

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2618 Disciplinary Docket No. 3
: :
Petitioner : No. 113 DB 2016
: :
v. : Attorney Registration No. 27356
: :
MARIO SAUSVILLE-MACIAS, : (Out of State)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 25th day of July, 2019, upon consideration of the Report and Recommendations of the Disciplinary Board, Mario Sausville-Macias is suspended from the Bar of this Commonwealth for a period of two years, and he shall comply with all the provisions of Pa.R.D.E. 217. Respondent shall pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 07/25/2019

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 113 DB 2016
Petitioner	:	
	:	
v.	:	Attorney Registration No. 27356
	:	
MARIO SAUSVILLE-MACIAS	:	
Respondent	:	(Out of State)

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 October 10, 2017, Petitioner, Office of Disciplinary Counsel, charged Respondent, Mario Sausville-Macias, with violations of the Pennsylvania Rules of Professional Conduct (“RPC”) and Pennsylvania Rules of Disciplinary Enforcement (Pa.R.D.E.) arising from his failure to appear for a Public Reprimand before the Disciplinary Board. Respondent failed to file an Answer to Petition for Discipline. The factual allegations contained therein are deemed admitted, pursuant to Pa.R.D.E. 208(b)(3).

Following a prehearing conference on June 26, 2018, a District I Hearing Committee (“Committee”) conducted a hearing on September 6, 2018. Petitioner introduced Exhibits ODC-1 through ODC-14 and P-1 through P-14. Respondent appeared pro se, introduced Exhibits R-1 and R-2 and testified on his own behalf.

On October 15, 2018, Petitioner filed a Brief to the Committee and requested that the Committee recommend to the Board that Respondent be suspended for no less than one year and one day.

Respondent did not file a brief.

The Committee filed a Report on January 16, 2019, concluded that Respondent violated the rules and recommended that Respondent be suspended for no less than one year and one day.

The parties did not take exception to the Committee’s Report and recommendation.

The Board adjudicated this matter at the meeting on April 10, 2019.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62625, Harrisburg, Pennsylvania 17106-2625, 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 said rules.

2. Respondent is Mario Sausville-Macias, born in 1951 and admitted to practice law in the Commonwealth of Pennsylvania in 1978. His attorney registration address is 10 Memorial Parkway, Utica, NY 13501.

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

4. On October 24, 2017, Respondent was personally served with the Petition for Discipline, Notice to Plead, and a cover letter in the matter at No. 113 DB 2016. ODC-13; ODC-14.

5. The Notice to Plead stated that pursuant to Pa.R.D.E. 208(b)(3), Respondent's Answer was due within twenty days of service and any factual allegation that was not timely answered was deemed admitted. ODC-12.

6. Respondent failed to file an Answer to the Petition for Discipline. N.T. 45-46, 48, 57.

7. Respondent explained that he failed to answer the Petition for Discipline because, "I got confused. I thought I had responded when I went to Mr. Wolber [the attorney who handled Respondent's 2016 response to the Pennsylvania Lawyers Fund for Client Security regarding the claim filed by his client, Hector Puig]. And that's my fault, I let it ride thinking we had responded with the affidavit." N.T. 45-46, 47, 48.

8. Respondent failed to establish good cause for his failure to answer the Petition for Discipline. N.T. 58-59.

9. All factual allegations are deemed admitted.

10. By Order of the Supreme Court of Pennsylvania dated December 30, 1990, Respondent was placed on inactive status. Petition for Discipline "P for D" ¶13.

11. On September 1, 2010, the Attorney Registrar administratively changed Respondent's registration status to "administrative suspension" when Respondent failed to request and obtain his reinstatement to active status during the grace period provided under former Pa.R.D.E. 219(k). P for D ¶4.

12. Respondent is not authorized to practice law in any state or jurisdiction of the United States and is ineligible to engage in the practice of immigration law under 8 C.F.R. §292.1. P for D ¶5.

Failure to Appear at the Public Reprimand

13. On June 30, 2014, Respondent's client, Mr. Puig, filed a complaint with Petitioner, which was docketed at File No. C1-14-627. P for D ¶8.

14. On April 28, 2016, Respondent received notice of Mr. Puig's complaint by virtue of service of Petitioner's DB-7 Request for Statement of Respondent's Position. P for D ¶9.

15. On June 1, 2016, Petitioner received Respondent's Answer to the DB-7 Request. P for D ¶10.

16. By Order dated August 8, 2016, a Review Panel of the Board determined that Respondent should receive a Public Reprimand as provided by Rule 204(a)(5) and Rule 205(c)(8), Pa.R.D.E., as a result of Respondent's misconduct involving Mr. Puig. P for D ¶11.

17. The misconduct involved Respondent's unauthorized representation of Mr. Puig in an immigration matter while Respondent was on administrative suspension. ODC-2; ODC-3; ODC-6.

18. Respondent accepted \$2,000.00 from Mr. Puig to prepare legal documents that would enable Mr. Puig to obtain refugee visas for his family. At the time that Respondent accepted the representation, he was administratively suspended in Pennsylvania and indefinitely suspended by the BIA. Thereafter, Respondent ceased communications with Mr. Puig, disconnected his telephone and closed his law office, thereby abandoning Mr. Puig. ODC-2; ODC-3; ODC-6.

19. Mr. Puig filed a claim with the Pennsylvania Lawyers Fund for Client Security, and on or about May 1, 2016, the Lawyers Fund paid \$2,000 to Mr. Puig. P-5; P-6.

20. There is no evidence of record that Respondent has reimbursed the Lawyers Fund.

21. By letter dated August 8, 2016, sent via first class mail, Marcee D. Sloan (current Board Prothonotary) advised Respondent that:

a. An investigation of the complaint filed against him had been completed pursuant to Pa.R.D.E. 205(c)(8);

b. He violated the following New York RPC via Pennsylvania RPC 8.5(b)(2): 1.4(a)(3); 1.4(a)(4); 1.5(a); 1.16(e); 5.5(a); 8.4(b); 8.4(c); and 8.4(d);

c. He violated the following New York statutes: NY Judiciary Law §476-a (McKinney's) and NY Judiciary Law §478 (McKinney's);

d. He violated the following Pennsylvania RPC: 1.4(a)(3); 1.4(a)(4); 1.5(a); 1.16(d); 5.5(a); 8.4(b); 8.4(c); and 8.4(d);

e. By Order dated August 8, 2016, the Review Panel determined that Respondent's matter be concluded by a Public Reprimand;

f. He had the option of attending the Public Reprimand or notifying the Board, in writing within 20 days after the date of the notice, that he will not appear at the Public Reprimand and he requests the case be referred for institution of a formal proceeding; and

g. Ms. Sloan was attaching a copy of the Disciplinary Board's August 8, 2016 Order.

P for D ¶12.

22. Respondent received Ms. Sloan's August 8, 2016 letter. P for D ¶13.

23. Respondent did not demand that a formal proceeding be instituted against him with regard to the allegations giving rise to the imposition of the Public Reprimand in C1-14-627. P for D ¶14.

24. As a result of Respondent's not having demanded the institution of formal proceedings against him, Respondent is deemed to have conclusively violated the New York and Pennsylvania RP and New York statutes set forth in the Board's August 8, 2016 letter. P for D ¶15.

25. By notice dated September 6, 2016, sent via certified and first class mail, the Board informed Respondent that:

a. The Board did not receive a demand, within 20 days after notice of the disposition of Mr. Puig's complaint, that a formal proceeding be instituted;

b. Pursuant to Pa.R.D.E. 208(a)(6) and Disciplinary Board Rule 87.51(b), he was directed to appear before a three-member panel of the Disciplinary Board at 10:00 a.m., on Wednesday, September 28, 2016, at

the District I Office of Disciplinary Counsel, for the purpose of receiving a Public Reprimand; and

c. Pa.R.D.E. 203(b)(2) and (c) expressly provided that willful failure to appear before the Board for a Public Reprimand shall be an independent ground for discipline.

P for D ¶16.

26. Respondent received the Board's letter. P for D ¶17.

27. Respondent failed to appear for his Public Reprimand on September 28, 2016. P for D ¶18.

28. By letter dated September 28, 2016, sent via first class mail, from the Board to Chief Disciplinary Counsel, copied to Respondent, the Board advised Chief Disciplinary Counsel that Respondent had failed to appear for his Public Reprimand on September 28, 2016, and referred Respondent's matter to Petitioner for institution of formal proceedings. P for D ¶19.

29. Respondent received a copy of the September 28, 2016 letter. P for D ¶20.

30. By letter dated October 19, 2016, from Petitioner to Respondent, sent via certified and first class mail, Petitioner advised Respondent that should he have good cause for his failure to appear for his September 28, 2016 Public Reprimand, Respondent should provide it to Petitioner no later than November 2, 2016. P for D ¶21.

31. Petitioner's October 19, 2016 letter, sent certified mail, was returned to sender as "unclaimed" after postal authorities left notices for Respondent on October 22, October 27, and November 7, 2017. P for D ¶22.

32. Respondent received notice of the scheduled Public Reprimand at his attorney registration address. N.T. 44, 47.

33. At the disciplinary hearing, Respondent introduced his passport to establish he was out of the country at the time of the scheduled September 28, 2018 Public Reprimand. R-1.

34. Respondent admitted that he was aware of the scheduled Public Reprimand and he failed to contact the Board when he returned to the United States to reschedule the Reprimand. N.T. 44, 47, 51, 56-57.

35. Respondent failed to establish good cause for his failure to appear at the Public Reprimand. N.T. 58-59.

36. Respondent did not accept responsibility or express remorse for his misconduct.

Additional Facts

37. Respondent abandoned his Pennsylvania law practice in or around March 1990. P-1.

38. In July 1991, Petitioner filed an application with the Court of Common Pleas of Philadelphia County for the appointment of a conservator for Respondent's clients' files. P-1.

39. On July 17, 1991, the Honorable Edward J. Blake appointed a conservator to take possession of Respondent's clients' files and return the files to the clients. P-2.

40. On November 25, 1992, the conservator completed his duties, returned 35 files to Respondent's clients, and petitioned to discharge the conservatorship and destroy the remaining files. P-3.

41. By Order dated October 14, 1992, Judge Blake granted the conservator's petition. P-4.

42. By Order dated January 24, 2012, the Board of Immigration Appeals ("BIA") granted the government's petition to immediately suspend Respondent from the practice of law before the immigration courts pending final disposition of proceedings. P-7.

43. By Decision dated February 22, 2012, the BIA found that Respondent failed to file a timely answer to the allegations in the Notice of Intent to Discipline, which alleged that after Respondent was placed on inactive status in Pennsylvania in December 1990, Respondent entered his appearance and filed applications or petitions in 290 immigration matters and made false statements about his eligibility to practice law. P-8.

44. By Order dated February 22, 2012, the BIA indefinitely suspended Respondent from the practice of law before all immigration courts. P-8.

45. On November 15, 2005, a judgment in the amount of \$1,981.85 was entered against Respondent and in favor of the Office of Public Defender in Mercer County, New Jersey. P-10.

46. On January 29, 2005, a default judgment in the amount of \$2,223, plus interest and \$300 attorney fees, was entered against Respondent and in favor of Capital One, F.S.B. in Dade County, Florida. P-11.

III. CONCLUSIONS OF LAW

By his failure to appear for a Public Reprimand, Respondent violated the following Pennsylvania Rule of Professional Conduct and Pennsylvania Rule of Disciplinary Enforcement:

1. Pa.R.D.E. 203(b)(2) – Willful failure to appear before the Supreme Court, the Board or Disciplinary Counsel for censure, public or private reprimand, or informal admonition shall be grounds for discipline.

2. RPC 8.4(d) – It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

As a result of Respondent's receiving notice of the Board's August 8, 2016 Order for a Public Reprimand and not demanding the institution of formal proceedings against him, Respondent is deemed to have violated the following Rules:

1. NY RPC 1.4(a)(3) – A lawyer shall keep the client reasonably informed about the status of the matter.

2. NY RPC 1.4(a)(4) – A lawyer shall promptly comply with a client's reasonable requests for information.

3. NY RPC 1.5(a) – A lawyer shall not make an agreement for, charge, or collect an excessive or illegal fee or expense.

4. NY RPC 1.16(e) - Even when withdrawal is otherwise permitted or required, upon termination of representation, a lawyer shall take steps, to the extent

reasonably practicable, to avoid foreseeable prejudice to the rights of the client, including giving reasonable notice to the client, allowing time for employment of other counsel, delivering to the client all papers and property to which the client is entitled, promptly refunding any part of a fee paid in advance that has not been earned and complying with applicable laws and rules.

5. NY RPC 5.5(a) – A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction.

6. NY RPC 8.4(b) – A lawyer or law firm shall not engage in illegal conduct that adversely reflects on the lawyer's honesty, trustworthiness or fitness as a lawyer.

7. NY RPC 8.4(c) – A lawyer or law firm shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

8. NY RPC 8.4(d) – A lawyer or law firm shall not engage in conduct that is prejudicial the administration of justice.

9. NY Judiciary Law § 476-a (McKinney's) - The attorney-general may maintain an action upon his or her own information or upon the complaint of a private person or of a bar association organized and existing under the laws of this state against any person, partnership, corporation, or association, and any employee, agent, director, or officer thereof who commits any act or engages in any conduct prohibited by law as constituting the unlawful practice of the law.

10. NY Judiciary Law § 478 (McKinney's) - It shall be unlawful for any natural person to practice or appear as an attorney-at-law or as an attorney and counselor-at-law for a person other than himself or herself in a court of record in this state, or to furnish attorneys or counsel or an attorney and counsel to render legal services, or

to hold himself or herself out to the public as being entitled to practice law as aforesaid, or in any other manner, or to assume to be an attorney or counselor-at-law, or to assume, use, or advertise the title of lawyer, or attorney and counselor-at-law, or attorney-at-law or counselor-at-law, or attorney, or counselor, or attorney and counselor, or equivalent terms in any language, in such manner as to convey the impression that he or she is a legal practitioner of law or in any manner to advertise that he or she either alone or together with any other persons or person has, owns, conducts or maintains a law office or law and collection office, or office of any kind for the practice law, without having first been duly and regularly licensed and admitted to practice law in the courts of record of this state, and without having taken the constitutional oath.

11. PA RPC 1.4(a)(3) – A lawyer shall keep the client reasonably informed about the status of the matter.

12. PA RPC 1.4(a)(4) – A lawyer shall promptly comply with reasonable requests for information.

13. PA RPC 1.5(a) – A lawyer shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee.

14. PA RPC 1.16(d) – Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that had not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law.

15. PA RPC 5.5(a) – A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction or assist another in doing so.

16. PA RPC 8.4(b) – It is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects.

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

18. PA RPC 8.4(d) – It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

IV. DISCUSSION

Herein, the Board considers Respondent’s failure to appear for a Public Reprimand and his underlying misconduct in that matter. Petitioner bears the burden of proving ethical misconduct by a preponderance of clear and satisfactory evidence. ***Office of Disciplinary Counsel v. John T. Grigsby, III***, 425 A.2d 730, 732 (Pa. 1981). Petitioner personally served Respondent with the Petition for Discipline; however, Respondent failed to file an Answer to the Petition for Discipline and failed to establish good cause for his failure to do so. Accordingly, Petitioner met its burden of proving all of the allegations charged in the Petition for Discipline, in accordance with Pa.R.D.E. 208(b)(3). The factual allegations and Petitioner’s Exhibits prove that Respondent engaged in professional misconduct. Following our review of this matter, we conclude that a suspension for a period of two years is appropriate.

In August 2018, a three-member Board panel determined that Respondent be subjected to a Public Reprimand as a result of his misconduct involving his representation of Hector Puig. Therein, Respondent accepted \$2,000.00 to represent Mr. Puig in immigration-related matters. However, Respondent was not permitted to practice law, as he was administratively suspended in Pennsylvania and indefinitely suspended before the BIA. After accepting Mr. Puig's monies, Respondent abandoned the representation by ceasing communication, disconnecting his telephone, and shuttering his law office.

Respondent received notice of the Board's determination but did not request formal proceedings. Subsequently, the Board notified Respondent of the date and time of the Public Reprimand, which notification Respondent received, but Respondent failed to appear for his discipline or to contact the Board to advise that he was unable to appear on that date. Respondent had the opportunity to show good cause for his nonappearance, but failed to do so. Although Respondent presented evidence to show that he was out of the country on the date of the Public Reprimand, he admitted that he was aware of the scheduled Public Reprimand and failed to contact the Board to reschedule.

Petitioner filed a Petition for Discipline against Respondent based on his failure to appear for the Public Reprimand. Although Respondent received the Petition by personal service, he failed to answer, explaining that he mistakenly thought he had responded when he submitted an answer to the Lawyers Fund for Client Security in regard to Mr. Puig's claim.

Respondent's misconduct is aggravated by several weighty factors. In the instant matter, Respondent failed to accept responsibility and failed to express contrition

for his wrongful behavior towards his client and his serious professional lapses that resulted in his nonappearance for the imposition of discipline. Furthermore, Respondent has a history of disregard for his clients and disrespect for his law license. In 1990, Respondent abandoned his law office, law practice, and clients in Pennsylvania. This misconduct necessitated Office of Disciplinary Counsel's petitioning the Court of Common Pleas for the appointment of a conservator to inventory Respondent's legal files and return the files to Respondent's deserted clients. Respondent's flagrant disavowal of his professional responsibilities wasted the resources of the court and Office of Disciplinary Counsel.

The Supreme Court placed Respondent on inactive status on December 30, 1990 and transferred him to administrative suspension on September 1, 2010. The effect of these orders is that Respondent has not been allowed to practice law in Pennsylvania since 1990. However, in direct contravention of these court orders, Respondent entered his appearance in 290 immigration court matters and made false statements to the immigration courts regarding his eligibility to practice law. This conduct resulted in Respondent's indefinite suspension in the immigration courts in 2012.

Respondent has open judgments against him in New Jersey and Florida and has not reimbursed the Lawyers Fund for Client Security for the claim paid to Mr. Puig.

The record is devoid of mitigating factors.

Upon consideration of this record, the Committee recommended a suspension for at least one year and one day. The parties did not object to the recommendation.

The Board's task is to determine the appropriate level of discipline, bearing in mind 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. Joshua Eilberg**, 441 A.2d 1193, 1195 (Pa. 1982). Despite the fact-intensive nature of the endeavor, consistency is required so that similar misconduct "is not punished in radically different ways." **Office of Disciplinary Counsel v. Robert S. Lucarini**, 472 A.2d 186, 190 (Pa. 1983).

There is no *per se* rule of discipline for attorneys who have failed to appear for the imposition of a disciplinary sanction. The case law demonstrates that the Court has imposed a range of public discipline. In the matter of **Office of Disciplinary Counsel v. Joseph A. Rizzo**, No. 86 DB 2014 (D. Bd. Rpt. 7/20/2015) (S. Ct. Order 9/21/2015), the Supreme Court disbarred Rizzo after he failed to appear for an Informal Admonition, failed to answer the Petition for Discipline, and failed to appear for the disciplinary hearing. More recently, an attorney who failed to appear for his twice-scheduled Informal Admonition, failed to answer the Petition for Discipline and failed to attend the disciplinary hearing was suspended for a period of two years. **Office of Disciplinary Counsel v. Matthew I. Cohen**, No. 165 DB 2015 (D. Bd. Rpt. 8/22/2016) (S. Ct. Order 10/20/2016).

In a number of failure to appear matters, the Supreme Court has imposed a suspension of one year and one day. *See*, **Office of Disciplinary Counsel v. Benjamin Gerjoy Perez**, 15 DB 2017 (D. Bd. Rpt. 3/1/2019) (S. Ct. Order 5/8/2019) (failure to appear for a Public Reprimand and comply with conditions after misconduct in four client matters; criminal contempt of court in separate matter; no prior discipline; accepted responsibility and expressed sincere contrition); **Office of Disciplinary Counsel v. Michael Paul Gordon**, 213 DB 2009 (D. Bd. Rpt. 9/16/2011) (S. Ct. Order 12/22/2011)

(failure to appear for a Private Reprimand and comply with conditions after misconduct in two client matters; no remorse; personal health problems); **Office of Disciplinary Counsel v. William W. McVay, III**, 112 DB 2002 (D. Bd. Rpt. 11/2/2004) (S. Ct. Order 1/31/2005) (failure to appear for a Private Reprimand; failure to provide an explanation to the Board; failure to respond to Petition for Discipline; failure to appear at the disciplinary hearing); **Office of Disciplinary Counsel v. Mary McNeill Zell**, 154 DB 2000 (D. Bd. Rpt. 4/4/2003) (S. Ct. Order 6/4/2003) (failure to appear for a Private Reprimand; failure to provide an explanation to the Board; prior history of private discipline; personal problems that remained unresolved at time of disciplinary hearing); **Office of Disciplinary Counsel v. Kenton R. O'Neil**, Nos. 212 DB 2003 & 46 DB 2004 (D. Bd. Rpt. 10/22/2004) (S. Ct. Order 12/22/2004) (failure to appear for an Informal Admonition; failure to answer the Petition for Discipline; failure to appear for the disciplinary hearing); **Office of Disciplinary Counsel v. Mark Jurikson**, 128 DB 2000 (D. Bd. Rpt. 9/19/2003) (S. Ct. Order 12/9/2003) (failure to appear for a Private Reprimand; failure to provide an explanation to the Board; prior instance of private discipline; no mitigation).

Lesser discipline was imposed in a matter where an attorney failed to appear before Chief Disciplinary Counsel for an Informal Admonition. In the matter of **Office of Disciplinary Counsel v. Nicholas C. Stroumbakis**, 203 DB 2014 (D. Bd. Rpt. 12/8/2015) (S. Ct. Order 4/13/2016), the Supreme Court suspended Stroumbakis for a period of six months after he failed to appear for an Informal Admonition and failed to fulfill conditions in one client matter, and in mitigation had no prior record of discipline.

In one matter, a respondent-attorney's failure to appear before the Board for the imposition of a Public Reprimand resulted in the Supreme Court imposing a Public

Censure. ***Office of Disciplinary Counsel v. James E. Tone***, No. 152 DB 2015 (D. Bd. Rpt. 6/12/2017) (S. Ct. Order 6/26/2017).

Upon consideration of the totality of the facts and weighty aggravating circumstances, including Respondent's failure to accept responsibility and demonstrate remorse, and in light of the guiding decisional law, the Board concludes that a suspension for a period of two years is appropriate to protect the public and preserve the integrity of the bar and the legal profession. ***Office of Disciplinary Counsel v. John J. Keller***, 506 A.2d 872, 875 (Pa. 1986). The aggravating factors in this matter weigh in favor of a more severe discipline than the Committee's recommended one year and one day suspension. In the recent ***Perez*** matter, the Court accepted the Board's recommendation and imposed a one year and one day suspension for Perez's nonappearance at a Public Reprimand and his criminal contempt conviction in a separate matter. The Board found in mitigation that Perez experienced difficult personal problems during his misconduct, accepted full responsibility for his actions, acknowledged the impact of his misconduct on his clients, and expressed sincere contrition and apologized to the Committee. The instant matter is devoid of any mitigating factors that warrant a lesser discipline than suspension for two years.

Respondent's categorical disregard for his clients and lack of respect for the courts and the disciplinary system commenced decades ago and has continued through his failure to appear for his Public Reprimand. Respondent has repeatedly demonstrated a lack of fitness to practice law and must be prohibited from representing clients until he can prove his fitness to do so.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, Mario Sausville-Macias, be Suspended for Two Years 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

By: 

John P. Goodrich, Member

Date: May 24, 2019
Member Fitzsimons recused.