

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2388 Disciplinary Docket No. 3
	:	
Petitioner	:	No. 152 DB 2015
	:	
v.	:	Attorney Registration No. 79423
	:	
JAMES E. TONE,	:	(Montgomery County)
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 26th day of June, 2017, upon consideration of the Disciplinary Board's Recommendation for Public Censure, the Prothonotary is directed to schedule a public censure in the above-captioned matter. See Disciplinary Board Rule §89.205(e).

A True Copy Patricia Nicola
As Of 6/26/2017

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 152 DB 2015
Petitioner	:	
	:	
v.	:	Attorney Registration No. 79423
	:	
JAMES E. TONE	:	
Respondent	:	(Montgomery County)

RECOMMENDATION FOR
PUBLIC CENSURE PURSUANT TO
DISCIPLINARY BOARD RULE §89.205(e)

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

This matter commenced with the filing of a Petition for Discipline against Respondent by Office of Disciplinary Counsel on December 1, 2015. The Petition alleged that Respondent engaged in professional misconduct in his representation of two clients. Respondent filed an Answer to Petition for Discipline on January 22, 2016.

A disciplinary hearing was held on March 31, 2016, before a District II Hearing Committee. On July 28, 2016, the Committee filed a Report and recommended that Respondent receive a Public Reprimand.

The Board adjudicated the matter at the meeting on October 13, 2016, and directed that Respondent receive a Public Reprimand with the condition that he refund monies to his client.

On October 18, 2016, the Board Order imposing a Public Reprimand with condition to reimburse a client was mailed to Respondent. On October 19, 2016, the Board mailed a notification letter to Respondent informing him that he owed \$551.50 for

expenses incurred in the investigation and prosecution of the matter. By Notice dated December 8, 2016, Respondent was directed to appear before the Board on January 4, 2017, at 9:30 a.m., at the District I Office in Philadelphia, Pennsylvania, to receive the Public Reprimand. Respondent appeared on that date with a copy of a check to his client and receipt for mailing but no proof that the client had received the check. In addition, Respondent had not paid the costs in the amount of \$551.50. The Public Reprimand was not administered.

By Notice dated February 21, 2017, Respondent was directed to appear before the Board on March 15, 2017, at 10:00 a.m., at the District I Office in Philadelphia, Pennsylvania, to receive the Public Reprimand. On February 27, 2017, a second notice of costs was sent informing Respondent that he owed \$551.50. By notice dated March 15, 2017, the Public Reprimand scheduled for that date was continued until April 5, 2017, due to a snow storm. Respondent was directed to appear on April 5, 2017 at 10:00 a.m. at the District I Office in Philadelphia.

On April 5, 2017, Respondent failed to appear on time for the scheduled 10:00 a.m. Public Reprimand. By the time Respondent appeared at the District I office, approximately forty minutes late, the Board panel had concluded business some fifteen minutes earlier and had left. When Respondent tardily appeared on April 5, 2017, he had not paid his costs. Respondent paid the costs in full on April 18, 2017. By letter of April 20, 2017, Office of Disciplinary Counsel requested that the Public Reprimand be rescheduled.

On May 4, 2017, the Board issued a Rule to Show Cause on Respondent, returnable within thirty days, why his neglect or refusal to to appear for a Public Reprimand on April 5, 2017, should not be automatically be converted into a

recommendation to the Supreme Court of Pennsylvania for Public Censure in accordance with Disciplinary Board Rule §89.205(e). Respondent signed for the certified mail on May 17, 2017. Respondent failed to respond to the Rule.

Respondent has not demonstrated good cause as to why he did not timely appear before the Board for the Public Reprimand scheduled for April 5, 2017. Having failed to provide good cause, the Board recommends that Respondent be subjected to a Public Censure by the Supreme Court.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: 
David E. Schwager, Board Chair

Date: June 12, 2017