

IN THE SUPREME COURT OF PENNSYLVANIA

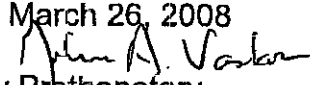
OFFICE OF DISCIPLINARY COUNSEL,	:	No. 1337 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 161 DB 2007
v.	:	
	:	Attorney Registration No. 52644
WENTWORTH D. VEDDER,	:	
Respondent	:	(Philadelphia)

ORDER

PER CURIAM:

AND NOW, this 26th day of March, 2008, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated December 13, 2007, the Joint Petition in Support of Discipline on Consent is hereby granted pursuant to Rule 215(g), Pa.R.D.E., and it is

ORDERED that Wentworth D. Vedder be subjected to public censure by the Supreme Court.

A True Copy John A. Vaskov
As of: March 26, 2008
Attest: 
Deputy Prothonotary
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

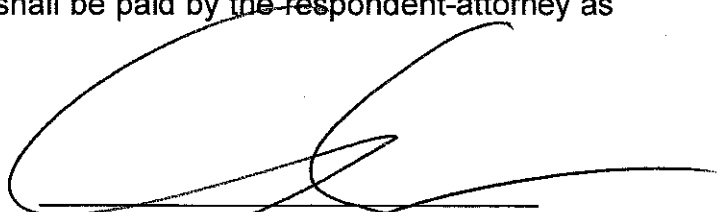
OFFICE OF DISCIPLINARY COUNSEL : No. 161 DB 2007
Petitioner :
v. : Attorney Registration No. 52644
WENTWORTH D. VEDDER :
Respondent : (Philadelphia)

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

The Three-Member Panel of the Disciplinary Board of the Supreme Court of Pennsylvania, consisting of Board Members Gary G. Gentile, William A. Pietragallo and Charlotte S. Jefferies, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on November 13, 2007.

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

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



Gary G. Gentile, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: December 13, 2007

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
: :
: No. **K01** DB 2007
v. :
: Atty. Reg. No. 52644
WENTWORTH D. VEDDER, :
Respondent : (Philadelphia)

JOINT PETITION IN SUPPORT OF DISCIPLINE
ON CONSENT UNDER Pa.R.D.E. 215(d)

Petitioner, Office of Disciplinary Counsel ("ODC"), by Paul J. Killion, Chief Disciplinary Counsel, and Richard Hernandez, Disciplinary Counsel, and by Respondent, Wentworth D. Vedder, file this Joint Petition In Support of Discipline on Consent under Pennsylvania Rule of Disciplinary Enforcement (Pa.R.D.E.) 215(d), and respectfully represent that:

1. Petitioner, whose principal office is situated at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania, is invested, pursuant to Pa.R.D.E. 207, with the power and duty to investigate all matters involving alleged misconduct of any attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.

FILED

NOV 13 2007

Office of the Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

2. Respondent, Wentworth D. Vedder, was born on October 1, 1954, and was admitted to practice law in the Commonwealth of Pennsylvania on November 4, 1988.

3. Respondent's attorney registration address is 26 Madison Avenue, Bala Cynwyd, PA 19004.

4. Pursuant to Pa.R.D.E. 201(a)(1), Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

5. Respondent received a Request for Statement of Respondent's Position (Form DB-7) dated May 17, 2007.

6. Respondent did not answer the DB-7 letter; rather, Respondent agreed to enter into a joint recommendation for consent discipline.

**SPECIFIC FACTUAL ADMISSIONS AND
RULES OF PROFESSIONAL CONDUCT VIOLATED**

7. Respondent hereby stipulates that the following factual allegations drawn from the DB-7 letter are true and correct and that he violated the charged Rules of Professional Conduct as set forth herein.

CHARGE

8. On June 3, 2005, Respondent was appointed to represent Mr. Gary Jackson in a PCRA case captioned ***Commonwealth of Pennsylvania v. Gary Jackson***, CP No. 0308-0580.

a. The appointment letter Respondent received provided, *inter alia*, that it was "effective from time of appointment, through and including appeals, to the highest Appellate State Court, including new trials, if any."

9. By Order dated March 23, 2006, the Honorable Eugene E.J. Maier reinstated Mr. Jackson's direct appeal rights, *nunc pro tunc*.

10. Respondent received notice of Judge Maier's March 23, 2006 Order.

11. By letter dated March 29, 2006, sent to Respondent by regular mail, Mr. Jackson, *inter alia*:

- a. thanked Respondent for reinstating his appellate rights;
- b. requested that Respondent file an appeal on his behalf with the Superior Court of Pennsylvania; and
- c. expressed his desire that Respondent continue to represent him.

12. Respondent received this letter.

13. Respondent failed to respond to this letter.

14. By letter dated April 19, 2006, sent to Respondent by certified mail, return receipt requested, Mr. Jackson, *inter alia*, reiterated his request that Respondent

file an appeal on his behalf with the Superior Court of Pennsylvania.

15. Respondent's agent signed for this letter on April 24, 2006.

16. Respondent failed to respond to this letter.

17. Respondent failed to file on behalf of Mr. Jackson a Notice of Appeal *Nunc Pro Tunc* with the Superior Court of Pennsylvania.

18. By letter dated May 2, 2006, sent to Respondent by regular mail, Mr. Jackson, *inter alia*:

- a. stated that he had sent Respondent two letters, one by regular mail and the second by certified mail, in which he requested that Respondent file an appeal on his behalf with the Superior Court of Pennsylvania; and
- b. posed to Respondent several questions relating to his appellate case.

19. Respondent received this letter.

20. Respondent failed to respond to this letter.

21. Respondent failed to advise Mr. Jackson that he had allowed Mr. Jackson's appeal rights to expire without filing a Notice of Appeal on Mr. Jackson's behalf with the Superior Court of Pennsylvania.

22. After Mr. Jackson discovered that Respondent had not filed a Notice of Appeal on his behalf with the Superior Court of Pennsylvania, Mr. Jackson filed another PCRA Petition with the PCRA court in an effort to again have his direct appeal rights reinstated.

23. By Letter of Appointment dated March 29, 2007, the Honorable Jane Cutler Greenspan appointed new counsel to represent Mr. Jackson.

24. By his conduct as alleged in Paragraphs 8 through 23 above, Respondent violated the following Rules of Professional Conduct:

- a. RPC 1.3, which states that a lawyer shall act with reasonable diligence and promptness in representing a client;
- b. RPC 1.4(a)(3), which states that a lawyer shall keep the client reasonably informed about the status of the matter;
- c. RPC 1.4(a)(4), which states that a lawyer shall promptly comply with reasonable requests for information; and
- d. RPC 8.4(d), which states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

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

26. Respondent hereby consents to that discipline being imposed upon him by the Supreme Court of Pennsylvania. Attached to this Petition is Respondent's executed Affidavit required by Rule 215(d), Pa.R.D.E., stating that he consents to the recommended discipline, including the mandatory acknowledgements contained in Rule 215(d)(1) through (4), Pa.R.D.E.

27. In support of Petitioner and Respondent's joint recommendation, it is respectfully submitted that there are several mitigating circumstances:

- a. Respondent has admitted engaging in misconduct and violating the charged Rules of Professional Conduct;
- b. Respondent has cooperated with Petitioner, as is evidenced by Respondent's admissions herein and his consent to receiving a public censure;
- c. Respondent is remorseful for his misconduct and understands he should be disciplined, as

is evidenced by his consent to receiving a public censure; and

- d. Respondent no longer engages in the private practice of law, having secured a position as a Public Defender with the Montgomery County Public Defender's Office, where Respondent's responsibilities **do not** involve appellate work.

28. Respondent has the following record of discipline, which is an aggravating factor in determining the discipline to impose:

- a. On June 21, 2005, Respondent received an informal admonition for violating Rule of Professional Conduct 1.4(a) for failing to respond to his client's letters inquiring about the status of the client's PCRA case. Respondent's misconduct occurred in 2004.
- b. On March 20, 2007, Respondent receive an informal admonition for violating Rules of Professional Conduct 1.3, 1.4(a)(3), 1.4(b), and 8.4(d). Respondent failed to file a Notice of Appeal on behalf of his client, to advise his client of his failure to file a Notice of Appeal, and to advise his client

of his legal options. Respondent's failure to file a Notice of Appeal on behalf of his client delayed the disposition of the client's appeal on the merits. Respondent's misconduct occurred in April 2006 through May 2006.

- c. On September 7, 2007, Respondent received a private reprimand for two disciplinary matters. In one disciplinary matter, Respondent violated Rules of Professional Conduct 1.3 and 8.4(d) by failing to file an appellate brief on behalf of his client, which delayed the disposition of the client's appeal on the merits. Respondent's misconduct occurred from November 2005 through January 2006. In the second disciplinary matter, Respondent violated Rules of Professional Conduct 1.3, 1.4(a)(3), 1.4(b), and 8.4(d). Respondent failed to file an appellate brief on behalf of his client, to advise his client of the dismissal of his appeal, and to advise his client of his legal options. Respondent also failed to comply with the Superior

Court of Pennsylvania's Order directing Respondent to notify his client that the appeal had been dismissed. Respondent's misconduct occurred from May 2, 2006 through June 2006.

29. Attorneys with a record of discipline who have engaged in neglect of client matters have generally received discipline ranging from a private reprimand to suspension for one year and one day, depending upon the aggravating and mitigating factors. See *In re Anonymous No. 47 DB 91*, 18 Pa. D.&C.4th 418 (1993) (private reprimand imposed on an attorney who failed to act diligently, to communicate with a client, and to return a second client's property after termination of the representation; attorney had previously received two private reprimands and one informal admonition but expressed remorse, admitted her misconduct, presented favorable character testimony, and had physical problems that coincided with part of the time period of her misconduct); *In re Anonymous No. 43 DB 92*, 32 Pa. D.&C.4th 130 (1995) (private reprimand and one-year probation with a practice monitor imposed on an attorney who failed to act diligently, to communicate with his clients in two matters, and to return property to two clients following termination of his representation;

attorney had previously received two informal admonitions and a private reprimand for similar misconduct but the attorney's clients were not prejudiced, the attorney's misconduct arose from his lack of administrative skill, and the attorney was in a structured work environment as an associate at a law firm); **Office of Disciplinary Counsel v. Edward C. Meehan, Jr.**, No. 26 DB 2006 (Recommendation of the Three-Member Panel of the Disciplinary Board 6/27/06) (S.Ct. Order 9/18/06) (Joint Petition in Support of Discipline on Consent accepted and Respondent Meehan received a public censure for failing to act diligently in two criminal cases, to communicate with one client, and to provide transcripts and other related documents to a second client; Respondent Meehan previously received an informal admonition and a private reprimand for similar misconduct and failed to cooperate with Petitioner's investigation; Respondent Meehan hired additional staff to assist him with his caseload); **Office of Disciplinary Counsel v. Neil Jokelson**, Nos. 58 and 102 DB 1998 (D.Bd. Rpt. 12/22/00) (S.Ct. Order 2/26/01) (Respondent Jokelson received a public censure and three years probation with a practice monitor for failing to act diligently and communicate with his clients in two matters; Respondent Jokelson had a history of prior discipline consisting of two informal admonitions

and two private reprimands, but presented compelling character testimony and demonstrated significant changes in his office management); **Office of Disciplinary Counsel v. Michael S. Geisler**, 614 A.2d 1134 (Pa. 1992) (Respondent Geisler, who faced 21 counts of lack of diligence and failure to communicate, was suspended for six months to be followed by one-year probation with a practice monitor; Respondent Geisler's youth, inexperience, and lack of prior record were substantial mitigating factors that our Supreme Court weighed in deciding against the imposition of more substantial public discipline); and **Office of Disciplinary Counsel v. Michael G. Bowen, Nos. 10 and 28 DB 2003**, 73 Pa. D.&C.4th 335 (2004) (Respondent Bowen was suspended for one year and one day for incompetence, lack of diligence, failure to communicate, and failure to account or refund unearned fees in six client matters; in aggravation, Respondent Bowen had previously received a private reprimand for similar misconduct and failed to take responsibility, to show remorse, to file answers to the Petitions for Discipline, and to address his office management problems).

30. A public censure is within the range of discipline imposed on attorneys who have engaged in misconduct similar to Respondent's misconduct. Precedent

supports the imposition of a public censure where the respondent-attorney has engaged in neglect and has a record of private discipline.

WHEREFORE, Petitioner and Respondent respectfully request that:


- a. Pursuant to Pa.R.D.E. 215(e) and 215(g), the three-member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and file its recommendation with the Supreme Court of Pennsylvania recommending that the Supreme Court enter an Order that Respondent receive a Public Censure.
- b. Pursuant to Pa.R.D.E. 215(i), the three-member panel of the Disciplinary Board enter an order for Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter as a condition to the grant of the Petition, and that all expenses be paid by Respondent before the imposition of discipline under Pa.R.D.E. 215(g).

Respectfully and jointly submitted,


OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

November 6, 2007
Date

By 
Richard Hernandez
Disciplinary Counsel

11.7.07
Date

By 
Wentworth D. Vedder
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
: :
: No. DB 2007
v. :
: Atty. Reg. No. 52644
WENTWORTH D. VEDDER, :
Respondent: (Philadelphia)

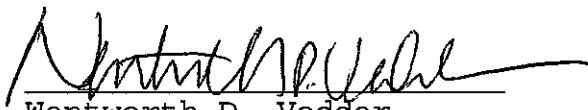
VERIFICATION

The statements contained in the foregoing Joint
Petition In Support Of Discipline On Consent Under
Pa.R.D.E. 215(d) are true and correct to the best of our
knowledge, information and belief and are made subject to
the penalties of 18 Pa.C.S. §4904, relating to unsworn
falsification to authorities.

November 10, 2007
Date


Richard Hernandez
Disciplinary Counsel

11.7.07
Date


Wentworth D. Vedder
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
: :
: No. DB 2007
v. :
: Atty. Reg. No. 52644
WENTWORTH D. VEDDER, :
Respondent: (Philadelphia)

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

Respondent, Wentworth D. Vedder, hereby states that he consents to the imposition of a Public Censure as jointly recommended by Petitioner, Office of Disciplinary Counsel, and Respondent in the Joint Petition In Support Of Discipline On Consent and further states that:

1. His consent is freely and voluntarily rendered; he is not being subjected to coercion or duress; he is fully aware of the implications of submitting the consent; and he has not consulted with counsel in connection with the decision to consent to discipline;

2. He is aware that there is presently pending an investigation into allegations that he has been guilty of misconduct as set forth in the Joint Petition;

3. He acknowledges that the material facts set forth in the Joint Petition are true; and

4. He consents because he knows that if charges predicated upon the matter under investigation were filed, he could not successfully defend against them.


Wentworth D. Vedder

Sworn to and subscribed

before me this 7

day of November, 2007.


Notary Public

NOTARIAL SEAL
JAIME E. RODRIGUEZ, Notary Public
Norristown Boro, Montgomery County, PA
My Commission Expires Oct. 19, 2009