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The  
**DISCIPLINARY BOARD**  
of the Supreme Court of Pennsylvania

October 2018  
Newsletter



## *From the Chair*

I am excited to write to you as Chair of the Disciplinary Board – an organization which is truly exceptional and provides an important service to the public and to the profession. Together with Vice Chair Andrew J. Trevelise, we are always looking for ways in which the Board can better achieve its mission – to protect the public, maintain the integrity of the legal profession, and safeguard the reputation of the courts.



Following a thorough review of the structure of the Board, we recently completed an organizational realignment to better use our existing staff in furtherance of our mission. In one significant move, we have devoted a member of our staff, Julia M. Frankston-Morris, Esquire, to review and oversee the hearing process and make recommendations to the Board to improve consistency and promptness of discipline. Additionally, we recently named Jesse G. Hereda as the Board's Executive Director, with oversight responsibility for the operation and business functions of the Board. We firmly believe that these structural changes will benefit the public and the profession.

As my dear friend (former Disciplinary Board Chair) Doug Leonard reminds me, progress requires continuous review, analysis, and realignment. I, along with Andrew Trevelise, intend to continue the culture of continuous review to allow our attorney regulatory system to be the best that it can be.

Change is challenging. Change is rewarding. Change is progress.

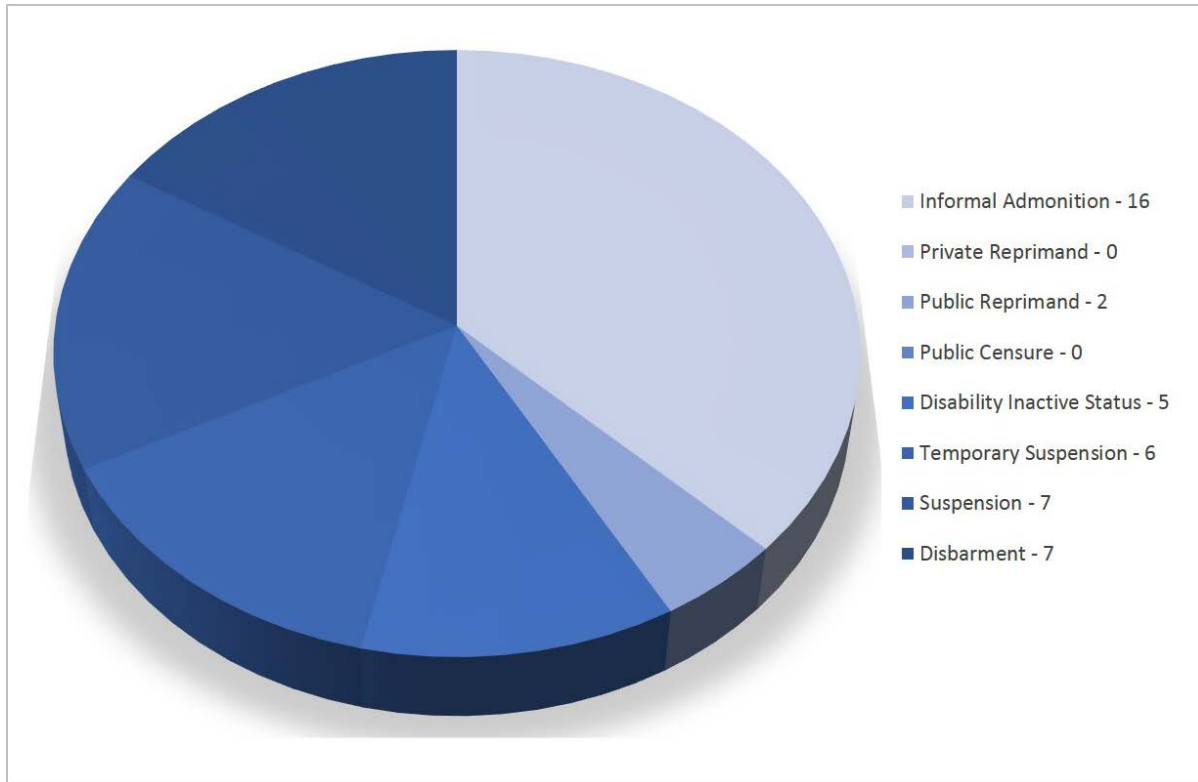
Brian J. Cali, Esquire  
Board Chair

## *Social Media*

Don't forget to like us on [Facebook](#), follow us on [Twitter](#), and connect with us on [LinkedIn](#) for more news and information.

# Discipline Imposed

July 1, 2018 - September 30, 2018



## **Suspension**

[Frederick J. Meagher, Jr.](#)  
[Randolph Harvey Goldberg](#)  
[Kelly S. Ballentine](#)  
[Michael B. Adelhock](#)  
[James J. Vassallo, Jr.](#)  
[Michael J. Casale, Jr.](#)  
[Bret Keisling](#)

## **Disbarment**

[Michael William Kwasnik](#)  
[William J. Higgins, Jr.](#)  
[Robert M. Maskrey, Jr.](#)  
[Clyde Kevin Middleton](#)  
[Devon E. Sanders](#)  
[Burt Lee Burnett](#)  
[Gregory L. Davis](#)

## **Temporary Suspension**

[Michael Bruce Greenstein](#)  
[Scott Brian Allinson](#)  
[Lori A. Rexroth](#)  
[Gregory M. Palumbo](#)  
[Scott Alan Westcott](#)  
[David Tevis Shulick](#)

## **Public Reprimand**

[Evan T. L. Hughes](#)  
[Joseph Vaccaro](#)

## *Articles of Interest*

### **Utah Moves to License Paralegal Practitioners**

The Supreme Court of Utah has approved a rule change to provide a procedure by which paralegal practitioners will be licensed to engage in the limited practice of law in certain areas, without the supervision of an attorney.

Utah becomes the second state (after Washington) to permit independent paralegal practice. The new rule takes effect November 1, 2018, and the first examinations for the licensing of paralegals are expected to take place in the spring of 2019.

The licensed paralegal practitioners will be authorized to interview, advise, and represent clients in certain legal matters, including certain domestic matters, abuse and stalking, name changes, forcible entry and detainer, and small claims debt collection. Within these areas, the licensed paralegal practitioners may enter into contracts with clients, interview and advise as to determining goals, review and explain documents and court orders, assist in completing approved forms, and advocate in mediated negotiations. Paralegals will not be allowed to draft and file legal documents, other than approved forms.

The rule also sets forth a code of conduct for licensed paralegal practitioners and imposes requirements to take an educational curriculum, pass an examination, and meet continuing education requirements.

In addition to the new provision for licensure of paralegals, the rule excludes certain activities from the definition of the practice of law, such as:

- Publishing and providing approved legal forms and legal self-help guides to the general public;
- Providing general legal information, opinions or recommendations about possible legal rights, remedies, defenses, procedures, options or strategies, provided the information is not specific to a client's particular facts;
- Providing clerical assistance to another to complete government forms, as long as no fee is charged;
- Assisting one's own child in juvenile court proceedings, when allowed by the court consistent with the child's best interest;
- Representing clients in small claims court, mediations, or administrative proceedings, when permitted by the rules of the tribunal;
- Representing a person or a legal entity as an employee representative of that entity in an arbitration proceeding where the amount in controversy is less than the small claims limit, and where done without compensation;
- Representing a party in labor negotiations, arbitrations or conciliations arising under collective bargaining rights or agreements or as allowed by law;
- Lobbying on behalf of clients; and
- Preparing certain documents and advising clients as permitted in one's capacity as a real estate agent, abstractor or title insurance agent, financial institution, securities broker or dealer, Certified Public Accountant, enrolled IRS agent, public accountant, public bookkeeper, or tax preparer.

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### **Lawyers Behaving Badly: October Edition**

The ways lawyers find to get into disciplinary trouble continue to amaze.

Here in Pennsylvania, [Michael J. Casale, Jr.](#), was suspended for five years (one served, four stayed with probation), after conviction of three offenses arising from planting GPS and audio recording devices in an ex-girlfriend's car in order to track her movements.

Illinois attorney [Drew Robert Quitschau](#) lost his job in his firm, paid a settlement of \$100,000, and received a recommendation for six months' suspension from a disciplinary hearing committee after a finding that he vented his frustration with opposing counsel by:

- Creating a false and unflattering dating profile in her name on Match.com;
- Enrolling her in the Obesity Action Network;
- Entering subscriptions in her name to Diabetic Living and Pig International;
- Posting requests to buy a car on AutoTrader.com, resulting in a deluge of calls and emails; and
- Posting adverse reviews in the names of fictitious clients on Lawyers.com and Martindale.com.

[Nevada lawyer James Pengilly](#) received a six-month suspension for "conduct prejudicial to the administration of

justice – to wit, flashing a gun and threatening the opposing party during a deposition. Pengilly [told a reporter](#) he carries a gun because “people don’t like me.”

A former Georgia lawyer, Chalmer “Chuck” Detling II, who surrendered his law license based on an unrelated matter, has been [criminally charged](#) with stealing client’s identities in order to apply for 50 litigation advances totaling \$383,000.

Actor Johnny Depp is in the legal news. A [Los Angeles county court held](#) that Depp could void an oral fee agreement with a law firm, because fees under the contract were directly based on the actor’s earnings. The court found this made it a contingent fee agreement, which by California law must be in writing. The decision is significant because “handshake deals” are said to be common in the Hollywood theater community.

## *Disciplinary Board Website Functions*

The Disciplinary Board is pleased to announce the rollout of a new function on its website. In a continued effort to serve as a resource on attorney discipline, the website now features two new interactive infographics that can help viewers to understand the [discipline process](#) and [reinstatement process](#). These infographics provide viewers with a step by step explanation of these processes with references to relevant rules. The infographics are also available in a static version as a downloadable PDF in the [Frequently Asked Questions](#) section of the website.

The infographic is divided into four quadrants, each representing a different function of the Disciplinary Board website. Each quadrant has a blue background with a faint image of a building or a person. The text is white and includes a large number, a title, a role, and a list of functions.

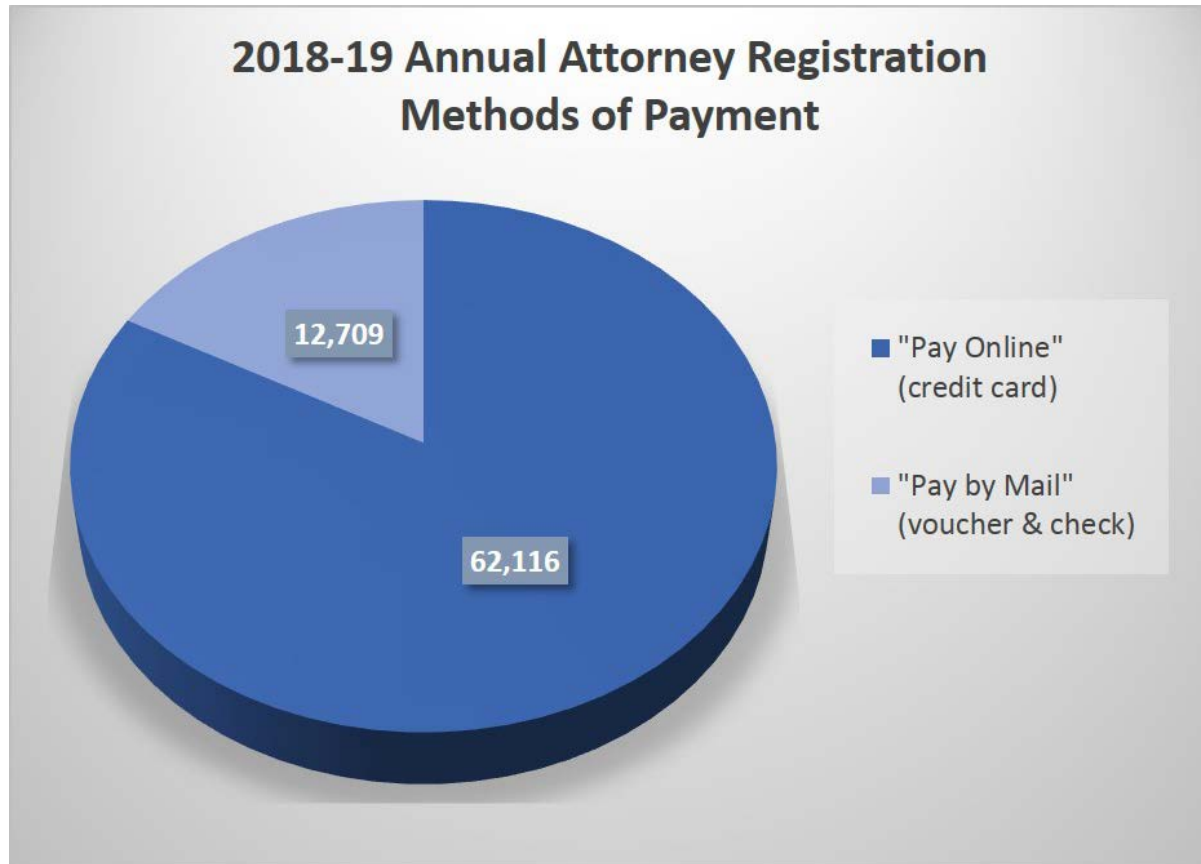
- 01 Office of Disciplinary Counsel**  
*Investigates*  
In this Section:
  - RESPONDENT'S POSITION
  - REFERRAL OF COMPLAINT
  - HEARING COMMITTEE MEMBER REVIEW
  - DISPOSITION
- 02 Hearing Committee**  
*Presides*  
In this Section:
  - PETITION FOR DISCIPLINE
  - HEARINGS
  - BRIEFS FILED
  - REPORT & RECOMMENDATION
- 03 Disciplinary Board**  
*Adjudicates*  
In this Section:
  - BRIEFS FILED
  - ORAL ARGUMENT
  - ADJUDICATION
  - DISPOSITION
- 04 Supreme Court**  
*Orders*  
In this Section:
  - ORAL ARGUMENT
  - ADJUDICATION
  - DISPOSITION

# Attorney Registration

## 2018-19 Administrative Suspension Effective Today

On average, about 76,000 attorneys are required to complete annual registration. This year, 461 attorneys did not complete this requirement and were therefore placed on Administrative Suspension, effective October 17, 2018. [Read more...](#)

The chart below shows the chosen payment methods by attorneys while completing their annual registration this year.



## Vacancies

The Supreme Court of Pennsylvania is aided by select boards, committees, commissions and councils consisting of more than 180 appointed volunteers - most, but not all, are lawyers and judges.

The panels have a wide range of responsibilities and functions. Some make recommendations to the Court for amendments, revisions or simplification of court procedural rules. Others regulate the practice of law, oversee continuing legal education for lawyers and administer funds to assist individuals unable to pay for legal services. Still others advise on keeping the courts free of bias and discrimination and on long-range planning.

**There are currently three vacancies on these panels:**

- [Interbranch Commission for Gender, Racial and Ethnic Fairness](#) - Applicants should have a strong interest in promoting non-discrimination.
- [Minor Court Rules Committee](#) - Applicants should be knowledgeable about the Pennsylvania Rules of Conduct, Office Standards and Civil Procedure for magisterial district judges and courts, and experienced

in magisterial district court practice.

- [Continuing Legal Education Board](#) - Applicants must be active members of the Pennsylvania Bar with their primary residency in Pennsylvania. In addition, applicants should be knowledgeable about legal practice and procedures in PA State or Federal Courts.

For application information, click [here](#). Applications are due October 31, 2018.

## *Disciplinary Board and Hearing Committee News*

### **Board Member Updates**

The Board welcomes Allegheny County Attorney [Christopher M. Miller](#) as its newest member. He will serve as a member of the Board until September 1, 2021.

Mr. Miller has spent his career as an attorney focused on advocating for the rights of victims, specifically those seriously injured due to the carelessness and negligence of others. He currently practices with his firm, DelVecchio and Miller, LLC in Pittsburgh.



Tracey McCants Lewis will complete her service to the Board on November 3. She was appointed to the Board in November 2013 and reappointed for a second term in 2015.

Ms. Lewis has served as Chair of the Board's Education Committee, working to improve training and educational opportunities for both the Board and Hearing Committee Members. Her knowledge and insight from her experience in the field of legal education will be missed.

## *Rule Changes*

### **Proposed Amendments to Pa.R.D.E 208(g)**

The Disciplinary Board has proposed a [change to Rule 208 of the Pennsylvania Rules of Disciplinary Enforcement](#), to provide that a monthly penalty will be added to unpaid balances on expenses taxed by the Disciplinary Board in disciplinary proceedings. The penalty would be 0.8% of the unpaid principal balance, or such other rate as established by the Supreme Court of Pennsylvania.

Interested persons are invited to submit written comments regarding the proposed amendments by mail, fax or email to:

The Disciplinary Board of the Supreme Court of Pennsylvania  
601 Commonwealth Avenue, Suite 5600  
PO Box 62625

Harrisburg, PA 17106-2625  
Fax: 717.231.3381  
Email: [dboard.comments@pacourts.us](mailto:dboard.comments@pacourts.us)

The deadline for comment submission is October 22, 2018.

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### **Court Amends RPC 7.3 to Prevent Docket Mining and Solicitation in Domestic Actions**

By [Order](#) dated July 30, 2018, upon the recommendation of the Disciplinary Board, the Supreme Court of Pennsylvania amended Rule of Professional Conduct 7.3. The Rule will be effective 60 days after the date of the Order. R.P.C. 7.3 permits certain forms of solicitation, save for limited exceptions. Recently, the Board was alerted to a practice concerning attorneys' solicitation of defendant spouses upon the filing of a divorce complaint. Certain practitioners conducted daily reviews of docket filings to advertise their services to defendant spouses in recently filed divorce complaints. The Board became concerned that this practice could result in the defendant spouse receiving a solicitation letter before that spouse knew that a complaint in divorce had been filed, thereby creating the potential for domestic violence. [Read more..](#)

## *Around the Court*



### **Pennsylvania Continuing Legal Education Board**

Pennsylvania's CLE Board is dedicated to helping lawyers pursue their continuing legal education and meet the annual CLE requirements. In addition to the administration of CLE rules and regulations the CLE Board places a heavy emphasis on technology and compliance services. Through the CLE Board's website, [www.pacle.org](http://www.pacle.org), lawyers can proactively monitor their CLE transcript and browse through a listing of approved upcoming programs to find content relevant to their interests and practice areas. The CLE Board aims to do *more* than just regulate CLE – they wish to promote quality educational opportunities that foster highly competent and ethical lawyers in Pennsylvania. Success in these endeavors will facilitate access to justice, client satisfaction and public respect for the profession and judicial system.

As part of its ongoing commitment to technology and service, the CLE Board recently unveiled a new website design. Please visit [www.pacle.org](http://www.pacle.org) to check out the new look and user experience.

## *Resources*

[FAQs - For the Public](#)

[Annual Report](#)

[Recent Discipline](#)

[FAQs - For Attorneys](#)

[Rules](#)

[Discipline Statistics](#)



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Disciplinary Board of the Supreme Court of Pennsylvania,  
601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106

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