IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 3103 Disciplinary Docket No. 3
Petitioner	:	No. 111 DB 2023
v.	:	Attorney Registration No. 200101
	:	(Allegheny County)
LISA ANN JOHNSON,	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 19th day of August, 2025, upon consideration of the Report and Recommendations of the Disciplinary Board, Lisa Ann Johnson is suspended from the Bar of this Commonwealth for a period of one year, with six months to be served, and the remaining suspension stayed in favor of a six-month probation. Respondent shall comply with the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board. *See* Pa.R.D.E. 208(g).

The Applications for Leave to Correct the Record, for Briefing, and for Oral Argument and the Applications for Leave to File *Amicus* Briefs in Support of Respondent are denied.

A True Copy Nicole Traini
As Of 08/19/2025

Attest: Nicole Traini
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	No. 111 DB 2023
v.	:	Attorney Registration No. 200101
LISA ANN JOHNSON, Respondent	:	(Allegheny 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

By Petition for Discipline filed on August 3, 2023, Petitioner, Office of Disciplinary Counsel, charged Respondent, Lisa Ann Johnson, with violations of the Rules of Professional Conduct in two matters. On September 14, 2023, Respondent filed an Answer to Petition for Discipline and Request to be Heard in Mitigation.

Following a prehearing conference on November 15, 2023, a District IV Hearing Committee conducted a disciplinary hearing on January 10 and January 11, 2024. Petitioner introduced exhibits ODC-1 through ODC-26, ODC-29 through ODC-55,

ODC-56, ODC-59, ODC-61, ODC-64, ODC-66, ODC-72 through ODC-74, ODC-75A, ODC-76 and ODC-77 and presented the testimony of Amy Barrette, Esquire. Respondent introduced exhibits Respondent-2 through Respondent-6, Respondent-8, Respondent-10 through Respondent-19, Respondent-21, Respondent-23, Respondent-27, Respondent-28 and ODC-69, testified on her own behalf and presented the testimony of Tonya Stanley, Donna Gorencel, William Sala, Jr., Esquire, Steven Badger, Esquire, Jane Cleary, and Michael Bruzzese, Esquire.

On April 2, 2024, Petitioner filed a post-hearing brief to the Committee and asserted that Respondent's violations of the rules in two matters warranted a five year period of suspension. On April 23, 2024, Respondent filed a post-hearing brief to the Committee and contended that a suspension of her law license was not appropriate based on the record.

By Report filed on June 10, 2024, the Committee concluded that Respondent violated RPC 1.1, 3.1, 3.3(a)(1), 4.1(a), 8.2(a), 8.4(c), 8.4(d) and Pa.R.D.E. 402(c) in the Stanley/Dibble matter and further concluded that Petitioner failed to meet its burden of proof as to any violations in the Glahn/Gorencel matter. The Committee recommended that Respondent be suspended for a period of one year. On July 1, 2024, Respondent filed a Brief as to Exceptions Solely With Respect to the Measure of Discipline, requesting that the Board consider private or public reprimand to address her misconduct. Petitioner filed a Brief Opposing Respondent's Exceptions on July 18, 2024, and requested that the Board recommend to the Court that Respondent be suspended for a period of no less than one year.

The Board adjudicated this matter at the meeting on October 25, 2024.

II. FINDINGS OF FACT

The Board makes the following findings:

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 Pa.R.D.E. 207, 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, Lisa Ann Johnson, was born in 1974 and was admitted to practice law in the Commonwealth of Pennsylvania in 2005. Respondent's registered address is 1800 Murray Avenue #81728, Pittsburgh, Pennsylvania, 15217.
3. Respondent attended the police academy after college and became a police officer, working both as an undercover officer for a period of time and then in the detective division. N.T. 193. She was not subject to discipline in her service history. N.T. 193.
4. While still working in law enforcement, Respondent attended law school and graduated in 2005. N.T. 194.
5. After admission to the bar in 2005, Respondent initially practiced with Klett Rooney (which was acquired by Buchanan Ingersoll) until 2013. N.T. 195. She practiced within the firm's energy section. N.T. 196.
6. Respondent's 2013 departure from Buchanan Ingersoll involved stressful circumstances, which lead her to a period of abusing alcohol. N.T. 303-304. During this time, she was convicted of two counts of endangering the welfare of children (her own) related to a DUI, which she self-reported to the Disciplinary Board. N.T.

303-306. After the incident, Respondent received therapy for PTSD, obtained assistance from Lawyers Concerned for Lawyers (LCL), and in 2016 became a volunteer for that organization. N.T. 303-305.

7. Following her departure from Buchanan Ingersoll, Respondent worked in-house for an energy company. N.T. 198-199. Respondent then focused her work on providing pro bono legal services to asylum seekers and volunteering with the Southern Poverty Law Center. N.T. 200.
8. In the year prior to the matters at issue, Respondent practiced law together with a law school friend. N.T. 201. During the time the specific underlying proceedings at issue were pending, Respondent worked as a solo practitioner without support staff. N.T. 202, 251.
9. Prior to the underlying proceedings, other than handling asylum cases, Respondent had no experience with litigation. N.T. 202.
10. Respondent has no professional discipline of record. N.T. 303.

In the Matter of Stanley et al. v. DEP
EHB Docket No. 2021-013-L
Prehearing Activity

11. In January 2020, Bonnie Dibble filed a complaint with the Pennsylvania Department of Environmental Protection ("DEP") regarding the water supply at a property located in New Milford, Susquehanna County, Pennsylvania (the "Dibble property.") Ans. at ¶ 4.
12. Tonya Stanley, who is Ms. Dibble's sister, resided in the Dibble home. N.T. 149-150. (Ms. Stanley and Ms. Dibble sometimes hereinafter referred to as "Landowners.")

13. Ms. Stanley described the water quality in the home as “perfect” for many years, and testified that around January 2020, it went bad almost overnight. N.T. 149-152.
14. Ms. Stanley testified that at the time the water quality changed, oil and gas company Coterra was working near the property. The activities were sufficiently close that Ms. Stanley could feel the house shaking. N.T. 152.
15. Ms. Stanley photographed the water conditions, including brown water coming through the water line into the toilet and sediment in the water. N.T. 152, R-2, R-3, R-4. Ms. Stanley also testified to water stoppages, a chemical smell, and an oily film. N.T. 154. Ms. Stanley testified that she ceased drinking the water and that the water irritated her skin when bathing. N.T. 158.
16. The Dibble property was approximately 177 feet outside of the zone of presumed liability per the Oil and Gas Act (“Act”). N.T. 92, 93-95.
17. Ms. Dibble testified that she contacted Coterra[1], and was advised to contact the DEP. N.T. 150, 157.
18. Respondent grew up in Susquehanna County and has known Ms. Dibble for essentially her whole life. N.T. 203. Respondent acknowledged she had a close personal connection to the rural community in which she grew up and had a close relationship with Ms. Dibble. N.T. 204.
19. Respondent agreed to assist and represent Ms. Stanley and Ms. Dibble due to their personal connection, and because, based on Respondent’s experience in the

[1] Attorney Barrette identified the involved oil and gas company as “Coterra Energy, formerly known as Cabot,” and confirmed both names refer to the same entity. N.T. 20.

energy industry, she believed that getting clean water for Ms. Stanley and Ms. Dibble would just be a matter of a few phone calls. N.T. 204-205.

20. Respondent represented Ms. Stanley and Ms. Dibble on a pro bono basis. N.T. 208.

21. Respondent believed she was competent to assist her clients in communicating with the DEP, but hoped that the dispute would not lead to litigation. N.T. 204, 207. Respondent had reservations about handling litigation due to her lack of litigation experience, and disclosed to her clients that she had no litigation experience. N.T. 157, 207.

22. Respondent made efforts to retain substitute counsel or counsel to assist in the matter early on but was not successful. N.T. 207, 208. Ms. Stanley and Ms. Dibble had no other options for lawyers. N.T. 157.

23. On January 10, 2020, Respondent wrote to Coterra, requesting potable water for her clients. R-28; N.T. 84-86. The company declined to provide such water. R-28; N. T. 84-86.

24. On February 20, 2020, Respondent wrote to the company's lawyer, Attorney Amy Barrette, addressing pre-drill samples, coordinates, statutory presumptive distances, and the Act itself. R-28; N.T. 86-88. The only request Respondent made was for potable water for her clients, which the company still declined to provide. N.T. 89.

25. Respondent coordinated with the DEP in early 2020 to allow the DEP to test the water. Elevated levels of turbidity, iron and bacteria were detected. N.T. 161, 213-214.

26. Respondent, on behalf of Ms. Stanley and Ms. Dibble, also hired a private laboratory, Eurofins, to test the water. N.T. 161, 214.
27. Respondent testified that Eurofins' initial report detected the same pollution as found by the DEP, and also, TEG at a level of 2.8J. R-10. Respondent testified that TEG is a manmade chemical that is not naturally found in the ground. N.T. 232. Respondent testified that the DEP does not typically test for glycols such as TEG. N.T. 232.
28. Respondent shared the Eurofins testing results with the DEP, including the raw data, and also authorized the DEP to communicate directly with Eurofins. N.T. 90-91, 220.
29. When the DEP questioned Eurofins' findings as to the presence of TEG, Respondent asked Eurofins to test again. N.T. 222. Respondent also called Eurofins to discuss the discrepancy between the DEP's findings and Eurofins' test results. N.T. 222-223.
30. Respondent shared Eurofins' second report (July 14, 2020) with the DEP. N.T. 223; R-15. At that point, Respondent declined to share the second set of raw data, out of concern that the DEP was no longer acting cooperatively. N.T. 224.
31. As the DEP's investigation proceeded on throughout the year 2020, Ms. Stanley moved out of the Dibble property, because the water was unusable. N.T. 162-163.
32. In June 2020, a Grand Jury report investigating the fracking industry was made publicly available. R-27. The report documented concerns, events and illnesses that matched Ms. Dibble's and Ms. Stanley's experiences. N.T. 226-227.
33. The report concerned groundwater pollution by fracking chemicals in the Susquehanna River Valley (where the Dibble property was located). R-27. The

report described challenges to property owners in seeking redress for water contamination, including the lack of obligation upon the oil and gas industry to disclose chemicals used, the narrow focus of DEP testing failing to account for the full range of contaminants in the water, the DEP relying on outdated industry information, and the DEP ignoring testing results from outside experts hired at property owners' expenses. N.T. 226-232.

34. The Grand Jury Report informed Respondent's thinking, with respect to her representation of Ms. Stanley and Ms. Dibble. N.T. 228.

35. Approximately a year after Ms. Dibble filed her DEP complaint, on January 15, 2021, the DEP issued a letter advising that it had determined that the water supply was not adversely affected by oil and gas activities and that the DEP had not detected TEG in the Dibble Property groundwater. ODC-2.

36. The DEP's letter triggered a right of appeal to the EHB. ODC-2.

37. Ms. Dibble and Ms. Stanley disagreed with the DEP's findings, felt that the DEP was not providing assistance, and sought to appeal the DEP's letter. N.T. 149, 162.

38. Although the Act required the DEP to investigate the complaint within 10 days and make a determination within 45 days, the DEP's final determination was issued a year after Ms. Dibble initiated her complaint. N.T. 96, 162.

39. The DEP's letter confirmed the existence of pollutants in the water (elevated levels of iron, turbidity and bacteria), but concluded that oil and gas activity was not the cause. ODC-2; N.T. 162.

40. On February 15, 2021, Respondent filed a Notice of Appeal with the Environmental Hearing Board ("EHB") on behalf of Tonya Stanley, Bonnie Dibble, and Jeffrey Dibble. ODC-3.
41. Respondent did not propound any discovery or take any depositions regarding the appeal. Ans. at ¶¶ 7-10; N.T. 238.
42. The DEP initiated discovery before the discovery deadline. N.T. 110.
43. Coterra intervened in the litigation and entered the appearance of Attorneys Amy Barrette and Robert Burns. ODC-4.
44. Coterra did not serve any discovery. N.T. 108-109.
45. Respondent performed some investigation by informal means, including interviewing her clients, gathering documents through a Right to Know request, searching the websites Frack Focus and marcellusgas.org for well records and production reports, reviewing the Grand Jury Report and also reviewing a groundwater site assessment in nearby Dimock, Pennsylvania. N.T. 239-241.
46. On February 22, 2021 Respondent filed a Motion to Disqualify Counsel, seeking to disqualify Attorneys Barrette and Burns from representation of Coterra in the EHB appeal. ODC-5. Respondent's thinking behind this motion included reading about the tactics of Coterra and its counsel in other cases. N.T. 102, 122-123, 246-247.
47. This Motion contained no factual information regarding Attorneys Barrette or Burns that would merit disqualification in the matter pending before the EHB. ODC-5.
48. Respondent's Motion to Disqualify had no basis in fact or in law that was not frivolous, within the facts of the *Stanley/Dibble* case. ODC-73, N.T. 41-43, 245.

49. Respondent failed to file a memorandum in support of the Motion to Disqualify. Ans. at ¶ 15.

50. On February 23, 2021, Attorney Burns, on behalf of Coterra, sent Respondent a letter demanding that the Motion to Disqualify be withdrawn, and attaching an approximately 300-page filing in which Coterra had initiated a Dragonetti Action seeking $5 million and sanctions against another lawyer. ODC-77; N.T. 103-106.

51. On February 26, 2021, Respondent filed a Renewed Motion to Disqualify Counsel, asserting that Attorney Burns' February 23, 2021 letter amounted to "harassment and intimidation." ODC-7. Respondent's Renewed Motion did not cite any additional facts or different authorities in support of her Motion. ODC-7.

52. Respondent failed to file a memorandum in support of the Motion to Disqualify. Ans. at ¶ 20.

53. On March 8, 2021, Respondent filed an Amended Notice of Appeal. ODC-8.

54. By Order dated March 26, 2021, Respondent's Motion to Disqualify and Renewed Motion to Disqualify were denied. ODC-9.

55. On April 2, 2021, Michael Braymer, Supervisory Counsel with the DEP, sent an email to Respondent, stating in part:

> Thanks for your e-mail. The intention of my conversation yesterday was not to offer a "new" investigation but to simply convey that the Department has not been able to substantiate the claim that TEG is present in the groundwater. While the Department is aware your clients' lab has differing results, the Department believes its sample results are reliable and accurate. However, understanding all of this, the Department is willing to sample your client's water supply again and would even be willing to split samples with multiple labs if so desired.
>
> Further, you had asked about whether Coterra used TEG on their respective well sites, and I indicated that the problem was that the Department has not been able to detect any TEG in the groundwater. Thus, use of TEG at the

well site was assumed, but the issue remaining at hand is that TEG is not appearing in any of the samples taken by the Department.

ODC-10.

56. On April 7, 2021, Respondent filed a Motion for Summary Judgment on behalf of Landowners in which she represented that, *inter alia,* "[t]he Department advised [Landowners] and [Landowners'] counsel on April 2, 2021 for the first time that (a) TEG was being used at the well sites operated by Coterra during the period in question and while all respective water tests were performed." ODC-11.

57. On April 7, 2021, Respondent filed a Brief in Support of Appellant's Motion for Summary Judgment in which she represented that, *inter alia*, "[a]ccording to the Department on April 2, 2021, TEG was being used at all of such well sites operated by [Coterra]." ODC-11.

58. Respondent's interpretation of the Department's email was incorrect, as she interpreted the Department's statement that "use of TEG at the well site was assumed," as an affirmative confirmation that TEG was in fact used at the site. N.T. 255. This interpretation, although erroneous, was consistent with Respondent's industry knowledge that glycol dehydrators were used on almost every site, with her general knowledge of fracking fluids, and with Eurofins' laboratory results. N.T. 255.

59. On May 7, 2021, the DEP filed its Brief opposing the Appellant's Motion for Summary Judgment and stated that "The Department has not made any determination regarding whether [Coterra] used TEG on the nearby well sites and has not communicated to [Landowners] otherwise. [Coterra's] use of TEG on the nearby well sites remains a disputed material fact." ODC-12. The DEP further

stated that Respondent's characterization of Mr. Braymer's April 2, 2021 email was "False." ODC-12.

60. Respondent was skeptical of the DEP's representation, due to her reading of the 2020 Grand Jury report. R-27; N.T. 227-230. However, the Motion for Summary Judgment contained no affirmative evidence of use of TEG at the well site. ODC-11.

61. On May 21, 2021, Respondent filed a Reply Brief on the Motion for Summary Judgment. Ans. at ¶ 28.

62. On May 28, 2021, Attorneys Barrette and Burns filed Intervenor Coterra's Motion to Strike Portions of Appellant's Motion for Summary Judgment or in the Alternative, for Sur-Reply. Ans. at ¶ 29.

63. On June 1, 2021, Ms. Stanley filed a disciplinary complaint against Attorney Barrette. ODC-13.

64. On June 3, 2021, Respondent filed a Response in Opposition to Coterra's May 28 Motion, in which she disclosed that her client filed an ethics complaint against Attorney Barrette. ODC-14.

65. On June 11, 2021, the EHB issued an Opinion and Order denying the Motion for Summary Judgment filed by Respondent. ODC-15.

66. On June 22, 2021, Respondent issued several subpoenas commanding various individuals, including Coterra's CEO, Attorney Barrette, U.S. Assistant Secretary of Health Dr. Rachel Levine, and then-Governor Tom Wolf to "attend a videoconference deposition." N.T. 52, 142; ODC-1, ODC-17, ODC-76.

67. On June 24, 2021, Attorney Barrette filed Coterra's Emergency Motion to Stay Compliance with Subpoenas, which was granted on June 25, 2021. ODC-1.

68. On July 1, 2021, Attorneys Barrette and Burns filed Intervenor Coterra's Motion to Quash Subpoena and for Protective Order. Ans. at ¶ 34.
69. On July 16, 2021, Respondent filed Appellant's Memorandum in Opposition to Coterra's Motion to Quash, in which Respondent disclosed that "[Landowners] have filed ethical complaints with the Supreme Court Disciplinary Committee attempting to shield themselves and other landowners from Attorney Barrette's potential and egregious violations of the Rules of Professional Conduct." ODC-16.
70. On July 21, 2021, the EHB issued an Opinion and Order, quashing the subpoenas. ODC-17.
71. On August 9, 2021, Respondent filed a Motion to Extend Discovery, in which she averred that the parties had not served discovery, and that negotiations concerning a consent order and agreement were ongoing with the DEP. ODC-18.
72. There were no ongoing consent order negotiations between Coterra and DEP at that time. N.T. 23, 54, 56, ODC-21.
73. Respondent was having communications with the Attorney General's office regarding further investigation into possible use of TEG at the well site, however, any consent order would have been within the purview of the DEP and not the Attorney General's Office. N.T. 24-25; 261-263.
74. Respondent did not meet and confer before filing the Motion to Extend Discovery. ODC-18.
75. Had Respondent done so, there was no likelihood that Coterra would have consented to a discovery extension. N.T. 113.
76. On August 24, 2021, the Motion to Extend was denied for failure to comply with the meet and confer requirement. ODC-22.

77. On September 14, 2021, Attorneys Barrette and Burns filed Coterra's Motion for Summary Judgment, on the basis that Respondent's clients had failed to introduce evidence of water supply contamination by Coterra's operations. ODC-23.
78. On September 15, 2021, the Office of Disciplinary Counsel dismissed the disciplinary complaint Ms. Stanley filed against Attorney Barrette. ODC-24. Respondent was copied on this letter. ODC-24.
79. On September 17, 2021, Respondent filed Appellant's Motion to Strike, for Sanctions for Spoliation of Evidence and Under Rule 4005. ODC-26.
80. Respondent failed to engage in the required meet and confer process before filing that motion, and she failed to file a supporting Memorandum of Law. ODC-26; Ans. at ¶ 52.
81. On October 5, 2021, the EHB issued its order denying the Motion to Strike for failure to comply with procedural rules and stating that continuing failure to comply with EHB rules may result in the imposition of sanctions. ODC-29.
82. On November 23, 2021, the EHB issued an Order directing Respondent to file a pre-hearing memorandum, setting forth all anticipated experts, summaries or reports of the experts' anticipated testimony, a list of exhibits and copies of all exhibits. ODC-30.
83. The November 23 Order also set forth that failure to comply with time limits set forth in the rules may result in waiver. ODC-30.
84. Respondent attempted, unsuccessfully, to pursue interlocutory appellate relief before the Commonwealth Court. ODC-1.

85. While those appellate efforts were ongoing, the EHB's deadline for the pre-hearing memorandum came due. ODC-1, ODC-30. Respondent failed to file a timely pre-hearing memorandum. N.T. 63-64.

86. On January 3, 2022, the EHB issued a Rule directing Respondent to show cause why the EHB should not issue sanctions for failing to timely file a pre-hearing memorandum, and allowing discharge of the Rule should the pre-hearing memorandum be filed on or before January 10, 2022. ODC-31.

87. On January 7, 2022, Respondent filed Landowners' Motion to Stay Proceeding, or In the Alternative, Extend Time for Landowners to File Pre-Hearing Brief, seeking an extension to January 19, 2022 for the filing of the pre-hearing memorandum. ODC-32.

88. On January 7, 2022, the EHB granted the request of an extension to January 19, 2022, to file the pre-hearing memorandum. ODC-33.

89. On January 19, 2022, Respondent filed the Pre-Hearing Memorandum and identified the facts in dispute as: whether Landowners' water supply is and was contaminated by Coterra's oil and gas operations. ODC-34.

90. In the Pre-Hearing Memorandum, Respondent did not identify any experts to be called as part of Landowners' case in chief. ODC-34.

91. The Pre-Hearing Memorandum contained a narrative of facts, a statement of legal issues, a section on experts, and a list of fact witnesses. ODC-34.

92. In the section on experts, Respondent argued that the DEP and Coterra had the burden to proffer expert testimony, and that they engaged in waiver by failing to put forward expert testimony. ODC-34.

93. Respondent had not engaged experts, as Ms. Stanley and Ms. Dibble could not afford to retain experts. N.T. 257-258.

94. Respondent did not identify exhibits or attach copies of exhibits to the Pre-Hearing Memorandum. ODC-34.

95. Respondent had filed items on the EHB docket, including: pictures, well records, fracking chemical lists, witness statements, water tests, surface activities, inspection reports, and Eurofins' test results. ODC-1; N.T. 110-112.

96. Respondent incorrectly expected that filing those items on the EHB docket would be sufficient for EHB consideration and failed to properly identify those items within the pre-hearing memorandum. N.T. 110-112, 236-236, 257.

97. Between January 27 and February 2, 2022, Attorneys Barrette and Burns filed four Motions *in Limine*, seeking to preclude Respondent from offering *inter alia,* expert witness testimony at the evidentiary hearing, due to deficiencies in the pre-hearing memorandum. ODC-35-ODC-38.

98. Respondent then forwarded these Motions to representatives of the EPA and the Pennsylvania Office of Attorney General, and copied Attorneys Barrette and Burns on the email. ODC-39, ODC-40.

99. On February 3, 2022, Respondent filed a Motion to Stay Proceedings before the EHB, representing that Attorney Barrette "will have" conversations with the AG's Office and the EPA. ODC-40. Respondent requested a stay of the EHB proceedings for a period of 60 days. ODC-40.

100. At the time Respondent filed the motion, no conversations were scheduled to take place between Attorney Barrette, the AG's Office, and/or the EPA. N.T. 69.

101. A prosecutor was ultimately assigned by the AG's office to investigate Ms. Stanley's and Ms. Dibble's claims against Coterra, approximately six months later. N.T. 262.

102. Respondent failed to engage in the required meet and confer process before filing the Motion to Stay. ODC-76; Ans. at ¶ 77.

103. On February 7, 2022, Respondent sent an email to Attorneys Barrette and Burns, demanding the withdrawal of Coterra's Motions in Limine, on the basis that they were "filed for the sole purpose of abusing the legal process and harassing and intimidating my clients and me." Respondent also demanded: "You also have until Wednesday to substitute counsel; however, we would oppose until Coterra pays my legal fees and costs on or before Friday. We all know that Coterra can put a wire together that quickly. The amount that should be paid for attorneys' fees should be the amount equal to that Coterra has paid for its legal fees and costs." ODC-39.

104. On February 7, 2022, Attorneys Barrette and Burns filed Intervenor Coterra Energy's Opposition to Motion to Stay Proceedings, accusing Respondent of engaging in frivolous litigation and extortion. ODC-41.

105. On February 9, 2022, Attorneys Barrette and Burns filed Coterra's Motion *in Limine* to Exclude the Introduction of Exhibits and Scientific Tests not Identified in Appellant's Pre-Hearing Memorandum. ODC-42.

106. On February 9, 2022, Respondent's Motion to Stay Proceedings was denied. ODC-44.

107. On February 11, 2022, Respondent sent a letter to EHB Judge Bernard A. Labuskes, Jr., stating that Landowners would not be filing responses to Coterra's

Motions *in Limine,* stating that Landowners object to Coterra's efforts to limit evidence, and that Landowners would be the only witnesses to be called to testify at the hearing. ODC-45; N.T. 26.

108. On February 15, 2022, Attorneys Barrette and Burns filed a motion on behalf of Coterra, seeking Sanctions in the form of legal fees, on the basis that: Respondent's motion to stay the proceedings was frivolous and contained false claims about conversations scheduled between Coterra's counsel, the AG's office and EPA; and that Respondent's February 7, 2022 email demanded the withdrawal of Coterra's counsel, and the payment of Landowners' attorney's fees in the amount equivalent to what Coterra had paid its counsel. ODC-46.

109. On February 17, 2022, the EHB granted three of Coterra's Motions *in Limine,* and entered an Order precluding Landowners from introducing scientific tests, exhibits, and expert testimony into evidence during their case-in-chief in the upcoming evidentiary hearing on the merits. ODC-47.

110. On February 21, 2022, Respondent filed an Opposition to Coterra's Motion for Sanctions, and erroneously again represented that the DEP confirmed use of TEG in Coterra's operations. ODC-48. Respondent further contended that the EHB had been a "discriminatory and hostile forum," and that the EHB exhibited "biases against Landowners and Landowners' counsel," and challenged Attorney Barrette's continued representation of Coterra despite what Respondent believed to be "inappropriate" conduct. ODC-48.

111. On February 21, 2022, Respondent filed Landowners' Memorandum of Law in Opposition to Intervenor's Motion for Sanctions and represented that there were pending ethical complaints against Attorney Barrette. ODC-49. The confidential

disciplinary complaint against Attorney Barrette, however, had been dismissed in September 2021. ODC-24.

Stanley/Dibble: The Evidentiary Hearing

112. An evidentiary hearing was held before the EHB on February 22, 2022, and was conducted virtually via WebEx. N.T. 118, ODC-50.

113. Prior to the hearing, Respondent worked with her clients to develop topics and questions for the hearing and to prepare for the presentation of evidence through their testimony. N.T. 165.

114. Coterra's Motion for Sanctions (filed a week prior) concerned the Landowners to the point that they wanted the Motion for Sanctions resolved before proceeding. N.T. 166.

115. Respondent appeared at the virtual hearing with her clients, ready to introduce testimony. N.T. 332.

116. Consistent with her clients' wishes, at the outset of the hearing, Respondent asked Judge Labuskes to take up the pending Motion for Sanctions first. (T. 166). The judge declined to do so. N.T. 120-121.

117. Thereafter, there was a break in the proceedings for Respondent to consult with her clients. N.T. 120-121, 166-167.

118. Respondent's clients decided to not proceed with presenting testimony in the evidentiary hearing, because they were uncomfortable doing so with the Sanctions motion unresolved. N.T. 121, 167. Landowners were aware that if they declined to testify, they may not have a second opportunity to do so in the future. N.T. 167.

119. During the hearing itself, Respondent was respectful; she did not raise her voice, engage in name calling or level accusations against opposing counsel or the tribunal. N.T. 119-120, 168.

120. At the hearing, Respondent entered no documentary evidence or testimony on behalf of Landowners. At that time, Coterra and the DEP moved for Compulsory Nonsuit. ODC-50.

Stanley/Dibble: Post-Hearing Activity

121. In the course of the EHB proceedings, Judge Labuskes had unilaterally removed from the docket certain improperly-filed documents from Landowners, including personal statements authored by Landowners. R-19; N.T. 293-296.

122. Respondent wrote letters to the judge on March 14 and 15, 2022, asking why the filings had been removed. ODC-69; N.T. 295; R-25. On March 16, 2022, Judge Labuskes entered an Order, striking Respondent's letter. ODC-1.

123. On May 9, 2022, Respondent filed Landowners' Reply Brief, opposing Coterra and the DEP's motion for nonsuit. ODC-51. In that brief, Respondent again contended that the DEP admitted to TEG use at the well sites in Mr. Braymer's April 2, 2021 email. ODC-51. In this filing, Respondent also accused the DEP, EHB and Judge Labuskes of ongoing violations of Landowners' First Amendment free speech and due process rights. ODC-51. Respondent contended that Judge Labuskes retaliated by deleting Landowners' filings from the EHB docket, that he demonstrated bias against Landowners, and demanded that he recuse himself from the proceedings. ODC-51.

124. On May 9, 2022, the EHB communicated to the parties by email that Judge Labuskes would like to hold oral argument via telephone on Coterra's pending

motion for sanctions and asked the parties to provide their availability the afternoon of May 25, 2022. ODC-52.

125. Respondent objected to the matter proceeding as an oral argument, as she believed she and her clients should have had the opportunity for an evidentiary hearing. N.T. 275, 308; ODC-53.

126. On May 10, 2022, Respondent filed Landowners' Demand for the Board's Removal of Judge Labuskes, alleging:

> Judge Labuskes' documented history and violations of Landowners' free speech and due process rights are the most serious violations of constitutional rights in this country and have no room in an American tribunal. Judge Labuskes' ongoing retaliatory misconduct reveals, among other things, that Judge Labuskes is punishing Landowners for exercising their First Amendment rights of free speech against the Department of Environmental Protection and the Environmental Hearing Board.
>
> Judge Labuskes' sudden and urgent desire to hold oral arguments over a phone call regarding Coterra's SLAPP Motion that was filed three months ago within hours of Landowners' filing of the Brief is clearly meant to punish Landowners' [sic] and Landowners' counsel for exercising their free speech rights against the DEP and for continuing to seek Judge Labuskes' recusal. Landowners and I will not tolerate it. Oral arguments are not necessary for an impartial fact finder to determine that Coterra's SLAPP Motion was an improper use of these proceedings in an attempt to intimidate and deter Landowners and Landowners' counsel from pursuing this matter in accordance with the patterns and practices of the oil and gas industry to silence victims. In this matter, the government has joined those efforts to silence Landowners.
>
> Landowners repeat their demand that Judge Labuskes file on this docket a copy of his statement of financial interests, together with any interests that Judge Labuskes holds in oil and gas investments, shared positions on charitable boards, or any other interest that could impair Judge Labuskes' obligations to be fair and impartial. This demand is appropriate under the Ethics Act, the Rules of Professional Conduct, the Rules of Judicial Conduct and in equity. Any further

> communications from Judge Labuskes to Landowners' counsel shall be made publicly through the Board's electronic filing system.
>
> This latest attack on Landowners' free speech rights by Judge Labuskes does not just endanger Landowners' rights and, in fact their lives, it sets an extremely dangerous precedent going forward that Judge Labuskes can call for improper proceedings or remove any pleading or evidence from the docket on a whim.
>
> Judge Labuskes does not have the temperament to hold such a sacred position in an American justice system and, as he has not properly recused himself, Judge Labuskes should be removed from this matter. The Board belongs to the people where they can be safe to exercise their First Amendment rights to free speech against the government.

ODC-53.

127. While Respondent may have had generalized concerns about the EHB proceedings and DEP activity, Respondent's allegations against Judge Labuskes as set forth within the Landowners' Demand for the Board's Removal of Judge Labuskes were false, and had no basis in law or fact that is not frivolous. *See* ODC-53.

128. On June 7, 2022, the EHB granted the Motion for Sanctions, entering sanctions against both Respondent and Landowners, although Coterra did not specifically request sanctions against Landowners. ODC-76, N.T. 121.

129. On June 15, 2022, the EHB granted Coterra and the DEP's Motion for Compulsory Nonsuit, finding that the Landowners bear the burden of proof, and that Landowners failed to put on a case-in-chief or offer any evidence. ODC-55.

130. On June 17, 2022, Respondent filed a Petition to Amend the Board's Interlocutory Order Granting Intervenor's Motion for Sanctions in the Form of Legal Fees, in which she continued to argue that the Order was borne of Judge

Labuskes' bias against Landowners, and that the Judge's conduct, particularly in deleting Landowners' inappropriately filed documents on the docket, constituted a violation of Landowners' First Amendment rights. ODC-56.

In the Matter of Glahn and Gorencel v. DEP
EHB Docket No. 2021-049-L

131. In July 2020, Roger Glahn filed a complaint with the DEP regarding the water supply at a property located at Mehoopany, Pennsylvania. Ans. at ¶ 123.

132. Mr. Glahn and Donna Gorencel had lived at their property for 38 years, and their water supply is a spring vault that comes from an aquifer under the ground. N.T. 175-176.

133. Ms. Gorencel testified that in July 2020, she noticed that her dogs were sick, her fish were dying in the pond, algae was overflowing from the spring vault and her canned peas were turning orange. N.T. 176, 176; R-5, R-6, R-7, R-8.

134. Ms. Gorencel testified that prior to this, they had no problems with the water or the pond. N.T. 177-179.

135. Ms. Gorencel testified that during the time of these changes in water quality, there was fracking activity on a well pad approximately 550 from the home and that above the house on top of the mountain, an energy company was putting in a pipeline. N.T. 178.

136. The landowners were older, retired, and the male had significant health issues. N.T. 182-183. Their goal was to get an investigation done and get help. N.T. 182.

137. The DEP's initial investigation found pollution and presumed that nearby oil and gas activities were the cause. R-22.

138. The DEP did not issue a timely final determination. N.T. 184-185.

139. The landowners retained Respondent in April 2021, well beyond the 45-day statutory period for DEP making a determination. N.T. 181, 280.

140. Respondent and the landowners knew that the DEP needed to issue a Final Determination to trigger appellate rights to the EHB, but given the DEP's failure to timely act, Respondent looked for options for her clients. N.T. 184, 281.

141. Respondent, on behalf of the landowners, appealed to the EHB in an effort to get the DEP to act, thereby raising the legal question of whether the DEP's failure to timely issue a determination was an appealable event. Ans. at ¶ 124-125; N.T. 282-283.

142. On August 27, 2021, the DEP filed a Motion to Dismiss the appeal, arguing that Respondent, on behalf of the landowners, failed to identify an appealable event to which the EHB's jurisdiction may attach. ODC-59.

143. On September 24, 2021, Respondent filed an Opposition to the Motion to Dismiss, arguing that the DEP's failure to act constituted an unconstitutional taking. Ans. at ¶ 126.

144. On November 21, 2021, the EHB issued an Opinion and Order, evaluating the merits of the Motion to Dismiss. ODC-61. The EHB determined that the DEP's failure to timely act was not an appealable event, creating jurisdiction within the EHB. ODC-61. One EHB judge dissented from this decision. N.T. 268; R-23.

145. On appeal, the Commonwealth Court affirmed the dismissal, but disapproved of the DEP's prolonged inaction. *Glahn v. Dep't of Env't Prot. (Env't Hearing Bd.)*, 2023 Pa. Commw. Lexis 98, *2 (2023); N.T. 287.

146. This theory was recognized in the jurisdiction of Maryland, in *Litz v. Md. Dep't of the Env't,* 131 A.3 923 (Md. 2016), and that opinion had been raised and considered by the EHB in the course of the *Glahn* litigation. N.T. 290-291; R-23. This theory has also been discussed in the legal scholarly article by Joseph Belza, *Invers Condemnation and Fracking Disasters: Government Liability for the Environmental Consequences of Hydraulic Fracturing under a Constitutional Takings Theory,* 44 B.C. Envtl. Aff. L. Rev. 55 (2017). N.T. 289, ODC-73.

Additional Facts and Mitigation Evidence

147. Attorney Barrette's testimony was credible.

148. Ms. Stanley's testimony was credible.

149. Respondent's testimony was credible.

150. Respondent acknowledged her inexperience, errors, and lack of care in her communications and filings in the *Stanley/Dibble* case and accepted responsibility for her incompetence. N.T. 238-239, 243-244, 245, 247, 248, 249, 253-254, 257, 260-261, 275. She further acknowledged a violation of Pa.R.D.E. 402(c) by disclosing in filings that an ethical complaint had been filed against Attorney Barrette. Ans. at ¶ 35.

151. Respondent did not fully appreciate the extent of her incompetence in filing her clients' personal statements on the litigation docket. ("I still don't understand why it was removed."). N.T. 348.

152. Respondent credibly expressed remorse for her tone and language in various filings in the *Stanley/Dibble* case, and acknowledged that it was at times harsh, rude, and unprofessional. She has learned to modulate her outrage when drafting legal documents. N.T. 278-279, 306, 307.

153. Respondent credibly testified that her language and conduct were driven by her emotions and perception that her clients were suffering, and that the dispute was a matter of her clients' health and clean water. N.T. 279. The credibility of her testimony is bolstered by her personal connection as a lifelong friend to Ms. Dibble, the credible testimony that Ms. Stanley and Ms. Dibble could find no other lawyer to help them, the fact that Respondent took on the *Stanley*/*Dibble* representation pro bono, and that the goal of that litigation was to obtain clean, potable water for her clients. N.T. 84-86, 157, 168-169, 203, 207-208.

154. Respondent agreed that it was very serious to accuse either a judge or a board of being biased. N.T. 298.

155. When questioned by her counsel regarding her reactions to Petitioner's allegations of dishonesty and misrepresentation, Respondent testified, "[s]o with respect to learning the [EHB's] rules, I certainly know them better now. I wish I would have taken more time with them, and I regret my tone, but in no way did either my clients or I fabricate, exaggerate, or lie or misrepresent any fact. I strongly deny that." N.T. 307.

156. Respondent credibly expressed remorse for the impact her conduct had upon her clients. N.T. 307.

157. Respondent credibly testified that she is accepting mentorship, that she is openminded about her need to further develop the necessary expertise, and that she is making genuine efforts to find that help. N.T. 278-279.

158. Respondent credibly testified that she has applied these lessons in her practice. Respondent continues to litigate before the EHB, and litigated a matter in April 2023 that proceeded to a lengthy hearing before Judge Labuskes, who

presided over *Stanley*/*Dibble.* N.T. 242, 243, 277. In that case, Respondent served formal discovery, took depositions, filed pretrial statements and introduced evidence at the hearing, including the examination of witnesses. N.T. 244. Respondent had the benefit of experienced co-counsel, which enabled Respondent to improve her own skills. N.T. 278.

159. Other than the Sanctions Order in the *Stanley*/*Dibble* case, Respondent has never been sanctioned or been the subject of any other motion seeking sanctions. N.T. 303.

160. Outside of the events at issue in this proceeding, no client, court, or employer has questioned Respondent's competency. N.T. 303.

161. Respondent cooperated with Petitioner in connection with this disciplinary proceeding and conducted herself professionally throughout the process.

162. Michael Bruzzese, Esquire credibly testified as a character witness. He was admitted to the bar in Pennsylvania in 1991. He is familiar with Respondent's skills as a lawyer. He has known Respondent since June 2023, as they serve together as co-counsel on an oil and gas case. N.T. 390-391. He assessed her professional skills and demeanor on a variety of points such as courtroom skill, taking depositions, and legal writing, and found her to be a competent and capable lawyer. He never observed Respondent advance facts in a way that was dishonest. Attorney Bruzzese was aware of the sanctions against Respondent in *Stanley/Dibble* and her actions that formed the basis of the order. He was not aware of her prior conviction, but testified that it did not alter his good opinion of Respondent. N.T. 389-403.

163. William Anthony Sala, Jr., Esquire is an attorney located in Texas. He credibly testified as a character witness. Attorney Sala has been familiar with Respondent's skills as a lawyer since 2014 when they were colleagues. He described her as a "fantastic" attorney and testified that she advocates honestly, within the realm of zealous advocacy. N.T. 354-362. Attorney Sala was aware of the sanctions against Respondent in *Stanley/Dibble,* and also aware of her criminal conviction. N.T. 362.

164. Steven Badger, Esquire is an attorney located in North Carolina. He credibly testified as a character witness and has known Respondent since 2018. N.T. 364. He described her as a person of high integrity and honesty, and a strong advocate for social justice and for people who would otherwise not be heard due to limited resources. Attorney Badger was aware of the sanction order entered against Respondent in *Stanley/Dibble,* but was not aware of any details, nor was he aware of her criminal conviction. N.T. 364-372. Attorney Badger testified that Respondent's conviction did not give him any pause, as he believes she is a very good person and a credit to the bar. N.T. 372.

165. Jane Cleary credibly testified as a character witness. Ms. Cleary serves as a non-lawyer liaison for CEASRA, one of Respondent's clients, and has been familiar with Respondent since 2022. N.T. 376. Ms. Cleary observed Respondent's representation of CEASRA in the 12-day EHB hearing before Judge Labuskes, and described her as very professional and calm. N.T. 379-380. Ms. Cleary described Respondent as demonstrating the qualities of transparency, access, promptness, diligence, ability to communicate and passion. N.T. 377-378. Ms. Cleary never observed any dishonesty on Respondent's part. N.T. 385. Ms. Cleary

testified that Respondent immediately disclosed the sanction order in *Stanley/Dibble* to CEASRA, and Ms. Cleary was aware that the sanction order involved a conclusion involving dishonesty. N.T. 383-385. Ms. Cleary was impressed with Respondent's honesty in divulging the order, as CEASRA was unlikely to discover it on their own. CEASRA determined to continue with Respondent's representation. N.T. 383-385. Ms. Cleary was not aware of Respondent's criminal conviction. N.T. 387.

III. CONCLUSIONS OF LAW

By her conduct as set forth above, Respondent violated the following Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement:

1. RPC 1.1 – A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.
2. RPC 3.1 – A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification, or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established.
3. RPC 3.3(a)(1) – A lawyer shall not knowingly: (1) make a false statement of material fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer.

4. RPC 4.1(a) – In the course of representing a client a lawyer shall not knowingly: (a) make a false statement of material fact or law to a third person.
5. RPC 8.2(a) – A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.
6. RPC 8.4(c) – It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.[2]
7. RPC 8.4(d) – It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.
8. Pa.R.D.E. 402(c) – Until the proceedings are open under subdivision (a) or (b), all proceedings involving allegations of misconduct by or disability of an attorney shall be kept confidential.

IV. DISCUSSION

In this matter, the Board considers the Committee's unanimous recommendation to suspend Respondent for a period of one year to address her misconduct related to representation of clients before the EHB in the *Stanley/Dibble* case. Respondent takes exception to the Committee's recommended level of discipline and

[2] We take judicial notice that by Order of April 3, 2024, the Court amended RPC 8.4(c) to provide that it is professional misconduct for a lawyer to "engage in conduct involving dishonesty, fraud, deceit or misrepresentation, except that a lawyer may advise, direct, or supervise others, including clients, law enforcement offices, and investigators, who participate in lawful investigative activities." The Petition for Discipline in the instant matter was filed on August 3, 2023, prior to the adoption of the amendment.

advocates for a private or public reprimand. Petitioner opposes Respondent's exceptions and contends that on the record, a suspension of at least one year is the appropriate measure of discipline.

Petitioner bears the burden of proof in attorney disciplinary matters. Evidence is sufficient to prove unprofessional conduct if a preponderance of the evidence established the conduct and the proof of such conduct is clear and satisfactory. *Office of Disciplinary Counsel v. John T. Grigsby, III*, 425 A.2d 730, 732 (Pa. 1981).[3] From the evidence adduced at the hearing, sufficient factual support exists to establish that Petitioner met its burden of proof that Respondent violated Rules of Professional Conduct 1.1, 3.1, 3.3(a)(1), 4.1(a), 8.2(a), 8.4(c), 8.4(d) and Pennsylvania Rule of Disciplinary Enforcement 402(c). Upon this record and for the reasons that follow, we recommend that Respondent be suspended for a period of one year.

This matter concerns Respondent's representation before the EHB of clients who sought relief based on claims that their water supply had been contaminated by fracking operations. As borne out by the record, Respondent had no litigation experience in general and no experience practicing before the EHB in particular, yet failed to avail herself of the resources necessary to practice competently in that forum. Respondent's incompetence led to various challenges in the litigation, to which she responded by leveling accusations against the forum and the judge.

Misconduct in Violation of the Rules of Professional Conduct and Enforcement Rules

[3] We take judicial notice of *Office of Disciplinary Counsel v. Anonymous Attorney*, No. 2947 DD 3 (Pa. Feb. 12, 2025), which clarified that the standard of proof in attorney disciplinary matters requires the Office of Disciplinary Counsel to establish attorney misconduct with evidence that is sufficient to satisfy a clear and convincing evidence standard of proof. The Court explained that the clear and satisfactory standard has been consistently stated in disciplinary cases for over 70 years and is another articulation of the clear and convincing standard. *See* pp. 14-18. Here, the Committee conducted the disciplinary hearing and the Board adjudicated the instant matter before *Anonymous Attorney* was issued.

We examine Respondent's conduct in the *Stanley/Dibble* case in the context of the rules charged in the Petition for Discipline. We begin with analysis of RPC 1.1, which requires a lawyer to provide competent representation to a client. More specifically, competent representation requires "the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation." Respondent acknowledged that her representation throughout the *Stanley/Dibble* proceedings fell below the level of competence required of an ethical practitioner and violated RPC 1.1.

Respondent had no experience or knowledge of the EHB and litigation in that forum. This in and of itself is not dispositive of incompetence; a lawyer can provide adequate representation in a wholly novel field and in an unfamiliar forum through necessary study or by associating with a lawyer of established competence in the field in question. *See* RPC 1.1, cmt. [2]. Respondent knew she did not have experience before the EHB and attempted to find another lawyer to assist her, without success. She determined to go forward with her clients' case on her own, due to her longtime personal relationship with Ms. Dibble and her close connection to the rural community where she grew up, as well as her understanding that her clients had no other options for representation.

Once making that decision, it was incumbent upon Respondent to adequately prepare herself for the representation. However, Respondent inexplicably and unethically failed to familiarize herself with the litigation process and the EHB rules and procedures and failed to adequately prepare the *Stanley/Dibble* matter to ensure competent representation of her clients. Respondent's ignorance of the rules and procedures led to numerous challenges in complying with rules and deadlines. She compounded her base level failure to acquaint herself with the process by failing to fully

understand the legal standards applicable to the issues presented, conduct appropriate discovery and investigation, and submit an adequate pre-hearing memorandum. Respondent improperly filed information on the litigation docket and failed to adequately respond to the opposing party's Motions *in Limine*. Her incompetence led to the preclusion of meaningful evidence in support of her clients' claims. Ultimately, the EHB granted a compulsory nonsuit against Respondent's clients.

Rules 3.1, 3.3(a)(1), 4.1(a) and 8.4(c) prohibit frivolous filings, false statements of fact or law to a tribunal, or the failure to correct such statements, false statements to third persons, and dishonesty. The evidence supports Respondent's violation of these rules with respect to certain of her filings during the *Stanley/Dibble* proceeding. Early in the litigation, Respondent filed a Motion to Disqualify Counsel that contained no factual information regarding Attorneys Barrette and Burns that would merit disqualification in the Stanley/Dibble matter, and was a frivolous filing. She then filed a Renewed Motion to Disqualify that similarly lacked citation to any additional facts or different authority in support of the motion. These frivolous motions were both denied.

During the course of the proceeding, DEP Attorney Braymer emailed Respondent on April 2, 2021, and stated, "Further, you had asked about whether Coterra used TEG on their respective well sites, and I indicated that the problem was that the Department has not been able to detect any TEG in the groundwater. Thus, use of TEG at the well site was assumed, but the issue remaining at hand is that TEG is not appearing in any of the samples taken by the Department." Respondent read this email as an affirmative confirmation that TEG was in fact used at the well site at issue and never considered there was a different interpretation. On April 7, 2021, in a Motion for Summary Judgment, Respondent represented that the DEP had advised her that TEG was being

used at the well sites operated by Coterra during the period in question and while all respective water tests were performed. In the brief accompanying the Motion, Respondent similarly represented that according to the DEP, TEG was being used at well sites operated by Coterra. Subsequent thereto, on May 7, 2021, Respondent was specifically informed that her interpretation of DEP's email was incorrect, when the DEP filed its brief opposing Landowners' Motion and labeled Respondent's characterization of Attorney Braymer's April 2, 2021 email as unequivocally false. Despite this notification, Respondent perpetuated her erroneous interpretation of the DEP's statement in its April 2, 2021 email and misrepresented that TEG was at the well site in two subsequent filings: the February 21, 2022 Opposition to Coterra's Motion for Sanctions, and the May 9, 2022 Landowners' Reply Brief opposing Coterra and the DEP's motions for nonsuit. While Respondent's initial misinterpretation of the email can credibly be viewed as an error, her action in repeating the misrepresentation in additional filings after she was aware that it was false was in reckless disregard for the truth without any further investigation and despite notification of the falsity of her statements.

Similarly, Respondent misrepresented facts in violation of the rules by affirmatively representing to the EHB in her August 2021 Motion to Extend Discovery that consent order negotiations between the DEP and Coterra were ongoing and representing in her February 2022 Motion to Stay that conversations between Coterra, the DEP and the Attorney General's office "will" take place. In fact, no such negotiations or conversations existed. While Respondent had hoped for the conversations or off-the record discussions with other entities, and assumed that these were occurring, this did not permit her to affirmatively represent the non-existent events to the tribunal. Taken as

a whole, Respondent's factual misrepresentations were improper and violative of the Rules.

Yet more of Respondent's filings crossed ethical boundaries. RPC 8.2(a) prohibits statements against judges that the lawyer knows to be false or with reckless disregard to its truth or falsity concerning the qualifications or integrity of the judge. Instantly, Respondent violated RPC 8.2(a) related to her unproven attacks upon the integrity of Judge Labuskes in her May 9, 2022 Opposition to the motions for nonsuit and her May 10, 2022 Demand for the Board's Removal of Judge Labuskes. In the May 9, 2022 filing, Respondent accused the DEP, EHB and Judge Labuskes of ongoing violations of the Landowners' First Amendment free speech and due process rights, and further contended that Judge Labuskes retaliated against her clients by deleting filings from the EHB docket (documents that Respondent improperly filed) and that he demonstrated bias against the Landowners. In the May 10, 2022 filing, Respondent demanded Judge Labuskes' removal, again alleging his violation of the Landowners' rights and retaliatory conduct against her clients, and claiming that the judge "does not have the temperament" to be a judge. ODC-53. The accusations in these filings were factually baseless, reckless, impugned the integrity of Judge Labuskes, and violated Respondent's ethical duties under RPC 8.2(a). These filings also violated Respondent's duty of honesty under RPC 8.4(c).

RPC 8.4(d) prohibits a lawyer from engaging in conduct that prejudices the administration of justice. As the Court clarified in a recent opinion interpreting the application of 8.4(d), this rule "focuses on the effect of the conduct to determine whether it is a Rule 8.4(d) violation, rather than merely the conduct itself." *Office of Disciplinary Counsel v. Anonymous Attorney*, 327 A.3d 192, 204 (Pa. 2024). The Court further

explained that, "[t]he administration of justice is prejudiced when a lawyer engages in deceitful and dishonest conduct in court filings and proceedings. In this context, whether the conduct actually interferes with the court function, is not determinative. The attempt to manipulate the outcome of a case or proceeding through dishonest conduct is sufficient to call into question the integrity of the profession. The administration of justice is dependent on the honesty and integrity of the lawyers who practice within the legal system. Because of the essential role of lawyers, the administration of justice has little tolerance for manipulation by lawyers who violate the rule [sic] of conduct that prohibit deceit, fraud, dishonesty and misrepresentations, generally and by implication, in court filings and proceedings." *Id* at 207. With this guidance, we conclude that Respondent's violations of Rules 8.4(c) and 8.2(a) in connection with her court filings that contained factual misrepresentations and false assertions impugning the integrity of a judge serve as a foundation for her violation of Rule 8.4(d), as that conduct prejudiced the administration of justice.

Pa.R.D.E. 402(c) governs confidentiality of disciplinary proceedings. Respondent admitted that she violated this rule when she improperly revealed in public filings the confidential disciplinary complaint that Ms. Stanley submitted against Attorney Barrette.

Turning to other rules charged in the Petition for Discipline, on this record, the Committee concluded that in the *Stanley/Dibble* case, Respondent did not violate Rule 1.3, pertaining to diligence or Rules 3.1, 3.3(a)(1), 4.1(a), and 8.4(c) specific to Respondent's statements regarding monetary demands and production of evidence.

As to RPC 1.3, the record established that Respondent missed deadlines, requested extensions, and incurred other delay. However, the record permits the

conclusion that this conduct is attributable to Respondent's lack of competence rather than a lackadaisical approach to representation.

Petitioner alleges that Respondent violated the rules by making false claims that her clients made "no monetary demands" and were "the sole party" to produce evidence. Respondent referred to "monetary demands" in a February 7, 2022 email to opposing counsel in *Stanley/Dibble*. Respondent later represented that her clients had made no monetary demands. We find, as did the Committee, that Respondent's incompetence colored the language she used in the February 7, 2022 email. Her characterization of a "monetary demand" can reasonably be viewed as an inartful demand for sanctions such that her later representations that her clients had made no such demands do not rise to a level of misrepresentation or frivolous assertions as contemplated by the Rules. And, with respect to Petitioner's claimed rule violations regarding Respondent's representations about production of evidence, Respondent credibly testified that she believed (though wrongly) that filing narratives, test results and other "evidence" on the EHB docket was sufficient to introduce that evidence. Therefore, we conclude that Respondent's representation that she was the "sole party" to introduce evidence in the *Stanley/Dibble* matter was not a misrepresentation that rises to the level of a violation of the Rules. Clearly, her beliefs that the documents filed on the docket constituted evidence were a product of her base level lack of competence.

Petitioner charged Respondent with violations of the rules in connection with her actions in the *Glahn/Gorencel* litigation before the EHB. That proceeding occurred during the same time frame as the *Stanley/Dibble* litigation and involved the Landowners' appeal to the EHB, notwithstanding that the DEP had not issued a Final Determination to trigger appellate rights. Although Respondent's appeal was ultimately

unsuccessful, we conclude, as did the Committee, that the appeal to the EHB on behalf of her clients was not legally or factually frivolous in violation of ethical rules. Respondent raised a novel legal argument arising out of the DEP's failure to comply with its 45-day statutory mandate to issue a Determination Letter, in combination with the EHB's failure to enforce the statute against the DEP. The EHB determined that the DEP's failure to timely act was not an appealable event, with one judge dissenting, and the Commonwealth Court affirmed the dismissal, but expressed disapproval of the DEP's prolonged inaction.

The Petition for Discipline charged Respondent with rule violations that the Committee did not address. Reviewing these rules, we conclude that the record contains insufficient evidence to establish violation of Rule 3.2 (Expediting Litigation - making reasonable efforts to expedite litigation consistent with interests of the client), Rule 3.5(d) (Impartiality and Decorum of the Tribunal - engaging in conduct intended to disrupt a tribunal), and Rule 4.4(a) (Respect for Rights of Third Persons - using means that have no substantial purpose other than to embarrass, delay, or burden a third person). Petitioner ties these violations to Respondent's "submission" of "filings" including her February 2022 Motion to Stay in the *Stanley/Dibble* case, for "various improper purposes" as set forth in the June 7, 2022 EHB opinion granting a Motion for Sanctions and entering sanctions against Respondent and her client. Petitioner's Brief to Hearing Committee, p. 56. Other than the EHB's opinion, which was not issued in the context of attorney ethical misconduct, we find no evidence of record that develops and supports Respondent's conduct as a specific violation of the above rules.

Mitigating and Aggravating Factors

The totality of the facts and circumstances show that Respondent engaged in misconduct in one matter before the EHB. Her significant incompetence, frivolous filings and factual misrepresentations resulted in challenges by opposing parties, which prompted Respondent's groundless attacks on the tribunal. These are serious acts of misconduct. Respondent's genuine concern for the well-being of her clients and interest in resolving their water issues permeates this record and drove her zeal to obtain a solution to their problems. Along the way, she lost her objectivity and professionalism, and seriously overstepped the bounds of proper advocacy, to her detriment and that of her clients. Respondent's willingness to represent her clients pro bono when they could find no one else is admirable and in keeping with the best traditions of the bar in Pennsylvania, but does not excuse her acts of misconduct.

We consider other factors that weigh in our resolution of appropriate discipline. Respondent's testimony in these disciplinary proceedings was credible. She candidly acknowledged her wide-scale incompetence in *Stanley/Dibble* and her inappropriate disclosure of the confidential complaint filed against Attorney Barrette and expressed sincere remorse. Respondent also acknowledged that making accusations against a judge is very serious. She apologized for her "tone" and "language," which she conceded had been rude, harsh and unprofessional, driven by her emotional involvement in her clients' quest for clean water. She testified credibly that she has learned to "modulate her outrage." Respondent most of all regretted the impact her actions had on her clients. However, Respondent did not acknowledge or express regret for the misrepresentations she made in filings during her representation in *Stanley/Dibble*. ("[I]n no way did either my clients or I fabricate, exaggerate, or lie or misrepresent any fact. I

strongly deny that."). Her failure to do so lessens the overall mitigating quality of her remorse.

In other mitigation, the record supports the conclusion that outside of the *Stanley/Dibble* proceeding, Respondent has not engaged in misconduct in any other legal matter during the span of her nearly 20-year legal career, nor has she been sanctioned in any other case. Respondent has no record of attorney discipline. The record indicates that she self-reported to Office of Disciplinary Counsel a criminal conviction of endangering the welfare of children that occurred approximately nine years ago. Respondent forthrightly explained the circumstances of that conviction, which took place at a very difficult point in her life. Subsequent to the conviction Respondent received therapy, contacted LCL, and became a volunteer for that organization.

In terms of curing the deficiencies that contributed to her misconduct in *Stanley/Dibble*, Respondent credibly testified that she has learned from her experiences and applied these lessons to her current practice. With co-counsel, she litigated a matter before the EHB in April 2023 that proceeded to an 11- or 12-day trial before Judge Labuskes. Therein, Respondent served formal discovery, took depositions, filed pretrial statements, and introduced evidence at the hearing, which included examination of witnesses. Respondent benefitted from co-counsel's litigation experience, which aided her professional development. Separately, Respondent accepted mentorship and aligned herself with co-counsel to handle an oil and gas matter. Respondent cooperated with Petitioner in this disciplinary matter and her conduct during the instant proceedings was at all times professional and appropriate.

Respondent's witnesses provided credible and favorable insight into her good character and competent legal skills. Attorney Bruzzese commented on his present

day knowledge of Respondent's skills as a lawyer, observed while he served with her as co-counsel on an oil and gas case. He praised her professionalism and demeanor in court and found her to be a competent and capable lawyer. Attorney Sala testified in a similar vein. He has been familiar with Respondent's legal skills since 2014 as a result of having worked together, and confirmed that she advocates honestly and within the realm of zealous advocacy. Attorney Badger has never worked with Respondent but maintains a friendship with her. He described her as a person of high integrity and honesty, and a strong advocate for social justice. Lastly, Ms. Cleary shared her perceptions of the lengthy hearing Respondent completed in 2023 on behalf of a client for whom Ms. Cleary serves as a non-lawyer liaison. Ms. Cleary attended each day of the hearing before Judge Labuskes. She found Respondent to be very professional with a calm courtroom demeanor.

Each of these witnesses was aware of the existence of the sanction order against Respondent in *Stanley/Dibble.* None of the witnesses expressed concern about the order in the context of Respondent's character. Likewise, while only one witness knew of Respondent's criminal conviction, the others each testified that having learned of it at the hearing, it did not alter their positive impressions of Respondent as a person of integrity and honesty.

Appropriate Discipline

Having concluded that Respondent engaged in professional misconduct, this matter is ripe for the determination of final discipline. It is well-established that disciplinary sanctions serve the dual purpose of protecting the public from unfit attorneys and maintaining the integrity of the legal system. *Office of Disciplinary Counsel v. John Keller*, 506 A.2d 872, 875 (Pa. 1986). Another compelling goal of the disciplinary system

is deterrence. *In re Dennis Iulo*, 766 A.2d 335, 338, 339 (Pa. 2001). The Board also recognizes that the recommended discipline must reflect facts and circumstances unique to the case, including circumstances that are aggravating or mitigating. *Office of Disciplinary Counsel v. Anthony C. Cappuccio*, 48 A.3d 1231, 1238 (Pa. 2012). And importantly, while there is no per se discipline in Pennsylvania, the Board is mindful of precedent and the need for consistency in discipline. *Office of Disciplinary Counsel v. Robert Lucarini*, 472 A.2d 186, 189-91 (Pa. 1983).

As the Committee observed, the parties in their post-hearing briefs recommended widely divergent sanctions: Petitioner sought a five year suspension and Respondent sought private discipline. The Committee declined to adopt either of these recommendations and instead recommended a one year suspension as the appropriate quantum of discipline. The Committee reasoned that Respondent's serious acts called for the serious consequence of suspension to address the number and severity of the offenses, while the one-year period and corresponding opportunity to resume practice without a full-fledged reinstatement proceeding acknowledged Respondent's mitigating efforts to remedy the deficiencies that triggered her misconduct. Petitioner did not object to the Committee's recommended sanction, while Respondent continued to assert her position in her filed exceptions that a sanction less than suspension of her license is appropriate on this record.

With regard to Respondent's suggested discipline of either private reprimand or public reprimand, we find that Respondent's combined misconduct of incompetence, frivolous filings, misrepresentation of facts, and baseless attacks against Judge Labuskes requires more severe discipline in the form of a suspension of her license. The matters Respondent cites in support of her recommended sanctions may be

distinguished on the basis that they do not involve the same degree of serious misconduct as the instant matter. For example, the matters of *Office of Disciplinary Counsel v. Leo Michael Mulvihill, Jr.*, 56 DB 2023 (D. Bd. Order 4/12/2023), *Office of Disciplinary Counsel v. Richard John Gerace*, 26 DB 2023 (D. Bd. Order 2/15/2023), and *Office of Disciplinary Counsel v. William R. Korey*, 130 DB 2022 (D. Bd. Order 9/26/2022), were resolved with public reprimands to address conduct that included disruptive conduct before a tribunal and written and verbal attacks on judges alleging bias and collusion. None of the matters involved the attorney's significant incompetence and perpetuation of misrepresentations in filings. As well, we distinguish the matter of *Office of Disciplinary Counsel v. Milton Raiford*, No. 39 DB 2022 (D. Bd. Order 4/20/2022), cited in Respondent's brief on exceptions. Raiford was publicly reprimanded for misconduct before the court on two separate occasions that, *inter alia*, involved disrupting the tribunal and conduct prejudicial to the administration of justice. However, his disciplinary matter did not involve acts of incompetence or dishonesty, unlike the instant Respondent. And, we find the comparison to *Office of Disciplinary Counsel v. Cynthia Baldwin*, 225 A.3d 817 (Pa. 2020) inapt for several reasons, chief among them that Baldwin did not engage in dishonest conduct or baselessly cast aspersions on a judge's integrity in a filing.

Our survey of prior matters confirms that a period of suspension is consistent and appropriate to address Respondent's ethical lapses and to protect the public, the courts and the legal profession, as well as deter future misconduct. The question before us is the extent of the suspension period. Attorneys suspended for more than one year must undergo the scrutiny of a formal reinstatement proceeding before resuming practice. *See* Pa.R.D.E. 218(c)(3). Those suspended for one year or less need only file a verified statement showing compliance with the terms and conditions of the

suspension order and Pa.R.D.E. 217 and pay a filing fee. *See* Pa.R.D.E. 218(g)(1). Thus, the reinstatement hurdle signifies that more serious misconduct is addressed with a suspension that requires the attorney to prove fitness before the privilege to practice law is restored.

Precedent generally establishes that with respect to the types of misconduct at issue in the instant matter, i.e., misrepresentation, frivolous filings, and false statements impugning a judge's integrity, and where there are weighty aggravating factors, little mitigation, and more severe acts of dishonest conduct, lengthier terms of suspension that require a formal reinstatement process have been imposed. *See Office of Disciplinary Counsel v. Robert J. Murphy*, No. 206 DB 2016 (D. Bd. Rpt. 9/3/2019) (S. Ct. Order 12/19/2019) (five year suspension for repeated false claims of unethical and improper judicial conduct against two workers' compensation judges and opposing counsel made in numerous court filings before the workers' compensation tribunal, the Commonwealth Court, and the Supreme Court of Pennsylvania; Murphy refused to acknowledge responsibility for his actions or express remorse, resisted the proper authority of the Office of Disciplinary Counsel and Disciplinary Board, engaged in poor advocacy during the disciplinary proceedings, attempted to derail the disciplinary proceedings by filing a federal lawsuit against ODC officials, and engaged in similar misconduct in the Third Circuit); *Office of Disciplinary Counsel v. Donald A. Bailey*, No. 11 DB 2011 (D. Bd. Rpt. 5/1/2013) (S. Ct. Order 10/2/2013) (five year suspension for impugning the integrity of judges by making false statements in federal court filings accusing federal judges of "misbehaving," "judicial misconduct," and being part of a "clique" and a "cult" involving pedophilia; Bailey was resistant to accepting the authority of the court, expressed no remorse or regret for his statements, and had a history of private discipline); *Office of*

Disciplinary Counsel v. Thomas Peter Gannon, No. 123 DB 2017 (D. Bd. Rpt. 2/21/2018) (S. Ct. Order 12/21/2018) (two year suspension for filing multiple frivolous suits over a period of eight years; Gannon demonstrated a refusal to accept judicial authority when he re-litigated barred claims over the course of approximately 49 appeals in state courts and federal courts, lacked knowledge and competence in litigation and was unfamiliar with procedural rules, his conduct spanned years; Gannon's lack of prior discipline was the only mitigating factor). We find these matters to be factually dissimilar to the instant matter, in that Respondent's conduct was far less egregious and her mitigating factors weightier. On this basis, we conclude that a long suspension is not warranted in the instant matter.

Other matters containing facts somewhat similar to Respondent's course of conduct have resulted in a one year and one day suspension. In *Office of Disciplinary Counsel v. Daniel Michael Dixon*, 174 DB 2020 (D. Bd. Rpt. 12/8/2021) (S. Ct. Order 3/4/2022), Dixon acted incompetently, lacked diligence, failed to communicate with his client, and lied to his client multiple times to camouflage the fact that he had not timely appealed the client's matter. Dixon made multiple misrepresentations to third parties and submitted two sworn affidavits to a tribunal that contained multiple misrepresentations and were false and misleading. This misconduct occurred over a period of one year. Dixon expressed remorse, accepted responsibility, and had no prior record of discipline. The Board reasoned that the one year and one day suspension was appropriate due to the combination of client neglect and multiple acts of dishonesty that occurred over a long period of time. In comparing these facts with the case at hand, we find the breadth and nature of Dixon's conduct to be more serious than Respondent's conduct.

In *Office of Disciplinary Counsel v. Brittany Maire Yurchyk*, 107 DB 2020 (D. Bd. Rpt. 10/22/2021) (S. Ct. Order 12/27/2021), Yurchyk engaged in incompetence, lack of diligence and conduct prejudicial to the administration of justice in three client matters. In two of the matters, Yurchyk acted with dishonesty: she misrepresented to the court that she had filed a pretrial statement, and in a separate matter she learned that her client had made a false statement to the master in a custody conciliation concerning the results of a drug test and failed to advise the master or the court in later proceedings of her client's falsehood. Yurchyk did not express sincere remorse for her actions and was reluctant to acknowledge she bore any responsibility for the events at issue. The only mitigating factor she presented was her blemish-free record of discipline in ten years of practicing law. In contrast to the facts in *Yurchyk*, Respondent's conduct occurred in one matter as opposed to three. And, unlike Yurchyk, Respondent acknowledged her misconduct, expressed remorse for the majority of her unethical acts, and took remedial action to address her practice problems.

We find that Respondent's efforts to address and cure her deficiencies that led to her misconduct along with other mitigating factors of record negate the necessity of a reinstatement proceeding and support a one year suspension. Central to our thinking is that Respondent's misconduct occurred in one discrete matter, with no evidence of record that she ever engaged in similar misconduct at any point in her two-decade legal career. Respondent's missteps in this one matter are partially attributable to her overzealous, emotional approach to the litigation, an approach she has recognized as inappropriate and has endeavored to correct. Respondent fully acknowledged her incompetence, expressed remorse and regret for these failings, and has taken steps to become more competent. Towards this goal, Respondent has aligned herself with more

experienced co-counsel, has observed their practice skills, and has learned from their techniques. With co-counsel, she litigated a lengthy hearing before Judge Labuskes, during which she introduced evidence, examined and cross-examined witnesses, and filed pretrial statements. The evidence shows that this hearing went smoothly. Ms. Cleary, a non-lawyer liaison for Respondent's client, attended each day of the hearing, observed Respondent's work in the courtroom and was very satisfied with Respondent's competence and demeanor. Respondent's appreciation of the high level of incompetence she previously displayed and the need to develop better advocacy demonstrates growth. We are satisfied on this record that a reinstatement proceeding is not necessary to protect the public. However, a suspension less than one year is not appropriate here, based on Respondent's instances of misrepresentation and false allegations against Judge Labuskes, as well as her failure to take accountability for those specific instances of misconduct, which are significant facts that together with the extensive incompetence merit a suspension of one year.

Based upon the applicable precedent and giving due consideration to the aggravating and mitigating circumstances, the Board concludes that a one year suspension is commensurate with the totality of the facts and circumstances in this matter and is a sufficient quantum of discipline to address Respondent's misconduct and fulfill the goals of the disciplinary system.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania recommends that the Respondent, Lisa Ann Johnson, be Suspended for one year from the practice of law in this Commonwealth.

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

S/Gretchen A. Mundorff
Gretchen A. Mundorff, Vice-Chair

Date: March 31, 2025

Members Alfano, Mongeluzzi and O'Donnell dissent in favor of a suspension for six months.

Member Vance dissents in favor of a suspension for one year and one day.

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	No. 111 DB 2023
v.	:	Attorney Registration No. 200101
LISA ANN JOHNSON, Respondent	:	(Allegheny County)

DISSENTING STATEMENT

A majority of the Board recommends that Respondent be suspended for a period of one year for her misconduct during the representation of clients before the Environmental Hearing Board in one matter.[1] I respectfully dissent and recommend that Respondent be suspended for a period of six months.

I agree with the majority's reasoned analysis with respect to the facts of this matter and its conclusion that Respondent violated multiple Rules of Professional Conduct. I further agree that Respondent's misconduct warrants a term of suspension to protect the public and preserve public confidence in the legal profession and the judicial system. *See Office of Disciplinary Counsel v. Suber W. Lewis*, 426 A.2d 1138, 1142 (Pa. 1981) (explaining the purpose of lawyer discipline). However, for the reasons set forth below, I diverge from the majority's recommendation as to the appropriate length of suspension to fulfill these important goals.

It is well-established that each disciplinary matter must be decided individually on its own unique facts and circumstances. "Because discipline 'is imposed

[1] The Hearing Committee unanimously recommended a one year suspension. Office of Disciplinary Counsel did not object. Respondent objects in favor of a sanction that avoids suspension of her law license.

on a case-by-case basis, we must consider the totality of the facts, including any aggravating or mitigating factors.'" *Office of Disciplinary Counsel v. Paul Michael Pozonsky*, 177 A.3d 830, 838 (Pa. 2018) (quoting *Office of Disciplinary Counsel v. Brian J. Preski,* 134 A.3d 1027, 1031 (Pa. 2016). In my view, the majority failed to properly account for the substantial mitigation present in this matter, which factors tilt in favor of a suspension for less than one year.

There are multiple mitigating factors of record in this matter. *See* Board Report pp. 38-41. Respondent credibly acknowledged her misconduct and expressed sincere remorse and regret for her actions and how they affected her clients. As a practicing lawyer for nearly 20 years, Respondent has no record of attorney discipline. And, no evidence was presented that she has ever been sanctioned by any court, other than in the *Stanley/Dibble* matter. Respondent cooperated with Office of Disciplinary Counsel in their investigation of this matter and conducted herself in a professional manner. Against this backdrop, Respondent's four character witnesses, three of whom are practicing lawyers, offered credible and unrefuted testimony that Respondent is a person of honesty and integrity who is a capable and competent attorney.

I highlight two additional mitigating factors as particularly significant to my conclusion that a six month suspension is appropriate.

First, the instant record amply demonstrates Respondent's history of service to others. I note the majority did not weigh this factor in mitigation. However, I find it to be a compelling factor that deserves substantial weight. *Office of Disciplinary Counsel v. Anthony Charles Mengine*, No. 66 DB 2017 (D. Bd. Rpt. 9/24/2019, p. 53) (S. Ct. Order 11/26/2019). After graduating from college, Respondent attended the police academy and became a police officer. She served her community in law enforcement for

approximately three years, both as an undercover officer and later in the detective division. Respondent attended law school while employed as a police officer. Upon admission to the bar, Respondent practiced law with a large firm. During that time, Respondent performed pro bono work to assist in the organization of a legal clinic for the homeless population in Pittsburgh. After leaving the law firm, and recognizing a desire to work with individuals as opposed to corporations, she later focused her efforts on pro bono legal assistance with a non-profit to people seeking sanctuary in the United States, and with the Southern Poverty Law Center, where she assisted with asylum cases on the southern border. N.T. 193-200, 305-306. Further demonstrating Respondent's interest in serving others is her involvement in Lawyers Concerned for Lawyers ("LCL"). After experiencing a personal issue and finding help at LCL, Respondent transformed her experience into a way to help other lawyers by serving as a volunteer for that organization. N.T. 305. This background of service informed Respondent's representation of the Dibbles and Ms. Stanley, people who were desperate for a solution to their water issues but had limited means to retain counsel. Respondent's understanding that these individuals had no other options and her genuine concern for their situation led her to take their case on a pro bono basis.

Second, I draw attention to Respondent's voluntary remedial actions to correct the practice issues that contributed to her misconduct in the *Stanley/Dibble* proceedings. While I recognize that the majority assigned weight to Respondent's post-misconduct actions, I emphasize them here because they are entitled to considerable weight in mitigation, as they illustrate Respondent's remorse, appreciation of wrongdoing and intent to avoid misconduct in the future. *Office of Disciplinary Counsel v. Kevin Mark Kallenbach*, Nos. 21 & 150 DB 2013 (D. Bd. Rpt. 2/26/2015, p. 11) (S. Ct Order

5/11/2015). Respondent's prompt steps to cure her deficient practice skills by seeking mentorship and aligning herself with more experienced counsel to litigate cases are a compelling indication that she has engaged in self-reflection and comprehends the nature of her misconduct. These proactive measures signal the strong likelihood that Respondent will not repeat her misconduct. To this point, subsequent to the events of record, Respondent engaged in a multiday hearing in front of the same Environmental Hearing Board judge who presided over the *Stanley/Dibble* matter. The record shows that Respondent absorbed the lessons of her past experiences and did not repeat the misconduct that occurred during her handling of the *Stanley/Dibble* proceedings. Instead, she partnered with another lawyer to competently handle the subsequent matter. Respondent served formal discovery, took depositions, filed pretrial statements, and introduced evidence at the hearing, including examination of witnesses, all of which she carried out in a professional manner.

To summarize my position on this matter, the compelling and weighty mitigating factors of record provide a substantial counterbalance to lessen the severity of Respondent's misconduct from a one year suspension. Respondent agrees that she made serious missteps in the *Stanley/Dibble* representation. Simply put, she knows it, she owned up to it, and most importantly, she did something about it. Based on this record, there is every reason to expect that going forward, Respondent will be the type of lawyer that the public and the profession need–one who is willing to represent an underserved population and is responsive, caring, and passionate about her clients' issues.

For the foregoing reasons, I dissent from the majority's recommendation to impose a one year suspension, and instead recommend that Respondent be suspended

for a period of six months.

Respectfully submitted,

S/Robert J. Mongeluzzi
Robert J. Mongeluzzi, Member

Date: March 31, 2025

Members Alfano and O’Donnell join this dissenting statement.

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	No. 111 DB 2023
v.	:	Attorney Registration No. 200101
LISA ANN JOHNSON, Respondent	:	(Allegheny County)

DISSENTING STATEMENT

Because I do not believe that Respondent should be permitted to resume the practice of law without undergoing an exacting inquiry into her fitness, I respectfully dissent and urge the Court to impose a term of suspension no less than a year-and-a-day.

As set forth in the Board majority proposed findings of fact and conclusions of law, throughout the course of the proceedings in question, Respondent exhibited a stunning lack of candor, a disturbing tendency to misrepresent facts, and a general disdain for the orderly administration of justice. Bd. R. at 33-35. When presented with instances of such misconduct, the discipline is often severe. *See Off. of Disciplinary Couns. v. Duffield*, 644 A.2d 1186, 1193 (Pa. 1994) ("It is well-established that dishonesty on the part of an attorney establishes his unfitness to continue practicing law."). And with good reason. As the Court has cautioned, "[t]ruth is the cornerstone of the judicial system; a license to practice law requires allegiance and fidelity to truth." *Off. of Disciplinary Couns. v. Czmus*, 889 A.2d 1197, 1203 (Pa. 2005); *see also Great Valley Sch. Dist. v. Zoning Hearing Bd. of E. Whiteland Twp.*, 863 A.2d 74, 79 (Pa. Cmwlth. 2004) ("An attorney's obligation to the court is one that is unique and must be discharged with candor and with great care.

The court and all parties before the court rely upon representations made by counsel." (quoting *LaSalle National Bank v. First Connecticut Holding Group, L.L.C. XXIII*, 287 F.3d 279, 293 (3d Cir. 2002))). Accordingly, Respondent's deceitful conduct—without more—would ordinarily warrant discipline more severe than what the Board majority recommends.

Worse still, despite being confronted with evidence of her repeated factual misrepresentations, Respondent continues to "strongly deny" any wrongdoing in this respect, insisting that "[i]n no way did . . . [she] fabricate, exaggerate, or lie or misrepresent any fact." Bd. R. at 26 (quoting N.T. 307). Respondent's intransigence is troubling and, in my view, should foreclose any form of discipline that would allow for automatic reinstatement of her license.[1]

The Board majority, for its part, recognized that "Respondent did not acknowledge or express regret for the misrepresentations she made in filings during her representation in *Stanley/Dibble*[,]" but views "[h]er failure to do so" as only "lessen[ing] the overall mitigating quality of her remorse." Bd. R. at 39-40. Under the prevailing precedent, however, such refusal to accept responsibility is a standalone aggravating factor. And the Board majority's refusal to treat it as such warps the analysis.

I also find the Board's assessment of the mitigating factors to be less than compelling. As an initial matter, to the extent the Board majority relies on Respondent's "genuine concern for the well-being of her clients" and "her willingness to represent [them] *pro bono*," I find these considerations irrelevant under the present circumstances. Bd. R.

[1] To clarify, I do not suggest that failure to accept responsibility or lack of remorse should be treated as an aggravating factor in every case. Lawyers have a right to defend their reputation; thus, where the material facts in dispute—or where reasonable minds may differ on whether the conduct in question constitutes a violation of the rules—a respondent-lawyer should not be penalized for mounting a colorable defense. But this case does not present such a scenario, as neither the facts nor the law are in serious dispute.

at 39. Refusing to take a fee—and earnestly believing in one's cause—is not a license to impugn the integrity of a tribunal (not to mention opposing counsel), make factual misrepresentations, or advance frivolous arguments.

Similarly, Respondent's half-hearted acknowledgment of some wrongdoing is hardly the type of ***sincere*** remorse that warrants mitigation. Specifically, while Respondent apologized for her "tone" and expressed regret for not "learning the [EHB]'s rules," she has offered no such apology for advancing arguments that were utterly frivolous and repeatedly mischaracterizing facts.

In short, because I do not believe that Respondent has fully grasped the gravity of her misconduct, I urge the Court to enter an order suspending her for a term of no less than a year-and-a-day.

Respectfully submitted,

S/Shonin H. Vance

Shohin H. Vance, Member

Date: March 31, 2025