

IN THE SUPREME COURT OF PENNSYLVANIA

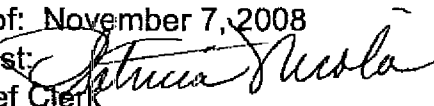
OFFICE OF DISCIPLINARY COUNSEL, : No. 1414 Disciplinary Docket No. 3
Petitioner :
v. : No. 11 DB 2008
: Attorney Registration No. 37744
JAMES J. WALKER, :
Respondent : (Lackawanna County)

ORDER

PER CURIAM

AND NOW, this 7th day of November, 2008, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated July 30, 2008, the Joint Petition in Support of Discipline on Consent is hereby granted pursuant to Rule 215(g), Pa.R.D.E., and It is

ORDERED that James J. Walker is suspended on consent from the Bar of this Commonwealth for a period of one year and one day and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

A True Copy Patricia Nicola
As of: November 7, 2008
Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

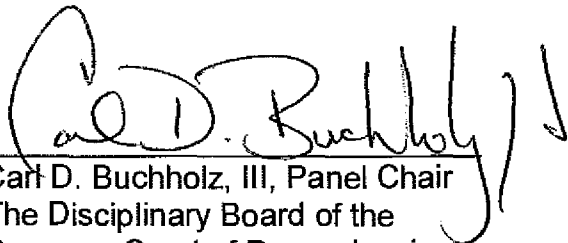
OFFICE OF DISCIPLINARY COUNSEL : No. 11 DB 2008
Petitioner :
v. : Attorney Registration No. 37744
JAMES J. WALKER :
Respondent : (Lackawanna County)

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

The Three-Member Panel of the Disciplinary Board of the Supreme Court of Pennsylvania, consisting of Board Members Carl D. Buchholz, III, Stewart L. Cohen and Laurence H. Brown, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on June 27, 2008.

The Panel approves the Joint Petition consenting to a one year and one day suspension and recommends to the Supreme Court of Pennsylvania that the attached Petition be Granted.

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


Carl D. Buchholz, III, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: July 30, 2008

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

Office of Disciplinary Counsel, Petitioner	:	
	:	
v.	:	No. 11 DB 2008
	:	
James J. Walker, Respondent	:	Attorney Registration No. 37744
	:	
	:	(Lackawanna County)

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

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Edwin W. Frese, Jr., Disciplinary Counsel, and Respondent, James J. Walker, by David J. Solfanelli, Esquire, file this Joint Petition In Support Of Discipline On Consent Under Rule 215(d), Pennsylvania Rules of Disciplinary Enforcement and respectfully represent that:

1. Respondent, James J. Walker, was born in 1957 and was admitted to practice law in the Commonwealth of Pennsylvania on November 10, 1982, and maintains his office at Wallis Electric Building, 52 Dundaff Street, Suite 2, Carbondale, Lackawanna County, Pennsylvania 18407-1802.
2. On January 29, 2008, Petitioner filed a Petition for Discipline against Respondent with the Secretary of the Disciplinary Board, which was personally served upon Respondent with a Notice to Plead on February 5, 2008. Respondent did not timely file an Answer and the factual averments contained in the Petition for Discipline were deemed admitted pursuant to Rule 208(b)(3), Pa.R.D.E.

FILED

JUN 27 2008

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

3. A true and correct copy of the Petition for Discipline is attached hereto and incorporated herein as Exhibit A.

4. Respondent stipulates that the material facts constituting violations of the Rules of Professional Conduct and Rules of Disciplinary Enforcement as set forth in the attached Petition for Discipline are true.

5. Respondent stipulates that he violated the Rules of Professional Conduct and Rules of Disciplinary Enforcement as charged in the attached Petition for Discipline.

6. Subsequent to the filing of the Petition for Discipline, it came to light that the Respondent was being investigated and that prosecution was impending for charges related to the failure to file federal income tax returns.

7. Respondent has been in negotiations with the United States Attorney's Office and is expected to imminently enter into an agreement resulting in a misdemeanor conviction under 26 U.S.C. § 7203 for the failure to file tax returns for three (3) taxable years.

8. Respondent stipulates that this impending conviction and the underlying conduct resulting in this conviction constitutes a violation of the Rules of Professional Conduct and the Rules of Disciplinary Enforcement.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

9. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension for one year and one day.

10. Respondent hereby consents to that discipline being imposed upon him by the Supreme Court of Pennsylvania. Attached to this Petition is Respondent's executed

Affidavit required by Rule 215(d), Pa.R.D.E., stating that he consents to the recommended discipline and including the mandatory acknowledgements contained in Rule 215(d)(1) through (4), Pa.R.D.E.

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

- (a) Respondent has no prior record of discipline;
- (b) Respondent has admitted engaging in misconduct and violating the charged Rules of Professional Conduct and Rules of Disciplinary Enforcement;
- (c) Respondent is cooperating with Petitioner, as is evidenced by his admissions herein, and his consent to receiving a suspension of one year and one day;
- (d) Respondent has recently been evaluated by Elizabeth Ciaravino, Ph.D., Licensed Psychologist, who has diagnosed Respondent as suffering from Attention Deficit Disorder and Major Depressive Disorder, and has opined that the Respondent's misconduct was as a direct result of the symptoms of these two disorders; and,
- (e) Respondent also suffers from drug and alcohol addiction for which he voluntarily admitted himself to Clear Brook, Inc., from April 12, 2006 until April 27, 2006, and it has been opined by Richard P. Conaboy of Clear Brook that Respondent's addiction and depression "are both clinical reasons for his irresponsible behavior regarding his [law] license."

12. The main thrust of the charges against the Respondent contained in the pending Petition for Discipline deal with his unauthorized practice of law while on inactive status. Although there are no per se rules of discipline, numerous cases over the last few years indicate that a suspension for a year and a day is the most frequently imposed sanction

for practicing law while on inactive status. See for example: *Office of Disciplinary Counsel v. Debbie Ann Carlitz*, 1336 Disciplinary Docket No. 3, No. 131 DB 2007 (March 26, 2008); *Office of Disciplinary Counsel v. Karen R. Mainor*, No. 1308 Disciplinary Docket No. 3, No. 135 DB 2005 (March 10, 2008); *Office of Disciplinary Counsel v. Ivan Wille*, No. 1064 Disciplinary Docket No. 3, No. 116 DB 2005 (January 24, 2006); *Office of Disciplinary Counsel v. Victor Paul Goldberg*, No. 1069 Disciplinary Docket No. 3, No. 87 DB 2004 (December 16, 2005); *Office of Disciplinary Counsel v. David Ferleger*, No. 1035 Disciplinary Docket No. 3, Nos. 51 and 104 DB 2004 (August 3, 2005); *Office of Disciplinary Counsel v. Delancy W. Davis*, No. 1033 Disciplinary Docket No. 3, No. 17 DB 2004 (July 22, 2005); *Office of Disciplinary Counsel v. Amy B. Burd*, No. 985 Disciplinary Docket No. 3, No. 132 DB 2003 (January 21, 2005); *Office of Disciplinary Counsel v. Gustee Brown*, No. 954 Disciplinary Docket No. 3, No. 64 DB 2003 (October 15, 2004); *Office of Disciplinary Counsel v. Harry Curtis Forrest, Jr.*, No. 966 Disciplinary Docket No. 3, No. 134 DB 2003 (March 24, 2003); *Office of Disciplinary Counsel v. Steven Clark Forman*, No. 799 Disciplinary Docket No. 3, No. 70 DB 2001 (January 31, 2003); *Office of Disciplinary Counsel v. Thomas Quirk Harrigan*, No. 782 Disciplinary Docket No. 3, No. 123 DB 2000 (November 25, 2002); *Office of Disciplinary Counsel v. Chauncey Harris*, No. 930 Disciplinary Docket No. 3, No. 150 DB 2002 (July 15, 2002); *Office of Disciplinary Counsel v. Jeffrey Moeller*, No. 753 Disciplinary Docket No. 3, No. 53 DB 2000 (July 10, 2002); and, *Office of Disciplinary Counsel v. Wayne Anthony Rodney*, No. 743 Disciplinary Docket No. 3, No. 118 DB 2000 (June 13, 2002).

13. The addition of the impending misdemeanor conviction of failure to file federal income tax returns in violation of 26 U.S.C. § 7203 is not inconsistent with the

recommendation for a suspension of one year and one day as disciplinary cases dealing with such convictions typically resulted in the imposition of public censures. See *Office of Disciplinary Counsel v. Paul L. Hammer*, No. 376 Disciplinary Docket No. 3, No. 136 DB 1997 (July 15, 1999); *Office of Disciplinary Counsel v. George and Walter Stenhach*, Nos. 246 and 247 Disciplinary Docket No. 3, Nos. 98 and 99 DB 1996 (April 14, 1998); and, *Office of Disciplinary Counsel v. Gregory A. Henry*, No. 212 Disciplinary Docket No. 3, No. 63 DB 1996 (July 29, 1997).

WHEREFORE, Petitioner and Respondent respectfully request that:

(a) Pursuant to Rule 215(e) and 215(g), Pa.R.D.E., the three-member panel of the Disciplinary Board review and approve the above Joint Petition In Support Of Discipline On Consent and file its recommendation with the Supreme Court of Pennsylvania in which it is recommended that the Supreme Court enter an Order :

- (i) Suspending Respondent from the practice of law for a period of one year and one day; and,
- (ii) Directing Respondent to comply with all of the provisions of Rule 217, Pa.R.D.E.

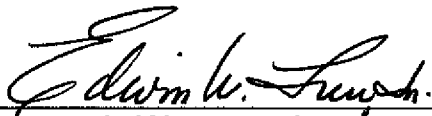
(b) Pursuant to Rule 215(i), the three-member panel of the Disciplinary Board order Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter as a condition of the grant of the Petition and that all expenses be paid by the Respondent before the

imposition of discipline under Rule 215(g), Pa.R.D.E.

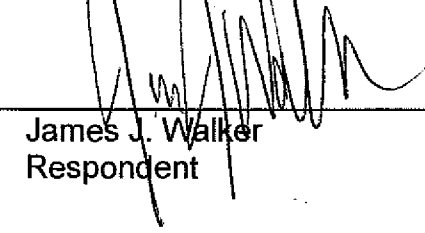
Respectfully submitted

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

By 
Edwin W. Frese, Jr.
Disciplinary Counsel

By 
David J. Soltanelli, Esquire
Counsel for Respondent

By 
James J. Walker
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

Office of Disciplinary Counsel, Petitioner	:	
	:	
v.	:	No. 11 DB 2008
	:	
James J. Walker, Respondent	:	Attorney Registration No. 37744
	:	(Lackawanna County)

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

Respondent, James J. Walker, hereby states that he consents to the imposition of a suspension for one year and one day as jointly recommended by Petitioner, Office of Disciplinary Counsel, and Respondent, in the Joint Petition in Support of Discipline on Consent pursuant to Rule 215(d), Pennsylvania Rules of Disciplinary Enforcement, and further states that:

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

2. He is aware that there is presently pending a proceeding involving allegations that he is guilty of misconduct as set forth in the Petition for Discipline attached to this Joint Petition;

3. He acknowledges that the material facts constituting violations of the Rules of Professional Conduct and the Rules of Disciplinary Enforcement as set forth in the Petition for Discipline attached to this Joint Petition are true;

4. Subsequent to the filing of the Petition for Discipline, it came to light that the Respondent was being investigated and that prosecution was impending for charges related to the failure to file federal income tax returns.

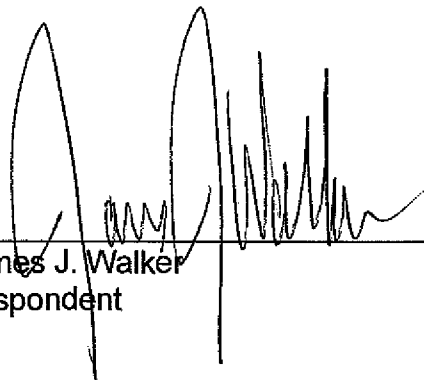
5. Respondent has been in negotiations with the United States Attorney's Office and is expected to imminently enter into an agreement resulting in a misdemeanor conviction under 26 U.S.C. §7203 for the failure to file tax returns for three (3) taxable years.

6. Respondent stipulates that this impending conviction and the underlying conduct resulting in this conviction constitutes a violation of the Rules of Professional Conduct and the Rules of Disciplinary Enforcement.

7. He consents because he knows that if the charges were to be prosecuted he could not successfully defend against them.

It is understood that the statements made herein are subject to the penalties of 18 Pa. C.S.A. §4904 (relating to unsworn falsification to authorities).

Signed this 16th day of June, 2008.


James J. Walker
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

Office of Disciplinary Counsel,
Petitioner

v.

James J. Walker,
Respondent

No. DB 2008

Attorney Registration No. 37744

(Lackawanna County)

PETITION FOR DISCIPLINE

NOTICE TO PLEAD



To: James J. Walker

Rule 208(b)(3) of the Pennsylvania Rules of Disciplinary Enforcement provides: Within twenty (20) days of the service of a petition for discipline, the respondent-attorney shall serve an answer upon Disciplinary Counsel and file the original thereof with the Disciplinary Board. Any factual allegation that is not timely answered shall be deemed admitted.

Rule 208(b)(4) provides: Following the service of the answer, if there are any issues raised by the pleadings or if the respondent-attorney requests the opportunity to be heard in mitigation, the matter shall be assigned to a hearing committee or a special master. No evidence with respect to factual allegations of the complaint that have been deemed or expressly admitted may be presented at any hearing on the matter, absent good cause shown.

A copy of your answer should be served upon Disciplinary Counsel at the District III Office of Disciplinary Counsel, Two Lemoyne Drive, Second Floor, Lemoyne, PA 17043-1226, and the original and three (3) conformed copies filed with the Office of the Secretary, the Disciplinary Board of the Supreme Court of Pennsylvania, Two Lemoyne Drive, First Floor, Lemoyne, PA 17043-1226. [Disciplinary Board Rule §89.3(a)(1)]

Further, pursuant to Disciplinary Board Rule §85.13, your answer, if it contains an averment of fact not appearing of record or a denial of fact, shall contain or be accompanied by a verified-statement signed by you that the averment or denial is true based upon your personal knowledge or information and belief.

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

Office of Disciplinary Counsel,
Petitioner

v.

James J. Walker,
Respondent

No. || DB 2008

Attorney Registration No. 37744
(Lackawanna County)

PETITION FOR DISCIPLINE

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Edwin W. Frese, Jr., Disciplinary Counsel, files the within Petition for Discipline, and charges Respondent, James J. Walker, with professional misconduct in violation of the Pennsylvania Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement as follows:

1. Petitioner, whose principal office is located at Suite 1400, 200 North Third Street, Harrisburg, PA 17101, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereafter "Pa.R.D.E."), with the power and the 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.

We hereby certify the within to
be a true and correct copy.



FILED

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

2. Respondent, James J. Walker, was born on September 14, 1957, was admitted to practice law in the Commonwealth on November 10, 1982, and maintains his office at Wallis Electric Building, 52 Dundaff Street, Suite 2, Carbondale, Lackawanna County, Pennsylvania 18407-1802. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

CHARGE I [Complaint of Hal Akoa (a/k/a William Skirpstunas)]

3. On October 12, 2005, criminal charges of simple assault, disorderly conduct, and harassment were filed against William Skirpstunas before District Justice, Gene Franklin, in Susquehanna County at No. CR-116-05. A preliminary hearing was scheduled for November 2, 2005.

4. Some time between October 12th and November 2nd, 2005, William Skirpstunas retained Respondent to represent him as the defendant in the above referenced case. Respondent had not previously represented Mr. Skirpstunas and did not communicate to him in writing the basis or rate of his fees.

5. On November 2, 2005, Respondent appeared before Magisterial District Judge Gene Franklin on behalf of Mr. Skirpstunas and requested a continuance so that Respondent could have him evaluated. Respondent's request for a continuance was granted and the preliminary hearing was rescheduled for December 19, 2005.

6. On October 27, 2005, the Supreme Court of Pennsylvania issued an Order transferring Respondent to inactive status for failure to comply with

Rule 219 of the Pennsylvania Rules of Disciplinary Enforcement. That Order was effective as of November 26, 2005, after which Respondent was no longer authorized to practice law or to hold himself out as being able to practice law.

7. By letter dated October 27, 2005, the Secretary to the Disciplinary Board sent a copy of the Court's Order to Respondent along with copies of the following:

A. Standard Guidance of the Disciplinary Board to Lawyers who have been Transferred to Inactive Status;

B. Rules 217 and 219 of the Pa.R.D.E.;

C. Subchapter E, Formerly Admitted Attorneys, of the Disciplinary Board Rules;

D. Form DB-23i, Nonlitigation Notice of Disbarment, Suspension or Transfer to Inactive Status;

E. Form DB-24i, Litigation Notice of Disbarment, Suspension or Transfer to Inactive Status; and,

F. Form DB-25i, Statement of Compliance.

8. Respondent failed to timely file a Statement of Compliance with the Disciplinary Board.

9. Respondent failed to advise his client, William Skirpstunas, at any time that Respondent had been transferred to inactive status and could no longer represent him in his case.

10. On about December 16, 2005, Respondent called the Susquehanna County District Attorney, Jason Legg, Esquire, and asked about a

continuance for the scheduled preliminary hearing on December 19, 2005, because Respondent did not yet have an evaluation for Mr. Skirpstunas. Attorney Legg agreed to the continuance and Respondent called Magisterial District Judge Franklin on that date and requested a 30 day continuance, which was granted and the preliminary hearing was rescheduled for January 19, 2006. Respondent failed to advise either District Judge Franklin or District Attorney Legg that Respondent had been transferred to inactive status and could not practice law at that time.

11. On January 19, 2006, William Skirpstunas appeared on his own at his preliminary hearing before District Judge Franklin and agreed to have his case waived to court and his Arraignment was scheduled for February 7, 2006. Respondent did not appear at the preliminary hearing with Mr. Skirpstunas and did not return any of his phone calls to Respondent as to why he did not appear.

12. By check dated February 3, 2006, in the amount of \$470.00, Mr. Skirpstunas paid Respondent's requested fee. As Respondent was then on inactive status and had provided very little legal services to Mr. Skirpstunas, Respondent should have returned his check to him or deducted a small amount for any work Respondent had provided and refunded the balance. Instead, Respondent negotiated Mr. Skirpstunas' check and spent the entire proceeds.

13. By letter dated February 7, 2006, on Respondent's legal letterhead and signed by him as "James J. Walker, Esquire" to District Attorney Legg, Respondent advised that the Arraignment scheduled for that day had been continued until February 21, 2006, at his request. Respondent again failed to

advise Mr. Legg that Respondent was on inactive status and could not practice law.

14. On February 21, 2006, Respondent failed to appear for Mr. Skirpstunas and he had to represent himself at his Arraignment and a trial date was set for June 12, 2006.

15. Mr. Skirpstunas had called Respondent a few times but Respondent failed to return any of his calls. Respondent had also failed to advise him that Respondent was on inactive status and could not represent him.

16. On or about May 24, 2006, Respondent registered for FY 2004-2005 with the Administrative Office and was transferred back to active status.

17. On June 8, 2006, Respondent requested another continuance in Mr. Skirpstunas' case which was granted and jury selection was scheduled for September 5, 2006.

18. On July 18, 2006, Attorney Paul Walker entered his appearance on behalf of Mr. Skirpstunas.

19. It is a crime in Pennsylvania to practice law or to hold oneself out as being able to practice law when not authorized to practice law. 42 Pa.C.S. §2524. Between the dates of November 26, 2005 and May 24, 2006, Respondent was not authorized to practice law.

Charge II [Complaint of Theodore L. Israel, Jr.]

20. On or about March 26, 2004, Respondent was retained by Theodore L. Israel, Jr., to represent him in defense of pending drug related charges filed in Lackawanna County to Nos. 2411 CR 2003 and 2412 CR 2003.

21. Even though Respondent had not previously represented Mr. Israel, Respondent failed to communicate to him in writing the basis or rate of Respondent's fees.

22. According to Mr. Israel, Respondent requested a fee of \$10,000 for the state charges and that he would want additional fees if the underlying charges would be prosecuted in the Federal Court, as was anticipated.

23. Mr. Israel paid Respondent a total of \$10,000 in March and April 2004. As Respondent had no written fee agreement authorizing him to treat the \$10,000 as his own, Respondent should have deposited it into an IOLTA account and only withdrawn sums as he earned them.

24. The Dockets to the Lackawanna County cases do not indicate that Respondent ever entered an appearance on Mr. Israel's behalf or that Respondent took any action of record.

25. On September 3, 2004, the state charges were nolle prossed without prejudice as Mr. Israel was being prosecuted in Federal Court, as was expected.

26. Mr. Israel believes that Respondent did little to earn the \$10,000 he had been paid.

27. Back on May 4, 2004, an Indictment was filed in the United States District Court for the Middle District of Pennsylvania, docketed to No. 3:04-CR-

00164, charging Mr. Israel with various related controlled substance offenses, and an Arrest Warrant was issued. However, the Warrant was sealed.

28. It was not until November 30, 2005, that Mr. Israel appeared in Federal Court on the charges, at which time he was released on bail. Respondent did not appear with Mr. Israel at that hearing.

29. On December 2, 2005, Mr. Israel entered a not guilty plea in Federal Court. Respondent did not appear on his behalf at that hearing.

30. At some point in December 2005, Respondent advised Mr. Israel to send Respondent some money for him to represent Mr. Israel in Federal Court.

31. On January 3, 2006, Mr. Israel wired \$1,500.00 to Respondent. As Respondent had no written fee agreement authorizing him to treat that money as his own, it should have been deposited into an IOLTA account and only withdrawn by Respondent as earned.

32. On January 26, 2006, Judge Kosik issued an Order setting a pre-trial conference for February 1, 2006. On that date, the Federal Court received notice from Respondent that his email was down until further notice. The Order from Judge Kosik was then mailed to Respondent on that date as counsel of record for Mr. Israel.

33. On January 31, 2006, because Respondent's email was still not working, the Federal Court Clerk called Respondent to remind him about the pre-trial conference scheduled for February 1, 2006.

34. On February 1, 2006, the pre-trial conference for Mr. Israel was held before Judge Kosik. However, Respondent did not appear. Instead,

Attorney Paul Walker appeared and advised the Court that Respondent was temporarily disabled and could not be present, and that he would not be available for about 3 to 4 weeks. Jury selection and trial were set for March 13, 2006.

35. Respondent did not advise Mr. Israel of Respondent's inability and failure to represent him at the pre-trial conference and did not have his authority to send Paul Walker in his place.

36. On March 3, 2006, both Respondent and Attorney Paul Walker entered into a joint motion with the U.S. Attorney to continue the trial of Mr. Israel. On March 6, 2006, Judge Kosik issued an order continuing the trial until April 24, 2006.

37. Respondent did not have Mr. Israel's authority to request a continuance of his case and did not advise him of Respondent's actions.

38. By letter to Mr. Israel dated April 6, 2006, Judge Kosik advised him of the circumstances involved in his case and the Court's inability to communicate with Respondent by either telephone or mail. Judge Kosik asked Mr. Israel to communicate directly with the Court as to where he stood with regard to his defense. Both Respondent and Paul Walker were copied with this letter.

39. By undated letter to Judge Kosik, received in the Federal Court on April 20, 2006, from Mr. Israel to Judge Kosik, Mr. Israel advised the Court that he had retained Respondent to represent him in his criminal case. Mr. Israel stated that the last time he had spoken with Respondent was in the beginning of January, at which time Respondent had advised him that Respondent would be

handling his case and had prepared motions on his behalf. Mr. Israel further stated that Respondent had not made himself available since then and that he was not notified of any pre-trial conference, any appearance by Attorney Paul Walker on his behalf, any jury selection, or any trial date concerning his case. Mr. Israel asked the court to give him some more time to get in touch with Respondent about his case.

40. On May 24, 2006, Judge Kosik issued an Order appointing a federal public defender to represent Mr. Israel in his case.

41. According to Mr. Israel, all of his attempts to communicate with Respondent about his case were unsuccessful.

42. As far as Mr. Israel knows, Respondent took little if any substantive action to represent him before the Federal Court and did not earn the \$1,500 he had wired to Respondent on January 3, 2006.

43. By appointing the federal public defender to represent Mr. Israel, the Court essentially removed Respondent as counsel and he should have promptly refunded the unearned portion of the fee he had been paid in advance.

42. By letter to Respondent dated August 20, 2006, Mr. Israel asked that Respondent refund the \$1,500 he had been paid. Despite that specific request, Respondent failed to render an accounting of how he had earned any of that \$1,500 and issue a refund of the unearned portion thereof.

Charge III [Complaint of ODC – Additional UPL]

43. As previously alleged, by Order of the Supreme Court of Pennsylvania dated October 27, 2005, Respondent was transferred to inactive status for failure to comply with the provisions of Pennsylvania Rule of Disciplinary Enforcement 219. The Order was effective November 26, 2005, after which Respondent was no longer authorized to practice law or to hold himself out as being able to practice law in this Commonwealth.

44. Between October 27 and November 26, 2005, Respondent could wind down his existing practice but could not take on any new clients.

45. Pursuant to Rule 217, Pa.R.D.E., Respondent was required to promptly notify all of his clients, and others of his transfer to inactive status and consequent inability to practice law, and, within ten (10) days of the effective date of the Order, Respondent was to file a Statement of Compliance certifying that he had complied with the Order and the applicable provisions of the Pa.R.D.E. and Disciplinary Board Rules.

46. Respondent failed to timely file a Statement of Compliance with the Disciplinary Board and it is believed and, therefore, averred that he failed to timely advise his clients of his transfer to inactive status.

47. The following clients were included in those Respondent continued to represent or to hold himself out as representing.

Scott James Dottle Matter

48. On October 19, 2005, a Criminal Complaint was filed by Trooper John Szuch with Magisterial District Judge (MDJ), Sean P. McGraw, in Carbondale, Lackawanna County, at No. CR-145-05, against Scott James Dottle, on a

misdemeanor criminal charge of a violation of the Vehicle Code, 75 Pa.C.S. §3802(d)(2), Driving Under the Influence of Alcohol or Controlled Substance.

49. Soon after the above referenced criminal charges were filed against Mr. Dottle, he retained Respondent to represent him in this case. Respondent was paid an undetermined amount of money to represent Mr. Dottle relative to these criminal charges.

50. On October 27, 2005, a Summons was issued in this case by MDJ McGraw and a preliminary hearing was scheduled for December 1, 2005.

51. Respondent failed to timely advise Mr. Dottle that Respondent had been transferred to inactive status effective November 26, 2005, and could no longer represent him in his case under the provisions of Rule 217 of the PA Rules of Disciplinary Enforcement.

52. On November 26, 2005, Trooper Szuch requested a continuance of this case because he was still waiting for blood test results for Mr. Dottle. The preliminary hearing was continued to January 5, 2006.

53. On or about January 5, 2006, Respondent contacted MDJ McGraw's office as counsel for Mr. Dottle and requested a continuance of the hearing scheduled for that day. Respondent failed to advise anyone at the Magistrate's office that Respondent was on inactive status and could not practice law at that time. Mr. Dottle's hearing was continued to January 26, 2006 at Respondent's request.

54. By letter dated January 25, 2006, on his legal letterhead and signed by Respondent as "James J. Walker, Esquire," to Roxanne at the Lackawanna

County Central Court, Respondent advised that his office represented Scott Dottle who had a preliminary hearing scheduled for January 26, 2006 at 10:00 a.m. Respondent stated that Attorney Paul J. Walker was associated in the representation of Scott Dottle in this case and would be representing Mr. Dottle in this matter. Respondent also referred to a conversation that he had with Deputy Court Administrator, James Doherty, Esquire, on the evening of January 24, 2006, in which Respondent discussed this case with Mr. Doherty on behalf of Mr. Dottle and Attorney Paul Walker and advised that the defense would be requesting a continuance of the preliminary hearing scheduled for January 26, 2006, which he consented to and advised Respondent to contact the Central Court.

55. On March 30, 2006, Respondent filed a Waiver of Preliminary Hearing on behalf of Mr. Dottle with Magistrate McGraw's office.

56. On May 24, 2006 Respondent was transferred back to active status.

Gerard Francis Walsh Matter

57. On October 4, 2005, a Criminal Complaint was filed by Trooper John Szuch with Magisterial District Judge (MDJ), Sean P. McGraw, in Carbondale, Lackawanna County, at No. CR-146-05, against Gerard Francis Walsh, on a misdemeanor criminal charge of a violation of the Vehicle Code, 75 Pa.C.S. §3802(a)(1), Driving Under the Influence of Alcohol or Controlled Substance, and two other summary charges.

58. Soon after the above referenced criminal charges were filed against Mr. Walsh, he retained Respondent to represent him in this case. Respondent was

paid an undetermined amount of money to represent Mr. Dottle relative to these criminal charges.

59. On October 27, 2005, a Summons was issued in this case by MDJ McGraw and a preliminary hearing was scheduled for December 1, 2005.

60. Respondent failed to timely advise Mr. Walsh that Respondent had been transferred to inactive status effective November 26, 2005, and could no longer represent him in his case under the provisions of Rule 217 of the PA Rules of Disciplinary Enforcement.

61. On October 31, 2005, Respondent contacted MDJ McGraw's office on behalf of Mr. Walsh and requested a continuance of the preliminary hearing scheduled for December 1, 2005, and the hearing was rescheduled for some time later in December of 2005.

62. On or about December 15, 2005, Respondent contacted MDJ McGraw's office as counsel for Mr. Walsh and requested a continuance of the hearing scheduled for that day. Respondent failed to advise anyone at the Magistrate's Office that Respondent was on inactive status and could not practice law at that time. Mr. Walsh's hearing was continued to January 26, 2006 at Respondent's request.

63. On March 29, 2006, Respondent again contacted MDJ McGraw's office as counsel for Mr. Walsh and requested a continuance of the hearing scheduled for that day. Respondent failed to advise anyone at the Magistrate's Office that Respondent was on inactive status and could not practice law at that time. Mr. Walsh's hearing was continued to April of 2006 at Respondent's request.

64. On May 24, 2006 Respondent was transferred back to active status.

Richard Devere Williams Matter

65. On November 10, 2005, a Criminal Complaint was filed by Trooper Jennifer Kosakevitch with Magisterial District Judge (MDJ), Sean P. McGraw, in Carbondale, Lackawanna County, at No. CR-151-05, against Richard Devere Williams, on two misdemeanor criminal charges of a violation of the Vehicle Code, 75 Pa.C.S. §§3802(a)(1) and 3802(c), Driving Under the Influence of Alcohol or Controlled Substance, and some other summary charges. A Preliminary Hearing was scheduled for December 22, 2005.

66. Soon after the above referenced criminal charges were filed against Mr. Williams, he retained Respondent to represent him in this case. Respondent was paid an undetermined amount of money to represent Mr. Williams relative to these criminal charges. Respondent failed to timely advise Mr. Williams that Respondent had been transferred to inactive status effective November 26, 2005, and could not represent him in his case under the provisions of Rule 217 of the PA Rules of Disciplinary Enforcement.

67. By letter dated December 20, 2005, on his legal letterhead and signed by Respondent as "James J. Walker, Esquire" to the Lackawanna County Central Court, Respondent stated, "Please be advised that I represent Richard D. Williams relative to the above referenced matter scheduled for Hearing on Thursday, December 22, 2005 at 9:15 a.m. This case should be scheduled for a Hearing on the merits of the case. As such, we are requesting a Continuance to reschedule for a Hearing. I understand the rescheduled Hearing date is Thursday,

January 12, 2006 at 10:30 a.m., as per a telephone conversation today between my secretary and Roxanne. Thank you for your professional courtesy with regard to this matter.”

68. On January 12, 2006, Respondent filed another request for a continuance with Magistrate McGraw's Office on behalf of Mr. Williams of the hearing scheduled for that day. Respondent's request was granted and the hearing was rescheduled for February 23, 2006. The February 23, 2006 hearing was subsequently rescheduled to March 30, 2006 at the request of Trooper Kosakevitch.

69. On March 30, 2006, Respondent filed a waiver of the preliminary hearing on behalf of Richard D. Williams with Magistrate McGraw's office.

70. On May 24, 2006 Respondent was transferred back to active status.

Jacob J. Poronsky Matter

71. On January 3, 2006, a Criminal Complaint was filed by Trooper John Szuch with Magisterial District Judge (MDJ), Sean P. McGraw, in Carbondale, Lackawanna County, at No. CR-03-06, against Jacob Joseph Poronsky, on four misdemeanor criminal charges of a violation of the Vehicle Code, 75 Pa.C.S. §§3802(d)(2) and 3802(d)(1)(i), Driving Under the Influence of Alcohol or Controlled Substance, and of the Controlled Substance, Drug, Device and Cosmetic Act, 35 Pa. C.S. §§780-113(a)(31)(i) and 780-113(a)(32). A preliminary hearing was scheduled for February 9, 2006.

72. Soon after the above referenced criminal charges were filed against Mr. Poronsky, he retained Respondent to represent him in this case. Respondent

was paid an undetermined amount of money to represent Mr. Poronsky relative to these criminal charges. Respondent failed to advise his client, Jacob Joseph Poronsky, at any time that Respondent had been transferred to inactive status and could not represent him in his case under the provisions of Rule 217 of the PA Rules of Disciplinary Enforcement.

73. By letter dated February 8, 2006, on his legal letterhead and signed by Respondent as "James J. Walker, Esquire," to the Lackawanna County Central Court, Respondent stated, "I represent Jacob J. Poronsky relative to the above referenced matter. This correspondence is in regard to his Preliminary Hearing scheduled for February 9, 2006 at 9:15 a.m. I would like to request a Continuance of this Hearing due to my unavailability."

74. On March 30, 2006, a waiver of preliminary hearing was filed by Attorney Paul J. Walker on behalf of Mr. Poronsky. Paul Walker continued to represent Mr. Poronsky at the Common Pleas Court level.

Statement of Compliance Matter

75. Respondent was reinstated to active status on May 24, 2006, following his filing with the Office of the Secretary a Statement of Compliance dated May 22, 2006, wherein Respondent certified under penalty of 18 Pa.C.S. §4904 (relating to unsworn falsification to authorities), "(1) That I have fully complied with the provisions of the Order of the Supreme Court, with the applicable provisions of the Pennsylvania Rules of Disciplinary Enforcement and with the applicable provisions of the Disciplinary Board Rules."

76. Respondent's certification was false in that he had failed to fully

comply with the Order transferring him to inactive status, or with the applicable Pa. R.D.E. and Disciplinary Board Rules.

77. Along with his false certification, Respondent filed copies of litigation and non-litigation Notices of Transfer to Inactive Status dated May 10, 11, or 12, 2006, which Respondent had sent to about 37 of his clients, including the four specifically referenced above.

Charge IV [Complaint of Paul Joseph Cobb]

78. Paul Joseph Cobb, a Certified Public Accountant (CPA), was employed as the Business Manager for the North Pocono School District (NPSD) in Moscow, PA, from November 1999 until April 2004.

79. On April 2, 2004, based upon a Report of the Auditor General's Office, Mr. Cobb was suspended without pay by the NPSD relative to his purchase for personal use of a Dell computer for \$1900 in August 2001, and related software, which he caused to be billed to and paid for by the School District, and use of another School District computer at home for his private tax preparation business without paying the School District. After being confronted by an Investigator from the Auditor General's Office, Mr. Cobb made full restitution.

80. Mr. Cobb retained Attorney Todd Eagen to represent him in his dismissal proceedings with the School District.

81. Mr. Cobb retained Respondent relative to an investigation being conducted by the State Ethics Commission.

82. On July 30, 2004, Respondent met with Special Investigator Paul J. Spear of the State Ethics Commission in Respondent's office at which time Respondent delivered copies of Mr. Cobb's 2001-2003 federal income tax returns which had been subpoenaed by the Commission.

83. On or about August 20, 2004, Mr. Cobb retained Respondent to represent him relative to criminal proceedings that were anticipated and he paid Respondent a \$10,000 non-refundable retainer.

84. The dismissal hearings started on September 7, 2004, and concluded in May 2005, with Mr. Cobb agreeing to resign his position with a severance payment to him of \$21,893. Throughout the dismissal proceedings, Mr. Cobb kept Respondent advised of developments and with transcripts of the hearings for Respondent's use in defending him in the criminal charges which followed.

85. By letter to Mr. Cobb in care of Respondent dated December 21, 2004, John J. Contino, Executive Director of the State Ethics Commission notified Respondent that the Commission was modifying its investigation of Mr. Cobb. Respondent did not advise Mr. Cobb of Respondent's receipt of that letter.

86. On December 28, 2004, the Attorney General's Office filed criminal charges against Mr. Cobb.

87. On December 30, 2004, Attorney Eagen advised Mr. Cobb that criminal charges were being filed as Mr. Eagen had received a call from a reporter from the Scranton Times seeking comment. In response to this news,

Mr. Cobb called and left a message for Respondent to call him, which Respondent did the following day.

88. On January 3, 2005, the State Ethics Commission sent Mr. Cobb in care of Respondent an Investigative Complaint which outlined in detail the Findings of its investigation and its allegation that Mr. Cobb had violated Section 1103 (a) of the State's Ethics Act, 65 Pa.C.S. §1103(a). Respondent was advised that an Answer must be filed within 30 days and that matters not specifically denied would be deemed admitted. Further, Respondent was advised that if he desired a hearing, one must be requested in the Answer.

89. Respondent failed to advise Mr. Cobb of the issuance of the Ethics Commission's Investigative Complaint, of the need to file an Answer within 30 days or the findings would be deemed admitted, and of the need to request a hearing. Further, Respondent failed to seek an extension of time to respond from the Ethics Commission.

90. On January 31, 2005, Respondent had a personal meeting with Mr. Cobb, which was his last, during which Mr. Cobb discussed the "true facts" being developed in the dismissal hearings and how they contradicted the Auditor General's Report. Respondent faxed him a copy of the criminal complaint against him but did not explain the charges to him.

91. The evening before Mr. Cobb's arraignment in February 2005 before Magistrate Thomas Golden, Respondent called Mr. Cobb and told him to meet him at the Magistrate's office 30 minutes before the scheduled arraignment.

92. While Mr. Cobb waited in his car outside the Magistrates' Office for 30 minutes, Respondent never appeared to represent him.

93. As a result of Respondent's failure to advise him that an Answer to the Investigative Complaint needed to be filed, Mr. Cobb failed to file an Answer or request a hearing thereby forfeiting the rights to do so.

94. By letter to Respondent dated February 3, 2005, Vincent J. Dopko, Chief Counsel for the State Ethics Commission, stated that an Answer to Investigative Complaint was due on or before February 2, 2005, and that since Respondent did not file a response on behalf of Mr. Cobb the Findings in the Complaint had been agreed to and a hearing waived. He further advised Respondent that the matter would be submitted to the Commission for disposition and that Respondent would be advised in due course of the decision made.

95. Respondent failed to advise Mr. Cobb of Mr. Dopko's letter or otherwise advise him of the status of the State Ethics Commission's proceedings against him.

96. By letter to Respondent and Executive Director Contino dated February 7, 2005, Chief Counsel Dopko advised that the Investigative Division had filed a Position Statement regarding the final disposition of Mr. Cobb's case, enclosed a copy, and stated that any Position Statement of Mr. Cobb's would have to be filed by noon on Monday, February 14, 2005.

97. Respondent failed to advise Mr. Cobb that the Investigative Division had filed a Position Statement with the Commission and of his right to file a Position Statement of his own thereby precluding him from doing so.

98. On February 23, 2005, Mr. Cobb faxed Respondent a Memo wherein he hoped Respondent had a nice vacation, noted that his (criminal) case had been postponed to March 23, 2005, attached what he considered key points in the dismissal hearing transcripts, and that he mailed the latest transcript dated February 8, 2005.

99. By letter to Respondent and Executive Director Contino dated March 1, 2005, Chief Counsel Dopko provided Respondent with a copy of the State Ethics Commission's Adjudication in Mr. Cobb's case. The Commission found Mr. Cobb guilty of three violations of Section 1103(a) of the Ethics Act, 65 Pa.C.S. §1103(a), and directed him to pay additional restitution of \$1,195.26 to the School District through the Commission no later than 30 days after the mailing of its Order.

100. Respondent failed to advise Mr. Cobb of the Adjudication of the Ethics Commission's prosecution and the need for him to make restitution of \$1,195.26. Thus, he did not make timely payment of the restitution resulting in an enforcement action against him.

101. On April 14, 2005, Mr. Cobb faxed Respondent a "Memo Important" by which he enclosed a copy of the Settlement Agreement he believed would be entered into with the School District, requested that Respondent obtain a continuance of his criminal case set for April 19th, noted that testimony in the

dismissal hearings supported his position that his conduct was within the standards of his (accounting) profession, admitted that he attempted to cover up his failure to pay for the computer, and asked Respondent to please make "this go away," referring to the criminal charges.

102. On May 5, 2005, Mr. Cobb faxed Respondent a Memo wherein he stated that he should be signing the settlement agreement with the School District on May 11th, noted that he received notice that his criminal case was scheduled for May 25th, and indicated that he would be receiving the transcript from the last (dismissal proceeding) hearing in the next few days and would mail Respondent a copy.

103. On May 16, 2005, Mr. Cobb faxed Respondent a memo wherein he stated that he settled with the School District on May 11th and had sent Respondent a copy of the settlement agreement, asked Respondent to approach the Attorney General and request that he drop the criminal charges, and asked to be advised if this can be resolved before the May 25th pretrial hearing.

104. On May 23, 2005, Mr. Cobb faxed Respondent a Memo asking if Respondent was going to request a continuance of the May 25th hearing.

105. On May 24, 2005, Mr. Cobb faxed Respondent a Memo setting forth a statement of facts that he believed made themselves evident during the dismissal hearing, which he believed exonerated him from the criminal charges or at least warranted their dismissal. In a handwritten note on that memo, Mr. Cobb wrote, "Jim I thought this might help. Guess we are continued for tomorrow 5/25/05 Paul."

106. Respondent failed to respond to many of Mr. Cobb's communications and continued to fail to advise him of the State Ethics Commission's prosecution and adjudication.

107. Mr. Cobb found out about the State Ethics Commission's prosecution and adjudication in June of 2005, when he was summoned into the Sheriff's Office relative to the Commission's enforcement proceedings to collect the \$1,195.26 in restitution.

108. Mr. Cobb immediately retained Attorney Harry McGrath who called the Ethics Commission and was advised that it was too late to reverse its findings.

109. Pursuant to a plea agreement, on September 9, 2005, Mr. Cobb pleaded guilty to one count of Restricted Activities, 65 Pa.C.S. §1103(a), a felony, and was sentenced to pay the costs of prosecution, to serve 1 month of house arrest, followed by 12 months of probation during which to perform 100 hours of community service. The other four counts contained in the Information were nol prossed.

110. Subsequently, the Bureau of Professional and Occupational Affairs prosecuted Mr. Cobb before the State Board of Accountancy based upon his criminal conviction and the Adjudication of the State Ethics Commission during which prosecution he was precluded from defending against the findings of the Ethics Commission since they had been deemed admitted due to his failure to file an Answer to Investigative Complaint due to Respondent's failure to bring it to his attention.

111. On May 5, 2007, the State Board of Accountancy revoked Mr. Cobb's CPA license.

112. As a result of his conduct as alleged in Paragraphs 3 through 111, it is believed and therefore averred that the Respondent violated the following Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement:

- 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.
- RPC 1.3 A lawyer shall act with reasonable diligence and promptness in representing a client.
- RPC 1.4(a)(1) A lawyer shall promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules.
- RPC 1.4(a)(2) A lawyer shall reasonably consult with the client about the means by which the client's objectives are to be accomplished.
- RPC 1.4(a)(3) A lawyer shall keep the client reasonably informed about the status of the matter.
- RPC 1.4(a)(4) A lawyer shall promptly comply with reasonable requests for information.
- RPC 1.4(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.
- RPC 1.5(a) A lawyer shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee.
- RPC 1.5(b) When the lawyer has not regularly represented the client, the basis or rate of the fee shall be communicated to the client, in writing, before or within a reasonable time after commencing the representation.
- RPC 1.15(b) Upon receiving property of a client or third person in connection with a client-lawyer relationship, a lawyer shall promptly notify the client or

third person. Except as stated in this Rule or otherwise permitted by law or by agreement with the client or third person, a lawyer shall promptly deliver to the client or third person any property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.

- RPC 1.16(a)(1) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if the representation will result in violation of the Rules of Professional Conduct or other law.
- RPC 1.16(a)(2) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client.
- 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 has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law.
- RPC 3.3(a)(1) A lawyer shall not knowingly 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.
- 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.
- RPC 8.4(a) It is professional misconduct for a lawyer to violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- 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.

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

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

Rule 217, Pa.R.D.E. Formerly admitted attorneys.

(a) A formerly admitted attorney shall promptly notify, or cause to be notified, by registered or certified mail, return receipt requested, all clients being represented in pending matters, other than litigation or administrative proceedings, of the disbarment, suspension or transfer to inactive status and the consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension or transfer to inactive status and shall advise said clients to seek legal advice elsewhere.

(b) A formerly admitted attorney shall promptly notify, or cause to be notified, by registered or certified mail, return receipt requested, all clients who are involved in pending litigation or administrative proceedings, and the attorney or attorneys for each adverse party in such matter or proceeding, of the disbarment, suspension or transfer to inactive status and consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension or transfer to inactive status. The notice to be given to the client shall advise the prompt substitution of another attorney or attorneys in place of the formerly admitted attorney. In the event the client does not obtain substitute counsel before the effective date of the disbarment, suspension or transfer to status, it shall be the responsibility of the formerly admitted attorney to move in the court or agency in which the proceeding is pending for leave to withdraw. The notice to be given to the attorney or attorneys for an adverse party shall state the place of residence of the client of the formerly admitted attorney.

(c) A formerly admitted attorney shall promptly notify, or cause to be notified, of the disbarment, suspension or transfer to inactive status, by registered or certified mail, return receipt requested:

(2) all other persons with whom the formerly admitted attorney may at any time expect to have professional contacts under circumstances where there is a reasonable probability that they may infer that he or she continues as an attorney in good standing.

The responsibility of the formerly admitted attorney to provide the notice required by this subdivision shall continue for as long as the formerly admitted attorney is disbarred, suspended or on inactive status.

(d) Orders imposing suspension, disbarment or transfer to inactive status shall be effective 30 days after entry. The formerly admitted attorney, after

entry of the disbarment, suspension or transfer to inactive status order, shall not accept any new retainer or engage as attorney for another in any new case or legal matter of any nature. However, during the period from the entry date of the order and its effective date the formerly admitted attorney may wind up and complete, on behalf of any client, all matters which were pending on the entry date.

(e) Within ten days after the effective date of the disbarment, suspension or transfer to inactive status order, the formerly admitted attorney shall file with the Board a verified statement showing:

(1) that the provisions of the order and these rules have been fully complied with; and

(2) all other state, federal and administrative jurisdictions to which such person is admitted to practice. Such statement shall also set forth the residence or other address of the formerly admitted attorney where communications to such person may thereafter be directed.

(j) A formerly admitted attorney may not engage in any form of law-related activities in this Commonwealth except in accordance with the following requirements:

(1) All law-related activities of the formerly admitted attorney shall be conducted under the supervision of a member in good standing of the Bar of this Commonwealth who shall be responsible for ensuring that the formerly admitted attorney complies with the requirements of this subdivision (j). If the formerly admitted attorney is engaged by a law firm or other organization providing legal services, whether by employment or other relationship, an attorney of the firm or organization shall be designated by the firm or organization as the supervising attorney for purposes of this subdivision.

(4) Without limiting the other restrictions in this subdivision (j), a formerly admitted attorney is specifically prohibited from engaging in any of the following activities:

(ii) performing any law-related services from an office that is not staffed by a supervising attorney on a full time basis;

(iii) performing any law-related services for any client who in the past was represented by the formerly admitted attorney;

(iv) representing himself or herself as a lawyer or person of similar status;

(v) having any contact with clients either in person, by telephone, or in writing, except as provided in paragraph (3);

(vi) rendering legal consultation or advice to a client;

(vii) appearing on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, hearing officer or any other adjudicative person or body;

(ix) negotiating or transacting any matter for or on behalf of a client with third parties or having any contact with third parties regarding such a negotiation or transaction;

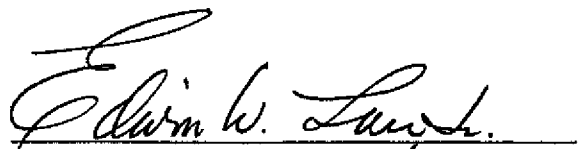
(x) receiving, disbursing or otherwise handling client funds.

WHEREFORE, Petitioner prays that your Honorable Board appoint, pursuant to Rule 205, Pa.R.D.E., a Hearing Committee to hear testimony and receive evidence in support of the forgoing charges and upon completion of said hearing to make such findings of fact, conclusions of law, and recommendations for disciplinary action as it may deem appropriate.

Respectfully submitted,

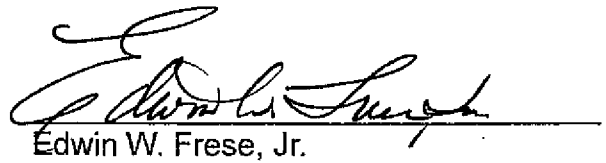
OFFICE OF DISCIPLINARY COUNSEL

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EDWIN W. FRESE, JR. states that the foregoing facts are true and correct to the best of his knowledge, information, and belief. This statement is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.



Edwin W. Frese, Jr.