

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

OFFICE OF DISCIPLINARY COUNSEL	:	No. 17 DB 2013
Petitioner	:	
v.	:	Attorney Registration No. 94553
JOHN BRUCE CERMAK	:	
Respondent	:	( Beaver County)

**PUBLIC REPRIMAND**

John Bruce Cermak, you stand before the Disciplinary Board, your professional peers and members of the public for the imposition of a Public Reprimand. It is an unpleasant task to publicly reprimand one who has been granted the privilege of membership in the bar of this Commonwealth. Yet as repugnant as this task may be, it has been deemed necessary that you receive this public discipline.

Mr. Cermak, in October of 2009, you had a consultation with Dr. James D. Wagner regarding the relocation of Dr. Wagner's office and the review of his existing lease with WCSR, Inc. Although you had not regularly represented Dr. Wagner, you failed to communicate to him in writing the basis or rate of his fee for the representation. You further failed to inform Dr. Wagner that you did not have professional liability insurance of at least \$100,00 per occurrence and \$300,000 in the aggregate per year. During the course of the consultation, you advised Dr. Wagner to the effect that you could "get him out of his lease." In November 2009, in reliance upon your advice, Dr. Wagner leased other office space and provided notice to WCSR, Inc. that he would be vacating the premises in February 2010.

On March 24, 2010, WCSR filed a complaint against Dr. Wagner in the Court of Common Pleas of Allegheny County, seeking unpaid rent, a *pro rata* share of real estate taxes and attorney fees and court costs. You filed an Answer and Counterclaim on behalf of your client, and after an arbitration hearing on June 15, 2010, an award was entered on behalf of WCSR and against your client in the amount of \$9,651.24. You informed Dr. Wagner that in order to appeal the arbitration award, he would need to provide you with the \$150 filing fee, which Dr. Wagner did provide to you on July 9, 2010. Thereafter, despite repeated attempts by Dr. Wagner's staff to communicate with you about the status of the matter, you failed to respond.

A non-jury trial was scheduled for March 18, 2011. Prior to that time, opposing counsel attempted to communicate with you about settling the litigation. You failed to return her call or otherwise communicate with her about the pending trial. Regrettably, you also failed to inform your own client of the date for the trial and the fact that counsel for WCSR was interested in exploring settlement options. You failed to appear on behalf of your client for the nonjury trial. A verdict was entered against your client in the amount of \$10,651.24 plus costs.

In early June 2011, a representative of the sheriff's office appeared at Dr. Wagner's office to take inventory for a sheriff's sale resulting from the verdict and writ of execution. This was the first notice the Wagners had that a nonjury trial had been held and the result thereof. Although Dr. Wagner's wife immediately contacted you, you informed her you were in court and would call back. However, you did not return Mrs. Wagner's call or otherwise communicate with Dr. Wagner about his legal matter. Dr. Wagner retained another law firm to assist him.

Your actions have violated the following Rules of Professional Conduct:

1. RPC 1.3 – A lawyer shall act with reasonable diligence and promptness in representing a client;
2. RPC 1.4(a)(3) – A lawyer shall keep the client reasonably informed about the status of the matter;
3. RPC 1.4(a)(4) – A lawyer shall promptly comply with reasonable requests for information;
4. RPC 1.5(b) – 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.
5. RPC 8.4(d) – It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

We note for the record that you have practiced law since 2005 and you received a Private Reprimand on September 24, 2012. Please be aware that any subsequent violations of the ethical rules can only result in further discipline and perhaps even more severe sanctions than that imposed today.

Mr. Cermak, the conduct that has brought you to this moment is in the record of this proceeding and is now fully public. This Public Reprimand is now a matter of public record.

As you stand before the Board, we remind you that you have a continuing obligation to adhere to the Rules of Professional Conduct and Rules of Disciplinary Enforcement. This Public Reprimand is proof that Pennsylvania lawyers will not be permitted to engage in conduct that falls below professional standards.

This Public Reprimand shall be posted on the Disciplinary Board's website at [www.padisciplinaryboard.org](http://www.padisciplinaryboard.org).



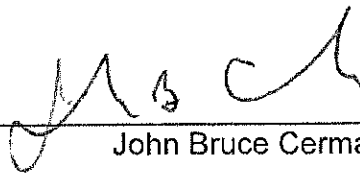
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Designated Member  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania, at Pittsburgh, Pennsylvania, on October 8, 2013.

**ACKNOWLEDGMENT**

The undersigned, Respondent in the above proceeding, herewith acknowledges that the above Public Reprimand was administered in his presence and in the presence of the designated panel of The Disciplinary Board at the Frick Building, Suite 1300, 439 Grant Street, Pittsburgh, Pennsylvania, on October 8, 2013.



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John Bruce Cermak