

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2146 Disciplinary Docket No. 3
Petitioner :
 : No. 153 DB 2013
v. :
 : Attorney Registration No. 48637
WILLIAM NIVAN RENWICK, :
Respondent : (Allegheny County)

ORDER

PER CURIAM

AND NOW, this 14th day of May, 2015, upon consideration of the Report and Recommendations of the Disciplinary Board dated March 12, 2015; it is hereby

ORDERED that William Nivan Renwick 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.

It is further ORDERED that Respondent shall pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 5/14/2015

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 153 DB 2013
Petitioner	:	
	:	
v.	:	Attorney Registration No. 48637
	:	
WILLIAM NIVAN RENWICK	:	
Respondent	:	(Allegheny County)

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 November 4, 2013, Office of Disciplinary Counsel charged William Nivan Renwick with professional misconduct in violation of Rules of Professional Conduct 3.3(a)(1), 5.5(a), and 8.4(d). Respondent failed to file an Answer.

A disciplinary hearing was held on May 13, 2014, before a District IV Hearing Committee comprised of Chair Elizabeth L. Hughes, Esquire, and Members

Patricia L. Dodge, Esquire, and Jennifer R. Andrade, Esquire. Respondent appeared pro se.

Following the submission of a Brief filed by Petitioner, the Hearing Committee filed a Report on October 2, 2014, concluding that Respondent violated the Rules of Professional Conduct as contained in the Petition for Discipline, and recommending that he be suspended for a period of one year and one day.

No Briefs on Exception were filed by the parties.

This matter was adjudicated by the Disciplinary Board at the meeting on January 15, 2015.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement, 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 William Nivan Renwick. He was born in 1949 and was admitted to practice law in the Commonwealth in 1987. His current attorney registration mailing address is 300 N. Aiken Avenue, Pittsburgh PA 15206. Respondent

is currently on retired status. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. Respondent has no record of discipline in Pennsylvania.
4. On November 4, 2013, Petitioner filed a Petition for Discipline against Respondent.
5. Respondent was personally served with a copy of the Petition and Notice to Plead.
6. Respondent did not file an Answer to Petition for Discipline.
7. In 1981, Respondent became licensed to practice law by the State of Michigan and practiced law there until approximately 2007, when he returned to Pittsburgh. (AE 1)
8. In or about 2009, Respondent began a working relationship with Allan G. Gallimore. (AE 1)
9. Mr. Gallimore was suspended from the practice of law for three months by Order of the Supreme Court of Pennsylvania dated November 30, 2007. Mr. Gallimore was suspended again from the practice of law for one year and one day by Order of the Supreme Court of Pennsylvania dated October 16, 2008. Mr. Gallimore has not been reinstated to the practice of law. (AE 1)
10. Based on the November 30, 2007 and October 16, 2008 Orders of the Supreme Court of Pennsylvania, the United States District Court for the Western District of Pennsylvania suspended Mr. Gallimore from practicing before the federal court for three months on February 8, 2008, and for one year and one day on February 6, 2009. (AE 1)

11. Respondent appeared at hearings and creditor meetings for several of Mr. Gallimore's "clients" in Bankruptcy Court after the effective date of Mr. Gallimore's suspension by the federal court. (AE 1)

12. On November 17, 2009, either Respondent, who did not have his own Case Management/Electronic Filing (CM/ECF) account number, as required by court rules, or someone using Respondent's name, accessed the CM/ECF account number of Mr. Gallimore to file documents with the United States Bankruptcy Court for the Western District of Pennsylvania. (AE 1)

13. In June 2012, Respondent telephoned the Bankruptcy Court Clerk's Office to inquire about how to change the password to Mr. Gallimore's CM/ECF account. (AE 1)

14. The Clerk's Office discovered that the CM/ECF account that Respondent was attempting to change was registered to Mr. Gallimore on October 28, 2003. (AE 1)

15. Further inquiry by the Bankruptcy Court Clerk revealed that someone changed Mr. Gallimore's CM/ECF account information on two separate occasions by updating the "Person" portion of the record for the account. (AE 1)

16. The first update occurred on December 6, 2007, when the name on the account was changed from Mr. Gallimore's to that of J. Michael Godfrey, who is now deceased. (AE 1)

17. Although Mr. Godfrey was a lawyer, he was neither licensed to practice by the Supreme Court of Pennsylvania, nor was he admitted to practice before the U.S. District Court for the Western District of Pennsylvania. (AE 1)

18. The second update occurred on November 17, 2009, when the name on the account was changed to Respondent's name. (AE 1)

19. Respondent had not taken the CM/ECF training required by the U.S. District Court for the Western District of Pennsylvania, and therefore, he was not permitted to use such an account. (AE 1)

20. The U.S. District Court also discovered that Respondent's attorney registration address that appeared in the records of the Disciplinary Board did not match the address for the filings made in his name with the court, which was listed as being the address of the law firm "Delerme & Gallimore." (AE 1)

21. After Mr. Gallimore was admitted to the practice of law by the Supreme Court of Pennsylvania in 1989, he became affiliated with another Pennsylvania lawyer, Augusto Delerme. (AE 1)

22. Mr. Delerme assumed "Retired" status with the Supreme Court of Pennsylvania on July 1, 2009. (AE 1)

23. By order of court dated July 31, 2012, Respondent and Mr. Gallimore were ordered to appear before the Honorable Thomas P. Agresti, Chief Judge of the United States Bankruptcy Court for the Western District of Pennsylvania on August 31, 2012, to show cause why they should not be sanctioned monetarily or reported to the Pennsylvania Disciplinary Board, or in Respondent's case, suspended from the practice of law before the U.S. District Court for reasons including, but not limited to:

- a. Violation of login and password requirements for Mr. Gallimore's CM/ECF account with respect to the Godfrey change and/or the change to Respondent's name, and all filings made under the account thereafter, pursuant to Western Pennsylvania Local Bankruptcy Rule (W.Pa.LBR) 5005-5(a) and (b);

- b. Misleading the court by informing it that the Clerk's Office confirmed that Mr. Godfrey was admitted to practice before the U.S. District Court for the Western District of Pennsylvania;
- c. Engaging in the unauthorized practice of law while under supervision;
- d. Aiding and abetting the unauthorized practice of law;
- e. Failing to complete the required CM/ECF training or otherwise complying with the requirements for CM/ECF privileges; and
- f. Abusing CM/ECF privileges and deceiving the Court.

(AE 1)

24. Respondent's name and that of the "Deleme & Gallimore" firm appeared on at least 37 cases filed with the United States Bankruptcy Court for the Western District of Pennsylvania. (AE 1)

25. On August 13, 2012, Respondent and Mr. Gallimore appeared before the United States Bankruptcy Court for the Western District of Pennsylvania. (AE 1)

26. By Order of the Bankruptcy Court dated August 14, 2012, Chief Judge Agresti ordered that:

- a. The CM/ECF account originally opened under the name of Mr. Gallimore, and subsequently changed to the name of Mr. Godfrey and then to that of Respondent, was closed and the Filing User Statuses of Respondent and Mr. Gallimore were terminated pursuant to W.Pa. LBR 5005-4(d);
- b. Respondent could not make any further filings on the CM/ECF system unless and until he followed the proper procedures and took the required training for obtaining a CM/ECF filing user registration in his own name;
- c. Respondent was to immediately send notices to all participants in current cases in which he was an attorney of record stating that his privilege to file documents in the court had been terminated, that he intended to secure proper filing user status and, he was to provide an

estimated timetable for doing so and advise each party to seek representation by another attorney;

d. On or before August 28, 2012, Respondent was to file a report with the court detailing documentation of compliance with the requirements including a list of all parties notified and a sample of the notice sent;

e. Even if he obtained filing user status under his own name pursuant to the order, under no circumstances was Respondent to make any filings under the name of the firm of "Delerme & Gallimore"; and

f. A copy of the Order would be sent to the Pennsylvania Disciplinary Board for the purpose of determining whether any further action or investigation of Respondent and/or Mr. Gallimore was appropriate. (AE 1)

27. The transcript of the Rule to Show Cause hearing before Chief

Judge Agresti contains, among others, the following exchanges:

THE COURT: You know you have some problems with your license and what you've done here by operating in this Court without having complied with the CM/ECF requirements, okay?

MR. RENWICK: Yes, Sir.

THE COURT: So if you want to preserve your license in Pennsylvania, you know you're going to have to cooperate right now.

Now having said that, at some point in time you realized you had to get your own CM/ECF number otherwise you never would have inquired of the Court for one, correct?

MR. RENWICK: I actually found out [about] the CF number from another lawyer in Michigan, I didn't realize there was a CF number.

MR. RENWICK: Well, really the only thing I see is it had to be the name corrected to Delerme, Gallimore & Renwick, because I would be supervising what was going on.

THE COURT: All right, let's talk about that. What's going on? There's no lawyers in that [firm]. Who's [on] the letterhead, who are those people? Mr. Gallimore has been [suspended] from the practice of law so he can't – he can't run a law firm. What –who are you working for? Who do you work for?

MR. RENWICK: My understand[ing] was Gallimore was, because I've been working in the other office in whatever it is Altoona or whatever.

THE COURT: So your understanding – who's- who is- let me get the names here. Delerme? Who's Delerme? Do you even know?

MR. RENWICK: Well I didn't meet him, no.

THE COURT: Who do – how can you work in a firm and you don't even know who the principals are? Do you share fees with Gallimore and Delerme?

MR. RENWICK: Well, only [in] the respect that Gallimore is acting as a paralegal.

THE COURT: Well, you can't share fees with a paralegal.

THE COURT: All right, Mr. Gallimore, you want to come forward? Sir, you – you're sharing fees with Mr. Renwick on cases?

MR. GALLIMORE Well, as he explained, not to the extent that I do the clerical work and I guess he give[s] a – I'm not sharing the fees, but what clerical work I do in the cases, Your Honor.

THE COURT: Well, it sounded – I don't know what that means. Are you paid an hourly rate?

MR. GALLIMORE: Sometime. It depends. We don't have that many cases, Your Honor, we just have a couple [of] cases here and there.

THE COURT: All right, Well, sounds like you're sharing fees. Are you sharing fees in bankruptcy cases that he's handling?

MR. GALLIMORE Well, when he [has] a bankruptcy case he will give me something. Not in a fee, but he would pay me for my clerical work, yes.

MR. RENWICK: Rent too.

THE COURT: All right. Well, I'm just going to – sir, you've been barred from the practice of law. If you're practicing law right now that – that's something we're going to refer to the U.S. Attorney or the District Attorney.

MR. GALLIMORE: Well, Your Honor –

THE COURT: That's a crime in Pennsylvania.

MR. RENWICK: I'm not practicing law.

THE COURT: I'm talking to Mr. Gallimore –

THE COURT: It sounds to me as if you're practicing law. If this fellow is working for you under your name. Who's Delerme? Who's Delerme?

MR. GALLIMORE: That was my original partner with the firm when it started, Your Honor.

THE COURT: And that person is gone now?

MR. GALLIMORE: He's retired now, Your Honor, but we never changed the name.

THE COURT: So it's just Gallimore then.

MR. GALLIMORE: Yes, Your Honor.

THE COURT: Are there any other attorneys that you're working for in that firm?

MR. GALLIMORE: No, Your Honor. Your Honor, we – basically we only do a couple of bankruptcy cases through Mr. Renwick and that's all with any other cases, Your Honor.

THE COURT: Well, you can't do any. I'm going to bar the entity of Delerme and Gallimore from practice in this Court. I mean you're not – you're not lawyers, you can't practice in this Court. If Mr. Renwick wants to – all right, now I'm going to ask Mr. Renwick a question.

Mr. Renwick, have you been admitted to practice – you have a Pennsylvania law license; is that correct?

MR. RENWICK: Yes, Your Honor.

THE COURT: Okay. All right. Well, if you want to practice in this Court you're going to have to get a CM/ECF number, and that means you've got to satisfactorily complete the course, okay?

MR. RENWICK: Yes. Yes, sir.

THE COURT: All right. But I don't want you practicing in this Court under the law firm or name of the entity known as Delerme & Gallimore, and strongly suggest that if you have a fee sharing arrangement with Mr. Gallimore you better end that real quick, okay?

MR. RENWICK: Yes, sir.

THE COURT: All right. We're going to leave it at that. I'm going to notify the Pennsylvania Disciplinary Board –

MR. RENWICK: I thought he was going to make the firm Delerme, Gallimore & Renwick, Your Honor.

THE COURT: Pardon me, Mr. Renwick?

MR. RENWICK: I thought it was going to end up being like Delerme, Gallimore & Renwick.

THE COURT: I suggest you keep your mouth shut and don't talk anymore, okay? There's no Renwick on the firm anywhere. Plus how can you be in a law firm with two non-lawyers?

All right, very good. We'll leave it at that.

(AE I)

28. Respondent, while associated with Mr. Gallimore, did not practice law from an office in Altoona, Pennsylvania, with Mr. Delerme. (AE I) Respondent never met Mr. Delerme.

29. By Order of Court dated October 4, 2012, the order to show cause filed against Respondent on September 20, 2012, was vacated, and the hearing scheduled for October 12, 2012, was cancelled, because Respondent complied with the reporting requirements contained in the order to show cause. (AE I)

30. In complying with the reporting requirement, Respondent submitted to the Bankruptcy Court a photocopy of correspondence he claimed to have sent to his bankruptcy clients whose matters were pending before the court, informing them that he

could not represent them because he had not complied with the Bankruptcy Court's local rules. (AE I)

31. On October 17, 2013, Mr. Gallimore entered a plea of guilty to criminal charges of Theft, Forgery, and the Unauthorized Practice of Law in Allegheny County Court of Common Pleas. (AE I)

32. Mr. Delorme is named as a victim in the criminal charges against Mr. Gallimore in Allegheny County. (AE I)

33. Respondent testified at the disciplinary hearing.

34. Respondent expressed remorse for his actions but did not fully comprehend the consequences of such actions. (N.T. p. 8-9, 19-20, 23)

III. CONCLUSIONS OF LAW

By his actions as set forth above, Respondent violated the following Rules of Professional Conduct:

1. RPC 3.3(a)(1) – A lawyer shall not knowingly make a false statement of material fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer.

2. 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.

3. RPC 8.4(d) – It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

IV. DISCUSSION

This matter is before the Disciplinary Board for consideration of the charges of professional misconduct brought against Respondent. Petitioner has the burden of proving, by a preponderance of the evidence that is clear and satisfactory, that Respondent's actions constitute professional misconduct. Office of Disciplinary Counsel v. Surrick, 749 A.2d 441 (Pa. 2000). Petitioner contends that Respondent violated Rules of Professional Conduct 3.3(a)(1), 5.5(a), and 8.4(d). Respondent did not respond to the allegations nor deny them in any way. By operation of Rule 208(b)(3), Pa.R.D.E. the factual allegations of the Petition for Discipline are deemed admitted; thus, the allegations establish violations of the above Rules of Professional Conduct.

Respondent practiced law in the United States Bankruptcy Court for the Western District of Pennsylvania in at least 37 cases by accessing and using the CM/ECF identification number of Allan Gallimore, a suspended lawyer both in the federal court and the state courts of Pennsylvania. Not only did Respondent assist Mr. Gallimore in the unauthorized practice of law, his own practice was in violation of the federal rules as he had not satisfactorily completed the required course to obtain his own CM/ECF number, which conduct was prejudicial to the administration of justice. When questioned by the Chief Judge of the Bankruptcy Court, Thomas Agresti, as to the circumstances of his practice, Respondent made a false statement to the Judge that he had practiced law in the office of Augusto Delerme in Altoona.

The issue before the Board is the appropriate discipline warranted by Respondent's misconduct. The degree of discipline is based on the nature and gravity

of the misconduct and the aggravating and mitigating factors. In re Anonymous, No. 85 DB 1997, 44 Pa. D. & C. 4th299 (1999).

The Board has previously considered the issue of a lawyer assisting another in the unauthorized practice of law. Two cases from 2011 are instructive. In Office of Disciplinary Counsel v. Jeffry Stephen Pearson, No. 88 DB 2008 (2011), Mr. Pearson was found to have actively assisted Allen Feingold, a suspended lawyer, in the practice of law from 2007 through 2009. After Pearson agreed to assume the representation of Feingold's former clients, Feingold entered Pearson's appearance without the knowledge of those clients. Feingold then continued to practice law in those cases where Pearson's name had been entered of record. Pearson was aware of Feingold's activities, and permitted and condoned Feingold's unauthorized practice of law. The Board found that although Pearson had no prior discipline and cooperated with Office of Disciplinary Counsel, he refused to accept responsibility for his misconduct and did not demonstrate genuine remorse. Pearson was suspended for a period of 20 months.

In the matter of Office of Disciplinary Counsel v. Myrna W. Galfand, No. 5 DB 2010 (2011), Mrs. Galfand and her husband practiced law for many years in a partnership known as Galfand & Galfand. Mr. Galfand's license to practice was suspended in 2006. Nevertheless, he continued to practice law with Mrs. Galfand. She permitted him to work at the law firm and continue to use the firm name. Aggravating factors were found in that she failed to appear for her disciplinary hearing, and failed to express remorse and take responsibility for her actions. The Supreme Court suspended Mrs. Galfand for one year and one day.

Not only did Respondent in the instant matter knowingly assist a suspended lawyer in the practice of law on numerous occasions, he made a false statement of fact to a judge, thus exacerbating the seriousness of his misconduct.

We note the following aggravating and mitigating factors. Respondent, although expressing remorse for his misconduct, lacked an appreciation for the seriousness of his actions and their consequences on the public and the courts. He did not seem able to comprehend why his actions constituted professional misconduct.

We further note that during the relevant time, Respondent's license to practice law was in good standing and he had no disciplinary record prior to these proceedings. He complied with Judge Agresti's Order of August 14, 2012 by providing the court with a photocopy of correspondence he claimed to have sent to bankruptcy clients with matters before the court, informing them he was unable to represent them due to his failure to comply with the Bankruptcy Court's rules.

In consideration of the facts of record, the case law, and the lack of any substantial mitigating factors, the Board recommends that Respondent be suspended from the practice of law for a period of two years.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, William Nivan Renwick, be Suspended from the practice of law for a period of two years.

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: 

Douglas W. Leonard, Board Member

Date: March 12, 2015