

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

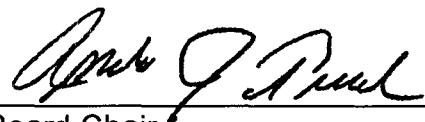
OFFICE OF DISCIPLINARY COUNSEL	:	No. 120 DB 2018
Petitioner	:	
	:	
v.	:	Attorney Registration No. 30276
	:	
ROBERT IRA LIPKIN	:	
Respondent	:	(Schuylkill County)

ORDER

AND NOW, this 3rd day of May, 2019, in accordance with Rule 215(g), Pa.R.D.E., the three-member Panel of the Disciplinary Board having reviewed and approved the Joint Petition in Support of Discipline on Consent filed in the above captioned matter; it is


ORDERED that the said ROBERT IRA LIPKIN be subjected to a **PUBLIC REPRIMAND** by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(a) and Rule 205(c)(9) of the Pennsylvania Rules of Disciplinary Enforcement.

BY THE BOARD:


Board Chair

TRUE COPY FROM RECORD

Attest:


Marcee D. Sloan
Board Prothonotary
The Disciplinary Board of the
Supreme Court of Pennsylvania

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

OFFICE OF DISCIPLINARY COUNSEL	:	No. 120 DB 2018
Petitioner	:	
	:	
	:	
v.	:	
	:	Attorney Registration No. 30276
ROBERT IRA LIPKIN	:	
Respondent	:	(Schuylkill County)

PUBLIC REPRIMAND

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

Mr. Lipkin, you are being reprimanded for your conduct in the Dalton and Drumheller matters. In each matter, you were retained in 2014 to file a bankruptcy petition on behalf of your client, accepted legal fees (\$3,100 from Dalton and \$4,500 from Drumheller), failed to properly deposit the legal fees in a trust account or IOLTA, failed to file the bankruptcy petition, and failed to promptly refund any portion of the unearned legal fees.

In the Dalton matter, by check dated March 13, 2019, you provided a full refund to Mr. Dalton. In the Drumheller matter, in or before April 2019, you reimbursed the Pennsylvania Lawyers Fund for Client Security for its award to Mr. Drumheller and paid the interest charged by the Fund, which satisfied your obligation to the Fund in full.

As a result of your conduct, you have violated the following Rules of Professional Conduct ("RPC"):

1. RPC 1.3 – A lawyer shall act with reasonable diligence and promptness in representing a client.
2. RPC 1.4(a)(3) – A lawyer shall keep the client reasonably informed about the status of the matter.
3. 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.
4. RPC 1.15(b) - A lawyer shall hold all Rule 1.15 Funds and property separate from the lawyer's own property. Such property shall be identified and appropriately safeguarded.
5. RPC 1.15(e) - 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, including but not limited to Rule 1.15 Funds, that the client or third person is entitled to receive.
6. RPC 1.15(i) – A lawyer shall deposit into a Trust Account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred, unless the client gives informed consent, confirmed in writing, to the handling of fees and expenses in a different manner.
7. 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...refunding any advance payment of fee or expense that has not been earned or incurred.

8. RPC 3.2 – A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

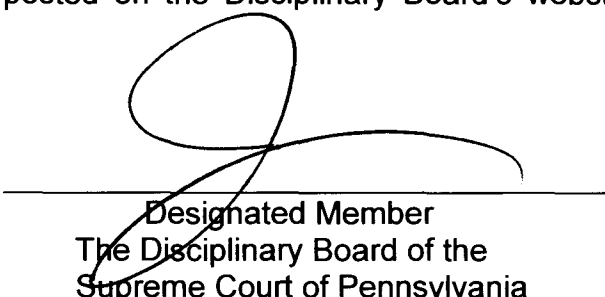
It is my duty to reprimand you for your misconduct. We note that you have no history of discipline in more than thirty-nine years as a practicing lawyer. You accepted responsibility for your misconduct and expressed remorse.

Please be aware that any subsequent violations on your part can only result in further discipline and perhaps more severe sanctions. We sincerely hope that you will conduct yourself in such a manner that future disciplinary action will be unnecessary.

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

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

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



Designated Member
The Disciplinary Board of the
Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania, at Philadelphia, Pennsylvania, on September 12, 2019.

ACKNOWLEDGMENT

The undersigned, Respondent in the above proceeding, herewith acknowledges that the above Public Reprimand was administered in his presence and in the presence of the designated panel of The Disciplinary Board at the Board offices located at the 1601 Market Street, Suite 3320, Philadelphia, Pennsylvania, on September 12, 2019.


Robert Ira Lipkin

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

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 120 DB 2018
Petitioner	:	
	:	
v.	:	
	:	Attorney Reg. No. 30276
ROBERT IRA LIPKIN,	:	
Respondent	:	(Schuylkill County)

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

Petitioner, the Office of Disciplinary Counsel (hereinafter, "ODC") by Paul J. Killion, Chief Disciplinary Counsel, and Daniel S. White, Disciplinary Counsel, and Respondent, Robert Ira Lipkin, (hereinafter "Respondent"), respectfully petition the Disciplinary Board in support of discipline on consent, pursuant to Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 215(d), and in support thereof state:

1. ODC, whose principal office is situated at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62485, Harrisburg, Pennsylvania, 17106, 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 Enforcement Rules.

FILED 04/30/2019 The Disciplinary Board of the Supreme Court of Pennsylvania

2. Respondent, Robert Ira Lipkin, was born on April 14, 1947, and was admitted to practice law in the Commonwealth on October 17, 1979. Respondent is on active status and his current public mailing address is P.O. Box 99, Orwigsburg, PA 17961. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

SPECIFIC FACTUAL ALLEGATIONS ADMITTED

3. Respondent's affidavit stating, *inter alia*, his consent to the recommended discipline is attached hereto as Exhibit "A".

Ronald Dalton

4. In December of 2014, Ronald Dalton retained Respondent to file a Chapter 13 bankruptcy petition on his behalf in exchange for a legal fee in the amount of three thousand eight hundred dollars (\$3,800.00).

5. By check number 2079 dated December 10, 2014, Mr. Dalton paid Respondent two thousand dollars (\$2,000.00).

6. By check number 2107 dated February 12, 2015, Mr. Dalton paid Respondent nine hundred dollars (\$900.00).

7. By check number 2165 dated April 24, 2015, Mr. Dalton paid Respondent one hundred dollars (\$100.00).

8. By check number 2173 dated May 9, 2015, Mr. Dalton paid Respondent one hundred dollars (\$100.00).

9. Respondent failed to deposit of any Mr. Dalton's advance payments, set forth in paragraphs 5-8 *supra*, into a Trust Account or IOLTA.

10. Respondent failed to obtain Mr. Dalton's informed consent, confirmed in writing, to not maintain such funds in a Trust Account or IOLTA.

11. Respondent failed to file a Chapter 13 bankruptcy petition on Mr. Dalton's behalf.
12. Mr. Dalton called Respondent several times between January 2017 and June 2017.
13. Respondent rarely answered or returned Mr. Dalton's calls.
14. In or after May of 2017, Mr. Dalton sent two letters to Respondent requesting a refund of his advance payments.
15. Respondent failed to respond to Mr. Dalton's letters.
16. Respondent failed to promptly refund any portion of Mr. Dalton's advance payments.

Wayne Drumheller

17. In or before May of 2014, Wayne Drumheller hired Respondent to file a bankruptcy petition on his behalf in exchange for four thousand five hundred dollars (\$4,500.00).
18. Respondent had not previously represented Mr. Drumheller.
19. Respondent failed to explain the basis or rate of his fee to Mr. Drumheller in writing.
20. On May 28, 2014, Mr. Drumheller paid Respondent four thousand five hundred dollars (\$4,500.00) in cash.
21. Respondent failed to deposit Mr. Drumheller's advance payment into a Trust Account or IOLTA.
22. Respondent failed to obtain Mr. Drumheller's informed consent, confirmed in writing, to not maintain such funds in a Trust Account or IOLTA.
23. Respondent failed to file a bankruptcy petition on Mr. Drumheller's behalf.

24. In January of 2017, Mr. Drumheller terminated Respondent's representation and requested a refund of his four thousand five hundred dollar (\$4,500.00) advance payment.

25. Respondent agreed to provide Mr. Drumheller with a full refund, but advised that it would be issued by way of several payments due to Respondent's financial situation.

26. Respondent failed to promptly refund any portion of Mr. Drumheller's advance payments.

Failure to Comply with Condition of Informal Admonition

27. By letter dated April 17, 2018, Chief Disciplinary Counsel Paul J. Killion advised Respondent, *inter alia*, that it had been determined that Respondent should receive an informal admonition for his misconduct as set forth in paragraphs 4-26 *supra*.

28. This letter informed Respondent that:

There is a Condition attached to this sanction:

You shall refund advance payments of legal fees in the amount of three thousand one hundred dollars (\$3,100.00) to Mr. Dalton and four thousand five hundred dollars (\$4,500.00) to Mr. Drumheller. Your satisfaction of this condition has no effect on Mr. Drumheller's right to pursue any other damages to which he may be entitled in the matter of *Drumheller v. Lipkin*, S-2154-2017 (Court of Common Pleas of Schuylkill County). This condition must be completed within 30 days of this letter.

(emphasis in original)

29. By undated letter to Chief Disciplinary Counsel Paul J. Killion received on May 16, 2018, Respondent advised that "with respect to your condition of payments to Dalton and Drumheller, I am unable to do so. I lost my previous employment in January 2018..."

30. By letter to Respondent dated May 21, 2018, Disciplinary Counsel directed Respondent to comply with the condition set forth in paragraph 28 *supra* within thirty (30) days.

31. By letter to Disciplinary Counsel and Chief Disciplinary Counsel Paul J. Killion dated June 19, 2018, Respondent stated his "desire to promptly and reasonably resolve this situation," and referenced a "restitution check in the amount of \$50.00" that he was "willing to pay...on a monthly basis hoping that they so appear."

32. Respondent failed to comply with the condition set forth at paragraph 28 *supra*.

33. In or before February of 2019, the Pennsylvania Lawyers Fund for Client Security (hereinafter "Client Security") awarded four thousand five hundred dollars (\$4,500.00) to Mr. Drumheller.

34. By check number 1127 dated March 13, 2019, Respondent provided a refund to Mr. Dalton in the amount of three thousand one hundred dollars (\$3,100.00). Mr. Dalton successfully negotiated this check.

35. In or before April of 2019, Respondent reimbursed Client Security for its award to Mr. Drumheller and paid the interest charged by Client Security pursuant to Pa.R.D.E. 531. Respondent's obligation to Client Security was thereby satisfied in full.

SPECIFIC RULES OF PROFESSIONAL CONDUCT VIOLATED

36. With respect to his representations of both Mr. Dalton and Mr. Drumheller, Respondent violated RPC 1.3, which states that "[a] lawyer shall act with reasonable diligence and promptness in representing a client."

37. With respect to his representations of both Mr. Dalton and Mr. Drumheller, Respondent violated RPC 1.4(a)(3), which states that "[a] lawyer shall keep the client reasonably informed about the status of the matter."

38. With respect to his representation of Mr. Drumheller, Respondent violated RPC 1.5(b), which states that "[w]hen 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."

39. With respect to his representations of both Mr. Dalton and Mr. Drumheller, Respondent violated RPC 1.15(b), which states that "[a] lawyer shall hold all Rule 1.15 Funds and property separate from the lawyer's own property. Such property shall be identified and appropriately safeguarded."

40. With respect to his representations of both Mr. Dalton and Mr. Drumheller, Respondent violated RPC 1.15(e), which states, in pertinent part, that "[e]xcept 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, including but not limited to Rule 1.15 Funds, that the client or third person is entitled to receive."

41. With respect to his representations of both Mr. Dalton and Mr. Drumheller, Respondent violated RPC 1.15(i), which states that "[a] lawyer shall deposit into a Trust Account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred, unless the client gives informed consent, confirmed in writing, to the handling of fees and expenses in a different manner."

42. With respect to his representations of both Mr. Dalton and Mr. Drumheller, Respondent violated RPC 1.16(d), which states, in pertinent part, that "[u]pon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as...refunding any advance payment of fee or expense that has not been earned or incurred."

43. With respect to his representations of both Mr. Dalton and Mr. Drumheller, Respondent violated RPC 3.2, which states that "[a] lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client."

SPECIFIC RECOMMENDATION FOR DISCIPLINE
PUBLIC REPRIMAND

44. Respondent and Petitioner previously submitted a Joint Petition in this matter, recommending a private reprimand with conditions that Respondent make monthly payments to Mr. Dalton and Mr. Drumheller until he had fully refunded their advance payments.

45. On November 5, 2018, a three-member panel of this Honorable Board denied this Joint Petition and noted its recommendation that Respondent should "receive a public reprimand."

46. A public reprimand is appropriate in cases of IOLTA misuse, neglect, and failure to promptly refund unearned legal fees. *Office of Disciplinary Counsel v. Bernard*, 52 DB 2015 (2015) (misappropriation of client funds required to be held in an IOLTA, reimbursement of such funds, and no record of discipline in almost forty years); *Office of Disciplinary Counsel v. Taglianetti*, 197 DB 2015 (2016) (failure to retain settlement funds necessary to resolve Medicare lien in one client matter, failure to file a real estate deed or refund legal fee until ODC investigation in another matter, and a record of discipline consisting of an informal admonition).

47. Respondent has no history of discipline in over thirty-nine (39) years as a member of the Bar of the Commonwealth of Pennsylvania.

48. Respondent has belatedly accepted responsibility, expressed remorse, refunded unearned fees to Mr. Dalton and reimbursed Client Security in connection with its award to Mr. Drumheller.


WHEREFORE, Petitioner and Respondent respectfully request that, pursuant to Pennsylvania Rules of Disciplinary Enforcement 215(e) and 215(f), a three-member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and enter an appropriate order granting such petition and directing that Respondent receive a public reprimand.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL


PAUL J. KILLION
Attorney Reg. No. 20955
Chief Disciplinary Counsel

4/30/19
DATE



DANIEL S. WHITE, ESQUIRE
Disciplinary Counsel
Attorney Registration Number 322574
Office of Disciplinary Counsel
District II Office
820 Adams Avenue, Suite 170
Trooper, PA 19403
(610) 650-8210

4/30/19
DATE



ROBERT IRA LIPKIN, ESQUIRE
Respondent

VERIFICATION

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

4/30/19
DATE



DANIEL S. WHITE, ESQUIRE
Disciplinary Counsel

4/30/19
DATE



ROBERT IRA LIPKIN, ESQUIRE
Respondent

EXHIBIT A

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 120 DB 2018
Petitioner :
v. :
: Attorney Reg. No. 30276
ROBERT IRA LIPKIN, :
Respondent : (Schuylkill County)

AFFIDAVIT

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

COMMONWEALTH OF PENNSYLVANIA:
COUNTY OF SCHUYLKILL:

ROBERT IRA LIPKIN, being duly sworn according to law,
deposes and hereby submits this affidavit consenting to the
recommendation of a public reprimand in conformity with Pa.R.D.E.
215(d) and further states as follows:

1. He is an attorney admitted in the Commonwealth of
Pennsylvania, having been admitted to the bar on or about October
17, 1979.

2. He desires to submit a Joint Petition in Support of
Discipline on Consent Pursuant to Pa.R.D.E. 215(d).

3. His consent is freely and voluntarily rendered; he is
not being subjected to coercion or duress, and he is fully aware
of the implications of submitting this affidavit.

4. He is aware that there is presently pending a
proceeding regarding allegations that he has been guilty of
misconduct as set forth in the Joint Petition in Support of

Discipline on Consent Pursuant to Pa.R.D.E. 215(d) to which this affidavit is attached.

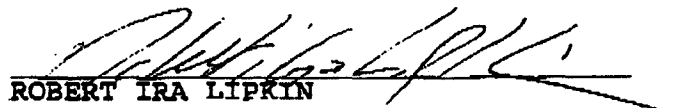
5. He acknowledges that the material facts set forth in the Joint Petition are true.

6. He submits the within affidavit because he knows that if charges predicated upon the matter under investigation were filed, or continued to be prosecuted in the pending proceeding, he could not successfully defend against them.

7. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has not retained, consulted and acted upon the advice of counsel in connection with his decision to execute the within Joint Petition.

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 30 day of April, 2019.


ROBERT IRA LIPKIN

Sworn to and subscribed
before me this 30 day
of April, 2019.


Notary Public

Commonwealth of Pennsylvania - Notary Seal
Brenda L. Jacobacci, Notary Public
Schuylkill County
My commission expires November 7, 2022
Commission number 1341929
Member, Pennsylvania Association of Notaries

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

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 120 DB 2018
Petitioner	:	
	:	Board File Nos. C2-17-525 & C2-17-720
v.	:	
	:	Attorney Reg. No. 30276
ROBERT IRA LIPKIN,	:	
Respondent	:	(Schuylkill County)

CERTIFICATE OF SERVICE


I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 204 Pa. Code §89.22 (relating to service by a participant).

First Class Mail, as follows:

Robert Ira Lipkin, Esquire
P.O. Box 1376
Pottsville, PA 17901

Dated: _____

4/30/19

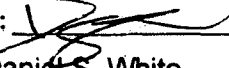


DANIEL S. WHITE
Disciplinary Counsel
Office of Disciplinary Counsel
District II Office
820 Adams Avenue, Suite 170
Trooper, PA 19403
(610) 650-8210
Attorney Reg. No. 322574

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Office of Disciplinary Counsel

Signature: 

Name: Daniel S. White

Attorney No. (if applicable): 322574