

**Disciplinary
Board
of the
Supreme
Court**

1998 Membership:

Stephen T. Saltz, Esq., *Chairman**
Carolyn "Raven" Rudnitsky, *Chairwoman***
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Christine L. Donohue, Esq.
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Robert N.C. Nix, III, Esq.
J. Michele Peck
Angelo L. Scaricamazza, Jr., Esq.
Mark C. Schultz, Esq.
Richard W. Stewart, Esq.

Staff:

Elaine M. Bixler, *Executive Director & Secretary*

* Term expired 4-1-98

** Appointed chair effective 4-1-98

Legal Authorization:

Pa. Constitution, Article V, § 10(c)
Rule 103, Pa. Rules of Disciplinary Enforcement
Rule 205(a), Pa. Rules of Disciplinary Enforcement
Rule 205(c), Pa. Rules of Disciplinary Enforcement

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History/Background

The Disciplinary Board was created by the Supreme Court in 1972 to consider and investigate the conduct of any person subject to the Pennsylvania Rules of Disciplinary Enforcement (Pa. R.D.E.). Such persons include:

- any attorney admitted to practice law in Pennsylvania
- any attorney of another jurisdiction specially admitted to the bar of the Supreme Court for a particular proceeding
- any disbarred, suspended or inactive attorney, with respect to violation of any rules committed prior to disbarment, suspension or transfer to inactivity
- any justice, judge or district justice, with respect to any violation of rules committed prior to taking office, if the Judicial Conduct Board declines jurisdiction
- any attorney who resumes practice of law with respect to any nonjudicial acts performed while in office as a justice, judge or district justice.

Investigations may be initiated by the Disciplinary Board on its own motion or upon complaint from another person. (See Rules 103, 205(a) and 205 (c)(1)(2) of the Pa. R.D.E.)

Through December of 1998, 52,324 active attorneys were registered in Pennsylvania, an increase of 1.36% over 1997.

During 1998, 4,845 complaints were filed with the Disciplinary Board, an average of 403 per month and a decrease of 3.7% from last year. Of these 4,845 plus the 1,048 complaints active at the start of the year, 4,936 complaints, or 83.76%, were disposed of, including 3,449 dismissed as "frivolous." At the start of 1999, 957 active complaints remained on hand.

1998 Activities

The board held seven meetings in 1998. The results of the executive sessions can be

found in Table 3.8.1 on page 69. A tabulation of the disciplinary actions taken since the beginning of the board's operations in 1972 is set forth on Table 3.8.2 on page 71. Comparisons of cumulative actions taken and actions taken in 1997 can be found in Chart 3.8.3 on page 73.

Rules Committee

The Rules Committee met and considered amendments to various Pennsylvania Rules of Professional Conduct (Pa.R.P.C.), Pennsylvania Rules of Disciplinary Enforcement (Pa.R.D.E.) and Disciplinary Board Rules and Procedures (D.B.R.P.).

The board recommended and the Supreme Court adopted amendments to Pa.R.D.E. 301 concerning **incapacitated or severely mentally disabled attorneys** and Pa.R.D.E. 219(d) requiring that members of the Pennsylvania Bar submit to plenary jurisdiction for any action brought against them by the **Pennsylvania Lawyers Fund for Client Security**.

In September 1998, the board forwarded to the Supreme Court a report on proposed Pa.R.P.C. 1.17, relating to the **sale of a law practice**. That report is presently pending before the Supreme Court.

The board rule amendments which were approved and adopted by the Disciplinary Board during 1998 are as follows:

§89.272(b) was amended to prohibit **formerly admitted attorneys** from applying for reinstatement until any previously taxed expenses from a disciplinary or previous reinstatement proceeding have been paid.

§89.272(b) was also amended to conform with Pa.R.D.E. 218(b), which provides that a **person who has been disbarred** may not apply for reinstatement until the expiration of at least five years from the date of the disbarment.

Finance & Pension Committee

In August 1997 the board determined to merge the Financial & Personnel Committee and the Pension Plan Committee into one group, which was renamed the Finance & Pension Committee. This decision was made based on the fact that both the general assets and pension plan funds are administered through PNC Bank, although the general assets are managed by PNC in Camp Hill and the pension funds are managed by PNC in Pittsburgh. Having the same committee members receive and review the quarterly investment reports will better enable the board to compare the performance of its investments.

In 1998 the chair of the committee met quarterly with representatives of PNC Bank to review the board's investments and recommend changes to the portfolio based on economic growth and earnings in the previous quarter.

Education Committee

The Education Committee designed the program for the board's retreat meeting in the fall of 1998. The topics were "Formerly Admitted Attorneys Engaging in Law-Related Activities" and "Civility." Justice Nigro participated in the program.

Following a lengthy discussion on both topics, it was decided to refer "Formerly Admitted Attorneys..." to the Rules Committee for publication of a Notice of Proposed Rulemaking. The topic of "Civility" led to a revival of the need for

1998 Executive Session Results	
Action	Total
Adjudications involving formal charges	63
Cases resolved by three-member panels of board members who reviewed hearing committee members' recommendations for private reprimand [Rule 208(a)(5) Pa. R.D.E.]	38
Respondents appearing before board to receive private reprimands	37
Oral arguments before three-member panels of board members	121
Board referrals to Supreme Court, including report and recommendation for public discipline	38
Supreme Court orders for disbarment on consent (resulting from verified statements submitted by respondents)	20
Supreme Court orders reinstating previously disbarred or suspended attorneys*	15
Supreme Court denials for reinstatement	1
Petitions for reinstatement to active status to attorneys inactive more than three years with no discipline involved	18
*Action taken following hearing on petition for reinstatement.	

Table 3.8.1

a mandatory Bridge-the-Gap program for law students seeking admission to the Pennsylvania Bar. Justice Nigro recommended that the Disciplinary Board meet with the Board of Law Examiners and the Continuing Legal Education Board to revisit the concept of Bridge-the-Gap.

Hearing Committees

Currently, 168 regular hearing committee members and 24 alternates appointed by the Disciplinary Board are serving on a *pro bono* basis to conduct hearings into formal charges.

Due to an increasing number of formal proceedings being filed through the District II (Blue Bell), however, the board approved the

establishment of three additional Hearing Committees to serve that area, effective February 1, 1999.

On May 1, 1998, the Disciplinary Board conducted an education seminar and convocation for all hearing committee members in Hershey. One hundred five committee and board members participated. The board conducts these seminars every two years to update hearing committee members on changes in the rules and case law in Pennsylvania.

Year 2000 (Y2K) Compliance

All of the Disciplinary Board's computer systems are Year 2000 compliant or were scheduled for replacements during the first quarter of 1999. By December 31, 1998, the board had successfully converted the date fields in the main computer database, which contains

the attorney registration, docketing/case tracking, accounting and payroll applications processed in the Office of the Secretary located in Lemoyne. Date-sensitive software has been tested and is able to accurately process date/time data (including, but not limited to, calculating, comparing and sequencing) from, into and between the twenty-first century and the years 1999 and 2000. Additionally, the leap year concerns of 2000 have been met. The board plans to prepare a Y2K statement to make available to those who request it.

Contact Person

Anyone having questions about the Disciplinary Board may contact Elaine M. Bixler, Secretary to the Board, at (717) 731-7073 or write in care of the board to First Floor; Two Lemoyne Drive; Lemoyne, PA 17043. 