

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2730 Disciplinary Docket No. 3
: :
Petitioner : Nos. 154 DB 2019 & 31 DB 2020
: :
v. : Attorney Registration No. 34574
: :
WILLIAM D. HOBSON, : (Philadelphia)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 11th day of February, 2022, Respondent's request for oral argument and Petition for Review are **DENIED**. See Pa.R.D.E. 208(e)(4) (providing that an attorney has no right to oral argument in disciplinary matters unless the recommendation is for disbarment). Upon consideration of the Report and Recommendations of the Disciplinary Board, William D. Hobson is suspended from the Bar of this Commonwealth for a period of five years. Respondent shall comply with all the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board. See Pa.R.D.E. 208(g).

A True Copy Nicole Traini
As Of 02/11/2022

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	Nos. 154 DB 2019 & 31 DB 2020
Petitioner	:	
	:	
v.	:	Attorney Registration No. 34574
	:	
WILLIAM D. HOBSON,	:	
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 consolidated Petitions for Discipline filed on February 18, 2020, Petitioner, Office of Disciplinary Counsel, charged Respondent, William D. Hobson, with violation of the Pennsylvania Rules of Professional Conduct arising from allegations of misconduct in three separate client matters. Respondent filed an Answer to Petition for Discipline on April 17, 2020.

Following a prehearing conference on February 17, 2021, a District I Hearing Committee (“Committee”) held a disciplinary hearing on March 24, 2021.

Petitioner moved into evidence Joint Stipulations of Fact, Law, and Exhibits and Exhibits ODC-1 through ODC-71. Following the Committee's determination that Petitioner had established a *prima facie* violation of a charged ethics rule, Petitioner moved into evidence Joint Stipulations of Fact and Exhibits Pursuant to D.Bd. Rules § 89.151(b) and Exhibits ODC-72 through ODC-90. Petitioner presented the testimony of one witness. Respondent testified on his own behalf and presented five character witnesses. He also presented testimony from his treating psychologist.

On May 3, 2021, Petitioner filed a post-hearing brief and requested that the Committee recommend to the Board that Respondent be suspended for a period of not less than three years. On May 27, 2021, Respondent filed a post-hearing brief and requested that the Committee recommend to the Board that he receive a stayed suspension with probation and a practice monitor, or in the alternative, a suspension of less than one year.

By Report filed on July 23, 2021, the Committee concluded that Respondent violated the rules charged in the Petition for Discipline and recommended that he be suspended for three years. On July 29, 2021, Respondent filed a Brief on Exceptions to the Committee's Report and recommendation and requested oral argument before the Board. On August 16, 2021, Petitioner filed a Brief Opposing Exceptions.

A three-member panel of the Board held oral argument on September 20, 2021. The Board adjudicated this matter at the meeting on October 25, 2021.

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 (hereinafter "Pa. R. D. E."), with the power and 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 said Rules of Disciplinary Enforcement.

2. Respondent is William D. Hobson, born in 1955 and admitted to practice law in the Commonwealth on October 30, 1981. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

THE ALEX T. BANE MATTER

3. On December 4, 2017, Respondent entered his appearance as counsel for Alex T. Bane, the defendant in a case captioned **Commonwealth v. Alex T. Bane**, CP-51-CR-0008737-2017 ("Bane Case"). Joint Stipulations of Fact, Law, and Exhibits ("JSFLE") ¶ 8.

4. On April 20, 2018, Respondent:

- a. filed a motion to suppress evidence on Mr. Bane's behalf; and
- b. represented Mr. Bane at a suppression hearing before the Honorable Gwendolyn N. Bright. JSFLE ¶ 9.

5. During the suppression hearing, the prosecutor introduced

photographs of the vehicle Mr. Bane was driving when police stopped him; Respondent noted during the hearing that he had only received the photographs that day, but he did not move to exclude the photographs or request a continuance. ODC-1 at PET000004; JSFLE ¶ 11.

6. At the conclusion of the suppression hearing, Judge Bright:
 - a. held the motion to suppress under advisement;
 - b. continued the case until April 26, 2018 for the court's decision; and
 - c. permitted the parties until April 23, 2018 to submit "any other case law" they wanted the court to consider.

ODC-1, Tr. at 99; JSFLE ¶ 12.

7. Judge Bright did not grant either party leave to submit new evidence for the court's consideration with respect to the motion to suppress. ODC-1 at PET000026; JSFLE ¶ 13.

8. On April 25, 2018, the day before Judge Bright was to issue a ruling on the motion to suppress, Respondent hand-delivered to Judge Bright's chambers a handwritten letter: (a) enclosing photographs purportedly of the automobile Mr. Bane was driving when police stopped him; and (b) asserting that the photographs were "[f]or the court's review and consideration of the pending motion." ODC-1 at PET000028-32; JSFLE ¶ 14.

9. Respondent failed to request leave to reopen the record or to submit new evidence to the court with respect to the motion to suppress. N.T. 187-88, 236-37; JSFLE ¶ 16.

10. On April 26, 2018, Respondent appeared in court and provided the prosecutor with copies of the photographs he had previously supplied to Judge

Bright; the prosecutor stated that he had an objection to the photographs. ODC-2 at PET000033, PET000035; JSFLE ¶ 17.

11. Judge Bright did not rule on the prosecutor's objection, but rather recused herself from the Bane Case, stating that:

- a. she had recused herself because of Respondent's "inappropriate" submission of the photographs to her chambers;
- b. the proper course of action for Respondent to have taken "would have been to come into court [that day], let the DA see [the photographs] , and then have a motion to reopen [the record]" ; and
- c. it "create [d] an appearance of impropriety that [Respondent] would even think [Judge Bright] would be receptive" to his conduct.

ODC-3 at PET000035-37; JSFLE ¶ 18; JSFLE ¶ 20.)

12. Respondent has acknowledged that:

- a. his conduct was, inappropriate;
- b. he should have come to court, shown the photographs to the prosecutor and moved to reopen the record; and
- c. his actions improperly created an appearance of impropriety.

ODC-3 at PET000036-37; JSFLE ¶ 19.

13. On June 28, 2018, the Bane Case was relisted before a new judge, the Honorable Kai Scott; Respondent requested a continuance to further investigate the case. ODC-4 at PET000042, PET000048; JSFLE ¶¶ 21, 26.

14. On August 16, 2018:

- a. the Bane Case was again listed before Judge Scott;
- b. Respondent requested a continuance to subpoena an additional police officer and to pass information to the prosecutor regarding the photographs of Mr. Bane's car;

- c. Respondent orally litigated a motion under Pa.R.Crim.P. 600 (b), which resulted in a reduction in pursuant Mr. Bane's bail; and
- d. the Bane Case was rescheduled for September 14, 2018.

ODC-4 at PET000042, 000049; JSFLE ¶ 22.

15. On September 4, 2018, Respondent requested a continuance, and the Bane Case was continued until November 15, 2018 for trial. ODC-4 at PET000042, 000049; JSFLE ¶ 23.

16. On November 8, 2018, new counsel entered his appearance on Mr. Bane's behalf. ODC-4 at PET000050; JSFLE ¶ 24.

17. On November 15, 2018, Mr. Bane pled guilty to carrying a firearm without a license, in violation of 18 Pa.C.S. § 6106(a) (1); pursuant to a negotiated plea agreement, the court sentenced Mr. Bane to imprisonment of 11 to 23 months, to be followed by three years of probation. ODC-4 at PET000044; JSFLE ¶ 25.

THE DERRICK WALKER MATTER

18. In June 2013, Derrick Walker was the defendant at a jury trial in the following consolidated criminal matters:

- a. ***Commonwealth v. Derrick T. Walker***, CP-51-CR-0007470-2011;
- b. ***Commonwealth v. Derrick T. Walker***, CP-51-CR-0007471-2011;
- c. ***Commonwealth v. Derrick T. Walker***, CP-51-CR-0007472-2011; and
- d. ***Commonwealth v. Derrick T. Walker***, XP-51-CR-0007473-2011.

ODC-7 at PET000062-110, ODC-8 at PET000111-158, ODC-9 at PET000159-204, ODC-10 at PET000205-324; JSFLE ¶¶ 30-31.

19. On June 6, 2013, a jury found Mr. Walker guilty of the following:
 - a. four counts of unlawful contact with a minor (18 Pa .C.S. § 6318 (a)(1));
 - b. four counts of corruption of minors (18 Pa .C.S. § 6301 (a)(1)(i));
 - c. one count of unlawful restraint (18 Pa .C.S. § 2902 (a)(1));
 - d. one count of luring a child into a motor vehicle or structure (18 Pa .C.S. § 2 910 (a)); and
 - e. one count of simple assault (18 Pa.C.S. 2701 (a)(1)).

ODC-7 at PET000067-68, ODC-8 at PET000116-117, ODC-9 at PET000164, ODC-10 at PET000210; JSFLE ¶ 32.

20. On January 23, 2014, the Honorable Earl W. Trent sentenced Mr. Walker to an aggregate term of 4 to 10 years of incarceration for the above charges. ODC-7 at PET000082, ODC-8 at PET000132, ODC-9 at PET000179, ODC-10 at PET000225; JSFLE ¶ 33.

21. On May 13, 2016, the Superior Court affirmed Mr. Walker's judgments of sentence. JSFLE ¶ 34.

22. On October 13, 2016, the Supreme Court denied allowance of appeal in Mr. Walker's case. JSFLE ¶ 35.

23. For purposes of filing a petition under the Post Conviction Relief Act ("PCRA"),42 Pa.C.S. § 9541 *et seq.*, Mr. Walker's judgments of sentence became final 90 days later; on January 11, 2017, when the time to seek certiorari expired.

JSFLE ¶ 36.

24. Mr. Walker accordingly had until January 11, 2018 to file a timely PCRA petition. JSFLE ¶ 37.

25. In January 2018, Mr. Walker filed a pro se petition for relief pursuant to the PCRA; Mr. Walker later represented to Respondent that he had placed the petition in the prison mail on January 12, 2018, and provided Respondent with a "cash slip" which supported that assertion. JSFLE ¶ 38.

26. The Court of Common Pleas docketed Mr. Walker's pro se PCRA petition on January 17, 2018. JSFLE ¶ 39.

27. On February 6, 2018, the Court of Common Pleas appointed Respondent to represent Mr. Walker. JSFLE ¶ 40.

28. On February 28, 2018, Mr. Walker's case was scheduled for a May 14, 2018 status listing before the Honorable Genece Brinkley. JSFLE ¶ 41.

29. By letter Respondent incorrectly dated "April 6, 2017" Respondent, *inter alia*:

- a. informed Mr. Walker that Respondent had been appointed to represent him;
- b. provided Mr. Walker with a questionnaire to fill out with respect to his case;
- c. told Mr. Walker that Respondent would keep him "fully apprised of all developments in [his] case as it proceeds"; and
- d. told Mr. Walker that "[a]ny filings will be sent to you to review."

JSFLE ¶ 42. See a true and correct copy of the "April 6, 2017" letter, ODC-11 at PET000245-246; JSFLE ¶ 43.

30. Respondent's "April 6, 2017" letter was his only communication with his client. N.T. 238-39; JSFLE ¶ 44.

31. Respondent provided a questionnaire to Mr. Walker which he completed and returned to Respondent. ODC-12; JSFLE ¶ 45.

32. Between April 6, 2018 and April 22, 2019 (when the PCRA court dismissed Mr. Walker's PCRA petition), Mr. Walker wrote several letters to Respondent and attempted to speak with Respondent several times by telephone. JSFLE ¶ 46.

33. Respondent failed to:

- a. send Mr. Walker any additional letters after the April 6, 2018 letter;
- b. speak with Mr. Walker at any time.
- c. apprise Mr. Walker of any developments in his case; or
- d. send Mr. Walker any filings to review.

JSFLE ¶ 47.

34. On May 14, 2018, Judge Brinkley continued Mr. Walker's case, at Respondent's request, until September 10, 2018, for further investigation. ODC-7 at PET000089; JSFLE ¶ 48.

35. Mr. Walker sent Respondent a letter, on or about June 6, 2018, asking Respondent to "[p]lease tell [him] if [his] entire Preliminary Hearing transcripts [were] in (Mr. Walker's) file" and, if so, to "please send them to [Mr. Walker] unless [Respondent was] using them in (Mr. Walker's PCRA case)." ODC-13 at PET000250-51; JSFLE ¶ 49.

36. Respondent timely received Mr. Walker's June 5, 2018 letter, but did

not respond to it. JSFLE ¶ 50.

37. By letter dated June 12, 2018, Mr. Walker asked Respondent whether certain police officers or prosecutors involved in his case were the subject of “recent investigations into ... corrupt and illegal practices.” Exhibit ODC-14 at PET000252; JSFLE ¶ 51.

38. Respondent timely received Mr. Walker’s June 12, 2018 letter, but did not respond to it. JSFLE ¶ 52.

39. By letter dated June 20, 2018, Mr. Walker asked Respondent to:

a. “explain what [Mr. Walker’s] upcoming 9/10/2018 court proceeding entail[ed] and [would Mr. Walker] be there?”; and

b. “tell [Mr. Walker] if [Respondent had] received any of [Mr. Walker’s] previous letters because I’ve yet to get your response to any of them.”

ODC-15 at PET000253; JSFLE ¶ 53.

40. Respondent timely received Mr. Walker’s June 20, 2018 letter, but did not respond to it. JSFLE ¶ 54.

41. By letter dated August 2, 2018, Mr. Walker, *inter alia*:

a. told Respondent he was “still awaiting [Respondent’s] reply to [his] previous letters; and

b. asked Respondent “what will my 9/10/2018 PCRA proceeding entail.”

ODC-16 at PET000254-255; JSFLE ¶ 55.

42. Respondent timely received Mr. Walker’s August 2, 2018 letter, but failed to respond to it. JSFLE ¶ 56.

43. On September 10, 2018, Judge Brinkley continued the case, at

Respondent's request, until October 10, 2018, for investigation by defense. ODC-7, PET000090-91; JSFLE ¶ 57.

44. By letter dated September 20, 2018, Mr. Walker set forth for Respondent potential issues related to his case. ODC-17 at PET000256-261; JSFLE ¶ 58.

45. Respondent timely received a copy of Mr. Walker's September 20, 2018 letter, but did not respond to it. JSFLE ¶ 59.

46. On October 10, 2018, Respondent filed an "Amended PCA Petition" on Mr. Walker's behalf. ODC-18 at PET000262-266; JSFLE ¶ 60.

47. In the "Amended PCA Petition," Respondent:

a. miscalculated the date that Mr. Walker's judgments of sentence became final, wrongly asserting that the date was January 13, 2017 (it was actually January 11, 2017);

b. incorrectly argued that Mr. Walker had had until one year from January 13, 2017 to file a Petition under the PCRA's one-year jurisdictional time-bar provision, 42 Pa.C.S. § 945(b) (he actually had until one year from January 11, 2017); and

c. incorrectly argued that "[Mr. Walker] did timely file his PCRA on January 23, 2018," as the court had docketed Mr. Walker's *pro se* PCRA petition on January 17, 2018.

ODC-18 at PET000262-263; JSFLE ¶ 61.

48. Respondent failed to send Mr. Walker a copy of the "Amended PCR Petition." JSFLE ¶ 62.

49. On October 10, 2018, Judge Brinkley continued the case until November 14, 2018. ODC-7 at PET000091; JSFLE ¶ 63.

50. By letter dated October 11, 2018, postmarked October 12, 2018, and addressed to Respondent, Mr. Walker, *inter alia*:

a. stated that he was “not pleased with [Respondent’s] ritual of ignoring my many letters ... requesting copies of documents from my file, of not telling me of upcoming PCRA proceedings (dates, continuances: by whom & their reasons) and their contents, and which claims (Respondent) believe[s] are meritorious and which are not”;

b. stated that he was “beyond frustrated by (Respondent’s) non-communication since (Respondent) initial greetings-letter (4/6/2018)”;

c. stated that Respondent’s conduct was “unacceptable by legal and common-decency standards”; and

d. asked Respondent to send him “a letter explaining fully: (1) why [Mr. Walker’s] 10/10/2018 PCRA proceeding was continued again to 11/14/2018, (2) why [Respondent] believe[s] [Mr. Walker’s] claims are or are not meritorious, (3) if [Respondent] still needed[ed] to investigate, what and why is this thing needed and why ha[ve] you yet to receive [] it, (4) will there be any issue waiver for untimeliness, and (5) are you filing a No-Merit letter.

ODC-19 at PET000267-268; JSFLE ¶ 64.

51. Respondent timely received Mr. Walker’s October 11, 2018 letter, but did not respond to it. JSFLE ¶ 65.

52. By letter dated October 13, 2018, Mr. Walker, *inter alia*:

a. provided Respondent with information relevant to the purported timeliness of his PCRA petition, specifically a prison Cash Slip indicating that, on January 12, 2018, he had requested that an item be mailed to the PCRA Unit at the Criminal Justice Center in Philadelphia;

b. asked if Respondent had received Mr. Walker’s October 11, 2018 letter, and offered to re-send it; and

c. told Respondent he was “[l]ooking forward to hearing [Respondent’s] response to this, and [Mr. Walker’s] prior letters prior to [Mr. Walker’s] 11/14/2018 PRCA proceeding.”

ODC-20 at PET000269-271; JSFLE ¶ 66.

53. Respondent timely received Mr. Walker’s October 13, 2018 letter,

but did not respond to it. JSFLE ¶ 67.

54. By letter dated October 23, 2018, Mr. Walker asserted that he should not be required to register as an “SVP” (sexually violent predator). ODC-21; JSFLE ¶ 68.

55. Respondent timely received Mr. Walker’s October 23, 2018 letter, but did not respond to it. JSFLE ¶ 69.

56. By letter dated November 2, 2018, Mr. Walker:

- a. provided Respondent with two “Cash Slips” purporting to show that he mailed his PCRA petition on January 12, 2018; and
- b. explained his position that his PCRA Petition should be deemed timely under this PCR’s one-year time bar.

ODC-22 at PET000273-274; JSFLE ¶ 70.

57. Respondent timely received Mr. Walker’s November 2, 2018 letter, but failed to respond to it. JSFLE ¶ 71.

58. By letter dated November 5, 2018, Mr. Walker:

- a. asked Respondent to obtain and send him recordings of 911 calls for his cases; and
- b. told Respondent he was “still awaiting [Respondent’s] responses to [Mr. Walker’s] letters from 2/16/2018-10/2123/2018.”

ODC-23 at PET000275; JSFLE ¶ 72.

59. Respondent timely received Mr. Walker’s November 5, 2018 letter, but did not respond to it. JSFLE ¶ 73.

60. On November 13, 2018, the Commonwealth filed a motion to dismiss Mr. Walker’s petition as untimely under the PCRA’s one-year time-bar provision. ODC-24 at PET000276-279; JSFLE ¶ 74.

61. Respondent failed to inform Mr. Walker that the Commonwealth had

moved to dismiss his petition and failed to provide Mr. Walker with a copy of the motion. JSFLE ¶ 75.

62. On November 14, 2018, Judge Brinkley continued the case until February 19, 2019. ODC-7 at PET000092; JSFLE ¶ 76.

63. By letter dated November 29, 2018, Mr. Walker asked Respondent, *inter alia*, to send him certain documents related to his case, and to explain certain entries in the docket. ODC-25 at PET000280; JSFLE ¶ 77.

64. Respondent timely received a copy of Mr. Walker's November 29, 2018 letter, but did not respond to it. JSFLE ¶ 78.

65. By letter dated January 11, 2018, Mr. Walker, *inter alia*, told Respondent, "I still await your responses to my previous letters requesting copies of information, specifying what you[r] plans are [for] my 2/19/2019 PCRA proceeding, and what might entail therein." ODC-26 at PET000281-282 JSFLE ¶ 79.

66. Respondent timely received a copy of Mr. Walker's January 11, 2019 letter, but failed to respond to it. JSFLE ¶ 80.

67. By letter dated January 31, 2019, Mr. Walker, *inter alia*, set forth arguments he wanted Respondent to present and told Respondent he was "still await[ing] your responses to all of my previous letters regarding my PCR and [2/19/2019] proceeding." ODC-27 at PET000283-284; JSFLE ¶ 81.

68. Respondent timely received Mr. Walker's January 31, 2019 letter, but failed to respond to it. JSFLE ¶ 82.

69. On February 19, 2019, Respondent filed a second "Amended PCA Petition" on Mr. Walker's behalf, in which, *inter alia*, Respondent:

- a. repeated his incorrect assertion that Mr. Walker had “one year from ... January 13, 2017” to file his PCRA Petition; and
- b. argued that Mr. Walker’s pro se PCRA petition should be deemed timely because he “put the pro se PCRA petition in the [prison] mail on January 12, 2018.”

ODC-28 at PET000285-293; JSFLE ¶ 83.

70. Respondent’s argument in the Amended PCA was frivolous, since the time to file a PCRA Petition had expired on Thursday, January 11, 2018. JSFLE ¶ 84.

71. Respondent failed to send Mr. Walker a copy of the second “Amended PCA Petition.” JSFLE ¶ 85.

72. On February 19, 2019, Judge Brinkley continued the case, at the Commonwealth’s request, until March 19, 2019. ODC-7 at PET000094; JSFLE ¶ 86.

73. By letter dated February 23, 2019, Mr. Walker, *inter alia*, set forth a potential claim of ineffective assistance by his direct appeal counsel and told Respondent he “awaited[ed] [Respondent’s] response to this and my previous letters.” ODC-29 at PET000294; JSFLE ¶ 87.

74. Respondent timely received Mr. Walker’s February 23, 2019 letter, but did not respond to it. JSFLE ¶ 88.

75. By letter dated March 3, 2019, Mr. Walker set forth additional issues he wanted Respondent to raise with the PCRA court and told Respondent, “I await your response to this and all previous letters that you told my Mom was forthcoming.” ODC-30 at PET000295-296; JSFLE ¶ 89.

76. Respondent timely received Mr. Walker’s March 3, 2019 letter, but

failed to respond to it. JSFLE ¶ 90.

77. By letter dated March 4, 2019, Mr. Walker set forth additional issues for Respondent to consider and told Respondent, "If you decide to respond to this or any of my prior letters to you attach your DOC attorney-number ... to my mailing address so it'll be deemed legal mail, opened in my presence." ODC-31 at PET000297; JSFLE ¶ 91.

78. Respondent timely received Mr. Walker's March 4, 2019 letter, but did not respond to it. JSFLE ¶ 92.

79. On March 7, 2019, the Commonwealth filed a motion to dismiss Mr. Walker's PCRA petition, in which the Commonwealth:

- a. noted that Mr. Walker had filed his pro se petition one day after the PCRA's one-year filing period had expired;
- b. stated its position (not put forth by Respondent in either amended PCRA petition) that other documents Mr. Walker had previously filed should be deemed to have timely initiated his PCRA action (p. 4 n.1); and
- c. argued that Mr. Walker's petition was, in any event, without merit.

ODC-32 at PET000298-308; JSFLE ¶ 93.

80. Respondent failed to inform Mr. Walker that the Commonwealth had again moved to dismiss his petition, and failed to send Mr. Walker a copy of the motion. JSFLE ¶ 94.

81. By letter dated March 9, 2019, Mr. Walker requested that Respondent amend his PCRA petition to include an additional claim. ODC-33; JSFLE ¶ 95.

82. Respondent timely received Mr. Walker's March 9, 2019 letter, but

did not respond to it. JSFLE ¶ 96.

83. On March 19, 2019, Judge Brinkley:

- a. issued a Notice Pursuant to Pennsylvania Rule of Criminal Procedure 907 (“Rule 907 Notice”), informing Mr. Walker that she intended to dismiss his PCRA petition because the issues Respondent had raised were without merit; and
- b. continued the case until April 22, 2019.

ODC-34; JSFLE ¶¶ 97, 98.

84. By letter dated March 23, 2019, addressed to Ms. Wilson, Mr. Walker:

- a. noted that he had received the Rule 907 Notice;
- b. requested that the court supply him with a copy of the amended PCRA petition Respondent had submitted; and
- c. noted that he was making the request “because [Respondent] *ha[d]* never informed [him] of any of [his] PCRA proceedings’ developments since his appointment, so [Mr. Walker] [did] not know ... which issues he raised in [the] Amended PCRA Petition.” (emphasis in original).

ODC-35 at PET000313; JSFLE ¶ 99.

85. Ms. Wilson sent Mr. Walker a copy of the amended PCRA petition Respondent had filed. JSFLE ¶ 100.

86. Mr. Walker filed a “Motion for Change of Appointed Counsel William Hobson, Esquire” (“Motion for Change of Appointed Counsel”), which the Court of Common Pleas accepted for filing on April 12, 2019, and in which, *inter alia*, Mr. Walker:

- a. averred that Respondent had never met with him, and had sent him one letter, which was dated April 6, 2018; and

b. requested that the court appoint new counsel to represent him.

ODC-36 at PET000314-316; JSFLE ¶ 101.

87. As Mr. Walker alleged in his March 23, 2019 letter and his Motion for Change of Appointed Counsel, Respondent:

a. had not provided Mr. Walker with a copy of the amended PCRA petitions he had filed;

b. had never met with Mr. Walker; and

c. had sent Mr. Walker only one letter, which was incorrectly dated "April 6, 2017."

JSFLE ¶ 102.

88. Judge Brinkley did not rule on Mr. Walker's Motion for Change of Counsel; Respondent accordingly remained as Mr. Walker's court-appointed counsel. JSFLE ¶ 103.

89. Mr. Walker filed a "Defendant's Reply to Court's Rule 907 Notice of Intent to Dismiss," which the Court of Common Pleas accepted for filing on April 22, 2019. ODC-37 at PET000317-320; JSFLE ¶ 104.

90. By Order dated April 22, 2019, Judge Brinkley dismissed Mr. Walker's PCRA petition. ODC-38; JSFLE ¶ 105.

91. Respondent was aware on or about April 22, 2019 that Judge Brinkley had dismissed Mr. Walker's PCRA petition. JSFLE ¶ 106.

92. Respondent was served with a copy of Judge Brinkley's Order on or about April 22, 2019. JSFLE ¶ 107.

93. Respondent failed to inform Mr. Walker that Judge Brinkley had dismissed his PCRA petition. JSFLE ¶ 108.

94. Respondent failed to consult with Mr. Walker regarding whether Mr. Walker wanted to appeal from Judge Brinkley's dismissal of his PCRA petition. JSFLE ¶ 109.

95. Respondent failed to file a Notice of Appeal on Mr. Walker's behalf. JSFLE ¶ 110.

96. Respondent abandoned Mr. Walker following Judge Brinkley's dismissal of his PCRA petition. JSFLE ¶ 111.

97. Mr. Walker independently learned that Judge Brinkley had dismissed his PCRA petition. JSFLE ¶ 112.

98. Mr. Walker filed a pro se Notice of Appeal to the Superior Court, which was file-stamped May 20, 2019. ODC-39; JSFLE ¶ 113.

99. Mr. Walker's appeal to Superior Court was docketed at Nos. 1564-1567 EDA 2019. JSFLE ¶ 114.

100. Mr. Walker filed a pro se Statement of Matters Complained of on Appeal, which was docketed as filed on May 29, 2019. ODC-40; JSFLE ¶ 115.

101. Respondent did not enter his appearance on Mr. Walker's behalf in the Superior Court. JSFLE ¶ 116.

102. By Order dated January 13, 2020, the Superior Court, *sua sponte*:

- a. consolidated Mr. Walker's appeals;
- b. directed the Prothonotary of that Court to list Respondent as Mr. Walker's counsel;
- c. noted that "there is no indication on the trial court dockets that court appointed counsel, [Respondent], was granted leave to withdraw from the case";
- d. remanded the case "for 30 days for a determination as to whether [Respondent had] abandoned [Mr. Walker] and to take

further action as required to protect [Mr. Walker's] right to appeal, including, but not limited to, appointment of new counsel;

e. vacated the briefing schedule in the case pending receipt of the trial court's response to the Court's Order; and

f. directed that copies of the Order be provided to Judge Brinkley and to Respondent.

ODC-41 at PET000334; ODC-42 at PET000335-339; JSFLE ¶ 117.)

103. On January 24, 2020, Respondent filed in the Court of Common Pleas a motion to withdraw as Mr. Walker's attorney. JSFLE ¶ 118.

104. By Order dated January 28, 2020, Judge Brinkley allowed Respondent to withdraw as Mr. Walker's attorney, and ordered that new counsel was to be appointed. JSFLE ¶ 119.

105. On January 31, 2020, new counsel was appointed to represent Mr. Walker. ODC-42 at PET000338; JSFLE ¶ 120.

THE DAWN A. MONROE-SMITH MATTER

106. By a deed dated February 29, 2016, Dawn A. Monroe- Smith purchased a property at 4324 North Marshall Street, Philadelphia, PA 19140 ("Property") for \$8,000. JSFLE ¶ 124.

107. The transaction was arranged by Kenyatta Montgomery, who told Ms. Monroe-Smith that she was an employee of the City of Philadelphia and that the Property was an abandoned property being sold by the city. JSFLE ¶ 125.

108. Ms. Monroe-Smith's deed was recorded with the City of Philadelphia Department of Records. ODC-45; JSFLE ¶ 126.

109. On October 20, 2016, Richard D. Izaguirre filed a "Complaint-Quiet Title" ("Complaint") against Ms. Monroe-Smith; the case was captioned **Richard D. Izaguirre v. Dawn A. Monroe-Smith**, October Term, 2016, No. 02909 ("Quiet

Title Action"). ODC-46; JSFLE ¶ 127.

110. In the Complaint, Mr. Izaguirre:

- a. claimed Ms. Monroe-Smith's deed was "fraudulent";
- b. requested that the court declare Ms. Monroe-Smith's deed "null and void"; and
- c. requested an order deeding the Property back to him.

JSFLE ¶ 128.

111. Mr. Izaguirre served his complaint on Ms. Monroe-Smith on October 21, 2016. JSFLE ¶ 129.

112. Pursuant to a Contract for Legal Representation, dated November 7, 2016:

- a. Ms. Monroe-Smith agreed to pay Respondent \$750;
- b. Respondent agreed to represent Ms. Monroe-Smith in the Quiet Title Action; and
- c. Respondent specified that he would enter his appearance in the Quiet Title Action, answer the complaint, negotiate with Mr. Izaguirre's attorney to resolve the dispute, and collect damages for Ms. Monroe-Smith for "expenses related to purchase of 4324 N. Marshall St., Phila. PA 19146-2318."

ODC-47 at PET000377-379; JSFLE ¶ 130.

113. On November 7, 2016, Ms. Monroe-Smith paid Respondent \$750 for his representation. ODC-47 at PET000378; JSFLE ¶ 131.

114. It was Ms. Monroe-Smith's understanding that, after she retained Respondent, he would promptly enter his appearance in the Quiet Title Action. JSFLE ¶ 132.

115. Respondent prepared an Entry of Appearance in the Quiet Title

Action, which he dated November 8, 2016, but did not file until January 17, 2017. ODC-48; JSFLE ¶ 133.

116. On November 16, 2016, Ms. Monroe-Smith paid Respondent an additional \$154.54 as the filing fee for filing an answer to the Complaint in the Quiet Title Action. ODC-59 at PET000544; JSFLE ¶ 134.

117. On November 22, 2016, Mr. Izaguirre filed a Motion for Entry of Default Judgment, seeking a default judgment due to Ms. Monroe-Smith's failure to answer the Complaint. ODC-49; JSFLE ¶ 135.

118. The Motion for Entry of Default Judgment was served on Ms. Monroe-Smith. JSFLE ¶ 136.

119. While the Quiet Title Action was pending, Ms. Monroe-Smith received notices of code violations at the Property from the City of Philadelphia Department of Licenses and Inspections. JSFLE ¶ 137.

120. By text message dated November 29, 2016, Ms. Monroe-Smith sent Respondent pictures of: (a) the first two pages of the Motion for Entry of Default Judgment (which were the proposed order); and (b) a "Final Warning," dated November 17, 2016, informing her that the Department of Licenses and Inspections had found violations of the Philadelphia Code at the Property and informing her that fines would be imposed from November 7, 2016, for every day the violations remained uncorrected. ODC-50 at PET000429-433; JSFLE ¶ 138.

121. On November 29, 2016:

- a. Ms. Monroe-Smith left the Motion for Entry of Default Judgment and the Final Notice, dated November 17, 2016, at Respondent's office;
- b. Ms. Monroe-Smith sent Respondent a message informing him

that she had left "paperwork" for him at his office; and

c. Respondent sent Ms. Monroe-Smith a text message thanking her and telling her he would "call her tomorrow."

ODC-50 at PET000434; JSFLE ¶ 139.

122. Respondent orally told Ms. Monroe-Smith he would represent her with respect to the code violations. JSFLE ¶ 140.

123. At no time did the Respondent contact the Department of Licenses and Inspections or the City of Philadelphia Law Department on Ms. Monroe-Smith's behalf with respect to the code violations. JSFLE ¶ 141.

124. By Order dated December 16, 2016, and entered on December 19, 2016, the Honorable Abbe F. Fletman ruled that if Ms. Monroe-Smith failed to file an Answer to the Complaint in the Quiet Title Action within thirty days, title to the Property would be transferred to Mr. Izaguirre. ODC-51; JSFLE ¶ 142.

125. Respondent drafted an Answer to the Complaint in the Quiet Title Action. JSFLE ¶ 143.

126. On December 16, 2016, Ms. Monroe-Smith signed a Verification attesting that the facts set forth in the Answer to the Complaint in the Quiet Title Action were true and correct "to the best of [her] knowledge, information, and belief." ODC-52 at PET000515 JSFLE ¶ 144.

127. On January 17, 2017, Respondent:

a. entered his appearance in the Quiet Title Action on Ms. Monroe-Smith's behalf; and

b. filed a two-page "Answer to the Complaint-Quite [sic] Title," claiming, *inter alia*, that Ms. Monroe-Smith's deed was a "valid legal document" and that she was the "legal owner of the property."

JSFLE ¶ 145.

128. During the course of the representation, Ms. Monroe-Smith and Respondent had discussions regarding whether they should attempt to settle the Quiet Title Action, allowing Mr. Izaguirre to keep the Property in exchange for a payment of money. JSFLE ¶ 146.

129. By text messages date January 17, 2017, *inter alia*:

- a. Ms. Monroe-Smith sent Respondent a copy of a Scheduling Order, dated January 5, 2017, that she had received informing her that a case management conference had been scheduled;
- b. Respondent replied that he would handle the case management conference;
- c. Ms. Monroe-Smith told Respondent she “just want[ed] the rest of [her] money back” and did not “have to keep the property”; and
- d. Respondent told Ms. Monroe-Smith, “We have time to decide.”

ODC-50 at PET000436-439; JSFLE ¶¶ 147, 152.

130. By text message dated February 1, 2017, Respondent:

- a. told Ms. Monroe-Smith that he had received a “schedule to complete discovery” in the case; and
- b. “suggest[ed] [that] we try to settle the case[,] get you some case and let him have the property.”

OCD-50 at PET000442; JSFLE ¶ 148.

131. On February 2, 2017, Ms. Monroe-Smith sent Respondent a text message informing Respondent that:

- a. she had received another “Final Warning,” dated January 23, 2017, regarding additional violations of the Philadelphia Code; and
- b. she did not “want these violations to be in my name if you made the decision to give the property back.”

OCD-50 at PET000443-444; JSFLE ¶ 149.

132. In a text message date February 2, 2017, Respondent replied to Ms. Monroe-Smith, "We are not there yet." OCD-50 at PET000445; JSFLE ¶ 150.

133. In an additional text message dated February 2, 2017, Ms. Monroe-Smith asked Respondent, "What am I suppose[ed] to do about the letter"; Respondent replied in a text message stating, "Just mail it to me." OCD-50 at PET000445; JSFLE ¶ 151.

134. On February 3, 2017, Ms. Monroe-Smith sent Respondent a faxed copy of the January 23, 2017 "Final Warning." ODC-53; JSFLE ¶ 153.

135. Despite having told Ms. Monroe-Smith that she should send the "Final Warning" to him, Respondent did not contact the Department of Licenses and Inspections or take any other steps to address the alleged code violations. JSFLE ¶ 154.

136. On April 12, 2017, the City of Philadelphia filed a Complaint in a Civil Action in Equity against Ms. Monroe-Smith in the Court of Common Pleas of Philadelphia with respect to the code violations at the Property, captioned ***City of Philadelphia v. Monroe-Smith***, April Term 2017, No. 01653 ("Licenses and Inspections Action"). ODC-54 at PET000521-536; ODC-68; JSFLE ¶ 155.)

137. Ms. Monroe-Smith was served with the Complaint in the Licenses and Inspection Action. JSFLE ¶ 156.

138. By text message dated April 27, 2017, Ms. Monroe-Smith sent Respondent several pages from the Complaint in a Civil Action in Equity, including, *inter alia*, a Rule to Show Cause stating that the matter would be heard on June 6, 2017, at 9:00 a.m., in Courtroom 446, City Hall, Philadelphia, Pennsylvania. ODC-50 at PET000448-452; JSFLE ¶ 157.

139. Respondent orally told Ms. Monroe-Smith he would represent her with respect to that proceeding. JSFLE ¶ 158.

140. By text message dated May 25, 2017, Ms. Monroe-Smith:

- a. asked Respondent if he had entered "the written appearance" in the Licenses and Inspections' Action; and
- b. asked Respondent to "get back with [her] soon."

ODC-50 at PET000453-454; JSFLE ¶ 159.

141. Respondent did not reply to Ms. Monroe-Smith's May 25, 2017 text message. JSFLE ¶ 160.

142. Respondent had not entered his appearance in the Licenses and Inspections Action. JSFLE ¶ 161.

143. On June 6, 2017, Ms. Monroe-Smith sent Respondent a text, at 7:47 a.m.:

- a. again asking whether he had entered an appearance in the Licenses and Inspections Action;
- b. reminding him that "[t]he court date is today in courtroom 446"; and
- c. asking him to "call or let me know something."

JSFLE ¶ 162.

144. Respondent replied to Ms. Monroe-Smith in a text message telling her he had contacted the court. ODC-50 at PET000455; JSFLE ¶ 163.

145. In response to Ms. Monroe-Smith's further inquiry as to whether she no longer needed to go to court, Respondent replied in a text message telling her:

- a. "[p]lay it safe" by "go[ing] to court [to] request a continuance"; and
- b. "[w]e might hold onto the property if [the] other side does not

make a better offer."

ODC-50 at PET000456; JSFLE ¶ 164.

146. Respondent had not entered an appearance in the Licenses and Inspections Action. JSFLE ¶ 165.

147. On June 6, 2017, after the exchange of text messages set forth in ¶¶ 147-49, *supra*, Ms. Monroe-Smith:

- a. attended court, without counsel, in the Licenses and Inspections Action;
- b. was informed by an inspector that there was a tenant living in the Property; and
- c. was informed that the city would waive the fees for the code violations if she would make required repairs to the Property.

JSFLE ¶ 166.

148. After leaving court, Ms. Monroe-Smith sent Respondent another text message, dated June 6, 2017, at 11:01 a.m. informing Respondent that:

- a. she had delivered paperwork to Respondent's office;
- b. she needed to repair the heater at the Property by August 29, 2017;
- c.
- d. an inspector had told Ms. Monroe-Smith that there was a tenant living in the Property; and
- e. Ms. Monroe-Smith needed "paperwork that w[ould] allow [her] to enter the property."

ODC-50 at PET000458; JSFLE ¶ 167.

149. In response to Respondent's text inquiring as to whether she had been collecting rent, Ms. Monroe-Smith told him she was not, as she "didn't know someone was living there" and had not "been to the house since last year." ODC-

50 at PET000459; JSFLE ¶ 168.

150. Pursuant to an "Order By Agreement To Comply Violations," dated June 6, 2017, and entered on June 8, 2017, the Court of Common Pleas required Ms. Monroe-Smith to, *inter alia*, repair the heater in the Property, and continued the Licenses and Inspections Action until August 29, 2017. ODC-55; JSFLE ¶ 170.

151. By text message, dated June 12, 2017, Ms. Monroe-Smith asked Respondent:

- a. "what it is I need to do to keep these inspectors off my back about getting these violations repaired or do I need to get them repaired"; and
- b. "if so can we get the Sheriff to go out there to put the people out[?]"

JSFLE ¶ 171.

152. Respondent replied by telling Ms. Monroe-Smith that he would "call the other lawyer." ODC-50 at PET000467; JSFLE ¶ 172.

153. By another text message, dated June 12, 2017, Ms. Monroe-Smith informed Respondent that she had received a \$75.00 "code enforcement reinspection fee" for the Property and asked whether she should pay it. ODC-50 at PET000467-470; JSFLE ¶ 173.

154. By text message dated June 13, 2017, Respondent advised Ms. Monroe-Smith to pay "the fine," telling her it "helps prove ownership." ODC-50 at PET000471; JSFLE ¶ 174.

155. By another text message, dated June 13, 2017, Ms. Monroe-Smith asked Respondent what she should do about a Real Estate Tax Bill she had received in the amount of \$735.78, but received no reply from Respondent. ODC-

50 at PET000472; JSFLE ¶ 175.

156. By check dated June 13, 2017, Ms. Monroe-Smith paid the \$75.00 reinspection fee. ODC-56; JSFLE ¶ 177.

157. Ms. Monroe-Smith paid the \$735.78 tax bill. JSFLE ¶ 178.

158. In an exchange of text messages dated June 21, 2017:

a. Ms. Monroe-Smith asked Respondent if he had heard back from "the other party in this case," noted that she was "not able to let these violations just sit," and told him that he "need[ed] to move on this situation before the city starts to penalize [her]";

b. Respondent replied that "[t]hey will pay you \$500" and "take over the [L&I] mess";

c. Ms. Monroe-Smith noted that she had already "put out more than that," to which Respondent replied that she should not "spend any money to fix it";

d. Ms. Monroe-Smith responded, asking what she was "supposed to do about the city" and noting that she was "confused because last week [Respondent] had told her to pay another bill";

e. Respondent replied that "[i]f [Mr. Izaguirre] takes title to the house your [sic] off the hook";

f. Ms. Monroe-Smith noted that if she did that she would be "losing money for sure," to which Respondent retorted "[t]hen keep it"; and

g. Ms. Monroe-Smith, *inter alia*, told Respondent that he was "directing [her] one way last week and this week [he was] directing [her] another way" which "puzzled" her, but he did not respond.

ODC-50 at PET000473-478; JSFLE ¶ 179.

159. By text message dated July 3, 2017, Ms. Monroe-Smith told Respondent that a woman named Stephanie Medina and "3 small children [were] liv[ing] in the [Property]," that Mr. Izaguirre had been renting the house since April 2016, and that Ms. Medina had been paying Mr. Izaguirre \$550.00 per month,

along with paying the water bill. (ODC-50 at PET483-484, PET000501; JSFLE ¶ 180.

160. On July 5, 2017, Ms. Monroe-Smith paid \$56.35 to the Department of Licenses & Inspections for a license permitting her to rent the Property. ODC-57 at PET000540-000541; JSFLE ¶ 181.

161. By text message dated August 4, 2017, Respondent told Ms. Monroe-Smith that he had received an "offer for \$1500" and recommended that she "take [it]." ODC-50 at PET000487; JSFLE ¶ 182.

162. Ms. Monroe-Smith rejected the offer of \$1,500. JSFLE ¶ 183.

163. On July 11, 2017, Ms. Medina entered into a Lease with Ms. Monroe-Smith to pay her \$650.00 per month as rent for the Property. ODC-58 at PET000542; JSFLE ¶ 184.

164. Pursuant to a Contract for Legal Representation, dated August 17, 2017, Ms. Monroe-Smith agreed to pay Respondent an additional \$700 for "completion of [the] civil litigation." ODC-59 at PET000543; JSFLE ¶ 185.

165. On August 17, 2017, Ms. Monroe-Smith paid Respondent the additional \$700. ODC-59 at PET000544; JSFLE ¶ 186.

166. Prior to August 23, 2017, Ms. Monroe-Smith had the heater in the Property inspected, and was informed that it was operating properly. JSFLE ¶ 187.

167. By a "Praecipe to Discontinue and End," dated August 22, 2017, and entered on August 23, 2017, the Licenses and Inspections Action was discontinued and ended without prejudice. ODC-60; JSFLE ¶ 188.

168. On September 15, 2017, Ms. Monroe-Smith paid \$658.05 to repair two railings for the stairs in the Property. ODC-61; JSFLE ¶ 189.

169. On March 1, 2018, Ms. Medina moved out of the Property. JSFLE ¶ 190.

170. On or about March 24, 2018, the Court of Common Pleas sent Respondent notice that the Quiet Title Action had been listed in the "Trial Ready Pool" for April 2018. ODC-67 at PET000548; JSFLE ¶ 191.

171. On or about March 24, 2018, Respondent received notice that the Quiet Title Action had been listed in the Trial Ready Pool for April 2018. JSFLE ¶ 192.

172. When cases are placed in the Trial Ready Pool in the Philadelphia Court of Common Pleas, the cases are assigned not later than 3:00 p.m. the day prior to trial; counsel are expected to be "trial ready" for the duration of the monthly pool. ODC-71; JSFLE ¶ 193.

173. Respondent failed to inform Ms. Monroe-Smith that the Quiet Title Action had been listed in the "Trial Ready Pool" or that the case could soon be called to trial. JSFLE ¶ 194.

174. On April 23, 2018, Respondent received a voicemail message from the Court of Common Pleas informing him that the Quiet Title Action was listed for trial on April 24, 2018, before the Honorable Angelo Foglietta. JSFLE ¶ 195.

175. Despite being aware that the Quiet Title Action was listed in the Trial Ready Pool and could be called for trial on notice of less than one day, Respondent failed to check his voicemail messages. JSFLE ¶ 196.

176. On April 24, 2018, at approximately 10:00 a.m., Respondent received a telephone call from Judge Foglietta's staff inquiring as to why he was not present in court. JSFLE ¶ 197.

177. Respondent called Ms. Monroe-Smith at approximately 10:22 a.m. on April 24, 2018, and told her she needed to appear at the Court of Common Pleas within the next hour for her case. JSFLE ¶ 198.

178. At the time Ms. Monroe-Smith received Respondent's call, she was at the hospital with her mother, who had Stage IV cancer. N.T. 23; JSFLE ¶ 199.

179. Ms. Monroe-Smith went immediately to the Court of Common Pleas in City Hall in Philadelphia. JSFLE ¶ 200.

180. By the time Respondent appeared in Judge Foglietta's courtroom, Judge Foglietta had already ruled in favor of Mr. Izaguirre. JSFLE ¶ 201.

181. Ms. Monroe-Smith arrived at the Court of Common Pleas less than one hour after receiving Respondent's call, but the trial was already over; court staff informed her that Respondent was speaking with Judge Foglietta in the judge's chambers. JSFLE ¶ 202.

182. Respondent then returned and met with Ms. Monroe-Smith outside the courtroom, during which meeting he:

- a. told Ms. Monroe-Smith he had only learned of the trial date one hour beforehand;
 - b. told Ms. Monroe-Smith he would file an appeal the next day;
- and
- c. advised Ms. Monroe-Smith to sell the Property as soon as possible on "webuyhouses.com."

N.T. 24; JSFLE ¶ 203.

183. On April 24, 2018, while the events were fresh in her memory, Ms. Monroe-Smith wrote down an account of what had occurred that day. ODC-62; JSFLE ¶ 204.

184. By Order dated April 25, 2018 and entered on April 27, 2018, Judge

Foglietta:

- a. noted that the case had been "called to trial and all counsel notified of the same";
- b. noted that Ms. Monroe-Smith had "failed to timely appear at trial when the case was called";
- c. entered a verdict in favor of Mr. Izaguirre;
- d. ordered that title to the Property be transferred into Mr. Izaguirre's name;
- e. ordered that Ms. Monroe-Smith was "forever BARRED from asserting any right, claim, lien, rents, title, or interest in the Property";
- f. directed the Commissioner of the Department of Records of Philadelphia County to invalidate the deed conveying the Property to Ms. Monroe-Smith, and reinstate the deed conveying the property to Mr. Izaguirre; and
- g. ordered that "[a]ny rents, security deposits or any other funds held in escrow by any person or institution are to [be] release[d] ... to [Mr. Izaguirre] within thirty (30) days."

ODC-63 at PET548-550; JSFLE ¶ 205.

185. Respondent received a copy of Judge Foglietta's April 25, 2018 Order. JSFLE ¶ 206.

186. Respondent did not provide Ms. Monroe-Smith with a copy of Judge Foglietta's April 25, 2018 Order. JSFLE ¶ 207.

187. Respondent did not explain the terms of Judge Foglietta's April 25, 2018 Order to Ms. Monroe-Smith. JSFLE ¶ 208.

188. Respondent did not file an appeal on Ms. Monroe-Smith's behalf from Judge Foglietta's ruling. JSFLE ¶ 209.

189. Ms. Monroe-Smith did not sell the Property after Judge Foglietta

ruled against her. JSFLE ¶ 210.

190. On April 26, 2018, Ms. Monroe-Smith leased the Property to April Harris for \$650 per month; Ms. Harris is Ms. Monroe-Smith's daughter. ODC-64; JSFLE ¶ 211.

191. By a text message to Respondent, dated April 27, 2018, Ms. Monroe-Smith:

a. wrote, "Hello Mr. Hobson, I haven't received the paperwork for the appeal you put in. Can you please make sure I get a copy of it[?]" ; and

b. provided Respondent with her email address.

ODC-50 at PET00495; JSFLE ¶ 212.

192. Respondent failed to respond to Ms. Monroe-Smith's April 27, 2018 text message. JSFLE ¶ 213.

193. After sending Respondent her April 27, 2018 text message, Ms. Monroe-Smith called Respondent and asked Respondent about the appeal; during that call, Respondent falsely told Ms. Monroe-Smith that he had filed the appeal. JSFLE ¶ 214.

194. On September 28, 2018, the Court of Common Pleas issued a Writ of Possession, directing the Sheriff of Philadelphia County to deliver possession of the Property to Mr. Izaguirre. ODC-65 at PET000552-554; JSFLE ¶ 215.

195. On or about September 28, 2018, Mr. Izaguirre left a note in the door of the Property stating, *inter alia*, that he had "won the case" and that the tenant should "not give [Ms. Monroe-Smith] no money." JSFLE ¶ 216.

196. The note from Mr. Izaguirre was the first time Ms. Monroe-Smith had been told that she had lost the Quiet Title Action. JSFLE ¶ 217.

197. On September 28, 2018:

- a. Ms. Monroe-Smith sent Respondent a message, including a picture of Izaguirre's note, and asked Respondent to call her;
- b. Respondent replied in a text message, telling Ms. Monroe-Smith he would "call later" and asking her if she had "received any legal documents from the [City of [P]hiladelphia that legal title to the [sic] property has changed"; and
- c. Ms. Monroe-Smith sent Respondent a text message telling him, *inter alia*, that she had not received anything from the City, that the deed was still in her name, and that she "hope[d] they don't change anything out [of] my name without me knowing."

ODC-50 at PET000496-499; JSFLE ¶ 218.

198. On or about October 1, 2018, Ms. Harris found a Writ of Possession and a Notice to Vacate on the door of the Property and contacted Ms. Monroe-Smith. JSFLE ¶ 219.

199. On October 1, 2018:

- a. Ms. Monroe-Smith sent Respondent a text message attaching pictures of the Writ of Possession and the Notice to Vacate;
- b. Respondent replied by sending Ms. Monroe-Smith a text message advising her, *inter alia*, that it appeared that Mr. Izaguirre had "obtained the proper legal papers," that she should [c]ontinue to collect rent until the last date," and that she should "collect any of [her] possessions from the property";
- c. Ms. Monroe-Smith sent Respondent a text message asking, "How did he get the property without me going to court[] [?]" and
- d. Respondent told her "[t]he judge ruled on our motions" and that "[i]t's called a motion for summary judgement [sic]."

ODC-50 at PET000500-506; JSFLE ¶ 220.

200. Respondent's assertion that Judge Foglietta had "ruled on our motions" and granted "a motion for summary judgment" were knowingly false since, as he knew, Judge Foglietta had ruled against Ms. Monroe-Smith following

a trial on April 24, 2018, for which Respondent had failed to timely appear. ODC-68; JSFLE ¶ 221.

201. Respondent's advice that Ms. Monroe-Smith should "continue to collect rent" was improper because it was in violation of Judge Foglietta's April 25, 2018 Order, which, *inter alia*, precluded Ms. Monroe-Smith from "asserting any right, claim, lien, rents, title, or interest in the Property." JSFLE ¶ 222.

202. On October 2, 2018:

a. Ms. Monroe-Smith and Ms. Harris went to the Court of Common Pleas in Philadelphia, where they met with attorneys who provided them with pro bono assistance with respect to the Notice to Vacate;

b. the attorneys informed Ms. Monroe-Smith that Judge Foglietta had ruled against her in the Quiet Title Action and that Respondent had not filed an appeal;

c. Ms. Monroe-Smith sent Respondent a text message noting that he had "never filed the appeal," and asking Respondent to withdraw his appearance as her attorney in the Quiet Title Action; and

d. Respondent filed a Praecipe to withdraw as Ms. Monroe-Smith's attorney in the Quiet Title Action.

ODC-50 at PET000507, ODC-66 at PET000566 (Respondent's Praecipe to Withdraw); JSFLE ¶ 223.

CRIMINAL CONVICTION

203. On January 7, 1998, Respondent entered an open plea of guilty to seven counts of theft by deception, 18 Pa.C.S. § 3922, in the Court of Common Pleas of Chester County, ***Commonwealth v. William D. Hobson***, CP-15-CR-0003611-1997. On March 4, 1997, the Court of Common Pleas sentenced Respondent to 15 years of non-reporting probation, and ordered him to make

restitution of funds to former clients within five years. Respondent's conviction arose from his theft of client funds. N.T. 197; JSDBR ¶ 229.

DISCIPLINARY HISTORY

204. By Order dated January 22, 1997, the Supreme Court of Pennsylvania accepted Respondent's resignation from the Pennsylvania bar and disbarred him on consent. ODC-73; JSDBR ¶ 230.

205. The United States District Court for the Eastern District of Pennsylvania ("Eastern District") disbarred Respondent by consent on January 30, 1997, *In re William D. Hobson*, Misc. No. 97-020. ODC-74; JSDBR ¶ 231.

206. The Supreme Court of New Jersey reciprocally disbarred Respondent by Order dated April 14, 1998, *In the Matter of William D. Hobson, an Attorney at Law*, 708 A.2d 698 (N.J. 1998). ODC-75; JSDBR ¶ 232.

207. The Supreme Court of Florida granted Respondent's Petition for Disciplinary Resignation by Order dated January 7, 1999, *The Florida Bar v. William D. Hobson*, Case No. 94,349. ODC-76; JSDBR ¶ 233.

208. The United States District Court for the Southern District of Florida ("Southern District of Florida") disbarred Respondent by Order dated February 26, 1998, *In the Matter of William D. Hobson*, Administrative Order, No. 98-04. ODC-77; JSDBR ¶ 234.

209. By Order dated October 30, 2007, the Supreme Court of Pennsylvania granted Respondent's petition for reinstatement. ODC-78; JSDBR ¶ 235.

210. By Order dated July 12, 2012, the Eastern District granted Respondent's petition for reinstatement. ODC-79; JSDBR ¶ 236. Respondent has

not sought reinstatement in Florida or New Jersey. N.T. 154-55.

211. On May 10, 2016, Respondent received an Informal Admonition for violating RPC 1.3, 1.4 (a)(3), and 1.4(a)(4). ODC-80; JSDBR ¶ 237. The conduct leading to that discipline included: filing an appeal but then abandoning the client by failing to file any subsequent documents, resulting in dismissal of the appeal; failing to keep the client advised of the status of the appeal; and failing to respond to several requests for information about the case. N.T. 212-214.

212. On April 3, 2018, Respondent received a private reprimand for violating RPC 1.1, 1.3, and 8.4(d). ODC-81; JSDBR ¶ 238. The conduct leading to that discipline included: failing to file a brief which resulted in the dismissal of a client's appeal; failing to notify the client of the dismissal; and failing to file a certification that he had notified the client of the dismissal, as ordered by the court. N.T. 214-216.

TAX LIENS

213. On November 6, 2009, the Commonwealth of Pennsylvania Department of Revenue filed a tax lien in the amount of \$765.15 against Respondent. ODC-82; JSDBR ¶ 239.

214. On October 12, 2010, the Internal Revenue Service filed a tax lien in the amount of \$28,250.22 against Respondent. ODC-83; JSDBR ¶ 240.

215. On December 14, 2012, the Internal Revenue Service filed a federal tax lien in the amount of \$53,705.54 against Respondent. ODC-84; JSDBR ¶ 241.

216. On August 27, 2013, the Internal Revenue Service filed a tax lien in the amount of \$22,097.60 against Respondent. ODC-85; JSDBR ¶ 242.

217. On December 16, 2013, the Internal Revenue Service filed a tax lien

in the amount of \$12,526.41 against Respondent. ODC-86; JSDBR ¶ 243.

218. On June 11, 2018, the Commonwealth of Pennsylvania Department of Revenue filed a tax lien in the amount of \$1,014.08 against Respondent. ODC-87; JSDBR ¶ 244.

219. On January 17, 2019, the Commonwealth of Pennsylvania Department of Revenue filed a tax lien in the amount of \$1,309.34 against Respondent. ODC-88; JSDBR ¶ 245.

220. On May 17, 2019, the Internal Revenue Service filed a federal tax lien in the amount of \$34,240.93 against Respondent. ODC-89.

221. As of the hearing, Respondent had not paid off any of these tax liens. N.T. 229; JSDBR ¶ 246.

JAMES BEASLEY, ESQ. v. WILLIAM D. HOBSON, ESQ., JANUARY TERM, 1992, NO. 2133

222. Exhibit ODC-90 includes the following documents from a case captioned **James Beasley, Esquire, et al. v. William D. Hobson, Esquire**, January Term, 1992, No. 2133: (a) Civil Docket Report; (b) Complaint in Equity, filed January 15, 1992; (c) Praecipe to Enter Judgment, filed April 4, 1996, in the amount of \$109,422.92; and (d) Plaintiff's Petition for Contempt of Judge Maier's Order of September 27, 1993 or Suffer Sanctions, dated April 16, 1996, with attached exhibits. JSDBR ¶ 247.

223. Respondent failed to pay the judgment. N.T. 162-653, 231-32.

WITNESS TESTIMONY – DAWN MONROE-SMITH

224. Ms. Monroe-Smith credibly testified that:

a. Respondent's communication with her during his

representation was "very poor";

b. Respondent never apologized to her or acknowledged responsibility for making her miss her trial date or for failing to file an appeal on her behalf;

c. Respondent never showed remorse for anything that happened in her case; and

d. Respondent's conduct in representing her led her to believe that "the legal system had failed [her]" and that she could no longer "trust the legal system."

N.T. 22-28.

WITNESS TESTIMONY – CHARACTER WITNESSES

225. Kenneth Edelin, Jr., Esquire, was admitted to the bar of the Commonwealth in 1997. He credibly testified that:

a. he is currently the Chief of the Trial Division of the Philadelphia Public Defendant's Office;

b. he has known Respondent since working with him in or around 2010 or 2011, on both civil and criminal cases at Silvers, Langsam & Weitzman;

c. based upon his observations, he believed Respondent to be "[v]ery competent, hardworking, [and] conscientious," and that he "cared about the clients, cared about the outcome, [and] did everything he could to achieve the best results for our clients";

d. among people Mr. Edelin knows in the Philadelphia legal community who also know Respondent, Respondent has a good reputation as a peaceful, law-abiding, truthful, and honest person; and

e. Respondent told Mr. Edelin about the instant disciplinary matters and expressed his remorse;

f. he knew of "different stressors in terms of life circumstances" that Respondent was undergoing, including Respondent's daughter's addiction and his concern for his grandchild.

N.T. 33-37, 49.

226. Mr. Edelin did not know if the people with whom he had discussed Respondent's character were aware of his informal admonition, his private reprimand, or his instant disciplinary matters, but "presume[d]" that knowing about those matters would affect their opinions of him as an attorney. N.T. 41-43.

227. John Logue, Esquire, was admitted to the bar of the Commonwealth in 1981. He credibly testified that:

a. he knows Respondent through common colleagues, from their involvement in "recovery programs" at Pennsylvania Lawyers Concerned for Lawyers, which included working and volunteering with as well as attending meetings of that organization;

b. he also knows Respondent from working together at Silvers, Langsam & Weitzman where Respondent did both civil and criminal cases, and Respondent was "conscientious" and "prepared" when Mr. Logue observed him;

c. among people Mr. Logue knows in the legal community who also know Respondent, Respondent has a good reputation as a peaceful, law-abiding, truthful, and honest person; and

d. Respondent told Mr. Logue about the instant disciplinary matters and expressed his acceptance of responsibility and remorse.

N.T. 50-56, 66.

228. Mr. Logue was not aware that, in addition to these three cases, Respondent had also received an informal admonition and a private reprimand since being reinstated. N.T. 60.

229. Mr. Logue was not aware that Respondent had been convicted of theft. N.T. 63-64.

230. Mr. Logue acknowledged that he did not "sit around and talk about reputations" for being law abiding, but based his testimony on the fact that he

"never heard ... a negative word about that." N.T. 61.

231. Donald Foster, a partner in an executive search firm, credibly testified that:

- a. he has known Respondent since the fifth grade, and still speaks with him on a regular basis;
- b. he was aware of Respondent's past problems with alcohol and his criminal conviction, as well as the family stressors associated with his grown children;
- c. among people Mr. Foster knows who also know Respondent, Respondent has a good reputation as a truthful, honest, peaceful, and law-abiding person; and
- d. with respect to this disciplinary matter, Respondent told Mr. Foster that he had "made a mistake" and was "sorry for what he had done."

N.T. 67-71.

232. Mr. Foster testified that he did not actually discuss Respondent's truthfulness, peacefulness, or law-abiding nature with others, but rather based his testimony about his reputation on "the absence of bad information." N.T. 72-74.

233. Mr. Foster did not know if the other people he knew who also knew Respondent were aware of Respondent's criminal record, the facts of this case, or the other ethical issues Respondent has had in his legal career. N.T. 74.

234. Jack Ryder, a retired executive, credibly testified that:

- a. he has known Respondent for over twenty years from attending Alcoholics Anonymous meetings together;
- b. among people Mr. Ryder knows who also know Respondent, Respondent has a good reputation as a truthful, honest, peaceful, and law-abiding person; and

c. when talking to Mr. Ryder, Respondent had "accepted responsibility" and showed "signs" of remorse.

N.T. 131-133.

235. Mr. Ryder did not know if the people he knows who also know Respondent are aware of Respondent's criminal conviction or his misconduct in this case. N.T. 134-35.

236. Will Potter, a restaurant owner, credibly testified that:

a. Respondent had represented him "a few years ago" with respect to a firearms charge, and that they had "maintained contact";

b. he was satisfied with Respondent's representation and he has referred others to Respondent;

c. among people Mr. Potter knows who also know Respondent, Respondent has a good reputation as a truthful, honest, peaceful, and law-abiding person.

N.T. 136-38.

237. Mr. Potter did not know whether the people he knows who also know Respondent are aware of Respondent's criminal record. N.T. 140-41.

WITNESS TESTIMONY – EXPERT WITNESS

238. David Terjanian, Psy.D. is a clinical psychologist and testified as an expert. N.T. 77-82.

239. Dr. Terjanian testified that he has treated Respondent "off and on" since 2001. During the period 2017 through 2019, Dr. Terjanian had seen Respondent only five times: three times in 2017; once in 2018; and once in 2019. N.T. 78-79, 103-104; R-4.

240. Dr. Terjanian did not recall how many times he saw Respondent in

2016, but he did not believe it was any more frequently than in 2017. N.T. 125.

241. During the period 2017 through 2019, Dr. Terjanian had recommended to Respondent that Respondent meet with him more frequently, but Respondent did not follow up on the recommendation. N.T. 105-107, 126.

242. In 2020, Dr. Terjanian met with Respondent one time in March and one time in August. N.T. 82-83.

243. Respondent began seeing Dr. Terjanian more frequently in mid-February 2021, which was one month before the hearing in this matter. N.T. 82-83.

244. When Dr. Terjanian first met with Respondent in 2001, Respondent's "presenting diagnosis" was "bipolar affective disorder"; Respondent had also been "early in recovery from alcohol addiction." N.T. 84.

245. In the past three or four years, Dr. Terjanian has not seen any evidence that Respondent was suffering from severe depression or severe mania, and he believed Respondent's bipolar affective disorder was "being treated for the most part fairly effectively" by medication and "other self-help things"; he believed that Respondent was "on track" with respect to the treatment of his bipolar condition. N. T. 85-86, 111, 113-14.

246. As Dr. Terjanian acknowledged, he was not opining that Respondent's bipolar affective disorder caused him to commit the specific acts of misconduct in this case, or that Respondent had any other psychological condition that caused him to commit that misconduct. N.T. 118-120.

247. Dr. Terjanian testified that Respondent's bipolar depression, which had been "extreme from history from 20 plus years ago," was not a "contributing

factor" to the misconduct in this case. N.T. 123.

248. Dr. Terjanian did not believe that Respondent was suffering from clinical depression. N.T. 124.

249. To Dr. Terjanian's knowledge, Respondent has not used alcohol in the years Dr. Terjanian has been treating him, and he did not believe alcohol abuse was a causative factor in Respondent's misconduct. N.T. 81, 114.

250. The current focus of Dr. Terjanian's work with Respondent is addressed to Respondent's "family problems" and he treats Respondent "as much as [Respondent] makes himself available." N.T. 87, 118-119.

251. Dr. Terjanian testified that Respondent had spoken with him about distractions in his family life for the entire 20 years of their acquaintance. In the last couple of years, those distractions related to addiction issues with a son and daughter. N.T. 89, 121-22.

252. Dr. Terjanian offered an opinion regarding the impact of Respondent's home and personal life on his work; specifically, Dr. Terjanian noted that Respondent has had problems with his adult children and opined that: "[A]ny mistakes [Respondent] has made in the practice of law, as we all make, have been impacted by his home and personal life and these stresses have contributed to making those mistakes." N.T. 88, 119-21; R-2.

253. Dr. Terjanian acknowledged that the same conclusion - that work can be impacted by stresses in one's home and personal life - would be true of anyone. N.T. 121.

254. Dr. Terjanian stated that when anyone takes on too much, a person will get distracted, sometimes get depressed; "We can come out of that depression

when the stress is alleviated a little bit, but to keep that on an even keel, that's really the trick and the key, to keep it even." N.T. 87.

255. Dr. Terjanian stated that for progress, Respondent would have to see him on a regular basis, to which Respondent agreed. In addition, as Dr. Terjanian previously suggested to Respondent "back in 2007," Dr. Terjanian recommended that Respondent obtain administrative help so that his prognosis is good for carrying out the requirements of an attorney. N.T. 98-100.

256. Dr. Terjanian acknowledged that he had only limited knowledge about the specific misconduct Respondent had committed in these matters, and he did not reference the misconduct in his report. N.T. 115-118; R-2.

RESPONDENT'S TESTIMONY

257. As of the date of the disciplinary hearing, Respondent was 66 years of age and had been married for 38 years. He and his wife have six adult children. N.T. 145.

258. After graduating from law school in 1980, Respondent served four years in the United States Coast Guard as an Assistant Legal Officer. After his active duty, Respondent was in the Reserves and remained in the Active Reserves until the early 1990s. He received an honorable discharge with the rank of Lieutenant Commander. N.T. 148.

259. After Respondent was honorably discharged from the Coast Guard, he and his family lived in Florida where he practiced as an Assistant State Attorney in Broward County, akin to the District Attorney's office in Pennsylvania. N.T. 149.

260. Respondent was employed as an Assistant State Attorney in

Broward County for three and one-half years and then moved back to Pennsylvania and began working for James Beasley, Sr. handling plaintiff's cases. N.T. 149-50.

261. Respondent began abusing alcohol in college and went through a period of time during his practice when he had been drinking excessively. He has been sober since November 26, 1996 and attends Alcoholics Anonymous on a regular basis. N.T. 150-51, 195.

262. In or around 1987, Respondent left the Beasley Firm and began his own practice. During the 1990s, he misappropriated client funds and pled guilty to seven counts of theft in the Court of Common Pleas of Chester County. He was given fifteen years of probation, which ultimately was terminated after seven and one-half years. N.T. 151, 152.

263. Because of his theft conviction, Respondent voluntarily resigned and was disbarred on consent. The disbarment order was entered on January 22, 1997. N.T. 153; ODC-73.

264. During his disbarment, Respondent initially did paralegal work then worked in **the** construction business as a general laborer. He was reinstated by the Pennsylvania Supreme Court on October 30, 2007. N.T. 153-54.

265. After his reinstatement, Respondent performed document review work through an agency called Hudson Legal. He then started working with the law firm of Silvers, Langsam & Weitzman. N.T. 155-157.

266. Respondent left Silvers, Langsam & Weitzman in or around July of 2014 and opened his own law practice, where he has continued to practice as

a sole practitioner ever since. N.T. 157, 158.

267. In recent years, Respondent has attempted to limit and focus his law practice in the area of criminal law. Occasionally he would practice in another area of the law, such as when he became involved in Ms. Monroe-Smith's real estate matter. N.T. 159, 160.

268. Since becoming a sole practitioner, Respondent has never employed a secretarial staff. Respondent has had a very difficult time maintaining cash flow during this time period. N.T. 161, 162.

269. Respondent admitted that there was a 25 year old judgment against him for monies owed to the Beasley firm, which he has not paid due to lack of funds. N.T. 163, 164.

270. To Respondent's knowledge, there were no other outstanding judgments against him other than the monies owed to the Beasley firm. N.T. 166.

271. Respondent has never been sued for legal malpractice or professional liability. N.T. 166.

272. Respondent admitted that he owes taxes, including interest and penalties, which he has not paid due to lack of funds. He has referred several cases to Attorney Dean Weitzman and he is hoping the referrals will generate referral fees and these funds will be earmarked to pay the Internal Revenue Service. N.T. 167.

273. Respondent has contacted tax-related agencies to assist him in working out payment plans with the Internal Revenue Service. N.T. 168.

274. The Philadelphia court appointment system owes Respondent

about \$30,000.00, which has not been paid because Respondent owes City taxes. Respondent is hoping to use that money to pay some of his back taxes. N.T. 169.

275. Respondent was diagnosed with bipolar disorder in 1996. In the 1990s, he sought active psychiatric care and was prescribed Depakote, which he still uses regularly. N.T. 169-70, 171. He no longer sees his treating psychiatrist, but receives the Depakote from his family physician. N.T. 150-151, 171.

276. Respondent began seeing Dr. Terjanian before his reinstatement to the bar in 2007 and has seen him intermittently since that time. N.T. 172.

277. Respondent has suffered a great deal of stress because two of his adult children have serious addiction issues. His son, who is now thirty years old, has a serious opioid addiction but is currently sober. N.T. 174-75.

278. Respondent's daughter was actively drinking alcohol and using drugs while she was in high school. Her addiction problems became more serious beginning in 2014 and have continued through the present time. N.T. 175, 176.

279. The daughter and her child reside with Respondent and his wife, who take a major role in raising the grandchild. His daughter has a criminal history of several DUIs and is on probation in Chester County. N.T. 177-78.

280. During the time he represented Mr. Bane, Mr. Walker, and Ms. Monroe-Smith, Respondent was having many problems with his daughter. She had overdosed twice and been arrested twice. There were times he could

not find his daughter and he was worried for her. The situation "threw [Respondent] off course." N.T. 179-80.

281. Respondent acknowledged his history of private discipline. N.T. 181.

282. Even though he had received the informal admonition and private reprimand, Respondent thought he could keep things under control and did not seek help after the imposition of the 2016 admonition and the 2108 reprimand, seeing Dr. Terjanian only occasionally. N.T. 181, 182.

283. Respondent reached out to members of Lawyers Concerned for Lawyers to seek help and has become a volunteer with that organization. N.T. 182, 183.

284. Respondent admitted his misconduct and accepted responsibility for his wrongful actions in the Bane, Walker, and Monroe-Smith matters. N.T. 187, 188, 189, 190-191.

285. Respondent expressed remorse. N.T. 195, 196.

286. Respondent testified that he has reduced his case load and is only handling criminal cases. He is hoping to work for a small firm and has talked to friends and colleagues to see if there is a possibility he could join a firm but has no plans to do so. N.T. 192, 193.

287. If he has to remain as a sole practitioner, Respondent would attempt to hire at least a part-time, if not a full-time, secretary, but would prefer to work with a group of lawyers if possible. N.T. 194.

288. Respondent intends to "remain much more vigilant and active" with Dr. Terjanian than he has in the past. N.T. 194.

III. CONCLUSIONS OF LAW

1. By his conduct as set forth above, Respondent violated the following Pennsylvania Rules of Professional Conduct:

a. RPC 1.1, which states that a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation (Bane and Monroe-Smith);

b. RPC 1.3, which states that a lawyer shall act with reasonable diligence and promptness in representing a client (Walker and Monroe-Smith);

c. RPC 1.4(a)(2), which states that a lawyer shall reasonably consult with the client about the means by which the client's objectives are to be accomplished (Walker);

d. RPC 1.4(a)(3), which states that a lawyer shall keep the client reasonably informed about the status of the matter (Walker and Monroe-Smith);

e. RPC 1.4(a)(4), which states that a lawyer shall promptly comply with reasonable requests for information (Walker and Monroe-Smith);

f. RPC 1.4(b), which states that a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation (Walker);

g. RPC 1.16(d), which states that 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 may retain papers relating to the client to the extent permitted by other law (Walker);

h. RPC 3.5(b), which states that a lawyer shall not communicate ex parte with such a person [a judge, juror, prospective juror or other official] during the proceeding unless authorized to do so by law or court order (Bane);

i. RPC 8.4(c), which states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation (Monroe-Smith); and

j. RPC 8.4(d), which states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice (Bane and Monroe-Smith).

2. Respondent failed to satisfy his burden of proving by clear and convincing evidence, as required by *Office of Disciplinary Counsel v. Seymour Braun*, 553 A.2d 894 (Pa. 1989), that he suffered from a psychiatric disorder that caused his misconduct.

IV. DISCUSSION

Here, the Board considers the allegations against Respondent that he committed professional misconduct in three separate client matters. Petitioner bears the

burden of proving ethical misconduct by a preponderance of clear and satisfactory evidence. *Office of Disciplinary Counsel v. John T. Grigsby, III*, 425 A.2d 730, 732 (Pa. 1981). Upon review of the record before us, we conclude that the charged violations have been conclusively established through the Joint Stipulations and Petitioner's exhibits.

In the Bane matter, Respondent represented his client at an April 20, 2018 hearing on a motion to suppress before the Honorable Gwendolyn N. Bright. At the conclusion of the hearing, Judge Bright continued the matter until April 26, 2018 for her decision. Respondent did not at any time request leave from the court to present new evidence. Instead, the day before Judge Bright was to issue her ruling, he delivered a handwritten letter to her chambers, ex parte, enclosing photographs purportedly of the car Mr. Bane was driving when police stopped him. The letter asked the judge to consider that new evidence. As a result of Respondent's improper actions that created an appearance of impropriety, Judge Bright recused herself without issuing a ruling.

In the Walker matter, Respondent was court-appointed to represent his client in a PCRA matter. Respondent's sole communication with Mr. Walker, who was in prison, was a letter he sent to his client on or about April 6, 2018, in which he introduced himself and enclosed a form for Mr. Walker to complete, which Mr. Walker did. Respondent never met with his client during the representation. After sending the letter, Respondent failed to communicate with his client for more than one year, despite receiving numerous letters from Mr. Walker requesting information. The court dismissed Mr. Walker's PCRA petition on April 22, 2019; Respondent thereafter failed to inform his client of the ruling or take any steps to protect Mr. Walker's interests. After Mr. Walker

learned of the dismissal on his own and filed an appeal, Respondent abandoned his client entirely.

Respondent similarly failed in his ethical obligations to Ms. Monroe-Smith. In that matter, Ms. Monroe-Smith engaged Respondent in November 2016 for representation after she was sued in a Quiet Title action. Over a period of nearly two years, until he withdrew from the action on October 2, 2018, Respondent engaged in a course of neglect and dishonesty. Respondent: failed to timely enter his appearance and file an answer to the complaint; told his client he would handle a code violation matter but failed to do so; failed to inform his client that the Quiet Title action had been listed in the "Trial Ready Pool" and would be called to trial in April 2018; despite knowing that the Quiet Title Action was in the Trial Ready Pool and could be called for trial on notice of less than one day, failed to check his voicemail, which neglect resulted in his failure and that of his client to timely appear for trial and cost Ms. Monroe-Smith her opportunity to present her case. Further, after the court ruled against Ms. Monroe-Smith, Respondent told her he would file an appeal but never did; gave his client improper advice to immediately sell the property; falsely told his client that he had filed the appeal on her behalf and allowed her to continue believing he had taken action to protect her interests; and falsely told Ms. Monroe-Smith that she lost her case on a motion for summary judgment rather than at a trial for which he failed to timely appear. Throughout the representation, Respondent failed to respond to requests from Ms. Monroe-Smith seeking information on her matter.

Having concluded that Respondent violated the ethical rules charged in the Petitions for Discipline, we turn to the appropriate sanction to address his serious misconduct. Our review of this matter follows the filing of the Committee's Report

recommending a suspension for three years; Respondent's exceptions to the Committee's Report challenging the Committee's recommendation and arguing that the appropriate discipline is a stayed suspension or, at most, a suspension for less than one year; Petitioner's exceptions opposing Respondent's recommended discipline and in support of a suspension for three years; and oral argument before a Board panel.

For the following reasons, the Board recommends that Respondent be suspended for a period of five years.

It is well-established that each disciplinary matter must be decided on its own unique facts and circumstances. ***Office of Disciplinary Counsel v. Robert S. Lucarini***, 472 A.2d 186 (Pa. 1983). In order to "strive for consistency so that similar misconduct is not punished in radically different ways," ***Office of Disciplinary Counsel v. Anthony Cappuccio***, 48 A.3d 1231, 1238 (Pa. 2012) (quoting ***Lucarini***, 472 A.2d at 190), the Board is guided by precedent for the purpose of measuring "the respondent's conduct against other similar transgressions." ***In re Anonymous (Linda Gertrude Roback)***, 28 Pa. D. & C. 4th 398, 406 (1995). The Board is mindful when adjudicating each case that the foremost purpose of the lawyer discipline system in Pennsylvania is to protect the public, preserve the integrity of the courts, and deter unethical conduct. ***Office of Disciplinary Counsel v. Akim Czmus***, 889 A.2d 1197 (Pa. 2005).

Because discipline is imposed on a case-by-case basis, the Board must consider the totality of the facts presented, including any aggravating or mitigating factors. ***Office of Disciplinary Counsel v. Brian Preski***, 134 A.3d 1027, 1031 (Pa. 2016). This record established several aggravating and mitigating factors that inform the Board's assessment that a five year suspension is warranted.

Respondent's history of discipline is the predominant aggravating factor in this matter. Respondent is a recidivist offender with a long record of prior discipline. Respondent was admitted to practice law in the Commonwealth on October 30, 1981. Approximately fifteen years later, on December 5, 1996, Respondent filed a voluntary resignation statement with the Court and on January 22, 1997, the Court disbarred Respondent on consent for misappropriating client funds, an egregious breach of client trust warranting the most severe sanction permitted under Pennsylvania's disciplinary system. The client theft was the basis for Respondent's criminal conviction in 1998, where he pled guilty to seven counts of theft by deception. Respondent spent approximately ten years on disbarment and was reinstated by Order of the Court dated October 30, 2007.

Respondent's disbarment and removal from practice for ten years was not the last time he was the subject of disciplinary proceedings. On May 10, 2016, approximately eight years and six months after being reinstated, Respondent received an informal admonition for violating RPC 1.3, 1.4(a)(3), and 1.4(a)(4). Respondent's conduct leading to that discipline included filing an appeal on behalf of a client, then abandoning the client by failing to file any subsequent documents, which resulted in dismissal of the appeal; failing to keep the client advised of the status of the appeal; and failing to respond to several requests for information about the case.

Slightly less than two years after receiving the informal admonition, on April 3, 2018, Respondent received more private discipline in the form of a private reprimand, a step above the informal admonition in terms of progressive discipline. The reprimand was imposed for Respondent's violation of RPC 1.1, 1.3, and 8.4(d). Respondent's conduct leading to the reprimand included failing to file a brief on behalf of a client, which resulted in the dismissal of his client's appeal; failing to notify the client of the dismissal,

as the Superior Court had ordered; and failing to file a certification that he had notified his client of the dismissal, as the Superior Court had ordered.

Most recently, on February 18, 2020, less than two years after receiving the private reprimand, Petitioner charged Respondent with professional misconduct in the three separate client matters currently before the Board.

There are several important points to consider when examining Respondent's lengthy record of discipline in juxtaposition to the instant misconduct. First, we recognize that although the disbarment occurred nearly 25 years ago for criminal misconduct bearing no relation to the instant misconduct, nevertheless, the disbarment remains a part of Respondent's disciplinary record that the Board considers in this matter. As to the 2016 admonition and the 2018 reprimand, it is significant that five of the conduct rules Respondent violated in the current matter are identical to the rules that Respondent violated in the previous matters, signifying an ongoing pattern of client misconduct. As to the timing of the instant misconduct, the record established that the imposition of the prior discipline did not deter Respondent from committing additional and similar misconduct. In the Bane matter, Respondent committed his misconduct on April 25, 2018, just twenty-two days after receiving the private reprimand. In the Walker matter, Respondent sent one letter to his client on April 6, 2018, three days after receiving the reprimand and thereafter had no communication with his client before abandoning him on appeal. In the Monroe-Smith matter, Respondent was retained on November 7, 2016, six months after receiving the informal admonition, and failed to timely appear for his client's trial on April 24, 2018, a mere three weeks after receiving the private reprimand. Notably, the instant matter contains multiple counts of misconduct in three separate client matters, compared to the single client matter involved in both the informal admonition and private reprimand

matters. The conclusion to be drawn from this record is that the imposition of the two private discipline sanctions made no impression on Respondent whatsoever to induce him to conform his conduct to ethical standards. He has continued to engage in misconduct similar to his previous misconduct and concerning, has increased the seriousness and scope of the misconduct.

We also consider in aggravation the credible testimony of Dawn Monroe-Smith, Respondent's client and a victim of his unprofessional conduct. Ms. Monroe-Smith testified that Respondent never apologized to her or acknowledged responsibility for making her miss her trial date and for failing to file an appeal – in fact, Respondent lied to Ms. Monroe-Smith that he had filed an appeal - and never showed remorse. Ms. Monroe-Smith had never hired an attorney prior to Respondent, and her testimony revealed that Respondent's conduct negatively affected her impression of the legal system and undermined her trust in the system. This testimony underscored the detrimental impact of Respondent's unprofessional conduct not only on his client, but on the reputation of the profession.

Additional aggravating factors that we consider but accord less weight include Respondent's history of federal and state tax liens and a long-outstanding judgment entered against him in a case asserted by a former employer.

In mitigation, Respondent presented five character witnesses who credibly testified that among the people they know who also know Respondent, he has a reputation for being peaceful, law-abiding, truthful, and honest. The more compelling testimony came from Mr. Edelin and Mr. Logue, Pennsylvania-licensed attorneys who have known Respondent for some time through work and through common colleagues and community experiences. Attorneys Edelin and Logue credibly testified that based on

their observations when each worked with Respondent at the Silvers, Langsam & Weitzman law firm, Respondent was competent, hardworking, conscientious, and cared about the firm's clients. Both witnesses testified that Respondent informed them about his current disciplinary matter and expressed remorse. However, Attorney Edelin acknowledged that he did not know if the people with whom he had discussed Respondent's character were aware of the instant disciplinary matters, but "presumed" that knowing about the matters would affect their opinions of Respondent as an attorney. Likewise, Attorney Logue was not aware that Respondent had been convicted of theft and did not know if the people with whom he spoke about Respondent knew of his criminal conviction.

Mr. Foster, Mr. Ryder, and Mr. Potter offered credible testimony based on their relationships with Respondent, but were not aware of details of Respondent's misconduct in the instant matter and were not aware whether those they knew who also knew Respondent were aware of his background. Considering the testimony as a whole, we give Respondent's character evidence weight in mitigation, but conclude, as did the Committee, that it is weakened by the fact that witnesses did not fully understand the current charges and some details of Respondent's past history. See, ***Office of Disciplinary Counsel v. Valerie Andrine Hibbert***, No. 215 DB 2019 (D. Bd. Rpt. 2/17/2021, at p. 38) (S. Ct. Order 4/27/2021) (testimony of character witnesses undermined by lack of knowledge of some or most of Hibbert's misconduct).

Respondent presented the testimony of his psychologist, Dr. Terjanian, in an attempt to establish mitigation based upon his mental health. The record established that Dr. Terjanian has treated Respondent intermittently for many years. He first met with Respondent in 2001 and diagnosed him with bipolar affective disorder and early recovery

from alcohol addiction. Dr. Terjanian testified that he saw Respondent infrequently during the time frame of the instant misconduct: three times in 2017, once in 2018, and once in 2019. He did not recall how many times he met with Respondent in 2016, but did not believe it was any more frequently than in 2017. In 2020, Dr. Terjanian met with Respondent once in March and once in August. In the month leading up to the disciplinary hearing, Dr. Terjanian and Respondent met more frequently. Dr. Terjanian acknowledged the infrequency of Respondent's treatment sessions with him over the years, testifying that he treats Respondent "as much as [Respondent] makes himself available." N.T. 87. Dr. Terjanian stated that for progress, Respondent would have to see him on a regular basis.

The record established that in the past three or four years, Dr. Terjanian has not seen any evidence that Respondent was suffering from symptoms of bipolar affective disorder and testified that Respondent's disorder was being treated by medication and that Respondent was "on track" with treatment for that condition. To Dr. Terjanian's knowledge, Respondent had not used alcohol in the years he had been treating him. Respondent's testimony confirmed that he has been sober since 1996.

Dr. Terjanian conceded that Respondent's bipolar affective disorder did not cause him to commit the specific acts of misconduct in the instant matter, and further conceded that Respondent had no other psychological conditions that had caused him to commit misconduct. The doctor offered his opinion that Respondent's bipolar disorder was not a contributing factor to his misconduct. Accordingly, we conclude that Respondent failed to meet his burden of proving that his condition was a causal factor in his misconduct. ***Office of Disciplinary Counsel v. Seymour Braun***, 553 A.2d 894 (Pa. 1989).

Respondent's testimony also addressed the family problems he has experienced and Dr. Terjanian confirmed that the focus of his current work with Respondent is on addressing those problems, which the doctor indicated have existed in some permutation for 20 years. Consistent with this focus, the doctor offered a general opinion that problems and stressors in Respondent's family life would have contributed to his legal practice problems – of which Dr. Terjanian did not exhibit any specific knowledge - and caused a distraction, but acknowledged that the same would be true of anyone. This general assertion that Respondent's personal problems contributed to unspecified professional misconduct does not satisfy the **Braun** standard.

Respondent testified on his own behalf, providing information about his background, family life, work experience, disciplinary history, and history of alcohol addiction and bipolar affective disorder. Respondent acknowledged his wrongdoing, expressed remorse, and showed cooperation with Petitioner by entering into extensive stipulations of fact and law. These factors are properly weighed in mitigation, but we decline to give great weight to Respondent's acceptance of responsibility and remorse. As is often the case, actions speak louder than words. Respondent's continued misconduct like clockwork every two years since 2016 raises doubts as to the sincerity of his remorse and his claims that he will now take steps to avoid misconduct in the future, particularly in light of his testimony that demonstrated he has not changed any of the circumstances that he claims contributed to his problems.

Respondent testified that he has never had support staff during the entire time he has operated a sole practice. He further explained that he has had ongoing difficulties maintaining cash flow in his practice. Respondent indicated that personal problems with his family, particularly with two of his adult children, have caused him to be

distracted from his practice and neglect his clients over the past four or five years. The record demonstrated that all of these practice and personal difficulties have existed for years, yet Respondent has not shown that he is serious about addressing these issues. Dr. Terjanian testified that as far back as 2007, he recommended that Respondent obtain administrative help for his law practice. Respondent has never done so. And as the record demonstrated, Respondent ignored advice to treat with Dr. Terjanian on a regular basis, only doing so a short time before the disciplinary hearing in this matter. While we are not unsympathetic to Respondent's personal problems, the Board's paramount responsibility is to protect the public. We cannot simply accept Respondent's promises that he will do better the next time without supportive evidence. He conceded that he has problems that have impacted his practice for years, but the record shows that up to this point in time he has failed to take any steps to remedy the problems in order to practice law in an ethical manner. We are not convinced on this record that Respondent will take the future steps necessary to ensure that his misconduct will not be repeated. On this record, Respondent poses a danger to the public.

The record demonstrated that Respondent committed a wide range of serious misconduct in three client matters, including improperly attempting to submit new evidence *ex parte*; failing to communicate with a client for more than a year, then abandoning that client entirely; failing to timely appear for a trial, falsely telling the client that he had filed an appeal, then lying to the client about the reason she lost the case, and advising the client to sell her property after the judge had ruled against her in the Quiet Title action. Precedent suggests that standing alone, this course of misconduct warrants a suspension. See, ***Office of Disciplinary Counsel v. Tangie Marie Boston***, No. 99 DB 2018 (D. Bd. Rpt. 12/10/2019) (S. Ct. Order 2/12/2020) (suspension of one

year and one day where Boston engaged in a pattern of neglect in four matters; no prior discipline and no dishonest conduct; mitigation included Boston's acceptance of responsibility and recognition that she had committed sanctionable misconduct); **Office of Disciplinary Counsel v. Howard Goldman**, No. 157 DB 2003 (D. Bd. Rpt. 5/2/2005) (S. Ct. Order 8/3/2005) (suspension of one year and one day where Goldman, who had no prior discipline, neglected four client matters and made misrepresentations to two clients).

Here, Respondent's misconduct is severely aggravated by the factors discussed above, particularly his record of discipline reflecting his troubling inability to conform to ethical standards of the profession after the repeated warnings of disbarment and two separate instances of private discipline. Precedent establishes that recidivist offenders should receive more severe disciplinary sanctions. The Court has not hesitated to impose lengthy suspensions on respondents with prior disciplinary records who engage in continued misconduct.

In the matter of **Office of Disciplinary Counsel v. Melanie D. Naro**, No. 212 DB 2011 (D. Bd. Rpt. 9/19/2012) (S. Ct. Order 12/6/2012), the Court imposed a two year suspension where Naro committed misconduct constituting neglect and lack of communication in one matter after having received a private reprimand in 2006 for mishandling escrow funds, an informal admonition in 2007 for neglect and lack of communication in three matters, and a six month suspension with probation for one year and a practice monitor in 2012 for neglect in two matters. A two year suspension was imposed on a recidivist offender in **Office of Disciplinary Counsel v. Craig B. Sokolow**, No. 83 DB 2018 (D. Bd. Rpt. 9/4/2019) (S. Ct. Order 12/11/2019). Therein, Sokolow made knowingly false statements of fact to a judge during an oral argument concerning

Sokolow's obtaining an electronic account with the federal court in New York and filing certain documents. Subsequently, Sokolow made false statements to Office of Disciplinary Counsel during disciplinary proceedings, provided incredible testimony at his disciplinary hearing, and showed no remorse for his misconduct. Sokolow had been disbarred in 1997 based on a criminal conviction and after being reinstated in 2008, received an informal admonition in 2013 for violation of RPC 8.4(c) in connection with a false statement he made about opposing counsel in a divorce proceeding.

In another matter involving a repeat offender, **Office of Disciplinary Counsel v. Robert A. Krug**, 89 DB 2014 (S. Ct. Order 12/30/2014), the Court granted the Joint Petition in Support of Discipline on Consent and suspended Krug for three years for engaging in misconduct in four matters, where he failed to provide fee agreements, lacked diligence, and failed to properly communicate with his clients. Krug had a disciplinary record consisting of a private reprimand imposed in 2002 for neglect of a client matter and a public censure imposed in 2008 for neglect of a client matter. In mitigation, Krug cooperated with Office of Disciplinary Counsel and expressed remorse.

In the matter of **Office of Disciplinary Counsel v. Lawrence J. DiAngelus**, 907 A.2d 452 (Pa. 2006), DiAngelus had been disbarred in 1984 and reinstated in 1992. In 2002, ten years after reinstatement, DiAngelus received an informal admonition for signing his co-counsel's name on a petition and verification without co-counsel's knowledge or permission. Shortly thereafter, in 2003, Office of Disciplinary Counsel brought charges against DiAngelus that ultimately resulted in the Court's conclusion that DiAngelus engaged in deceit by making a misrepresentation to a prosecutor to secure a negotiated plea. In weighing the appropriate discipline, the Court considered DiAngelus's disciplinary history, noting that the disbarment was 20 years old

and based on misconduct that had occurred while DiAngelus was addicted to cocaine. The Court also weighed DiAngelus's character testimony from eight witnesses and his charitable endeavors. After considering these aggravating and mitigating factors and the Board's recommendation to disbar DiAngelus, the Court imposed a five year suspension.

In the matter of *Office of Disciplinary Counsel v. Alexander Z. Talmadge, Jr.*, No. 240 DB 2018 (D. Bd. Rpt. 12/17/2019) (S. Ct. Order 3/24/2020), Talmadge engaged in misconduct in three matters. In the first, he neglected a client, which included failure to file a notice of appeal, communication deficiencies, misrepresentations to his client, and failure to refund the unearned portion of the fee. In another matter, Talmadge conducted himself in a manner that harassed and intimidated a third party and engaged in conduct prejudicial to the administration of justice. Lastly, Talmadge failed to comply with a condition attached to a previous public censure imposed in 2012. In aggravation, Talmadge had a lengthy record of discipline consisting of a private reprimand in 2003 for neglect of a client matter, an informal admonition in 2005 for neglect of a client matter, an informal admonition in 2009 for failing to communicate with a client and failing to notify clients of his inactive status, and a public censure on consent with one year of probation in 2012 for failing to provide a written fee agreement, failing to submit a memorandum to the court, failing to appear at a hearing, failing to act with diligence in a client matter, and failing to inform a client that her case had been dismissed. The Board recommended that Talmadge be suspended for two years; however, the Court rejected that recommendation and imposed a five year suspension.

The case precedent supports the imposition of a five year suspension in the instant matter. Like DiAngelus and Sokolow, Respondent's history of discipline includes disbarment and reinstatement, followed by subsequent acts of misconduct for which

discipline was deemed necessary. Similar to Talmadge, Krug, and Naro, Respondent's misconduct has occurred with regularity over time - in this case three times since 2016 - and like the cited matters, the instant misconduct is not only similar to his prior acts of misconduct, but has increased in breadth and depth, a very troubling pattern.

Respondent's request for a disciplinary sanction that does not require a showing of fitness to resume practice is not supported by the case precedent. We further conclude that Respondent's mitigating evidence is not strong enough to support imposition of the lighter discipline for which he advocates. As discussed above, Respondent's expressions of remorse and acceptance of responsibility are not afforded great weight in mitigation, as he failed to show he has taken steps to ensure that the misconduct will not continue unabated; his character evidence is given only partial weight because the witnesses lacked awareness of Respondent's misconduct and past disciplinary history; and the expert testimony is accorded no weight under **Braun**, as Respondent failed to meet his burden to prove he suffered from a psychiatric disorder that caused his misconduct.

In our independent judgment, after considering the nature of the instant misconduct, the aggravating and mitigating factors and the respective weight accorded to each, as well as the case precedent, we conclude that a five year suspension is consistent and appropriate to fulfill the purpose of the disciplinary system. Primarily, it is our view that in this matter, the public would be placed in danger and the reputation of the courts and the profession would suffer by imposing anything less than a five year suspension on an attorney who has a lengthy record of discipline and who continues to conduct himself in contravention of the ethical standards of the profession, without providing any evidence that he taken ameliorating steps. A five year suspension is

warranted to assure the public that the Board and the Court will not tolerate this cycle of repeated misconduct.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, William D. Hobson, be Suspended for five 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: */s/ Jerry M. Lehocky*
Jerry M. Lehocky, Vice-Chair

Date: 11/24/2021

Members Dee, Miller, Rafferty, and Senoff recused.