

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, No. 111 DB 2023
Petitioner

V.

Attorney Registration No. 200101

LISA ANN JOHNSON,
Respondent

(Allegheny County)

**RESPONDENT'S BRIEF AS TO EXCEPTIONS SOLELY WITH RESPECT
TO THE MEASURE OF DISCIPLINE**

And now comes Lisa Ann Johnson, writing on her own behalf, with the assistance and full support of her undersigned counsel, and taking exception only to the level of recommended discipline.

I. STATEMENT OF THE CASE

This matter arises out of Respondent's representation in two proceedings, herein referred to as "*Dibble*"¹ and "*Glahn*," before the Pennsylvania Environmental Hearing Board ("EHB"); Judge Bernard Labuskes, Jr. presided over each case. In each of those matters, Respondent sought relief in the form of clean water for her clients who claimed that the water source supplying their homes had been contaminated by oil and gas operations. See, Hearing Committee Report at 1 dated June

¹ *Dibble, et al., v. DEP and Coterra Energy*, 2021 EHB 007; *Glahn, et al., v. DEP*, 2021 EHS 049

10, 2024 (“Report”). On August 3, 2023, the Office of Disciplinary Counsel (“ODC”) filed its Petition for Discipline against Respondent at No. 111 DB 2023 (Report at 2) in response to a disciplinary complaint lodged by the EHB. See DB-7. The Petition alleged that Respondent violated her professional responsibilities, pursuant to the following Rules of Professional Conduct and Disciplinary Enforcement: **RPC 1.1, RPC 1.3, RPC 3.1, RPC 3.2, RPC 3.3(a)(1), RPC 3.5(d), RPC 4.1(a), RPC 4.4(a), RPC 8.2(a), RPC 8.4(c), RPC 8.4(d), and Pa. R.D.E. 402(c)**. Report at 2-3.

Respondent engaged counsel, Attorney Bethann Lloyd and Attorney Robert Davis and filed her Answer to the Petition for Discipline and Request to be Heard in Mitigation on September 14, 2023. Report at 3. The Board Prothonotary appointed Hearing Committee (“Hearing Committee”) Members Kathleen Patricia Dapper, Esquire, Chair; Philip Ray Earnest, Esquire, and Elizabeth Farina Collura, Esquire. *Id.* A prehearing conference was conducted on November 15, 2023, before Designated Member Dapper. *Id.*

On December 15, 2023, Respondent filed a Motion in Limine seeking the exclusion of ODC-54 (based on hearsay), the Opinion and Order dated June 7, 2022 in which the EHB granted a Motion for Sanctions against Respondent solely in the *Dibble* matter. *Id.* (ODC-54, ODC-76). On

December 19, 2023, the ODC filed its Answer, opposing the Motion in Limine. *Id.*

Disciplinary hearings were conducted on January 10, 2024 and January 11, 2024. Prior to the commencement of testimony, the Chair ruled on the Motion in Limine, denying it. (T. 33-34). Report at 4. ODC presented one witness, Attorney Amy Barrette who was opposing counsel from Buchanan Ingersoll & Rooney representing Coterra Energy in the *Dibble* matter; ODC rested its case upon the conclusion of Attorney Barrette's testimony. Report at 4; (Tr. 19:9-144:19).

Respondent testified on her own behalf, and presented the testimony of Tonya Stanley, a client in the *Dibble* matter, and Donna Gorencel, a client in the *Glahn*, matter, and four character witnesses: attorney William Anthony Sala, Jr., attorney Steven Badger, Jane Cleary, and attorney Michael Bruzzese. Report at 5; (T. 95, 147-264, 268-404).

The Hearing Committee found that ODC did not meet its burden of proof with respect to any rule violation by Respondent in the *Glahn* matter. Report at 37. The Hearing Committee further found that ODC did not meet its burden of proof in the *Dibble* matter with respect to ODC's allegations of violations of **RPC 1.3, RPC 3.1, 3.3(a)(1), 4.1(a), and 8.4(c)** regarding statements regarding monetary demands and production of evidence.

Report at 32-33, 36. The Hearing Committee found that while several conclusions that Respondent drew during the *Dibble* matter were erroneous, the Hearing Committee found that (with the exception of her filings impugning the EHB and Judge Labuskes): “**Respondent did not knowingly perpetrate falsehoods in either the Dibble matter or in these disciplinary proceedings.**” (emphasis added). Report at 41. With respect to ODC’s further allegations in its post-hearing brief that Respondent, through counsel, involved “frivolous” behavior or lacking candor, the Committee disagreed, specifically that “defending against serious disciplinary charges is not ‘frivolous’ behavior or ‘lack[ing] candor.’” Report at 41-42.

In her response to the Petition, Petitioner acknowledged violations of **Rule 1.1** and **Pa. R.D.E. 402(c)** in the *Dibble* matter. See Respondent’s Response to Petition.

The Hearing Committee found violations of **RPC 3.1, 3.3(a)(1), 4.1(a), and 8.4(c)** with respect to two filings regarding the “Braymer email,” and two filings regarding the “Motion to Stay and Extend Discovery.” Report at 34-35. Respondent acknowledges that she made errors in judgment, although her actions were not grounded in malice or bad faith. The Hearing Committee

also found violations of **RPC 8.2(a) and 8.4(d)** in two of Respondent's filings related to Judge Labuskes and the EHB. Report at 35.

The Hearing Committee took exception to Respondent's conduct impugning the EHB and Judge Labuskes and found that, in combination with the other violations warranted discipline in the form of a one-year suspension. Report at 37-38. The Hearing Committee acknowledged Respondent's acceptance of responsibility, remorse for wrongdoing, and proactive conduct to secure mentorship and assistance to cure her deficiencies in competence to allow Respondent to re-enter practice without a Petition for Reinstatement. Report at 37-38.

II. POSITION OF THE FILING PARTY

While Respondent regrets that her conduct necessitated the time that the members of the Committee had to take away from their own practices and families to hear this matter, Respondent is grateful for the Committee's time spent and careful attention paid to the issues in this proceeding. Respondent is particularly grateful that the Committee found that, contrary to the Sanctions Order, Respondent did not engage in intentional dishonesty or delay in the *Dibble* matter.

The limited misconduct in question occurred over two years ago in one matter. With respect to Respondent's conduct directed at Judge Labuskes

and the EHB, which was limited in scope and duration, this conduct does not reflect nor can it be presumed that Respondent has disdain for judges or the judiciary. Given Respondent's acceptance of responsibility, genuine remorse, and the rehabilitation that Respondent took upon herself in the last two years, a suspension of one year does not serve the public interest. In fact, it would severely prejudice her current clients, who the Committee recognized are an underserved, often elderly, population of limited means.

Respondent respectfully requests that the Board revisit Respondent's request for private discipline, however, Respondent would agree that public discipline, with or without probation, could also be appropriate given the discipline that other attorneys have faced under similar circumstances, as discussed below.

III. GROUNDS UPON WHICH THE EXCEPTIONS REST

While Respondent appreciates the seriousness of her conduct, and is not attempting to minimize the same, the finding of misconduct by Respondent was only in one matter. *See supra*. Respondent has no prior discipline relating to the practice of law. Respondent's testimony at the hearing was credible, she accepted responsibility, expressed remorse, and participated honestly and fully throughout the disciplinary proceedings. Once more, the Hearing Committee found that Respondent truly believed she was

representing the underserved, “little guy”, against a “massive energy company” and did not knowingly perpetrate falsehoods in either the *Dibble* matter or the *Glahn* matter. Report at 41. While unacceptable, Respondent’s conduct related to the EHB and Judge Labuskes in the *Dibble* forum was limited and based upon “generalized concerns” that the Committee recognized in its report. Report at 25.

As described below, Respondent has had an interesting and successful career. Three of Respondent’s character witnesses have worked professionally with Respondent and testified to her credibility, diligence and honesty that Respondent exhibited before, during, and after the *Dibble* matter.

IV. ARGUMENT

Respondent has been a participant in legal proceedings throughout her lifetime, first as a police officer, then as a corporate attorney, during proceedings in front of Immigration Court, and now as an environmental lawyer who practices before the EHB, the Commonwealth Court, the federal Environmental Appeals Board, and Courts of Common Pleas. Nowhere in her history of practice have there been allegations of misconduct or disrespect to the judiciary or opposing counsel.

It is worth noting that Respondent's tenure as a police officer was aimed at ensuring the safety of individuals and the community at large. (Tr. 192:19-194:11). Respondent worked full time as a police officer in the first two years of law school, working the 3pm-11pm shift so that she could attend law school at the University of Pittsburgh during the day. *Id.* Respondent was on law review and graduated in the top 10% of her class. (Tr. 194:12-20). Respondent's first job out of law school was as an associate at Klett Rooney Lieber & Schorling, which was later merged with Buchanan Ingersoll & Rooney. (Tr. 195:1-18). In 2008, Respondent began working in the Energy Section at Buchanan, representing oil and gas companies. (Tr. 196:2-25; 197:24-199:2). Respondent received high ratings and bonuses every year she was at Buchanan. *Id.* Respondent worked at Buchanan Ingersoll & Rooney for approximately 8.5 years until 2013, when she resigned. (Tr. 196:24-197:13).

One of the first things that Respondent did as a young attorney was to work with Mercy Behavioral Health and Dr. Jim Withers, who is one of the founders of street medicine, to form a legal clinic for the street homeless population. (Tr. 305:12-306:12). Respondent worked with other Pittsburgh law firms to ensure the clinic was staffed so that the clients had a place to ask question and obtain *pro bono* legal services. While Respondents'

departure from Buchanan was unfortunate and had a profound impact on her life (Tr. 303:24-305:11). Respondent was and remains grateful to Buchanan for supporting her work with the street homeless population of Pittsburgh.

Next, Respondent worked for a large, publicly traded company as in-house counsel on matters involving the creation and out-build of the oil and gas industry in Pennsylvania. (198:10-23, 199:9-200:11). Through a series of mergers and acquisition, Respondent worked as in-house counsel for TransCanada, where she was ultimately promoted as the Manager of all U.S. Law, Land and Projects for TransCanada's natural gas divisions. *Id.* Respondent had a very successful career as a corporate lawyer and made many lasting bonds with the people she worked with in that capacity. In fact, one of Respondent's character witnesses was an attorney with whom she had worked and ultimately supervised. Report at 31. (Tr. 353:14-361:21).

Respondent's next chapter in her career began after leaving TransCanada in 2018. Respondent had and has no resentment towards the oil and gas industry; the people she worked with and the projects she worked on gave Respondent truly extraordinary experiences. (Tr. 201:1-7).

Respondent then volunteered with a cross-border non-profit to provide *pro bono* legal assistance to people fleeing other countries to find sanctuary in the United States. (Tr. 200:9-25). Respondent also volunteered with the

Southern Poverty Law Center, where she provided *pro bono* legal services to those in need.

Except for proceedings in front of Immigration Court, Respondent had never practiced litigation. (Tr. 202:6-9). Respondent's involvement in this matter began after she received a call from Mrs. Bonnie Dibble in January 2020. (Tr. 201:8-25). Respondent grew up with Mrs. Dibble in rural northeast PA near Dimock. (Tr. 203:8-14; 297:15-20). Ms. Dibble's water had been contaminated and believed that Cabot Oil and Gas Corporation, now Coterra Energy, was responsible. Respondent was admittedly naïve about the outcome of this dispute; while she represented many oil and gas operators, she always advised her clients, to work cooperatively with those who may have been affected by oil and gas operations. (Tr. 203:19-22). Respondent has always worked collegially with opposing counsel, and her career is marked by cooperation. (See, e.g. Tr. 212, 278, 306). Even in the *Dibble* matter, Ms. Johnson initially extended leeway to the DEP in terms of the DEP's statutory deadlines on account of the pandemic. (Tr. 211: 19-21).

Respondent was admittedly challenged by the rules of procedure in front of the EHB, many of which are distinct from the Rules of Civil Procedure and Rules of Evidence. (Tr. 236:2-237:3). Importantly, the Committee

acknowledged certain of the facts that informed Respondent's frustration (Report at 11-12):

"Respondent's thinking behind this motion [to disqualify] included reading about the tactics of Coterra and its counsel in other cases, including such information within an expert opinion report prepared in the Speer litigation by retired Supreme Court Justice. Castille, Attorney Barrette's efforts to sanction other lawyers in other cases, and that two Buchanan Ingersoll lawyers were on the rules committee at the time of the *Dibble* proceedings, including one lawyer serving as Chair. (T. 102, 122-123, 246-247) The rules committee provides input to the EHB from the oil and gas industry and DEP. (T. 122-123)."

"While it would be reasonable for Respondent to have general concerns given the Grand Jury Report and the *Speer* litigation expert report, Respondent's Motion to Disqualify had no basis in fact or in law that is not frivolous, within the facts of the *Dibble* case (ODC-73, T. 41-43)."

The Committee further found (Report at 25):

"Although it was reasonable for Respondent to have generalized concerns about the EHB proceedings and DEP activity, Respondent's allegations against Judge Labuskes as set forth within the Landowners Demand for the Board's Removal of Judge Labuskes were false, and had no basis in law or fact that is not frivolous. (See ODC-53)."

Some of Respondent's frustration centered around what she believed was the differing treatment her filings received by Judge Labuskes that of the filings by the other parties in the *Dibble* matter. (Tr. 343:19-344:6). This includes Judge Labuskes' unilateral removal of multiple of Respondent's filings from the docket, one of which was a motion, and a preemptive denial

of a motion before the time for the opposing party to respond expired. (Tr. 292:20-295:12, 300:10-301:1, 343:4-344:6; 348:19-25). As one example, in March 2022, one of Respondent's filings was accepted, stamped and filed by the Board and then it was removed without notice. Respondent called Judge Labuskes' clerk to see what the issue was and Judge Labuskes' clerk responded that he did not know and that Judge Labuskes was "doing this on his own." (Tr. 295:8-12).

With respect to the removal of certain filings of Respondent, with which she was concerned, it was not in the Committee's purview to reach a determination on whether Judge Labuskes had the authority to remove such filings. Report at 26. Respondent merely restates these facts here to demonstrate that while inappropriately communicated in the two filings at issue, Respondent had serious concerns about the administration of justice; instead of restraining her emotions, Respondent inappropriately lashed out at Judge Labuskes and the EHB in her writings. (Tr. 279:6—15).

Respondent was otherwise respectful and professional during the hearing in front of the Board on February 22, 2022. (Tr. 119:2-122:1, Tr. 270:23-273:12). Coterra had filed the motions for sanctions one week before the hearing on the merits was scheduled for February 22, 2022. (Tr. 118:1-3; 120:20-122:1). Coterra's Motion for Sanctions did not request sanctions

against Respondent's clients. *Id.* (269:23-270:11). Respondent and her clients believed that the Motion for Sanctions should be argued at the hearing as they believed it was critical for their due process rights; if their attorney is sanctioned, that would have a profound impact on their case, and they were concerned given Coterra's actions against other landowners. (Tr. 270:23-272:23). Judge Labuskes denied Respondent's motion to argue the Motion for Sanctions first; Respondent advised her clients that if they did not proceed, they may not get another opportunity to testify. (Tr. 271:10-272:1). Respondent's clients made the decision not to proceed, and while Judge Labuskes could have continued the case, Coterra and the DEP moved for nonsuit, which was ultimately granted.

Unfortunately, one of Respondent's worst fears came true and what she was trying to avoid by arguing the Motion for Sanctions before the hearing, the EHB sanctioned the Dibble family jointly with Respondent notwithstanding that Coterra did not request sanctions against the Dibble family. (Tr. 271:1-273:25).²

The testimony of one of Respondent's clients, Ms. Tonya Stanley, in the *Dibble* matter is also instructive regarding Respondent's representation.

² The EHB's order for sanctions and for nonsuit were appealed to the Commonwealth Court on July 7, 2022 and are still before the Commonwealth Court. Nothing herein should be construed as a waiver or concession of arguments made to the Commonwealth.

(Tr. 148-13-174:9). Ms. Stanley testified about the water contamination in her home, the physical and emotional effects it had on her, and her experiences in front of the EHB. Respondent's ties, she grew up in the area where the *Dibble* property was located, and Respondent's close personal and lifelong relationship with Mrs. Dibble also played a part in Respondent's strong advocacy and missteps in the *Dibble* matter. (Tr. 204:15-22).

As noted above, the Sanctions Order was issued a little over two years ago. It should be noted that Respondent was handling other matters in front of the EHB at the time, and there was no evidence of any issues with Respondent's representation of her clients in those matters. To the contrary, Respondent handled a 12-day hearing in front of Judge Labuskes less than one year after the Sanctions Order was issued. Respondent served discovery, took depositions, filed pre-hearing motions, and introduced evidence at the hearing. Report at 30. One of Respondent's character witnesses is the legal liaison for the client Respondent represented during this proceeding and testified that:

"She's very good with communication. She's accessible all the time, day and night, weekends, holidays. She's very transparent. She is excellent with written documentation that needs to be, you know, gathering the written word, but also through the phone. She's been terrific. We had two attorneys with this case. We've been on this case -- it's one of the longest ones in the Commonwealth, and it's gone on for several decades, so we had two other lawyers, and she has been superb, especially, my

comparison... Yes, she's very diligent. She's not failed us in any way. As I say, she's working beyond what a human being should work for our case, working all the time, always accessible.... Yes. Well, right about the time we hired her is the first time I saw her in a professional way. She was testifying here in Pittsburgh -- and I can't remember the details -- with an environmental group that was supporting --the issue had to do with drilling and fracking in Allegheny County, and that was the first time I heard her speak professionally in front of -- I don't know if it was the Allegheny board of supervisors or whatever, but yes, I observed her for the whole month of April of last year at the Environmental Hearing Board hearings. They went for 12 days. She was very professional, and I can remember afterwards, knowing very little about law, my thought was she should go for the jugular and she should really re-emphasize things where we were right and they were wrong; very professional, it was, like, "No, the judge heard. It's going to be part of the record." She's very calm. (Tr. 375:5-388:3). (Emphasis supplied).

Perhaps most notably, Respondent's client and character witness recounted:

"In fact, at the end of that month-long ordeal, he [Judge Labuskes] made the comment that -- I can't think of the exact words, but it was very laudatory, he wanted to commend the attorneys on both sides for their professionalism and civility, courteousness, so he made comment about that."

(Tr. 380:14-20).

This may be the best evidence that Respondent's conduct in the *Dibble* matter was an isolated incident. This hearing that spanned approximately 12 days was presided over by Judge Labuskes, who authored the Sanctions Order and order for nonsuit. Respondent's service to her client in that hearing where she displayed upmost professionalism and courtesy -- as she has throughout her career -- could not be clearer particularly because it was in

front of the same judge as the *Dibble* matter. Respondent recognized at the time that the *Dibble* matter was a separate and distinct case and did not let it boil over into her other cases.

The Committee found that outside of the events at issue in the proceeding, no client, court or employer has questioned Respondent's competency. (Report at 30).

After receiving the Sanctions Order, Respondent engaged counsel, sought additional mentorship, and has invested in multiple resources to hone her legal arguments. Respondent did not double-down on her mistakes, lash out at Judge Labuskes during other proceedings or any other EHB judge for that matter, rather, like she has in the past, she learned from the experience and became a better lawyer and a better person for it.

There is no presumption or evidence that the Respondent's conduct brought the judiciary into disrepute. While the Committee acknowledged that there were areas of concern that informed Respondent's conduct, Respondent agrees with the Committee that the manner and forum in which Respondent made the subject filings was inappropriate and Respondent takes full responsibility for the lapse in judgment.

The Committee was correct to find that on the whole, Respondent's conduct and representations arose from competence issues and not dishonesty or delay in the *Dibble* matter. (Report at 36).

The instant case is not one of the category of "the most serious cases" where an attorney has stolen client funds, abandoned their clients, has an egregious history of misconduct, refused to take responsibility for their actions, or failed to cooperate with ODC. Indeed, quite to the contrary, this is a case where Respondent took responsibility for her actions, has genuine remorse, improved in competency, and will be an even better lawyer going forward in permitted to continue her practice without interruption.

V. CONCLUSION & MEASURE OF DISCIPLINE

Respondent has had a remarkable career representing people in many different arenas. Respondent is an honest person who cares deeply for her clients. Respondent's clients have never complained about her representation and did not in the *Dibble* case; the disciplinary complaint did not arise from any of her clients, nor have any ever been lodged. Respondent admits that her passion and zealousness overstepped the bounds of professionalism, expressed deep remorse over the impact that this matter has had on her clients, and there are no aggravating factors. Given these facts, and Respondent's credibility, remorse, her character witnesses, and

mitigation, a suspension any period of time of Respondent's license is too harsh as she has a thriving practice and underserved clients who count on her representation. If the Board believes that a private reprimand is too lenient, Respondent will consent to a public reprimand, or even a period of probation.

While the Report distinguished cases that were suggested by ODC and Respondent, there was no citation to any cases similar to the instant case. Below are cases that Respondent asks that the Board consider, in addition to those previously cited, when determining the appropriate form of discipline:

1. *Office of Disciplinary Counsel, Petitioner v. Milton E. Raiford*, Respondent, No. 39 DB 2022 (Allegheny County) (Public Reprimand on Consent). (Attached as **Exhibit A**).

In *Raiford*, Respondent faced discipline in two matters. In one, Respondent had made statements prejudicial his client's interest in a criminal matter. Specifically, he told the judge that he believed his client shot the victim, as part of his seeking to withdraw from representation.

In the second matter, Respondent would not proceed in a non-jury trial until "[Allegheny County District Attorney Stephen A. Zappala [Jr.]...either met with Respondent, resigned, or recused himself from all of Respondent's cases. Later in the proceeding, Respondent insinuated that the District

Attorney was “cowardly.” Respondent went on to state, “I have heard Judge Cashman say to people, and I have heard you allude to it this morning about control over a person’s life. Every time Judge Cashman says “I now have control over your life,” it reeks of something that puts him in a position of being superior than the God that created us all. I don’t like that. I don’t think it’s Godly. I think it’s-the law is strength of sin. The law is the strength of it. You guys are holding people to accountability, particularly poor and minority people, that you can’t fulfill yourselves. You are asking me to stand by an oath that you violate every day by not doing – dispensing justice.” Raiford went on to state, “I think that there’s a level where we don’t have empathy as a court for people of color and poor people. It’s hard to grow up in a row house in Homewood.”

The interaction continued, with the Judge at one point stating that Respondent “shows up today...and starts attacking the entire system of justice in Allegheny County and says he will not go forward as her advocate in the trial today. Did you not do that?” The result was that Respondent’s client was left without representation for her scheduled non-jury trial.

Respondent consented to discipline under Rule 1.7(a)(2), Rule 3.4(c), Rule 3.5(d), and Rule 8.4(d). In aggravation, Respondent had a history of discipline, and had previously been disbarred as a result of his criminal

conviction for obstruction of administration of law or other governmental function, unsworn falsification to authorities, and tampering with public records or other information. In mitigation, it was revealed that the District Attorney had instructed his staff not to extend any plea offers to Respondent's clients without special front office approval, in retaliation for Respondent's criticism of the District Attorney's office. Respondent received a **public reprimand** upon consent for violations of RPC 3.4(c), 3.5(d), 8.2(a), 8.4(c), and 8.4(d).

Here, Respondent did not abandon her clients. While she made missteps, it was always towards a goal of providing them with zealous advocacy, particularly given their limited means and/or age and physical disabilities. Respondent's criticisms, made in filings, were informed by what she perceived as different treatment by the EHB, and in particular, the removal of filings. Respondent does not have any disciplinary nor any other aggravating factors that should elevate her discipline above a public reprimand that was given in *Raiford*.

2. *Office of Disciplinary Counsel, Petitioner, v. Cynthia A. Baldwin, Respondent*, 151 DB 2017 (Allegheny County) (Public Reprimand)

In *Baldwin*, Respondent represented Penn State University and three of its officials during grand jury proceedings investigating matters related to

child abuse accusations against a former assistant football coach. Respondent undertook representation in a highly specialized forum implicating criminal laws with which Respondent had no prior experience and without consulting experienced counsel to guide or support her. Despite the enormity of the situation, Respondent failed to prepare herself or her clients for their grand jury testimony in the most basic manner. Respondent also engaged in an impermissible conflict of interest, revealed client confidences, and prejudiced the administration of justice. Respondent received a **public reprimand** for violating RPC 1.1, 1.6(a), 1.7(a), and 8.4(d).

Here, Respondent faced similar circumstances in that she was beginning to practice litigation with which she had limited experience. As evidenced during the hearing, Respondent did prepare her clients for the hearing on the merits in the *Dibble* matter. Respondent did not engage in a conflict of interest, nor did she reveal client confidences.

3. *Office of Disciplinary Counsel, Petitioner, v. William R. Korey, Respondent*, 130 DB 2022 (Tioga County) (Public Reprimand)(Attached as **Exhibit B**).

In *Korey*, Respondent, in multiple motions and at several court hearings throughout the course of representation, repeatedly made improper written and verbal attacks which disparaged the integrity of the judiciary and the prosecutor's office and cast aspersions on the judicial system as a whole,

without factual basis and in reckless disregard for the truth. The actions were based upon factually unsupported belief that there was bias, collusion, and coverup in Potter County due to hearsay-reliant preliminary hearings, which in Respondent's view, violated his client's due process rights. Respondent lashed out at the judges and prosecutor. Respondent engaged in shouting, loud, aggressive, and boisterous behavior at multiple hearings. During one proceeding, a judge had to adjourn the hearing early and issue an order that rebuked Respondent's behavior. Respondent received a **public reprimand** for violating RPC 3.4(c), 3.5(d), 8.2(a), 8.4(c), and 8.4(d).

Here, Respondent did not engage in any verbal attacks, cast aspersions on the judicial system as whole, or engage in shouting, loud, aggressive, or boisterous behavior at the hearing in the *Dibble* matter, or any other hearing in Respondent's career. Finally, there was context, as described above, as to the reasons Respondent was frustrated. Most significantly, Respondent has not repeated this conduct.

Conclusion

In closing, Respondent would again like to apologize for the time taken by the Committee and Board to oversee Respondent's disciplinary hearing and thank them for their time and careful attention to this matter.

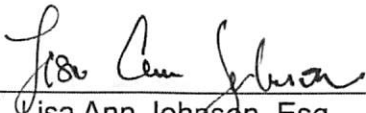
The Preamble to the Rules of Professional Conduct states:

The Rules presuppose that whether or not discipline should be imposed for a violation, and the severity of a sanction, depend on all the circumstances, such as the willfulness and seriousness of the violation, extenuating factors and whether there have been previous violations.

RPC, Preamble at 18.

As described herein, previous briefing by Respondent and the cases cited herein, and the hearing transcript, the totality of the circumstances favors the imposition of a private or public reprimand, rather than the imposition of a period of suspension.

Respectfully submitted,



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BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL : No. 39 DB 2022
Petitioner :
v. : Attorney Registration No. 49055
MILTON E. RAIFORD :
Respondent : (Allegheny County)

ORDER

AND NOW, this 20th day of April 2022, in accordance with Rule 215(g), Pa.R.D.E., the three-member Panel of the Disciplinary Board having reviewed and approved the Joint Petition in Support of Discipline on Consent filed in the above captioned matter; it is

ORDERED that MILTON E. RAIFORD be subjected to a **PUBLIC REPRIMAND** by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(a) and Rule 205(c)(9) of the Pennsylvania Rules of Disciplinary Enforcement.

BY THE BOARD:



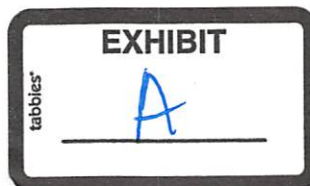
Board Chair

TRUE COPY FROM RECORD

Attest:



Marcee D. Sloan
Board Prothonotary
The Disciplinary Board of the
Supreme Court of Pennsylvania



BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

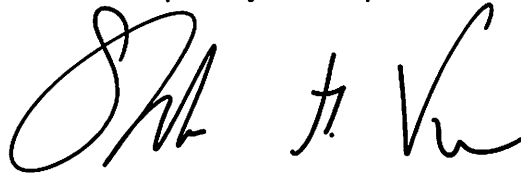
OFFICE OF DISCIPLINARY COUNSEL	:	No. 39 DB 2022
Petitioner	:	
v.	:	Attorney Registration No. 49055
MILTON E. RAIFORD	:	
Respondent	:	(Allegheny County)

RECOMMENDATION OF THREE-MEMBER PANEL
OF THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

The Three-Member Panel of the Disciplinary Board of the Supreme Court of Pennsylvania, consisting of Board Members Shohin Hadizadeh Vance, Dion G. Rassias and David S. Senoff, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on March 10, 2022.

The Panel approves the Joint Petition consenting to a Public Reprimand recommends to the Supreme Court of Pennsylvania that the attached Petition be Granted.

The Panel further recommends that any necessary expenses incurred in the investigation and prosecution of this matter shall be paid by the respondent-attorney as a condition to the grant of the Petition.



Shohin Hadizadeh Vance, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: April 20, 2022

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner : No. 39DB 2022
 :
v. :
 : Attorney Registration No. 49055
MILTON E. RAIFORD, :
Respondent : (Allegheny County)

JOINT PETITION IN SUPPORT OF DISCIPLINE
ON CONSENT PURSUANT TO RULE 215(d), Pa.R.D.E.

Petitioner, the Office of Disciplinary Counsel, by Thomas J. Farrell, Chief Disciplinary Counsel, and Daniel S. White, Disciplinary Counsel, and Respondent, Milton E. Raiford, Esquire, file this Joint Petition in Support Of Discipline On Consent Pursuant to Rule 215(d), Pa.R.D.E. and respectfully represent as follows:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P. O. Box 62485, Harrisburg, Pennsylvania 17106-2485, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereafter "Pa.R.D.E."), with the power and the duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of

FILED
03/10/2022
The Disciplinary Board of the
Supreme Court of Pennsylvania

Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

2. Respondent, Milton E. Raiford, was born in 1955. He was admitted to practice law in the Commonwealth of Pennsylvania on May 27, 1987.

3. Respondent's attorney registration mailing address is 3301 Longbow Drive, Pittsburgh, Pennsylvania 15235.

4. Respondent is presently on active status.

5. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

SPECIFIC FACTUAL ADMISSIONS

Derrick Means

6. On July 29, 2020, Derrick Means was arrested and charged with, *inter alia*, aggravated assault with a deadly weapon.

7. On November 3, 2020, a Criminal Information was filed in the Court of Common Pleas of Allegheny County charging Mr. Means with, *inter alia*, aggravated assault with a deadly weapon, docketed at CP-02-CR-0006799-2020 (hereinafter the "Means Criminal Proceedings").

8. On November 5, 2020, Respondent entered an appearance on Mr. Means' behalf in the Means Criminal Proceedings.

9. On February 8, 2021, Respondent filed a Motion to Withdraw as Counsel in the Means Criminal Proceedings.

10. On February 23, 2021, Respondent appeared before the Honorable Anthony M. Mariani in connection with the Means Criminal Proceedings at which time, *inter alia*, Respondent had the following exchange with Judge Mariani:

MR. RAIFORD: ...regardless of what Mr. Means did -- and yes, I'm trying to work my way out of this. And I'm proposing to get off of Mr. Means' case because I believe that he shot this guy. And I believe -- I believe the victim's testimony more than Means' and that's why I'm done with Means.

...

THE COURT: I think you need to file a Rule 600 motion, except you're getting out of the case. And I cannot allow you to continue on the case because of the statement you made on the record today.

...

THE COURT: ...I am going to grant your motion to withdraw right now because of a statement you made on record today which, to me, says you can't go forward with Mr. Means' best interests. But you've already kind of said that in your motion.

11. The expression of Respondent's personal opinion regarding Mr. Means' guilt and credibility was prejudicial to Mr. Means and did not advance Mr. Means' interests in any way.

12. Mr. Means was not present during the February 23, 2021 proceeding due to a COVID-19 quarantine at the Allegheny County Jail.

13. By Order dated February 23, 2021, the Motion to Withdraw as Counsel set forth in paragraph 9 *supra* was granted.

Vanessa Williams

14. On July 24, 2019, a criminal information was filed in the Court of Common Pleas of Allegheny County charging Vanessa Williams with, *inter alia*, Aggravated Assault by Vehicle while Driving Under the Influence, docketed at CP-02-CR-0006141-2019 (hereinafter the “Williams Criminal Proceedings”).

15. On November 19, 2019, Respondent entered an appearance on Ms. Williams’ behalf in the Williams Criminal Proceedings.

16. A non-jury trial was scheduled in the Williams Criminal Proceedings for June 9, 2021, before Judge Mariani.

17. The Court notified Respondent of the June 9, 2021 non-jury trial. Respondent did not seek a continuance of this non-jury trial.

18. On June 9, 2021, Respondent appeared with Ms. Williams before Judge Mariani, at which time, *inter alia*, Respondent informed the Court that he would not represent Ms. Williams or otherwise act on her behalf and had the following exchange with Judge Mariani:

THE COURT: Mr. Raiford, are you going to fulfill your function as a lawyer whose appearance is in on behalf of Vanessa Williams --

MR. RAIFORD: Not until [Allegheny County District Attorney Stephen A.] Zappala [Jr.] meets with --

THE COURT: "Yes" or "no"?

MR. RAIFORD: No. Not until he meets with me or he resigns or unless he recuses himself from all of my cases.

...

THE COURT: ... But you need legal representation, and Mr. Raiford is refusing to offer it. I just asked him that. He won't do it.

Mr. Raiford, will you reconsider?

MR. RAIFORD: Nope. Not until Mr. Zappala resigns or until he meets with me as I requested through his chief prosecutor. His chief -- I requested a meeting with him through his chief investigator, and he refused to meet with me. And then he e-mails -- it's like Frank Walker said, he's cowardly.

THE COURT: All right. Mr. Raiford has, on the record, refused to honor his obligation as counsel of record in a case that is scheduled for trial today, scheduled at his request. This case is scheduled today because both lawyers were consulted when the case was postponed the last time. Today was the day.

In fact, Mr. Raiford asked for the Court to go view the scene involved in this case, which was scheduled to be done. It's even on the court docket. So, Mr. Raiford, you don't leave me any choice here. You don't. Can I urge you to reconsider your position as a lawyer? Not as a person. We are not here to talk about who you are.

You know I have nothing but respect for who you are. I've said it many times, and I still have nothing but respect for who you are. But you also have a function here as counsel of record to somebody whose fate is dependent on your performing your duty that you signed up for.

MR. RAIFORD: I have heard Judge Cashman say to

people, and I heard you allude to it this morning about control over a person's life. Every time Judge Cashman says "I now have control over your life," it reeks of something that puts him in a position of being superior than the God that created us all.

I don't like that. I don't think it's Godly. I think it's -- the law is strength of sin. The law is the strength of it. You guys are holding people to accountability, particularly poor and minority people, that you can't fulfill yourselves. You are asking me to stand by an oath that you violate every day by not doing -- dispensing justice.

By not having empathy. I have seen you go toe to toe with people that were schizophrenic, depressed, and you go toe to toe with them like they are accountable for their actions. You go toe to toe with them as though they have the same -- the growing up that you did, as though they had the same father that you did. You go toe to toe with them as though they are responsible that you are holding them to your standard of accomplishment. You go toe to toe with them.

And then you guys act like everybody can be Mr. Raiford. No, you can't. Not everybody calls me Milt Raiford. I heard that. Everybody thinks that. Something is wrong with me. No, everybody can't be me. What about these kids from Homewood? What about these kids from East Liberty? What about these kids from East Hills? You guys forget that fact that I came from there.

THE COURT: What are you talking about, everybody is supposed to be Milt Raiford? I don't understand that.

MR. RAIFORD: It's -- you know how many calls I got from court personnel saying --

THE COURT: No. I want you to relate to -- you are saying it in this room. Are you saying I told people to be Milt Raiford?

MR. RAIFORD: No. I think that there's a level where we don't have empathy as a court for people of color and poor

people. It's hard to grow up in a row house in Homewood.

...

THE COURT: I am trying to allow to you [*sic*] speak a little bit because of my respect for you, but you still are ignoring your duty to Vanessa Williams, because she is here for her case today. She is not here for what's going on with you and Mr. Zappala, whatever that is. She's not here for all the other people you are talking about.

She's here for her personal future that you have said, I will be the person advocating for her, and now you are backing off of it.

MR. RAIFORD: I'm not backing off of it.

THE COURT: Well, then let's do the trial and you can address this other stuff in another forum. But this isn't the forum for it.

MR. RAIFORD: Yeah. But as long as --

THE COURT: If you have complaints against how I handle myself as a judge, there's a place for you to make that complaint. Not here --

MR. RAIFORD: It's not just you. It's arrogance in the building. This building is a cesspool for white privilege. It's you and everybody else up here. It's arrogant. There's nobody in city court but Black people. There's nobody. Rich white people don't go to jail.

THE COURT: What does that have to do with Vanessa Williams? What does that have to do with her interests today? Tell me.

MR. RAIFORD: See, what would have happened -- what would happen if after the death of George Floyd all the protestors, all the professional athletes that took a knee for a day or took games off for two days. The news cycle was past it. What you are asking me to do is get past it.

I can't get past it, because if I am disobedient to what God is telling me to say, I fear him more than you. I fear him more than my client. I fear him more than my oath to represent people as a lawyer.

...

THE COURT: Mr. Raiford. Mr. Raiford, the issue is whether you, as counsel of record, are going to act on your client's behalf today. "Yes" or "no"?

MR. RAIFORD: My responsibility to her as her lawyer was to tell her what my stance was going to take in advance. I told her. I told her don't feel any pressure about saying that you want me to stay as your lawyer. I repeated that to her a second ago. She's under no pressure. She's *[sic]* can get any lawyer you want to.

I think that in this particular case, Ms. Hong-Barco may have offered me something that I thought was reasonable. I said that to her outside. I just can't operate with Ms. Hong-Barco as long as she is an agent of Steve Zappala.

THE COURT: Okay. Well, then you are formally indicating again that you will not act as counsel in the normal way counsel acts with regard to a case being called for trial on the day it was scheduled by, among other people, that counsel. Fair?

MR. RAIFORD: I didn't hear your question.

THE COURT: You are indicating again that you will not act in the way -- usual way expected of somebody who is counsel of record on behalf of a client whose case is scheduled for trial on that day's call, which is today. You are saying you won't act; right?

MR. RAIFORD: See, the thing about it is --

THE COURT: Didn't you just say you won't?

MR. RAIFORD: Yeah, I said that. But this is the pressure that you are putting on my client.

THE COURT: No, I am putting the pressure on you, sir, on you.

MR. RAIFORD: You are putting pressure on her.

THE COURT: You. You are taking --

MR. RAIFORD: What are you going to do? What are you going to do? Are you going to send her to jail --

THE COURT: Mr. Raiford --

MR. RAIFORD: -- because I didn't get off the case?

THE COURT: -- you are taking your client's case --

MR. RAIFORD: That's the question she asked you.

THE COURT: -- and making this your personal forum.

MR. RAIFORD: She just asked you whether or not she was going to go to jail. She just asked you that.

THE COURT: Listen to me. You are trying to sidestep the issue, sir. You are trying to sidestep the issue. This is not your personal forum. This is Ms. Williams' day to have her case heard, and she, up until today, had a very competent lawyer who indicated he was going to go forward with her case today. Even made special arrangements to view the scene.

Now, he shows up today, that's you, and starts attacking the entire system of justice in Allegheny County and says he will not go forward as her advocate in the trial today.

Did you not do that?

MR. RAIFORD: I did.

THE COURT: Okay. And are you standing by that position?

MR. RAIFORD: I am.

19. Respondent's refusal to represent Ms. Williams' interests during the scheduled non-jury trial left her without representation for such proceeding.

20. Respondent's assertion that Mr. Zappala "refused to meet with me" did not advance Ms. Williams' interests in any way.

21. As a result of Respondent's refusal to represent Ms. Williams at the June 9, 2021 non-jury trial in the Williams Criminal Proceedings, the matter had to be rescheduled for a future date.

22. As a result of Respondent's refusal to represent Ms. Williams at the June 9, 2021 non-jury trial in the Williams Criminal Proceedings, the Court, by Order dated June 9, 2021, appointed attorney Leslie Perlow to represent Ms. Williams in the Criminal Proceedings

SPECIFIC RULE VIOLATIONS

23. By his conduct, as set forth in paragraphs 6 through 22 *supra*, Respondent admits that he violated the following Rules of Professional Conduct:

(a) Rule of Professional Conduct 1.7(a)(2), which provides, in pertinent part, that "a lawyer shall not represent a client if the

representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if there is a significant risk that the representation of one or more clients will be materially limited...by a personal interest of the lawyer”;

(b) Rule of Professional Conduct 3.4(c), which provides, in pertinent part, that “[a] lawyer shall not, when appearing before a tribunal, assert the lawyer’s opinion as to the justness of a cause, as to the credibility of a witness,...or as to the guilt or innocence of an accused”;

(c) Rule of Professional Conduct 3.5(d), which provides that “[a] lawyer shall not engage in conduct intended to disrupt a tribunal”; and

(d) Rule of Professional Conduct 8.4(d), which provides that “[i]t is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.”

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

24. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a public reprimand.

25. Respondent hereby consents to that discipline being imposed upon him. Attached to this Petition as Exhibit A is Respondent's executed Affidavit, required by Rule 215(d), Pa.R.D.E., stating that he consents to the imposition of a public reprimand and setting forth the mandatory acknowledgements contained in Rule 215(d)(1)-(4), Pa.R.D.E.

26. In aggravation, Respondent has a history of discipline. By Order dated January 17, 1997, which was retroactive to May 27, 1994, Respondent was disbarred as a result of his criminal conviction for obstruction of administration of law or other governmental function, unsworn falsification to authorities and tampering with public records or other information. Respondent was subsequently reinstated by Order dated April 16, 2010.

27. In mitigation, Respondent has accepted responsibility for his misconduct by virtue of his consent herein to the imposition of a public reprimand. In fact, the day after the proceeding set forth in paragraphs 16-22 *supra*, Respondent apologized publicly to his client and the Court. See Exhibit B ("I was wrong to not represent Ms. Williams only because of something that happened between me and another officer of the court,' Raiford said.")

28. Respondent's conduct in the Williams Criminal Proceedings stemmed from the public revelation a week earlier that Allegheny County

District Attorney Stephen A. Zappala, Jr., had instructed his staff not to extend any plea offers to Respondent's clients without special front office approval, in retaliation for Respondent's criticism of the District Attorney's office for its failure to address the issue of systemic racism in the Allegheny County criminal justice system. While this does not justify Respondent's failure to discharge his responsibilities to his client and the Court, it explains and mitigates his misconduct.

29. Additionally, if this matter were to proceed to a disciplinary hearing, Respondent would testify in mitigation that:

(a) he issued a complete refund of Ms. Williams' legal fees on or about June 21, 2021;

(b) he regularly provides free legal services to criminal defendants;

(c) he routinely gives food to homeless individuals;

(d) he frequently hosts approximately seventy-five (75) underprivileged youth and their families at his home, where he offers food, shelter, comfort and Bible studies; and

(e) he operates UMU Ministries through which he operates a tent in his own back yard where he donates food and money to people living in poverty.

30. Respondent would also present the testimony of attorney Turahn Jenkins regarding Respondent's character. Mr. Jenkins has been admitted to practice law in the Commonwealth of Pennsylvania since 2005. Mr. Jenkins' testimony would be substantially similar to the letter attached hereto as Exhibit C.

31. Public reprimands have previously been imposed for conflicts of interest when combined with other misconduct, *Office of Disciplinary Counsel v. Cynthia A. Baldwin*, 151 DB 2017 (no history of discipline), as well as for a contempt citation for failure to appear as counsel in a criminal matter, *Office of Disciplinary Counsel v. Carlos A. Martir, Jr.*, 22 DB 2016 (history of discipline consisting of two informal admonitions and one private reprimand).

WHEREFORE, Petitioner and Respondent respectfully request that:

(a) Pursuant to Rule 215(e) and 215(g), Pa.R.D.E., a three-member Panel of the Disciplinary Board review and approve the above Joint Petition in Support Of Discipline On Consent and the Disciplinary Board enter an Order providing that Respondent be subjected to a Public Reprimand; and


(b) Pursuant to Rule 215(i), Pa.R.D.E. a three-member Panel of the Disciplinary Board enter an order for Respondent to pay

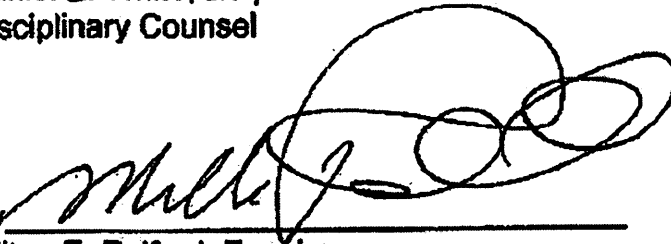
the necessary expenses incurred in the investigation and prosecution of this matter, and that all expenses be paid by Respondent within thirty (30) days after the notice of taxed expenses is sent to Respondent.

Respectfully and jointly submitted,

OFFICE OF DISCIPLINARY COUNSEL

THOMAS J. FARRELL
CHIEF DISCIPLINARY COUNSEL

By 
Daniel S. White, Esquire
Disciplinary Counsel

By 
Milton E. Raiford, Esquire
Respondent

VERIFICATION

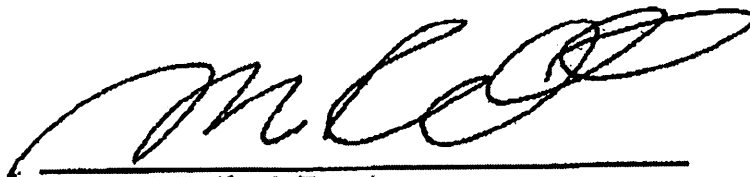
The statements contained in the forgoing Joint Petition in Support Of Discipline On Consent are true and correct to the best of my knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

3/10/22
Date



Daniel S. White, Esquire
Disciplinary Counsel

3-9-22
Date



Milton E. Raiford, Esquire
Respondent

EXHIBIT A

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,:

Petitioner : No. DB

v.

MILTON E. RAIFORD,

Respondent : (Allegheny County)

:
:
: Attorney Registration No. 49055
:
:

AFFIDAVIT

UNDER RULE 215(d), Pa.R.D.E.

MILTON E. RAIFORD, being duly sworn according to law, deposes and hereby submits this affidavit consenting to the recommendation of a public reprimand in conformity with Rule 215(d), Pa.R.D.E. and further states as follows:

1. He is an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on or about May 27, 1987.

2. He desires to submit a Joint Petition in Support of Discipline on Consent Pursuant to Rule 215(d), Pa.R.D.E.

3. His consent is freely and voluntarily rendered, he is not being subjected to coercion or duress and he is fully aware of the implications of submitting this affidavit.

4. He is aware that there is presently pending an investigation regarding allegations that he has been guilty of misconduct, as set forth in the

Joint Petition in Support of Discipline on Consent Pursuant to Rule 215(d), Pa.R.D.E., to which this affidavit is attached.

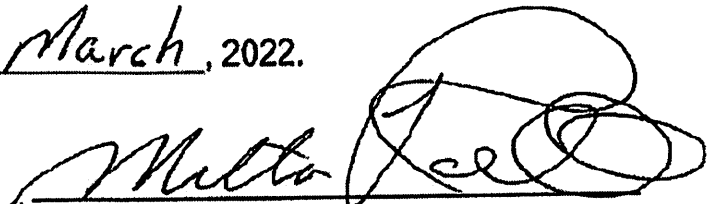
5. He acknowledges that the material facts set forth in the Joint Petition are true.

6. He submits the within affidavit because he knows that if charges predicated upon the matter under investigation were filed in the pending proceeding he could not successfully defend against them.

7. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has not retained, consulted or acted upon the advice of counsel in connection with his decision to execute the within Joint Petition.

It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Signed this 9th day of March, 2022.


MILTON E. RAIFORD

Sworn to and subscribed
before me this 9 day
of March, 2022.



Notary Public

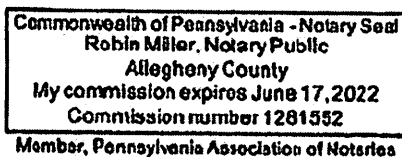


EXHIBIT B

TRIB LIVE (1)

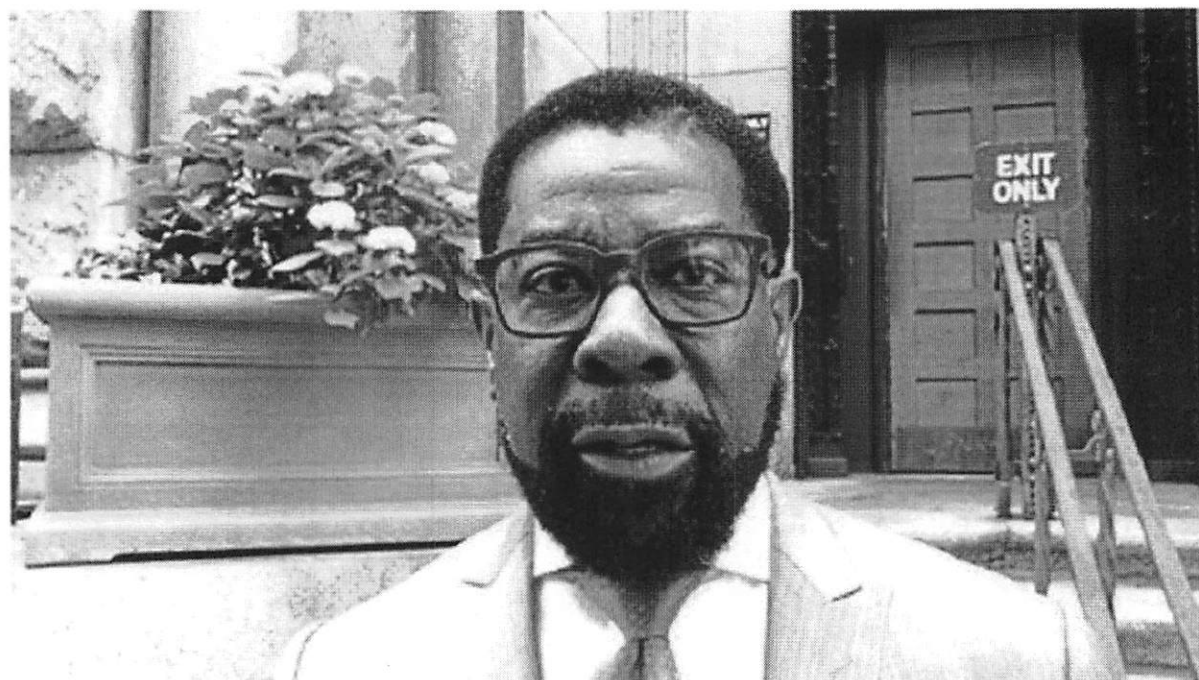
🔗 | [Back \(https://triblive.com/local/attorney-milton-raiford-apologizes-for-leaving-clients-case-during-zappala-dispute-seeks-to-be-restored/\)](https://triblive.com/local/attorney-milton-raiford-apologizes-for-leaving-clients-case-during-zappala-dispute-seeks-to-be-restored/) | Text Size: - +

<https://triblive.com/local/attorney-milton-raiford-apologizes-for-leaving-clients-case-during-zappala-dispute-seeks-to-be-restored/>

Attorney Milton Raiford apologizes for leaving client's case during Zappala dispute; seeks to be restored



PAULA REED WARD | Thursday, June 10, 2021 5:16 p.m.



PAULA REED WARD | TRIBUNE-REVIEW

Attorney Milton Raiford

A day after Milton Raiford, who is embroiled in a public dispute with Allegheny County District Attorney Stephen A. Zappala Jr., refused to represent his client in court, the defense attorney changed his mind.

On Thursday, Raiford asked the court if he could return to Vanessa Williams' case — telling Common Pleas Judge Anthony M. Mariani that he had worked out a plea with the DA's office.

"I was wrong to not represent Ms. Williams only because of something that happened between me and another officer of the court," Raiford said. "You asked me to reconsider, and I did."

Mariani said it was too late.

"Your time for reconsideration is gone," the judge responded. "How can I accept your representation when you said no deals are fair. How in the world can I accept that with what you've done?"

Later, he added, "You abandoned your client yesterday."

On Wednesday, Williams was scheduled for a nonjury trial on charges of aggravated assault by vehicle while driving under the influence. However, when Mariani called the case, Raiford refused to participate. Instead, he spoke for several minutes about God, racism and cronyism in the courts.

Raiford, who is Black, called the courthouse a "cesspool of white privilege."

His comments were in response to a May 18 email written by Zappala to all of the deputy district attorneys in his office in which he ordered them to no longer offer any plea deals to Raiford or his clients, all following statements the defense attorney made five days earlier in which he called the DA's office "systematically racist."

First reported by the Tribune-Review, the email was called unethical by legal experts and prompted community leaders and elected officials to call for a state Supreme Court Disciplinary Board hearing into Zappala's actions. During Wednesday's court proceedings, the chief counsel for that office was present.

On Sunday, Zappala issued a new policy, which his office said rescinded the one previously outlined in the May 18 email.

Still, on Wednesday, Raiford went after the DA's office, and at the conclusion of the hearing, Mariani ordered him off Williams' case.

"Yesterday's performance, whatever that was, cast doubt on your ability to take on that case," Mariani said Thursday. "You went after the DA's office, members of this court.

"The consequences of this are that you can no longer be on this case."

Mariani appointed Chief Public Defender Matt Dugan to represent Williams. On Thursday, Dugan told the court Williams still wants Raiford as her attorney. Deputy District Attorney Melissa Hong-Barco said that she believed Williams has a right to have the counsel of her choice on the case.

Williams has not commented about the matter.

Mariani told the parties to write a brief on the issue, and scheduled a status conference for later this month.

Raiford apologized for his actions during the previous day's hearing. He said that his statements then would be the last he would make involving a client.

"That's all the calling out of names I'm going to do," he said. "I don't need an apology from Mr. Zappala. I don't need an apology to forgive him."

Referring to his actions Wednesday and invoking Martin Luther King Jr., Raiford said. "Every once in a while, you have to violate policies that you think are unjust and be willing to accept the consequences."

He also expressed remorse for the victim in Williams' case, who will now have to return to court again to see the case reach conclusion.

"My client is contrite, sorry," he said.

Raiford told Mariani that when he saw the email authored by Zappala, he cried. But, he continued, "I think it's not right for me to impugn everyone at the DA's office. It was not issued by them."

Moving forward, Mariani said that he plans to address all of Raiford's clients who come before him to ensure they know about the dispute between Raiford and Zappala.

"You made an assault on the entire DA's office. Those clients have a right to be heard whether they want to proceed with you as their attorney," the judge said.

Making good on his word, a short time later in a separate case with an incarcerated defendant, Mariani asked the man who is represented by Raiford if he knew about the situation. The man said he was not aware of it. The judge ordered a pre-sentence report in that case and continued it for 90 days.

During his exchange with Raiford, Mariani read from an anonymous letter he said he received in response to the situation with Zappala.

"Didn't we do this before?" it read. "Don't ask why Black people are angry. Ask why they haven't burned down the courts already."

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EXHIBIT C

Turahh Jenkins

I don't believe in chance encounters, and I believe that everyone we meet in life has a purpose. Some good and some not so good. Whatever the purpose, you can always glean wisdom and understanding.

I've known the name "Milton Ralford" since my teenage years. I knew he was a black criminal defense attorney in Pittsburgh, but I didn't know who he was in person. I didn't know any attorneys, let alone any black attorneys back then. All I knew was he was very popular and highly sought after. He was a legend and was very prominent in the legal community.

Fast forward many years later, I follow the path that God lead me to and I find myself with a law degree and up in the mix. I had the pleasure of meeting the man I had heard so much about, but my eyes had never seen. The first time we met, it was all love. I was honored to meet him. He was an O.G. in the game. Whenever we would see one another in the hallways of the courthouse, it was always love and mutual respect. He was full of love and always spoke life and encouragement. I appreciated that about him.

Fast forward several years later, my wife and I moved to ChurchIII. Coincidentally, we move on the same street as Brother Milt. There are 4 houses that separate us. Living in close proximity, our bond strengthened and I got to know the man, not just the lawyer. It's been a blessing for which I thank God for, and one I don't take for granted. He has become more than a colleague. He's been a mentor and a friend.

This work is so much bigger than putting a suit on and going to court everyday. This work for me is a form of ministry. It is so much bigger than a law degree. Sure, I'm a lawyer, but I believe my purpose is bigger than this to maximize my gifts and God given talents. I use my law degree to touch as many lives as I can with the time that I have, and to give people hope through love and compassion in a system that tends to prey on the poor and marginalized communities. Sometimes I think I might care too much, but Brother Milt is my reminder that that is why we do this work because he approaches it with the same level of care and empathy. I know that I will eventually transition into spaces beyond the courtroom, and I will be called to do more to be more impactful to the community through speaking and teaching for a broader reach to effectuate change. I understand my assignment.

Brother Milt keeps me grounded and has been a listening ear when I have tough days. And I have had a lot of them, especially over the last couple of years. He's been on this road much longer than I have and has fought these battles many times before. We've sat on his porch,

swapped stories and prayed together. He and my son have a special bond, and I enjoy watching him chase my son up and down the street. He understands what it's like to work in a system where you're fighting for justice where injustice and often times evil seem to thrive. As a believer, it's difficult to traverse these spaces and maintain the faith. He constantly reminds me not to let my heart turn bitter in the face of blatant wrongs and inequities. I struggle with that, and it's something that I work on daily.

Brother Milt, I'm giving you your props that you deserve. You have stood in the gap for so many people. You are a leader. You are a man of faith. You are a man of courage. I have the utmost love and respect for you. You step up and speak out to address wrongs. You are a bridge between the community and the power structure. You are a light in a dark place. You have taught me more than you realize in these last couple years. More importantly, I'm telling you now while we both share this moment in time. I told myself in 2022, I'm going to be very intentional in giving people their flowers while they are here to enjoy them. Anybody that knows me well knows that I don't shy away from telling you how I feel about things. If you ask me an honest question, be prepared for an honest answer. I thank you for all that you have deposited in me, and I hope to take all that you've given me and investing it into someone else that comes down the pike after me. Each one teach one.

I recognize now more than ever the reason for our paths crossing. God sent you to me to remind me of who I am, just as importantly who I'm not, and to stand up for the community when other voices fall silent. Life is a slice of eternity measured by time. We all have a finite portion. I recognize my responsibility and I thank you for taking your time to share your wisdom and guidance.

I love you, brother!

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,:

Petitioner : No. DB 2022

v.

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MILTON E. RAIFORD,

Respondent

Attorney Registration No. 49055

(Allegheny County)

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 204 Pa. Code §89.22 (relating to service by a participant).

First Class Mail and email, as follows:

Milton E. Raiford, Esquire
3301 Longbow Drive
Pittsburgh, PA 15235

(miltonraiford@gmail.com)



Dated: 3/10/22

Daniel S. White
Disciplinary Counsel
Attorney Registration No. 322574
Office of Disciplinary Counsel
Frick Building, Suite 1300
437 Grant Street
Pittsburgh, PA 15219
(412) 565-3173

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Office of Disciplinary Counsel

Signature: _____

Name: Daniel S. White

Attorney No. (if applicable): 322574

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL : No. 130 DB 2022
Petitioner :
: File No. C3-21-161
v. :
: Attorney Registration No. 50253
WILLIAM R. KOREY :
Respondent : (Tioga County)

ORDER

AND NOW, this 26th day of September, 2022, in accordance with Rule 208(a)(5), Pa.R.D.E., the determination by a Review Panel of the Disciplinary Board of the above captioned matter is accepted; and it is

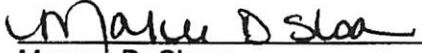
ORDERED that the said WILLIAM R. KOREY be subjected to a PUBLIC REPRIMAND by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(a) and Rule 205(c)(8) of the Pennsylvania Rules of Disciplinary Enforcement. Costs shall be paid by the Respondent.

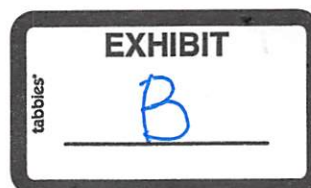
BY THE BOARD:



Board Chair

TRUE COPY FROM RECORD
Attest:


Marcee D. Sloan
Board Prothonotary
The Disciplinary Board of the
Supreme Court of Pennsylvania



**BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 130 DB 2022
Petitioner	:	
	:	File No. C3-21-161
	:	
v.	:	
	:	Attorney Registration No. 50253
WILLIAM R. KOREY,	:	
Respondent	:	(Tioga County)

PUBLIC REPRIMAND

William R. Korey, you appear before the Disciplinary Board for the imposition of a Public Reprimand ordered by the Board on September 26, 2022. It is an unpleasant task to publicly reprimand one who has been granted the privilege of membership in the bar of the Commonwealth. Yet as repugnant as this task may be, it has been determined necessary that you receive this public discipline.

Mr. Korey, this matter concerns your professional misconduct during your representation of Tommy John Causer in his criminal matter in the Potter County Court of Common Pleas. In February 2020, Mr. Causer was arrested on multiple charges and on February 28, 2020, the Magisterial District Judge conducted a preliminary hearing after which the charges were held over for the Potter County Court of Common Pleas. At the preliminary hearing, the Potter County District Attorney presented only hearsay-based testimony to support the charges, which was in accordance with the case law at that time, *Commonwealth v. Ricker*, 120 A.3d 349 (Pa. Super. 2015). After the Causer preliminary hearing, on July 21, 2020, the Pennsylvania Supreme Court issued an opinion in *Commonwealth v. McClelland*, 233 A.3d 717 (Pa. 2020), holding that fundamental due process required that no adjudication be based solely on hearsay

evidence. The Court did not apply this ruling retroactively or find that all hearsay-alone hearings were conducted in bad faith and required dismissal with prejudice. Moreover, there was no objection at Mr. Causer's preliminary hearing on the hearsay issue.

You assumed representation of Mr. Causer on September 23, 2020 and were not involved in the preliminary hearing. Thereafter, in multiple motions and at several court hearings throughout the course of your representation, you repeatedly made improper written and verbal attacks which disparaged the integrity of the judiciary and the prosecutor's office and cast aspersions on the judicial system as a whole, without factual basis and in reckless disregard for the truth. Your actions were based on your factually unsupported belief that there was bias, collusion, corruption and coverup in Potter County due to hearsay-reliant preliminary hearings, which in your view violated criminal defendant due process rights. Your subjective belief did not permit you to lash out at judges and prosecutors. Throughout the proceedings, you failed to provide any corroborating evidence or witness testimony to support your subjective claims. At each step of the proceeding, you repeated innuendo and speculation, and when your position was rejected, you demanded the recusal of the judge.

Your written and verbal statements in court filings and public proceedings in the Causer matter baselessly alleged prosecutorial misconduct and judicial conspiracy and impugned the integrity of Potter County Judges Stephen Minor and John Leete, Lycoming County Judge Dudley Anderson, the Potter County judiciary as a whole and the Potter County prosecutor's office in general. By way of example, at the January 22, 2021 hearing before visiting Judge Anderson, you alleged multiple times that there were "two [judges]...involved in a coverup" and "two judges...allowing [the District Attorney] to do this for years...no one wants to have this come out." You shouted, "you can't get

more corrupt than this—you can't!" and at one point you yelled "it's judicial misconduct, it's police misconduct, it's prosecutorial, it's coverup, corruption, unbelievable conduct." These statements undermine public confidence in the judiciary and justice system. You also persisted in expressing your personal opinions on the justness of your cause and your client's innocence.

Your loud, aggressive and boisterous behavior at multiple hearings demonstrated an intent to disrupt the proceedings. For example, at the October 21, 2020 hearing, Judge Minor admonished you to stop yelling. At the November 16, 2020 hearing, Judge Leete advised the sheriff to remove you from the courtroom if you persisted in your disruptive conduct. At the December 3, 2020 hearing, Judge Leete again admonished you for your disruptive behavior and warned that he would have you removed from the courtroom if necessary. Your hostile demeanor and yelling caused Judge Anderson to adjourn the January 22, 2021 hearing early and issue an order that rebuked your behavior.

By your conduct, you violated the following Rules of Professional Conduct ("RPC"):

1. RPC 3.4(c) – A lawyer shall not, when appearing before a tribunal, assert the lawyer's personal opinion as to the justness of a cause, as to the credibility of a witness, as to the culpability of a civil litigant, or as to the guilt or innocence of an accused, but the lawyer may argue, on the lawyer's analysis of the evidence, for any position or conclusion with respect to the matters.

2. RPC 3.5(d) – A lawyer shall not engage in conduct intended to disrupt a tribunal.
3. RPC 8.2(a) – A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer.
4. RPC 8.4(c) – It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.
5. RPC 8.4(d) – It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

Mr. Korey, your conduct in this matter is public. This Public Reprimand is a matter of public record and shall be posted on the Disciplinary Board's website at www.padisciplinaryboard.org.

It is the Board's duty to reprimand you for your misconduct. We note that you have no history of discipline since your admission to the bar in 1987. Please be aware that any subsequent violations on your part can only result in further discipline and more severe sanctions, due to your history of discipline. We sincerely hope that you will conduct yourself in such a manner that future disciplinary action will be unnecessary.

S/Christopher M. Miller

Designated Member
The Disciplinary Board of the
Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania on December 9, 2022.

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that require filing confidential information and documents differently than non-confidential information and documents on this 1st day of July 2024.

Respectfully submitted,

DIBELLA WEINHEIMER



Bethann R. Lloyd, Esquire
Pa. ID #77385

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Pittsburgh, PA 15219
412-586-2144

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the foregoing RESPONDENT'S BRIEF ON EXCEPTIONS SOLELY WITH RESPECT TO THE MEASURE OF DISCIPLINE has been forwarded to the following, via: Email and (upon request) First Class, U.S. Mail, this 1st day of July, 2024:

OFFICE OF DISCIPLINARY COUNSEL
Thomas J. Farrell
Chief Disciplinary Counsel
Daniel S. White
Disciplinary Counsel
Attorney Registration No. 324774
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 5800
P.O. Box 62675
Harrisburg, PA 17106

Respectfully submitted,

DIBELLA WEINHEIMER



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