

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY
COUNSEL,

Petitioner

v.

KIMBERLY ANN FURMANEK,

Respondent

: No. 2998 Disciplinary Docket No. 3
:
: No. 154 DB 2023
:
: Attorney Registration No. 318304
:
: (Greene County)
:
:
:
:

ORDER

PER CURIAM

AND NOW, this 4th day of September, 2025, upon consideration of the Report and Recommendations of the Disciplinary Board, Kimberly Ann Furmanek is suspended from the Bar of this Commonwealth for a period of two years. Respondent shall comply with 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 09/04/2025

Attest: Nicole Traini
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 154 DB 2023
Petitioner	:	
	:	
v.	:	Attorney Registration No. 318304
	:	
KIMBERLY ANN FURMANEK,	:	
Respondent	:	(Greene County)

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

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

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

I. HISTORY OF PROCEEDINGS

By Petition for Discipline filed on November 2, 2023, Petitioner, Office of Disciplinary Counsel, charged Respondent, Kimberly Ann Furmanek, with violation of the Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement arising out of her representation of a client on criminal charges and her criminal conviction of two counts of disorderly conduct in Washington County. Furmanek filed an Answer to Petition for Discipline on December 12, 2023.

After assignment to a District IV Hearing Committee ("Committee"), a prehearing conference was held on March 21, 2024. Petitioner and Furmanek filed their respective exhibits and witness lists on April 12, 2024; neither party filed any objections. On April 30, 2024, Petitioner filed exhibit ODC 23, consisting of supplemental evidence that was received after the filing deadline. Furmanek objected to the introduction of ODC 23. The Hearing Committee Chair reserved ruling on the objection until the hearing.

The Committee held a disciplinary hearing on May 8 and 9, 2024. Furmanek appeared pro se. On May 8, 2024, Petitioner introduced ODC Exhibits 1-22. After argument on Furmanek's objection to ODC 23, the Committee ruled that the exhibit was admitted as an aggravating factor. Furmanek then introduced Respondent Exhibits A-L. Petitioner offered the testimony of four witnesses: Warden Jeffrey Fewell, Major David Coddington, Patrick Grimm, Esquire, and James Jeffries, Esquire. On May 9, 2024, Furmanek testified on her own behalf. Petitioner offered the testimony of Pene Cecil in rebuttal. At the conclusion of Furmanek's case, the Committee found that Petitioner had met its burden of establishing a prima facie violation of at least one of the charged Rules of Professional Conduct. Furmanek presented the testimony of Travis Lemley and Harry Cancelmi, Esquire in mitigation. Petitioner recalled Major Coddington to introduce evidence of aggravation.

On August 29, 2024, Petitioner filed a post-hearing brief to the Committee and requested that the Committee recommend to the Board that Furmanek be suspended for a period of one year and one day. Furmanek did not file a post-hearing brief.

By Report filed on November 18, 2024, the Committee concluded that Furmanek violated the rules charged in the Petition for Discipline and recommended that

she be suspended for a period of one year and one day. The parties did not take exception to the Report. The Board adjudicated this matter at the meeting on January 23, 2025.

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, PA 17106-2485, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (Pa.R.D.E.), with the power and the duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

2. Respondent, Kimberly Ann Furmanek, was born in 1987. She was admitted to practice law in the Commonwealth of Pennsylvania on November 18, 2014.

3. Furmanek is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

4. Furmanek has no record of prior discipline.

5. Following the issuance of a Rule to Show Cause on June 24, 2024, by Order dated July 12, 2024, the Supreme Court of Pennsylvania placed Furmanek on temporary suspension from the practice of law.

The Lazear Representation

6. As of November 26, 2020, John Quinten Lazear was incarcerated in the Washington County Correctional Facility ("WCCF"). ODC 3.

7. On December 17, 2020, Furmanek filed an entry of appearance to represent Lazear for the criminal charges docketed in the Court of Common Pleas of Washington County, Pennsylvania at docket CP-63-CR-2118-2020. ODC 3, Bates 56.

8. On March 1, 2021, Furmanek filed an entry of appearance to represent Lazear for the criminal charges docketed in the Court of Common Pleas of Washington County, Pennsylvania at CP-63-CR-0289-2021 and CP-63-CR-0392-2021. ODC 3, Bates 86, 109.

9. Furmanek was not in a romantic relationship with Lazear at the time the representation began. 5/9/24 N.T. 244.

10. Furmanek began a romantic relationship with Lazear in or around July or August of 2021. 5/9/24 N.T. 359-360. She testified that she explained to Lazear it was “frowned upon for an attorney and a client to be in a relationship” but stated “it was never an issue for [Lazear].” Furmanek admitted that she never obtained Lazear’s informed consent to the conflict. 5/9/24 N.T. 369, 370.

11. Furmanek was employed by Washington County as Conflict Counsel during her representation of Lazear. 5/8/24 N.T. 164. Washington County District Court Administrator Patrick Grimm was her supervisor. 5/8/24 N.T. 165.

12. Because Furmanek was the sole attorney in the Conflict Counsel office, staffed with only a part-time secretary, case files would sometimes sit on her desk for weeks before she had an opportunity to look at them. 5/9/24 N.T. 259.

13. Furmanek had in excess of 100 clients, some with multiple cases, which caused her to miss court dates and brief deadlines, with many days being spent catching up on correspondence. 5/9/24 N.T. 266.

14. During Furmanek's representation of Lazear as Conflict Counsel, she informed Mr. Grimm that she felt overwhelmed and that her time was stretched. 5/8/24 N.T. 189.

15. Furmanek received Court approval for contact visits with Lazear. Contact visits take place in a conference room with the visitor and the inmate. Physical contact is not permitted. 5/8/24 N.T. 22-23, 85; 5/9/24 N.T. 246.

16. As a result of COVID, contact visits at the WCCF were limited to professional visitors. 5/8/24 N.T. 22.

17. After the COVID crisis, the WCCF continued to limit contact visits to professionals only due to the opioid crisis and staffing issues. 5/8/24 N.T. 22.

18. On November 18, 2021, Furmanek had an approved contact visit with Lazear. Furmanek's image was captured by the WCCF security surveillance as she entered the facility for her visit with Lazear. ODC 5.

19. The guard in the WCCF lobby observed that the dress Furmanek wore for the contact visit was short and did not comply with the WCCF policy. The guard permitted Furmanek to have the attorney contact visit with Lazear, but reported her concern about Furmanek's attire to Warden Jeffrey Fewell. ODC 5; 5/8/24 N.T. 25, 27-30.

20. Upon completion of her contact visit, Furmanek was asked to meet with Warden Fewell. He informed her that her dress was inappropriate and violated the WCCF Policy and Procedures. The policy was internal and not made available to the public or visitors. Furmanek apologized. 5/8/24 N.T. 27, 28; ODC 2, Bates 28.

21. After speaking with Furmanek, Warden Fewell reported the incident to Mr. Grimm. 5/8/24 N.T. 29.

22. In response to the information from Warden Fewell, Mr. Grimm asked Warden Fewell if Furmanek had carried anything into the visit. 5/8/24 N.T. 29.

23. After learning that Furmanek had taken a bag and laptop into the visit, Warden Fewell directed a cell search, strip-search and urinalysis of the person with whom Furmanek had visited, not knowing at that time that it was Lazear. 5/8/24 N.T. 31.

24. After Lazear's urinalysis tested positive for suboxone, a controlled substance, Warden Fewell ordered an investigation to identify the source of the narcotics. 5/8/24 N.T. 34-35.

25. Major David Coddington was assigned to lead the investigation. 5/8/24 N.T. 34. There is no evidence that Furmanek was the source of the narcotics.

26. After his positive drug test, Lazear was promptly placed in the Special Housing Unit of the WCCF. ODC 2, Bates 29.

27. On or about November 19, 2021, Furmanek again met with Lazear at the WCCF. ODC 2, Bates 29.

28. Lazear informed Furmanek that on the evening of November 18, 2021, he had been pulled from his cell at around 6:30 p.m. and asked to submit to a drug test. Lazear also told Furmanek that on the following day, November 19, 2021, he was informed that he "pissed dirty" and was asked which lawyer gave him the drugs. ODC 2, Bates 29

29. On or about November 22, 2021, Furmanek appeared at the WCCF and requested to meet with Deputy Warden Christopher Cain to discuss Lazear's placement in the Special Housing Unit. 5/8/24 N.T. 75.

30. Furmanek was granted a meeting with Deputy Warden Cain and Major Coddington. 5/8/24 N.T. 76.

31. During the meeting, Furmanek expressed concerns about Lazear's segregation status and about his welfare because she had been told by him that he was cold and did not have the ability to attend to his personal hygiene. 5/8/24 N.T. 76.

32. During the meeting, Furmanek also requested a WCCF policy handbook and expressed a desire to have Lazear transferred to another facility, which was denied. 5/8/24 N.T. 76.

33. After her request to have Lazear transferred to another facility was denied, Furmanek declared that she would file a motion to have him transferred. 5/8/24 N.T. 78.

34. Major Coddington observed that, during the meeting, Furmanek's communication and thoughts seemed slow, as if she were possibly under the influence of a controlled substance. 5/8/24 N.T. 77.

35. On November 23, 2021, Furmanek filed Defendant's Motion for Immediate Transfer seeking to have Lazear transferred from the WCCF to the Greene County Jail, as he was still in the Special Housing Unit following his positive drug test on November 18, 2021. ODC 7.

36. By Order of Court dated November 23, 2021, and filed on November 29, 2021, the Honorable Valerie S. Costanzo denied Furmanek's motion. ODC 7, Bates 148.

37. During the course of his investigation of the source of the narcotics related to Lazear, Major Coddington discovered a video that was captured during the November 18, 2021, contact visit between Furmanek and Lazear. 5/8/24 N.T. 82); ODC 6.

38. The video displayed an embrace and an intimate kiss between Furmanek and Lazear, which physical contact is strictly prohibited by the WCCF Policy and Procedures. 5/8/24 N.T. 85; ODC 4, Bates 132; ODC 6.

39. During the course of his investigation, Major Coddington discovered phone calls between Furmanek and Lazear. 5/8/24 N.T. 89.

40. In the WCCF, for a phone call to be protected by attorney-client privilege, the attorney must provide a copy of an identification card, a bar card and telephone number, after which the information is entered into the system and the specific phone number is marked as "do not record, attorney-client privilege." 5/8/24 N.T. 86.

41. Furmanek had only a video visitation account registered in her name through IC Solutions in the WCCF and not an attorney-client privileged phone account. 5/8/24 N.T. 159.

42. From the investigation, Major Coddington learned of a romantic relationship between Furmanek and Lazear. (5/8/24 N.T 147)

43. During the course of his investigation, Major Coddington discovered a recorded phone call made by Lazear to Furmanek on July 3, 2021. ODC 10. The pertinent portions of the conversation are as follows:

LAZEAR: "So how have you been?"

RESPONDENT (Furmanek): "Terrible. Are you going to keep calling me?"

LAZEAR: "Absolutely I will."

RESPONDENT: "Well, no. I mean, you're making me feel better because I was just not feeling so good."

"But I'm, like, waiting for you to get home."

LAZEAR: "Are you now?"

RESPONDENT: "Huh? Yeah, I'm waiting for you."

LAZEAR: "Yeah."

RESPONDENT: "That's my plan."

LAZEAR: "Huh?"

RESPONDENT: "I said 'That's my plan.' I don't know if you're down with that plan, but I'm down with that plan."

LAZEAR: "Yeah, I'm down with that plan. Absolutely. Absolutely. Absolutely."

RESPONDENT: "Yeah, you better tell your attorney to get you home, though."

LAZEAR: "To do what?"

RESPONDENT: "Because I'm ready for you to get home. Yeah, I said tell your attorney to get your [expletive] home."

LAZEAR: "Absolutely."

"I mean, I would have been called. I was just a little -- you know what I'm saying? I was at -- I would have been called, swear to God. I ain't even lying."

RESPONDENT: "You know, I've been telling your mom for a long time."

LAZEAR: "Yeah?"

RESPONDENT: "I told her not to tell you, yeah."

LAZEAR: "She definitely didn't. She definitely didn't, swear. She definitely didn't say nothing."

RESPONDENT: "Well, that's good to know. She keeps all my secrets."

LAZEAR: "Yeah, it's great. Now I'll have to say something to her."

RESPONDENT: "I just want you -- I just want you to come home, like, really quick. Okay?"

LAZEAR: "Hell, yeah, absolutely, [expletive]."

RESPONDENT: "Yeah."

LAZEAR: "You know?"

RESPONDENT: "Um-hum, I do know. I've got big plans."

LAZEAR: "Do you?"

RESPONDENT: "Yeah. I've already thought this all out."

LAZEAR: "Oh, yeah?"

RESPONDENT: "Trust me, yeah."

LAZEAR: "Ha, ha, ha, ha."

RESPONDENT: "Yep."

"Well, let's -- let me say this, if you, like, ever" -- "if you -- I don't want to, like, jump the gun, but if you want to do this and you tell me, and then you don't have to worry about what's going on in the streets because I'm very, like, ride or die, like, I am."

LAZEAR: "Yeah?"

RESPONDENT: "Yeah, so" -- "so you never have to worry with me."

"Yeah. Well, all I do is think about you, though. That's why I always try to talk to your mom all day long. I'm, like" --

"Okay. I'm, like, 'Did you give him' -- I said okay -- I said to your mom, I said, 'Did you give him my number,' I said, 'because he hasn't called, like, the other day, when I gave it to him.'"

LAZEAR: "Yeah, I was nervous, swear. Sorry about" --

RESPONDENT: "She was, like, 'Yeah, I gave it to him.' I'm, like, 'Hmm' "

5/8/24 N.T. 101-109.

44. The July 3, 2021 call marked the first indication to the WCCF that Furmanek and Lazear were in a romantic relationship. 5/8/24 N.T. 135.

45. During the course of his investigation, Major Coddington discovered a recorded phone call made by Lazear to Furmanek on September 8, 2021. ODC 11. The pertinent portions of the call are as follows:

LAZEAR: "Yeah, What is it?"

RESPONDENT (Furmanek): "The phone number?"

LAZEAR: "Yes?"

RESPONDENT: it's (724) 221-5984."

5/8/24 N.T. 119-120.

46. During the course of his investigation, Major Coddington discovered a phone call made by Lazear to Furmanek on December 22, 2021. ODC 13. The pertinent portions of the call are as follows:

RESPONDENT (Furmanek): [You're] getting [expletive] by the system right now, okay, by this correctional system."

LAZEAR: "Yeah, I know."

RESPONDENT: "Okay. Now, we just have to deal with it right now, and we might have to just fight everything on appeal, Johnny, but this might have to be what it is. I mean, this suppression thing, like, when I wrote you, you have ten days to file for reconsideration. She's not going to grant it, so it's kind of pointless, so all you have to do, the issues that we raised, they're preserve for appeal, so we have to fight it in Superior Court, if you were to get convicted. Like, you still have a trial in front of you."

RESPONDENT: "But you have 12 jurors, then. You have 12 jurors. You gotta pick good ones. Okay? Lana is going to have to come to that trial and testify. Okay?"

RESPONDENT: "So, yes, there – you still have a trial in front of you now, but there's two trials instead of three, but that's when you need an attorney kind of like me, like, that's going to say, 'Ladies and gentlemen of the jury, the case that's going to be presented to you today is a crazy one. The Commonwealth wants you to believe that this man sitting before you was'" –

RESPONDENT: "Because I don't think you should have to plead to anything" –

RESPONDENT: Because I'm -- you need to do any -- please don't ever, like, do anything without consulting with me first. I know you have an attorney, like, I'm not anymore right now, but, like, I'm not comparing."

5/8/24 N.T. 112-118.

47. During the course of his investigation, Major Coddington was able to identify one of Furmanek's phone numbers used for contact with Lazear when he listened to a recorded call on December 17, 2021, wherein Furmanek states: "Screw it. They already know who this is. This is Kimberly Furmanek, and I love John Lazear." 5/8/24 N.T. 133-134.

48. From the December 17, 2021 call, Major Coddington was able to track that telephone number to the September 8, 2021 call, wherein Furmanek provided a new telephone number, and then he was able to track back further based on telephone numbers Furmanek would provide to Lazear along the way. 5/8/24 N.T. 134.

49. Through this process, Major Coddington was able to identify Furmanek and the multiple telephone numbers that she provided to Lazear. 5/8/24 N.T. 134.

50. During the course of his investigation, Major Coddington discovered a phone call occurring on May 6, 2022, made by Lazear to Furmanek that included Attorney James Jeffries. ODC 14.

51. During the course of his investigation, Major Coddington discovered photos that Furmanek sent to Lazear through the IC Solutions system. 5/8/24 N.T. 136.

52. Between October 8, 2021, and November 14, 2021, using the IC Solutions inmate account designating Ms. Ware as the sender, Furmanek sent Lazear photos of herself in various states of provocative dress. 5/8/24 N.T. 137-138; ODC 16, Bates 167-173.

53. After Major Coddington discovered that Furmanek had sent the photos and messages using Robin Ware's account, Lazear's access to the photos was terminated

because any time the WCCF staff identifies a person trying to “skirt the system using a different account, access is cancelled.” 5/8/24 N.T. 140-141.

54. Major Coddington discovered that Furmanek used the WCCF tablet system to send messages to Lazear utilizing Robin Ware’s account. 5/8/24 N.T. 142-143; ODC 17, Bates 174-175.

55. Furmanek was aware that she was using an account designated for Ms. Ware to send provocative photos and romantic messages to Lazear. 5/9/24 N.T. 313.

56. Mr. Grimm became concerned about the existence of a romantic relationship between Furmanek and Lazear after being informed by Warden Fewell of Furmanek’s dress code violation on November 18, 2021. 5/8/24 N.T. 164, 168.

57. Mr. Grimm also had concerns about motions and an appeal that Furmanek filed on behalf of Lazear, which he believed were unusual. 5/8/24 N.T. 169.

58. Mr. Grimm had concerns with Furmanek’s performance, demeanor, and rumors of drug use based on feedback he received in October of 2021 from Washington County criminal division judges. 5/8/24 N.T. 170-171, 205, 207.

59. Mr. Grimm scheduled a meeting with Furmanek on December 3, 2021, at his office. The basis for the meeting was to discuss Lazear, Furmanek’s violation of the WCCF dress code policy, and general staffing issues and office management for Conflict Counsel. 5/8/24 N.T. 172.

60. During the meeting, Mr. Grimm asked Furmanek whether she was in a relationship with Lazear. 5/8/24 N.T. 173.

61. Furmanek denied being in a relationship with Lazear. 5/8/24 N.T. 173.

62. Furmanek’s reply to Mr. Grimm’s inquiry was false and deceitful as she was in a romantic relationship with Lazear. 5/8/24 N.T. 173.

63. Mr. Grimm testified he would have suspended Furmanek pending an investigation had she disclosed the romantic relationship. 5/8/24 N.T. 173.

64. Mr. Grimm had concerns because Furmanek had previously been suspended from her position as Conflict Counsel in 2020 and was required to self-report to the Disciplinary Board that she had sent a nude or topless photo to one of her clients while representing him. 5/8/24 N.T. 174-175.

65. After Furmanek was suspended as Conflict Counsel in 2020 for her inappropriate sexual communications with her client, she was informed that further discipline could result in termination of her employment. 5/8/24 N.T. 176.

66. During the December 3, 2021 meeting, Mr. Grimm noticed that Furmanek was glassy-eyed and had a flat affect. 5/8/24 N.T. 176.

67. At the meeting with Mr. Grimm, Furmanek agreed to submit to an employer-directed drug test at the facility designated by Human Resources in Washington County. 5/8/24 N.T. 178.

68. Mr. Grimm was informed that Furmanek went to the designated drug testing site but revoked her consent prior to completing the test. 5/8/24 N.T. 197.

69. At a meeting on December 7, 2021, Mr. Grimm informed Furmanek that her employment as Conflict Counsel for Washington County was terminated because she failed to submit to the employer-directed drug test. 5/8/24 N.T. 185.

70. Furmanek's representation of the clients she had pursuant to her position as Conflict Counsel for Washington County ended on December 7, 2021, as the representation was directly associated with her employment. 5/8/24 N.T. 179.

71. On December 7, 2021, after her termination meeting with Mr. Grimm, Furmanek appeared at the WCCF and requested to visit Lazear. 5/8/24 N.T. 36.

72. Warden Fewell informed Furmanek that due to her violations of the WCCF policies and procedures, her inmate visiting privileges were terminated and therefore, she was unable to see Lazear or any other inmate in the WCCF. 5/8/24 N.T. 36.

73. Warden Fewell consulted with the Prison Board, the Washington County President Judge, the Solicitor, Human Resources and Mr. Grimm before terminating Furmanek's access to inmates in the WCCF due to concerns for the facility's safety, security, custody, care and control. 5/8/24 N.T. 36, 37.

74. After Furmanek was terminated from her position as Conflict Counsel, she used an IC Solutions account to attempt to send pictures to Lazear, which were denied. 5/8/24 N.T. 144; ODC 18, Bates 176-184.

75. Following Furmanek's employment termination, new counsel was assigned to all cases for which her appearance had been entered as Conflict Counsel, including Lazear's cases. 5/8/24 N.T. 179-180.

76. By Order of Court dated December 10, 2021, James Jeffries, Esquire was appointed to represent Lazear. ODC 8.

77. Following Furmanek's termination, she mailed a letter to Lazear informing him of her termination and advising him, among other things, that he was being deprived of his constitutional right to access his attorney. ODC 9.

78. Furmanek informed Lazear that she would represent him at a hearing, despite her knowledge that the appointment of new counsel was imminent. ODC 9.

79. In February of 2022, Furmanek requested, through Warden Fewell, to schedule a video visit with Lazear. ODC 15, Bates 158.

80. The WCCF had previously terminated Furmanek's ability to have video visits with any inmates; therefore, her request for a video visit with Lazear was denied. ODC 15, Bates 158-164.

81. Warden Fewell advised Furmanek that her visiting privileges had been suspended as a result of her violation of the WCCF's policies. ODC 15, Bates 162.

82. In an email to Warden Fewell dated February 11, 2022, Furmanek questioned Warden Fewell regarding the specific policies that she had violated. ODC 15, Bates 163.

83. In a reply email to Furmanek dated February 11, 2022, Warden Fewell stated that Furmanek had registered under fictitious names in the inmate telephone system, had violated the facility's visitation policy by having physical contact with an inmate, and had attempted to circumvent security by portraying herself to be someone else. ODC 15, Bates 164.

84. Furmanek attempted to send Lazear provocative photos on February 14, 2022, through the WCCF tablet communication system, utilizing the name "Robin Ware", all of which were intercepted and rejected by the WCCF. ODC 18, Bates 177-184.

85. Furmanek had over 500 phone contacts with Lazear during his incarceration at the WCCF. ODC 1, Bates 13; ODC 2, Bates 38.

86. Furmanek testified that she was not trying to hide her identity. 5/9/24 N.T. 301, 312-313, 314.

The Criminal Conviction

87. On or about June 16, 2022, Furmanek was arrested and criminally charged with one count of Intercept Communications (F3), 18 Pa.C.S. §5703§§1 and one count of Conspiracy (F3), 18 Pa.C.S. §903. (ODC 2, Bates 40)

88. The criminal charges were based on a three-way telephone call on May 6, 2022, involving Furmanek, Lazear, and Attorney Jeffries. At that point in time, Mr. Jeffries represented Lazear. Lazear contacted Furmanek from a recorded line within the WCCF and Furmanek instructed Lazear to remain quiet on the line. While Lazear was on the recorded line, Furmanek then called Mr. Jeffries to find out why Lazear's hearing had been continued multiple times. 5/9/24 N.T. 287; ODC 14, ODC 19

(a) Pursuant to the Affidavit of Probable Cause in support of the criminal charges filed against Furmanek, she is heard on a recorded line telling John Lazear to not run his mouth, while attempting to reach Mr. Jeffries by phone. Furmanek then engages in a conversation with Mr. Jeffries about Lazear's active criminal cases without ever disclosing to Mr. Jeffries that Lazear is listening in on a recorded line. ODC 14, ODC 19.

(b) Pursuant to the Affidavit of Probable Cause in support of the criminal charges filed against Furmanek, the affiant swore, "On 6/10/22, I interviewed James Jeffries. Jeffries reports that he was unaware, was not advised, and would not have consented that he was being recorded during the conversation on 5/06/2022. James verified the phone number that [Furmanek] called him from being 724-255-5672 consistent with the recording. Jeffries learned of the recording from Lazear who told Jeffries' secretary, Carrie Nabors. On 5/12/2022 Lazear called Jeffries' office and reported to Carrie that he was listening to the call between Jeffries and [Furmanek]."

89. The Affidavit of Probable Cause in the criminal complaint filed against Lazear further states, in relevant part, the following:

(a) "On 5/12/2022 at 1455 hours, Lazear called Jim Jeffries' office and spoke to Carrie Nabors. Lazear disclosed to Nabors that he was on the phone when [Furmanek] called Jeffries on 05/06/2022. During that conversation, Lazear told Nabors that 'I'm trying to speak to him first before I take different steps, Do you understand...and Do I need to have someone come speak to him...' causing alarm to both Nabors and Jeffries".

(b) "On 5/13/2022, Lazear called Jim Jeffries' office and spoke to Carrie Nabors. Lazear told Nabors, 'I don't want to talk on a recorded line, but should I have somebody come to speak with him...' Nabors responded with 'Do you want him to have him touch base to Kim or your mother...' Lazear responded with, 'He's gonna touch base with somebody and its gonna be somebody he doesn't like...You get what I'm saying..., I don't want to talk on this Recorded line..., I'm not waiting too much longer..., I'm gonna end up catching another [expletive] case for real and I'm already facing the rest of my life, [expletive] it...'."

ODC 2, Bates 40; ODC 21.

90. Lazear was also charged, in connection with the incident, with one count of Intercept Communications (F3), one count of Conspiracy-Intercept Communications (F3), and one count of Terroristic Threats (M1). On April 13, 2023, Lazear entered a plea to one count of Terroristic Threats. ODC 21.

91. On June 16, 2022, Magistrate Kelly J. Stewart set the conditions of Furmanek's bail, which included, but were not limited to, no contact with Mr. Jeffries, or any of his staff, and no contact with Lazear. ODC 2, Bates 41.

92. On August 2, 2023, Furmanek entered a counselled plea of guilty to two counts of Disorderly Conduct, graded as misdemeanors of the 3rd degree. ODC 2, Bates 40.

93. Following the conviction, Furmanek was placed on probation for a period of twelve months to be supervised by the Washington County Adult Probation Office on each of the two counts, to run concurrently. ODC 2, Bates 41.

94. As special conditions of the sentence, Furmanek was to submit to a drug and alcohol evaluation and complete all recommended treatment and undergo a mental health assessment and follow through with all recommended treatment. ODC 2, Bates 20.

95. Furmanek reported her conviction to the Disciplinary Board as required by Pa.R.D.E. 214. ODC 20.

96. Mr. Jeffries testified about his experience with Furmanek during his representation of Lazear. 5/8/24 N.T. 212-219.

97. Furmanek had contacted Mr. Jeffries and requested to sit second chair on Lazear's case, which Mr. Jeffries did not allow. 5/8/24 N.T. 212.

98. Mr. Jeffries respected Furmanek as a good attorney and was willing to discuss Lazear's case with her and welcomed her assistance. 5/8/24 N.T. 213.

99. The postponement by the court of Lazear's scheduled May 6, 2022 hearing allegedly served as the basis for Furmanek's call to Mr. Jeffries. 5/8/24 N.T. 216.

100. At the end of Mr. Jeffries' call with Furmanek, he expressed to her that he trusted her. 5/8/24 N.T. 218.

101. Mr. Jeffries would have declined the call had he known that Lazear was listening in on a recorded line. 5/8/24 N.T. 219.

102. Lazear contacted Mr. Jeffries' office on or around May 7, 2022, accused Mr. Jeffries of lying on the May 6th call, and made threats to Mr. Jeffries through his staff. 5/8/24 N.T. 220.

103. Mr. Jeffries' assistant, Carrie Nabors, who had taken Lazear's call, was visibly shaken after receiving the threatening calls from Lazear. 5/8/24 N.T. 221.

104. Mr. Jeffries withdrew from Lazear's cases as a result of the May 6, 2022 phone call and the two subsequent calls from Lazear. ODC 22.

105. Mr. Jeffries felt lied to and deceived by Furmanek's actions on May 6, 2022. 5/8/24 N.T. 226.

Additional Findings

106. Petitioner presented the testimony of Major Coddington to establish aggravation.

107. During the week of April 24, 2024, Major Coddington learned that an inmate, Timothy Ringer, who was represented privately by Furmanek, was housed at the WCCF as a favor to Greene County. 5/9/24 N.T. 390-391.

108. Ringer was brought to the attention of Major Coddington by a conversation Ringer had with the prison counselor, during which Ringer informed the counselor that he was marrying his attorney, Furmanek. 5/9/24 N.T. 390.

109. Ringer's comments triggered an investigation by Major Coddington. 5/9/24 N.T. 390.

110. Major Coddington retrieved Ringer's WCCF IC Solutions account, did a search for the last week prior to April 24, 2024, as Ringer had only been in custody at WCCF for about a week at that time, and discovered a phone call to a phone number identified by a Caller ID of Robin Ware (Lazear's mother). 5/9/24 N.T. 391.

111. The phone call was between Furmanek and Ringer. The pertinent portion of the phone call is as follows:

RINGER: "So whenever it says all that [expletive] in the beginning, I'm not allowed to say I love you, I want lick it, or stick it, or any of the above, right" --

RESPONDENT (Furmanek): "Ha, ha, ha, ha."

RINGER: -- "since you are considered my attorney and my girl, I'm not allowed to say that; right?"

RESPONDENT: "Um-hum. That whole recording there is probably because of me, that whole long recording."

RINGER: "Hey, hey, for real, though, I'm still like them people (unintelligible)." So where are you going to file the marriage license at, now that I'm captured and not allowed to do that? I still got the ring you gave me. It's on my finger. Am I lying, Bob?"

A VOICE: "No."

RINGER: "Can you put some money on that thing where I could see you? I like to see the titties pushed up, not like that in an inappropriate way because then that would be leading to something misconduct, you know, like, pretty, I would like to see you smile and stuff."

RESPONDENT: "I am not allowed" --

RINGER: "Your boyfriend's probably like 'Come on, Kim. Fuck him.' Tell your boyfriend, too, when I get out, he better be able to duke left and shadow a right, because I might kick him with a left."

RESPONDENT: "I don't have a boyfriend right now. Joshua Seeholzer comes home in 15 days and" --

RINGER: "Oh, no, you have my" -- "listen, listen, motherfucker, you know you've been mine this whole time. Go home. Listen, hey, talk to Bud real quick, and then I'll try to call you. all you. Do you have money on the phone?"

RESPONDENT: "Wait, no."

RINGER: "Huh?"

RESPONDENT: "No, because -- no, I don't. I'm trying to get you moved. Would you prefer to go to Fayette or Westmoreland, or do want to stay there? I can't access you there."

RINGER: "Do what now?"

RESPONDENT: "They won't let me" –

RINGER: "Do what?"

RESPONDENT: "Would you -- would you prefer to go to Fayette or to Westmoreland, because if you stay in Washington, I can't come in and see you. I can't have an attorney call with you."

RINGER: "All right. I love you.

And now that you can apply for marriage counseling, go to Washington County Courthouse and apply for it right there; would you?"

RESPONDENT: "Yeah."

RESPONDENT: "I'm just trying to remain silent, because my Disciplinary Board hearings are May 8th and 9th" –

RINGER: "Okay. We will not do the double end. We're going to give them the tip with a little bit of grease.

5/9/24 N.T. 393-398.

112. After listening to the recording of the phone call between Furmanek and Ringer, Warden Fewell informed Greene County that Ringer could no longer be held in the WCCF. They were unable to establish the extent of the relationship between Ringer and Furmanek, but Warden Fewell was unwilling to go "down that road again." 5/9/24 N.T. 412.

113. Greene County transported Ringer to another facility for holding. 5/9/24 N.T. 412.

114. Furmanek testified on her own behalf.

115. Furmanek admitted to having been in a romantic relationship with Ringer.
5/9/24 N.T. 429.

116. Furmanek testified that she met Ringer in April of 2023 and represented him in a non-jury trial, after which the representation ceased. 5/9/24 N.T. 429.

117. Furmanek testified that in May of 2023, after the representation ceased, she and Ringer were in a romantic relationship. 5/9/24 N.T. 429.

118. While the romantic relationship was going on, Furmanek entered her appearance in Ringer's three other cases. 5/9/24 N.T. 430.

119. At the time of the disciplinary hearing, Furmanek's appearance was still entered on all of Ringer's cases. 5/9/24 N.T. 431.

120. On May 9, 2024, Furmanek denied being in a present relationship with Ringer, despite the nature and tone of the phone call that was recorded at some point during the week prior to April 24, 2024. 5/9/24 N.T. 430.

121. Furmanek claimed that Ringer was just joking about getting married. N.T. 5/9/24 430.

122. Furmanek testified that she had been in a romantic relationship with Lazear for a period of time years prior to her representation of him. 5/9/24 N.T. 243, 244.

123. Furmanek claimed she was able to separate her romantic involvement with Lazear from her representation of him and that it did not cloud her judgment, but was unable to understand how the romantic relationship could potentially affect her representation of Lazear. 5/9/24 N.T. 282, 317, 319, 320, 353.

124. As an example of how she is able to separate professional and personal interests, Furmanek testified that she could "go and argue with the district attorney in

court, and then walk out and have lunch with them as a friend. I'm able to do that." 5/9/24 N.T. 317

125. Furmanek testified she did not give preferential treatment to Lazear over her other clients, but despite her heavy workload and issues with office staffing, she found the time and resources to very quickly address Lazear's complaints. For example, within 48 hours of Lazear's segregation in WCCF for testing positive for a controlled substance following Furmanek's November 18, 2021 contact visit, she was working to get his concerns resolved. Within 24 hours of meeting with Major Coddington at the WCCF regarding Lazear's segregation status, Furmanek filed an emergency motion seeking to have Lazear transferred to another correctional facility. 5/8/24 N.T. 76, 78; 5/9/24 N.T. 259, 266, 301-302, 357, 358.

126. Furmanek testified that sometimes she "care[s] too much and I get too involved with a lot of my clients." 5/9/24 N.T. 344. However, when Petitioner's counsel questioned her as to whether she got too involved with Lazear, Furmanek attempted to backtrack and answered "I don't believe so," before admitting that engaging in a romantic relationship with a client is "involved." 5/9/24 N.T. 368.

127. As to the three-way call with Attorney Jeffries, Furmanek testified that "it still bothers me [Jeffries] thinks that I was being deceptive." 5/9/24 N.T. 286. Furmanek stated that she was not being deceitful when she made the three-way call without advising Mr. Jeffries that his client, Lazear, was on the line. 5/9/24 N.T. 326.

128. Furmanek testified, "So when I talked to Jim, I wasn't even thinking about the fact that the jail line was still recording. It just didn't even dawn on me. Like, should I have known better? Maybe, but I wasn't thinking that way." 5/9/24 N.T. 292.

129. As to her criminal conduct, Furmanek testified, "I'm not trying to not take responsibility for what I did. I – I have taken responsibility for what I did. I'm on probation for it. Should I have known better? I guess so, but like I said, it was never my intention to secret – be secretive or deceptive or anything like that." 5/9/24 N.T. 294.

130. Furmanek testified concerning her criminal probation. As of the date of the disciplinary hearing, she was engaged in court-ordered outpatient drug and alcohol treatment and mental health treatment. 5/9/23 N.T. 325, 332, 421.

131. Furmanek discussed her history of mental health treatment prior to her arrest and conviction. Furmanek received treatment for a time as a child following the murder of her mother when she was six years old. In 2010 she started receiving treatment for depression and anxiety. Furmanek testified that she has been in treatment since that time and has been prescribed the anti-depressant Effexor. 5/9/24 N.T. 421, 425.

132. Furmanek described prior use of alcohol and drugs starting in high school and college. The drugs included marijuana, cocaine, and methamphetamines. 5/9/24 N.T. 422. Furmanek testified that the last time she used drugs was in April of 2022, prior to her arrest on the disorderly conduct charges, when she used methamphetamines. *Id.* at 425.

133. Furmanek presented the testimony of two character witnesses to establish mitigation.

134. Travis Lemley met Furmanek in 2017 on a case involving his former stepfather, whom Furmanek represented while employed with the Greene County Public Defender's Office. 5/9/24 N.T. 435. Mr. Lemley communicates with Furmanek once a month or so when he sees her around their small community. *Id.* at 440.

135. Mr. Lemley was charged with false sworn statements on a firearms application. He contacted Furmanek in November of 2022 and she represented him until August of 2023. 5/9/24 N.T. 435, 438.

136. Mr. Lemley pled guilty to providing a false statement after discussing the case with Furmanek. 5/9/24 N.T. 438.

137. Mr. Lemley was sentenced to 25 hours of community service and one year of probation. 5/9/24 N.T. 439.

138. Furmanek represented Mr. Lemley pro bono and he was satisfied with her quality of representation. 5/9/24 N.T. 439.

139. Mr. Lemley has the opinion that Furmanek works hard and helps out everyone. He does not feel there is an issue with Furmanek's honesty. 5/9/24 N.T. 436, 437.

140. Mr. Lemley read Furmanek's Petition for Discipline and was aware that at least one of the rule violations was related to dishonesty, fraud, deceit, and misrepresentation, but that did not change his opinion on her honesty. 5/9/24 N.T. 437, 438.

141. Harry Cancelmi, Esquire is the Public Defender of Greene County. 5/9/24 N.T. 441.

142. Furmanek was employed at the Greene County Public Defender's Office from around 2017 until 2019 and was supervised by Mr. Cancelmi. 5/9/24 N.T. 442.

143. Mr. Cancelmi believes Furmanek is a good lawyer, a good defender and has no reason to doubt her character. 5/9/24 N.T. 442-443.

144. Furmanek completed community service hours for her criminal case sentence as a lawyer for Mr. Cancelmi and did very well. 5/9/24 N.T. 443.

145. Mr. Cancelmi was not familiar with Furmanek's reputation in the legal community. 5/9/24 N.T. 444.

146. Mr. Cancelmi was not aware of the specific disciplinary charges against Furmanek. 5/9/24 N.T. 444-445.

147. Mr. Cancelmi was not aware that Furmanek was charged with having a romantic relationship with a client that started during her representation of the client. 5/9/24 N.T. 445.

148. The testimony of Petitioner's witnesses is credible.

149. The testimony of Mr. Lemley and Mr. Cancelmi is credible.

150. Furmanek's testimony pertaining to her actions and motivations while representing Lazear, the circumstances of the three-way recorded telephone call, and her relationship with Ringer is not credible.

151. Furmanek has no record of professional discipline. She self-reported an incident to Office of Disciplinary Counsel ("ODC") in August of 2020 that involved her sending an inappropriate communication via private messenger on Facebook to a client that she was representing. Furmanek testified that the communication was sexual in nature. 5/9/24 N.T. 427.

(a) By letter to Furmanek dated August 20, 2020, from James M. Fox, Esquire, Disciplinary Counsel in Charge of District IV, Mr. Fox confirmed that Furmanek self-reported on August 10, 2020, and summarized his conversation with her. Furmanek was advised that while the communication was inappropriate, it did not rise to the level of violating the Rules of Professional Conduct. However, Mr. Fox expressed his concern that the inappropriate communication with a client may have

resulted in a violation of RPC 1.7(a)(2). Finally, Mr. Fox stated that while ODC did not intend to pursue the matter, it was expected that this would serve as a “learning experience” for Furmanek. R. Ex. B.

152. On May 28, 2024, Petitioner filed a Petition for Emergency Temporary Suspension and Related Relief Pursuant to Rule 208(f)(1), Pa.R.D.E. seeking Furmanek’s temporary suspension from the practice of law. The Petition set forth that Furmanek was arrested on May 16, 2024 (approximately one week after the disciplinary hearing in this matter) and charged with one count of Driving Under the Influence of Controlled Substance – Schedule 2 or 3 – 1st Offense, 75 Pa.C.S.A. § 3802(d)(1)(ii), one count of Int. Poss. Contr. Subst. by Per. Not Reg. 35 Pa.C.S.A. § 780-113 §§ A16, and 37 counts of Use/Possession of Drug Paraphernalia, 35 Pa.C.S.A. § 780-113 §§ A32.

153. Following the issuance of a Rule to Show Cause on June 24, 2024, by Order dated July 12, 2024, the Supreme Court of Pennsylvania placed Furmanek on temporary suspension from the practice of law.

III. CONCLUSIONS OF LAW

By her conduct as set forth above, Furmanek violated the following Rules of Professional Conduct (“RPC”) and Pennsylvania Rules of Disciplinary Enforcement (Pa.R.D.E.):

1. RPC 1.7(a)(2), which states in relevant part that “[a] lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if there is a significant risk that the representation

of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer."

2. RPC 1.16(a)(1), which states in relevant part that "[a] lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if the representation will result in violation of the Rules of Professional Conduct or other law."

3. RPC 4.1(a), which states in relevant part that "[i]n the course of representing a client a lawyer shall not knowingly make a false statement of material fact or law to a third person."

4. RPC 8.4(b), which states in relevant part that "[i]s professional misconduct to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects."

5. RPC 8.4(c), which states in part "[i]t is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation."

6. RPC 8.4(d), which states in relevant part that "[i]t is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice."

7. Pa.R.D.E. 203(b)(1), which states in relevant part that "[a] conviction of a crime shall be grounds for discipline."

IV. DISCUSSION

This matter is before the Board on review of the Committee's Report and unanimous recommendation to suspend Furmanek for a period of one year and one day based on her violation of multiple ethical rules arising out of her representation of John

Lazear on criminal charges and her criminal conviction of two counts of disorderly conduct.

Petitioner bears the burden of proof in attorney disciplinary matters. Evidence is sufficient to prove unprofessional conduct if a preponderance of the evidence established the conduct and the proof of such conduct is clear and satisfactory. *Office of Disciplinary Counsel v. Lawrence J. DiAngelus*, 907 A.2d 452, 456 (Pa. 2006).¹ Petitioner presented evidence consisting of exhibits and the testimony of six witnesses. Upon our independent review,² we find that Petitioner met its burden of proof and conclude that Furmanek violated the rules charged in the Petition for Discipline.

The record established that on December 17, 2020, Furmanek filed an entry of appearance to represent Lazear on criminal charges and on March 1, 2021, she entered her appearance on Lazear's behalf to represent him on additional criminal charges. At the time, she was employed by Washington County as Conflict Counsel and through the course of her duties was assigned to represent Lazear. The representation lasted from December 17, 2020 through December 7, 2021. During the course of the representation, Lazear was an inmate at the WCCF. At the time the representation began Furmanek was not in a romantic relationship with Lazear. During the course of the representation, starting around July or August of 2021, the relationship between Furmanek and Lazear became personal and romantic and continued through the duration of the representation until termination on December 7, 2021. Furmanek never disclosed

¹ We take judicial notice of *Office of Disciplinary Counsel v. Anonymous Attorney*, 331 A.3d 523 (Pa. 2025), which clarified that the standard of proof in attorney disciplinary matters requires the Office of Disciplinary Counsel to establish attorney misconduct with evidence that is sufficient to satisfy a clear and convincing evidence standard of proof. The Court explained that the clear and satisfactory standard has been consistently stated in disciplinary cases for over 70 years and is another articulation of the clear and convincing standard. Here, the Committee conducted the disciplinary hearing and the Board adjudicated the instant matter before *Anonymous Attorney* was issued.

² Pursuant to Pa.R.D.E. 208(d)(2), the Board may change the Committee's recommendation.

to the WCCF or her employer that she was romantically involved with her client, nor did she voluntarily withdraw from the representation.

An investigation by the WCCF that began in November of 2021, triggered by Lazear's failed drug test on November 18, 2021, led WCCF administrators to discover the romantic relationship. The nature of the relationship was revealed by recorded jail telephone calls on numbers that either reflected no identifying name or indicated the name of Lazear's mother, provocative photos sent by Furmanek to Lazear using Lazear's mother's account, and a professional contact visit on November 18, 2021, where Furmanek was captured by WCCF security surveillance hugging and intimately kissing Lazear, in clear violation of WCCF's policy of no physical contact. Furmanek spent an unusual amount of time on Lazear's case considering her case load of more than 100 clients, some with multiple cases.

On December 3, 2021, Court Administrator Patrick Grimm held a meeting with Furmanek to discuss concerns shared by the WCCF about Furmanek's violation of the WCCF dress code on November 18, 2021, concerns shared by Washington County judges about Furmanek's performance in court and possible drug use, and concerns as to administrative staffing issues in the Conflict Counsel office. Although at that time Mr. Grimm had no knowledge of the video that showed the embrace and kiss between Furmanek and Lazear, he had concerns about her relationship with clients due to her violation of the WCCF dress code and his knowledge of a prior incident in 2020 where Furmanek had sent inappropriate photos via Facebook to a criminal client. Mr. Grimm directly asked Furmanek if she was involved in a relationship with Lazear. Furmanek falsely denied a relationship. Mr. Grimm asked Furmanek to take a drug test. Furmanek consented at that time but later revoked her consent. Mr. Grimm terminated Furmanek

from her employment as Conflict Counsel on December 7, 2021, for failure to submit to the employer-directed drug test.

Following Furmanek's termination, on December 10, 2021, Attorney James Jeffries was appointed to represent Lazear. Despite no longer representing Lazear, Furmanek attempted to have contact with him at the WCCF and continued having telephone contact using the telephone information registered to Lazear's mother. She also maintained her interest in Lazear's criminal matter, gave him legal advice, and contacted Mr. Jeffries concerning Lazear's case. Related to Lazear's criminal case and in an attempt to obtain information on why a hearing had not occurred, on May 6, 2022, Furmanek contacted Attorney Jeffries on a three-way telephone call with Lazear, who was on a recorded line from the WCCF. Prior to Mr. Jeffries joining the call, Furmanek instructed Lazear to keep quiet and then failed to inform Mr. Jeffries of Lazear's presence on the recorded line. Furmanek discussed Lazear's case with Mr. Jeffries despite knowing that the conversation was not confidential and was being recorded on the WCCF line, and that any information discussed could potentially harm Lazear. Several days later, Lazear called Mr. Jeffries' law office and spoke with Jeffries' secretary. Lazear disclosed that he was on the telephone when Furmanek called Mr. Jeffries on May 6, 2022, and made threats to the secretary. Lazear followed this call with another threatening call to Mr. Jeffries' office the next day. Mr. Jeffries withdrew from the representation based on these calls.

Criminal charges were filed against Furmanek in response to the three-way telephone call and on August 2, 2023, she entered a counseled plea of guilty to two counts of disorderly conduct, graded as misdemeanors of the third degree. Furmanek was sentenced to probation for a period of 12 months on each of the two counts, to run

concurrently. Lazear was also charged in connection with the May 6, 2022 call and the two calls he made to Mr. Jeffries' office and entered a plea of guilty to one count of terroristic threats.

Furmanek's conduct in having a romantic relationship with her client for approximately four or five months after the representation began violated multiple ethical rules. She violated Rule 1.7(a)(2) as her role in representing Lazear and her simultaneous romantic interest that developed during the course of the representation created a personal interest that was a concurrent conflict of interest.³ This personal, romantic relationship compromised her ability to exercise detached and independent judgment and to represent Lazear objectively. According to Furmanek, she explained the conflict to Lazear and claimed "it was never an issue for him," but admitted she never obtained Lazear's informed consent as required under RPC 1.7(b)(4). After the professional relationship expanded to a romantic relationship subsequent to the commencement of the representation, Furmanek failed to understand the danger of maintaining that personal relationship with Lazear while professionally representing him, and failed to withdraw from the representation, in violation of RPC 1.16(a)(1). She failed to disclose the improper romantic relationship to Mr. Grimm and misrepresented her interest in Lazear when he questioned her. She also failed to disclose the change in her relationship to the WCCF. These misrepresentations violated RPC 4.1(a)'s prohibition against making a false statement of material fact to a third person in the course of representing a client and RPC 8.4(c)'s prohibition against dishonesty, deceit and misrepresentation.

³ Furmanek did not engage in sexual relations with Lazear and was not charged with violating RPC 1.8(j), which prohibits sexual relations with a client unless a consensual relationship existed between them when the client-lawyer relationship commenced.

Turning to the criminal conduct of two counts of disorderly conduct, Furmanek committed a crime in failing to inform Mr. Jeffries of Lazear's presence on a recorded line during the May 6, 2022 phone call. This criminal conduct violated RPC 8.4(b), while her dishonesty and deceit to Mr. Jeffries violated Rule 8.4(c). And, Furmanek violated RPC 8.4(d), as her actions during and after her representation of Lazear interfered with the prosecution of his criminal case and prejudiced the administration of justice. Finally, Furmanek's conviction of the crime of disorderly conduct implicates Pa.R.DE. 203(b)(1), which provides that conviction of a crime shall be grounds for discipline.

Having concluded that Respondent engaged in professional misconduct, this matter is ripe for the determination of discipline. Disciplinary sanctions serve the dual role of protecting the interests of the public while maintaining the integrity of the bar. *Office of Disciplinary Counsel v. John Keller*, 506 A.2d 872, 875 (Pa. 1986). In assessing the appropriate quantum of discipline, the Board must weigh any aggravating and mitigating circumstances. *Office of Disciplinary Counsel v. Brian J. Preski*, 134 A.3d 1027, 1031 (Pa. 2016).

Considering this record, we find significant aggravating factors, which weigh in favor of imposing discipline that suspends Furmanek's license to practice law until she is able to establish her ability to perform at a professional level. First and foremost, Furmanek failed to accept full responsibility for her misconduct and failed to show remorse—primarily because she does not comprehend that her conduct was unethical. The record is devoid of any recognition by Furmanek that her actions were clear violations of the Rules of Professional Conduct. Throughout the disciplinary proceedings, Furmanek maintained that her conduct was not unethical and she failed to connect how her personal

relationships with clients continually compromised her professional judgment. The record demonstrates that Furmanek viewed her romantic dealings with Lazear as simply her own personal matter, without considering the implications of the romance, including the imbalance of power between an attorney and her client. She claimed that she was able to separate her professional and personal interests and provided an example by stating that she can “go and argue with the district attorney in court, and then walk out and have lunch with them as a friend. I’m able to do that.” 5/9/24 N.T. 317. Furmanek’s understanding of conflicts totally misses the mark.

Furmanek’s attitude is troubling, all the more because the potential for an impermissible conflict of interest by having a romantic relationship with a client after the representation has started was clearly pointed out to her by ODC in August of 2020 in connection with her self-report of an inappropriate sexual communication with a different client. At that time, Furmanek was warned by ODC that her actions could violate ethical rules and it was vital that attorneys maintain independent and unbiased relationships with clients. Furmanek disregarded this warning and in July of 2021 or at the latest August of 2021, commenced a romantic relationship with her client, Lazear. Furmanek later began a fresh romantic relationship with a different private criminal client, Timothy Ringer, around May of 2023. Furmanek’s romantic relationship with Ringer was discovered by the WCCF around April 24, 2024, after Ringer informed a prison counselor that he was marrying his attorney, Furmanek. The WCCF commenced an investigation and discovered a phone call between Furmanek and Ringer to a phone number identified as that of Lazear’s mother, the same number that Furmanek used during her relationship with Lazear. The call revealed the romantic nature of the relationship between Furmanek and Ringer, although Furmanek later claimed that Ringer was just joking. Furmanek’s

pattern of behavior in engaging in romantic dealings with clients that she represents exemplifies her ongoing inability to recognize concurrent conflicts of interest, lack of insight into the harm to her clients, and lack of remorse.

As to Furmanek's criminal conduct, her testimony reveals ignorance of her culpability and underscores a lack of genuine appreciation for her misconduct. When questioned as to the three-way recorded call, Furmanek strenuously contended that she was not being deceitful and that it did not "dawn" on her that the jail line was recorded. She testified, "[I]ike, should I have known? **Maybe.**" (emphasis added). 5/9/24 N.T. 292. She further testified, "[s]hould I have known better? **I guess so.**" (emphasis added). 5/9/24 N.T. 294.

The decisional law establishes that respondents who lack remorse or are unwilling to acknowledge or comprehend their misconduct heighten the risk of harm to the public and deserve more serious discipline. See *Office of Disciplinary Counsel v. Alan Kane*, No. 77 DB 2001 (D. Bd. Rpt. 12/13/2022) (S. Ct. Order 3/8/2023).

Furmanek's incredible testimony is another weighty aggravating factor. See *Office of Disciplinary Counsel v. Marianne Sawicki*, No. 107 DB 2021 (D. Bd. Rpt. 9/15/2023, p. 50) (S. Ct. Order 12/22/2023). Furmanek repeatedly testified that she was able to separate her romantic and professional relationships with Lazear and treated him as she would any other client. This is not credible, as the record demonstrates that despite Furmanek's self-described very heavy case load, staffing shortages and feelings of being overwhelmed by the work, she took actions to immediately address Lazear's various complaints, by meeting with WCCF officials and filing motions. As well, her testimony that she was not trying to hide her identity when she used Lazear's mother's account information to repeatedly contact Lazear strains credulity. Likewise, Furmanek's

testimony that she was not aware of the recorded line and was not trying to deceive Mr. Jeffries is incredible, based on the content of the phone call where she told Lazear to keep quiet prior to Mr. Jeffries joining the call, and her knowledge of and experience with recorded lines at the WCCF. And, Furmanek's testimony that Ringer was merely joking about getting married and there was no relationship at that point is belied by the content of the phone call where she acknowledges Ringer's remarks about their romantic relationship.

Furmanek offered the testimony of two witnesses in mitigation. The testimony of her former client, Mr. Lemley, and her former employer, Attorney Cancelmi, was credible yet not persuasive as to her good character. Mr. Cancelmi offered his opinion that Furmanek is a capable lawyer, yet he was not aware that Furmanek was charged with engaging in a romantic relationship with her client. And, he testified that he was not able to offer an opinion on her reputation in the legal community. Similarly, Mr. Lemley offered his opinion that Furmanek was a good lawyer for him but offered little evidence as to her character. Overall, we give this testimony very little weight in mitigation. See *Office of Disciplinary Counsel v. Valerie Andrine Hibbert*, No. 215 DB 2019 (D. Bd. Rpt. 2/17/2021, p. 38) (S. Ct. Order 4/27/2021) (overall weight and significance of character evidence is undermined where a character witness has little knowledge of the underlying disciplinary charges).

We also consider Furmanek's lack of a disciplinary record, which is a factor that may be accorded weight in mitigation. See *Office of Disciplinary Counsel v. Philip A. Valentino*, 730 A.2d 479, 483 (Pa. 1999). To be clear, although Furmanek self-reported an incident to ODC in 2020, that office did not consider her conduct a violation of the Rules of Professional Conduct and issued a warning, which is not a form of discipline on

her record. However, as explained above, this incident is integral to our conclusion that Furmanek has engaged in a pattern of inappropriate behavior that exemplifies her current inability to conform her conduct to the ethical rules. As such, we do not find Furmanek's lack of prior discipline to be a weighty mitigating factor under the totality of the circumstances.

We turn to the guiding precedent. "As is often the case with attorney disciplinary matters, there is no case precedent that is precisely on all fours..." *Office of Disciplinary Counsel v. Anthony C. Cappuccio*, 48 A.3d 1231, 1240 (Pa. 2012). While our survey of prior matters did not reveal a case that squares with the instant matter, in reviewing the decisional law, we find cases that provide a benchmark to determine the severity of discipline, which discipline must be tailored to Furmanek's weighty aggravating factors and minimal mitigation.

In the case of *Office of Disciplinary Counsel v. J. Richard McCague*, 175 DB 2003 (D. Bd. Rpt. 9/9/2005) (S. Ct. Order 12/1/2005), the Court imposed a public censure on McCague for his conviction of summary disorderly conduct, where he attempted to smuggle contraband, including tobacco and marijuana, into the Allegheny County jail while on a visit to a private client. McCague was aware that he was violating jail policy but claimed he did it to help his client buy protection inside the jail. The Board noted that zealous advocacy did not extend to violating jail policies and found McCague did not exercise good judgment. McCague admitted responsibility for his conduct. Here, Furmanek's misconduct is more serious as she engaged in an impermissible concurrent conflict of interest and separately was convicted of two counts of disorderly conduct. The aggravating factors of the matter at bar are significant and show a pattern of inappropriate conduct rather than an isolated lapse of judgement.

In *Office of Disciplinary Counsel v. John Parroccini*, No. 136 DB 2022 (D. Bd. Order 7/20/2023), Parroccini consented to a public reprimand for violation of RPC 1.7(a)(2) and 1.16(a)(1). In this matter, Parroccini, who was the Warren County Public Defender, developed a romantic interest in an incarcerated client. He exchanged romantic messages with the client through the correctional facility's email messaging system. The messages were discovered by the correctional facility. Parroccini was removed from his position as Public Defender. He promptly self-reported his misconduct to Office of Disciplinary Counsel, accepted full responsibility, and expressed genuine remorse. His interactions with his client were limited to the messaging system. Parroccini had no history of discipline. Parroccini's case involved less serious misconduct and more significant mitigation, which warranted the imposition of discipline less than a suspension.

The instant matter warrants a term of suspension that requires Furmanek to petition for reinstatement and prove her fitness as lawyer. While serving as Lazear's attorney, she failed to exercise caution when her personal interests became intertwined with her professional representation and ignored her ethical duties. She lied to her employer and the WCCF about the nature of her relationship. Furmanek's misconduct extended to her deceptively conducting a three-way telephone call without advising Mr. Jeffries that his client was on a recorded line from jail, which conduct resulted in criminal charges and a disorderly conduct conviction. Exacerbating these facts, during the instant disciplinary process, Furmanek was engaged in a romantic relationship with yet another client. Furmanek has shown she is a threat to the Bar of this Commonwealth and she poses a danger to her clients as a result of her inability to separate her professional duties from her personal desires when representing her clients. Her failure to comprehend the

nature of her misconduct, accept responsibility, and demonstrate remorse, as well as her lack of credibility, bolster the need for a lengthy suspension of two years.

Upon this record, and after considering the goals of the disciplinary system and the established precedent to ensure the application of consistent discipline, we respectfully recommend that Furmanek be suspended for a period of two years.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, Kimberly Ann Furmanek, be Suspended for two years from the practice of law in this Commonwealth.

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

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: /s/ Shohin H. Vance
Shohin H. Vance, Vice-Chair

Date: June 3, 2025