

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2411 Disciplinary Docket No. 3
: :
Petitioner : No. 144 DB 2016
: :
v. : Attorney Registration No. 70521
: :
KEITH HALL BARKLEY, : (Philadelphia)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 14th day of November, 2017, upon consideration of the Report and Recommendations of the Disciplinary Board, Keith Hall Barkley is suspended from the Bar of this Commonwealth for a period of two years, and he shall comply with all the provisions of Pa.R.D.E. 217. Respondent shall pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 11/14/2017

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 144 DB 2016
Petitioner	:	
	:	
v.	:	Attorney Registration No. 70521
	:	
KEITH HALL BARKLEY	:	
Respondent	:	(Philadelphia)

REPORT AND RECOMMENDATIONS OF
THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES
OF THE SUPREME COURT OF PENNSYLVANIA:

Pursuant to Rule 208(d)(2)(iii) of the Pennsylvania Rules of Disciplinary Enforcement, the Disciplinary Board of the Supreme Court of Pennsylvania (“Board”) herewith submits its findings and recommendations to your Honorable Court with respect to the above-captioned Petition for Discipline.

I. HISTORY OF PROCEEDINGS

By Petition for Discipline filed on September 7, 2016, Office of Disciplinary Counsel charged Keith Hall Barkley, Respondent, with violations of the Utah Rules of Professional Conduct (“RPC”) and Pennsylvania Rules of Disciplinary Enforcement (“Pa.R.D.E.”) arising out of allegations that in two separate client matters, Respondent engaged in the unauthorized practice of law and related misconduct in the State of Utah. Respondent failed to file an Answer to Petition and consequently, the factual allegations set forth in the Petition are admitted, pursuant to Pa.R.D.E. 208(b)(3).

A prehearing conference was held on December 14, 2016, at which Respondent participated by telephone. A disciplinary hearing was held on January 19, 2017, before a District I Hearing Committee comprised of Chair Elizabeth Rubin, Esquire, and Hearing Committee Member Howard P. Dwoskin, Esquire.¹ Respondent failed to appear. Petitioner moved into evidence Exhibits P-1 – P-25. Petitioner did not present any witnesses.

Following the submission of a brief by Petitioner, the Hearing Committee filed a Report on April 25, 2017, concluding that Respondent violated the rules charged in the Petition and recommending that he be suspended for a period of two years.

The parties did not file briefs on exception.

The Board adjudicated this matter at the meeting on July 21, 2017.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner, Office of Disciplinary Counsel, whose principal office is located at 601 Commonwealth Avenue, Suite 2700, Harrisburg, PA, is vested, pursuant to Pa.R.D.E. 207, 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 is Keith Hall Barkley. He was born in 1965 and was admitted to practice in law in Pennsylvania in 1994. His attorney registration address is 7611 S. Osborne Rd., Suite 202, Upper Marlboro, MD 20772. Respondent is subject to

¹ Two members of a hearing committee constitute a quorum, pursuant to Pa.R.D.E. 206(a).

the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. Respondent has no prior record of discipline in Pennsylvania.

4. By Order dated November 1, 2002, the Supreme Court of Pennsylvania transferred Respondent to inactive status for non-payment of the annual attorney registration fee required to maintain an active license in Pennsylvania. Thereafter, on September 1, 2010, Respondent's status was changed from inactive to administrative suspension to conform to changes made to Pa.R.D.E. 219. Respondent's administrative suspension status made him ineligible to practice law in Pennsylvania. P-1, P-18.

5. At all times relevant, Respondent was not licensed to practice law in the State of Utah or in any other jurisdiction, and, consequently was not eligible to engage in the practice of immigration law. P-2, P-3, P-18.

The Al Mafraji Matter

6. A company called IIT solutions, Inc. ("Solutions") hired Respondent as an independent contractor to provide immigration and legal services to Utah residents. Solutions maintained an office at 2100 South 28 East, Suite 102B, Salt Lake City, Utah 84115-4734. P-18.

7. On April 24, 2015, Ms. Sarah Al Mafraji met with Respondent at the Solutions office to discuss retaining him to handle an immigration matter. Ms. Mafraji was seeking legal assistance to enable her relatives to immigrate to the United States. P-18.

8. At the meeting, Respondent represented to Ms. Mafraji that he was an attorney and he presented her with a business card that identified him as “Keith Hall Barkley, Esquire, Principal” with identifying information. P-4.

9. During this meeting, Respondent informed Ms. Mafraji that for a total fee of \$2,600.00, he would file a Form I-130 on her behalf. P-18.

10. Ms. Mafraji agreed to retain Respondent’s services and paid Solutions the sum of \$1,300 in cash, which was half of the total fee charged. P-18.

11. In return, Ms. Mafraji received a Fee Agreement Letter from Respondent dated April 24, 2015. The Fee Agreement spelled out the terms of the retained engagement for Respondent’s legal services. P-5, P-6.

12. Respondent signed the fee letter as the “Principal” of Solutions, and Ms. Mafraji also signed the fee letter. Exhibit A to the fee letter stated that Ms. Mafraji was to receive “expedited legal and consulting service for Visa and immigration services.” P-6, P-18, P-19.

13. Based on the statements Respondent made to Ms. Mafraji during the April 24, 2015 meeting, the business card Respondent provided to Ms. Mafraji, and the fee letter and Exhibit A to the fee letter, Respondent created the false impression that he was licensed to practice law in Utah. P-4, P-6, P-18.

14. Respondent failed to provide any legal services to Ms. Mafraji in her immigration matter. P-18.

15. Sometime during the summer of 2015, Respondent left Utah and relocated to Florida. From the summer of 2015 through November 2015, Ms. Mafraji called Respondent on numerous occasions inquiring about her immigration matter using

the contact information on Respondent's business card. Respondent failed to answer Ms. Mafraji's telephone calls. P-18.

16. On occasion, Respondent sent text messages to Ms. Mafraji, in which he claimed that he was working on her immigration matter. P-18.

17. Sometime in December 2015, Ms. Mafraji discovered that Respondent's cell phone number listed on his business card was no longer in service. Respondent failed to provide Ms. Mafraji with any means of contacting him. P-18.

18. Respondent engaged in the unauthorized practice of law by using the Solutions office for the practice of law in Utah and by offering to provide legal services to Ms. Mafraji.

19. Ms. Mafraji paid \$1,300.00 toward the requested retainer of \$2,600.00 because Respondent led her to believe that Respondent had an active license to practice law in Utah and had the authority to represent her in legal matters.

20. Respondent collected an illegal fee from Ms. Mafraji, failed to perform legal work on her behalf, and failed to refund the \$1,300 that Ms. Mafraji paid to Solutions. P-5, P-18.

21. By DB-7 Request for Statement of Respondent's Position dated March 21, 2016, Petitioner notified Respondent of the allegations relating to the complaint by Ms. Mafraji, and that the failure to respond to the DB-7 letter without good cause would be an independent ground for discipline pursuant to Pa.R.D.E. 203(b)(7).

22. Petitioner sent the Mafraji DB-7 letter to Respondent by certified mail, return receipt requested, and on March 25, 2016, Respondent signed the return receipt card. However, Respondent failed to respond to the letter.

The Xhafolli Matter

23. On April 30, 2011, Respondent met with Arsim Xhafolli at Respondent's office at 1615 West South, Suite 200, West Valley City, Utah 84119. At this location, Respondent operated a company called "Tazzah Professional Services, Inc." ("Tazzah"). Mr. Xhafolli met with Respondent to discuss an immigration matter concerning his two sisters, who were seeking to enter the United States from Kosovo. P-18.

24. During the meeting, Respondent told Mr. Xhafolli that for a fee of \$6,000.00, Respondent would file immigration applications on behalf of Mr. Xhafolli's sisters. Respondent misrepresented to Mr. Xhafolli that within twelve to eighteen months from the filing date of the applications, the sisters would be granted entry into the United States. P-18.

25. At the April 20, 2011 meeting, Mr. Xhafolli agreed to retain Respondent and wrote a check in the amount of \$3,000.00, payable to Christine Jaff, Respondent's employee at the Tazzah office. Mr. Xhafolli received a receipt for the payment and an engagement letter. P-18.

26. The engagement letter had a letterhead which stated, among other things, "Tazzah Professional Services, Inc." and "Keith Hall Barkley, Esquire, Attorney at law." P-7, P-18. In addition, the engagement letter stated, in part, that Keith Hall Barkley, Esquire, or "the firm" or "we" or "us", would provide the client with legal services with respect to Mr. Xhafolli's immigration matter. In addition, during the April 30, 2011 meeting, Respondent provided Mr. Xhafolli with a business card that identified Respondent as "Keith Hall Barkley, Esquire" and as "President" of Tazzah. P-10.

27. Based on the statement Respondent made to Mr. Xhafolli during the April 20, 2011 meeting, the business card that he provided to Mr. Xhafolli, the letterhead on which he produced the April 30, 2011 engagement letter and the written statement contained in that letter, Respondent created the false impression that he was licensed to practice law in Utah. P-7, P-10, P-18.

28. Between May 23, 2011 and September 16, 2011, Mr. Xhafolli gave to Ms. Jaff six checks in the amount of \$500.00, each in satisfaction of the balance owed on the \$6,000.00 retainer. P-11 through P-16.

29. Sometime after the April 30, 2011 meeting, Respondent provided Mr. Xhafolli with copies of two Form I-130 Petitions for Alien Relative that Respondent had prepared, and misrepresented to Mr. Xhafolli that he had filed these petitions with the U.S. Citizenship and Immigration Services. P-18.

30. During April 2012, Mr. Xhafolli contacted Respondent to ascertain the status of the I-130 Petitions, and Respondent misrepresented to Mr. Xhafolli that these petitions would be approved within six weeks. Sometime after 2012, Mr. Xhafolli was no longer able to contact Respondent, as Respondent ceased using the Utah office and failed to provide Mr. Xhafolli with a new address or other means of contacting him. P-18.

31. Respondent engaged in the unauthorized practice of law by maintaining an office for the practice of law in Utah and providing legal services to Mr. Xhafolli. Mr. Xhafolli paid a \$6,000.00 retainer to Respondent because Respondent led Mr. Xhafolli to believe that he had an active license to practice law in Utah and had the authority to represent him in the immigration matter before the U.S. Citizenship and Immigration Services. P-7, P-16, P-18.

32. Respondent collected an illegal fee from Mr. Xhafolli, failed to perform legal work on his behalf, and failed to refund the \$6,000.00 retainer he received from Mr. Xhafolli. P-8, P-11-16, P-18.

33. By DB-7 Request for Statement of Respondent's position dated March 22, 2016, Petitioner notified Respondent of the allegations relating to Mr. Xhafolli's complaint and that the failure to respond to the DB-7 letter without good cause would be an independent ground for discipline pursuant to Pa.R.D.E. 203(b)(7). P-18.

34. Petitioner sent the Xhafolli DB-7 letter by certified mail, return receipt requested, delivered to Respondent at his address in Florida on April 8, 2016. P-18.

35. Respondent received the DB-7 letter but failed to submit a response. P-18.

36. On September 22, 2016, a Florida Bar staff investigator served Respondent with the Petition for Discipline. P-19 through P-21.

37. A prehearing conference was held on December 14, 2016, with Respondent participating via telephone. PH N.T. 5-30.

38. At the prehearing conference, Respondent acknowledged that he was served with the Petition for Discipline and expressed the intention of presenting evidence at the hearing that would show good cause why he had not filed an Answer to the Petition for Discipline. PH N.T. 10-11, 18-20.

39. During the prehearing conference, Respondent acknowledged that the hearing was scheduled for January 19, 2017, at 9:30 a.m. at Petitioner's District I Office in Philadelphia, and the Hearing Committee Chair advised Respondent to appear for the hearing. Respondent represented that he planned to appear at the hearing. PH N.T. 23, 25.

40. Respondent did not appear at the hearing on January 19, 2017, nor did Respondent call Petitioner at any time prior to the hearing, including the day of the hearing to advise Petitioner that he would not be attending the hearing. N.T. 10-11.

The Bankruptcy Matter

41. In an Involuntary Chapter VII case that was filed in the United States Bankruptcy Court for the District of Columbia, captioned ***In re: Butler Innovative Solutions, Inc., Case No. 08-00065***, the Bankruptcy Court designated Respondent and John Butler to be the Debtor for all purposes. P-22.

42. The Bankruptcy Court found Respondent in civil contempt on three separate occasions:

a. On January 11, 2008, for having failed to comply with a prior Order that was docketed on May 1, 2008;

b. On October 27, 2008, for failing to comply with a prior Order that was docketed on June 18, 2008;

c. On December 2, 2008, for failing to comply with the Order docketed on October 27, 2008 as well as other prior Orders. P-22.

43. In an adversary proceeding that was filed in the Bankruptcy Court captioned ***William Douglas White, Trustee v. John A. Butler and Keith H. Barkley, Case No. 10-10015***, Mr. White, the Trustee for Debtor Butler Innovative Solutions, Inc., sought to recover from Mr. Barkley monies that Mr. Barkley received from the Debtor after the filing of the bankruptcy case and the entry of the Order of relief docketed on March 14, 2008. P-23.

44. By an Order dated February 3, 2015, the Bankruptcy court granted, in part, Mr. White's Motion for Default Judgment against Respondent in the amount of \$37,151.00, which amount represented the funds that were directly transferred to Mr. Barkley from the Debtor after the entry of the Order for Relief in the bankruptcy case and, therefore, entered a judgment in favor of Mr. White and against Mr. Barkley for the sum of \$37,151.00. P-23.

45. In a proceeding that was filed in the United States District Court for the Middle District of Florida, captioned *In re Innovative Solutions, Inc., William Douglas White, Trustee v. John A. Butler and Keith H. Barkley, Case No. 6:15-MC-00034*, Mr. White registered the February 3, 2015 judgment that was entered against Respondent in the adversary case. The dockets do not reflect that this judgment was ever satisfied by Respondent.

III. CONCLUSIONS OF LAW

1. Respondent's misconduct occurred in Utah and the predominant effect of his misconduct was in Utah.

2. Pa.RPC 8.5(a) provides, in relevant part, that "a lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction, regardless of where the lawyer's conduct occurs."

3. Pa.RPC 8.5(b)(2) states that in "any exercise of the disciplinary authority of this jurisdiction, the Rules of Professional Conduct to be applied shall be as follows: (2) for any other conduct, the rules of the jurisdiction in which the lawyer's conduct occurred or, if the predominant effect of the conduct is in a different jurisdiction, the rules of that jurisdiction shall be applied to the conduct. A lawyer shall not be subject

to discipline if he lawyer's conduct conforms to the rules of the jurisdiction in which the lawyer reasonably believes the predominant effort of the lawyer's conduct will occur."

4. Application of RPC 8.5(b)(2) dictates that the Utah Rules of Professional Conduct apply to the within disciplinary proceeding brought against Respondent.

By his actions as set forth above, Respondent violated the following Utah Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement:

1. Utah RPC 1.1 – A lawyer shall provide competent representation to a client.

2. Utah RPC 1.3 – A lawyer shall act with reasonable diligence and promptness in representing a client.

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

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

5. Utah RPC 1.4(b) – A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

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

must provide, upon request, the client's file to the client. The lawyer may reproduce and retain copies of the client file at the lawyer's expense.

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

8. Utah RPC 5.5(b)(1) – A lawyer who is not admitted to practice in this jurisdiction shall not except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law.

9. Utah RPC 5.5(b)(2) – A lawyer who is not admitted to practice in this jurisdiction shall not hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

10. Utah RPC 7.1 – A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services.

11. Utah RPC 7.5(a) – A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1.

12. Utah RPC 8.4(a) – It is professional misconduct for a lawyer to violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.

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

14. Pa.R.D.E. 203(b)(7) – Failure by a respondent-attorney without good cause to respond to Disciplinary Counsel's request or supplemental request under Disciplinary Board Rule, § 87.7(b) for a statement of the respondent-attorney's position, shall be grounds for discipline.

IV. DISCUSSION

Petitioner has the burden of proving ethical misconduct by a preponderance of the evidence that is clear and satisfactory. ***Office of Disciplinary Counsel v. John Grisgby***, 425 A.2d 730, 732 (Pa. 1981). The evidence, which consists of Petitioner's exhibits and the factual allegations set forth in the Petition for Discipline, which are deemed admitted pursuant to Pa.R.D.E. 208(b)(3), due to Respondent's failure to answer the Petition, proved that Respondent violated the rules charged in the Petition.

The exhibits and factual allegations demonstrate that Respondent was transferred to inactive status by Order of the Supreme Court dated November 1, 2002, which status was changed to administrative suspension on September 1, 2010. By virtue of his administrative suspension, Respondent is prohibited from practicing law in Pennsylvania. During the time frame of the misconduct, Respondent was not licensed to practice law in Pennsylvania, Utah or any other state.

From April 2011 through April 2012, and from April 2015 through the summer of 2015, Respondent maintained offices for the practice of law in Utah, offered to provide legal services in immigration matters, engaged in the unauthorized practice of law in Utah, and represented to the public that he was admitted to practice law in Utah. Respondent misrepresented to Mr. Xhafolli and Ms. Mafraji that he was an attorney who could handle their immigration issues. Respondent provided his clients with business cards and fee agreements that created the false impression that he was licensed to practice law in Utah. Ms. Mafraji and Mr. Xhafolli made fee payments for legal services with the expectation that Respondent would render the paid-for services. Thereafter, Respondent failed to provide any services to Ms. Mafraji, but communicated to her that he was working on her matter. In Mr. Xhafolli's matter, Respondent failed to file certain documents, but

misrepresented to Mr. Xhafolli that he had done so, and that his client's sisters would gain entry to the United States in twelve to eighteen months. Respondent ceased using his legal offices in Utah, but failed to provide his clients with contact information, failed to answer his clients' telephone calls, and failed to refund the fees that his clients paid to him for legal services. Respondent never acknowledged or responded to Petitioner's DB-7 letters for a statement of his position on the matters.

After reviewing the recommendations of Petitioner and the Hearing Committee for a suspension of two years, and after reviewing the case precedent and considering the nature and gravity of the misconduct as well as the presence of aggravating or mitigating factors, ***Office of Disciplinary Counsel v. Gwendolyn Harmon***, 7 Pa. D. & C. 4th 115 (2004), we recommend that Respondent be suspended from the practice of law for a period of two years.

Respondent's failure to answer the charges against him in the Petition for Discipline and his failure to appear at the disciplinary hearing or submit a brief to the Hearing Committee significantly aggravate this matter. See, ***Office of Disciplinary Counsel v. Joseph R. Reisinger***, No. 44 DB 2015 (D. Bd. Rpt. 8/15/2016) (S. Ct. Order 3/31/2017); ***Office of Disciplinary Counsel v. John Klinger Mort***, 110 DB 2015 (D. Bd. Rpt. 5/10/2016) (S. Ct. Order 6/30/2016). Throughout the course of Petitioner's investigation and following the commencement of formal proceedings, Respondent had opportunities to act professionally and responsibly. Respondent's participation in the prehearing conference indicated that he recognized the significance of the disciplinary proceedings, but nevertheless, he failed to attend the disciplinary hearing. Moreover, the three civil contempt findings made against Respondent in the bankruptcy case and

his failure to satisfy the judgment entered against him is an additional aggravating factor. The only mitigating factor present in this record is Respondent's lack of prior discipline.

Respondent's actions constitute significant misconduct. While there is no *per se* discipline in Pennsylvania, prior similar cases are instructive and are suggestive of public discipline in the form of a two year period of suspension when, as here, an attorney's unauthorized practice of law and related misconduct would likely pose a serious risk of harm to the public if he continues to practice law. ***Office of Disciplinary Counsel v. Robert S. Lucarini***, 472 A.2d 186, 189-91 (Pa. 1983).

As a general matter, license suspension has been the form of discipline imposed for the unauthorized practice of law. ***See Office of Disciplinary Counsel v. Harry Curtis Forrest, Jr.***, 134 DB 2003 (D. Br. Rpt. 12/30/04) (S. Ct. Order 3/25/05) (respondent-attorney suspended for a period of one year and one day to address his unauthorized practice of law in two matters, his use of legal letterhead in correspondence to a judge and his failure to advise his clients, opposing counsel or the judges of his inability to practice law due to inactive status); ***Office of Disciplinary Counsel v. Sharon Goldin-Didinsky***, No. 87 DB 2003 (D. Bd. Rpt. 8/27/04) (S. Ct. Order 12/13/04) (respondent-attorney suspended for one year and one day after practicing law on two occasions while on inactive status, making misrepresentations to a court administrator and a magisterial district judge that she was licensed in Pennsylvania and using letterhead falsely indicating that she had an office address in Pennsylvania); ***Office of Disciplinary Counsel v. James Edward Harvin***, No. 108 DB 2008 (D. Bd. Rpt. 3/5/10) (S. Ct. Order 6/16/10) (respondent-attorney suspended for one year and one day after he continued to represent his client while on inactive status and failed to advise his client,

opposing counsel or the court of his inability to practice law; aggravating factor was a prior informal admonition).

In a recent matter, a respondent-attorney solely licensed in Colorado engaged in the unauthorized practice of law in Pennsylvania when he appeared at a school expulsion hearing on behalf of his stepson. ***Office of Disciplinary Counsel v. Brendan J. Magee***, 137 DB 2015 (D. Bd. Rpt. 10/4/2016) (S. Ct. Order 12/19/2016). The Court imposed a one year and one day suspension. Similarly, a respondent-attorney solely licensed in Pennsylvania received a one year and one day suspension for her unauthorized practice of law in New Jersey. ***Office of Disciplinary Counsel v. Carol Chandler***, No. 10 DB 2010 (D. Bd. Rpt. 4/15/2011) (S. Ct. Order 8/17/2011)

Respondent's matter most closely parallels the ***Chandler*** case. Ms. Chandler was not admitted in New Jersey; however, she maintained a New Jersey office for the purpose of practicing immigration law. She failed to state on her letterhead that she was not admitted to the New Jersey Bar. She was retained by two separate clients to handle immigration matters, failed to communicate with her clients, neglected the immigration cases, failed to return the clients' documents, and failed to refund the advance payment of fees that went unearned. Subsequently, Ms. Chandler failed to appear at the disciplinary hearing. A difference in the matters is that the instant Respondent made misrepresentations to clients, while Chandler was not found to have done so. Additionally, Respondent has other aggravating factors relative to the contempt findings in the bankruptcy matter. These additional factors warrant a more severe discipline than the one year and day imposed on Ms. Chandler.

The primary purpose of Pennsylvania's system of lawyer discipline is to protect the public from unfit attorneys and to maintain the integrity of the courts and the legal

profession. ***Office of Disciplinary Counsel v. John Keller***, 506 A.2d 872 (Pa. 1986). Here, Respondent's unauthorized practice of law on two separate occasions from two different office locations in Utah, misrepresentations to clients as to the status of their matters, failure to refund fees to clients, whose cases Respondent abandoned without leaving contact information, and disregard of professional responsibilities by ignoring Petitioner's DB-7 letters, aggravated by a failure to participate in disciplinary proceedings, warrant suspension for a period of two years.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania recommends that the Respondent, Keith Hall Barkley, be Suspended for a period of two years from the practice of law in this Commonwealth.

It is further recommended that the expenses incurred in the investigation and prosecution of this matter are to be paid by the Respondent.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: Tracey McCants Lewis
Tracey McCants Lewis, Member

Date: September 13, 2017