

**BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 159 DB 2021
Petitioner	:	
	:	File No. C3-20-571
v.	:	
	:	Attorney Registration No. 66721
RICHARD G. SCHEIB	:	
Respondent	:	(Union County)

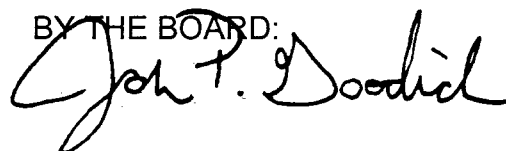
ORDER

AND NOW, this 27th day of December 2021, in accordance with Rule 208(a)(5), Pa.R.D.E., the determination by a Review Panel of the Disciplinary Board of the above captioned matter is accepted; and it is

ORDERED that the said RICHARD G. SCHEIB of Union County be subjected to a **PUBLIC REPRIMAND** by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(a) and Rule 205(c)(8) of the Pennsylvania Rules of Disciplinary Enforcement.

Costs shall be paid by the Respondent.


BY THE BOARD:



Board Chair

TRUE COPY FROM RECORD

Attest:


Marcee D. Sloan, Board Prothonotary
The Disciplinary Board of the
Supreme Court of Pennsylvania

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PUBLIC REPRIMAND

Richard G. Scheib, you appear before the Disciplinary Board for the imposition of a Public Reprimand ordered by the Board on December 27, 2021. It is an unpleasant task to publicly reprimand one who has been granted the privilege of membership in the bar of the Commonwealth. Yet as repugnant as this task may be, it has been determined necessary that you receive this public discipline.

Mr. Scheib, the record demonstrates that despite an unambiguous Rule of Professional Conduct, in 2019, you improperly drafted a will for Charles E. Harp, Jr., an elderly client who was not your relative, that named you as a testamentary beneficiary of a substantial part of the estate. The will also named your longtime paralegal, Tammy Hoover, as a beneficiary. Further, you named yourself as executor and Ms. Hoover as alternate.

The record further demonstrates that along with the Harp will, you drafted and signed an acknowledgement, which your client signed, that stated you had advised Mr. Harp that a different attorney “should” draft the Harp will because you were named as a beneficiary, but that Mr. Harp refused. Additionally, you provided to your client an acknowledgement, which was signed by both you and your client, that stated you did

not want any portion of the Harp estate and advised that Mr. Harp “should” give his shares to his sister and that Mr. Harp insisted on giving a share of his estate to you. These acknowledgements were not separately signed by witnesses, notarized or filed with the Register of Wills.

On June 29, 2020, Mr. Harp died. On July 7, 2020, you filed with the Union County Register of Wills, the Harp will and a renunciation of your role as executor in favor of Ms. Hoover as executrix, and entered your appearance as estate counsel. On July 9, 2020, you notified Mr. Harp’s sister that neither she nor any surviving relatives were named a beneficiary. On August 12, 2020 you filed a Certificate of Notice expressly identifying yourself as one of the three Harp estate beneficiaries. Despite the improper gift, you did not immediately disclaim your testamentary share of your deceased client’s estate in a filing with the Register of Wills.

In the fall of 2020, Mr. Harp’s sister retained counsel, who conveyed to you the family’s concerns regarding the Harp will and your perceived overreaching. On September 25, 2020, you responded to the family’s counsel that you intended to disclaim. In March 2021, you filed the Inheritance Tax Return and officially disclaimed your portion of the estate. However, Ms. Hoover remained a beneficiary and was entitled to a one-half share of the Harp estate. Additionally, pursuant to the Inheritance Tax Return, you and Ms. Hoover would each receive \$10,500 for the respective attorney fee and executrix commission. Ms. Hoover’s commission appeared to be in addition to her testamentary one-half share. You later informed Office of Disciplinary Counsel that Ms. Hoover had disclaimed her share of the estate, although there is no official document filed with the Register of Wills.

Upon Office of Disciplinary Counsel’s investigation of numerous other estate

filings submitted by you to the Registers of Wills in the counties where you practice, there was no evidence to suggest that you routinely renounce your position as executor in favor of Ms. Hoover.

By your conduct, you violated the following Rules of Professional Conduct (“RPC”):

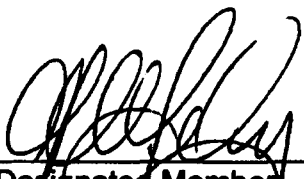
1. RPC 1.1 – A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.
2. RPC 1.7(a)(2) – Except as provided in paragraph (b) of this rule, a lawyer shall not represent 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.
3. RPC 1.8(c) – A lawyer shall not solicit any substantial gift from a client, including a testamentary gift, or prepare on behalf of a client an instrument giving the lawyer or a person related to the lawyer any substantial gift unless the lawyer or other recipient of the gift is related to the client. For purposes of this paragraph, related persons include a spouse, child, grandchild, parent, grandparent or other relative or individual with whom the lawyer or the client maintains a close familial relationship.
4. RPC 5.3(c)(1) and (c)(2) – With respect to a nonlawyer employed or retained by or associated with a lawyer, a lawyer shall be responsible for

conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if: (1) the lawyer orders or, with knowledge of the specific conduct, ratifies the conduct involved; or (2) the lawyer is a partner or has comparable managerial authority in the law firm in which the person is employed or has direct supervisory authority over the person, and in either case knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

We note that you have no history of discipline since your admission to practice law in the Commonwealth in 1992.

Mr. Scheib, your conduct in this matter is public. This Public Reprimand is a matter of public record and shall be posted on the Disciplinary Board's website at www.padisciplinaryboard.org.

It is the Board's duty to reprimand you for your misconduct. Any subsequent violations on your part can only result in further discipline and perhaps more severe sanctions. We sincerely hope that you will conduct yourself in such a manner that future disciplinary action will be unnecessary.



Designated Member
The Disciplinary Board of the
Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania on March 4, 2022.