

**IN THE SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL, : No. 2863 Disciplinary Docket No. 3  
: :  
Petitioner : No. 124 DB 2021  
: :  
v. : Attorney Registration No. 321471  
: :  
: (Montgomery County)  
STEPHEN PAUL HILDEBRAND, : :  
: :  
Respondent :

**ORDER**

**PER CURIAM**

**AND NOW**, this 23<sup>rd</sup> day of March, 2022, upon consideration of the Verified Statement of Resignation, Stephen Paul Hildebrand is disbarred on consent from the Bar of this Commonwealth. See Pa.R.D.E. 215. Respondent shall comply with the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Nicole Traini  
As Of 03/23/2022

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 124 DB 2021  
Petitioner :  
 :  
v. : Attorney Reg. No. 321471  
 :  
STEPHEN PAUL HILDEBRAND, :  
Respondent : (Montgomery County)

RESIGNATION  
UNDER Pa.R.D.E. 215

Stephen Paul Hildebrand hereby tenders his unconditional resignation from the practice of law in the Commonwealth of Pennsylvania in conformity with Pa.R.D.E. 215 ("Enforcement Rules") 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 December 29, 2015. His attorney registration number is 321471.

2. He desires to submit his resignation as a member of said bar.

3. His resignation 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 resignation.

4. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has ~~has~~ not

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The Disciplinary Board of the  
Supreme Court of Pennsylvania

retained, consulted with and acted upon the advice of counsel in connection with his decision to execute the within resignation.

5. He is aware that there is presently pending a prosecution of allegations that he has been guilty of misconduct, the nature of which is set forth in the Petition for Discipline filed by Petitioner, the Office of Disciplinary Counsel, on or about September 9, 2021. A true and correct copy of this Petition for Discipline is attached hereto as Exhibit "A."

6. He acknowledges that the material facts which form the basis of this Petition for Discipline are true.

7. He submits the within resignation because he knows that he could not successfully defend himself against the charges of professional misconduct set forth in the attached exhibit.

8. He is fully aware that the submission of this Resignation Statement is irrevocable and that he can only apply for reinstatement to the practice of law pursuant to the provisions of Enforcement Rule 218(b) and (c).

9. He is aware that, pursuant to Enforcement Rule 215(c), the fact that he has tendered his resignation shall become a matter of public record immediately upon delivery of the resignation statement to Disciplinary Counsel or the Board Prothonotary.

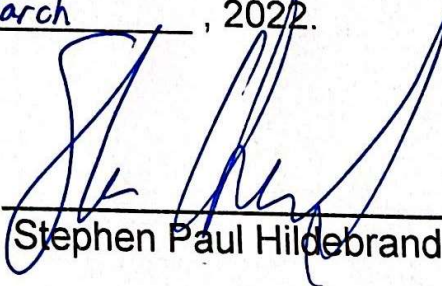
11. Upon entry of the order disbaring him on consent, he will promptly comply with the notice, withdrawal, resignation, trust account, and cease-and-desist provisions of Enforcement Rule 217 (a), (b), (c) and (d).

12. After entry of the order disbaring him on consent, he will file a verified statement of compliance as required by Enforcement Rule 217(e)(1).

13. He is aware that the waiting period for eligibility to apply for reinstatement to the practice of law under Enforcement Rule 218(b) shall not begin until he files the verified statement of compliance required by Enforcement Rule 217(e)(1), and if the order of disbarment contains a provision that makes the disbarment retroactive to an earlier date, then the waiting period will be deemed to have begun on that earlier date.

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

Signed this 1 day of March, 2022.

  
\_\_\_\_\_  
Stephen Paul Hildebrand

WITNESS:   
\_\_\_\_\_

# **EXHIBIT A**

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. DB 2021  
Petitioner :  
 :  
v. : Attorney Reg. No. 321471  
 :  
STEPHEN PAUL HILDEBRAND, :  
Respondent : (Montgomery County)

PETITION FOR DISCIPLINE

Petitioner, the Office of Disciplinary Counsel, by Thomas J. Farrell, Chief Disciplinary Counsel, and Daniel S. White, Disciplinary Counsel, files the within Petition for Discipline and charges Respondent, Stephen Paul Hildebrand, with professional misconduct in violation of the Rules of Professional Conduct, the Code of Federal Regulations and the Pennsylvania Rules of Disciplinary Enforcement as follows:

1. Petitioner, whose principal office is situated at Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62485, Harrisburg, Pennsylvania 17106 is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter "Pa.R.D.E."), with the power and duty to investigate all matters involving alleged misconduct of any attorney admitted to practice law in the Commonwealth of Pennsylvania

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**Supreme Court of Pennsylvania**

and to prosecute all disciplinary proceedings brought in accordance with the various provisions of said Rules.

2. Respondent, Stephen Paul Hildebrand, was born in 1987, was admitted to practice law in the Commonwealth of Pennsylvania on December 29, 2015, and has a registered office and preferred mailing address of 10 E. Athens Avenue, Suite 210B, Ardmore, Pennsylvania 19003.

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

#### CHARGE

##### *Cresencio Chinchilla-Roque Matter*

4. By Order dated November 13, 2019, Cresencio Chinchilla-Roque (hereinafter "Mr. Chinchilla-Roque") was ordered removed from the United States.

5. In or after November of 2019, Daniel Chinchilla-Roque, Mr. Chinchilla-Roque's brother, paid Respondent one thousand and five hundred dollars (\$1,500.00) to meet with Mr. Chinchilla-Roque at York County Prison.

6. In or after November of 2019, Respondent met with Mr. Chinchilla-Roque at which time Mr. Chinchilla-Roque engaged Respondent to appeal his removal order to the Board of Immigration Appeals.

7. Respondent had not previously represented Mr. Chinchilla-Roque.

8. Respondent failed to explain to Mr. Chinchilla-Roque in writing the basis or rate of his fee.

9. On or about December 12, 2019, Respondent filed, on Mr. Chinchilla-Roque's behalf, a Form EOIR-26, Notice of Appeal from a Decision of an Immigration Judge with the Board of Immigration Appeals (hereinafter the "Chinchilla-Roque Appeal").

10. On or about December 12, 2019, Respondent filed a Form EOIR-27, Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals in the Chinchilla-Roque Appeal.

11. A brief in support of the Chinchilla-Roque Appeal was due on or before February 24, 2020.

12. Respondent failed to file a brief in support of the Chinchilla-Roque Appeal.

13. By email to Respondent dated April 14, 2020, Daniel Chinchilla-Roque said, "I need you to send me the documents and the \$1500 that I paid you for my brother's case contact me."

14. Respondent failed to respond to Daniel Chinchilla-Roque's April 14, 2020 email.



15. By email to Respondent dated April 23, 2020, Attorney Rosina Stambaugh said, "Do you currently represent [Mr. Chinchilla-Roque]? The family indicates that they retained you for his appeal but they have not heard anything. Can you please confirm?"

16. By email to Ms. Stambaugh dated April 24, 2020, at 10:10 a.m., Respondent said:

I was retained for a motion to reopen after the IJ hearing where he was pro se. They never got me anything we discussed. I put in an appeal to buy more time and explained I could not do anything without evidence based on the record. I did not hear from them for a while but they did recently contact me, I think they are trying to do something again. I spoke to his brother yesterday. If they want you to get involved ill [sic] get you what I have and the full rundown.

17. By email to Respondent dated April 24, 2020, at 10:41 a.m., Ms. Stambaugh said, "Can you send me over everything that you have. He has no IJ decision or transcripts so they must have been sent to you. Did you file a brief?"

18. By email to Ms. Stambaugh dated April 24, 2020, at 10:56 a.m., Respondent said, "For sure, I'll scan decision and transcripts when I'm in the office."

19. By email to Respondent dated May 12, 2020, Ms. Stambaugh:  
a. forwarded the email exchange set forth in paragraphs 15-18

*supra*; and

b. asked "Did you get a chance to get this?"

20. Respondent failed to respond to Ms. Stambaugh's May 12, 2020 email.

21. By email to Respondent dated May 19, 2020, Ms. Stambaugh:

a. forwarded the email exchange set forth in paragraphs 15-18

*supra*; and

b. said, "Can you please send this stuff over. It will almost be a month and I cannot proceed with the case without it."

22. Respondent failed to respond to Ms. Stambaugh's May 19, 2020 email.

23. On May 22, 2020, Ms. Stambaugh called Respondent and left a voicemail.

24. Respondent failed to return Ms. Stambaugh's May 22, 2020 call.

25. On June 22, 2020, Ms. Stambaugh called Respondent and left a voicemail.

26. Respondent failed to return Ms. Stambaugh's June 22, 2020 call.

27. On June 24, 2020, Ms. Stambaugh called Respondent and left a voicemail.

28. Respondent failed to return Ms. Stambaugh's June 24, 2020 call.

29. On June 29, 2020, Ms. Stambaugh called Respondent and left a voicemail.

30. Respondent failed to return Ms. Stambaugh's June 29, 2020 call.

31. By email to Respondent dated June 29, 2020, Ms. Stambaugh, *inter alia*:

a. recounted her unsuccessful attempts to contact Respondent; and

b. said "**[i]f I don't receive a response by tomorrow at 5:00, I will be filing a disciplinary action against you in Pennsylvania**" (emphasis in original).

32. By email to Ms. Stambaugh dated June 30, 2020, Respondent said:

Sorry I have been out a lot due to some health issues.

I was hired to do a consultation after he was denied at a IH. I met with his brother and I visited him at York. He told me that his brother had a lawyer for him but that person never came he did not know who it was and that he was forced to continue although he asked for time. Both he and his brother indicated that he was afraid to go home. I discussed the option of filing a Motion to Reopen with supporting documents. I did not receive those documents and as 30 days was approaching I filed a Notice of Appeal to the BIA to preserve his appellate rights. I will go to the office to get documents to send to you.

33. By text message to Respondent dated July 3, 2020, Daniel Chinchilla-Roque said:

Good afternoon please call me I need to know if you are working on my brother's case or not. I don't have any information from him and I haven't received anything that you were supposed to send me. If you can't work on the case, let me know so I can find another attorney.

34. Respondent failed to respond to the July 3, 2020 text message.

35. By email to Respondent dated July 29, 2020, Ms. Stambaugh said, "I am getting ready to file this complaint. This is your last chance to get me the file that I requested back in April."

36. Respondent failed to respond to Ms. Stambaugh's July 29, 2020 email.

37. On September 3, 2020, Ms. Stambaugh filed an Emergency Motion for Substitute *[sic]* of Counsel in the Chinchilla-Roque Appeal, asserting, *inter alia*, that Respondent "failed to file a brief in support of [Mr. Chinchilla-Roque]'s Appeal application and has not been communicating with [Mr. Chinchilla-Roque] in over six months."

38. On September 3, 2020, Ms. Stambaugh filed an Emergency Motion to Reset Briefing Schedule in the Chinchilla-Roque Appeal, asserting, *inter alia*, that:

- a. Mr. Chinchilla-Roque “is currently represented by Attorney Hildebrand of Gallo, Hildebrand, LLP. Attorney Hildebrand has failed to file a brief in support of [Mr. Chinchilla-Roque]’s Appeal application and has not communicated with [Mr. Chinchilla-Roque] in over six months”;
- b. “Attorney Hildebrand’s action amount *[sic]* to ineffective assistance of counsel and have severely prejudiced [Mr. Chinchilla-Roque]”; and
- c. Ms. Stambaugh “has attempted to get a complete copy of the file from Attorney Hildebrand, but he has not provided it.”

39. On November 17, 2020, the Board of Immigration Appeals denied this Motion.

40. On January 25, 2021, Ms. Stambaugh filed Applicant’s Motion to Accept Late Filed Brief in the Chinchilla-Roque Appeal, asserting, *inter alia*, that:

- a. “[t]he deadline to file [Mr. Chinchilla-Roque]’s brief was February 24, 2020. However, Mr. Hildebrand failed to file a brief in support of [Mr. Chinchilla-Roque]’s Appeal and has not communicated with [Mr. Chinchilla-Roque] in over six

months”;

- b. Ms. Stambaugh “has attempted on multiple occasions to get a copy of [Mr. Chinchilla-Roque]’s file, but she has not been successful”;
- c. “Attorney Hildebrand’s action amount *[sic]* to ineffective assistance of counsel and have severely prejudiced [Mr. Chinchilla-Roque]”;
- d. “[o]n November 20, 2020, [Ms. Stambaugh] received the Board’s denial of a Motion for Extension. At the time of the denial, [Ms. Stambaugh] did not obtain any transcripts or written decision from prior counsel or from the Board. Without this, [she] was not able to file an appellate Brief on behalf of [Mr. Chinchilla-Roque]”; and
- e. “[t]he ineffective assistance of prior counsel and his failure to file a brief have significantly prejudiced [Mr. Chinchilla-Roque]’s appellate process.”

41. By Opinion and Order dated February 10, 2021, the Board of Immigration Appeals denied the Chinchilla-Roque Appeal because, *inter alia*, Mr. Chinchilla-Roque “has not made sufficient specific arguments regarding

the Immigration Judge's decision and has not meaningfully challenged any of the findings of fact or conclusions of law underlying the denial of his applications for relief and protection."

42. By DB-7, Request for Statement of Respondent's Position dated March 5, 2021 (hereinafter the "March 5, 2021 DB-7"), Petitioner requested Respondent's Statement of Position regarding the allegations set forth in paragraphs 4-41 *supra*.

43. The March 5, 2021 DB-7 advised that "failure to respond to this request for your statement of position without good cause is an independent ground for discipline pursuant to Rule 203(b)(7) of the Pennsylvania Rules of Disciplinary Enforcement."

44. The March 5, 2021 DB-7 was sent via email to the email address that Respondent provided in his 2020-2021 PA Attorney's Annual Fee Form.

45. Respondent received the March 5, 2021 DB-7.

46. Respondent failed to respond to the March 5, 2021 DB-7.

47. Respondent has provided no cause for his failure to respond to the March 5, 2021 DB-7.

48. By DB-7, Request for Statement of Respondent's Position dated July 13, 2021 (hereinafter the "First July 13, 2021 DB-7"), Petitioner again

requested Respondent's Statement of Position regarding the allegations set forth in paragraphs 4-41 *supra*.

49. The First July 13, 2021 DB-7 advised that "failure to respond to this request for your statement of position without good cause is an independent ground for discipline pursuant to Rule 203(b)(7) of the Pennsylvania Rules of Disciplinary Enforcement."

50. The First July 13, 2021 DB-7 was sent via:

- a. certified mail, return receipt requested, to the office and preferred mailing address that Respondent provided in his 2020-2021 PA Attorney's Annual Fee Form; and
- b. email to the email address that Respondent provided in his 2020-2021 PA Attorney's Annual Fee Form.

51. The First July 13, 2021 DB-7 sent via certified mail, return receipt requested was returned to Petitioner as "unclaimed."

52. Respondent failed to respond to the First July 13, 2021 DB-7.

53. Respondent has provided no cause for his failure to respond to the First July 13, 2021 DB-7.



*Ryan Bailey Matter*

54. On or about November 16, 2019, Respondent agreed to represent Ryan Bailey at a November 20, 2019 Individual Calendar Hearing in exchange for a legal fee in the amount of two thousand dollars (\$2,000.00).

55. On or about November 16, 2019, Mr. Bailey paid Respondent one thousand dollars (\$1,000.00).

56. Upon information and belief, Respondent failed to deposit this advance payment into a Trust Account or IOLTA.

57. Respondent failed to obtain Mr. Bailey's informed consent, confirmed in writing, to not maintain this advance payment in a Trust Account or IOLTA.

58. Respondent had not previously represented Mr. Bailey.

59. Respondent failed to explain to Mr. Bailey in writing the basis or rate of his legal fee.

60. At Respondent's request attorney Michael Lambert accompanied Mr. Bailey to his November 20, 2019 Individual Calendar Hearing, at which time Mr. Lambert and Mr. Bailey discovered that Mr. Bailey had been ordered removed *in absentia* earlier that day.

61. On November 27, 2019, Mr. Lambert filed, on Mr. Bailey's behalf, a Motion to Reopen In Absentia Removal Order Based on Lack of Notice and Request for Automatic Stay of Removal Pending the Immigration Court's Consideration of this Motion Pursuant to INA § 240(B)(5)(C); INA § 242B(C)(3); and 8 C.F.R. § 1003.23(B)(1)(V).

62. By Decision and Order of the Immigration Judge dated January 29, 2020, this Motion was denied.

63. In or about February of 2020, Respondent filed, on Mr. Bailey's behalf, a Form EOIR-26, Notice of Appeal from a Decision of an Immigration Judge with the Board of Immigration Appeals (hereinafter the "Bailey Appeal").

64. Respondent failed to file a brief in support of the Bailey Appeal.

65. In or about June of 2020, Mr. Bailey called Respondent at which time, *inter alia*:

- a. Respondent asked Mr. Bailey to pay the outstanding balance of his legal fee; and
- b. Mr. Bailey advised that he could pay Respondent three hundred dollars (\$300.00).

66. In or about June of 2020, Mr. Bailey paid Respondent three hundred dollars (\$300.00).

67. Upon information and belief, Respondent failed to deposit this advance payment into a Trust Account or IOLTA.

68. Respondent failed to obtain Mr. Bailey's informed consent, confirmed in writing, to not maintain this advance payment in a Trust Account or IOLTA.

69. In or about June of 2020, Respondent met with Mr. Bailey at which time, *inter alia*:

- a. Mr. Bailey paid Respondent two hundred dollars (\$200.00);  
and
- b. Respondent advised Mr. Bailey that he would file a brief in support of the Bailey Appeal.

70. Upon information and belief, Respondent failed to deposit this advance payment into a Trust Account or IOLTA.

71. Respondent failed to obtain Mr. Bailey's informed consent, confirmed in writing, to not maintain this advance payment in a Trust Account or IOLTA.

72. Between July of 2020 and October of 2020, Mr. Bailey called Respondent multiple times to request the status of the Bailey Appeal.

73. Respondent failed to answer or return Mr. Bailey's calls.

74. By text message to Respondent dated July 13, 2020, Mr. Bailey said "Steve don't forget to send me the stuff."

75. Respondent failed to respond to Mr. Bailey's July 13, 2020 text message.

76. By text message to Respondent dated July 16, 2020, Mr. Bailey said "Steve can you plz *[sic]* text me the info again please."

77. Respondent failed to respond to Mr. Bailey's July 16, 2020 text message.

78. By text message to Mr. Bailey dated August 19, 2020, Respondent said, "Hey I've been sick your *[sic]* on my list to give you a call on other line I'm going to call you today."

79. Respondent failed to call Mr. Bailey on August 19, 2020, or any time thereafter.

80. By text message to Respondent dated August 26, 2020, Mr. Bailey said "Steve can you plz *[sic]* send my paper works *[sic]* over to Micheal *[sic]*."

81. Respondent failed to respond to Mr. Bailey's August 26, 2020 text message.

82. By Opinion and Order dated September 17, 2020, the Board of Immigration Appeals:

- a. “note[d] that the respondent has not filed a brief in support of his appeal, despite indicating in the Notice of Appeal (Form EOIR-26) that he intended to file a brief”; and
- b. dismissed the Bailey Appeal.

83. By text message to Respondent dated September 25, 2020, at 1:28 p.m., Mr. Bailey said:

Hi Steve  
I paid you \$1000 deposit of the \$2000 to do my appeal, but you did nothing. You was *[sic]* supposed to write and file a brief for my appeal in 30 days after Michael filed the appeal and you did nothing. Now the Court dismiss *[sic]* my appeal and it's all your fault. What should I do? Can you give me my file now. The file needs to go to another lawyer yesterday. I have to save me. I don't know what happened to you but my life must go on. Give me my file or send it to Michal *[sic]* Lambert. I am hiring new lawyer today and he is waiting for your file

(emphasis in original).

84. On September 25, 2020, Respondent replied to this text message and said:

I never got a briefing schedule in this case. I don't know what happened. I'm happy to get everything to whomever. I'm also happy to file a motion to reopen for you that I did not receive the briefing schedule to reopen.

85. By text messages to Respondent dated September 25, 2020, Mr. Bailey said "So can you send my file now plz [sic]. Or I can come and pick it up."

86. Respondent failed to respond to Mr. Bailey's September 25, 2020 text messages.

87. By text message to Respondent dated October 6, 2020, Mr. Bailey said "Steve I need my paper works [sic] I have a deadline for Friday I need [sic]."

88. Respondent failed to respond to Mr. Bailey's October 6, 2020 text message.

89. By text message to Respondent dated October 12, 2020, Mr. Bailey said "Steve can you plz [sic] call me."

90. Respondent failed to respond to Mr. Bailey's October 12, 2020 text message.

91. Respondent failed to provide Mr. Bailey with a copy of his case file.

92. Respondent provided no meaningful services in exchange for Mr. Bailey's payments, set forth in paragraphs 55, 66 and 69(a) *supra*, in the aggregate amount of one thousand and five hundred dollars (\$1,500.00).

93. Respondent failed to refund any portion of Mr. Bailey's payments, set forth in paragraphs 55, 66 and 69(a) *supra*, in the aggregate amount of one thousand and five hundred dollars (\$1,500.00).

94. By DB-7, Request for Statement of Respondent's Position dated March 30, 2021 (hereinafter the "March 30, 2021 DB-7"), Petitioner requested Respondent's Statement of Position regarding the allegations set forth in paragraphs 54-93 *supra*.

95. The March 30, 2021 DB-7 advised that "failure to respond to this request for your statement of position without good cause is an independent ground for discipline pursuant to Rule 203(b)(7) of the Pennsylvania Rules of Disciplinary Enforcement."

96. The March 30, 2021 DB-7 was sent via email to the email address that Respondent provided in his 2020-2021 PA Attorney's Annual Fee Form.

97. Respondent received the March 30, 2021 DB-7.

98. Respondent failed to respond to the March 30, 2021 DB-7.

99. Respondent has provided no cause for his failure to respond to Petitioner's March 30, 2021 letter.

100. By DB-7, Request for Statement of Respondent's Position dated July 13, 2021 (hereinafter the "Second July 13, 2021 DB-7"), Petitioner again

requested Respondent's Statement of Position regarding the allegations set forth in paragraphs 54-93 *supra*.

101. The Second July 13, 2021 DB-7 advised that "failure to respond to this request for your statement of position without good cause is an independent ground for discipline pursuant to Rule 203(b)(7) of the Pennsylvania Rules of Disciplinary Enforcement."

102. The Second July 13, 2021 DB-7 was sent via:

- a. certified mail, return receipt requested, to the office and preferred mailing address that Respondent provided in his 2020-2021 PA Attorney's Annual Fee Form; and
- b. email to the email address that Respondent provided in his 2020-2021 PA Attorney's Annual Fee Form.

103. The Second July 13, 2021 DB-7 sent via certified mail, return receipt requested was returned to Petitioner as "unclaimed."

104. Respondent failed to respond to the Second July 13, 2021 DB-7.

105. Respondent has provided no cause for his failure to respond to Petitioner's July 13, 2021 letter.



*Timothy Nathaniel III Matter*

106. On October 12, 2017, Timothy Nathaniel III was charged in Northampton County, Pennsylvania, with Theft by Unlawful Taking and Unauthorized Use of Motor Vehicle, docketed at MJ-03104-CR-0000217-2017.

107. By letter to the Honorable Magisterial District Justice Vivian I. Zumas dated August 8, 2019, Respondent, *inter alia*, entered an appearance on Mr. Nathaniel's behalf in these proceedings.

108. On September 27, 2019, Respondent represented Mr. Nathaniel at a preliminary hearing at which time, *inter alia*, the charges against Mr. Nathaniel were held for court.

109. On or about October 2, 2019, Respondent entered an appearance on Mr. Nathaniel's behalf in the Court of Common Pleas of Northampton County, docket number CP-48-CR-0003292-2019 (hereinafter the "Criminal Proceedings").

110. On November 6, 2019, a Criminal Information was filed in the Criminal Proceedings, charging Mr. Nathaniel with Theft by Unlawful Taking and Unauthorized Use of Motor Vehicle.

111. On February 12, 2020, a Pre-Trial Conference was conducted in the Criminal Proceedings.

112. Respondent appeared for this Pre-Trial Conference.

113. On February 12, 2020, Respondent filed an Application for Continuance in the Criminal Proceedings.

114. By Order dated February 12, 2020, this Application was granted.

115. On June 15, 2020, a Pre-Trial Conference was conducted in the Criminal Proceedings.

116. Respondent participated in this Pre-Trial Conference telephonically.

117. On June 15, 2020, Respondent filed an Application for Continuance in the Criminal Proceedings.

118. By Order dated June 19, 2020, this Application was granted.

119. By Order in the Criminal Proceedings dated September 11, 2020 (hereinafter the "September 11, 2020 Order"), *inter alia*:

- a. a Pre-Trial Conference was scheduled in the Criminal Proceedings for September 30, 2020, at 9:00 a.m.;
- b. a Trial was scheduled to begin in the Criminal Proceedings on November 2, 2020, at 9:00 a.m.; and

- c. Respondent was “attached for all required court appearances set forth in this Order, including the pretrial conference and for trial.”

120. Respondent received a copy of the September 11, 2020 Order.

121. By Order in the Criminal Proceedings dated September 14, 2020 (hereinafter the “September 14, 2020 Order”), *inter alia*:

- a. a Pre-Trial Conference was scheduled in the Criminal Proceedings for September 30, 2020, at 9:00 a.m.;
- b. a Trial was scheduled to begin in the Criminal Proceedings on November 2, 2020, at 9:00 a.m.; and
- c. Respondent was “attached for all required court appearances set forth in this Order, including the pretrial conference and for trial.”

122. Respondent received a copy of the September 14, 2020 Order.

123. On September 30, 2020, a Pre-Trial Conference was conducted in the Criminal Proceedings.

124. Respondent failed to appear for this Pre-Trial Conference.

125. By Order in the Criminal Proceedings dated October 16, 2020, Respondent was directed to appear on October 28, 2020, and show cause

why he should not be held in contempt as a result of his failure to appear for the September 30, 2020 Pre-Trial Conference.

126. Respondent failed to appear on October 28, 2020, to show cause why he should not be held in contempt as a result of his failure to appear for the September 30, 2020 Pre-Trial Conference.

127. Mr. Nathaniel appeared *pro se* on October 28, 2020, and requested a continuance of the November 2, 2020 Trial.

128. This request was granted.

129. By Order in the Criminal Proceedings dated November 6, 2020 (hereinafter the "November 6, 2020 Order"), a Pre-Trial Conference was scheduled in the Criminal Proceedings for January 13, 2021.

130. Respondent received a copy of the November 6, 2020 Order.

131. Between September 2020 and January 2021, the chambers of the Honorable Abraham P. Kassis, who was presiding over the Criminal Proceedings, called Respondent three times regarding the Criminal Proceedings.

132. Respondent failed to answer or return any of these calls.

133. On January 13, 2021, a Pre-Trial Conference was conducted in the Criminal Proceedings.

134. Respondent failed to appear for this Pre-Trial Conference.

135. On January 13, 2021, Mr. Nathaniel filed a *pro se* Application for Continuance.

136. By Order dated January 13, 2021, this Application was granted.

137. By Order in the Criminal Proceedings dated January 14, 2021 (hereinafter the "January 14, 2021 Order"), *inter alia*:

- a. a Trial was scheduled to begin in the Criminal Proceedings on May 3, 2021, at 9:00 a.m.; and
- b. Respondent was "attached for all required court appearances set forth in this Order, including the pretrial conference and for trial."

138. Respondent received a copy of the January 14, 2021 Order.

139. Respondent failed to appear for Trial in the Criminal Proceedings on May 3, 2021.

140. By Order in the Criminal Proceedings dated May 4, 2021 (hereinafter the "May 4, 2021 Order"), Respondent was directed to appear on May 19, 2021, and show cause why he should not be held in contempt for his failure to appear for Trial in the Criminal Proceedings on May 3, 2021.

141. Respondent received a copy of the May 4, 2021 Order.

142. Respondent failed to appear on May 19, 2021, to show cause why he should not be held in contempt as a result of his failure to appear for Trial in the Criminal Proceedings on May 3, 2021.

143. By Order in the Criminal Proceedings dated May 28, 2021 (hereinafter the "May 28, 2021 Order"), Respondent was directed to appear on June 23, 2021, and show cause why he should not be held in contempt for his failure to appear on May 19, 2021.

144. Respondent received a copy of the May 28, 2021 Order.

145. Respondent failed to appear on May 28, 2021, to show cause why he should not be held in contempt as a result of his failure to appear on May 19, 2021.

146. On or about June 16, 2021, at Mr. Nathaniel's request, the Court removed Respondent as Mr. Nathaniel's counsel in the Criminal Proceedings.

147. By Order in the Criminal Proceedings dated June 16, 2021 (hereinafter the "June 16, 2021 Order"), Respondent was directed to appear on June 24, 2021, and show cause why he should not be held in contempt as a result of his failure to appear on May 28, 2021.

148. Respondent received a copy of the June 16, 2021 Order.

149. Respondent failed to appear on June 24, 2021, to show cause why he should not be held in contempt as a result of his failure to appear on May 28, 2021.

150. By Order in the Criminal Proceedings dated June 29, 2021 (hereinafter the "June 29, 2021 Order"), Respondent was:

- a. "held in willful Contempt for failing to comply with this Court's Rule to Show Cause for failing to appear on May 19, 2021 as directed by the May 4, 2021 Rule to Show Cause, and for failing to appear on June 24, 2021, as directed by the June 16, 2021 Rule to Show Cause"; and
- b. directed to "pay a fine of \$5,000.00 payable to Northampton County Court Administration."

151. Respondent received a copy of the June 29, 2021 Order.

152. Respondent failed to satisfy the five thousand dollar (\$5,000.00) fine set forth in paragraph 150(b) *supra*.

153. Since in or before June of 2020, Respondent has had no contact with Mr. Nathaniel regarding the Criminal Proceedings.

154. Since in or before June of 2020, Respondent has had no contact with the Northampton County District Attorney's Office regarding the Criminal Proceedings.

155. By DB-7, Request for Statement of Respondent's Position dated July 13, 2021 (hereinafter the "Third July 13, 2021 DB-7"), Petitioner requested Respondent's Statement of Position regarding the allegations set forth in paragraphs 106-154 *supra*.

156. The Third July 13, 2021 DB-7 advised that "failure to respond to this request for your statement of position without good cause is an independent ground for discipline pursuant to Rule 203(b)(7) of the Pennsylvania Rules of Disciplinary Enforcement."

157. The Third July 13, 2021 DB-7 was sent via:

- a. certified mail, return receipt requested, to the office and preferred mailing address that Respondent provided in his 2020-2021 PA Attorney's Annual Fee Form; and
- b. email to the email address that Respondent provided in his 2020-2021 PA Attorney's Annual Fee Form.

158. The Third July 13, 2021 DB-7 sent via certified mail, return receipt requested was returned to Petitioner as "unclaimed."



159. Respondent failed to respond to the Third July 13, 2021 DB-7.

160. Respondent has provided no cause for his failure to respond to the Third July 13, 2021 DB-7.

\* \* \*

161. On July 16, 2021, Respondent submitted a 2021-2022 Pennsylvania Attorney Annual Fee Form, in which he requested to remain on active status and provided the address referenced in paragraphs 50(a), 102(a) and 157(a) *supra* as his office and preferred mailing address.

162. Respondent listed the email address referenced in paragraphs 44, 50(b), 96, 102(b) and 157(b) *supra* as a "secondary email" in this 2021-2022 Pennsylvania Attorney Annual Fee Form.

163. By letter to Respondent dated August 11, 2021 (hereinafter the "August 11, 2021 Letter"), Petitioner, *inter alia*, provided copies of the letters set forth in paragraphs 48-53, 100-105 and 155-160 *supra*.

164. The August 11, 2021 Letter was sent via:

- a. certified mail, return receipt requested, to the address referenced in paragraph 161 *supra*; and
- b. email to both of the email addresses that Respondent provided in his 2021-2022 Pennsylvania Attorney Annual Fee Form.

165. Respondent failed to respond to the August 11, 2021 Letter.

166. The August 11, 2021 Letter sent via certified mail, return receipt requested is being returned to Petitioner as “unclaimed.”

167. By his conduct as alleged in Paragraphs 4 through 166 above, Respondent violated the following Rules of Professional Conduct, provisions of the Code of Federal Regulations and Pennsylvania Rules of Disciplinary Enforcement:

- A. RPC 1.1, which provides that “[a] lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation”;
- B. RPC 1.2(a), which provides, in pertinent part, that “a lawyer shall abide by a client’s decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued”;

- C. RPC 1.3, which provides that “[a] lawyer shall act with reasonable diligence and promptness in representing a client”;
- D. RPC 1.4(a)(2), which provides that “[a] lawyer shall reasonably consult with the client about the means by which the client’s objectives are to be accomplished”;
- E. RPC 1.4(a)(3), which provides that “[a] lawyer shall keep the client reasonably informed about the status of the matter”;
- F. RPC 1.4(a)(4), which provides that “[a] lawyer shall promptly comply with reasonable requests for information”;
- G. RPC 1.5(a), which provides, in pertinent part, that “[a] lawyer shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee”;
- H. RPC 1.5(b), which provides 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”;

- I. RPC 1.15(b), which provides 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”;
- J. RPC 1.15(e), which provides, in pertinent part, that “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”;
- K. RPC 1.15(i), which provides 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”;
- L. RPC 1.16(c), which provides, in pertinent part, that “[a] lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating representation”;

- M. RPC 1.16(d), which provides, 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...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”;
- N. RPC 3.2, which provides that “[a] lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client”;
- O. RPC 8.4(d), which provides that “[i]t is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice”;
- P. 8 CFR § 1003.102(a)(1), which provides, in pertinent part, that an immigration practitioner shall be subject to disciplinary sanctions if he “charges or receives, either directly or indirectly...any fee or compensation for specific services rendered for any person that shall be deemed to be grossly excessive”;

Q. 8 CFR § 1003.102(o), which provides, in pertinent part, that an immigration practitioner shall be subject to disciplinary sanctions if he “[f]ails to provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation. Competent handling of a particular matter includes inquiry into and analysis of the factual and legal elements of the problem, and use of methods and procedures meeting the standards of competent practitioners”;

R. 8 CFR § 1003.102(p), which provides, in pertinent part, that an immigration practitioner shall be subject to disciplinary sanctions if he “[f]ails to abide by a client’s decisions concerning the objectives of representation and fails to consult with the client as to the means by which they are to be pursued, in accordance with paragraph (r) of this section”;

S. 8 CFR § 1003.102(q), which provides, in pertinent part, that an immigration practitioner shall be subject to

disciplinary sanctions if he “[f]ails to act with reasonable diligence and promptness in representing a client”;

T. 8 CFR § 1003.102(r)(2), which provides, in pertinent part, that an immigration practitioner shall be subject to disciplinary sanctions if he “[f]ails to maintain communication with the client throughout the duration of the client-practitioner relationship...In order to properly maintain communication, the practitioner should [r]easonably consult with the client about the means by which the client’s objectives are to be accomplished”;

U. 8 CFR § 1003.102(r)(3), which provides, in pertinent part, that an immigration practitioner shall be subject to disciplinary sanctions if he “[f]ails to maintain communication with the client throughout the duration of the client-practitioner relationship...In order to properly maintain communication, the practitioner should [k]eep the client reasonably informed about the status of the matter, such as significant developments affecting the timing or the substance of the representation”;

- V. 8 CFR § 1003.102(r)(4), which provides, in pertinent part, that an immigration practitioner shall be subject to disciplinary sanctions if he “[f]ails to maintain communication with the client throughout the duration of the client-practitioner relationship...In order to properly maintain communication, the practitioner should [p]romptly comply with reasonable requests for information”;
- W. Pa.R.D.E. 203(b)(1), which provides that “[c]onviction of a crime” is a ground for discipline; and
- X. Pa.R.D.E. 203(b)(7), which provides that “[f]ailure by a respondent-attorney without good cause to respond to Disciplinary Counsel’s request or supplemental request under Disciplinary Board Rules, § 87.7(b) for a statement of the respondent-attorney’s position” is a ground for discipline.

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 foregoing 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

THOMAS J. FARRELL  
Chief Disciplinary Counsel



BY:

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Disciplinary Counsel  
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**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