

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 1128, Disciplinary Docket No. 3
Petitioner	:	
	:	No. 124 DB 2004
v.	:	
	:	Attorney Registration No. 16853
JONAH DANIEL LEVIN	:	
Respondent	:	(Montgomery County)

REPORT AND RECOMMENDATIONS OF
THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES
OF THE SUPREME COURT OF PENNSYLVANIA:

Pursuant to Rule 208(d)(2)(iii) of the Pennsylvania Rules of Disciplinary Enforcement, the Disciplinary Board of the Supreme Court of Pennsylvania (“Board”) herewith submits its findings and recommendations to your Honorable Court with respect to the above-captioned Petition for Discipline.

I. HISTORY OF PROCEEDINGS

On August 13, 2004, Office of Disciplinary Counsel filed a Petition for Discipline against Jonah Daniel Levin, Respondent. The Petition charged Respondent with misconduct in connection with his representation of three clients in seven separate matters. Respondent filed an Answer to Petition for Discipline on October 8, 2004.

A disciplinary hearing was held on January 18, 2005, with an additional hearing held on March 2, 2005, before a District II Hearing Committee comprised of Chair Jay H. Karsch, Esquire, and Members Mary G. McLaughlin Davis, Esquire, and Joseph G. Riper, Esquire. Respondent was represented by Samuel D. Miller, III, Esquire.

Following the submission of briefs by the parties, the Hearing Committee filed a Report on August 1, 2005, finding that Respondent engaged in professional misconduct and recommending that he be suspended for one year and one day.

Respondent filed a Brief on Exceptions on August 19, 2005.

Petitioner filed a Brief Opposing Exceptions on August 30, 2005.

This matter was adjudicated by the Disciplinary Board at the meeting of November 9, 2005.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner, whose principal office is situated at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania 17101, 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, Jonah Daniel Levin, was born in 1945 and was admitted to practice law in the Commonwealth in 1973. He maintains his office at 600 Germantown Pike, Lafayette Hill PA 19444.

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

4. Respondent has no prior history of discipline.

CHARGE ONE – Complaint of Edward Pottberg

5. On April 12, 2001, a complaint was filed in the matter captioned Architectural Facades, Inc v. Precision Specialist Metal and Glass, in the United States District Court for the Eastern District of Pennsylvania, to docket number 01-CV-1812 (hereinafter the 1812 matter).

6. Prior to April 21, 2001, Respondent was contacted by Gerald F. Collyer, Esquire, a New York attorney, requesting that he accept the representation of Precision Specialist in the 1812 matter.

7. Respondent sent a letter of representation dated April 27, 2001, to Precision Specialist, attention Mr. Edward Pottberg, President, which, inter alia, requested a \$1,000 advance fee.

8. On April 30, 2001, Respondent met Mr. Pottberg in Edison, New Jersey, to discuss the 1812 matter.

9. On May 8, 2001, Precision Specialist sent Respondent and Respondent received on May 17, 2001, a \$1,000 advance fee for Respondent's representation.

10. On May 29, 2001, Respondent entered his appearance in the 1812 matter on behalf of Precision Specialist.

11. On May 29, 2001, Respondent filed an Answer and Counterclaim in the 1812 matter through B & R Services, a company that provides messenger and filing services to attorneys.

12. Between May 29, 2001, and November 27, 2001, Respondent continued to represent Precision Specialist in the 1812 matter.

13. Between May 29, 2001 and November 27, 2001, Respondent continued to correspond with Mr. Pottberg regarding the 1812 matter.

14. On November 27, 2001, Respondent filed a Complaint on behalf of Precision Specialist against Architectural Facades in the United States District Court for the Eastern District of Pennsylvania to docket number 01-CV-5929 (hereinafter the 5929 matter).

15. On December 11, 2001, Peter F. Marvin, Esquire, counsel for Architectural Facades, filed a Motion for Summary Judgment in the 1812 matter.

16. On December 11, 2001, Mr. Marvin filed a Motion to Dismiss the Complaint in the 5929 matter.

17. Respondent was served with and received both the Motion for Summary Judgment in the 1812 matter and the Motion to Dismiss in the 5929 matter.

18. Between December 11, 2001 and January 31, 2002, Respondent failed to file an Answer or otherwise respond to the Motion for Summary Judgment.

19. Between December 11, 2001 and January 31, 2002, Respondent failed to file an Answer or otherwise respond to the Motion to Dismiss.

20. On January 31, 2002, the court granted the Motion for Summary Judgment in the 1812 matter, entering judgment on behalf of Architectural Facades and against Respondent's client in the amount of \$500,001.00.

21. On January 31, 2002, the court granted Architectural Facades' Motion to Dismiss in the 5929 matter.

22. Between January 31, 2002 and March 29, 2002, Respondent had no communications with Mr. Pottberg or Precision Specialist regarding either the 1812 or the 5929 matters.

23. By letter dated March 29, 2002, Mr. Pottberg requested that Respondent advise him of the status of Precision Specialist's legal matters.

24. Respondent failed to respond to Mr. Pottberg's March 29, 2002 letter.

25. On March 24, 2003, Mr. Pottberg sent Respondent a fax requesting information on the status of Precision Specialist's legal matter.

26. Respondent failed to respond to the fax.

27. On March 31, 2003, Mr. Pottberg sent two e-mails to Respondent stating that he had attempted to contact Respondent for approximately one year with no reply.

28. Between March 31, 2003 and the present, Respondent has failed to communicate with Mr. Pottberg or Precision Specialist in any manner.

Charge Two – Complaint of Robert H. Stockfleth / Bank United Matter

29. Prior to February 2001, Bank United, FSB, asked Respondent and he agreed to represent it with regard to a foreclosure action to be filed against Christopher Michael McClendon (hereinafter the foreclosure action).

30. On July 17, 2001, Respondent filed a complaint in the foreclosure action in the Court of Common Pleas of Delaware County.

31. Between July 2001 and January 2003, Respondent represented Bank United in the foreclosure action.

32. On January 3, 2003, Respondent was advised, by e-mail, that Bank United had terminated Respondent's representation in the foreclosure action and had retained the law firm of Federman and Phelan.

33. The January 3, 2003 e-mail directed Respondent to provide to Federman and Phelan copies of all documents necessary to proceed with the foreclosure action.

34. By e-mail dated January 3, 2003, addressed to Respondent and others, Phil Graham, Quality Control and Investor Reporting Supervisor for Federman and Phelan, advised Respondent of the firm's correct mailing address and advised Respondent that his firm expected to receive the transfer files for the foreclosure action from Respondent's office within ten days of the date of the e-mail.

35. By e-mail dated January 29, 2003, Jennifer Kurylo, of Federman and Phelan, advised Respondent that as of that date, her firm had not received the foreclosure action file and asked Respondent to forward those documents to her attention at Respondent's earliest convenience.

36. Between January 29, 2003 and March 7, 2003, Respondent failed to provide documents to Federman and Phelan or Bank United.

37. By letter dated March 7, 2003, Neale J. Poller, Esquire, requested on behalf of Bank United, that Respondent provide duplicate files to the Bank's new counsel in order to permit them to undertake the representation.

38. Between March 7, 2003, and the present, Respondent has failed to provide either Bank United or its counsel, Federman and Phelan, with complete files with regard to the foreclosure action.

Charge Three – Complaint of John Lawrence

39. Beginning in 2001, Respondent had an outsourcing agreement with Trust Deed Services whereby Respondent agreed to perform legal services for IndyMac Bank, F.S.B.

40. The contacts Respondent had with IndyMac during the course of representation in the cases referenced herein were with Daniel Choi, Foreclosure Analyst II/Loan Resolution. The majority of contacts were by e-mail.

2nd Avenue Property – Rawlins

41. On April 26, 2000, IndyMac retained Respondent to process a foreclosure on real property owned by Mark E. and Patricia A. Rawlins located at 330-332 2nd Avenue, Bethlehem PA 18018.

42. On June 8, 2000, Respondent filed a foreclosure complaint in the Lehigh County Court of Common Pleas, captioned Bank of New York vs. Mark E. Rawlins and Patricia A. Rawlins.

43. Between June 2000 and September 2001, Respondent advised IndyMac that there was a delay in the foreclosure process because Respondent had trouble serving the complaint, which was in fact true.

44. On September 26, 2001, Mr. and Mrs. Rawlins filed a Chapter 7 Bankruptcy action.

45. On February 11, 2002, in response to Respondent's request, IndyMac forwarded to Respondent an advanced payment of fees for representation in a Sheriff's foreclosure sale of the 2nd Avenue property.

46. In March 2002, the property was sold at a tax sale.

47. Respondent failed to advise IndyMac that the property had been sold at a tax sale.

48. On April 1, 2002, IndyMac asked Respondent for the date of the foreclosure sale.

49. Respondent did not provide the date of the sale until May 20, 2002, at which time Respondent told IndyMac that the sale was set for August 23, 2002.

50. On August 21, 2002, Respondent advised IndyMac that the City of Bethlehem sold the property to a third party at a tax sale on March 22, 2002.

51. On August 22, 2002, Respondent told IndyMac that Respondent was able to have the foreclosure sale postponed until September 27, 2002, and that Respondent would take steps to have the tax sale set aside.

52. On September 20, 2002, Respondent told IndyMac that Respondent needed to file a petition to set aside the tax sale and that Respondent did not think it would be completed before the foreclosure sale date of September 27, 2002.

53. On September 26, 2002, Respondent told IndyMac that the foreclosure sale scheduled for September 27, 2002 would not go forward because there was no resolution of the March 22, 2002 tax sale.

54. Respondent failed to file a petition to set aside the tax sale.

55. Thereafter, IndyMac hired new counsel to complete representation in the foreclosure action.

56. IndyMac's new counsel, Frank Federman, Esquire, requested Respondent forward IndyMac's files to him.

57. Respondent failed to forward IndyMac's files to IndyMac or new counsel.

RD 1 Box 191 Property – Poust

58. On November 29, 1999, IndyMac retained Respondent to process a foreclosure on real property owned by Dale E. and Debra A. Poust located at RD 1 Box 191 Milton PA 17847.

59. On February 11, 2000, Mr. and Mrs. Poust filed a Chapter 13 bankruptcy action.

60. On August 11, 2000, Mr. and Mrs. Poust's bankruptcy was dismissed.

61. On October 24, 2000, Respondent filed a foreclosure complaint in the Northumberland County Court of Common Pleas, captioned IndyMac Mortgage Holdings, Inc. vs. Dale E. Poust and Debra A. Poust.

62. On November 15, 2000, Respondent completed service of the Summons and Complaint.

63. On January 5, 2001, Respondent advised IndyMac that the foreclosure matter had become contested because Thomas R. Daniels, Esquire, counsel for the Pousts, had filed an answer to IndyMac's foreclosure complaint.

64. On February 22, 2001, IndyMac requested Respondent provide a status update.

65. On March 19, 2001, IndyMac again requested Respondent provide a status update.

66. On March 23, 2001, Respondent asked IndyMac for the origination file for review.

67. IndyMac forwarded the origination file to Respondent for review.

68. On May 15, 2001, Respondent told IndyMac that Respondent had been in contact with Mr. Daniels and that Respondent was awaiting a response from him.

69. Respondent also told IndyMac that if no answer was received by June 30, 2001, it was Respondent's intention to schedule depositions of Mr. and Mrs. Poust "to move forward" so that Respondent could file a Motion for Summary Judgment.

70. On June 28, 2001:

i. Respondent requested from IndyMac a reinstatement quote good through July 15, 2001;

ii. Respondent advised IndyMac that Respondent was still waiting for responses to Respondent's request for production of documents; and

iii. Respondent advised IndyMac that if Respondent did not receive a response Respondent would file a Motion for Sanctions.

71. On July 19, 2001, Respondent told IndyMac that Respondent had not heard from Mr. Daniels.

72. On July 30, 2001, Respondent filed a Motion to Compel Discovery.

73. On August 21, 2001, opposing counsel filed an Answer to the Motion to Compel Discovery.

74. On August 23, 2001, Respondent told IndyMac he was awaiting a ruling by the court on the Motion to Compel Discovery.

75. On September 10, 2001, the court entered an order compelling discovery and imposing sanctions.

76. On April 3, 2002, Respondent requested and IndyMac forwarded a payment history on the case.

77. Between November 12, 2002 and March 13, 2003, IndyMac contacted Respondent and left messages requesting a status update.

78. Respondent failed to respond to the request for a status update.

79. On March 13, 2003, IndyMac called Respondent, at which time Respondent advised that he was working on the file and was awaiting the judge's order granting IndyMac's Summary Judgment Motion.

80. This was a false statement and Respondent knew that when he made it as Respondent never filed a Motion for Summary Judgment in the matter.

81. On April 16, 2003, IndyMac requested a status update on the summary judgment motion.

82. On June 25, 2003, IndyMac retained Frank Federman, Esquire, to complete representation on the mortgage foreclosure action.

83. IndyMac and Mr. Federman requested that Respondent forward the file but Respondent failed to do so.

455 Timberlake Road Property – Keefe

84. On August 4, 2001, IndyMac retained Respondent to process a foreclosure on real property owned by David H. and Anne J. Keefe located at 455 Timberlake Road, Claysville PA 15323.

85. On October 26, 2001, Respondent filed a foreclosure complaint in the Washington County Court of Common Pleas, captioned Bank of New York vs. David H. Keefe and Anne J. Keefe.

86. On December 5, 2001, Respondent completed services of the Summons and Complaint in the foreclosure action.

87. On December 17, 2001, Respondent advised IndyMac that the foreclosure matter had become contested because Gary W. Short, Esquire, counsel for the Keefes, had filed an answer.

88. Between December 17, 2001 and June 19, 2002, Respondent failed to take any further action in the case.

89. On June 18, 2002, IndyMac requested a status update on the case.
90. On June 19, 2002, Respondent told IndyMac that he had filed a response to the answer and he was waiting to obtain an answer to his discovery request.
91. On June 19, 2002, Respondent requested and IndyMac provided a service history showing all correspondence between IndyMac and the Keefes.
92. On September 5, 2002:
- i. IndyMac requested a status update of the case;
 - ii. Respondent stated that he was still in the discovery stages of the contested action;
 - iii. Respondent requested a payment history on the matter, and
 - iv. IndyMac provided a payment history.
93. On October 1, 2002, IndyMac requested Respondent provide a status update.
94. Respondent failed to provide a status update.
95. On December 23, 2002, IndyMac discovered that Mr. and Mrs. Keefe had filed a Chapter 7 bankruptcy on August 20, 2002 and advised Respondent of this.
96. On January 17, 2003, IndyMac requested a status update, but Respondent failed to provide one.
97. On January 28, 2003, IndyMac advised Respondent of the discharge of Mr. and Mrs. Keefe's Chapter 7 bankruptcy.

98. On February 5, 2003, IndyMac requested a status update from Respondent, but he failed to provide one.

99. IndyMac retained Frank Federman, Esquire, to complete the representation.

100. Respondent failed to forward the file to IndyMac or Mr. Federman as requested.

101. After reviewing the matter Mr. Federman determined that Respondent never filed a reply to the new matter filed by Mr. Short and that Respondent had not filed a Motion for Summary Judgment.

102. Respondent made misrepresentations to IndyMac that Respondent had filed a Motion for Summary Judgment.

281 Charles Drive Property - Willis

103. On November 16, 2000, IndyMac retained Respondent to process a foreclosure on real property owned by Wayne and Jacqueline Willis located at 281 Charles Drive, North Huntingdon Township, PA 15642.

104. On March 19, 2001, Respondent filed a foreclosure complaint in the Westmoreland County Court of Common Pleas captioned Bank of New York vs. Jacqueline and Wayne Willis.

105. On March 23, 2001, Respondent caused service of the Summons and Complaint to be made.

106. On July 10, 2001, Respondent told IndyMac the foreclosure matter became contested as Thomas L. Plaitano, Esquire, counsel for Mr. and Mrs. Willis, filed an answer to the complaint.

107. Respondent entered negotiations with Mr. Plaitano to enter a forbearance plan.

108. On October 11, 2001, Respondent responded to a status request from IndyMac and recommended that they refrain from filing a Motion for Summary Judgment until negotiations for the forbearance plan were complete.

109. On October 24, 2001, Respondent requested a payment history for review and advised IndyMac that once Respondent had reviewed the history he would be prepared to file a Motion for Summary Judgment.

110. IndyMac forwarded Respondent a payment history of the case.

111. Respondent did not reach an agreement with Mr. Plaitano for an acceptable forbearance plan.

112. On November 5, 2001, IndyMac advised Respondent to move forward with the Summary Judgment motion.

113. On November 21, 2001, IndyMac provided Respondent with an executed and notarized affidavit for the Motion for Summary Judgment.

114. On January 8, 2002, Respondent requested a payoff quote from IndyMac.

115. On January 11, 2002, IndyMac provided the quote to Respondent.

116. Respondent did not file a Summary Judgment motion.

117. On November 8, 2002, IndyMac received notice that Mr. and Mrs. Willis had filed a Chapter 13 bankruptcy action and told Respondent to place the file on hold due to the pending bankruptcy.

118. IndyMac retained Frank Federman, Esquire, to complete representation in the foreclosure action.

119. IndyMac and Mr. Federman requested that Respondent forward the file in the Willis matter to Mr. Federman.

120. Respondent failed to forward the file.

Other Findings of Fact

121. Respondent suffers from a major depressive disorder.

122. Respondent did not receive treatment for this disorder prior to September 2004.

123. Respondent has been engaged in psychotherapy with Dr. David Abelsohn since September 2004.

124. Dr. Abelsohn did not interview anyone other than Respondent concerning his mental condition.

125. Dr. Abelsohn did not know the charges of misconduct in the Petition for Discipline.

126. Dr. Abelsohn knew only that Respondent “allowed some difficulties to emerge in his practice and there had been subsequent complaints.” (N.T.II 22)

127. Dr. Abelsohn prepared treatment notes reflecting his meetings with Respondent and noted that Respondent’s prognosis was unclear.

128. Dr. Abelsohn prepared a medical report on Respondent’s condition dated December 12, 2004.

129. On the medical report, Dr. Abelsohn stated “with respect to his professional difficulties, it is clear Mr. Levin had been unhappy with aspects of his practice for some years. It is unclear to me what role depression played in that.” (Ex P-50)

130. Dr. Abelsohn did not make a causal connection between Respondent’s mental condition and the misconduct.

131. Dr. Eileen A. Bazelon first met with Respondent in September 2004. She manages Respondent’s medication and is more concerned with his symptoms than their causes.

132. Dr. Bazelon did not know the charges of misconduct in this matter or the details of prosecution.

133. Dr. Bazelon did not interview or talk to anyone other than Respondent and Dr. Abelsohn concerning Respondent’s mental condition.

134. Dr. Bazelon diagnosed Respondent as suffering from major depression but did not make a causal connection between the mental illness and the misconduct.

135. Martin Kohn testified on behalf of Respondent. He has known

Respondent for 40 years in a social and professional capacity. Mr. Kohn described Respondent's reputation in the community for honesty and professional competence as excellent.

136. Dr. Debbie Levin testified on behalf of Respondent, who is her husband of 35 years. She described his depression and its impact on his attitude toward the practice of law, which she described as being disenchanting with the law.

137. Respondent testified on his own behalf. He admitted that as to the charges in the Petition for Discipline, he did not handle his client matters as he should have.

138. While Respondent contends he did not try to deceive his clients by some statements he made, he cannot explain why he handled the matters the way he did.

139. Respondent did not express remorse for his misconduct nor did he apologize to his clients.

140. Respondent believes there was nothing wrong with the office procedures he had in place during the four years that the misconduct occurred. He stated that it was just a matter of responding to those particular clients referred to in the Petition for Discipline.

141. Respondent has not changed any of his office procedures.

142. Respondent did not pay his annual attorney registration fee for 2004-

2005 and the Supreme Court placed him on inactive status effective in December 2004 due to his failure to pay the fee.

III. CONCLUSIONS OF LAW

By his conduct as set forth above, Respondent violated the following Rules of Professional Conduct:

1. RPC 1.1 – A lawyer shall provide competent representation to a client.
2. RPC 1.3 – A lawyer shall act with reasonable diligence and promptness in representing a client.
3. RPC 1.4(a) – A lawyer shall keep a client informed about the status of a matter and promptly comply with reasonable requests for information.
4. RPC 1.15(b) – Upon receiving funds or other property in which a client or third person has an interest a lawyer shall promptly notify the client or third person. Except as stated in this Rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.
5. RPC 1.16(d) – 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 that has not been earned.

6. RPC 8.4(c) – It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

Respondent did not meet his burden of proof by clear and convincing evidence that he suffers from a psychiatric condition which substantially caused his misconduct. Office of Disciplinary Counsel v. Braun, 553 A.2d 894 (Pa. 1989).

IV. DISCUSSION

This matter is before the Board for consideration of a Petition for Discipline charging Respondent with professional misconduct in connection with his representation of three clients in seven separate matters. Respondent filed an Answer to the Petition for Discipline and admitted that he neglected cases, failed to communicate with his client, failed to return client files and misrepresented the status of a case. Respondent claimed that he did not intend to deceive his clients, although he stipulated that he made misrepresentations to IndyMac when he told them he had taken specific action and he had not done so. Respondent further believed that he could not have deceived his clients about the status of their cases because he had forwarded documentation to them and it was a matter of public record. This does not absolve Respondent of his obligation to accurately apprise his clients of the status of their cases when such a status update is requested.

Respondent should have reviewed his file to make certain his representations were true.

Respondent argues that his conduct was substantially the consequence of a psychiatric disorder, thus entitling him to mitigation of the discipline to be imposed. Office of Disciplinary Counsel v. Braun, 553 A.2d 894 (Pa. 1989). Respondent presented the expert testimony of Dr. David Abelsohn, a clinical psychologist, and Dr. Eileen Bazelon, a psychiatrist. Dr. Abelsohn is Respondent's treating psychologist. Dr. Abelsohn testified that Respondent presently suffers from depression. Dr. Abelsohn was not treating Respondent for depression at any time prior to September 2004. Dr. Abelsohn did not know the details of the disciplinary proceedings and did not know the specific conduct involved herein. In his report, Dr. Abelsohn did not state that Respondent's medical condition at the time of the misconduct was a causal factor in the misconduct. On the contrary, he stated that it was unclear how depression was related to Respondent's professional difficulties. He speculated that "if we make the assumption that he was depressed in 2001, I would say we could make the link". (N.T. II 18) This does not meet Respondent's burden of proof by clear and convincing evidence to show a causal relationship between the depression and the misconduct.

Dr. Bazelon is Respondent's treating psychiatrist. She did not know the details of Respondent's misconduct and stated that she managed Respondent's medication and focused on the symptoms, not the cause. Dr. Bazelon did not make a finding that Respondent's medical condition at the time of the misconduct was a causal factor in the

misconduct. Dr. Bazelon was only able to testify that Respondent was “probably” depressed in 2001. (N.T. II 78). Again, this testimony does not meet Respondent's burden of proof by clear and convincing evidence that Respondent suffered from a psychiatric condition at the time of the misconduct which substantially caused that misconduct. The Board concludes that Respondent did not meet his burden of proof and is not entitled to Braun mitigation.

Several aggravating factors are present in this matter. Respondent failed to show remorse and accept responsibility for his misconduct. Respondent attempted to deflect blame by stating that he forwarded documents to his clients and the filings in any event were of public record, presumably insinuating that the clients could have checked the court files to ascertain the status of their matters, rather than rely on their attorney for such information. While Respondent stipulated to many of the violations, his testimony was not strong on responsibility or remorse. For example, he testified that he “may not have responded to them [clients] in a timely manner.” (N.T. I 57).(emphasis added). The record is devoid of any expression of remorse or apology to his clients.

Review of the record persuades the Board that a suspension of one year and one day, as recommended by the Hearing Committee, is warranted. Respondent engaged in multiple acts of neglect, failure to communicate, misrepresentation and failure to return client files. Furthermore, he failed to express remorse and accept full responsibility, and did nothing to give assurances that his conduct would not occur in the future. Requiring Respondent to go through a reinstatement proceeding to demonstrate his fitness and ability

to practice is necessary in order to protect the public from future harm. Similar misconduct in the past has resulted in suspension for at least one year and one day, and is appropriate in the instant matter. Office of Disciplinary Counsel v. Eric B. Levande, 658 Disciplinary Docket No. 3 (Pa. May 8, 2001), In re Anonymous No. 95 DB 1998, 541 Disciplinary Docket No. 3 (Pa. Oct. 5, 1999).

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, Jonah Daniel Levin, be suspended from the practice of law for a period of one year and one day.

It is further recommended that the expenses incurred in the investigation and prosecution of this matter are to be paid by the Respondent.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: _____
Donald E. Wright, Jr., Board Member

Date: February 10, 2006

PER CURIAM:

AND NOW, this 5th day of May, 2006, upon consideration of the Report and Recommendations of the Disciplinary Board dated February 10, 2006, it is hereby

ORDERED that Jonah Daniel Levin be and he is suspended from the Bar of this Commonwealth for a period of one year and one day, and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

It is further ORDERED that respondent shall pay costs to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.