

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2150 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 174 DB 2014
v.	:	
	:	Attorney Registration No. 80594
RONALD JAMES GROSS,	:	
Respondent	:	(York County)

ORDER

PER CURIAM

AND NOW, this 10th day of April, 2015, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated March 20, 2015, the Joint Petition in Support of Discipline on Consent is hereby granted pursuant to Pa.R.D.E. 215(g), and it is

ORDERED that Ronald James Gross is suspended on consent from the Bar of this Commonwealth for a period of six months, and he shall comply with all the provisions of Pa.R.D.E. 217.

A True Copy Patricia Nicola
As Of 4/10/2015

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL : No. 174 DB 2014
Petitioner :
v. : Attorney Registration No. 80594
RONALD JAMES GROSS :
Respondent : (York 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 David E. Schwager, Andrew J. Trevelise, and Stefanie B. Porges, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on February 10, 2015.

The Panel approves the Joint Petition consenting to a six month suspension and recommends to the Supreme Court of Pennsylvania that the attached 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.



David E. Schwager, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: 3/20/2015

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	
Petitioner,	:	No. 174 DB 2014
	:	
v.	:	Attorney Reg. No. 80594
	:	
RONALD JAMES GROSS,	:	(York County)
Respondent	:	
	:	

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

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Anthony A. Czuchnicki, Disciplinary Counsel, and Respondent, Ronald James Gross, file this Joint Petition in Support of Discipline on Consent under Rule 215(d) of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter "Pa.R.D.E.") and respectfully state and aver the following:

1. Petitioner, whose principal office is located at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62485, Harrisburg, PA 17106, is invested, pursuant to Pa.R.D.E. 207, 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.

FILED

FEB 10 2015

Office of the Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

2. Respondent, Ronald James Gross was born on December 15, 1971, was admitted to practice law in Pennsylvania on December 3, 1997, has a registered public address of 29 E. Philadelphia Street, York, York County, Pennsylvania, 17401, and is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. Respondent is not represented by counsel.

SPECIFIC FACTUAL ADMISSIONS AND
RULES OF PROFESSIONAL CONDUCT VIOLATED

4. ODC filed a Petition for Discipline against Respondent on November 5, 2014, based upon the allegations in two complaints. A true and correct copy of the Petition for Discipline is attached hereto as Exhibit "A."

5. Respondent's misconduct is associated with two separate matters. In the first matter, as alleged in the Petition for Discipline, Respondent was engaged to represent his client in a will contest. Respondent failed to provide the client a fee writing setting forth the rate/basis of his fee. Thereafter, Respondent failed to diligently represent his client in the matter. Respondent's replies to the client's inquiries were sporadic. Respondent misrepresented the status of the matter to his client, as well as providing his client documentation that he alleged initiated the will contest. No action to contest the will had actually been filed. Respondent received a DB-7 Request for Statement of Respondent's Position on August 6, 2013. In his November 25, 2013, DB-7 Response, Respondent claimed that his paralegal had provided him with incorrect information to the effect that the Petition had been filed and that she was attempting to schedule the matter for court. Upon Petitioner's inquiry by DB-7A Supplemental Request for Statement of Respondent's Position dated January 7, 2014, Petitioner

alleged Respondent had misrepresented the status of this matter to Complainant and had falsely told Petitioner that his secretary had given him incorrect information. This statement was based upon Petitioner's correspondence with Respondent's secretary. Respondent failed to respond to the DB-7A, despite receiving notice that his failure to respond would be considered a violation of Pa. R.D.E. 203(b)(7).

6. In the second matter, as alleged in the Petition for Discipline, Respondent met with a Magisterial District Judge ex parte, seeking a sentence modification for a criminal client. Respondent failed to provide notice to any representative or agent of the Commonwealth that he was seeking a sentence modification and that he intended to, and, in fact, did meet with the Magisterial District Judge, ex parte, for that purpose.

DISCIPLINARY RULE VIOLATIONS

7. Respondent admits to violating the following Rules of Professional Conduct and Rules of Disciplinary Enforcement in this matter:

- a. RPC 1.3 A lawyer shall act with reasonable diligence and promptness in representing a client;
- b. RPC 1.4(a)(3) A lawyer shall ... keep the client reasonably informed about the status of the matter;
- c. RPC 1.4(a)(4) A lawyer shall ... promptly comply with reasonable requests for information;
- d. RPC 1.5(b) When a 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;
- e. RPC 3.5(b) A lawyer shall not ... communicate ex parte with [a judge] during the proceeding unless authorized to do so by law or court order;

- f. RPC 8.1(a) A lawyer ... in connection with a disciplinary matter ... shall not knowingly make a false statement of material fact;
- g. RPC 8.1(b) A lawyer ... in connection with a disciplinary matter ... shall not fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority;
- h. RPC 8.4(c) It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- i. RPC 8.4(d) It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice; and
- j. Pa. R.D.E. 203(b)(7) Failure by a respondent-attorney without good cause to respond to Disciplinary Counsel's request or supplemental request under Disciplinary Board Rules, 87.7(b) for a statement of the respondent-attorney's position shall also be grounds for discipline.

SPECIFIC JOINT RECOMMENDATIONS FOR DISCIPLINE

8. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent is a six-month Suspension. Respondent hereby consents to the discipline being imposed upon him by the Supreme Court of Pennsylvania. Attached to this Petition is Respondent's executed Affidavit required by Pa.R.D.E. 215(d), stating that he consents to the recommended discipline and including the mandatory acknowledgements contained in Pa.R.D.E. 215(d)(1) through (4).

9. In support of Petitioner and Respondent's Joint Recommendation, it is respectfully submitted as follows:

- a. The aggravating circumstances are that:
 - i. Respondent has prior discipline; in 2008, Respondent

received an Informal Admonition for a violation of RPC 8.4(c), related to a misrepresentation filed in a Motion.

- b. The mitigating circumstances are that:
 - i. In his response to the Petition for Discipline, Respondent admitted that he engaged in misconduct and violated the above Rules of Professional Conduct by neglecting his client, misrepresenting the status of the matter to his client, and communicating ex parte with a Magisterial District Judge;
 - ii. Respondent is remorseful for and embarrassed by his conduct and understands he should be disciplined, as evidenced by his consent to receiving a six-month Suspension.

10. Discipline for misconduct arising from allegations of client neglect and also considering misrepresentations varies from public censure to suspension. See, e.g., ODC v. Anonymous, 142 DB 1999 (one-year-and-one-day suspension); ODC v. Werner, 202 DB 2003 (one-year-and-one-day suspension); ODC v. Cecchetti, 119 DB 2006 (public censure).

11. The parties respectfully submit that a six-month suspension, given the facts of the instant matter, is consistent with the above cited disciplinary authority.

WHEREFORE, Petitioner and Respondent respectfully request that:

Pursuant to Pa.R.D.E. 215, a three-member panel of the Disciplinary Board review and approve the above Joint Petition in Support of Discipline on Consent and file its

recommendation with the Supreme Court of Pennsylvania in which it is recommended that the Disciplinary Board of the Supreme Court of Pennsylvania enter an Order Suspending Respondent for Six Months for the conduct set forth herein.

Respectfully submitted,

Date: 2/9/15

By: Anthony Czuchnicki

Anthony A. Czuchnicki
Disciplinary Counsel
Attorney Registration No. 312620
601 Commonwealth Avenue, Suite 5800
P.O. Box 62675
Harrisburg, PA 17106-2675
Telephone (717) 772-8572

Date: 2/10/15

By: Ronald James Gross

RONALD JAMES GROSS
Respondent
Attorney Registration No. 80594
29 E. Philadelphia Street
York, PA 17401
Telephone (717) 848-3078

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, Petitioner,	:	No. 174 DB 2014
v.	:	Attorney Reg. No. 80594
RONALD JAMES GROSS, Respondent	:	(York County)

VERIFICATION

The statements made in the foregoing Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d) are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 2/9/15 By: Anthony Czuchnicki
Anthony A. Czuchnicki
Disciplinary Counsel
Attorney Registration No. 312620
601 Commonwealth Avenue, Suite 5800
P.O. Box 62675
Harrisburg, PA 17106-2675
Telephone (717) 772-8572

Date: 2/10/15 By: Ronald James Gross
RONALD JAMES GROSS
Respondent
Attorney Registration No. 80594
29 E. Philadelphia Street
York, PA 17401
Telephone (717) 848-3078

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA


OFFICE OF DISCIPLINARY COUNSEL,	:	
Petitioner,	:	No. 174 DB 2014
	:	
v.	:	Attorney Reg. No. 80594
	:	
RONALD JAMES GROSS,	:	(York County)
Respondent	:	
	:	

RESPONDENT'S AFFIDAVIT UNDER RULE 215(d) OF THE
PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

I, Ronald James Gross, Respondent in the above-captioned matter, hereby consent to the imposition of a six-month Suspension, as jointly recommended by the Petitioner, Office of Disciplinary Counsel, and myself, in a Joint Petition in Support of Discipline on Consent and further state:

1. My consent is freely and voluntarily rendered; I am not being subjected to coercion or duress; I am fully aware of the implications of submitting the consent;
2. I am aware there is presently pending a proceeding involving allegations that I have been guilty of misconduct as set forth in the Joint Petition;
3. I acknowledge that the material facts set forth in the Joint Petition are true;
4. I consent because I know that if the charges continued to be prosecuted in the pending proceeding, I could not successfully defend against them; and

5. I acknowledge that I am fully aware of my right to consult and employ counsel to represent me in the instant proceeding.

By: 
RONALD JAMES GROSS
Respondent
Attorney Registration No. 80594
29 E. Philadelphia Street
York, PA 17401
Telephone (717) 848-3078

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	
Petitioner,	:	No. 174 DB 2014
	:	
v.	:	Attorney Reg. No. 80594
	:	
RONALD JAMES GROSS,	:	(York County)
Respondent	:	
	:	

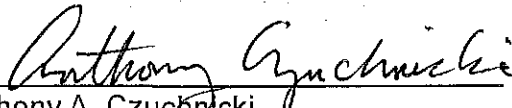
CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of Pa.R.A.P. 121.

Electronic Mail, return receipt requested, as follows:

RONALD JAMES GROSS
29 E. Philadelphia Street
York, PA 17401

Date: 1/30/2015

By: 
Anthony A. Czuchra
Disciplinary Counsel
Attorney Registration No. 312620
601 Commonwealth Avenue, Suite 5800
P.O. Box 62675
Harrisburg, PA 17106-2675
Telephone (717) 772-8572

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL : No. 74 DB 2014
Petitioner :

v.

: Attorney Registration No. 80594

RONALD JAMES GROSS

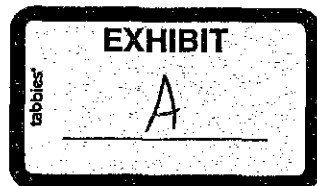
:
Respondent : (York County)

PETITION FOR DISCIPLINE

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Joseph J. Huss, Disciplinary Counsel, files the within Petition for Discipline, and charges Respondent with professional misconduct in violation of the Rules of Professional Conduct and the Pennsylvania Rules of Disciplinary Enforcement as follows:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, 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.

We hereby certify the within to
be a true and correct copy.



FILED

NOV - 5 2014

Office of the Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

2. Respondent, Ronald James Gross, was born in 1971 and was admitted to practice law in the Commonwealth on December 3, 1997. He practices at Blake & Gross, LLC, 29 E. Philadelphia Street, York, York County, Pennsylvania 17401.

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

CHARGE I
(Robert M. Messersmith, Jr.)

4. On October 28, 2010, Robert M. Messersmith died testate in Dauphin County. His will made a \$500 bequest to Complainant herein, Robert M. Messersmith, Jr., the decedent's son, and \$500 to Brenda Myers, the decedent's daughter, with all other estate assets bequeathed to his "longtime friends" Gloria D. McCready and Eric M. Whatmore. The will named Whatmore and McCready as co-executors.

5. In November 2010, Complainant and his sister contacted Respondent about contesting the validity of the will; by check dated November 19, 2010, Complainant paid Respondent \$2,500 to pursue a will contest.

6. At no time did Respondent provide Complainant a fee writing setting forth the rate/basis of his fee.

7. From November 2010 through July 2011, Complainant made repeated attempts at communicating with Respondent about the status of this matter. Respondent's responses were sporadic.

8. In or about July 2011, Respondent met with Complainant. Respondent advised Complainant that the matter had been delayed because he was unable to obtain

certain records, and that registered letters, presumably sent to Whatmore and McCreedy, had not been successfully delivered.

9. Respondent's pattern of sporadic communications with Complainant then resumed.

10. In or about July 2012 Respondent again met with Complainant.

11. During or about the time of this meeting, Respondent provided Complainant with a copy of a document titled *Petition to Set Aside Estate Distribution and to Invalidate Will*, and told Complainant it had been filed and served on McCreedy and Whatmore.

12. This communication was false and misleading in that no such *Petition* had been filed and served.

13. In October 2012, Complainant was able to contact Respondent by telephone. Respondent told Complainant that he had heard nothing from the court, but that a hearing should be scheduled in the near future.

14. This communication was false and misleading, since Respondent had not filed a *Petition to Set Aside Estate Distribution and to Invalidate Will*, or otherwise taken any action to contest the bequests to Whatmore and McCreedy.

15. Respondent subsequently ceased communicating with Complainant.

16. In or about December 2012, Complainant personally contacted the Dauphin County Register of Wills Office, and was advised that the estate had been settled and closed in March 2012.

17. The document entitled *Petition to Set Aside Estate Distribution and to Invalidate Will*, a copy of which Respondent provided to Complainant in or about July 2012, was at no time filed of record.

18. Complainant complained to the Office of Disciplinary Counsel ("Petitioner") in June 2013.

19. Respondent received a DB-7 Request for Statement of Respondent's Position dated August 6, 2013.

20. In his November 25, 2013 DB-7 Response to Disciplinary Counsel, he falsely claimed that his paralegal had provided him with incorrect information to the effect that the Petition had been filed and that she was attempting to schedule the matter for court.

21. ODC served a DB-7A Supplemental Request for Statement of Respondent's Position dated January 7, 2014, alleging, among other things, that Respondent had misrepresented the status of this matter to Complainant and had falsely told Petitioner that his secretary had given him incorrect information.

22. The DB-7A further alleged that, in or about July and October 2012 Respondent misrepresented to Complainant that he had filed the aforesaid Petition and was awaiting a hearing date.

23. While he responded to the DB-7 he failed to respond to the January 7, 2014 DB-7A, despite receiving notice that his failure to respond would be considered a violation of Pa.R.D.E. 203(b)(7).

24. By his conduct as alleged in Paragraphs 4 through 21 above, Respondent violated the following Rules of Professional Conduct and the Pennsylvania Rules of

Disciplinary Enforcement: RPC 1.3; RPC 1.4(a)(3) and (a)(4); RPC 1.5(b); RPC 8.1(a); RPC 8.1 (b); RPC 8.4 (c); and Pa.R.D.E. 203(b)(7).

CHARGE II
(Gerard N. Mangieri, Esquire)

25. On February 22, 2012, Aaron Malone, appeared before York County Magisterial District Judge ("MDJ") Barry Bloss. He was found guilty of Driving While Operating Privilege is Suspended or Revoked (75 P.S. 1543 §A) and was sentenced to 180 days incarceration in the York County Prison.

26. Mr. Malone subsequently retained Respondent to pursue a *nunc pro tunc* appeal of Mr. Malone's summary conviction.

27. On March 29, 2012 Respondent filed a *Petition to Appeal Summary Conviction Nunc Pro Tunc* docketed to 899 MD 2012 (York County).

28. On April 3, 2012, Judge Richard K. Renn of the York County Court of Common Pleas issued an Order denying Respondent's Petition.

29. Notwithstanding the issuance of this Order, a hearing was scheduled in this matter for April 18, 2012.

30. At that time Respondent as well as Assistant District Attorney Susan Emmons briefly appeared before Judge Renn, who gave Respondent the opportunity to argue his case.

31. Judge Renn again denied the requested relief. Respondent's client was directed to report to the York County Prison the next day, April 19, 2012 at 9:00 a.m., to commence service of his 180 day prison sentence.

32. Following this court appearance on April 18, Respondent traveled to MDJ Bloss' Office.

33. Respondent met with MDJ Bloss for the purpose of seeking a sentence modification. MDJ Bloss agreed to modify the jail sentence. He directed that Respondent's client undergo 180 days of house arrest, as opposed to the previously imposed sentence of incarceration, and that he be electronically monitored, with the sentence to commence on April 20, 2012.

34. At no time did Respondent provide notice to any representative or agent of the Commonwealth that he was seeking a sentence modification and that he intended to, and, in fact, did meet with MDJ Bloss, *ex parte*, for that purpose.

35. By his conduct as alleged in Paragraphs 25 through 32 above, Respondent violated the following Rules of Professional Conduct: RPC 3.5(b), RPC 8.4 (c); 8.4 (d).

WHEREFORE, Petitioner prays that your Honorable Board appoint, pursuant to Rule 205, Pa. R.D.E., a Hearing Committee to hear testimony and receive evidence in support of the foregoing charges and upon completion of said hearing to make such

findings of fact, conclusions of law, and recommendations for disciplinary action as it may deem appropriate.

Respectfully submitted,

PAUL J. KILLION, ESQ.
CHIEF DISCIPLINARY COUNSEL

BY: 

Joseph J. Huss
Disciplinary Counsel
District III
Attorney Registration No. 27751
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601 Commonwealth Avenue, Suite 5800
P.O. Box 62675
Harrisburg, Pennsylvania 17106-2675
Telephone (717) 772-8572

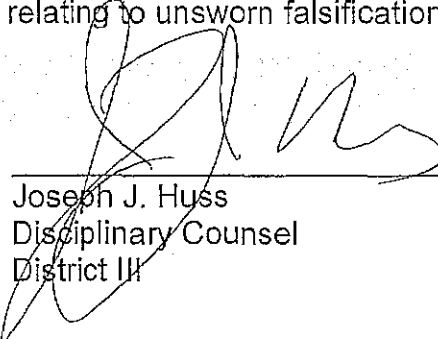
BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL : No. ____ DB 2014
Petitioner :
v. : Attorney Registration No. 80594
RONALD JAMES GROSS :
Respondent : (York County)

VERIFICATION

I verify that the statements made in the foregoing Petition for Discipline is true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

11/3/14
Date



Joseph J. Huss
Disciplinary Counsel
District III