

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :

Petitioner :

: Nos. 121 DB 2019 and  
: 32 DB 2020

v. :

TANCREDI WILLIAM CALABRESE, :

: Attorney Registration No. 315687

Respondent : (Fayette County)

PETITION FOR DISCIPLINE

Petitioner, Office of Disciplinary Counsel (ODC), by Thomas J. Farrell, Chief Disciplinary Counsel, and James M. Fox, Disciplinary Counsel-in-Charge, files the within Petition for Discipline, and charges Respondent Tancredi William Calabrese with professional misconduct in violation of the Rules of Professional Conduct and the Pennsylvania Rules of Disciplinary Enforcement as follows:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, PA 17106-2485, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (Pa.R.D.E.), with the power and the

**FILED**

**12/14/2023**

**The Disciplinary Board of the  
Supreme Court of Pennsylvania**

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, Tancredi Calabrese, was born on August 2, 1987. He was admitted to practice law in the Commonwealth of Pennsylvania on August 30, 2013.

3. Respondent's attorney registration mailing address is 106 Tyler Court, Uniontown, PA 15401.

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

#### CHARGE I: THE CRIMINAL CONVICTION

5. On February 13, 2020 Respondent was charged with Knowledge that Property is Proceeds of Illegal Act (F1), 18 Pa.C.S. §5111(a)(2), Criminal Attempt-Proceeds of Unlawful Act (F1), 18 Pa.C.S. §901(a), Unsworn Falsification to Authorities (M2), 18 Pa.C.S. §4904(a)(1) and Tampering with Public Records or Information (M2), 18 Pa.C.S. §4911(a)(1).

6. The criminal charges were filed based on an extensive investigation initiated in June 2018 by the Pennsylvania State Police, Organized Crime Task Force.

7. Pursuant to the Criminal Complaint, and supporting Affidavit of Probable Cause, one of Respondent's clients reported to law enforcement that during a consultation regarding a misdemeanor disorderly conduct violation Respondent initiated a conversation with the client wherein he informed the client that he can "wash" the client's money or "clean" it and not pay taxes. Respondent told the client he launders money for numerous large-scale drug dealers who are his clients.

8. In October 2019, the Pennsylvania State Police developed a confidential informant (CI) who contacted Respondent about starting a business and laundering money.

9. The CI placed a recorded call to Respondent and the two spoke about hiding money and managing money for the CI's business and Respondent agreed to meet with the CI.

10. On October 23, 2019, the CI met with Respondent at his office. The CI informed Respondent that, while he has a business, he makes a large sum of money by selling cocaine and needs to keep his money safe.

11. Respondent informed the CI that he could form a shell company for him. When asked about fees, Respondent replied, "committing a crime is \$10,000-\$20,000 for me to take the step," and requested \$10,000 from the CI to start the process.

12. On November 7, 2019, the CI met with Respondent at which time the CI provided Respondent with the personal information of an undercover officer (UC) that he wanted to be identified as the business owner.

13. At that time the CI paid Respondent \$5,000 in recorded confidential funds.

14. Respondent informed the CI that he would have a business plan ready in about a week to a week and a half.

15. Thereafter, at the request of the CI, Respondent met with the UC on several occasions.

16. On January 3, 2020, Respondent met with the UC and gave the UC papers to complete to "make this legitimate." Respondent also completed an official contract for the UC hiring him and told the UC that a downpayment of \$2,000 was required.

17. On January 7, 2020, the UC emailed Respondent her credit card information and Respondent charged the \$2,000 fee.

18. Respondent then emailed the UC an EIN, Certificate of Organization and Bylaws for the business. He instructed the UC to open a bank account and represented to her that he filed for a Certificate of Organization with the state.

19. Throughout the investigation, the CI and the UC were consensualized pursuant to the Pennsylvania Wire Tap Act.

20. On January 28, 2020, a search warrant was obtained and executed at Respondent's law office.

21. During the execution of the search warrant Respondent admitted that he was aware that the money the CI provided for the business formation was from a narcotics trafficker and that the business would be utilized to launder money.

22. On February 13, 2020 Respondent was arrested and charged with Knowledge that Property is Proceeds of Illegal Act (F1), 18 Pa.C.S. §5111(a)(2), Criminal Attempt-Proceeds of Unlawful Act (F1), 18 Pa.C.S. §901(a), Unsworn Falsification to Authorities (M2), 18 Pa.C.S. §4904(a)(1) and Tampering with Public Records or Information (M2), 18 Pa.C.S. §4911(a)(1), docketed at MJ-14101-CR-0000093-2020.

23. On February 21, 2020, ODC filed a Petition for Emergency Temporary Suspension Order and Related Relief Pursuant to Rule 208(f)(1) Pa.R.D.E.

24. On March 26, 2020, the Pennsylvania Supreme Court entered an Order placing Respondent on temporary suspension until further definitive action by the Court.

25. On June 3, 2021, Respondent pled guilty in the Court of Common Pleas of Fayette County, at Docket number CP-26-CR-00006768-2020, to Criminal Attempt-Dealing in Proceeds of Unlawful Activities, 18 Pa.C.S. §901(a), a felony of the first degree.

26. Respondent was sentenced on June 3, 2021, to a 48-month period of probation with nine months to be served on home electronic monitoring.

27. ODC filed a Notice of Conviction with the Pennsylvania Supreme Court on August 3, 2021.

#### CHARGE II: THE PaLFCS MATTER

28. Respondent maintained an IOLTA with PNC bank, account number ending in 2304, designated as "The Law Office of Tancredi Calabrese, IOLTA Client Trust Fund" (IOLTA).

29. On or about May 16, 2018, Respondent issued check #1123 to himself, annotated "filing fee," in the amount of \$283.00, thereby disbursing funds with which he was entrusted on behalf of his client, Nicole Flage.

30. On May 16, 2018, check #1123 cleared Respondent's IOLTA and created an insufficient funds balance in that account of a *negative* \$165.00.

31. On May 18, 2018, a Dishonored Escrow/Trust Check Reporting Form of Financial Institutions was generated by PNC Bank.

32. By letter dated May 25, 2018, Kathryn Peifer Morgan, Executive Director of the Pennsylvania Lawyers Fund for Client Security (PaLFCS), requested that Respondent provide to her, within ten (10) business days of the date of her letter, a written documented explanation as to why the negative balance occurred, monthly periodic statements of account for the past three months, and with respect to each client matter discussed in the explanation, a copy of the client ledger(s).

33. Respondent did not respond to Ms. Peifer Morgan's letter of May 25, 2018.

34. After a second letter was sent by Ms. Peifer Morgan, Respondent provided an undated letter which was received by the PaLFCS on June 28, 2018.

35. Respondent informed Ms. Peifer Morgan that the overdraft occurred due to the issuance of check #1123 which was mistakenly withdrawn to cover a filing fee related to the representation of Ms. Flage. Respondent did not provide Ms. Peifer Morgan with the three (3) months of bank statements, or the client ledgers as had been requested.

36. As a result of Respondent's failure to comply with the requests made by Ms. Peifer Morgan the matter was referred to ODC.

37. On September 6, 2018, ODC sent both a letter pursuant to Rule 221, Pa.R.D.E. requesting client ledgers and reconciliations for Respondent's IOLTA and a DB-7 Request for Statement of Position.

38. On September 25, 2018, ODC received some records from Respondent, however, the records were not responsive to the Rule 221 letter.

39. On October 17, 2018, Respondent filed a counseled Statement of Position in response to the DB-7.

40. Therein, Respondent admitted to the overdraft.

41. Respondent conceded that he did not keep ledgers or perform monthly reconciliations, but his counsel was working with him to set up those practices.

42. On November 30, 2018, ODC sent a letter to Respondent informing him that the bank records he supplied in response to the Rule 221 letter were not sufficient and that he must provide ledgers and monthly reconciliations.

43. On December 4, 2018, ODC issued a Subpoena Duces Tecum for the records Respondent was required to maintain pursuant to Pa.R.P.C. 1.15.

44. On December 4, 2018, ODC received a letter from Respondent's counsel objecting to the subpoena but admitting that Respondent does not maintain individual client ledgers. A subsequent motion to quash the subpoena was filed, however, ODC agreed to accept Respondent's



representations about the matters in question and therefore both the subpoena and the motion to quash were withdrawn.

45. Respondent subsequently provided information sought by ODC, admitted that he had deposited unearned legal fees for the Flage matter into his Business Operating Account instead of his IOLTA, and admitted that he had failed to maintain the required records pursuant to RPC 1.15.

### CHARGE III: THE HENDRICKS MATTER

46. On or about June 5, 2018, Robert Hendricks, Jr. retained Respondent to represent him in child support and adoption matters.

47. Respondent and Mr. Hendricks entered a written fee agreement which provided for an hourly rate of \$175 and an initial retainer of \$4,000.

48. Mr. Hendricks paid the \$4,000 retainer by debit card.

49. Respondent failed to deposit the \$4,000 retainer into his IOLTA or other trust account.

50. On June 21, 2018, Respondent failed to appear at a support modification hearing on behalf of Mr. Hendricks.

51. Between June 2018, when Respondent was retained, and August 2018, Mr. Hendricks made repeated attempts to communicate with Respondent; however, Respondent failed to reply.

52. In early August 2018, Mr. Hendricks terminated Respondent's services.

53. Thereafter, Respondent billed Mr. Hendricks for legal services totaling \$1,945, billed at \$300 per hour, which was contrary to the terms of their written fee agreement for an hourly rate of \$175.

54. Respondent's invoice also included fees for legal services that Respondent did not perform.

55. Mr. Hendricks contested the invoiced amount and requested a refund.

56. On August 20, 2018, Respondent caused the issuance of a cashier's check to Mr. Hendricks in the amount of \$2,055.

57. Additional refunds totaling \$1,500 were made by Respondent in bi-weekly payments between September and December 2018.

58. On March 15, 2019, ODC sent Respondent a DB-7 Request for Statement of Position, along with a Subpoena Duces Tecum.

59. The Subpoena Duces Tecum directed that Respondent provide the check register or separately maintained ledger for his IOLTA, documents demonstrating disposition of the \$4,000 debit card payment made by Mr. Hendricks, client ledgers for the funds received and disbursed on behalf of Mr. Hendricks, and monthly reconciliations for his IOLTA.

60. Respondent failed to comply with the Subpoena Duces Tecum and failed to submit his Statement of Position in response to the DB-7.

61. On June 27, 2019, ODC filed a Petition pursuant to Pa.R.D.E. 208(f)(5) and on July 12, 2019, the Disciplinary Board issued a Rule to Show Cause why Respondent should not be placed on temporary suspension.

62. On July 24, 2019, Respondent submitted his Statement of Position in response to the DB-7.

63. In answer to the DB-7, Respondent did not dispute the allegations.

64. Respondent also provided records in response to the Subpoena Duces Tecum and a Response to the Rule to Show Cause.

65. Upon review of Respondent's statement of position and the records he provided, ODC elected not to seek to make the Rule to Show Cause absolute.

#### CHARGE IV: THE CHESTER MATTER

66. On or about September 18, 2018, Kevin Chester retained Respondent to represent him in a civil action pending in Washington County.

67. Mr. Chester signed a fee agreement and paid a \$600 retainer.

68. Thereafter, between October 2018 and March 2019, Mr. Chester made numerous attempts to contact Respondent to discuss his case by

calling Respondent's office, calling Respondent's cell phone, and appearing at Respondent's office.

69. Mr. Chester left numerous messages requesting that Respondent contact him; however, Respondent failed to reply to any of Mr. Chester's messages.

70. Respondent failed to enter his appearance on the record on behalf of Mr. Chester or take any action of record in the civil action for which he had been retained.

71. On June 7, 2019, Mr. Chester sent Respondent a letter, by certified mail, return receipt requested, terminating the lawyer-client relationship and asking Respondent for an invoice and a refund of the unearned fee if Respondent could not account for the services he had provided. The United States Postal Service returned the letter to Mr. Chester.

72. Mr. Chester resent the letter by first class mail on or about June 21, 2019. Respondent neither replied to Mr. Chester's letter, nor provided him with an accounting and/or a refund.

73. On or about July 3, 2019, ODC sent a DB-7 Request for Statement of Position.

74. Respondent failed to submit his Statement of Position in response to the DB-7.

## CHARGE V: THE FLAGE MATTER

75. Nicole Flage retained Respondent in June 2018 to represent her in a custody matter.

76. On June 21, 2018, Respondent entered his appearance on behalf of Ms. Flage and filed a complaint in custody in the Court of Common Pleas of Allegheny County at docket number FD-18-008260.

77. By Pre-Trial Order dated December 13, 2018, Judge Kimberly Eaton ordered the parties to file Pre-Trial Statements no later than ten (10) days prior to the scheduled hearing.

78. Respondent failed to file a Pre-Trial Statement on behalf of Ms. Flage.

79. On March 6, 2019, primary physical and legal custody of the minor child was awarded to Ms. Flage's partner.

80. In or about December 2019, Ms. Flage discussed with Respondent the filing of a Petition for Emergency Relief and Contempt in her custody matter.

81. On December 13, 2019, Ms. Flage made a credit card payment of \$1,000 to Respondent toward his fee.

82. On December 30, 2019, Ms. Flage made an additional \$500 credit card payment to Respondent representing the balance of his fee.

83. Respondent failed to file a Petition for Emergency Relief and Contempt on behalf of Ms. Flage.

84. Thereafter, Ms. Flage attempted to contact Respondent on numerous occasions; however, Respondent failed to reply to her.

85. On February 13, 2020, Respondent was arrested and subsequently placed on emergency temporary suspension, and therefore, did not complete his representation of Ms. Flage.

86. On July 9, 2020, ODC sent Respondent a DB-7 Request for Statement of Position.

87. On September 30, 2020, Respondent submitted his Statement of Position through his counsel, wherein he admitted he had not replied to emails from Ms. Flage in early 2020 regarding the status of her case and/or the filing of a Petition for Emergency Relief.

88. On September 30, 2020, Respondent, through his counsel, issued a refund check to Ms. Flage in the amount of \$1,500.

#### CHARGE VI: THE SERENE MATTER

89. On August 21, 2019, Bernice Serene was charged with Driving Under the Influence of Alcohol and related offenses which were docketed at MJ-05317-CR-0000234-2019.

90. On August 28, 2019, Bernice Serene retained Respondent to represent her on the criminal charge of Driving Under the Influence of Alcohol.

91. Respondent provided Ms. Serene with a written fee agreement and charged a fee of \$1,500 which was paid on August 28, 2019 (\$1,000) and October 5, 2019 (\$500).

92. Ms. Serene's Preliminary Hearing was scheduled for October 7, 2019, before Magisterial District Judge Anthony Saveikis in North Fayette Township, Allegheny County.

93. Respondent requested and received a continuance of Ms. Serene's Preliminary Hearing scheduled for October 7, 2019.

94. Thereafter, although Ms. Serene's Preliminary Hearing was rescheduled, Respondent, on a number of occasions, obtained further continuances, the last of which was scheduled for February 24, 2020.

95. Respondent failed to appear at the February 24, 2020, Preliminary Hearing on behalf of Ms. Serene.

96. Ms. Serene was ultimately informed by the Magisterial District Judge that Respondent had been arrested and charged with criminal offenses.

97. As a result of Respondent's subsequent emergency temporary suspension Ms. Serene retained new counsel to represent her on her DUI charge.

98. On July 9, 2020, ODC sent a DB-7 Request for Statement of Position.

99. On September 30, 2020, Respondent submitted his Statement of Position through his counsel, wherein he admitted that he had continued Ms. Serene's Preliminary Hearing on several occasions and that he failed to appear for her hearing after he had been arrested.

100. On September 30, 2020, Respondent, through counsel, issued a refund check to Ms. Serene in the amount of \$750.

101. Ms. Serene submitted a claim to PaLFCS and, on December 3, 2020, she was awarded \$750 representing the balance of the fee she had paid to Respondent.

#### CHARGE VII: THE FLOYD MATTER

102. On December 8, 2018 Catherine Floyd retained Respondent to represent her in her divorce matter.

103. At that time, Ms. Floyd paid Respondent an initial retainer of \$650 and made additional payments totaling \$730 between April 30, 2019, and June 5, 2019.

104. On various occasions between January and April 2019, Ms. Floyd attempted to communicate with Respondent regarding the status of her divorce matter; however, Respondent was generally unresponsive.



105. On April 24, 2019, Respondent filed a complaint in divorce on behalf of Ms. Floyd but he did not serve it on her husband until August 18, 2019, which rendered service ineffective.

106. Between September 2019 and April 2020, Ms. Floyd made numerous attempts to contact Respondent regarding the status of her divorce matter.

107. Respondent failed to reply to any inquiries from Ms. Floyd.

108. By Order of the Pennsylvania Supreme Court dated March 26, 2020, Respondent was placed on temporary suspension.

109. Respondent failed to notify Ms. Floyd that he had been suspended and, therefore, he was unable to continue representing her.

110. On July 9, 2020, ODC sent a DB-7 Request for Statement of Position.

111. On September 30, 2020, Respondent submitted his Statement of Position through counsel. Respondent admitted that he had failed to serve the divorce complaint within the time required by the Rules of Civil Procedure. He also admitted that he had failed to inform Ms. Floyd that he had been temporarily suspended and, therefore, was unable to continue to represent her.

### CHARGE VIII: THE GRACYK MATTER

112. In January 2019, April Gracyk retained Respondent to represent her in a custody matter regarding her grandson.

113. On January 17, 2019, Ms. Gracyk's father paid Respondent's requested retainer, in the amount of \$2,500, via his debit card.

114. On April 9, 2019, Respondent filed a complaint in custody on behalf of Ms. Gracyk in the Court of Common Pleas of Allegheny County at docket number FD-18-000114.

115. Respondent failed to file sufficient proof of service of the custody complaint.

116. As a result of Respondent's failure to file sufficient proof of service a mediation session scheduled for July 16, 2019, was cancelled.

117. On July 22, 2019, the father of Ms. Gracyk's grandson filed a counterclaim for custody.

118. Based on the filing of the counterclaim, a subsequent mediation session was scheduled and held on September 10, 2019.

119. Thereafter, a judicial custody conciliation conference was scheduled for November 6, 2019.

120. Respondent failed to inform Ms. Gracyk of the scheduling of the custody conciliation conference and failed to appear on her behalf.

121. In February 2020 Respondent, and/or a member of his office staff, notified Ms. Gracyk that the matter was scheduled for pre-trial conciliation and trial on May 8, 2020.

122. Thereafter, Respondent had no further communication with Ms. Gracyk.

123. By Order of the Pennsylvania Supreme Court dated March 26, 2020, Respondent was placed on temporary suspension.

124. Respondent failed to notify Ms. Gracyk that he had been suspended and, therefore, he was unable to continue representing her.

125. On July 9, 2020, ODC sent Respondent a DB-7 Request for Statement of Position.

126. On September 30, 2020, Respondent submitted his Statement of Position through his counsel. Therein, Respondent admitted that he had failed to notify Ms. Gracyk of the scheduling of the custody conciliation conference and admitted that he had not appeared on her behalf. He also admitted that he had failed to notify Ms. Gracyk of his suspension.

#### CHARGE IX: THE BOYER MATTER

127. On September 12, 2019, Jeremy Boyer was charged with Driving under the Influence of Alcohol and related offenses (offense date June 23, 2019), which were docketed at MJ-14101-CR-0000485-2019.

128. On September 27, 2019, Mr. Boyer was charged with Driving under the Influence of Alcohol and related offenses (offense date August 18, 2019), which were docketed at MJ-14202-CR-0000438-2019.

129. Mr. Boyer met with Respondent in late September 2019 and retained him to represent him for his two pending DUI charges.

130. Respondent had not previously represented Mr. Boyer.

131. Respondent failed to communicate to Mr. Boyer, in writing, the basis or rate of his fee, either before or within a reasonable time after he commenced the representation.

132. Mr. Boyer made payments to Respondent for his fee, totaling \$2,000, between September 2019 and January 2020.

133. At Respondent's request, the payments made by Mr. Boyer on October 11, October 25, November 8 and November 22, 2019, were made via transfers from Mr. Boyer's KeyBank checking account to Respondent's KeyBank operating account (account number ending in 4726).

134. Respondent failed to hold those fee payments in an IOLTA or other trust account until earned.

135. On October 21, 2019, Respondent attended the Preliminary Hearing for Mr. Boyer's charges filed at MJ-14101-CR-0000485-2019.

136. On January 21, 2020, Respondent attended the Preliminary Hearing for Mr. Boyer's charges filed at MJ-14202-CR-0000438-2019.

137. The charges at both docket numbers were held for court in the Fayette County Court of Common Pleas.

138. By Order of the Pennsylvania Supreme Court dated March 26, 2020, Respondent was placed on temporary suspension and, therefore, he was unable to continue his representation of Mr. Boyer.

139. On April 30, 2020, Respondent informed Mr. Boyer that he had been suspended and Mr. Boyer would have to retain new counsel.

140. On July 9, 2020, ODC sent Respondent a DB-7 Request for Statement of Position.

141. On September 30, 2020, Respondent submitted his Statement of Position through counsel. Therein, Respondent admitted that, due to his suspension, he was not able to complete his representation of Mr. Boyer.

#### CHARGE X: THE JAYNES MATTER

142. On March 5, 2019, Shawn Jaynes was charged with simple assault and indecent assault which were docketed at MJ-06103-CR-0000080-2019.

143. On April 29, 2019, the criminal charges were filed in the Court of Common Pleas of Erie County at docket number CP-25-CR-0001155-2019.

144. On June 18, 2019, Mr. Jaynes retained Respondent to represent him on the criminal charges.

145. Respondent quoted a fee of \$12,000 to represent Mr. Jaynes through trial but failed to timely communicate to him, in writing, the basis or rate of his fee.

146. On June 18, 2019, Mr. Jaynes made an initial payment to Respondent of \$1,500.

147. On June 24, 2019, Respondent entered his appearance on behalf of Mr. Jaynes.

148. On various dates between June 24, 2019, and December 2, 2019, Mr. Jaynes made payments to Respondent totaling \$3,350, which were credited to Respondent's PNC Bank account (account number ending in 8268).

149. Respondent's PNC Bank account number ending in 8268 was not an IOLTA or trust account.

150. Respondent failed to hold the advance payment of fees in an IOLTA or trust account until earned.

151. As of February 5, 2020, Mr. Jaynes had paid Respondent a total of \$5,500.

152. On various occasions between July 2019 and January 2020, Mr. Jaynes inquired about the status of his criminal case.

153. On the occasions that Respondent replied, he told Mr. Jaynes “not to worry about it and that things were being handled,” or words to similar effect.

154. Respondent requested and obtained continuances of Mr. Jaynes' trial on November 4, 2019, and January 3, 2020.

155. By Order of the Pennsylvania Supreme Court dated March 26, 2020 Respondent was placed on temporary suspension.

156. Respondent failed to notify Mr. Jaynes that he had been suspended and, therefore, was unable to continue representing him.

157. On July 9, 2020, ODC sent Respondent a DB-7 Request for Statement of Position.

158. On September 30, 2020, Respondent submitted his Statement of Position through his counsel. Therein, Respondent admitted he had failed to notify Mr. Jaynes of his suspension and that he was not able to complete the representation.

159. On September 30, 2020, Respondent, through his counsel, issued a refund check to Mr. Jaynes in the amount of \$1,500.

160. Mr. Jaynes submitted a claim to PaLFCS and, on June 17, 2021, was awarded the \$4,000 balance of the fee paid.

161. By his conduct as alleged in Paragraphs 5 through 160 above, Respondent violated the following Rules of Professional Conduct and Rules of Disciplinary Enforcement:

(a) Rule of Professional Conduct 1.2(d) which provides that a lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

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

(c) Rule of Professional Conduct 1.4(a)(3), which provides, that a lawyer shall keep the client reasonably informed about the status of the matter.



(d) Rule of Professional Conduct 1.4(a)(4), which provides that a lawyer shall promptly comply with reasonable requests for information.

(e) Rule of Professional Conduct 1.5(a), which provides that a lawyer shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee.

(f) Rule of Professional Conduct 1.5(b), which provides that when the lawyer has not regularly represented the client, the basis or rate of the fee shall be communicated to the client, in writing, before or within a reasonable time after commencing the representation.

(g) Rule of Professional Conduct 1.15(b) which provides that a lawyer shall hold all Rule 1.15 Funds and property separate from the lawyer's own property. Such property shall be identified and appropriately safeguarded.

(h) Rule of Professional Conduct 1.15(c) (*Required records*) which provides that complete records of the receipt, maintenance, and disposition of Rule 1.15 Funds and property shall be preserved for a period of five years after termination of the client-lawyer or Fiduciary relationship or after distribution or disposition

of the property, whichever is later. A lawyer shall maintain the writing required by Rule 1.5(b) (relating to the requirement of a writing communicating the basis or rate of the fee) and the records identified in Rule 1.5(c) (relating to the requirement of a written fee agreement and distribution statement in a contingent fee matter). A lawyer shall also maintain the following books and records for each Trust Account and for any other account in which Fiduciary Funds are held pursuant to Rule 1.15(l):

(i) Rule of Professional Conduct 1.15(i) which provides that a lawyer shall deposit into a Trust Account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred, unless the client gives informed consent, confirmed in writing, to the handling of fees and expenses in a different manner.

(j) Rule of Professional Conduct 1.16(d) which provides that upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of

fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law.

(k) Rule of Professional Conduct 8.4(b) which provides that 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.

(l) Rule of Professional Conduct 8.4(c) which provides that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

(m) Rule of Disciplinary Enforcement 203(b)(1) which provides that the following shall also be grounds for discipline: Conviction of a crime.

(n) Rule of Disciplinary Enforcement 217(b) which provides that a formerly admitted attorney shall promptly notify, or cause to be promptly notified, all clients who are involved in pending litigation or administrative proceedings, and the attorney or attorneys for each adverse party in such matter or proceeding, of the disbarment, suspension, administrative suspension or transfer to inactive status and consequent inability of the formerly admitted

attorney to act as an attorney after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status. The notice to be given to the client shall advise the prompt substitution of another attorney or attorneys in place of the formerly admitted attorney. In the event the client does not obtain substitute counsel before the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status, it shall be the responsibility of the formerly admitted attorney to move in the court or agency in which the proceeding is pending for leave to withdraw. The notice to be given to the attorney or attorneys for an adverse party shall state the place of residence of the client of the formerly admitted attorney. The notice required by this subdivision (b) may be delivered by the most efficient method possible as long as the chosen method is successful and provides proof of receipt. See Note after subdivision (a), *supra*. At the time of the filing of the verified statement of compliance required by subdivision (e)(1) of this Rule, the formerly admitted attorney shall file copies of the notices required by this subdivision and proofs of receipt with the

Board and shall serve a conforming copy on Disciplinary Counsel.

See D.Bd. Rules § 91.92(b) (relating to filing of copies of notices).

WHEREFORE, Petitioner prays that your Honorable Board appoint, pursuant to Rule 205, Pa.R.D.E., a Hearing Committee to hear testimony and receive evidence in support of the foregoing charges and upon completion of said hearing to make such findings of fact, conclusions of law, and recommendations for disciplinary action as it may deem appropriate.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

THOMAS J. FARRELL  
CHIEF DISCIPLINARY COUNSEL



By \_\_\_\_\_

James M. Fox  
Disciplinary Counsel-in-Charge  
Attorney Registration No. 58824  
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OFFICE OF DISCIPLINARY COUNSEL,:

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v.

TANCREDI WILLIAM CALABRESE,

: Attorney Registration No. 315687

Respondent : (Fayette County)

VERIFICATION

The statements contained in the foregoing Petition for Discipline 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.

12/14/2023

\_\_\_\_\_  
Date

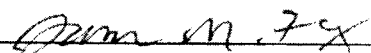


\_\_\_\_\_  
James M. Fox  
Disciplinary Counsel-in-Charge

**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: James M. Fox

Signature: 

Name: James M. Fox

Attorney No. (if applicable): 58824