

**IN THE SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2477 Disciplinary Docket No. 3
	:	
Petitioner	:	No. 156 DB 2017
	:	
v.	:	Attorney Registration No. 50471
	:	
MICHAEL P. QUINN,	:	(Montgomery County)
	:	
Respondent	:	
	:	

**ORDER**

**PER CURIAM**

**AND NOW**, this 30<sup>th</sup> day of May, 2018, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board, the Joint Petition in Support of Discipline on Consent is granted, and Michael P. Quinn is suspended on consent from the Bar of this Commonwealth for a period of one year and one day. The suspension is stayed in its entirety, and he is placed on probation for a period of two years, subject to the following conditions:

1. Respondent shall obtain a practice monitor, approved by the Office of Disciplinary Counsel;
2. The practice monitor shall do the following:
  - a. Periodically examine Respondent's law office organization and procedures to ensure that Respondent keeps his clients informed;
  - b. Ensure that Respondent has replied to client requests in a timely manner;
  - c. Ensure that Respondent has worked on cases in a reasonably prompt and diligent manner;

- d. Ensure that Respondent has provided written fee agreements as required by RPC 1.5(b); and
- e. File quarterly written reports with the Secretary of the Disciplinary Board.

It is further ordered that Respondent shall pay the costs incurred by the Disciplinary Board in the investigation and prosecution of this matter.

A True Copy Patricia Nicola  
As Of 5/30/2018

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :  
Petitioner :  
v. : No. 156 DB 2017  
: File Nos. C2-17-812  
: and C2-17-929  
: :  
: Atty. Reg. No. 50471  
MICHAEL P. QUINN, :  
Respondent : (Montgomery County)

**JOINT PETITION IN SUPPORT OF DISCIPLINE**  
**ON CONSENT UNDER Pa.R.D.E. 215(d)**

Petitioner, Office of Disciplinary Counsel ("ODC"), by Paul J. Killion, Chief Disciplinary Counsel, and Gloria Randall Ammons, Disciplinary Counsel, and by Respondent, Michael P. Quinn, and Michael van der Veen, Esquire, Counsel for Respondent, file this Joint Petition In Support of Discipline on Consent under Pennsylvania Rule of Disciplinary Enforcement (Pa.R.D.E.) 215(d) ("Joint Petition"), and respectfully represent that:

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 Pa.R.D.E. 207, 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

FILED  
4/12/2018  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.

2. Respondent, Michael P. Quinn, was born on January 1, 1962, and was admitted to practice law in the Commonwealth on November 23, 1987. His registered mailing address is 411 Cherry Street, Norristown, PA 19401-4734.

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

**SPECIFIC FACTUAL ADMISSIONS AND RULES VIOLATED**

4. Respondent stipulates that the following factual allegations contained within the Joint Petition are true and correct, and stipulates that he has violated the Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement set forth in §§ 38, 51 and 57, *infra*.

**I. 156 DB 2017**

5. In November 2014, Karl Fred Beckmann ("Karl Beckmann") pled guilty in the Court of Common Pleas of Delaware County to, *inter alia*, burglary in a case captioned ***Commonwealth v. Beckmann***, No. CP-46-CR-0001552-2014.

6. On February 12, 2015, Karl Beckmann was:

- a. sentenced to six to twenty-three months of incarceration and four years of probation; and
- b. ordered to pay restitution in the amount of \$32,680.06.

7. On that day, Karl Beckmann paid \$10,000 towards the restitution, which left a balance of \$22,680.06.

8. Approximately one week later, Karl Beckmann and his father, Karl F. Beckmann ("Fred Beckmann"), contacted Respondent in order for Respondent to file a motion to reconsider the restitution amount.

9. At that time, Respondent told the Beckmanns that:

- a. if they retained him for \$1,000 and got the money to him as soon as possible, he would file an appeal on Karl Beckmann's behalf; and
- b. he would work with the Assistant District Attorney to reach an agreement for a more reasonable restitution amount.

10. On February 18, 2015, Fred Beckmann visited Respondent's Norristown office and paid Respondent \$1,000 via a credit card for the representation.

11. On February 18, 2015, Respondent sent an email to Fred Beckmann, indicated the following:

- a. Subject: "Quinn & Quinn Transaction Receipt";
- b. Description: "Motion to Reconsider LEGAL FEES ARE NON REFUNDABLE"; and
- c. Transaction amount: \$1,000.00.

12. On February 20, 2015, a civil judgment in regard to the restitution was entered against Karl Beckmann.

13. By email to Respondent dated March 26, 2015, at 4:45 p.m., Fred Beckmann:

- a. advised Respondent that Karl Beckmann had received a letter in the mail in regard to the restitution; and
- b. inquired as to whether Respondent was unable to get the amount of the restitution reduced.

14. By email dated March 26, 2015, at 4:53 p.m., Maria Quinn of Respondent's office stated that:

- a. Respondent had not returned from court; and
- b. as soon as she spoke with Respondent, she would give Fred Beckmann an update of the status of the matter.

15. Neither Respondent nor Maria contacted Fred Beckmann to give an update, as promised.

16. By email to Respondent dated March 27, 2015, Fred Beckmann requested a status.

17. Respondent failed to respond to Fred Beckmann's email.

18. By email to Respondent dated April 22, 2015, Fred Beckmann:

- a. inquired as to what progress Respondent had made; and
- b. requested that Respondent telephone him when Respondent had a chance.

19. Respondent failed to respond to Fred Beckmann's email.

20. By email to Respondent dated April 24, 2015, Fred Beckmann:

- a. stated that he had telephoned and emailed Respondent in the last two weeks and Respondent had not replied or telephoned him back;
- b. stated that all he wanted was a status of Karl's matter;

- c. stated that Respondent was going to visit Karl a few Mondays ago but as of that date Respondent had not visited Karl; and
- d. requested that Respondent get back to him with a status.

21. Thereafter, Respondent visited Karl Beckmann while he was incarcerated at the Montgomery County Correctional Facility in Eagleville, Pennsylvania.

22. By email dated April 29, 2015 at 1:53 p.m., Maria Quinn forwarded to Fred Beckmann, *inter alia*, a draft motion to reconsider restitution, which contained:

- a. an incorrect birthdate of May 10, 1966, for Karl Beckmann;
- b. an incorrect date of January 30, 2012, for Karl Beckmann's sentencing;
- c. a date of March 30, 2015, at the bottom of the signature page; and
- d. an incorrect proposed Order, which requested early termination of a five-year term of probation imposed on January 30, 2012.

23. By email to Maria Quinn dated April 29, 2015, at 2:10 p.m., Fred Beckman advised her of Karl Beckmann's correct birth and sentencing dates.

24. By email dated April 29, 2015 at 3:41 p.m., Maria Quinn stated that:

- a. she must have given Fred Beckmann a draft;
- b. she would resend the motion the next day;
- c. she had already left the office; and
- d. Respondent was waiting for Assistant District Attorney Jesse King to respond.

25. Respondent failed to forward another draft motion to Fred Beckmann, as promised by Maria Quinn.

26. Thereafter, Respondent failed to take any action to file a motion to reconsider restitution on behalf of Karl Beckmann.

27. During Karl Beckmann's incarceration, Fred Beckmann was only able to speak with Respondent on two occasions, at which time Respondent told Fred Beckmann that:

- a. he was working on Karl Beckmann's matter; and
- b. he was really busy.

28. Karl Beckmann was released on July 15, 2015.

29. Approximately three weeks after Karl Beckmann was released from incarceration, he telephoned Respondent to obtain a status report of the matter.

30. At that time, Respondent told Karl Beckmann:

- a. "give me a couple of more weeks"; and
- b. "I'll get back to you."

31. Thereafter, Karl and Fred Beckmann attempted to contact Respondent regarding a status update of the matter.

32. Respondent failed to return their telephone calls.

33. In or around December 2015, a warrant was issued for Karl Beckmann's arrest for a parole violation.

- a. Karl Beckmann was eventually incarcerated for the parole violation and was released in or around July 2016.



34. In or around July 2016, Karl Beckmann telephoned Respondent, at which time Respondent told him that he was still working on Karl's case.

35. Thereafter, Respondent failed to contact the Beckmanns.

36. Respondent failed to take any action on Karl Beckmann's matter.

37. After Respondent was contacted by ODC, Respondent refunded the unearned fee to the Beckmanns in or around January 2017.

38. By his conduct as alleged in Paragraphs 5 through 37 above, Respondent violated the following Rules:

- a. RPC 1.3, which states that a lawyer shall act with reasonable diligence and promptness in representing a client;
- b. RPC 1.4(a)(3), which states that a lawyer shall keep the client reasonably informed about the status of the matter;
- c. RPC 1.4(a)(4), which states that a lawyer shall promptly comply with reasonable requests for information;
- d. 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; and
- e. 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.

II: C2-17-812

39. In February 2017, Respondent was retained by Joseph Lee Wesley to represent him in his criminal matter in the Court of Common Pleas of Montgomery County, case captioned **Commonwealth v. Wesley**, No. CP-46-CR-0001552-2014 (previously MJ-38107-CR-0000137-2016).

40. At that time, Respondent was paid \$2,000 to represent Mr. Wesley at his preliminary hearing.

41. Respondent had not previously represented Mr. Wesley.

42. Respondent failed to provide Mr. Wesley with a written fee agreement before or within a reasonable time after commencing the representation.

43. On March 9, 2017, a preliminary hearing was held in Mr. Wesley's matter.

a. Respondent appeared on behalf of Mr. Wesley.

b. After the hearing, Mr. Wesley's matter was held for court.

44. In April 2017, Mr. Wesley's representative, Daood Walker, paid Respondent an additional \$1,500 towards Respondent's fee to represent Mr. Wesley at trial and to file pretrial motions.

a. Respondent's fee for a bench trial was \$3,500

and for a jury trial was \$4,500.

45. Thereafter, Mr. Wesley attempted to contact Respondent to obtain a status of his criminal matter and request that Respondent file various motions on Mr. Wesley's behalf.

46. Respondent failed to respond to Mr. Wesley's inquiries.

47. In September 2017, Respondent spoke with Mr. Wesley's family member, Jennifer Vance, and informed her that he needed additional funds in order to prepare the motions that Mr. Wesley wanted filed on his behalf.

48. On October 18, 2017, Respondent filed a Petition to Withdraw as Counsel.

49. By Order dated November 14, 2017, the Honorable Joseph P. Walsh:

- a. denied in part and granted in part Respondent's motion;
- a. ordered that Mr. Wesley have until November 25, 2017 to retain new counsel; and
- b. ordered that Respondent return to Mr. Wesley all money paid to Respondent by Mr. Wesley or Mr. Wesley's representatives.

50. Thereafter, Respondent refunded \$1,500 to Mr. Daood.

51. By his conduct as alleged in Paragraphs 39 through 50 above, Respondent violated the following Rules:

- a. RPC 1.3;
- b. RPC 1.4(a) (3)

- c. RPC 1.4(a) (4)
- d. RPC 1.4(b); and
- e. RPC 1.5(b), which states that when the lawyer has not regularly represented the client, the basis or rate of the fee shall be communicated to the client, in writing, before or within a reasonable time after commencing the representation.

**III. C2-17-929**

52. By Order dated February 4, 2015, effective March 6, 2015, the Supreme Court of Pennsylvania disbarred Mary Elise Willcox from the practice of law in the Commonwealth.

53. Thereafter, Respondent employed Ms. Willcox as a paralegal in his office.

- a. Ms. Willcox was required to have a supervising attorney responsible for ensuring that she complies with Pa.R.D.E. 217(j).

54. Rule 217(j)(5) of the Pennsylvania Rules of Disciplinary Enforcement ("Pa.R.D.E.") states that a formerly admitted attorney may not engage in any form of law-related activities in this Commonwealth except in accordance with the following requirements:

- a. the supervising attorney and the formerly admitted attorney shall file with the Disciplinary Board a notice of engagement, identifying the supervising attorney and certifying that the formerly admitted attorney's activities will be monitored for compliance with this subdivision (j); and
- b. the supervising attorney and the formerly admitted attorney shall file a notice with the Disciplinary Board immediately upon the termination of the engagement between the

formerly admitted attorney and the supervising attorney.

55. Respondent failed to file a notice of engagement with the Disciplinary Board at the time he hired Ms. Willcox or anytime thereafter as required by Pa.R.D.E 217(j)(5).

a. Ms. Willcox also did not file a notice of engagement.

56. When Ms. Willcox's employment with Respondent ended, he failed to file a notice with the Disciplinary Board that Ms. Willcox's employment had been terminated.

57. By his conduct as alleged in Paragraphs 52 through 56 above, Respondent violated the following Rule:

a. Pa.R.D.E. 217(j)(1) and (5).

**SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE**

58. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension of one year and one day, stayed in its entirety with two years of probation with the following conditions during the probationary period:

- a. a practice monitor be appointed to monitor Respondent in regard to the Respondent's management of his law practice;
- b. the practice monitor shall do the following during the period of Respondent's probation:
  - i. periodically examine Respondent's law office organization and procedures to ensure that Respondent has kept his clients informed;
  - ii. ensure that Respondent has replied to clients requests in a timely manner;

- iii. ensure that Respondent has worked on cases in a reasonably prompt and diligent matter;
- iv. ensure that Respondent has provided written fee agreements as required by RPC 1.5(b); and
- v. shall file quarterly written reports with the Secretary's Office.

59. Respondent hereby consents to that discipline being imposed upon him. Attached to this Petition is Respondent's executed Affidavit required by Rule 215(d), Pa.R.D.E., stating that he consents to the recommended discipline, including the mandatory acknowledgements contained in Rule 215(d)(1) through (4), Pa.R.D.E.

60. In support of Petitioner and Respondent's joint recommendation, it is respectfully submitted that there are several mitigating circumstances:

- a. Respondent has admitted engaging in misconduct and violating the charged Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement;
- b. Respondent has cooperated with Petitioner, as is evidenced by Respondent's admissions herein and Respondent's consent to receiving a suspension of one year and one day, stayed in its entirety with two years of probation with conditions; and
- c. Respondent is remorseful for his misconduct and understands he should be disciplined, as is evidenced by his consent to receiving a suspension of one year and one day, stayed in its entirety with two years of probation with conditions.

61. Respondent has the following record of discipline, which is an aggravating factor in determining the discipline to impose:

- a. In September 2015, Respondent received an informal admonition involving two matters for violating RPC 1.1 (one count), RPC 1.3 (two counts), RPC 1.4(a)(3) (two counts), RPC 1.4(a)(4) (one count), RPC 1.4(b) (two counts), RPC 1.5(b) (two counts), RPC 1.16(d) (two counts) and RPC 8.4(d) (one count). In one matter, Respondent, *inter alia*, advised his client to withdraw a protection from abuse petition that the client had filed against his son's mother and to refile the petition. The client was prevented from filing the second petition because the second petition concerned the same issues as the first petition. In addition, Respondent failed to appear for a hearing on behalf of his client, and failed to respond to the client's letter and telephone calls. Respondent also failed to provide a written fee agreement and failed to refund the unearned fee. In the second matter, Respondent, *inter alia*, failed to appear at a client's violation of probation ("VOP") hearing, and failed to advise the client that he would not represent the client at the VOP hearing. Respondent also failed to provide a written fee agreement and failed to refund the unearned fee; and
- b. by Order dated August 26, 2015, the Disciplinary Board, upon consideration of the Report and Recommendation of the Hearing Committee, Ordered that Respondent be subjected to a private reprimand with probation for a period of one year for violating RPC 1.1, RPC 1.3, RPC 1.4(a)(3), RPC 1.4(b), RPC 1.5(b), RPC 1.15(b), and RPC 5.3(b) in connection with Respondent's administration of an estate matter wherein Respondent commingled estate funds with his own personal or business funds, and failed to properly supervise his nonlawyer employee.

62. Although there is no *per se* rule for discipline for attorneys who engaged in neglect, failed to return an unearned fee and failed to provide a fee agreement, a suspension of one year and one day, stayed in its entirety with two years of probation with conditions is within the range of discipline.

In ***Office of Disciplinary Counsel v. John E. Gomolchak***, 2 DB 2015 (S.Ct. Order 8/21/2015), respondent was suspended on consent for one-year-and-one-day, stayed in its entirety, with one year of probation with practice monitor for neglect, failure to communicate and failure to timely distribute estate funds. Respondent Gomolchak had previously received a public reprimand for similar misconduct.

In ***Office of Disciplinary Counsel v. Kevin Mark Kallenbach***, 21 DB 2013 and 150 DB 2013 (S.Ct. Order 5/11/2015), respondent was suspended for one year and one day, stayed in its entirety, with two years of probation with practice monitor for neglect, failure to communicate, and failure to respond to the Office of Disciplinary Counsel's request to provide an explanation for his behavior. Respondent Kallenbach had a prior history of discipline. He had received a private reprimand in 2006 and a public reprimand with one year of probation and a practice monitor in 2013.



Both **Gomolchak** and **Kallenbach** support a suspension of one year and one day, stayed in its entirety, with Respondent being placed on two years of probation with conditions.


WHEREFORE, Petitioner and Respondent respectfully request that pursuant to Pa.R.D.E. 215(e) and 215(g), a three member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and file a recommendation with the Supreme Court of Pennsylvania that Respondent be suspended for one year and one day, stayed in its entirety, with probation for two years subject to the following conditions:

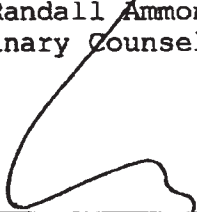
- a. a practice monitor be appointed to monitor Respondent in regard to the Respondent's management of his law practice;
- b. the practice monitor shall do the following during the period of Respondent's probation:
  - i. periodically examine Respondent's law office organization and procedures to ensure that Respondent has kept his clients informed;
  - ii. ensure that Respondent has replied to clients requests in a timely manner;
  - iii. ensure that Respondent has worked on cases in a reasonably prompt and diligent matter;
  - iv. ensure that Respondent has provided written fee agreements as required by RPC 1.5(b); and
  - v. shall file quarterly written reports with the Secretary's Office.


Respectfully and jointly submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION  
CHIEF DISCIPLINARY COUNSEL

By   
Gloria Randall Ammons  
Disciplinary Counsel

By   
Michael van der Veen, Esquire  
Counsel for Respondent

By   
Michael P. Quinn  
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :  
Petitioner :  
v. : No. 156 DB 2017  
: File Nos. C2-17-812  
: and C2-17-929  
: :  
: Atty. Reg. No. 50471  
MICHAEL P. QUINN, :  
Respondent : (Montgomery County)

VERIFICATION

The statements contained in the foregoing Joint Petition In Support of Discipline on Consent Under Rule 215(d), Pa.R.D.E., are true and correct to the best of our knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

4/10/2018  
Date

Gloria Randall Ammons  
Gloria Randall Ammons  
Disciplinary Counsel

4/5/18  
Date

Michael van der Veen  
Michael van der Veen, Esquire  
Counsel for Respondent

4/9/18  
Date

Michael P. Quinn  
Michael P. Quinn  
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :  
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AFFIDAVIT UNDER RULE 215(d), Pa.R.D.E.

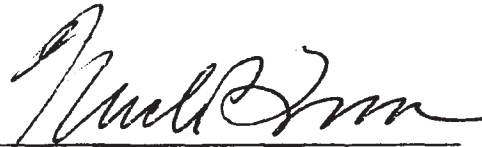
Respondent, Michael P. Quinn, hereby states that he consents to the imposition of a suspension of one year and one day, stayed in its entirety with probation for a period of two years with conditions as set forth in the Joint Petition, as jointly recommended by the Petitioner and Respondent in the Joint Petition in Support of Discipline on Consent, and further states that:

1. His consent is freely and voluntarily rendered; he is not being subjected to coercion or duress; he is fully aware of the implications of submitting the consent; and he has consulted with counsel in connection with the decision to consent to discipline;

2. He is aware that there are presently pending proceedings at No. 15 DB 2017, C2-17-812 and C2-17-929 involving allegations that he has been guilty of misconduct as set forth in the Joint Petition;

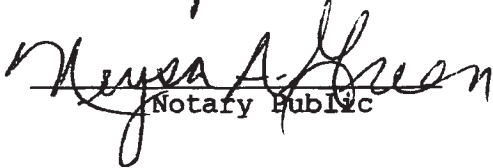
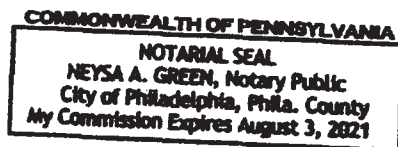
3. He acknowledges that the material facts set forth in the Joint Petition are true; and

4. He consents because he knows that if the charges against him continue to be prosecuted in the pending proceeding, he could not successfully defend against them.



Michael P. Quinn  
Respondent

Sworn to and subscribed  
before me this 9th  
day of April, 2018.

  
Notary Public

**CERTIFICATE OF COMPLIANCE**

I certify that this exhibit complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Office of Disciplinary Counsel

Signature: 

Name: Gloria Randall Ammons

Attorney No. (if applicable): 57701