

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 57 DB 2023
Petitioner	:	
	:	
v.	:	Attorney Reg. No. 205573
	:	
NATHANIEL EDMOND STRASSER,	:	
Respondent	:	(Erie County)

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OFFICE OF DISCIPLINARY COUNSEL'S BRIEF  
OPPOSING RESPONDENT'S EXCEPTIONS

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OFFICE OF DISCIPLINARY COUNSEL

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**FILED**  
**04/18/2024**  
**The Disciplinary Board of the**  
**Supreme Court of Pennsylvania**

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## **METHODS OF CITATION USED**

Numbers and letters in parentheses indicate documents and location as follows:

Ans. to Mot. to Direct H.C. at \_\_\_\_\_ indicates a (numbered) paragraph of the Answer of the Office of Disciplinary Counsel to Respondent's Motion Requesting the Board to Direct the Hearing Committee to Consider Evidence of Mitigation that was filed on January 5, 2024;

Ans. to Mot. to Present Add'l Testimony at \_\_\_\_ indicates a (numbered) paragraph of the Answer of the Office of Disciplinary Counsel to Respondent's Motion to Present Additional Testimony that was filed on November 22, 2023;

H.C. Rpt. at \_\_\_\_ indicates a page or pages of the Report and Recommendation of the Hearing Committee filed on March 20, 2024;

N.T. \_\_\_\_\_ indicates a page or pages of the notes of testimony from the disciplinary hearing on September 18, 2023;

Pre-Hearing Order at \_\_\_\_ indicates a (numbered) paragraph of the Pre-Hearing Order issued by the Hearing Committee Chair on July 13, 2023;

R. Brief on Exceptions at \_\_\_\_ indicates a page or pages of the Brief on Exceptions that Respondent filed, through counsel, on April 4, 2024;

R. Brief to H.C. at \_\_\_\_\_ indicates a page or pages of the Brief of Respondent Nathaniel Edmond Strasser to Hearing Committee that Respondent filed, through counsel, on January 2, 2024;

R. Mot. to Direct H.C. at \_\_\_\_ indicates a (numbered) paragraph of the Motion Requesting the Board to Direct the Hearing Committee to Consider Evidence of Mitigation that Respondent filed, through counsel, on January 4, 2024;

R. Mot. to Present Add'l Testimony at \_\_\_\_ indicates a (numbered) paragraph of the Motion to Present Additional Testimony that Respondent filed, through counsel, on November 28, 2023.

## **I. SHORT STATEMENT OF THE CASE**

This matter is before the Disciplinary Board as a result of disciplinary proceedings instituted by the Office of Disciplinary Counsel (hereinafter “ODC”) by way of a Petition for Discipline filed on April 10, 2023, to No. 57 DB 2023. The Petition charged Respondent with violations of RPC 1.16(a)(2) and RPC 8.4(b). Respondent filed an Answer to Petition for Discipline on May 1, 2023. The Board Prothonotary appointed Hearing Committee Members Jason Alan Medure, Esquire, Chair; Ashley Ardoin Piovesan, Esquire; and Michael Thomas Della Vecchia, Esquire. A prehearing conference was conducted on July 13, 2023, before Designated Member Medure.

A disciplinary hearing was conducted on September 18, 2023. ODC introduced exhibits ODC-1 through ODC-4 and presented the testimony of Pennsylvania State Police Trooper Chris Weber. N.T. at 8-41. Respondent introduced Respondent-A during his cross examination of Trooper Weber, but presented no testimony or exhibits during his case-in-chief. *Id.* at 40-41. Respondent thereafter testified on his own behalf in mitigation, but otherwise presented no additional testimony or exhibits. *Id.* at 49-53.

ODC filed a Brief to the Hearing Committee on November 15, 2023, asserting that Respondent's appearance at a hearing on a client's behalf while under the influence of cocaine warrants a suspension from the Bar of the Commonwealth of Pennsylvania for at least one year and one day. On November 17, 2023, Respondent, through counsel, filed<sup>1</sup> a "Motion to Present Additional Testimony," *inter alia*, seeking permission to "present additional testimony to the Committee relative to Respondent's substance abuse history and treatment." R. Mot. to Present Add'l Testimony at ¶ 7. On November 22, 2023, ODC filed an Answer to such Motion, asserting that, *inter alia*, "Respondent's '*history* of substance abuse and treatment' is not an appropriate basis upon which to reopen the evidentiary record in this matter." Ans. to Mot. to Present Add'l Testimony at ¶ 3 (citing D. Bd. Rules § 89.251(a), which requires "material changes of fact or law alleged to have occurred since the conclusion of the hearing" in order to reopen the evidentiary record) (emphasis in original). By Order dated November 30, 2023, the Hearing Committee Chair denied Respondent's "Motion to Present Additional Testimony."

Respondent filed a Brief to the Hearing Committee on January 2, 2024, relying exclusively on evidence that had not been properly introduced

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<sup>1</sup> Respondent transmitted this Motion to the Hearing Committee on November 17, 2023, but did not file it with this Honorable Board until November 28, 2023.

in these proceedings for the erroneous proposition that he “is a good candidate for substance abuse probation.” R. Brief to H.C. at 2 (internal citations omitted). On January 4, 2024, Respondent, through counsel, filed a “Motion Requesting the Board to Direct the Hearing Committee to Consider Evidence of Mitigation,” seeking to present evidence of treatment he received between September of 2018 and February of 2019, *more than four years prior to the disciplinary hearing in this matter*. R. Mot. to Direct H.C. at ¶ 7. On January 5, 2024, ODC filed an Answer to such Motion, asserting that, *inter alia*, this Motion “similarly identifies no ‘material changes of fact or law alleged to have occurred since the conclusion of the hearing,’” and “Respondent’s misconduct occurred in November of 2022,” indicating that the Respondent’s “treatment efforts therefore offer little to no insight into Respondent’s current fitness to practice law.” Ans. to Mot. to Direct H.C. at ¶¶ 5, 7 (emphasis in original). By Order dated January 8, 2024, this Honorable Board denied Respondent’s “Motion Requesting the Board to Direct the Hearing Committee to Consider Evidence of Mitigation.”

The Hearing Committee filed its Report on March 20, 2024, concluding that Respondent’s appearance at a hearing on a client’s behalf while under the influence of cocaine violated RPC 1.16(a)(2) and RPC 8.4(b). H.C. Rpt. at 3-4, 6 (¶ 8). The Hearing Committee found that



Respondent “did not offer any evidence of his ability to comply with a sobriety monitor and probation” and “denied having a drug addiction at the September 18, 2023 hearing.” *Id.* at 3. The Hearing Committee recommended that Respondent be suspended from the Bar of the Commonwealth of Pennsylvania for a period of one year and one day, such that he would “bear the burden of demonstrating ultimately to the Supreme Court that he is fit to practice law.” *Id.* at 12. On April 4, 2024, Respondent filed a Brief on Exceptions. This Brief is submitted in opposition to Respondent’s Brief on Exceptions.

## **II. SUMMARY OF ODC’S BASIC POSITION**

Respondent’s appearance at a hearing on a client’s behalf while under the influence of cocaine—particularly when combined with Respondent’s suggestion during the disciplinary hearing that cocaine *enhances* his performance as an attorney—compels the suspension recommended by the Hearing Committee, which will require Respondent to demonstrate his fitness to practice law before regaining the privilege to do so. Rule 218(a)(3), Pa.R.D.E.

### **III. ARGUMENT**

#### **A. RESPONDENT AGAIN FAILS TO PRESENT ANY LEGITIMATE BASIS UPON WHICH TO REOPEN THE EVIDENTIARY RECORD IN THIS MATTER.**

For the third time in this matter, Respondent requests that the evidentiary record be reopened. R. Brief on Exceptions at 3, 6 (unpaginated). Also for the third time, Respondent fails to support such request with *any* “material changes of fact or law alleged to have occurred since the conclusion of the hearing.” D. Bd. Rules § 89.251(a). Indeed, Respondent’s Brief on Exceptions—like his “Motion to Present Additional Testimony” and his “Motion Requesting the Board to Direct the Hearing Committee to Consider Evidence of Mitigation”—does not even cite provisions of the Disciplinary Board Rules related to reopening of the evidentiary record, much less attempt to satisfy their prerequisites.

#### **B. RESPONDENT IS NOT FIT TO PRACTICE LAW.**

“[D]isciplinary sanctions are not designed for their punitive effects, but rather are intended to protect the public from unfit attorneys and to maintain the integrity of the legal system.” *Office of Disciplinary Counsel v. Brian J. Preski*, 134 A.3d 1027, 1031 (Pa. 2016) (citing *Office of Disciplinary Counsel v. John Rodes Christie*, 639 A.2d 782 (Pa. 1994)). As the Hearing Committee’s Report in this matter indicates, the suspension recommended

therein is calibrated specifically to achieve these objectives:

By recommending a one year and one day suspension, Respondent will bear the burden of demonstrating ultimately to the Supreme Court that he is fit to practice law such that, among other things, he must establish that he is sober, remorseful, and prepared to acknowledge that as a practicing attorney he must abide by the rules applicable to the conduct of members of the bar.

H.C. Rpt. at 11-12.

Respondent's refusal to express remorse for appearing at a hearing on a client's behalf while under the influence of cocaine—and his suggestion throughout the disciplinary hearing in this matter that cocaine *enhances* his performance as an attorney, See, e.g., N.T. at 24, 42—presents an unacceptable risk that Respondent will repeat this intolerable misconduct. Accordingly, the only disposition that would “protect the public” is the one recommended by the Hearing Committee—a suspension of sufficient length that Respondent would be required to demonstrate his fitness before regaining the privilege of practicing law. Rule 218(a)(3), Pa.R.D.E.

Respondent's reliance on *Office of Disciplinary Counsel v. Timothy Nicholas Tomasic*, 134 DB 2021 (D. Bd. Order 8/4/2022) (consent discipline) is misplaced for several reasons. Tomasic was placed on sobriety monitor probation in connection with a public reprimand imposed

on consent. *See, generally, Tomasic* 134 DB 2021. Tomasic accepted responsibility for his misconduct and proffered the expert opinion necessary to establish a causal connection between such misconduct and his substance use disorder, as contemplated in *Office of Disciplinary Counsel v. Seymour H. Braun*, 553 A.2d 894 (Pa. 1989) and its progeny. *Tomasic*, 134 DB 2021 at 8-9 (¶¶ 33, 36). *See Office of Disciplinary Counsel v. Paul Michael Pozonsky*, 177 A.3d 830, 845 (Pa. 2018) (“Our Court has never held that lay opinions alone, are sufficient to establish that an addiction or mental illness was the cause of an attorney’s misconduct. Indeed, recent decisions of our Court have emphasized the critical role of expert testimony in establishing such a causal link”) (internal citations omitted).

In contrast, Respondent failed to accept any responsibility for his misconduct until **after** the Hearing Committee concluded that he had violated each of the Rules of Professional Conduct charged in this matter. *Compare* N.T. at 42 (“cocaine has a positive effect on one’s cognitive abilities in low doses”) and *Id.* (“My mental alertness was at a heightened state, not at a lower state...”) *with Id.* at 49 (“The Committee has conferred and made a determination that it has found a violation by Attorney Strasser of Rule of Professional Conduct 1.16(a)(2) and Rule of Professional Conduct 8.4(b).”). *See also* H.C. Rpt. at 9 (“Respondent failed to accept

responsibility or express remorse for appearing for the November 2, 2022 preliminary hearing while under the influence of cocaine.”) (internal citations omitted) and R. Brief on Exceptions at 2 (unpaginated) (“Respondent’s conduct, however, did not prejudice or harm any client.”). Respondent has never proposed an expert witness willing to establish a causal connection between his misconduct and a substance use disorder. See, *generally*, R. Mot. to Present Add’l Testimony and R. Mot. to Direct H.C. He does not do so now. See, *generally*, R. Brief on Exceptions.<sup>2</sup> Moreover, Respondent *himself* specifically disavowed any substance use disorder at the disciplinary hearing. N.T. at 53 (“Yeah, I’m not an addict.”); H.C. Rpt. at 3 (“Respondent denied having a drug addiction at the September 18, 2023 hearing”).

*Tomasic* also counsels caution in this Honorable Board’s utilization of sobriety monitor probation. Despite *Tomasic*’s acceptance of responsibility and establishment of a causal connection between his misconduct and his substance use disorder—hallmarks of a matter appropriate for the imposition of sobriety monitor probation—*Tomasic* promptly violated the terms of his sobriety monitor probation and was placed on temporary

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<sup>2</sup> The Hearing Committee directed the parties to identify proposed expert witnesses—and exchange reports authored by such expert witnesses—by August 11, 2023. Pre-Hearing Order at ¶ 7.

suspension by the Supreme Court of Pennsylvania.<sup>3</sup> Tomasic thereafter was arrested for assaulting a priest. Bob Mayo, *Man accused of assaulting priest on Pittsburgh's South Side is suspended lawyer*, WTAE, April 17, 2023, <https://www.wtae.com/article/man-accused-of-assaulting-priest-on-pittsburghs-south-side/43615726> (last accessed April 15, 2024). Tomasic's inability to comply with the terms of sobriety monitor probation *despite* presenting with hallmarks of its appropriateness portends even greater difficulty for Respondent, who absurdly claims that cocaine enhances his performance as an attorney, See, e.g., N.T. at 24, 42, in complying with the terms of sobriety monitor probation. *Office of Disciplinary Counsel v. Antoinette M. J. Bentivegna*, 156 DB 2002 (D. Bd. Rpt. 4/16/2004) (S. Ct. Order 7/15/2004) at 20 ("The recommendation of probation is likewise inappropriate. Respondent has not shown recognition of the causes of her misconduct or a real commitment to improvement.").

#### **IV. CONCLUSION**

ODC respectfully requests that The Disciplinary Board recommend to the Supreme Court of Pennsylvania that Respondent be suspended from the Bar of the Commonwealth of Pennsylvania for a period of one year and

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<sup>3</sup> True and correct copies of ODC's February 17, 2023 Petition for Emergency Temporary Suspension Order and Related Relief Pursuant to Rule 208(f)(1), Pa.R.D.E. and the Supreme Court of Pennsylvania's March 17, 2023 Order placing Tomasic on temporary suspension are attached hereto as Appendices A and B.

one day.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

THOMAS J. FARRELL,  
Chief Disciplinary Counsel

A handwritten signature in black ink, appearing to read 'D. White', with a stylized flourish at the end.

By: \_\_\_\_\_  
Daniel S. White  
Disciplinary Counsel

# **APPENDIX A**



Thomas J. Farrell, Esquire  
Chief Disciplinary Counsel

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Suite 2700  
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THE DISCIPLINARY BOARD  
OF THE  
SUPREME COURT OF PENNSYLVANIA



Raymond S. Wierciszewski, Esquire  
Deputy Chief Disciplinary Counsel

Disciplinary Counsel-In-Charge

DI- Ramona Mariani  
DII- Harold E. Ciampoli, Jr.  
DIII- Krista K. Beatty  
DIV- James M. Fox  
Special Projects- Anthony P. Sodroski

CHIEF DISCIPLINARY COUNSEL

[www.padisciplinaryboard.org](http://www.padisciplinaryboard.org)

February 17, 2023

Prothonotary  
Supreme Court of Pennsylvania  
Western District Office  
801 City-County Building  
Pittsburgh, PA 15219

ATTN: Betsy Ceraso, Esquire  
Deputy Prothonotary

Re: OFFICE OF DISCIPLINARY COUNSEL v.  
TIMOTHY NICHOLAS TOMASIC  
Petition for Emergency Temporary  
Suspension Order and Related Relief  
Attorney Registration No. 205126  
No. 134 DB 2021  
(ODC File No. C4-21-395)

Dear Ms. Ceraso:

Pursuant to Rule 104(c), Pa.R.D.E., please find enclosed the Office of Disciplinary Counsel's Petition for Emergency Temporary Suspension Order and Related Relief Pursuant to Rule 208(f)(1), Pa.R.D.E.

Additional copies are being served as indicated below.

Very truly yours,

A handwritten signature in black ink that reads "Thomas Farrell".

Thomas J. Farrell, Esquire  
Chief Disciplinary Counsel

Enclosures

cc: (w/encl.)

Marcee D. Sloan, Board Prothonotary, The Disciplinary Board  
Timothy Nicholas Tomasic, Esquire  
Raymond S. Wierciszewski, Deputy Chief Disciplinary Counsel  
Daniel S. White, Disciplinary Counsel

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. Disciplinary Docket
	:	No.
Petitioner	:	
	:	No. 134 DB 2021
v.	:	
	:	
TIMOTHY NICHOLAS TOMASIC,	:	Attorney Registration No. 205126
	:	
Respondent	:	(Allegheny County)

PETITION FOR EMERGENCY TEMPORARY  
SUSPENSION ORDER AND RELATED RELIEF  
PURSUANT TO RULE 208(f)(1), Pa.R.D.E.

To the Honorable Chief Justice and Justices of the Supreme Court of  
Pennsylvania:

Petitioner, the Office of Disciplinary Counsel, by Thomas J. Farrell,  
Esquire, Chief Disciplinary Counsel, and Daniel S. White, Esquire, Disciplinary  
Counsel, pursuant to Rule 208(f)(1) of the Pennsylvania Rules of Disciplinary  
Enforcement, comes and files this petition before your Honorable Court and,  
in support thereof, respectfully avers that:

1. Petitioner, whose principal office is situated at Pennsylvania Judicial  
Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg,  
Pennsylvania, is invested, pursuant to Rule 207 of the Pennsylvania Rules of  
Disciplinary Enforcement, with the power and duty to investigate all matters

involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

2. Respondent, Timothy Nicholas Tomasic, Esquire, was born in 1976, admitted to practice law in the Commonwealth of Pennsylvania on April 23, 2007, and maintains an office for the practice of law at Tomasic & Associates, LLC, 1031 5th Avenue, East McKeesport, Pennsylvania 15035 (Allegheny County).

NOW THEREFORE, it appearing to Petitioner that Respondent's continued practice of law is causing immediate and substantial public or private harm in manifest violation of the Disciplinary Rules or the Enforcement Rules, and that conclusion having been concurred in by a reviewing member of the Disciplinary Board, as set forth in the Certificate of Disciplinary Board Reviewing Member attached hereto as Exhibit A, the following is presented for consideration of your Honorable Court:

3. On December 7, 2022, a public reprimand was imposed upon Respondent due to his failure to appear for an October 23, 2020 nonjury trial in the matter of *Commonwealth of Pennsylvania v. Rontay Keith Strothers*, which matter was docketed in the Court of Common Pleas of Allegheny

County at CP-02-CR-0003107-2018 and CP-02-CR-0009802-2019. As Respondent conceded in a July 22, 2022 Joint Petition in Support of Discipline on Consent Pursuant to Rule 215(d), Pa.R.D.E.:

- (a) In a May 26, 2021 telephone call, Respondent advised Assistant District Attorney Lisa Pellegrini that he had agreed to transport Mr. Strothers to the courthouse for this nonjury trial but had instead ingested cocaine and “passed out” in his car.
- (b) Respondent was under the influence of cocaine and/or other drugs during this May 26, 2021 telephone call.
- (c) On June 1, 2021, Respondent appeared via Microsoft Teams for a hearing before the Honorable Kelly Bigley, at which time such hearing was postponed so that Respondent's ability to represent Mr. Strothers could be assessed by the court in-person on June 7, 2021.
- (d) On or before June 7, 2021, new counsel entered an appearance on Mr. Strothers' behalf.

4. As a condition of the December 7, 2022 public reprimand, Respondent was placed on substance abuse probation for a period of two (2) years, See D. Bd. Rules § 89.293, the conditions of which are set forth in an

August 4, 2022 Order of The Disciplinary Board, a true and correct copy of which is attached hereto as Exhibit B.

5. The Disciplinary Board appointed attorney Ryan R. Smith as Respondent's sobriety monitor. In a January 29, 2023, conversation, Respondent advised Mr. Smith that he had relapsed. A true and correct copy of Mr. Smith's February 3, 2023 letter to The Disciplinary Board reporting this conversation is attached hereto as Exhibit C.

6. Respondent's failure to "abstain from using alcohol, drugs, or any other mind-altering chemical except under the strict supervision of a prescribing physician" violates the express terms of his substance abuse probation. Exhibit B at ¶ 1.

*In the matter of Commonwealth of Pennsylvania v. Keith Johnson*

7. On April 13, 2022, Respondent entered an appearance in the matter of *Commonwealth of Pennsylvania v. Keith Johnson*, which matter was docketed in the Court of Common Pleas of Allegheny County at CP-02-CR-0008399-2021. Mr. Johnson was charged therein with, *inter alia*, Criminal Attempt – Criminal Homicide.

8. Mr. Johnson was denied bail and, accordingly, has been detained since his arrest in October of 2021, pending the resolution of this matter.

9. On January 5, 2023, a status conference was conducted in this matter. A true and correct copy of the transcript of this status conference is attached hereto as Exhibit D. During this status conference:

(a) the Honorable Bruce Beemer observed Respondent being erratic and speaking rapidly;

(b) Respondent advised multiple times that he was “in over [his] head,” Exhibit D at 4, 6; and

(c) Judge Beemer instructed Respondent to “have a discussion” with Mr. Johnson regarding whether Respondent will continue to represent him, Exhibit D at 12-14.

10. A jury trial was scheduled in this matter for February 6, 2023.

11. Respondent failed to appear for this February 6, 2023 jury trial. The Court at that time advised that it had “confirmed this morning that Mr. Tomasic is in a medical facility.” Exhibit E at 2.

12. Respondent failed to meet with Mr. Johnson prior to February 6, 2023, as instructed by the Court. *Compare* Paragraph 9(c) *supra* with Exhibit E at 5 (“Did Mr. Tomasic ever appear at the Allegheny County Jail or remotely to have an attorney/client communication with you about his continued representation? THE DEFENDANT: No.”).

13. By Order dated February 7, 2023, a true and correct copy of which is attached hereto as Exhibit F, the Court removed Respondent as counsel at Mr. Johnson's request.

14. As a result of Respondent's failure to appear, this jury trial was continued to June of 2023. This delay is adverse to Mr. Johnson's interests, who remains detained pending the resolution of this matter. See *also* Exhibit E at 7 ("it's a defense delay technically because his counsel is not here to represent him.").

*In the matter of Commonwealth of Pennsylvania v. Domenic Grentz*

15. On September 3, 2021, Respondent entered an appearance in the matter of *Commonwealth of Pennsylvania v. Domenic Grentz*, which matter was docketed in the Court of Common Pleas of Allegheny County at CP-02-CR-0004537-2021. Mr. Grentz was charged therein with, *inter alia*, aggravated assault with a deadly weapon.

16. On July 12, 2022, Mr. Grentz pled guilty to aggravated assault with a deadly weapon.

17. A sentencing proceeding was scheduled in this matter for February 14, 2023, before the Honorable Beth A. Lazzara.

18. Respondent failed to appear for this sentencing proceeding.

19. Respondent failed to notify Judge Lazzara, or any member of her staff, that he would not be appearing for this sentencing proceeding.

20. By Order dated February 14, 2023, the Court removed Respondent as counsel for Mr. Grentz and appointed new counsel.

21. The relapse that has caused Respondent to, once again, fail to appear for proceedings in criminal matters where he is counsel of record is unfortunately only the latest example of Respondent's inability to maintain sobriety. On May 31, 2019, Respondent advised the Honorable Jeffrey A. Manning that, "I been in and out of this program, NA, AA since 2010. I have been to nine treatment facilities, I've been to nine treatment facilities in nine years." See Exhibit G at 7. In May of 2021, Respondent left treatment at Clear Day Treatment of Westmoreland, LLC ***after less than twenty-four hours***, Exhibit H, and on October 8, 2021, Respondent was discharged "against medical advice" from GatewayRehab, Exhibit I.

PETITIONER RESPECTFULLY SUBMITS THAT:

It is evident from the proffered statement of facts that Respondent has engaged in conduct that involves, but may not be limited to, violations of:

(a) Rule of Professional Conduct 1.1 – A lawyer shall provide competent representation to a client. Competent representation



requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

(b) Rule of Professional Conduct 1.3 – A lawyer shall act with reasonable diligence and promptness in representing a client.

(c) Rule of Professional Conduct 1.6(a)(2) – A lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if... (2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client.

(d) Rule of Professional Conduct 3.2 – A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

(e) Rule of Professional Conduct 8.4(b) – It is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.

(f) Rule of Professional Conduct 8.4(d) – It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

Respondent's failure to appear for proceedings in criminal matters where he is counsel of record merely two months after being publicly reprimanded for failing to appear for an unrelated nonjury trial—and one week after advising his sobriety monitor that he had relapsed—demonstrates that Respondent's substance abuse is, once again, prohibiting him from appropriately discharging his professional obligations, such that it appears that Respondent's continued practice of law gives rise to a continuing threat of immediate and substantial public and private harm, as described in Rule 208(f), Pa.R.D.E. Indeed, Respondent is counsel of record in several serious criminal matters with impending listings, including but not limited to:

- *Commonwealth of Pennsylvania v. Tracy Jean Humphreys*, CP-02-CR-0002608-2021, in which a sentencing proceeding is scheduled for February 21, 2023, following a September 13, 2022 guilty plea to, *inter alia*, murder of the third degree;
- *Commonwealth of Pennsylvania v. Ryan Kelly*, MJ-05003-CR-0003467-2022, in which a preliminary hearing is scheduled for February 21, 2023, regarding charges of, *inter alia*, aggravated assault and illegal possession of a firearm;

- *Commonwealth of Pennsylvania v. Tray Shawn Eason*, CP-02-CR-0004351-2022, in which a sentencing proceeding is scheduled for March 1, 2023, following a November 9, 2022 guilty plea to illegal possession of a firearm;
- *Commonwealth of Pennsylvania v. Kristen Greenwald*, CP-02-CR-0008087-2020, in which a non-jury trial is scheduled for March 6, 2023, regarding charges of, *inter alia*, endangering the welfare of children; and
- *Commonwealth of Pennsylvania v. Cosimo Liberto*, CP-02-CR-0000240-2022, in which a non-jury trial is scheduled for March 16, 2023, regarding charges of, *inter alia*, robbery.

#### PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that your Honorable Court issue a rule upon Respondent to show cause why he should not be placed on temporary suspension from the practice of law, pursuant to Enforcement Rule 208(f)(1), returnable at a date, time and place certain, and with a response to the allegations set forth herein.

AND FURTHER, that after due consideration of any response made by

Respondent and further proceedings held in accordance with Enforcement Rule 208(f), your Honorable Court:

- a. Order that Respondent be suspended in accordance with Enforcement Rule 208(f)(2), as a matter of "public discipline" as that term is used in Enforcement Rule 402, pertaining to confidentiality, and that he comply with Enforcement Rule 217;
- b. Order the President Judge of the Court of Common Pleas of Allegheny County, in accordance with Enforcement Rule 217(g), to take such further action and make such further orders as may appear necessary to protect the rights and interests of Respondent's clients or fiduciary entities with which he is involved;
- c. Order that all bank accounts held by Respondent or controlled by him, containing fiduciary funds, be frozen until further action by a court of appropriate jurisdiction; and
- d. Grant such other relief as may be deemed appropriate and necessary by your Honorable Court.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

Thomas J. Farrell  
Chief Disciplinary Counsel

A handwritten signature in black ink, appearing to read 'D. White', with a stylized flourish at the end.

By \_\_\_\_\_  
Daniel S. White  
Disciplinary Counsel

# EXHIBIT A

IN THE SUPREME COURT OF PENNSYLVANIA

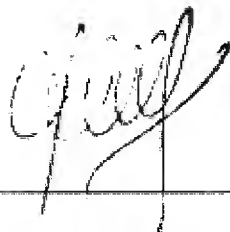
OFFICE OF DISCIPLINARY COUNSEL,	No. Disciplinary Docket
	No.
Petitioner	
	No. 134 DB 2021
vs.	
TIMOTHY NICHOLAS TOMASIC,	Attorney Registration No. 205126
Respondent	(Allegheny County)

CERTIFICATE OF DISCIPLINARY BOARD REVIEWING MEMBER

To the Chief Justice and Justices of the Supreme Court of Pennsylvania:

Pursuant to Rule 208(f), Pa.R.D.E. and Disciplinary Board Rules § 91.151(a), I have reviewed the foregoing Petition for Emergency Temporary Suspension Order and Related Relief Pursuant to Rule 208(f)(1), Pa.R.D.E., and concur in the presentation of the petition to the Supreme Court of Pennsylvania by the Office of Disciplinary Counsel.

2/17/2023  
Date

  
\_\_\_\_\_  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

# EXHIBIT B



BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 134 DB 2021
Petitioner	:	
	:	
v.	:	Attorney Registration No. 205126
	:	
TIMOTHY NICHOLAS TOMASIC	:	
Respondent	:	(Allegheny County)

**ORDER**

AND NOW, this 4<sup>th</sup> day of August, 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; and it is

ORDERED that the said Timothy Nicholas Tomasic of Allegheny County 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.

IT IS FURTHER ORDERED that Respondent shall be placed on PROBATION for a period of two (2) years subject to the following conditions:

**Conditions of Probation:**

1. Respondent shall abstain from using alcohol, drugs, or any other mind-altering chemical except under the strict supervision of a prescribing physician;
2. Respondent shall regularly attend Narcotics Anonymous meetings on a weekly basis;
3. Respondent shall maintain weekly contact with his Narcotics Anonymous sponsor;

4. A sobriety monitor shall be appointed to monitor Respondent in accordance with Disciplinary Board Rule 89.293(c);
5. Respondent shall furnish his sobriety monitor with his Narcotics Anonymous sponsor's name, address and telephone number;
6. Respondent shall establish his weekly attendance at Narcotics Anonymous meetings by providing written verification on a Board approved form to the Board Prothonotary;
7. Respondent shall undergo any counseling, out-patient or in-patient treatment, prescribed by a physician or substance abuse counselor;
8. Respondent shall file quarterly written reports with the Board Prothonotary;
9. With the sobriety monitor, Respondent shall:
  - a) meet at least twice a month;
  - b) maintain weekly telephone contact;
  - c) provide the necessary properly executed written authorizations to verify his compliance with the required substance abuse treatment; and
  - d) cooperate fully.
10. The appointed sobriety monitor shall:
  - a) monitor Respondent's compliance with the terms and conditions of the order imposing probation;
  - b) assist Respondent in arranging any necessary professional or substance abuse treatment;
  - c) meet with Respondent at least twice a month, and maintain weekly telephone contact with Respondent;
  - d) maintain direct monthly contact with Respondent's Narcotics Anonymous sponsor;

- e) file quarterly written reports with the Board Prothonotary;  
and
- f) immediately report to the Board any violations by the  
Respondent of the terms and conditions of the probation.

Failure to comply with the above Conditions shall be grounds for reconsideration of the matter under the specific provision of Enforcement Rule 203(b)(2) and Disciplinary Board Rule 87.53(b).

BY THE BOARD

Board Chair

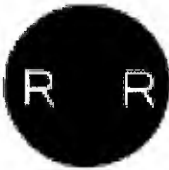
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Attest:



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

# EXHIBIT C



**RYAN R. SMITH LAW OFFICES**

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February 3, 2023

Marcee Sloan  
The Disciplinary Board of the Supreme Court  
601 Commonwealth Ave., Suite 5600  
P.O. Box 62625  
Harrisburg, PA 17106-2625

**RE: Timothy Tomasic, Esquire  
(134 DB 2021)**

Dear Ms. Sloan:

I write with respect to my responsibilities as Timothy Tomasic's sobriety monitor. On January 29, 2023 I spoke with Mr. Tomasic who informed me that he, unfortunately, relapsed. That is as much as I know regarding his sobriety. Accordingly, please accept this notification pursuant to my duty to report any concerns regarding the present condition of Mr. Tomasic.

Very truly yours,

Ryan R. Smith

RRS/mms

# EXHIBIT D

IN THE COURT OF COMMON PLEAS OF  
ALLEGHENY COUNTY, PENNSYLVANIA

-----

COMMONWEALTH OF  
PENNSYLVANIA

CRIMINAL DIVISION

No. CC 2021-08399  
2021-08878

vs.

STATUS HEARING TRANSCRIPT

KEITH JOHNSON,

DATE:  
January 5, 2023

Defendant.

REPORTED BY:  
Aimee P. Adams, RPR, CRR  
Official Court Reporter

BEFORE:  
Hon. Bruce R. Beemer

COUNSEL OF RECORD:

FOR THE COMMONWEALTH:  
Nichole Ehrheart, Esq.  
Assistant District Attorney

FOR THE DEFENDANT:  
Timothy Tomasic, Esq.

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1 P-R-O-C-E-E-D-I-N-G-S

2 - - -

3 (In Open Court.)

4 - - -

5 THE CLERK: Your Honor, now is the time  
6 and date for the status conferences for Keith  
7 Johnson at 2021-08399 and 2021-08878.  
8 Mr. Johnson, you can remain seated. Raise  
9 your right hand.

10 (Administered oath.)

11 THE COURT: All right. We're on the  
12 record for the purposes of the status  
13 conference. Counsel, please identify  
14 themselves.

15 MS. EHRHEART: May it please the Court,  
16 Nichole Ehrheart for the Commonwealth.

17 MR. TOMASIC: May it please the Court,  
18 Timothy Tomasic on behalf of Keith Johnson,  
19 Your Honor.

20 THE COURT: What's our trial date?

21 MR. TOMASIC: February 6th.

22 THE COURT: All right. Anything  
23 unresolved with respect to being trial ready?

24 MS. EHRHEART: Not on the  
25 Commonwealth's side.



1 THE COURT: Mr. Tomasic?

2 MR. TOMASIC: Your Honor, I have a  
3 number of things that were provided to me,  
4 printed off. There are a number of other  
5 things I need to be transcribed. The one  
6 issue that I have is in order to properly  
7 provide an adequate defense for  
8 Mr. Johnson -- there's a number of body  
9 camera footage from numerous police officers.

10 There are videos from Mercy. There are  
11 interviews, several-hour interviews. He  
12 would need to be able to view those. I'm  
13 sure the Court would give me an Order  
14 permitting him to do so.

15 THE COURT: I'll give you an Order to  
16 bring a laptop or whatever you need to review  
17 it.

18 MR. TOMASIC: Here's the problem. I  
19 attempted to do this for a case in Judge  
20 Borkowski, and the jail won't provide a  
21 computer. There's a gentlemen who rents one  
22 who is an IT gentleman who provides it.

23 There's a software the jail requires to  
24 be placed onto the laptop so Mr. Johnson or  
25 the defendant can only view those and doesn't

1 have any other source of access. I'm not  
2 going to provide my personal computer to the  
3 jail. If I need to come out of pocket and  
4 purchase one, that's fine, but like I said,  
5 there's a number of other expenses associated  
6 in this case.

7 As I mentioned to you at side-bar, I  
8 got in over my head with it. We'll do what  
9 we have to do to make it happen, but that's  
10 one of the biggest --

11 THE COURT: When was all this footage  
12 and everything turned over?

13 MR. TOMASIC: I've had it for a while,  
14 Judge. So I mean -- like I said, it's just  
15 on me, man. I've been trying to get my life  
16 back on track. You're familiar with my  
17 situation. I'm not -- I'm a solo guy.

18 I have two attempted homicides and a  
19 homicide this month and another jury trial in  
20 Judge Rangos. I am a one-man show. I'm  
21 competent to do a good job I believe for  
22 Mr. Johnson, but like I said, I want  
23 Mr. Johnson to have his trial.

24 THE COURT: I understand there's --  
25 this is not going to be resolved through a

1 plea negotiation; is that right?

2 MR. TOMASIC: Yeah. There is not going  
3 to be -- there was a 14 to 20 offer at the  
4 one case on the criminal attempt.

5 THE COURT: The offer's been relayed to  
6 Mr. Johnson, and he has rejected it?

7 MR. TOMASIC: He has, Your Honor.

8 THE COURT: Is that correct, sir?

9 THE DEFENDANT: Yes.

10 THE COURT: Okay.

11 MR. TOMASIC: He maintains that he did  
12 not do this, Your Honor.

13 THE COURT: Okay. He wants to have a  
14 trial, right?

15 MR. TOMASIC: Correct.

16 THE COURT: And he wants a jury trial?

17 MR. TOMASIC: Correct.

18 THE COURT: Which is scheduled for --  
19 is it February 6th?

20 MR. TOMASIC: Yes, sir.

21 THE COURT: All right. So what do  
22 we -- what do we need to do moving forward?

23 MR. TOMASIC: Is there any way the  
24 Court would consider appointing me on it? I  
25 mean, I understand that that's a hefty

1 request, but, you know, I'm a solo guy. And  
2 I got in under my head. This is a  
3 complicated case.

4 Our agreement was what it was. It have  
5 the second case that was in here as well, so  
6 I put my name on it as well. Like I said, I  
7 just got in over my head with it. There's a  
8 lot of information. I might have to come out  
9 of pocket on it all, and if I have to, I  
10 will.

11 THE COURT: And you spoke -- you spoke  
12 to your client? Mr. Johnson wishes for you  
13 to continue with representation; is that  
14 right?

15 THE DEFENDANT: No.

16 MR. TOMASIC: All right.

17 THE COURT: You don't want Mr. Tomasic  
18 to continue to represent you?

19 THE DEFENDANT: No.

20 THE COURT: Why don't we do this just  
21 to be clear. Mr. Johnson, can you tell me  
22 your full name?

23 THE DEFENDANT: Keith Johnson.

24 THE COURT: Mr. Johnson, how old are  
25 you?

1 THE DEFENDANT: Huh?  
2 THE COURT: How old are you?  
3 THE DEFENDANT: Thirty-five.  
4 THE COURT: All right. And how far  
5 have you gone in school?  
6 THE DEFENDANT: Twelfth.  
7 THE COURT: You can read, write and  
8 understand English, correct?  
9 THE DEFENDANT: Yeah, a little bit.  
10 THE COURT: You can understand the oral  
11 spoken word that I'm -- you have no issue  
12 understanding me, correct?  
13 THE DEFENDANT: No.  
14 THE COURT: All right. Have you had  
15 any drugs, alcohol or prescriptive medication  
16 in the last 24 hours that would affect your  
17 ability to understand what's going on? Do  
18 you take medication?  
19 THE DEFENDANT: Yes.  
20 THE COURT: What do you take?  
21 THE DEFENDANT: Thorazine, Remeron,  
22 Zyprexa.  
23 THE COURT: And they're to treat?  
24 THE DEFENDANT: Schizophrenia and ADHD.  
25 THE COURT: All right. And are you

1 clear-headed today?

2 THE DEFENDANT: I think so.

3 THE COURT: Okay. And when's the last  
4 time you took the medication? This morning?  
5 Last night?

6 THE DEFENDANT: This morning.

7 THE COURT: And it's to help -- it's a  
8 mood stabilizer?

9 THE DEFENDANT: Yeah, and a  
10 psychotropic medicine.

11 THE COURT: All right. And you've just  
12 indicated that you understand you have a  
13 trial date set for February 6th. Do you  
14 understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: And that's essentially one  
17 month from today.

18 If I were to permit Mr. Tomasic to  
19 withdraw in this case --

20 THE DEFENDANT: It will prolong it.

21 THE COURT: -- I don't see any way that  
22 competent Counsel would be prepared to  
23 represent you in that short period of time  
24 given the extensive volume of discovery,  
25 potential exhibits, those types of things

1           that would need to be gone over to determine  
2           what witnesses you might need or which to  
3           call on your own behalf or to properly  
4           prepare you. Do you understand that?

5           THE DEFENDANT: Yeah.

6           THE COURT: You currently understand --  
7           you are currently incarcerated. You would  
8           have the right to hire private Counsel if you  
9           so chose, but if you were unable to hire  
10          private Counsel, I would either have to make  
11          available the services of the Office of the  
12          Public Defender, the Office of Conflict  
13          Counsel or appoint a private attorney to  
14          represent you. Do you understand that?

15          THE DEFENDANT: Yeah.

16          THE COURT: All right. Is that what  
17          you are -- do you need more time to confer  
18          with Mr. Tomasic, or is that what you wish to  
19          do in this case? Listen. I'm going to tell  
20          you this right now, Mr. Johnson. Obviously  
21          it's a very serious --

22          THE DEFENDANT: It's my life.

23          THE COURT: -- case with which you are  
24          charged. It is a very important decision.  
25          If you have not had sufficient time to

1 discuss with Mr. Tomasic whether you wish to  
2 continue to have him represent you for the  
3 reasons that I've stated -- because it would  
4 probably almost certainly necessitate a delay  
5 if I allowed Mr. Tomasic to withdraw in your  
6 case.

7 If you don't feel you have had  
8 sufficient time to talk to him, I can put  
9 this on for a day next week and bring you  
10 back after you have had time to talk with  
11 Mr. Tomasic about it.

12 What do you want to do? I don't want  
13 to force you into making a snap decision if  
14 you don't feel you've had sufficient time.  
15 However, I do want -- if the case is going to  
16 be tried on February 6th, everybody needs to  
17 know that, including your Counsel, and we're  
18 going to have to address the logistics to  
19 properly allow you to prepare.

20 If you want new Counsel or there's been  
21 a breakdown in the attorney-client  
22 relationship that you don't wish to have  
23 Mr. Tomasic represent you, we need to know  
24 that as soon as possible, but I'm not going  
25 to force you into a decision at the moment



1 unless you are comfortable making it and you  
2 feel you have had sufficient time. Okay?

3 THE DEFENDANT: Yeah.

4 THE COURT: All right. What do you  
5 want to do? Do you want more time?

6 THE DEFENDANT: Yeah.

7 THE COURT: All right. What's the  
8 Commonwealth's position? I mean, these  
9 are -- these matters are -- I want to get  
10 them moving. Does the Commonwealth have a  
11 position?

12 MS. EHRHEART: I do have a position.

13 THE COURT: Go ahead.

14 MS. EHRHEART: I think that if  
15 Mr. Johnson hasn't reviewed all of this  
16 discovery yet either, I don't think it's very  
17 intelligent to reject the offer that was  
18 given. I mean, I understand if he's  
19 definitely dead set on a trial.

20 THE COURT: That's the Commonwealth's  
21 prerogative to leave the offer open until  
22 he's had a full opportunity to review  
23 everything. That certainly is a choice the  
24 Commonwealth can make to continue to allow  
25 the offer to stay open until there's been

1 more of a full opportunity for review with  
2 his Counsel. I get that point for sure.

3 Do you have any sort of position on --  
4 well, I guess I'm not even going to ask. I  
5 put the cart before the horse because you  
6 don't need to take a position because he's  
7 not technically asking for him to withdraw at  
8 this point.

9 I will give you an opportunity to  
10 further discuss this as an attorney and as a  
11 client whether Mr. Tomasic would be who you  
12 would choose to have represent you at the  
13 February trial date. If you choose or you  
14 reach a mutual decision that Mr. Tomasic  
15 would withdraw, he could file a motion to  
16 withdraw if that's what you want as long as  
17 you understand because I have it here.

18 And I want this on the record that that  
19 almost -- if I have to appoint Counsel for  
20 you, which I will do because you need to be  
21 represented by competent Counsel, if I do  
22 that, it's going to mean a delay in the case.  
23 I want you to understand that.

24 So you and Mr. Tomasic can have that  
25 discussion whether you want to have him

1 continue to represent you. I'm not going to  
2 address the issue right now about appointing  
3 to assist for various reasons, appointing  
4 Mr. Tomasic to represent you. I am very  
5 interested in not having a delay in this  
6 matter.

7 So if -- I would consider it if that  
8 would facilitate moving forward, but I'm not  
9 going to say what I would do about  
10 court-appointing Mr. Tomasic at this point.  
11 He's been engaged as private Counsel for a  
12 year.

13 MR. TOMASIC: Since April.

14 THE COURT: Since April. What we're  
15 going to do is this. I'm going to let you  
16 guys pick a date and time next week to come  
17 back. I need an answer on what you are going  
18 to do relative to Mr. Tomasic's  
19 representation of you because I don't want it  
20 to be delayed any further.

21 If I have to appoint Counsel, it's  
22 going to delay the trial. That's almost --  
23 there's nobody that's going to take the case  
24 knowing they have to go to trial and be  
25 prepared on something of that magnitude in

1 three weeks. It's not going to happen. I'm  
2 just telling you so you understand what that  
3 will mean.

4 If that is something that you choose to  
5 do, Mr. Tomasic moves to withdraw, then  
6 that's the route we will probably end up  
7 doing. We'll address it next week. All  
8 right. Anything else?

9 MR. TOMASIC: Nothing further, Judge.  
10 I'll go down, and I'll see him. I'll provide  
11 him with the information. We'll have a few  
12 lengthy discussions. If he wants to move  
13 forward without me, I want him to receive the  
14 representation that he deserves.

15 THE COURT: I want the two of you in a  
16 confidential attorney-client capacity, have a  
17 discussion and him not have a snap decision  
18 when he's had a talk with you in a courtroom.

19 MR. TOMASIC: Thank you, Judge.

20 THE COURT: Thank you.

21 - - -

22 (Whereupon, the proceedings were adjourned.)

23 - - -

COMMONWEALTH OF PENNSYLVANIA)  
COUNTY OF ALLEGHENY }

CERTIFICATE OF REPORTER

*I, Aimee P. Adams, RPR, CRR, an Official Court Reporter, do hereby certify that the evidence and proceedings are contained fully and accurately in the machine shorthand notes taken by me at the hearing of the within cause, and that this is a correct transcript of the same.*

A handwritten signature in cursive script, reading "Aimee Adams", written in black ink.

---

Aimee P. Adams, RPR, CRR  
Official Court Reporter

# EXHIBIT E

IN THE COURT OF COMMON PLEAS OF  
ALLEGHENY COUNTY, PENNSYLVANIA

-----

COMMONWEALTH OF  
PENNSYLVANIA

CRIMINAL DIVISION

No. CC 2021-08399  
CC 2021-08878

VS.

STATUS CONFERENCE TRANSCRIPT

KEITH JOHNSON,

DATE:  
February 6, 2023

Defendant.

REPORTED BY:  
Abby L. Cook,  
Official Court Reporter

BEFORE:  
Hon. Bruce R. Beemer

APPEARANCES:

FOR THE COMMONWEALTH:  
Nichole Ehrheart, Esquire  
Assistant District Attorney

FOR THE DEFENDANT:  
Pro Se

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- - -

PROCEEDINGS CONVENED - 11:13 A.M.

- - -

THE CLERK: Your Honor, now's the time and date set for the matter of Keith Johnson at CC 2021-08399 and 2021-08878.

Mr. Johnson, you can remain seated. If you could just raise your right hand for me please.

*(Oath administered.)*

THE COURT: All right. We're on the record, Commonwealth versus Johnson. Counsel identify themselves please.

ATTORNEY EHRHEART: May it please the Court, Nichole Ehrheart for the Commonwealth.

THE COURT: All right. Now's the time and date set for trial in the matter of Commonwealth of Pennsylvania versus Keith Johnson. I would note for the record that Mr. Johnson has appeared. His current Counsel of record, Mr. Tomasic, has not appeared. The Court has confirmed that -- confirmed this morning that Mr. Tomasic is in a medical facility, may be there for a period of time and, obviously, is thus unavailable.



1                   When we were last here at the status  
2                   hearing that occurred on January 5, 2023, the  
3                   Court expressed concern with respect to  
4                   Mr. Tomasic's ability to move forward in  
5                   light of some statements that Mr. Johnson had  
6                   made and Mr. Tomasic's own indications at  
7                   that time that he was struggling to prepare  
8                   the case for trial in the voluminous  
9                   discovery and other issues. We attempted to  
10                  schedule another status conference in which  
11                  Mr. Tomasic was unable to appear because he  
12                  was also in a medical facility at that time.

13                 I'm going to conduct a colloquy now of  
14                 Mr. Johnson because we have to address the  
15                 issue of providing him counsel so that his  
16                 case can be resolved.

17                 Mr. Johnson, could you state your name  
18                 please?

19                 THE DEFENDANT: Keith Johnson.

20                 THE COURT: How old are you?

21                 THE DEFENDANT: 35.

22                 THE COURT: And how far have you gone  
23                 in school?

24                 THE DEFENDANT: 12th.

25                 THE COURT: All right. You can read,

1 write, and understand English, correct?

2 THE DEFENDANT: A little bit.

3 THE COURT: All right. You can  
4 understand English, like, the spoken word, my  
5 talking to you?

6 THE DEFENDANT: Yes.

7 THE COURT: All right. So when you say  
8 a little bit, you struggle with reading and  
9 writing; is that --

10 THE DEFENDANT: Yeah.

11 THE COURT: Okay. All right. Have you  
12 had any drugs, alcohol, or prescriptive  
13 medication in the last 24 hours that would  
14 effect your ability to understand what's  
15 going on here?

16 THE DEFENDANT: No.

17 THE COURT: All right. Mr. Johnson,  
18 you recall being here last month on January  
19 the 5th where we had a status conference.  
20 You indicated at that time you had some  
21 concerns about Mr. Tomasic representing you  
22 but wished to have additional time to speak  
23 with him; is that -- do you recall that?

24 THE DEFENDANT: Yes.

25 THE COURT: Did that actually occur?

1 Did Mr. Tomasic ever appear at the Allegheny  
2 County Jail or remotely to have an  
3 attorney/client communication with you about  
4 his continued representation?

5 THE DEFENDANT: No.

6 THE COURT: All right. So have you  
7 spoken with Mr. Tomasic since the January 5th  
8 hearing where I indicated that he was to meet  
9 with you?

10 THE DEFENDANT: On the phone.

11 THE COURT: You spoke with him on the  
12 phone?

13 THE DEFENDANT: (No verbal response.)

14 THE COURT: All right. And that  
15 occurred after you were here in court?

16 THE DEFENDANT: Yes.

17 THE COURT: All right. About how long  
18 did you speak with him? I don't want to know  
19 anything that you talked about. I just want  
20 to know how --

21 THE DEFENDANT: About 10, 15 minutes.

22 THE COURT: About how long?

23 THE DEFENDANT: 10 to 15 minutes.

24 THE COURT: All right. The Court has  
25 reached the conclusion based on all of the

1 facts and circumstances here in this matter  
2 and everything that has occurred over the  
3 preceding weeks that it is no longer in a  
4 position where it can allow Mr. Tomasic to  
5 continue to represent you and have your case  
6 resolved in a timely and expeditious way to  
7 which you are entitled. Do you understand?

8 THE DEFENDANT: Yes.

9 THE COURT: Are you agreement with  
10 that?

11 THE DEFENDANT: Yes.

12 THE COURT: All right. Are you asking  
13 to have counsel appointed for you on your  
14 behalf?

15 THE DEFENDANT: Yes.

16 THE COURT: All right. So what we're  
17 -- the Court's I think expressed some concern  
18 at the original status hearing on January the  
19 5th. We had had previous status hearings  
20 scheduled in which Defense Counsel had not  
21 appeared for one reason or another. In an  
22 attempt to make sure that this case was on  
23 track for both sides and have this case  
24 resolved on the listed trial date which is  
25 today, given the circumstance that have

1 transpired, Mr. Tomasic's unavailability, the  
2 Court's going to sign an order having  
3 Mr. Tomasic removed as Mr. Johnson's counsel  
4 and having new counsel appointed for him.

5 We're going to schedule a status  
6 conference in a couple weeks to address  
7 selecting a new trial date once new counsel  
8 has been appointed and has had an opportunity  
9 to speak with Mr. Johnson. Because I want  
10 whoever we're going to appoint on this case  
11 -- has to be able to be committed to trying  
12 this case on the next listing when it's  
13 schedule for trial. Given the length of time  
14 that both sides -- and this is through no  
15 fault of Mr. Johnson's that I can see, this  
16 delay that is occurring. Although it is --  
17 it's a defense delay technically because his  
18 counsel is not here to represent him.

19 Ms. Ehrheart, anything you want to  
20 place on the record for the -- as the  
21 attorney for the Commonwealth?

22 ATTORNEY EHRHEART: Not particularly,  
23 Your Honor. I think you covered everything.

24 THE COURT: Okay. So we're going to --  
25 once we -- as soon as we get counsel

1 appointed for you, Mr. Johnson, which I'm  
2 going to try to have done in the next 24  
3 hours, and they are able to reach out and  
4 have contact with you, we're going to  
5 schedule a status conference where we would  
6 select a trial date and start talking about  
7 any matters that need to be attended to so  
8 that your case can be tried on the next  
9 available date. And I'm going to prioritize  
10 the case in the sense that when your new  
11 counsel can be ready to try the case and it's  
12 consistent with the calendar for the attorney  
13 for the Commonwealth and the ability to get  
14 witnesses and everybody here, we're going to  
15 try to do this on the next available date  
16 that we have, okay? Do you understand all  
17 that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you have any questions  
20 of -- about anything that we just talked  
21 about?

22 THE DEFENDANT: No.

23 THE COURT: Okay.

24 THE DEFENDANT: I do got a -- is there  
25 any way I can get bond or house arrest?

1 THE COURT: When your new counsel's  
2 appointed, you talk to them about anything  
3 that you would like to have filed; that would  
4 include a motion to modify bond. And we'll  
5 talk about scheduling a hearing, okay?

6 THE DEFENDANT: Okay. Thank you.

7 THE COURT: All right. With that, I  
8 don't think we have anything else that we  
9 need on the record at this time. So we can  
10 have Mr. Johnson taken down. We'll see you  
11 in a few weeks once we get the status  
12 conference scheduled and your counsel  
13 appointed, okay?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: All right. Thank you.

16 ATTORNEY EHRHEART: Thank you, Your  
17 Honor.

18 - - -

19 PROCEEDINGS ADJOURNED - 11:22 A.M.

20 - - -

1 COMMONWEALTH OF PENNSYLVANIA)  
2 COUNTY OF ALLEGHENY }

3  
4  
5  
6 CERTIFICATE OF REPORTER  
7

8 I, Abby L. Cook, an Official Court Reporter, Official  
9 Court Reporter for the Court of Common Pleas of Allegheny  
10 County, Pennsylvania, do hereby certify that the evidence and  
11 proceedings are contained fully and accurately in the machine  
12 shorthand notes taken by me to the best of my abilities at the  
13 hearing of the within cause, and that the same were  
14 transcribed under my supervision and direction, and that this  
15 is a correct transcript of the same.  
16  
17  
18  
19  
20

21 /s/ Abby L. Cook  
22 Abby L. Cook  
23 Official Court Reporter  
24  
25



# EXHIBIT F

ORIGINAL  
Criminal Division  
JUDGE OF COURT ROOM  
Allegheny County, PA

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

CP-02-CR-008399-2021

v.

KEITH JOHNSON

HON. BRUCE R. BEEMER

Defendant,

ORDER OF COURT

AND NOW, this 7<sup>th</sup> day of February, 2023, after conducting a hearing on February 6, 2023, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. For the reasons stated on the record and at the Defendant's request, Timothy Tomasic, Esq., is removed as counsel. The Court will appoint counsel by separate order

BY THE COURT:



BRUCE R. BEEMER, J.

FILED  
2023 FEB -7 1 PM 10:50  
CLERK OF COURT  
CRIMINAL DIVISION  
ALLEGHENY COUNTY PA

Cc: Keith Johnson, ACJ (DOC#137816); Nichole Ehrheart, ADA, Timothy Tomasic, Esq.

# EXHIBIT G

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,  
PENNSYLVANIA

COMMONWEALTH OF  
PENNSYLVANIA

CRIMINAL DIVISION

No. MD 1595-2019

vs.

Hearing

TIMOTHY TOMASIC,

REPORTED BY:

Janet M. Barto  
Official Court Reporter

Defendant.

DATE:

May 31, 2019

BEFORE:

Hon. Jeffrey A. Manning

COUNSEL OF RECORD:

For the Commonwealth:  
Daniel Fitzsimmons, Esq.  
District Attorney's Office

For the Defendant:  
James Crosby, Esq.  
Elbert Gray, Esq.

JANET M. BARTO  
OFFICIAL COURT REPORTER

1 Friday Morning,  
2 May 31, 2019.

3 - - -

4 THE CLERK: Hearing of Mr. Timothy  
5 Tomasic.

6 Mr. Tomasic, come forward with your  
7 counsel.

8 (Defendant sworn.)

9 THE COURT: Good morning.

10 MR. CROSBY: Good morning, Your Honor.  
11 May it please the court, Jim Crosby.

12 THE COURT: Yes, Mr. Crosby.

13 MR. GRAY: May it please this honorable  
14 court, Elbert Gray on behalf of Tim Tomasic.  
15 How are you?

16 THE COURT: Thank you, good. You have two  
17 of the best lawyers.

18 MR. GRAY: Thank you, Your Honor.

19 THE COURT: Are you listening to them?

20 MR. TOMASIC: Yes, Your Honor.

21 THE COURT: All right. Well, you  
22 basically called this meeting.

23 MR. CROSBY: I did, Your Honor.

24 THE COURT: I acquiesced, what do you have  
25 to say?

1 MR. CROSBY: You know Mr. Tomasic has  
2 finished his rehab, are you aware of that?

3 THE COURT: I'm aware he finished a rehab  
4 period.

5 MR. CROSBY: He finished one rehab,  
6 correct. He did a 28 day inpatient. He has a  
7 sponsor --

8 THE COURT: Frankly, I'll be very frank, I  
9 think that is not enough.

10 MR. CROSBY: I know that. I would agree  
11 with you.

12 THE COURT: Given his --

13 MR. CROSBY: He is continuing --

14 THE COURT: His somewhat checkered  
15 history.

16 MR. CROSBY: He does, and he knows that.

17 THE COURT: I'm not criticizing him for  
18 that because I understand the nature of what  
19 addiction is. And I'm not sure he has.

20 I will listen to what you have to say,  
21 tell me what you want to do because --

22 MR. CROSBY: He can tell you what he has  
23 been doing since he got out on Tuesday. He has  
24 been going to NA classes, AA meetings. He is  
25 living with his mom. He's got a new plan for

1 life I think he wants to tell you.

2 THE COURT: Has the Superior Court  
3 Disciplinary Board of Pennsylvania taken any  
4 action?

5 MR. CROSBY: Not so far.

6 THE COURT: Principally because I don't  
7 think the court has set in motion things that  
8 would cause them to.

9 MR. CROSBY: And we certainly appreciate  
10 that.

11 THE COURT: Hold him in contempt, punish  
12 him as I said is not my role in this kind of a  
13 case. My role in this kind of a case is seeing  
14 that he gets the treatment, that he continues  
15 the treatment, that he involves himself in  
16 treatment to successful completion, if he can  
17 do that. At some point in time -- at some  
18 point in time the hammer falls.

19 MR. CROSBY: Absolutely. He knows how it  
20 works.

21 THE COURT: Okay, well, he should. He  
22 should also understand this is like the legend  
23 of the Sword of Damocles, hanging by a thread  
24 above his neck and that he controls whether  
25 that thread breaks or whether it doesn't.

1 MR. CROSBY: Yes, Your Honor.

2 THE COURT: What do you want to do? I  
3 prefer him to go back to rehab.

4 MR. CROSBY: There is a money issue there.

5 MR. TOMASIC: If I may speak, Your Honor.

6 THE COURT: Well, I told you and I meant  
7 it, the court will order him to be there and  
8 that's a court order and I'm not concerned  
9 about the money issue. I'm not -- that will  
10 come from the court side, whatever it has to be  
11 is whatever has to be.

12 MR. CROSBY: Absolutely, that's what has  
13 to be done, Your Honor. Three weeks ago they  
14 wanted to release him. He called me and I said  
15 you got to do --

16 THE COURT: There is no money, they always  
17 want to do that.

18 MR. CROSBY: Right, you know, for  
19 financial reasons. That was the issue.

20 THE COURT: Sure.

21 MR. CROSBY: They held him for 28 days and  
22 they basically told you you got to go, right?

23 MR. TOMASIC: I was -- I completed the  
24 program. I mean they had come to me after 15  
25 days, Your Honor, and --



1 THE COURT: He is asking you questions.  
2 You may answer them and not be concerned.  
3 Mr. Gray asking -- any questions you are asked  
4 here you don't have to be concerned, they are  
5 not going to be used against you.

6 MR. TOMASIC: Honestly, Your Honor, I  
7 prefer to just speak freely if that's okay.

8 THE COURT: You may do so if your lawyers  
9 are happy with that. You understand you are  
10 subject to cross-examination by  
11 Mr. Fitzsimmons.

12 MR. TOMASIC: Yes, I do, Your Honor.

13 THE COURT: Okay.

14 MR. TOMASIC: Your Honor, I'm not proud of  
15 my actions and --

16 THE COURT: Of course, you shouldn't be,  
17 there is nothing to be proud of. You don't  
18 have to vent it all here.

19 MR. TOMASIC: I'm not trying to do that  
20 either, I'm merely trying to let you know where  
21 I am mentally and physically. I have put on 25  
22 pounds and I've been working out, I've been  
23 praying, I have a sponsor, I go to meetings.

24 MR. CROSBY: His sponsor is here but he  
25 had shorts on. We actually picked him up on

1 the way here, I drove Mr. Tomasic, but he has  
2 shorts on so I didn't want to bring him into  
3 your courtroom.

4 THE COURT: That's a better idea, you may  
5 represent what he has to say.

6 MR. TOMASIC: And I just want to apologize  
7 for my actions. You know, I would not --

8 THE COURT: Apology for any actions is  
9 best formed by your continued treatment and  
10 your continued ability to understand your  
11 problem and by doing something about it, which  
12 I am satisfied that you are doing at this  
13 point.

14 MR. TOMASIC: Your Honor, I am going to  
15 meetings every day, I'm praying. I have a  
16 sponsor, I'm clean one day at a time, it's a  
17 one day at a time program, Judge. I been in  
18 and out of this program, NA, AA since 2010. I  
19 have been to nine treatment facilities, I've  
20 been to nine treatment facilities in nine  
21 years. If you were to aggregate all the clean  
22 time that I have had I probably been clean  
23 around five of those years.

24 MR. CROSBY: None of those worked  
25 obviously.

1           MR. TOMASIC: Obviously. The goal is to  
2           be able to sustain this for life, and what is  
3           that? I'm also seeing a therapist, I had a  
4           therapy appointment with him yesterday, I'm  
5           seeing him regularly. I actually was able to  
6           obtain insurance. I would be more than willing  
7           to do whatever the court feels is necessary but  
8           I can tell you that my plan is to step away  
9           from the practice of law, Your Honor.

10          THE COURT: All right.

11          MR. TOMASIC: It's been very toxic for me.

12          THE COURT: As you well know, probably  
13          well do, that there are other people who are  
14          members of the bar similarly situated to you,  
15          one of them in particular was before me not too  
16          long ago who had gone through a ninety day  
17          period of rehab and appeared to me basically  
18          corrected what he was going to do in the  
19          future. I can only hope that's what happens.  
20          But --

21          MR. CROSBY: Yes, Your Honor.

22          THE COURT: All right.

23          MS. GRAYSON: I have made arrangements  
24          prior to coming here --

25          THE COURT: I know he wants to talk and

1 that's okay. But I think, you know, the two of  
2 you speak well for him and well enough for him  
3 we can figure out where we are going. You tell  
4 me where you want to go, where your plan is to  
5 go and all I will do is say yes or no. I want  
6 to say no right now because I'm not convinced.

7 MR. CROSBY: Yes, Your Honor.

8 THE COURT: Mr. Fitzsimmons, do you want  
9 to say anything, anything from the district  
10 attorney, on behalf of the district attorney?

11 MR. FITZSIMMONS: Your Honor, I don't know  
12 as much about the situation as you do. I  
13 assume I know enough about the situation and  
14 enough about addiction to know that it's  
15 probably too soon for the court to close out  
16 supervision of what's going on here.

17 THE COURT: I think that's wise advice and  
18 I agree with it.

19 MR. GRAY: Judge, first off, prior to  
20 Mr. Tomasic being committed to the Allegheny  
21 County Jail he was going through an eviction  
22 proceeding with KPP Management and the  
23 Allegheny Building. I have remained in contact  
24 with them. The proceeding --

25 THE COURT: Then he escaped, was basically

1 on the run. I know Lt. Kearney knew where he  
2 was and Lt. Kearney communicated to him  
3 directly as I understand it. He said -- Lt.  
4 Kearney said I'm not going to bother bringing  
5 him in front of the Judge because you're not  
6 ready yet.

7 MR. GRAY: Understood.

8 THE COURT: Is that right?

9 MR. TOMASIC: I never had any contact with  
10 Lt. Kearney, Your Honor.

11 THE COURT: Well, he contacted you, maybe  
12 you don't even know about it.

13 MS. GRAYSON: As it related to his  
14 practice, he has --

15 THE COURT: That's another issue I don't  
16 think this court needs to be involved in.

17 MS. GRAYSON: Just to let the court know  
18 that just prior to coming up here I made  
19 arrangements with the landlord of the property  
20 for him to leave the office open so he can get  
21 his files and personal belongings out of there.  
22 They told me that although it's not their  
23 policy or practice they would advise security  
24 to allow him to get there any time after twelve  
25 Saturday or Sunday.

1           And so I just wanted the court to know  
2           that his client files are still there. I don't  
3           want anything to happen to any of that stuff.  
4           I don't have a place to put it so I just talked  
5           to him this morning, I just found out that he  
6           was home. So while I talked to him I was in  
7           contact with the landlord to try to work  
8           something out so we could get his stuff. I  
9           just didn't know what to do with it. It's very  
10          sensitive stuff, client files.

11          THE COURT: The question is, is someone  
12          going to take over those files for him?

13          MS. GRAYSON: I think we have to determine  
14          that. I don't know what's in there because I  
15          didn't get in there and I just talked to Tim  
16          this morning. He has to pick that stuff up  
17          because, again, the landlord told me, conveyed  
18          to me if we take it from the building we will  
19          store it at your expense and then you have to  
20          make arrangements to get it. But she did also  
21          say rather than having him incur those costs I  
22          will just allow him against policy to come in  
23          over the weekend to get his stuff. He is just  
24          learning this today as well.

25          MR. CROSBY: Your Honor, just a couple

1 more things, I don't want to take all your  
2 time. But Tim --

3 THE COURT: That's what I am here for.

4 MR. CROSBY: He made a gigantic mess  
5 financially, his reputation, we all know that,  
6 but his home is in foreclosure at this point in  
7 time. He has equity in his home. He has  
8 arranged to sell it, he just had to pay some  
9 money to get it out of foreclosure. He is  
10 going to sell it. Would you consider --

11 THE COURT: These are collateral  
12 consequences.

13 MR. CROSBY: I know.

14 THE COURT: Of what he did to himself.

15 MR. CROSBY: Absolutely.

16 THE COURT: I don't know if the court has  
17 the authority or the power nor do I  
18 necessarily -- I don't want to run his life for  
19 him.

20 MR. CROSBY: I know that, I know that,  
21 Your Honor.

22 I guess what I'm getting at is would you  
23 consider outpatient for him so that he could --

24 THE COURT: Yes, yes.

25 MR. CROSBY: Get him admitted to

1 outpatient right away.

2 THE COURT: Do that. Do that. I'm not  
3 going to -- I'm not here to supervise him.

4 MR. CROSBY: I understand that.

5 THE COURT: Nor do I want to.

6 MR. CROSBY: I appreciate that.

7 THE COURT: He has to supervise himself  
8 along with able help from the two of you.

9 MR. CROSBY: Thank you, Your Honor.

10 THE COURT: All right.

11 MR. TOMASIC: Thank you, Your Honor.

12 Thank you.

13 THE COURT: We'll let him be where he is.

14 MR. TOMASIC: Thank you, Your Honor.

15 MR. CROSBY: Thank you.

16 MR. GRAY: Thanks, Judge.

17 (Whereupon, the proceeding was concluded).

18 - - -

19

20

21

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25



COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF ALLEGHENY )

) SS:

CERTIFICATE OF REPORTER

I, Janet M. Barto, do hereby certify that the evidence and proceedings are contained fully and accurately in the machine shorthand notes taken by me at the hearing of the within cause, and that the same were transcribed under my supervision and direction, and that this is a correct transcript of the same.

---

Janet M. Barto  
Official Court Reporter  
Court of Common Pleas

The foregoing record of the proceedings upon the hearing of the above cause is hereby approved and directed to be filed.

---

Judge

JANET M. BARTO  
OFFICIAL COURT REPORTER

# EXHIBIT H



# CLEAR DAY

TREATMENT OF WESTMORELAND, L.L.C.

March 22, 2022

Timothy Tomasic  
234 Shiloh Street Rear  
Pittsburgh, PA 15211

RE: Timothy Tomasic  
DOB: 07/28/1976

Dear Timothy,

The purpose of this letter is to confirm that the above-mentioned individual was a patient at Clear Day Treatment of Westmoreland. He was present in treatment from May 13, 2021, 12:44p.m. to May 14, 2021 11:08a.m.

Should you have any questions about this admission, please feel free to contact your assigned counsellor, Cordelia Claiborne at (724)834-7000 ext. 111, or me at 724-834-7000 ext. 102.

*This information has been disclosed to you from records protected by federal confidentiality rules (42 CFR part 2). The federal rules prohibit you from making any further disclosure of information in this record that identifies a patient as having or having had a substance use disorder either directly, by reference to publicly available information, or through verification of such identification by another person unless further disclosure is expressly permitted by the written consent of the individual whose information is being disclosed or as otherwise permitted by 42 CFR part 2.*

Thank you,

**Nakkia Proffitt, CRS**

Nakkia Proffitt, CRS  
Quality Improvement Manager  
Clear Day of Westmoreland  
1037 Compass Circle  
Greensburg, PA 15601  
[nproffitt@cleardaytc.com](mailto:nproffitt@cleardaytc.com)

# EXHIBIT I



# GatewayRehab

02/23/2022

Addiction Recovery &amp; Self Renewal

Amy J. Coco, Esquire  
429 Fourth Ave. #802  
Pittsburgh, PA 15219

100 Moffett Run Road  
Aliquippa, PA 15001

Admit Date: 10/04/2021

Discharge Date (if discharged): 10/08/2021

RE: Timothy Tomasic

Date of Birth: 7/28/1976

Dear Amy J. Coco

Current Status: Discharged

This letter shall serve as verification that drug and/or alcohol rehabilitation services were provided by Gateway Rehabilitation Center. Participation occurred in the following treatment programs (\*Detox, Inpatient, Extended Care, and CTC are residential programs):

Program	Location	Schedule*	Status
Detoxification and Assessment Unit			
<input checked="" type="checkbox"/> Inpatient	Abe's Inpatient-Redwood		Discharged or Completed
Partial Hospitalization Program (PHP)			
Intensive Outpatient Program (IOP)			
Outpatient (OP)			
Extended Care			
Community Transition Center (CTC)			

During their time in treatment, patients are involved in lectures, group therapy, individual therapy sessions, family therapy sessions, and asked to submit to random urine drug screens, as well as attend Alcoholics Anonymous (AA) and/or Narcotics Anonymous (NA) Meetings.

#### Comments:

Timothy received an against medical advice discharge on October 8, 2021.

Sincerely,

Lindsey Price

This information has been disclosed to you from records protected by Federal confidentiality rules (42 CFR Part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patients.

If you have any questions or require additional information, please contact the Health Information Management Department at 724-378-4461, x1195.

Patient's Therapist (active patients only):

Phone Number:

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. Disciplinary Docket
	:	No.
Petitioner	:	
	:	No. 134 DB 2021
v.	:	
	:	
TIMOTHY NICHOLAS TOMASIC,	:	Attorney Registration No. 205126
	:	
Respondent	:	(Allegheny County)

VERIFICATION

The statements contained in the foregoing *Petition for Emergency Temporary Suspension Order and Related Relief Pursuant to Rule 208(f)(1), Pa.R.D.E.*, 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.

2/17/2023

Date



---

Daniel S. White  
Disciplinary Counsel

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. Disciplinary Docket
	:	No.
Petitioner	:	
	:	No. 134 DB 2021
v.	:	
	:	
TIMOTHY NICHOLAS TOMASIC,	:	Attorney Registration No. 205126
	:	
Respondent	:	(Allegheny County)

PROOF OF SERVICE

I hereby certify that I am causing to be served a copy of the foregoing *Petition for Emergency Temporary Suspension Order and Related Relief Pursuant to Rule 208(f)(1), Pa.R.D.E.*, and all accompanying documents upon the persons and in the manner indicated below, which service satisfies the requirements of Rule 208(f)(1), Pa.R.D.E.:

Personal Service to be attempted:

Timothy Nicholas Tomasic, Esquire  
1031 5th Avenue  
East McKeesport, PA 15035

2/ /2023

Date



---

Thomas J. Farrell  
Chief Disciplinary Counsel

**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



# **APPENDIX B**

**IN THE SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2962 Disciplinary Docket No. 3
	:	
Petitioner	:	
	:	No. 134 DB 2021
v.	:	
	:	
	:	Attorney Registration No. 205126
TIMOTHY NICHOLAS TOMASIC	:	
	:	
Respondent	:	(Allegheny County)

**ORDER**

**PER CURIAM**

**AND NOW**, this 17<sup>th</sup> day of March, 2023, upon consideration of Respondent's response to this Court's Rule to Show Cause, the Rule is made absolute. It is ordered that:

1. Respondent is placed on temporary suspension until further definitive action by this Court, see Pa.R.D.E. 208(f)(2);
2. Respondent shall comply with the provisions of Pa.R.D.E. 217;
3. The President Judge of the Court of Common Pleas of Allegheny County shall enter such orders as may be necessary to protect the rights of Respondent's clients or fiduciary entities with which he is involved, see Pa.R.D.E. 217(g); and
4. All financial institutions in which Respondent holds fiduciary funds shall freeze such accounts pending further action by a court of appropriate jurisdiction.

Respondent's rights to petition for dissolution or amendment of this order and to request accelerated disposition of charges underlying this order pursuant to Pa.R.D.E. 208(f)(6) are specifically preserved.

This Order constitutes an imposition of public discipline. See Pa.R.D.E. 402(c)(3) (providing an exception to the confidentiality requirement of Rule 402 when "an order of temporary suspension from the practice of law is entered by the Court pursuant to Enforcement Rule 208(f)").

A True Copy Nicole Traini  
As Of 03/17/2023

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 57 DB 2023
Petitioner	:	
	:	
v.	:	Attorney Reg. No. 205573
	:	
NATHANIEL EDMOND STRASSER,	:	
Respondent	:	(Erie County)

**CERTIFICATE OF SERVICE**

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

Email only, as follows:

Jason Alan Medure, Esquire  
Hearing Committee Chair  
Medure Bonner Bellissimo, LLC  
713 Wilmington Avenue  
New Castle, PA 16101

jmedure@medurebonnerlaw.com

Ashley Ardoin Piovesan, Esquire  
Hearing Committee Member  
Alcoa Corp.  
201 Isabella Street, Suite 500  
Pittsburgh, PA 15212

ashley.piovesan@alcoa.com

Michael Thomas Della Vecchia, Esquire  
Hearing Committee Member  
Mezzanotte Hasson & Sichok  
Six PPG Place, Suite 750  
Pittsburgh, PA 15222

Michael.dellavecchia@libertymutual.com

Philip B. Friedman, Esquire  
Counsel for Respondent  
Purchase George and Murphey  
2525 W. 26<sup>th</sup> Street  
Erie, PA 16506

pfriedman@crfwlaw.com



Dated: 4/18/24

---

DANIEL S. WHITE  
Disciplinary Counsel  
Office of Disciplinary Counsel  
District IV Office  
Frick Building, Suite 1300  
437 Grant Street  
Pittsburgh, PA 15219  
(412)-565-3173  
Attorney Reg. No. 322574

**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