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The
DISCIPLINARY BOARD
of the Supreme Court of Pennsylvania

June 2020
Newsletter



Unified Judicial System of Pennsylvania Coronavirus Information

The Pennsylvania Judiciary has provided [updates](#) regarding local court operations and proceedings. The Court continues to monitor developments regarding the spread of the coronavirus (COVID-19) and its impact on court operations.

[By Order of the Supreme Court of Pennsylvania, the general statewide judicial emergency declared and maintained in previous Court Orders of March 16, March 18, March 24, April 1 and April 28 will cease as of June 1, 2020. Any previous Orders in this line shall expire according to their own terms.](#)

The Court communicates regularly with the Governor's Office and the state Department of Health for guidance on measures to continue protecting the health and safety of court users and court employees.

Contact your local court for more information or [visit their website](#). Learn more about [filing emergency PFAs](#) during this pandemic. You can also learn more about mitigating the spread of the virus at Health.pa.gov.

From the Chair

Our world is experiencing unprecedented turmoil. At times like these, even the mundane can be refreshing. With that pithy intro, I now segue into the issue of registration and annual dues. Please complete your annual attorney registration by July 1, 2020 to avoid the imposition of late fees or, worse yet, for those recalcitrant recidivists, the administrative suspension of your license. Fortunately, despite everything else on our minds, nearly 51% of attorneys completed their registration by June 9, 2020.

Effective July 1, 2020, the Board has reappointed 34 current members and appointed 18 new attorneys to serve as Hearing Committee members for a term of three years. In these challenging times, we are grateful to these attorneys for their willingness to serve the profession in this capacity. Hearing Committee members perform a multitude of tasks, including reviewing charging documents, presiding over disciplinary hearings, and evaluating reinstatement petitions. As



members of the bar, we should all be proud of the system of self-regulation in operation in the Commonwealth.

As citizens, we should all be proud of our unique system of government. As attorneys, we play a unique role in this process. With all of the current upheaval, we are reminded on a day to day basis of the delicacy of our democratic system of government. As attorneys, we need to strive to preserve our freedoms in a way that promotes kindness, decency and compassion. And by all means, hug your spouse, your children, and your grandchildren. Protect them and stay safe.

James C. Haggerty
Board Chair

Attorney Registration

Annual Attorney Registration Due July 1

Pennsylvania attorneys must file a registration form and pay the required fee by July 1, 2020 through the Unified Judicial System's [Online Portal](#). There is an [Online Video Tutorial](#) and a [Help Center](#) to assist with any problems that may arise.

The option to "Pay by Mail" is available. However, the Board encourages attorneys to "Pay Online" if at all possible. The COVID-19 pandemic has led to a minimal presence in the Board's physical offices making the processing of paper mail much more difficult than in prior years. The Board implores attorneys to use the mail-in option only if online payment is impossible due to the attorney's personal circumstances.

Important Dates

Payment Deadline JULY 1

First \$200 Late Fee Assessed After JULY 16

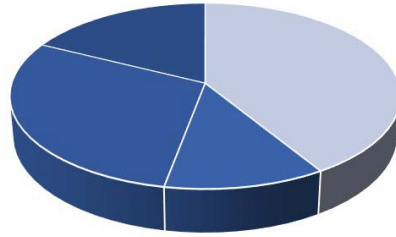
Second \$200 Late Fee Assessed After AUGUST 1

Social Media

Like us on [Facebook](#), follow us on [Twitter](#), and connect with us on [LinkedIn](#) for more news and information.

Discipline Imposed

May 2020



- Informal Admonition - 7
- Private Reprimand - 0
- Public Reprimand - 0
- Public Censure - 0
- Probation - 0
- Disability Inactive - 0
- Temporary Suspension - 2
- Suspension - 5
- Disbarment - 3

Temporary Suspension

[Jeffrey Stockton Helffrich](#)

[Bradley Adam Winnick](#)

Suspension

[Adam Luke Brent](#)

[Richard W. Kolosky](#)

[Marko David Maylack](#)

[Matthew Gerald Porsch](#)

[Carl B. Williamson](#)

Disbarment

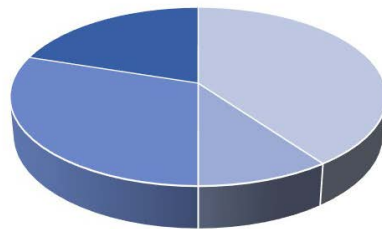
[Michael E. Hughes](#)

[Todd Harold Lahr](#)

[Frederick J. Meagher, Jr.](#)

Reinstatement Granted

May 2020



- From Inactive - 4
- From Retired - 1
- From Administrative Suspension - 3
- From Disability Inactive - 0
- From Suspension - 2
- From Disbarment - 0

From Inactive

[Russell A. Lannutti, Jr.](#)

[Matthew Henderson Ruggles](#)

[Doreen L. Seamon](#)

[Estelita Jose Stephan](#)

From Retired

[Gregory Brian Pecca, Sr.](#)

From Administrative Suspension

[Roger Craig Green](#)

[Lawrence Jeffrey Sklute](#)

[Kerrin Lynne Vandenburg](#)

From Suspension

[Lenard Fredrick Collett](#)

[Lonnie Eugene Walker](#)

Note: The above-listed reinstatements reflect only those granted by Supreme Court Order. An attorney listed above whose current license status does not reflect reinstatement has yet to submit the fees necessary to finalize reinstatement.

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 vacancies on the following panel:

- [IOLTA Board](#) - There are **two** positions available. Applicants should be familiar with legal practice and procedure in Pennsylvania federal or state courts. Experience with financial institution practices is also beneficial.

Application Instructions

If you would like to be considered to serve on a board, committee, advisory group, or related independent entity, email the [application](#), cover letter, resume, and other pertinent information expressing your reasons of interest to SCApplications@pacourts.us. Click [here](#) for more application information. **Applications are due by July 1, 2020.**

Rules

Disciplinary Board Proposes New “Permanent Resignation”

The Disciplinary Board has published a set of amendments to the Pennsylvania Rules of Disciplinary Enforcement to allow “permanent resignation.” The proposed amendments were published May 23, 2020, at [50 Pa.B. 2631](#).

One amendment adds a new Rule 404, providing that an attorney who is not under disciplinary investigation may submit for permanent resignation from the bar without disciplinary stigma. The option is also available to attorneys on administrative suspension, but not to those against whom a complaint of misconduct is pending. The resignation would not be defined as “discipline” under [Rule 204\(a\)](#). A non-refundable fee of \$250 must accompany the request.

If an attorney who has permanently resigned under Rule 404 ever desires to be readmitted to the Pennsylvania bar, they must apply for admission through the same channels under the Pennsylvania Bar Admission Rules as a never-admitted applicant.

The proposal would also amend Rules [102](#), [201](#), [204](#), and [217](#) to add “permanently resigned” to the

categories of inactive license addressed by those rules.

Interested persons may submit written comments to DBoard.Comments@pacourts.us by **June 26, 2020**.

Disciplinary Board News

Hearing Committee Members Honored

The Legal Intelligencer recently announced the [2020 Professional Excellence Awards](#). Hearing Committee member Jennifer Santiago and former members Ronald Levine and Carin O'Donnell were among those honored. Congratulations to all recipients!

18 Attorneys Take on Hearing Committee Responsibilities; 34 Attorneys Reappointed

The disciplinary system in Pennsylvania is a peer-review system. Before discipline can be imposed on any attorney (except in reciprocal discipline situations), he or she is entitled to a hearing before a panel of volunteer attorneys. These attorneys take time from their schedules to sit through hearings, often extended ones, pore through evidence, read briefs, review recommendations of Disciplinary Counsel, and write detailed reports to guide the Disciplinary Board and the Supreme Court in their determinations. No case (other than one based on a criminal conviction) can go to private discipline, public reprimand, or formal charges until a volunteer hearing committee member has reviewed and approved it. The newly appointed members listed below have committed to this substantial service to the profession by accepting appointments as Hearing Committee members effective July 1. Also listed below are attorneys already serving as Hearing Committee members who have agreed to extend their service by accepting reappointment to an additional three-year term also effective July 1.

Newly Appointed Members

District I (Philadelphia County)

Joseph N. Bongiovanni, IV
Pamela Coyne Brecht
Robert Cahall
*Thomas Henry Chiacchio, Jr.
Hope A. Comisky
Nicole Gerson
Jordan Lyles Howell
Dawn M. Tancredi

District II

*Eric J. Bronstein – Chester
*James C. Higgins – Delaware
*Jeffrey A. Krawitz – Bucks
Renee Nolan – Montgomery
*Melissa Murphy Weber – Montgomery

District III

No New Appointments

District IV

*Jennifer R. Andrade – Allegheny
Kathleen P. Dapper – Allegheny
Jason M. Lichtenstein – Allegheny
Gary J. Ogg – Allegheny
Shelly Pagac – Allegheny

**Previously Served as a Hearing
Committee Member*

Reappointed Members

District I (Philadelphia County)

Kristi Arlene Buchholz
Robert Martin Cavalier
Anita Sada Davis
Katherine Douglas
Gary Gremminger
Kelley Brisbon Hodge
John Joseph McAleese, III
Arthur Stephen Novello
Riley Henderson Ross, III
Robert Sachs, Jr.
Louis W. Schack
Gregory Michael Stokes

District II

Nancy Conrad – Lehigh
Laura Cullen – Bucks
Christina Maria Finello – Bucks
Joseph Howard Meltzer – Delaware
Carolyn Rose Mirabile – Montgomery
Robert B. Mulhern, Jr. – Bucks
Edward H. Rubenstone – Montgomery

District III

Frank J. Bolock, Jr. – Lackawanna
Scott B. Cooper – Dauphin
Richard M. Goldberg – Luzerne
Walter T. Grabowski – Luzerne
Matthew M. Haar – Dauphin
Kathryn Ann Karam – Lackawanna
Neil Taney O'Donnell – Luzerne
Scott Thomas Wyland – Dauphin

District IV

Erica Kelly Curren – Allegheny
Lindsay Sherwood Fouse – Allegheny
J. Christian Hart – Allegheny
Traci Lyn Naugle – Blair
Lauren Renee Nichols – Allegheny
Todd Michael Pappasergi – Washington
Jay N. Silberblatt – Allegheny

Articles of Interest

Pennsylvania Supreme Court Terminates Emergency, Directs Courts to Restore Operations

In an [Order dated May 27, 2020](#), the Supreme Court of Pennsylvania declared that the statewide judicial emergency declared by the Court on March 16, 2020, cease on June 1, 2020. The Court stated that local administrative rules and judicial emergencies declared by local courts remain in full force and effect, and granted President Judges in the local courts wide discretion to exercise emergency powers. The President Judges may extend existing emergency declarations by filing self-effectuating notices in the Eastern, Middle, or Western Districts of the Supreme Court, as appropriate.

President Judges have authority to:

1. Limit in-person access and proceedings in order to safeguard the health and safety of court personnel, court users, and members of the public;
2. Suspend statewide rules that restrict, directly or indirectly, the use of advanced communication technologies;
3. Suspend statewide rules that impede local provision for court filings by means other than in-person delivery;
4. Suspend statewide rules pertaining to the rule-based right of criminal defendants to a prompt trial; and
5. Suspend jury trials until such time that they can be conducted consistent with prevailing health and safety norms.

The Court noted that the reopening of the court system will present a need for Pennsylvania attorneys to gain physical access to their offices. The Court noted that the duty of diligence requires lawyers to represent their clients promptly and competently, and urged lawyers to resume access to their physical offices with appropriate measures to protect the safety of their employees and the public.

The Court also referred to the guidelines issued by the Executive Branch for the “Yellow Phase” of operations, and found that the guidance of the Executive Branch is consistent with the level and manner of physical office access that the Court has deemed necessary for attorneys to promptly, competently, and diligently represent their clients.

Third Circuit Also Rejects Attorney-Client Privilege as Bar to IRS Subpoena

[Last month](#), we reported on a decision of the Fifth Circuit Court of Appeals, finding that attorney-client privilege does not prevent a law firm from complying with an Internal Revenue Service summons seeking information about any clients that created overseas accounts and entities.

A sharp-eyed reader, [Paul W. Kaufman](#), advised us that in 2018 the Third Circuit rendered a similar decision, based on Pennsylvania ethics laws. The case is [United States v. Jeffrey Servin](#), 721 Fed. Appx. 156, 159 (Feb. 1, 2018). The Court in that case concluded that attorney-client privilege does not preclude lawyers from complying with an IRS subpoena for names and addresses of clients. The order specifically addresses Rule 1.6 of the Pennsylvania Rules of Professional Conduct, holding that the rule does not prohibit lawyers from releasing information in compliance with a court order. Lawyers practicing in the area will certainly need to be aware of this decision.

Our thanks to Mr. Kaufman for bringing this important decision to our attention.

Ransomware Scandal Leads to Release of Lady Gaga Data

A noted law firm with many celebrity clients was [struck with a ransomware scandal](#). After the firm of Grubman Shire Meiselas & Sacks refused to pay a \$21 million ransom, the hackers released 2.4 gigabytes of confidential documents on the firm’s client Lady Gaga. The information released included contracts sent to producers, collaborators, and members of her touring ensemble; promotional agreements; expense sheets; confidentiality agreement forms; performer agreements; reimbursement forms; a handful of promotional photos; and other routine paperwork.

The hackers claim to have 765 gigabytes of data harvested through the ransomware application REvil, on celebrity clients of the firm including Jennifer Lopez, David Letterman, John Mellencamp, Robert DeNiro, Christina Aguilera, Barbra Streisand, Mariah Carey, Andrew Webber, Luther Vandross, Sean Puffy Combs, Rod Stewart, Priyanka Chopra, Bruce Springsteen, Elton John, the Kardashian family,

Madonna, Christina Aguilera, Nicki Minaj, Tom Cruise, and Dwayne Johnson. They have doubled the ransom demand to \$42 million in response to the firm's refusal to pay.

The hackers also claim in a [statement sent to Rolling Stone](#) to have compromising information on President Trump, who was not a client of the law firm.

The Grubman firm released a statement deploring the theft of its client data despite "our substantial investment in state-of-the-art technology security." The firm stated that it is working closely with law enforcement and has no intention of paying the doubled ransom.

Boom Shakalaka! You're Suspended

A Massachusetts lawyer has been [temporarily suspended](#) based on a finding he failed to respond to a disciplinary complaint.

Massachusetts has a rule requiring that a lawyer respond to the substance of bar counsel's request for information on a disciplinary complaint. Ilya Livits, of Lowell, was administratively suspended by a single justice of the Supreme Court after he failed to respond to the inquiry, possibly based on allegations that he filed a [complaint in the form of a screenplay](#). He continued to practice and failed to file an affidavit demonstrating compliance with the administrative suspension, leading bar counsel to file a complaint for contempt, resulting in a second justice finding Livits in contempt.

On appeal to the full Court, Livits did not dispute that he failed to file a response to bar counsel's inquiry, but argued that he "DID COMPLY, and DID PROVIDE AN ANSWER, and my answer was provided in a form of SILENCE. (BOOM SHAKALAKA)." He also demanded a jury trial.

The Supreme Court rejected Livits's argument, and [affirmed](#) both the decision of the first justice's decision to suspend him and the second justice's finding of contempt.

Like Massachusetts, Pennsylvania has a rule making failure to respond to Disciplinary Counsel's inquiries in the course of a complaint grounds for discipline, [Rule 203\(b\)\(7\), Pa.R.D.E.](#) The Disciplinary Board has recommended discipline in numerous cases for this failure, so it appears quite clear that it does not consider silence a valid "response" within the meaning of this rule. Neither, we venture to guess, is "BOOM SHAKALAKA!"

Lawyer and Law Firm Employee Suffer Consequences for Threatening COVID-Related Private Conduct

The COVID pandemic has many people on edge and has disrupted the normal patterns of our lives in many ways. But two legal professionals, a lawyer and a documents manager, paid a steep professional price for letting their emotions get the better of them outside their professional settings.

A [Vermont lawyer](#) has been [placed on interim suspension](#) after being charged with reckless endangerment for pointing a loaded gun at a store employee because she was upset about a sign on social distancing. Carrie Legus complained about a sign promoting social distancing and tried to knock it down, according to a police affidavit, then pulled the gun when a store employee confronted her. She also failed to respond to several communications from disciplinary counsel.

Kevin Bain [lost his job as a document services manager for a Dallas law firm](#) after he posted on Facebook about his angry reaction to being required to wear a mask in stores. He wrote, "Do I have to

show the lame security guard outside of a ghetto store my CV19 test results? I will show him my Glock 21 shooting range results.” He also referred to a brand of ammunition in his post, saying it was “pricey ... but worth it in this situation.” Upon learning of the post, his employer, Thompson & Knight, terminated his employment, reported him to the police as a precaution, and released a statement calling his actions “threatening and offensive.”

It’s often rough out there, folks, but keep your cool.

Appeals Court to Miller and Coors: Mock Back, Don’t Sue

We have [previously reported](#) on the litigation that arose from Budweiser’s [“Corn Syrup Castle” ad](#) for Bud Light, shown during the 2019 Super Bowl. For those who don’t remember this landmark moment in advertising history, the ad depicted a wagon of corn syrup being delivered to the castle of the Bud Light King, who is confused, because, as the ad makes sure you understand, Bud Light doesn’t use corn syrup in its brewing process. The king attempts redelivery at the castle of Miller Lite, who advise they already received their corn syrup delivery, and then to the Coors Light castle, where it is gratefully accepted. The moral of the story: we don’t use corn syrup, they do.

Since Americans will sue about anything, Molson-Coors, brewer of both Miller Lite and Coors Light, sued Anheuser-Busch InBev for “false and misleading” advertising, claiming that the ad was misleading because the corn syrup cooks out during the brewing process and doesn’t reach the consumer. A Federal judge entered a preliminary injunction barring Bud Light from using certain terminology that implied the competing brands contain corn syrup, but not words stating or implying it was used in the brewing process.

[On appeal](#), the U.S. Court of Appeals for the Seventh Circuit [gave Budweiser the green light](#) to advertise as it chooses. The Court held that it is not false advertising to say the plaintiffs use corn syrup as an ingredient, because, well, the plaintiffs use corn syrup as an ingredient. The Court noted that Molson-Coors lists corn syrup as an ingredient on its packaging, and concluded, “It is enough for us to hold that it is not ‘false or misleading’ for a seller to say or imply, of a business rival, something that the rival says about itself.”

The Court even chided Molson-Coors for bringing the action, saying, “If Molson Coors does not like the sneering tone of Anheuser-Busch’s ads, it can mock Bud Light in return. Litigation should not be a substitute for competition in the market.”

Attorney Well-Being

Lawyer/Fitness Instructor Urges Law Firms to Allow Lawyers to Develop

[Michele Frisbie](#), a Bucks County lawyer, is also a fitness buff. While working part-time at Marshall Dennehey Warner Coleman & Goggin, she developed an interest in teaching and leading fitness activities that blossomed into an alternative career in fitness.

[She argues that law firms should allow and encourage lawyers to develop other interests](#) in order not just to achieve work-life balance, but to become better lawyers. She says that through her work as an instructor and teacher, “I rediscovered my voice as an attorney.” The effort she put into building her brand and reaching out as a fitness coach carried over into building her brand as an attorney. The research she did in support of her other career sharpened her research skills and served as valuable

technical knowledge that proved of benefit in her cases. She found that her volunteer board experience gave her insights and knowledge she would not have had if her legal career had consumed all her time.

Frisbie argues, "Law firms must recognize that lawyers taking care of themselves are not taking away from their profession. Lawyers taking care of themselves are making themselves more valuable members of the team." Such work, she contends, benefits the lawyer, the firm, and the legal community.



LET'S TALK ABOUT MENTAL HEALTH

Depressed?
Stressed?
Anxious?
Overwhelmed?

YOU ARE NOT ALONE.

LAWYERS CONCERNED FOR LAWYERS
PENNSYLVANIA
www.lclpa.org

**LCL CONFIDENTIAL HELPLINE
1-888-999-1941**

[Lawyers Concerned for Lawyers](#) is a confidential and safe resource for Pennsylvania attorneys and their family members who may be struggling with their mental health or substance use. An astounding one in three legal professionals will face these issues at some point in their career. Over the past 32 years, LCL has confidentially assisted and supported thousands of individuals who have faced a myriad of challenges (including grief, stress, anxiety, depression, eating disorders, gambling problems, problematic alcohol or prescription drug use, etc.), helping them navigate through dark and difficult times. Members of our profession are dying because they are afraid or unable to ask for help. If you or someone you know is struggling, please call us. You may save a life. There is help and there is hope.

[Resources for the Legal Profession During COVID-19](#)

Confidential 24/7 Helpline: 1-888-999-1941

Lawyers-only support meetings

Peer and staff support & resource coordination

LCL resources are free, voluntary, & confidential

Free CLE, resources, and information at www.lclpa.org

Assessment by a healthcare professional to determine a customized treatment plan, if indicated

Around the Court



Counsel to the Supreme Court Honored

The Legal Intelligencer recently announced the [2020 Professional Excellence Awards](#). Congratulations to all recipients! Special congratulations go to Teresa Ficken Sachs, Counsel to the Supreme Court, who was awarded the 2020 Lifetime Achievement Award!

Pennsylvania Courts Infographic on Mental Health Courts

May was Mental Health Month. In honor of the occasion, the Pennsylvania Courts [released an infographic on Pennsylvania's Mental Health Courts](#). Some highlights:

- 21 counties now have dedicated mental health courts;
- 377 people were admitted to the system in 2018;
- 64% of participants discharged from the system in 2018 graduated successfully;
- Successful graduates saw a 181% increase in employment.

[View/download](#) the infographic.

What are Mental Health Courts (MHC)?

MHCs are problem-solving courts that work with key justice system officials and leaders in the mental health system to divert offenders with severe mental illness into a judicially supervised program, including community-based treatment.

Statewide admission data (2018):



21 counties had MHCs in PA in 2018.

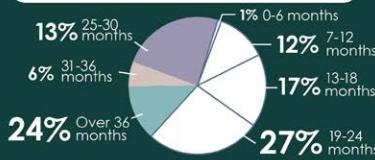


*As of May 2020, two additional judicial districts have opened MHCs - Snyder/Union & Clinton

Statewide discharge data (2018):



57% successfully completed the program in 2 years or less.



8% of participants improved their level of education at discharge.

Among successful graduates, there was a **181% increase** in employment.

Additional data, including county-level data, available at pacourts.us/news-and-statistics/research-and-statistics/. All figures reflect 2018 statewide data.



We Want To Hear From You...

We are always on the lookout for stories of interest relating to legal ethics, new issues in the practice of law, lawyer wellness, and funny or just plain weird stories about the legal profession. If you come across something you think might be enlightening, educational, or entertaining to our readers or social media followers, [pass it along](#). If you're our original source, there may be a hat tip in it for you.

Resources

[FAQs - For the Public](#)

[Annual Report](#)

[Recent Discipline](#)

[FAQs - For Attorneys](#)

[Rules](#)

[Discipline Statistics](#)

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