

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 1423 Disciplinary Docket No. 3
Petitioner	:	
	:	Nos. 139 DB 2007 and 7 DB 2008
v.	:	
	:	Attorney Registration No. 23292
FRANK LOUIS CECCHETTI,	:	
Respondent	:	(Allegheny County)

ORDER

PER CURIAM:

AND NOW, this 18th day of November, 2008, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated September 5, 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 Frank Louis Cecchetti is suspended on consent from the Bar of this Commonwealth for a period of one year and one day, the suspension is stayed in its entirety and he is placed on probation for a period of two years, subject to the following conditions:

1. Respondent shall continue treatment for mental health purposes with Sidney W. White, Ph.D., or another similarly qualified mental healthcare professional, who is to direct and supervise Respondent's treatment.

2. Respondent shall cooperate with directions of the mental healthcare professional supervising his treatment, take medications as prescribed and engage in therapy and counseling sessions as directed.

3. Respondent shall cause the mental healthcare professional supervising his treatment to make written reports directed to the Secretary of the Board on a quarterly basis during his probation.

4. The written reports shall include the identity and dosage of medications being currently prescribed, the nature and frequency of therapy sessions engaged in since any prior report, and the identity of the health services agency or agent providing the same, and an assessment of Respondent's mental health at that time in regard to his mental fitness to engage in the practice of law.

5. Respondent shall immediately authorize and redirect Sidney W. White, Ph.D., and any substitute or successor supervising mental healthcare professional, to furnish a written report of facts and circumstances to the Secretary of the Board at any time when, in the estimation of the supervising mental healthcare professional, Respondent's behavior or material failure to conduct himself in cooperation with any aspect of his prescribed treatment regimen indicates that he is or may be in jeopardy of shortly becoming mentally unfit to engage in the practice of law.

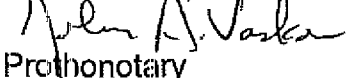
6. If for any reason Respondent severs his present relationship with Sidney W. White, Ph.D., he shall immediately make written report to the Secretary of the Board of that fact and the circumstances causing the same, together with the identification and location of another mental healthcare professional who has been fully informed of the terms of this probation and has agreed to serve as a successor supervising mental healthcare professional in accordance with the same.

7. Respondent shall furnish, at any time it may reasonably be requested, his written authorization for any health care agency or agent to furnish to the Secretary of the Board complete records and information as to any mental health or underlying medical care services which may have been provided to him.

8. At the conclusion of the prescribed period of probation, Respondent shall apply for termination of probation in accordance with §89.294, Disciplinary Board Rules.

A True Copy John A. Vaskov

As of: November 18, 2008

Attest: 
Deputy Prothonotary
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

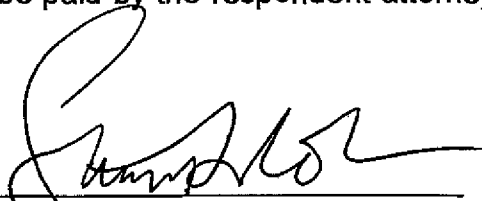
OFFICE OF DISCIPLINARY COUNSEL : Nos. 139 DB 2007 & 7 DB 2008
Petitioner :
v. : Attorney Registration No.23292
FRANK LOUIS CECCHETTI :
Respondent : (Allegheny County)

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 Stewart L. Cohen, Carl D. Buchholz, III, and Laurence H. Brown has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on July 31, 2008.

The Panel approves the Petition consenting to a one year and one day Suspension to be stayed in its entirety and two years Probation subject to the conditions set forth in the Joint Petition and recommends to the Supreme Court of Pennsylvania that the attached Joint 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.



Stewart L. Cohen, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: September 5, 2008

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
:
Petitioner : Nos. 139 DB 2007 &
: 7 DB 2008 - Disciplinary
v. : Board
:
FRANK LOUIS CECCHETTI, : Attorney Registration No. 23292
:
Respondent : (Allegheny County)

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

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

Samuel F. Napoli
Disciplinary Counsel
Suite 1300, Frick Building
437 Grant Street
Pittsburgh, PA 15219
(412) 565-3173

and

Frank Louis Cecchetti, Esquire
Respondent
I.D. No. 23292
114 Smithfield Street
Pittsburgh, PA 15222

FILED

JUL 31 2008

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

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
: Petitioner : Nos. 139 DB 2007 &
: 7 DB 2008 - Disciplinary
v. : Board
: Attorney Registration No. 23292
FRANK LOUIS CECCHETTI, :
: Respondent : (Allegheny 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 Samuel F. Napoli, Disciplinary Counsel, and Respondent, Frank Louis Cecchetti, file this Joint Petition in Support of Discipline on Consent Under Rule 215(d), Pa.R.D.E., and respectfully represents as follows:

1. Petitioner, whose principal office is located at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania 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.

2. Respondent, Frank Louis Cecchetti, was born in 1949. He was admitted to practice law in the Commonwealth of Pennsylvania on October 27, 1976. Respondent's attorney registration mailing address is 114 Smithfield Street, Pittsburgh, PA 15222. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

I. THE CREWL MATTER
No. 139 DB 2007

3. Sometime prior to February 22, 2006, Dawn M. Crewl retained Respondent to represent her concerning summary criminal charges filed against her before Magisterial District Judge Mary Ann Cercone.

4. On February 22, 2006, Respondent represented Ms. Crewl before Magisterial District Judge Cercone, at which time she was found not guilty of the charges, as the complaining witness failed to appear.

5. On about March 24, 2006, Ms. Crewl paid Respondent \$2,000 to represent her in filing a civil action against

Sandra McMurtrie, the alleged victim in the summary criminal matter for which she had been found not guilty.

6. Before representing Ms. Crewl in the matter before Magisterial District Judge Cercone and for her civil action, Respondent had never before represented Ms. Crewl for any matter.

7. Respondent did not communicate to Ms. Crewl, in writing, the basis or rate of the fee which he was charging her for either the summary criminal matter or the civil action, before commencing either representation or within a reasonable time thereafter.

8. On May 18, 2006, Respondent commenced a civil action on behalf of Ms. Crewl against Sandra McMurtrie in the Court of Common Pleas of Allegheny County by filing a Complaint, which matter was docketed at No. GD-06-011807.

9. On July 3, 2006, Preliminary Objections to the Complaint were filed, and a hearing concerning the Preliminary Objections was scheduled for August 7, 2006.

10. Respondent did not file a response to the Preliminary Objections, but appeared at the August 7, 2006 hearing.

11. By Order dated August 7, 2006:

(a) Preliminary Objections to Count 1 and 4 of the Complaint which Respondent had filed were sustained, and those counts of the complaint were stricken; and,

(b) Respondent was given 20 days to file an Amended Complaint as to Counts 2, 3 and 5.

12. Respondent received a copy of the August 7, 2006 Order at the time that it was issued.

13. Respondent did not inform Ms. Crewl of the Court's August 7, 2006 Order concerning the Preliminary Objections.

14. On or about August 16, 2006, Ms. Crewl telephoned Respondent's office and left a message for him inquiring about the outcome of the argument concerning the Preliminary Objections.

15. Respondent did not return Ms. Crewl's August 16, 2006 telephone call, or otherwise communicate with her.

16. From August through September 2006, Ms. Crewl made numerous calls to Respondent's office, requesting information concerning her case.

17. On each occasion, Respondent was unavailable, and did not return Ms. Crewl's calls.

18. On August 28, 2006, Respondent filed an unverified Amended Complaint on behalf of Ms. Crawl.

19. Respondent did not inform Ms. Crawl that he had filed an Amended Complaint on her behalf.

20. By letter to Respondent dated September 2, 2006, sent by facsimile transmission to Respondent on that same date, Ms. Crawl requested information as to whether Respondent had filed an amended Complaint on her behalf, and asked that he respond "within the week."

21. Respondent did not respond to Ms. Crawl's September 2, 2006 letter.

22. On September 7, 2006, Preliminary Objections were filed to the Amended Complaint which Respondent had filed, and argument on the Preliminary Objections was scheduled for October 11, 2006.

23. Respondent was notified by Ms. McMurtrie's attorney, Mark Homyak, Esquire, of the filing of those Preliminary Objections and of the hearing date.

24. Respondent did not inform Ms. Crawl of the filing of the Preliminary Objections to the Amended Complaint.

25. Respondent filed no response to the Preliminary Objections to the Amended Complaint and, on October 11,

2006, failed to appear for the argument on those Preliminary Objections.

26. By Order dated October 11, 2006, a copy of which was mailed to Respondent, Counts 1, 2, 3 and 4 of the Amended Complaint were "stricken with prejudice," "judgment of non pros" was entered as to Count 5 of the Amended Complaint, and the entire matter was "dismissed with prejudice."

27. On October 13, 2006, a Praecipe for Entry of Judgment was filed by Attorney Homyak on behalf of Ms. McMurtrie.

28. Respondent did not inform Ms. Crewl of the dismissal of her action.

29. Despite numerous calls after October 11, 2006, by Ms. Crewl to Respondent's office concerning the matter, Respondent never again communicated with her concerning her case, and took no further action on her behalf.

30. On January 2, 2007, a Petition to Strike Judgment was filed on behalf of Ms. Crewl by new counsel retained by her to represent her with the regard to the matter.

31. On January 9, 2007, an Answer thereto was filed on behalf of the defendant.

32. By Order dated February 15, 2007, the Petition to Strike Judgment was denied, without prejudice to re-file the matter at a new case number as to Count 5 of the Amended Complaint only.

33. By his conduct as set forth in Paragraphs 3 through 32 above, Respondent violated the following Rules of Professional Conduct:

(a) Rule of Professional Conduct 1.3 - "A lawyer shall act with reasonable diligence and promptness in representing a client."

(b) Rule of Professional Conduct 1.4(a)(3) - "A lawyer shall keep the client reasonably informed about the status of the matter."

II. THE PIFER ESTATE
No. 7 DB 2008

34. On August 4, 2006, Arthur R. Pifer died, testate.

35. On September 14, 2006, Harold J. Shaw gave Respondent Mr. Pifer's original Will, which Respondent had prepared in February of 2003.

36. Mr. Pifer's Will names Respondent as executor of his estate, and Mr. Shaw as executor if Respondent is unwilling or unable to serve as executor.

37. Pursuant to Mr. Pifer's Will, Mr. Shaw is the sole beneficiary of Mr. Pifer's estate.

38. As of May 8, 2008, the sole known asset of Mr. Pifer's probate estate is a United States Government Thrift Savings Plan with a date of death value of between \$48,000 and \$52,000.

39. On September 18, 2006, Mr. Shaw paid Respondent \$500 to locate any assets of Mr. Pifer's estate.

40. On November 6, 2006, Mr. Shaw and Respondent met to discuss the services for which Mr. Shaw had retained him.

41. From November 6, 2006, to July of 2007, Mr. Shaw and Respondent made attempts to contact one another concerning the status of the matter for which Mr. Shaw had retained him, which included telephone calls and one letter authored by Mr. Shaw to Respondent dated June 23, 2007.

42. By letter dated June 23, 2007, sent by Certified Mail, Return Receipt Requested, Mr. Shaw requested information from Respondent concerning Mr. Pifer's estate.

43. In his June 23, 2007 letter to Respondent, Mr. Shaw asked Respondent to continue to act with respect to Mr. Pifer's estate.

44. Mr. Shaw's June 23, 2007 letter to Respondent was received by Respondent on about June 26, 2007.

45. Mr. Shaw and Respondent did not execute a written fee agreement concerning the Pifer Estate.

46. During the time from November 16, 2006, to July of 2007, Respondent did not communicate with Mr. Shaw with respect to the status of the Pifer Estate.

47. In or about July of 2007, Respondent contacted Mr. Shaw, and arranged to meet him at the Allegheny County Register of Wills on August 6, 2007.

48. On August 6, 2007, Respondent met with Mr. Shaw at the Allegheny County Register of Wills, at which meeting Mr. Shaw signed a Petition for Issue of Letters Testamentary, by which Mr. Shaw would be named as executor of Mr. Pifer's estate, and left Mr. Pifer's original Will at the Register of Wills, where it remained.

49. In about late September 2007, Mr. Shaw retained other counsel concerning Mr. Pifer's estate, Attorney Roger D. Horgan.

50. By letter dated September 26, 2007, Attorney Horgan wrote to Respondent and informed him that he had been retained by Mr. Shaw.

51. In his September 26, 2007 letter, Attorney Horgan asked that Respondent agree to waive any right to act as executor for Mr. Pifer's estate, and execute and return to Mr. Horgan a Renunciation which Attorney Horgan had enclosed with his letter.

52. Respondent did not respond to Attorney Horgan.

53. On about October 17, 2007, Attorney Horgan filed a Petition for Citation for Respondent to show cause why Mr. Shaw should not be named Executor of Mr. Pifer's estate.

54. On October 17, 2007, the Register of Wills issued a Rule for Respondent to show cause why Mr. Shaw should not be appointed executor of Mr. Pifer's estate, returnable by November 16, 2007.

55. Respondent filed no response to the Rule to Show Cause and, in late November 2007, Mr. Shaw was issued Letters Testamentary as Executor of Mr. Pifer's estate.

56. By his conduct as set forth in paragraphs 34 through 55, above, Respondent violated the following Rules of Professional Conduct:

(a) Rule of Professional Conduct 1.3 - "A lawyer shall act with reasonable diligence and promptness in representing a client."

(b) Rule of Professional Conduct 1.4(a)(3) - "A lawyer shall keep the client reasonably informed about the status of the matter."

(c) Rule of Professional Conduct 1.4(a)(4) - "A lawyer shall promptly comply with reasonable requests for information."

III. SPECIFIC RECOMMENDATION FOR A STAYED SUSPENSION OF ONE YEAR AND ONE DAY, WITH TWO YEARS PROBATION

57. Respondent has a record of discipline.

(a) On April 22, 1998, Respondent received a summary Informal Admonition for failing to diligently pursue a civil action on behalf of a client, failing to properly communicate with that client, and failing upon termination of the representation to return the client's file. He was thus found to have violated Rules of Professional Conduct 1.3, 1.4(a), 1.4(b), and 1.16(d).

(b) On December 17, 2004, Respondent received a summary Private Reprimand for failure to diligently pursue an appeal of a criminal conviction on behalf of his client and for failure to properly communicate with that client, in violation of Rules of Professional Conduct 1.3,

1.4(a), and 1.4(b). In addition, because Respondent's failure to pursue the appeal resulted in its dismissal he was found to have engaged in conduct prejudicial to the administration of justice, in violation of Rule of Professional Conduct 8.4(d).

(c) On March 4, 2008, Respondent received a Public Censure for another failure to diligently represent a client in an appeal of a criminal conviction and to properly communicate with that client, in violation of Rules of Professional Conduct 1.3 and 1.4(a)(3). Again, because Respondent's failure to pursue the appeal resulted in its dismissal, it was found that he engaged in conduct prejudicial to the administration of justice, in violation of Rule of Professional Conduct 8.4(d).

58. Respondent's conduct in the Crewl and Pifer Estate matters occurred during the time when he was undergoing formal disciplinary proceedings which resulted in the March 4, 2008 Public Censure.

59. During the time when Respondent engaged in the misconduct concerning the Crewl and Pifer Estate matters, he was suffering from Dysthymic Disorder, a form of depression.

A copy of a Report from Sidney W. White, Ph.D., who is Respondent's treating Clinical Psychologist, and a supplement thereto, are attached hereto as Exhibits 1 and 2, respectively. In those Reports, Dr. White states his opinion that Respondent's mental infirmity was a causal factor to his misconduct. If that is the case, it may be viewed as mitigation of any discipline to be imposed upon Respondent. *Office of Disciplinary Counsel v. Braun*, 520 Pa. 157, 553 A.2d 894 (1989).

60. Attorneys with a record of discipline who have engaged in neglect of client matters have generally received discipline ranging from a private reprimand to suspension for one year and one day, depending upon the aggravating and mitigating factors. See *In re Anonymous No. 47 DB 91*, 18 Pa. D. & C.4th 418 (1993) (private reprimand imposed on an attorney who failed to act diligently, to communicate with a client, and to return a second client's property after termination of the representation; attorney had previously received two private reprimands and one informal admonition but expressed remorse, admitted her misconduct, presented favorable character testimony, and had physical problems that coincided with part of the time period of her misconduct); *In re Anonymous No. 43 DB 92*, 32 Pa. D. & C.4th 130 (1995) (private reprimand and one-year probation with a

practice monitor imposed on an attorney who failed to act diligently, to communicate with his clients in two matters, and to return property to two clients following termination of his representation; attorney had previously received two informal admonitions and a private reprimand for similar misconduct but the attorney's clients were not prejudiced, the attorney's misconduct arose from his lack of administrative skill, and the attorney was in a structured work environment as an associate at a law firm); **Office of Disciplinary Counsel v. Edward C. Meehan, Jr.**, No. 26 DB 2006 (Recommendation of the Three-Member Panel of the Disciplinary Board 6/27/06) (S.Ct. Order 9/18/06) (Joint Petition in Support of Discipline on Consent accepted and Respondent Meehan received a public censure for failing to act diligently in two criminal cases, to communicate with one client, and to provide transcripts and other related documents to a second client; Respondent Meehan previously received an informal admonition and a private reprimand for similar misconduct and failed to cooperate with Petitioner's investigation; Respondent Meehan hired additional staff to assist him with his caseload); **Office of Disciplinary Counsel v. Neil Jokelson**, Nos. 58 and 102 DB 1998 (D.Bd. Rpt. 12/22/00) (S.Ct. Order 2/26/01) (Respondent Jokelson received a public censure and three years' probation with a practice monitor for failing to act diligently and

communicate with his clients in two matters; Respondent Jokelson had a history of prior discipline consisting of two informal admonitions and two private reprimands, but presented compelling character testimony and demonstrated significant changes in his office management); *Office of Disciplinary Counsel v. Michael S. Geisler*, 614 A.2d 1134 (Pa. 1992) (Respondent Geisler, who faced 21 counts of lack of diligence and failure to communicate, was suspended for six months to be followed by one-year probation with a practice monitor; Respondent Geisler's youth, inexperience, and lack of prior record were substantial mitigating factors that our Supreme Court weighed in deciding against the imposition of more substantial public discipline); and *Office of Disciplinary Counsel v. Michael G. Bowen, Nos. 10 and 28 DB 2003*, 73 Pa. D. & C.4th 335 (2004) (Respondent Bowen was suspended for one year and one day for incompetence, lack of diligence, failure to communicate, and failure to account or refund unearned fees in six client matters; in aggravation, Respondent Bowen had previously received a private reprimand for similar misconduct and failed to take responsibility, to show remorse, to file answers to the Petitions for Discipline, and to address his office management problems).

61. A suspension of one year and one day is within the range of discipline imposed on attorneys who have engaged in misconduct similar to Respondent's misconduct. Precedent supports the imposition of such a suspension where the respondent-attorney has engaged in neglect and has a substantial record of misconduct. It is submitted, however, that, given the fact that Dr. White has determined that Respondent's mental infirmity of dysthymic disorder was a causal factor to his misconduct, it is appropriate that Respondent receive a suspension of one year and one day which is stayed in its entirety, and that Respondent be placed on probation for a period of two years, subject to mental health monitoring.

WHEREFORE, Petitioner and Respondent respectfully request that:

- a. Pursuant to Pa.R.D.E. 215(e) and 215(g), the three-member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and file its recommendation with the Supreme Court of Pennsylvania recommending that the Supreme Court enter an Order that Respondent receive a stayed suspension of one year and one day with probation for two years, subject to the following conditions:

1. Respondent shall continue treatment for mental health purposes with Sidney W. White, Ph.D., or another similarly qualified mental healthcare professional, who is to direct and supervise Respondent's activities therein.

2. Respondent shall cooperate with directions of the mental healthcare professional supervising his treatment, take medications as prescribed and engage in therapy and counseling sessions as directed.

3. Respondent shall cause the mental healthcare professional supervising his treatment to make written reports directed to the Office of the Secretary, on a quarterly basis during his probation.

4. The written reports shall include the identity and dosage of medications being currently prescribed, the nature and frequency of therapy sessions engaged in since any prior report, and the identity of the health services agency or agent providing the same, and an assessment of Respondent's mental health at that time, in regard to his

mental fitness to engage in the practice of law.

5. Respondent shall immediately authorize and redirect Sidney W. White, Ph.D., and any substitute or successor supervising mental healthcare professional, to immediately furnish a written report of facts and circumstances to the Office of the Secretary at any time when, in the estimation of the supervising mental healthcare professional, Respondent's behavior or material failure to conduct himself in cooperation with any aspect of his prescribed treatment regimen indicates that he is, or may be in jeopardy of shortly becoming mentally unfit to engage in the practice of law.

6. If, for any reason, Respondent severs his present relationship with Sidney W. White, Ph.D., he shall immediately make written report to the Office of the Secretary of that fact and the circumstances causing the same, together with the identification and location of another mental healthcare professional qualified who has been fully

informed of the terms of this probation and has agreed to serve as a successor supervising mental healthcare professional in accordance with the same.

7. Respondent shall furnish, at any time it may reasonably be requested, his written authorization for any health care agency or agent to furnish to the Office of the Secretary complete records of and information as to any mental health or underlying medical care services which may have been provided to Respondent.

8. At the conclusion of the prescribed period of probation, Respondent shall apply for termination of probation, in accordance with §89.294, Disciplinary Board Rules.

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

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

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

By Samuel F. Napoli
Samuel F. Napoli
Disciplinary Counsel

and

By Frank Louis Cecchetti
Frank Louis Cecchetti
Respondent

By Ernest Simon
Ernest Simon, Esquire
Counsel for Respondent



White Psychotherapy Associates

615 Washington Road-Suite 310 • Mt. Lebanon, PA 15228
(412)-344-5669

April 24, 2008

Ernest Simon, Esquire
114 Smithfield Street
Pittsburgh, PA 15222

Dear Attorney Simon:

I am writing you this letter/report at the request of Attorney Frank L. Cecchetti. It is my understanding that you are representing Attorney Cecchetti with respect to certain disciplinary matters before a disciplinary board within your profession. In general, it is my understanding that Attorney Cecchetti has been negligent in the timely disposition of certain of his cases. In addition, I am told that Attorney Cecchetti has been less than diligent in attending to everyday work matters such as responding to mail and telephone calls in a prompt manner. At the same time, I am told that Attorney Cecchetti has always maintained his professional appearance and bearing, and that he has never missed a scheduled court appearance. I do not know all of the facts of the particular cases that have become the occasion of Attorney Cecchetti's disciplinary difficulties. I am, however, quite confident of my clinical understandings of Attorney Cecchetti's less than diligent behavior. The following is a summary of these understandings.

Attorney Cecchetti first presented for treatment on 2/18/08 at the suggestion of his primary care physician. There have been five subsequent office visits to date. Treatment is continuing on an ongoing basis, with the next scheduled appointment set for 5/6/08. Attorney Cecchetti has lent himself to treatment in cooperative, conscientious manner. He has kept all scheduled appointments, and it has been the burden of my schedule that has kept us from meeting more frequently at the outset. I have found Attorney Cecchetti to be forthright and honest. He has acknowledged the lapses in his professional comportment, and he has not sought to minimize or diminish the seriousness of his less than prompt, timely manner.

From a diagnostic standpoint, Attorney Cecchetti's disciplinary difficulties may be understood as follows, He is a depressed man. I add the gender because men are wont to misrecognize or deny this condition, and thus delay treatment, until it often overwhelms them in the form of a near paralysis of the will. Attorney Cecchetti has been depressed for at least two years, and most likely two to three years before that. The official DSM-IV diagnosis would be Dysthymic Disorder (300.4.) This is not a Major Depressive Disorder. It is not life-threatening. It typically does not require higher doseages of medication, and

Sidney W. White, Ph.D.

Valerie Richards, ^{Ph.D.} M.A.

Michael P. Sipiora, Ph.D.

EXHIBIT

Licensed Psychologist PA #PS-007980-L Services by Dr. White
or by Employed Assistants Under His Direct Supervision



White Psychotherapy Associates

615 Washington Road-Suite 310 • Mt. Lebanon, PA 15228
(412)-344-5669

Page 2.

Cecchetti

rarely does this diagnosis result in a leave of absence from work. Instead, I liken the Dysthymic Disorder to an eight-cylinder car hitting on only six-cylinders, maybe four. The car gets you there, you make it, but the ride was not easy, assured, or taken for granted. Rather, the ride was strained, effortful, and in doubt. Sometimes, depending on the traffic, the last grade or hill can just be too much. And so, Attorney Cecchetti showed up at his office each day, resplendent in his dark suit, white, starched shirt, and colorful tie and suspenders. This was the easy part. But with this depression, even the mundane, the seemingly routine, can become complicated and experienced as effortful. A literal loss of energy and fatigue gradually builds and accumulates. Motivation typically wanes, and that which was formerly pleasurable in one's work no longer brings the same measure of satisfaction. One's ability to concentrate and sustain focus is commonly impaired. The foregoing is a pretty accurate depiction of Attorney Cecchetti's depression before coming to the attention of the disciplinary board. There was little or no margin for error, and probably not too much resilience. Such is the picture of being down a couple of cylinders over a two to three^{year} period of time.

And then along comes the especially complicated case, the trying to help a friend, the possible hard feelings. Why did I ever take this case to begin with? This, it seems to me, is when Attorney Cecchetti's depression took a serious turn for the worse. There may have been a transient Major Depressive Episode, during which time Attorney Cecchetti became so overwhelmed that he experienced a near paralysis of will. If I may be permitted another comparison, I would draw attention to the oftentimes baffling appearance of depression. If a friend or colleague had a broken leg with a cast from ankle to thigh, it would never enter our mind to ask that person to walk to the corner grocery store to get a loaf of bread. The person would plainly be unable to do so. When feeling overwhelmed and defeated, there is no cast for a broken spirit. This kind of depression is not always transparent or obvious. Indeed, without any cast to announce his depression, it is possible that Attorney Cecchetti's lack of diligence appeared to others as simple laziness. In fact, the inability to muster the wherewithal to maintain one's usual diligence and care is a hallmark symptom of Attorney Cecchetti's depression diagnosis.

Approximately one year ago, Attorney Cecchetti's previous primary care physician sought to treat his depression with an antidepressant medication. Attorney Cecchetti was prescribed 10 mg of Lexapro 1 X day from 5/07 through 8/07, at which point the dosage was doubled to 20 mg 1 X day through 10/07. Around this time, Attorney Cecchetti's former, prescribing, primary care physician left his clinical practice and became a solo practitioner. Attorney Cecchetti was given his current primary care physician within the original practice, but during this transition his medications were discontinued and outpatient psychotherapy was proposed instead.

Sidney W. White, Ph.D.

Valerie Richards, ^{Ph.D.} M.A.

Michael P. Sipiora, Ph.D.

Licensed Psychologist PA #PS-007980-L Services by Dr. White
or by Employed Assistants Under His Direct Supervision



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Page 3.
Cecchetti

This is essentially where we are today. As noted earlier, I am encouraged that Attorney Cecchetti is lending himself to treatment in a cooperative, conscientious manner. Unfortunately, Attorney Cecchetti's depression has basically gone untreated from a counseling standpoint until now. Resuming medication, perhaps a different antidepressant medication remains a treatment option in conjunction with ongoing psychotherapy. Already, Attorney Cecchetti has recognized the importance of being more selective in the cases he accepts. Beyond this, we are working on time management strategies to enhance Attorney Cecchetti's efficiency and effectiveness. Of course I respect the policies, standards, and practices that your profession upholds and enforces. From this perspective, it is not for me to intrude in the disposition of Attorney Cecchetti's disciplinary proceedings. From a treatment standpoint, however, I would very much like to request that Attorney Cecchetti be allowed to continue the professional work that he has devoted his adult life to. In this report I have not dwelt on the matter of self-esteem and identity as it relates to depression. Suffice it to say that in our culture one's sense of self-worth and identity is very importantly tied to our professional work and competence. No matter how confident Attorney Cecchetti may appear at times, there is no mistaking that the disciplinary matters in review have bruised his ego. It would truly be a shame for Attorney Cecchetti's lifetime of professional work/service to close on a disciplinary note. Therapeutically, it would be extremely helpful for Attorney Cecchetti to have the opportunity to work through his depression and restore his good standing in your profession.

I would like to thank you in advance for your consideration of this report. If I may be of any additional assistance, do not hesitate to get in contact.

Sincerely,

Sidney W. White, Ph.D.

Sidney W. White, Ph.D.
Clinical Psychologist, Licensed

Sidney W. White, Ph.D. • Valerie Richards, ^{Ph.D.} M.A. • Michael P. Siptora, Ph.D.

Licensed Psychologist PA #PS-007980-L Services by Dr. White
or by Employed Assistants Under His Direct Supervision



White Psychotherapy Associates

615 Washington Road-Suite 310 • Mt. Lebanon, PA 15228
(412)-344-5669

June 17, 2008

Ernest Simon, Esquire
114 Smithfield Street
Pittsburgh, PA 15222

Dear Attorney Simon:

Attorney Frank L. Cechetti has recently shared with me the "Joint Motion For Continuance" of his disciplinary hearing. It is my understanding that the disciplinary board is requiring an expansion of my original 4/24/08 report in order "to more thoroughly evaluate whether (Attorney Cechetti's) dysthymic disorder was a causal factor to any misconduct" claimed in the complaints against him.

With all due respect, I must begin by stating that I am somewhat at a loss as to what additional information from me would be helpful in the disposition of this case. I tried to be as descriptive as I could in my 4/24/08 report. By using the imagery of an eight-cylinder car hitting on only six-cylinders, and the imagery of a broken spirit without a cast, I was attempting to create a picture and thereby show the symptomatic dynamics of an otherwise seemingly unimpaired person. Perhaps my expression and report were less than explicit, but I surely meant to convey a clear, causal relationship between Attorney Cechetti's dysthymic disorder and his professional misconduct.

In my original 4/24/08 report, I drew particular attention to how otherwise ordinary and routine tasks become effortful for the dysthymic patient. Not impossible, but effortful in the sense of putting it off, getting to it later, in short, procrastinating. Upon reviewing the complaints against Attorney Cechetti, I can see how a reasonable person might easily object that addressing the client concerns and thereby avoiding the complaints in the first place did not exactly require heavy lifting. Likewise, one might understand some delay and procrastination, but still find the duration of Attorney Cechetti's lack of responsiveness unfathomable. Besides the sense of effortfulness that Attorney Cechetti experienced while failing to discharge his professional responsibilities, I would address these latter objections in terms of another common aspect of the dysthymic symptomology. In everyday language, the best definition of depression of which I am aware consists of the four words: "I just don't care." Actually, this definition is not quite right, for the dysthymic patient is not without any care at all. Rather, they just don't care "enough." In this direction, Attorney Cechetti did not lose all regard for the usual, long-established standards of professional conduct. And yet we can see,

Ph.D.
Sidney W. White, Ph.D. • Valerie Richards, ~~M.A.~~ *Ph.D.* • Michael P. Sipiora, Ph.D.

EXHIBIT

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that in the midst of Attorney Cechetti's depression, those standards were not mattering enough. Despite possible appearances to the contrary, this loss of care and regard for established standards of professional conduct was not a matter of arrogance or a sense of entitlement. Indeed, Attorney Cechetti knew all too well that he was falling short of upholding his professional responsibilities and this gave him no pleasure or relief. To the contrary, Attorney Cechetti's professional misconduct only lowered his self-esteem and worsened his depression. And with this, the prospect of doing the right thing, of facing his clients and addressing their concerns forthrightly, gave way to trying to avoid conflict and likely disparagement.

In summary, I hope these additional remarks are helpful for the disciplinary board's deliberations. To reiterate, I do believe that Attorney Cechetti's professional misconduct was caused by his dysthymic disorder. At a minimum, his dysthymic disorder was the occasion for his professional misconduct. Put yet differently, with a reasonable degree of psychological certainty, I do not believe Attorney Cechetti would be facing disciplinary charges today were it not for his dysthymic disorder.

Again, I would like to thank you in advance for your consideration of this expanded report. If I can be of any further assistance, do not hesitate to get in contact.

Sincerely,

Sidney W. White, Ph.D.

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Clinical Psychologist, Licensed

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BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
: Petitioner : No. 139 DB 2007 and
: 7 DB 2008 - Disciplinary
v. : Board
: Attorney Registration No. 23292
FRANK LOUIS CECCHETTI, :
Respondent : (Allegheny County)

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

Respondent, Frank Louis Cecchetti, hereby states that he consents to the sanction of a stayed suspension of 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 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;

2. He has not consulted with counsel in connection with the decision to consent to discipline;

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

4. He acknowledges that the material facts set forth in the Joint Petition are true; and,

5. He consents because he knows that if charges predicated upon the facts set forth in the Joint Petition continue to be prosecuted in the pending proceeding, he could not successfully defend against them.



Frank Louis Cecchetti
Respondent

Sworn to and subscribed

before me this 23rd

day of July, 2008.



Notary Public

