

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

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	No. 151 DB 2018
	:	
v.	:	File No. C1-16-990
	:	
FRANCIS EDWARD BIGHAM	:	Attorney Registration No. 79321
	:	
Respondent	:	(Montgomery County)

ORDER

AND NOW, this 21st day of September, 2018, in accordance with Rule 208(a)(5), Pa.R.D.E., the determination by a Review Panel of the Disciplinary Board of the above captioned matter is accepted; and it is

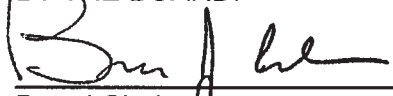
ORDERED that the said FRANCIS EDWARD BIGHAM of Montgomery County, be subjected to a **PUBLIC REPRIMAND WITH CONDITIONS** by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(b) and Rule 205(c)(8) of the Pennsylvania Rules of Disciplinary Enforcement.

Within thirty (30) days from the date of this Order, Respondent shall submit to the Secretary of the Board and Office of Disciplinary Counsel (ODC) proof that he has made payment in the amount of \$1,653.24 to Steven Eisenberg.


IT IS FURTHER ORDERED that within six months of the date of this Order, Respondent shall take a three (3) credit hour Continuing Legal Education course on the subject of an attorney's fiduciary and record-keeping responsibilities under Pa.R.P.C. 1.15.

Failure to comply with the above Conditions shall be grounds for reconsideration of this matter and prosecution of formal charges against Respondent under the specific provision of Enforcement Rule 204(b). Costs shall be paid by the Respondent.

BY THE BOARD:


Board Chair

TRUE COPY FROM RECORD
Attest:


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

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

OFFICE OF DISCIPLINARY COUNSEL	:	No. 151 DB 2018
Petitioner	:	
	:	File No. C1-16-990
v.	:	
	:	Attorney Registration No. 79231
FRANCIS EDWARD BIGHAM	:	
Respondent	:	(Montgomery County)

PUBLIC REPRIMAND

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

Mr. Bigham, this matter concerns your conversion of settlement funds in two matters in the aggregate amount of \$1,653.24, to which your client Mr. Eisenberg was entitled. You also failed to promptly distribute over \$4,000.00 in settlement funds to two other clients, commingled settlement funds with your personal funds, and failed to comply with repeated requests from Office of Disciplinary Counsel to produce copies of financial records that you are required to maintain.

The record indicates that in connection with your representation in the Eisenberg matter, you failed entirely to disburse to your client \$1,483.33 of the Lochmoeller Settlement Funds and \$169.91 of the Stoner Settlement Funds. You further failed to promptly distribute certain funds to Mr. Eisenberg for a number of years. Also in connection with the Eisenberg representation, you failed to act promptly to resolve two

liens that were held against the settlement funds, you failed to respond to Mr. Eisenberg's email in which he requested proof of medical lien payments, and you made misrepresentations to Mr. Eisenberg.

In the Celestino representation, you failed to disburse any portion of the settlement funds you received for almost two years. You similarly failed to disburse any portion of funds you received in the Rager representation for over three years.

In the Eisenberg, Rager and Celestino matters, you have admitted that you failed to deposit the settlement funds into a trust account or IOLTA. Instead, you deposited the funds into an account that held your personal funds. On four consecutive Pennsylvania Attorney Annual Fee Forms, you misrepresented that this personal account was an IOLTA and/or a business operating account.

During Office of Disciplinary Counsel's investigation of this matter, by letter dated November 13, 2017, you were directed by Disciplinary Counsel to produce copies of certain records required to be maintained by RPC 1.15(c), which included fee agreements and distribution statements of all matters that are handled on a contingency basis and for which you held funds at any time after May 1, 2012. Although you produced some documents, you failed to fully and completely comply with the request for these records until January 9, 2018.

We note that you fulfilled the conditions of this Public Reprimand by making payment to Mr. Eisenberg in the amount of \$1,653.24 and by taking a three-hour Continuing Legal Education course on the subject of an attorney's fiduciary and record-keeping responsibilities.

As a result of your conduct, you have violated the following Rules of Professional Conduct ("RPC") and Pennsylvania Rules of Disciplinary Enforcement ("Pa.R.D.E."):

1. RPC 1.3 - A lawyer shall act with reasonable diligence and promptness in representing a client.
2. RPC 1.4(a)(4) - A lawyer shall promptly comply with reasonable requests for information.
3. RPC 1.15(b) - A lawyer shall hold all Rule 1.15 Funds and property separate from the lawyer's own property.
4. RPC 1.15(e) - A lawyer shall promptly deliver to the client...any property, including but not limited to Rule 1.15 funds, that the client...is entitled to receive.
5. RPC 1.15(f) - When in possession of funds or property in which two or more persons, one of whom may be the lawyer, claim an interest the funds or property shall be kept separate by the lawyer until the dispute is resolved. The lawyer shall promptly distribute all portions of the funds or property, including Rule 1.15 Funds, as to which the interests are not in dispute.
6. RPC 1.15(m) - All Qualified Funds which are not Fiduciary Funds shall be placed in an IOLTA Account.
7. RPC 8.4(c) - It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.
8. Pa.R.D.E. 203(b)(3) - Willful violation of any other provision of the Enforcement Rules shall be grounds for discipline.
9. Pa.R.D.E. 221(g)(1) - The records required to be maintained by RPC 1.15 shall be readily accessible to the lawyer and available for production to...the

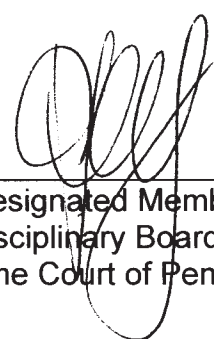
Office of Disciplinary Counsel in a timely manner upon request or demand...made pursuant to these Enforcement Rules...Upon request by Disciplinary Counsel under this subdivision (g)...a respondent-attorney must produce the records within ten business days after personal service of the letter on the respondent-attorney.

It is my duty to reprimand you for your misconduct. We note that you have practiced law since 1997 and have no prior discipline. Please be aware that any subsequent violations on your part can only result in further discipline and perhaps more severe sanctions. We sincerely hope that you will conduct yourself in such a manner that future disciplinary action will be unnecessary.

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

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

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

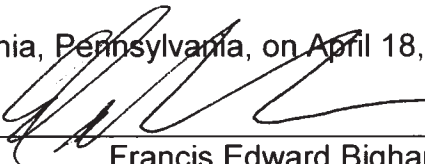


Designated Member
The Disciplinary Board of the
Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania, at Philadelphia, Pennsylvania, on April 18, 2019.

ACKNOWLEDGMENT

The undersigned, Respondent in the above proceeding, herewith acknowledges that the above Public Reprimand was administered in his presence and in the presence of the designated panel of The Disciplinary Board at the Board offices located at the 1601 Market Street, Suite 3320, Philadelphia, Pennsylvania, on April 18, 2019.



Francis Edward Bigham