

**BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL	:	No. 111 DB 2014
Petitioner	:	
	:	
v.	:	Attorney Registration No. 42969
	:	
GREGORY L. SCHELL	:	
Respondent	:	(Philadelphia)

PUBLIC REPRIMAND

Gregory L. Schell, you stand before the Disciplinary Board, your professional peers and members of the public for the imposition of a Public Reprimand. It is an unpleasant task to publicly reprimand one who has been granted the privilege of membership in the bar of this Commonwealth. Yet as repugnant as this task may be, it has been deemed necessary that you receive this public discipline.

Mr. Schell, you are being reprimanded for your misconduct in connection with your representation of John Artiuch and the Estate of Audrey Artiuch. This is a serious case of long-standing neglect.

Mrs. Artiuch died in December 1995. As of October 23, 1997, the Department of Public Welfare ("DPW") had a lien for approximately \$28,000 in respect of Mrs. Artiuch's end-of-life care. You commenced a wrongful death action in Montgomery County Court of Common Pleas on behalf of John Artiuch, Mrs. Artiuch's son, in his capacity as administrator of the Estate. In November 2002, you informed Mr. Artiuch that you had settled the wrongful death action for \$55,000. You sent a release, which Mr. Artiuch signed and returned on February 3, 2003.

On December 1, 2003, you informed DPW of the settlement. DPW notified you that it would accept \$16,276.19 in satisfaction of the lien. Thereafter, you failed to inform Mr. Artiuch of this offer, and failed to pay DPW and remit the balance to Mr. Artiuch.

DPW wrote to you, spoke to you and left messages in 2004, 2005, 2006, 2007, 2008, 2009, 2010, and 2011. After having unsuccessful communications with you and having failed to receive payment over these many years, DPW wrote to you in March 2011, with a copy to Office of Disciplinary Counsel, informing you that it had assessed a personal liability against you in the amount of \$28,107.93 in respect of its claim against the Estate of Audrey Artiuch.

In response to a DB-7 Request for Statement of Respondent's Position sent to you in February 2013, you stated that you had never received the settlement funds and "the monies have always been held by the insurance company and have never been distributed." Disciplinary Counsel contacted defense counsel in the wrongful death matter, and was able to confirm that you had been sent the settlement draft on March 7, 2003, but had returned the draft to defense counsel, uncashed, as it was dated October 30, 2002 and was void by that following year. You never followed-up to obtain the check and the matter was left to linger for some ten years.

It was determined that the insurance company would issue the draft for the settlement, which it did by check dated December 4, 2013. On December 10, 2013, you paid DPW \$10,000, which was the amount it agreed to accept in satisfaction of the matter. By letter of September 12, 2014, to John Artiuch, you enclosed a check for \$36,000 and a Statement of Distribution with a final accounting.

Your conduct in this matter has violated the following Rule of Professional Conduct:

1. RPC 1.3 – A lawyer shall act with reasonable diligence and promptness in representing a client.

We note that you received professional discipline in the form of an Informal Admonition in 2009 for neglect.

Mr. Schell, your conduct in this matter is now fully public. This Public Reprimand is a matter of public record.

As you stand before the Board today, we remind you that you have a continuing obligation to abide by the Rules of Professional Conduct and Rules of Disciplinary Enforcement. This Public Reprimand is proof that Pennsylvania lawyers will not be permitted to engage in conduct that falls below professional standards. Be mindful that any future dereliction will subject you to disciplinary action.

This Public Reprimand shall be posted on the Disciplinary Board's website at www.padisciplinaryboard.org.



Designated Member
The Disciplinary Board of the
Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania, at Philadelphia, Pennsylvania, on October 14, 2014.

ACKNOWLEDGMENT

The undersigned, Respondent in the above proceeding, herewith acknowledges that the above Public Reprimand was administered in his presence and in the presence of the designated panel of The Disciplinary Board at 16th Floor, Seven Penn Center, 1635 Market Street, Philadelphia, Pennsylvania, on October 14, 2014.



Gregory L. Schell