

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2555 Disciplinary Docket No. 3
	:	
Petitioner	:	No. 166 DB 2018
	:	
v.	:	Attorney Registration No. 90815
	:	
JOSEPH CHRISTOPHER FRANCIS,	:	(Washington County)
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 22nd day of January, 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 Joseph Christopher Francis is suspended on consent from the Bar of this Commonwealth for a period of 12 months, 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 timely and fully complete and submit his Pennsylvania Attorney's Annual Fee Form each year on or before July 1;
2. Respondent shall fully comply with all Continuing Legal Education requirements prior to the due date of the compliance period (CLE Group 2);
3. Respondent shall fully comply with the Rules of Professional Conduct and Rules of Disciplinary Enforcement;
4. Respondent shall not engage in any further misconduct; and
5. Respondent shall pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 01/22/2019

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. _____ Disciplinary Docket No. 3
Petitioner	:	
	:	No. 166 DB 2018
	:	
v.	:	Attorney Registration No.90815
JOSEPH CHRISTOPHER FRANCIS,	:	
Respondent	:	(Washington County)

RECOMMENDATION OF THREE-MEMBER PANEL
OF THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

The Three-Member Panel of the Disciplinary Board of the Supreme Court of Pennsylvania, consisting of Board Members James C. Haggerty, Brian J. Cali and Jerry M. Lehocky, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on September 21, 2018.

The Panel approves the Petition consenting to a twelve (12) months suspension, stayed in its entirety, with a concurrent period of probation for two(2) years subject to the conditions set forth in the Joint Petition and recommends to the Supreme Court of Pennsylvania that the attached Joint Petition be Granted.

The Panel further recommends that any necessary expenses incurred in the investigation and prosecution of this matter shall be paid by the respondent-attorney as a condition to the grant of the Petition.

S/James C. Haggerty lms
James C. Haggerty, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: 11/29/18

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No.	Disciplinary Docket
	:	No.	
Petitioner	:		
	:	No. <i>166</i>	DB 2018
v.	:		(File Reference Nos. C4-16-913,
	:		C4-17-314, and C4-17-767)
	:		
JOSEPH CHRISTOPHER FRANCIS,	:		Attorney Registration No. 90815
	:		
Respondent	:		(Washington County)

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

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
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(412) 565-3173

and

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Washington, PA 15301
(724) 206-0521

FILED 9/18/2018 The Disciplinary Board of the Supreme Court of Pennsylvania
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**BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL,	:	No.	Disciplinary Docket
	:	No.	
Petitioner	:		
	:	No.	DB 2018
v.	:		(File Reference Nos. C4-16-913,
	:		C4-17-314, and C4-17-767)
	:		
JOSEPH CHRISTOPHER FRANCIS,	:		Attorney Registration No. 90815
	:		
Respondent	:		(Washington County)

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

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Jana M. Palko, Disciplinary Counsel, and Respondent, Joseph Christopher Francis, Esquire, file this Joint Petition In Support Of Discipline On Consent Under Rule 215(d), Pa.R.D.E. and respectfully represent as follows:

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 (hereafter "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, Joseph Christopher Francis, was born in 1976. He was admitted to practice law in the Commonwealth of Pennsylvania on September 10, 2003.

3. Respondent's attorney registration mailing address is 125 S. College Street, Washington, PA 15301

4. Respondent is presently on active status.

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

SPECIFIC FACTUAL ADMISSIONS

C4-16-913 - THE ODC MATTER

6. By Order of the Supreme Court of Pennsylvania dated October 5, 2016, Respondent was administratively suspended pursuant to Rule 219, Pa.R.D.E., effective 30 days after the date of the Order pursuant to Rule 217(d), Pa.R.D.E.

7. By certified letter to Respondent dated October 5, 2016, Attorney Registrar Suzanne E. Price informed Respondent, among other things, that the Prothonotary of the Supreme Court of Pennsylvania had forwarded to that office a certified copy of the Order of the Supreme Court of Pennsylvania dated October 5, 2016 (copy enclosed together with applicable page containing Respondent's name) and that Respondent would be **Administratively Suspended** for failure to comply with Rule 219 of the Pennsylvania

Rules of Disciplinary Enforcement, such action to be effective November 4, 2016.
(emphasis in original).

8. On October 12, 2016, Respondent signed for this certified letter from Ms. Price.

9. Respondent did not pay his attorney registration fees for the year 2016-2017 by November 4, 2016.

10. Effective November 4, 2016, Respondent was placed on administrative suspension per the October 5, 2016 Order of the Supreme Court of Pennsylvania.

11. Despite having been administratively suspended, Respondent did not comply with Rule 217 of the Pennsylvania Rules of Disciplinary Enforcement, relating to "Formerly Admitted Attorneys", including failing to file a verified statement, and failing to give proper notice to clients and the court of his administrative suspension.

12. On various occasions during the period of November 4, 2016 through November 23, 2016, Respondent practiced law while on administrative suspension.

13. On November 15, 2016, Respondent appeared before the Honorable Valarie Constanzo of the Court of Common Pleas of Washington County on behalf of Respondent's client, Dawn O'Brien, in the case of *Commonwealth of Pennsylvania v. Dawn O'Brien*, filed at number 1737 of 2016.

14. At that time, Respondent requested that an Accelerated Rehabilitative Disposition (hereinafter "ARD") be entered for Ms. O'Brien with respect to the charge against her of Driving Under the Influence.

15. At the time that Respondent represented Ms. O'Brien before Judge Constanzo, Respondent:

- (a) Did not have an active license to practice law;
- (b) Was not permitted to practice law in the Commonwealth of Pennsylvania;
- (c) Did not inform Ms. O'Brien that he had been placed on administrative suspension and was not permitted to represent her; and,
- (d) Did not inform Judge Constanzo that he had been placed on administrative suspension and was not permitted to practice law.

16. On November 16, 2016, Respondent appeared for hearing before the Honorable Michael J. Lucas of the Court of Common Pleas of Washington County on behalf of Respondent's client, Rae Neil Smith, in the custody case of *Smith v. Smith*, filed at number 2014-6454.

17. At that time, Respondent presented to Judge Lucas a receipt purportedly evidencing payment of Respondent's annual registration fee.

18. The receipt that Respondent presented to Judge Lucas was actually for Respondent's payment to the Pennsylvania Continuing Legal Education Board (hereinafter "PACLE Board").

19. The receipt is annotated under "Description" with the word "PACLE".

20. The \$400.00 payment that Respondent made on October 31, 2016 to the PACLE Board was irrelevant to Respondent's outstanding 2016-2017 annual assessment fee.

21. Judge Lucas then permitted Respondent to proceed as counsel for Ms. Smith after being shown the receipt evidencing the purported payment of Respondent's annual registration fee.

22. At that time, Respondent:

(a) Did not have an active license to practice law;

(b) Was not permitted to practice law in the Commonwealth of Pennsylvania; and,

(c) Did not inform Ms. Smith that he had been placed on administrative suspension and was not permitted to represent her.

23. On November 17, 2016, Respondent appeared before Judge Constanzo of the Court of Common Pleas of Washington County on a custody contempt matter in the case of *Bockstoce v. Willmus*, filed at number 2015-828.

24. At that time:

(a) Respondent attempted to represent Mr. Bockstoe;

(b) Judge Constanzo would not let Respondent proceed because Respondent was on administrative suspension;

(c) Respondent provided the aforementioned receipt to Judge Constanzo; and,

(d) Judge Constanzo would nonetheless not allow Respondent to continue to represent Mr. Bockstoe.

25. At that time, Respondent:

(a) Did not have an active license to practice law;

(b) Was not permitted to practice law in the Commonwealth of Pennsylvania; and,

(c) Did not inform Mr. Bockstoe that he been placed on administrative suspension and was not permitted to represent him.

26. By letter dated November 23, 2016, which Respondent sent via facsimile, Respondent informed Disciplinary Counsel-in-Charge Angelea Allen Mitas, among other things, that:

(a) He was simultaneously submitting this writing to numerous offices as part of his ongoing efforts to remove an "administrative suspension" related to his law license that had been issued by the Pennsylvania Supreme Court;

(b) It was his position that the administrative suspension to which he was referring was unwarranted and was the result of his name being inadvertently included and made part of an October 5, 2016 Supreme Court Order;

(c) At this point he was asking for general instructions on how he could remove the administrative suspension in the fastest, most efficient manner possible;

(d) The basis of the administrative suspension relates to violation of Pennsylvania Rule of Disciplinary Enforcement 219;

(e) He had attached a copy of his credit card statement which indicates that a \$400.00 payment was made on October 31, 2016 and drawn upon the following day;

(f) He was enclosing a copy of an original 2016-2017 PA Attorney's Annual Fee form dated November 23, 2016;

(g) He would "hate to discover that I lost my law license because a fee was misapplied or some other matter that could have easily been handled"; and,

(h) He was ready, willing and able to pay any amounts that our records show as outstanding, regardless of his prior payment, and he would overnight mail any necessary forms to our offices.

27. On November 23, 2016, Respondent spoke with Disciplinary Counsel-in-Charge Mitas with regard to his letter dated November 23, 2016.

28. During that conversation, Respondent informed Ms. Mitas that, among other things, he now realized the \$400.00 that he paid was to the PACLE Board and not for his attorney registration fee.

29. Shortly thereafter, Respondent made the proper payment to Attorney Registration and submitted the 2016-2017 PA Attorney's Annual Fee form.

30. On November 28, 2016, Respondent was reinstated to active status to practice law in the Commonwealth of Pennsylvania.

31. On April 11, 2017, a DB-7 Letter of Inquiry regarding this matter was served upon Respondent via personal service.

32. His request for extension of time to respond having been granted, by letter of June 15, 2017, Respondent provided a statement of his position as to this matter.

33. In his statement, among other things, Respondent expressed remorse for his actions, and explained that he erroneously believed not only that the \$400 payment he made on October 31, 2016 was for his attorney registration fee, but also that the payment

he made served to prevent the administrative suspension from becoming effective on November 4, 2016.

34. By Respondent's conduct as alleged in paragraphs 6 through 33, Respondent violated both Rules of Professional Conduct 5.5(a) and 5.5(b)(2), as well as Rules of Disciplinary Enforcement 217(b), 217(c)(3), 217(e)(1), 217(j)(1), 217(j)(4)(iii), and 217(j)(4)(iv), Pa.R.D.E., as follows:

(a) Respondent practiced law in the Commonwealth of Pennsylvania in violation of the regulation of the legal profession in that jurisdiction, in violation of Rule of Professional Conduct 5.5(a).

(b) Respondent, while administratively suspended and thus not permitted to practice law in the Commonwealth of Pennsylvania, held out to the public or otherwise represented that he was admitted to practice law in the Commonwealth of Pennsylvania, in violation of Rule of Professional Conduct 5.5(b)(2).

(c) Respondent did not notify, or cause to be notified, all clients who were at that time involved in pending litigation or administrative proceedings, and the attorney or attorneys for each adverse party in such matter or proceeding, of his administrative suspension and his consequent inability to act as an attorney after the effective date of the administrative suspension, in violation of Rule of Disciplinary Enforcement 217(b), Pa.R.D.E.

(d) Respondent did not notify, or cause to be notified, of his administrative suspension any courts in the Commonwealth of Pennsylvania, in violation of Rule of Disciplinary Enforcement 217(c)(3), Pa.R.D.E.

(e) After being placed on administrative suspension effective November 4, 2017, Respondent did not timely file a verified statement of compliance, in violation of Rule of Disciplinary Enforcement 217(e)(1), Pa.R.D.E.

(f) While on administrative suspension, Respondent engaged in law-related activities without being under the supervision of a member in good standing of the Bar of the Commonwealth of Pennsylvania, in violation of Rule of Disciplinary Enforcement 217(j)(1), Pa.R.D.E.

(g) While on administrative suspension, Respondent performed law-related services for clients whom he had previously represented when his license to practice law was active, in violation of Rule of Disciplinary Enforcement 217(j)(4)(iii), Pa.R.D.E.

(h) Respondent represented himself to be a lawyer while on administrative suspension, in violation of Rule of Disciplinary Enforcement 217(j)(4)(iv).

C4-17-314 – THE PATTERSON MATTER

35. On December 14, 2015, Respondent met with Brandon and Erika Patterson at Respondent's office regarding Mr. Patterson's Washington County criminal matter before Magisterial District Judge David W. Mark, filed at MJ-27201-CR-0000124-2011.

36. The charges against Mr. Patterson at that case number had been dismissed by Magisterial District Judge David W. Mark on or about May 11, 2011, and Mr. Patterson wanted to have the matter expunged.

37. At the time of Respondent's December 14, 2015 meeting with the Pattersons, Mr. Patterson provided to Respondent a completed expungement packet, and informed Respondent that he wanted Respondent to complete the expungement for him.

38. Respondent informed Mr. Patterson that his fee to represent him in the expungement matter would be a flat fee of \$500.00.

39. At that time, Mrs. Patterson provided Respondent with check number 1834, dated December 14, 2015, in the amount of \$500.00, and made payable to Respondent, as payment for Respondent to represent Mr. Patterson in his expungement matter.

40. Although Respondent had not previously represented Mr. Patterson, he did not provide Mr. Patterson with any writing setting forth the basis or rate of his fee, either before or within a reasonable period of time after the commencement of the representation.

41. On December 16, 2015, Respondent negotiated the \$500.00 check from Mrs. Patterson.

42. Respondent did not deposit any of the proceeds of the \$500.00 check into an IOLTA or other Escrow Account.

43. Thereafter, Respondent did not take action on behalf of Mr. Patterson in his expungement matter.

44. In March of 2016, Mrs. Patterson sent Respondent a message via Facebook Messenger regarding the status of the expungement matter.

45. Respondent did not respond to this message.

46. On several occasions from May to July of 2016, Mrs. Patterson and Mrs. Patterson's mother communicated with Respondent regarding the status of the expungement matter.

47. In those communications Respondent, among other things, apologized for the delay, gave excuses as to why the matter was not yet finalized, and promised that he would get the matter finalized soon.

48. Respondent did not submit Mr. Patterson's expungement petition to the Washington County District Attorney's Office, or to any other relevant office.

49. In about September of 2016, Mrs. Patterson called Respondent's office and left a voicemail message for him to call her with regard to Mr. Patterson's expungement matter.

50. Respondent did not respond to this inquiry.

51. By Order of the Supreme Court of Pennsylvania, dated October 5, 2016, Respondent was administratively suspended pursuant to Rule of Disciplinary Enforcement 219, Pa.R.D.E., effective November 4, 2016.

52. Respondent did not inform Mr. Patterson that he had been administratively suspended.

53. By certified letter to Respondent dated May 1, 2017, Mr. Patterson, among other things, informed Respondent that he had ten (10) days to finally complete the work on the expungement, or refund the \$500.00 paid to him for the representation.

54. On May 4, 2017, Respondent signed for Mr. Patterson's certified letter to Respondent of May 1, 2017, but did not respond to the letter.

55. On June 2, 2017, a DB-7 Letter of Inquiry regarding this matter was served upon Respondent via personal service.

56. On July 21, 2017, Respondent hand delivered to Petitioner his written statement of position as to this matter.

57. In his statement of position, among other things, Respondent acknowledged that he failed to represent Mr. Patterson with diligence, failed to adequately communicate with him, and did not provide him with a fee agreement.

58. In his response, Respondent also stated that the \$500.00 fee that he charged Mr. Patterson was a flat non-refundable fee, in explanation for why he did not deposit the \$500.00 into an IOLTA or other escrow account.

59. On September 23, 2017, Respondent issued a full refund of \$500.00 to Mr. Patterson.

60. By Respondent's conduct as alleged in paragraphs 35 through 59, Respondent violated both Rules of Professional Conduct 1.3, 1.4(a)(3), 1.4(a)(4), 1.5(b), and 1.16(d), as well as Rule of Disciplinary Enforcement 217(a), Pa.R.D.E., as follows:

(a) Respondent did not act with reasonable diligence and promptness in representing Mr. Patterson in the expungement matter, in violation of Rule of Professional Conduct 1.3.

(b) Respondent did not keep Mr. Patterson reasonably informed of the status of his matter, in violation of Rule of Professional Conduct 1.4(a)(3).

(c) Respondent did not promptly comply with reasonable requests for information, in violation of Rule of Professional Conduct 1.4(a)(4).

(d) Respondent did not communicate to Mr. Patterson, in writing, the basis or rate of his fee, in violation of Rule of Professional Conduct 1.5(b).

(e) Respondent did not promptly refund to Mr. Patterson advance payment of costs and unearned fees, in violation of Rule of Professional Conduct 1.16(d).

(f) Respondent did not notify, or cause to be notified, Mr. Patterson of his administrative suspension and his consequent inability to act as an attorney after the effective date of the administrative suspension, in violation of Rule of Disciplinary Enforcement 217(a), Pa.R.D.E.

C4-17-767 – COMFORT MATTER

61. On March 23, 2017, Dawn and Justin Comfort met with Respondent regarding Respondent representing Ms. Comfort in a school choice matter in her Allegheny County custody case, filed at FD 14-006719.

62. At that time, Respondent informed the Comforts that his fee for the representation would be a flat fee of \$1,000.00.

63. Although Respondent had never before represented Ms. Comfort, he did not provide her with a fee agreement or other writing setting forth the basis or rate of his fee, either before or within a reasonable period of time after his representation commenced.

64. By check number 1256, dated March 23, 2017, in the amount of \$1,000.00, and made payable to Respondent, the Comforts paid Respondent the fee he requested for the representation.

65. On that same date, Respondent negotiated the \$1,000.00 check.

66. Respondent did not deposit any or all of the \$1,000.00 into an IOLTA or Escrow Account.

67. On various occasions from April to July of 2017, the Comforts attempted to reach Respondent regarding the status of the custody matter.

68. On the few occasions that Respondent responded to the Comforts, he did not provide any substantive information regarding the status of the matter, and gave excuses as to why the matter was not progressing.

69. Respondent did not file anything on behalf of Ms. Comfort in either the Court of Common Pleas of Allegheny County or the Court of Common Pleas of Washington County regarding a school choice matter.

70. By text message to Respondent dated July 11, 2017, Mr. Comfort:

(a) Inquired when Respondent could meet him to return the \$1,000; and,

(b) Stated that it had been months and they had not "heard a damn thing from Respondent other than excuses."

71. Respondent replied to Mr. Comfort's July 11, 2017 text message, stating, among other things, that he would issue a refund in some amount if the work was not completed by July 23, 2017.

72. After sending this message, Respondent did not take action in the court on behalf of the Comforts, and did not issue a refund to the Comforts.

73. By email to Respondent dated August 31, 2017, Ms. Comfort stated, among other things, that:

- (a) It didn't appear much was accomplished in such a long time span;
- (b) They would like \$800 returned;
- (c) It seemed he put in some effort though nothing was signed by a Judge;
- (d) Telephone calls and emails were neglected;
- (e) He told them via text message that a full refund would be given; and,
- (f) She wanted him to let them know the easiest way for him to refund their money.

74. By email dated August 31, 2017, Respondent informed the Comforts, among other things, that:

- (a) If they agreed to give him a bit of time, \$800 was acceptable; and,
- (b) Although he believed that he put in more than one hour, he understood their concerns and "being ticked off."

75. Respondent and the Comforts exchanged further emails regarding the refund, and Respondent agreed to refund \$900 to the Comforts by September 30, 2017.

76. Respondent did not issue a refund to the Comforts by September 30, 2017, and did not respond to additional communication from the Comforts regarding the status of the refund.

77. On November 14, 2017, a DB-7 Letter of Inquiry regarding this matter was served upon Respondent via certified mail.

78. By letter of March 8, 2018, Respondent provided to Petitioner a statement of his position as to this matter.

79. On March 14, 2018, Respondent provided further explanation for his conduct in a lengthy meeting that took place in Petitioner's office.

80. In his statement of position, among other things, Respondent acknowledged that he failed to represent Ms. Comfort with diligence, failed to adequately communicate with her, and did not provide her with a fee agreement.

81. Respondent also stated that the \$1,000.00 fee that he charged Ms. Comfort was a flat non-refundable fee, as explanation for why he did not deposit the fee into an IOLTA or other escrow account.

82. On April 7, 2018, Respondent issued to the Comforts the \$900.00 refund.

83. By Respondent's conduct as alleged in paragraphs 61 through 82, Respondent violated Rules of Professional Conduct 1.3, 1.4(a)(3), 1.4(a)(4), 1.5(b), and 1.16(d), as follows:

(a) Respondent did not act with reasonable diligence and promptness in representing Ms. Comfort in the school choice matter, in violation of Rule of Professional Conduct 1.3.

(b) Respondent did not keep Ms. Comfort reasonably informed of the status of her matter, in violation of Rule of Professional Conduct 1.4(a)(3).

(c) Respondent did not promptly comply with reasonable requests for information, in violation of Rule of Professional Conduct 1.4(a)(4).

(d) Respondent did not communicate to Ms. Comfort, in writing, the basis or rate of his fee, in violation of Rule of Professional Conduct 1.5(b).

(e) Respondent did not promptly refund to Ms. Comfort advance payment of costs and unearned fees, in violation of Rule of Professional Conduct 1.16(d).

MITIGATING CIRCUMSTANCES

In support of Petitioner's and Respondent's joint recommendation, it is submitted that the following mitigating circumstances are present:

84. Respondent has no record of discipline in 15 years of practice.

85. The period of time that Respondent was on administrative suspension was short, being less than one (1) month.

86. During the period of weeks that Respondent was administratively suspended, he engaged in very limited acts of legal representation.

87. Respondent had resolved his administrative suspension, and was restored to active status, prior to becoming aware of the investigation of Petitioner.

88. Respondent has admitted to engaging in misconduct in these three (3) matters, and has repeatedly expressed sincere remorse.

89. Respondent has cooperated with the investigation of Petitioner, including being willing to accept the public discipline proposed in this joint petition.

90. No further complaints have been filed against Respondent.

91. Respondent has issued refunds to his clients in the Patterson and Comfort matters.

92. The misconduct in each of these matters took place during a time period in which Respondent was experiencing substantial turmoil in his personal and professional lives.

93. Respondent has proactively taken steps in his practice to address issues that contributed to the misconduct.

94. Respondent has agreed to waive his right to a hearing in these disciplinary matters.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's misconduct is a suspension of twelve (12) months, stayed in its entirety, with probation for a period of two (2) years from the effective date of the stayed suspension.

The probationary conditions require Respondent to timely and fully complete and submit his PA Attorney's Annual Fee Form each year on or before July 1, and to timely and fully complete his annual CLE requirement. Respondent must also comply with the Rules of Professional Conduct and Rules of Disciplinary Enforcement, and not engage in any further misconduct.

In *Office of Disciplinary Counsel v. Jackson*, No. 107 DB 2012, 1889 Disciplinary Docket No. 3 (2013), upon approval of a joint petition, Jackson was placed on a two-year stayed suspension for the unauthorized practice of law, having continued to practice law after having been placed on administrative suspension for failing to comply with the annual CLE requirement. She also failed to comply with the requirements of Rule of Disciplinary Enforcement 217, Pa.R.D.E.

In mitigation, it was noted that Jackson engaged in the unauthorized practice of law for a short period of time, took remedial steps to immediately become reinstated, showed remorse, cooperated with ODC, and admitted to the misconduct. In that case, the

aggravating factor was that Jackson had received a prior Informal Admonition for practicing while on administrative suspension. In the instant case, Respondent has no priors, and all of the same mitigating factors are present.

In *Office of Disciplinary Counsel v. Taylor*, No. 253 DB 2010, 1702 Disciplinary Docket No. 3 (2011), upon approval of a joint petition, Taylor was placed on suspension for six months for the unauthorized practice of law, having continued to practice law after having been placed on administrative suspension for failing to comply with the annual CLE requirement. He also failed to comply with the requirements of Rule 217, Pa.R.D.E.

In mitigation, it was noted that Taylor engaged in the unauthorized practice of law for only a short period of time, took remedial steps to immediately become reinstated, showed remorse, cooperated with ODC, admitted to the misconduct, and had no prior discipline. Further it was noted that, during the time period in question, Taylor was dealing with several serious issues in his personal life. There were no aggravating factors.

In *Office of Disciplinary Counsel v. Buffington*, No. 45 DB 2004, 1050 Disciplinary Docket No. 3 (2005), Buffington received a suspension of six months for the unauthorized practice of law, having practiced law by *inter alia*, representing a client in court as well as by sitting as an arbitrator, after having been transferred to inactive status for failing to comply with the annual CLE requirement. He also failed to comply with the requirements of Rule of Disciplinary Enforcement 217, Pa.R.D.E.

In that case, Buffington was unequivocally aware that he was on inactive status and unable to practice law, yet he continued to engage in UPL from 1999 through 2003 in

several different matters. In mitigation, the Board noted that Buffington showed remorse, admitted to the misconduct, and had no prior discipline. There were no aggravating factors.

In *Buffington*, which was cited in *Jackson* and *Taylor*, the Board noted that public discipline is required in cases of the unauthorized practice of law, but that "more serious disciplinary sanctions have been reserved for" cases where there are aggravating factors present, such as prior discipline or where the respondent engaged in the unauthorized practice of law while serving another suspension. Further, the Board in *Buffington* stated that Buffington's actions "fall within the lower ranges of misconduct and do not warrant a one year and one day suspension" because Buffington "engaged in very limited acts of legal representation for a short time".

Respondent is not represented by counsel in this matter. He is 42 years old and was admitted to the Bar of this Commonwealth in 2003. As to all three (3) matters, Respondent has admitted that his conduct was not in accord with the Rules of Professional Conduct nor the Rules of Disciplinary Enforcement. On multiple occasions, he has expressed remorse. He has made refunds to Mr. Patterson and Ms. Comfort. He has no prior disciplinary history. No further complaints have been received by Petitioner against Respondent, the last one of these complaints (the Comfort matter) having been filed in October of 2017. Respondent has paid his 2017-2018 and 2018-2019 fees to the Attorney Registration Office.

Respondent has been proactive in reaching out to Petitioner to discuss these matters, both before and after becoming aware of Petitioner's investigation. He has been forthright in providing a detailed explanation for his conduct, but has not attempted to argue that his personal turmoil should excuse his conduct. He reached out to Petitioner regarding the administrative suspension prior to becoming aware of Petitioner's investigation, and had resolved the administrative suspension prior to becoming aware of Petitioner's investigation. Based upon Respondent's explanation and actions, it appears that Respondent genuinely, though erroneously, believed that the \$400 payment he made on October 31, 2016 was to the correct agency, and in time to prevent the administrative suspension from becoming effective on November 4, 2016. Respondent ultimately supplied to Petitioner all of the documentation requested in these matters, including responses to each of the Letters of Inquiry.

Respondent is a solo practitioner whose law practice is concentrated in criminal and family law. As a solo practitioner, an active suspension would present a major disruption in all of his clients' cases. Respondent is the sole breadwinner in a household that includes two (2) small children. Respondent provides health insurance coverage for his family (including his wife, who suffers from a chronic illness) by paying premiums out of pocket. In addition to disrupting his clients' cases, an active suspension would adversely impact Respondent's immediate family, who rely upon him for support. Based upon the facts of this case and a review of the relevant case law, a stayed suspension of twelve (12) months, with an attendant period of probation, will be a proper disposition.

Respondent hereby consents to the 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 and includes the mandatory acknowledgements contained in Rule 215(d)(1)-(4), Pa.R.D.E.

WHEREFORE, Petitioner and Respondent respectfully request that, pursuant to Rule 215(e) and 215(g), Pa.R.D.E., the three-member panel of the Disciplinary Board review and approve the above Joint Petition In Support Of Discipline On Consent for the imposition of a suspension from the Bar of this Commonwealth of Pennsylvania for a period of twelve (12) months, stayed in its entirety, with a concurrent period of probation for two (2) years, subject to the following conditions:

1. Respondent shall timely and fully complete and submit his PA Attorney's Annual Fee Form each year on or before July 1.
2. Respondent shall timely and fully complete his annual CLE requirement within his regular compliance period (CLE Group 2).
3. Respondent shall fully comply with the Rules of Professional Conduct and Rules of Disciplinary Enforcement.
4. Respondent shall not engage in any further misconduct.

5. Respondent shall pay costs to the Disciplinary Board pursuant to Rule 208(g),
Pa.R.D.E.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

By 
Jana M. Falko
Disciplinary Counsel

By 
Joseph Christopher Francis, Esquire
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	: No.	Disciplinary Docket
	: No.	
Petitioner	:	
	: No.	DB 2018
v.	:	(File Reference Nos. C4-16-913,
	:	C4-17-314, and C4-17-767)
	:	
JOSEPH CHRISTOPHER FRANCIS,	:	Attorney Registration No. 90815
	:	
Respondent	:	(Washington 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 my knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

9-18-18

Date

9-18-18

Date



Jana M. Palke
Disciplinary Counsel



Joseph Christopher Francis, Esquire
Respondent

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

OFFICE OF DISCIPLINARY COUNSEL,	:	No.	Disciplinary Docket
	:	No.	
Petitioner	:		
	:	No.	DB 2018
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	:		C4-17-314, and C4-17-767)
	:		
JOSEPH CHRISTOPHER FRANCIS,	:		Attorney Registration No. 90815
	:		
Respondent	:		(Washington County)

AFFIDAVIT UNDER RULE 215(d), Pa.R.D.E.

Respondent, Joseph Christopher Francis, hereby states that he consents to a twelve-month suspension from the Bar of the Commonwealth of Pennsylvania, stayed in its entirety, subject to the conditions as set forth above, as jointly recommended by Petitioner, Office of Disciplinary Counsel, 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; and he is fully aware of the implications of submitting the consent; and, he has not consulted with counsel in connection with the decision to consent to the imposition of discipline;

2. He is aware that there is a pending proceeding 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 matter pending against him is
prosecuted, he could not successfully defend against the charges.


Joseph Christopher Francis, Esquire
Respondent

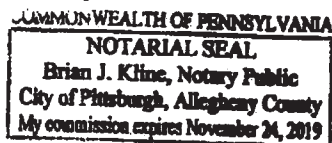
Sworn to and subscribed

before me this 14th

day of September, 2018.



Notary Public



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

OFFICE OF DISCIPLINARY COUNSEL,	:	No.	Disciplinary Docket
	:	No.	
Petitioner	:		
	:	No.	DB 2018
v.	:		(File Reference Nos. C4-16-913,
	:		C4-17-314, and C4-17-767)
	:		
JOSEPH CHRISTOPHER FRANCIS,	:		Attorney Registration No. 90815
	:		
Respondent	:		(Washington County)

CONSENT ORDER

AND NOW, this _____ day of _____, 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 Joseph Christopher Francis is suspended from the Bar of this Commonwealth of Pennsylvania for a period of twelve (12) months, stayed in its entirety, with a concurrent period of probation for two (2) years, subject to the following conditions:

1. Respondent shall timely and fully complete and submit his PA Attorney's Annual Fee Form each year on or before July 1.
2. Respondent shall timely and fully complete his annual CLE requirement within his regular compliance period (CLE Group 2).
3. Respondent shall fully comply with the Rules of Professional Conduct and Rules of Disciplinary Enforcement.
4. Respondent shall not engage in any further misconduct.

5. Respondent shall pay costs to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.

BY THE BOARD:

Board Chair

CONSENTED TO:




Jana M. Palko
Disciplinary Counsel



Joseph Christopher Francis, Esquire
Respondent

CERTIFICATE OF COMPLIANCE

I certify that this filing 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: Jana M. Palko
Signature: 
Name: Jana M. Palko
Attorney No. (if applicable): 200596

Paul J. Killian
Chief Disciplinary Counsel

Paul J. Burgoyne
Deputy Chief Disciplinary Counsel

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THE DISCIPLINARY BOARD
OF THE
SUPREME COURT OF PENNSYLVANIA



OFFICE OF DISCIPLINARY COUNSEL
www.padisciplinaryboard.org

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Anna Marie Ciardi
James M. Fox

November 27, 2018

Secretary
Disciplinary Board: Executive Office
Pennsylvania Judicial Center
601 Commonwealth Ave., Ste. 5600
P.O. Box 62625
Harrisburg, PA 17106-2625

RECEIVED
11/27/2018
PA Disciplinary Board
Office of the Secretary

Re: Office of Disciplinary Counsel v.
JOSEPH CHRISTOPHER FRANCIS
No. 166 DB 2018
Attorney Registration No. 90815
(Washington County)

Dear Secretary:

This letter is in response to the Recommendation of the Three-Member Panel of the Disciplinary Board of the Supreme Court of Pennsylvania (hereinafter "Recommendation"), which was issued on November 21, 2018 in the above-referenced matter. In that Recommendation, the Panel set forth, among other things, that they were "returning the matter for an explanation as to the reason for a two-year probation. Please clarify the recommendation." The explanation for same is as follows.

As set forth in the Joint Petition in Support of Discipline on Consent (hereinafter "Joint Petition") filed in this matter on September 21, 2018, Respondent has engaged in misconduct including, but not limited to, practicing law while on administrative suspension. The genesis of Respondent's misconduct in practicing while on administrative suspension was his failure to timely accomplish his attorney registration for the year 2016-2017. Although Respondent did accomplish his attorney registration for the years 2017-2018 and 2018-2019 prior to again being placed on administrative suspension, he did miss the July 1 deadline both years. Specifically, Respondent completed and submitted his 2017-2018 PA Attorney's Annual Fee Form (hereinafter "Annual Fee Form")

Secretary
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November 27, 2018


on August 31, 2017, and his 2018-2019 Annual Fee Form on September 14, 2018.

Clearly Respondent has had difficulty in the past several years ensuring that his annual attorney registration is handled in a timely manner, even in the two (2) years subsequent to his administrative suspension. Although Respondent has pledged to ensure that he will henceforth timely accomplish his annual attorney registration, which is obviously both required of him and in his own best interest (if for no other reason than to avoid the mounting late fees), it is the position of Petitioner, with the agreement of Respondent, that his compliance in this regard should be monitored for a period of time.

As such, in the Joint Petition, Petitioner and Respondent jointly recommend that the first probationary condition enumerated would be that "Respondent shall timely and fully complete and submit his PA Attorney's Annual Fee Form each year on or before July 1." Of course, by its very nature, the annual attorney registration process occurs only once per year. Therefore, Petitioner and Respondent recommend a two (2) year probationary period, to allow Respondent to demonstrate his compliance with two (2) annual registration deadlines. Petitioner and Respondent are of the opinion that two (2) years of compliance would adequately demonstrate Respondent's commitment to changing how he handles his annual attorney registration.

Thank you for your consideration.

Very truly yours,



Jana M. Palko
Disciplinary Counsel

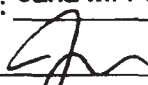
JMP/rm

cc: (w/encl.)

Paul J. Killion, Esquire, Chief Disciplinary Counsel
Paul J. Burgoyne, Esquire, Deputy Chief Disciplinary Counsel
Joseph Christopher Francis, Esquire, Respondent

CERTIFICATE OF COMPLIANCE

I certify that this filing 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: Jana M. Palko
Signature: 
Name: Jana M. Palko
Attorney No. (if applicable): 200596