The Supreme Court disbarred Foreman retroactively to November 23, 2009, the date of his temporary suspension.

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## Loan Shark Lawyer Loses License

The Supreme Court of Wisconsin **revoked the license** of a lawyer who engaged in business transactions with three unsophisticated clients, including loans on onerous terms.

Attorney Michael Trewin had previous brushes with the disciplinary system. In 2004 the court suspended Trewin for five months based on a pattern of conduct that included making loans to seven clients without conflict waivers and without advising them of adverse terms, then assigning his interest to his brother-in-law to avoid disclosing he was the real party in interest. The referee in his first case remarked that the pattern of loans made it "look as though he was more of a banker than a lawyer."

After his reinstatement, Trewin apparently failed to learn a lesson from the prior discipline, as he resumed his practices of making loans to clients. All three clients had long-term relationships with Trewin, and faced financial problems including foreclosure and bankruptcy. Trewin's haphazard manner of handling these transactions left the clients confused about which loans were outstanding, what payments they had made toward which loans, and the balances of their loans. At his disciplinary hearing, Trewin was unable to account for the balances and payments on the loans. When the clients fell behind on payments, Trewin extended additional onerous loans and then persuaded the clients to transfer title of their real estate to him, on the pretext that the transfers were temporary. Based on this conduct and Trewin's acts of acquiring the clients' property and enriching himself at their expense, the Court concluded that Trewin's license should be revoked.

Extending loans to clients on such terms would clearly be a violation of the Pennsylvania rules as they currently stand. However, the Disciplinary Board has proposed **amendments** to Rule 5.6 of the Rules of

Professional Conduct which would forbid a lawyer to broker, sell, offer to sell, or place any investment product in connection with the provision of legal services, unless separately licensed to do so. It would also ban recommending or offering an investment product, or investing funds of a client in such a product, if the lawyer or anyone related to the lawyer has an interest in the entity managing that product. Comments on those proposed amendments are due **November 3, 2014**.

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## Comments on Fiduciary Funds Rule Proposal Due November 3

Okay, we just mentioned this, but it bears repeating. Comments on the far-reaching **rule change proposal at 44 Pa.Bull. 6070** are due **November 3, 2014**. This proposal will affect almost every attorney who maintains a trust account or handles client funds, and creates new duties and responsibilities for attorneys who engage in financial or business counseling for clients. If these statements describe your practice, you need to know what is in the new proposal, and any comments you may have as to the proposed requirements will be welcome.

Written comments by mail, email, or facsimile regarding the proposed amendments should be sent on or before **November 3, 2014**, to:

Office of the Secretary  
The Disciplinary Board of the Supreme Court of Pennsylvania  
601 Commonwealth Avenue, Suite 5600  
PO Box 62625, Harrisburg, PA 17106-2625  
E-mail address [Dboard.comments@pacourts.us](mailto:Dboard.comments@pacourts.us)  
Facsimile number (717-231-3382)

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## Pennsylvania Courts Webpage Helps Self-Representing Litigants

Most lawyers who practice domestic relations law have probably had the experience of speaking to a client who, by choice or by necessity, will represent themselves in divorce, custody, or support proceedings. Did you know that the Pennsylvania Courts system has a web page to assist people who represent themselves in domestic relations matters? The site provides information on self-representation in divorce, custody, protection from abuse, and child abuse proceedings, including in forma pauperis procedures. It also offers an 11-minute video featuring Justice Max Baer of the Supreme Court providing an introduction to self-representation. The page is [here](#).

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## Not Such a Good Morning, Vietnam

**Adrian Cronauer** achieved renown as an Armed Forces Vietnam Network disk jockey in Saigon in 1965-1966, an experience made famous by Robin Williams in the 1987 film *Good Morning Vietnam*.

Pittsburgh-born, Cronauer honed his radio skills at the University of Pittsburgh, where he helped found the forerunner of the university's college radio station WPTS.

After his radio career, Cronauer attended the University of Pennsylvania Law School and became a lawyer. That career, sadly, came to an end on October 9, 2014, when Cronauer consented to **disbarment** by the District of Columbia Court of Appeals. The circumstances of the disbarment are not public under the rules of the District of Columbia disciplinary process.

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## Anything that Can Go Wrong . . .

Okay, we don't know the circumstances, and we're sure there is a perfectly reasonable backstory, but still, **this is funny**.

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### Let Us Know

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