

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 3202 Disciplinary Docket No. 3
	:	
Petitioner	:	No. 17 DB 2025
	:	
v.	:	Attorney Registration No. 92065
	:	
	:	(Allegheny County)
	:	
BRIAN SCOTT QUINN,	:	
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 5th day of August, 2026, upon consideration of the Report and Recommendations of the Disciplinary Board, Brian Scott Quinn is suspended from the Bar of this Commonwealth for one year. Respondent shall comply with the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board. See Pa.R.D.E. 208(g).

A True Copy Nicole Traini
As Of 08/05/2026

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	: : : : : : :	No. 17 DB 2025
v.	:	Attorney Registration No. 92065
BRIAN SCOTT QUINN, Respondent	: : : : : : :	(Allegheny County)

REPORT AND RECOMMENDATIONS OF
THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES
OF THE SUPREME COURT OF PENNSYLVANIA:

Pursuant to Rule 208(d)(2)(iii) of the Pennsylvania Rules of Disciplinary Enforcement, the Disciplinary Board of the Supreme Court of Pennsylvania ("Board") herewith submits its findings and recommendations to your Honorable Court with respect to the above-captioned Petition for Discipline.

I. FINDINGS OF FACT

The Board makes the following factual findings:

1. Petitioner, Office of Disciplinary Counsel ("ODC"), 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 Rules of Disciplinary Enforcement, with the power and the duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the

Commonwealth and to prosecute all disciplinary proceedings brought in accordance with the Rules.

2. Respondent, Brian Scott Quinn, was born in 1978 and was admitted to the practice of law by the Supreme Court of Pennsylvania in 2003. He is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

The McMurtry Matter

3. On January 20, 2017, Terry and Katlyn McMurtry, husband and wife, met with Respondent and retained him to represent them in filing a civil action against Dr. James O'Toole and Dr. Tara Grahovac for injuries that allegedly resulted from a double mastectomy surgical procedure performed on December 30, 2016. NT 15-18; ODC 1 Bates 4, ODC2 Bates 22.
4. At that time, Respondent and the McMurtrys entered a contingent fee agreement for representation in a civil action. NT 16-17; ODC 1 Bates 4, ODC 2 Bates 22.
5. From January 20, 2017, through September 4, 2018, Respondent did not communicate with the McMurtrys about their legal matter. NT 18-19; ODC 1 Bates 4, ODC 2 Bates 22.
6. By email dated September 5, 2018, Respondent informed the McMurtrys that he would send a letter to Dr. O'Toole's insurer, but Respondent did not provide a copy of any such correspondence to the McMurtrys if, in fact, he ever sent it to the insurer. NT 18-19; ODC 1 Bates 5, ODC 2 Bates 22, ODC 4 Bates 34.
7. On December 28, 2018, Respondent filed a Praecipe for Writ of Summons on behalf of the McMurtrys against Dr. O'Toole and Dr. Grahovac in the Court of

Common Pleas of Allegheny County, docketed at GD-18-017591. ODC 1 Bates 5, ODC 2 Bates 22, ODC 3 Bates 32.

8. By email dated January 8, 2019, Respondent informed the McMurtrys that he had filed the Praecipe for Writ of Summons because “[n]either O’Toole nor Grahovic [sic] responded to my letter....” NT 21-22; ODC 1 Bates 5, ODC 2 Bates 22, ODC 5 Bates 35.
9. Service of the Writ of Summons upon Dr. Grahovac and Dr. O’Toole was accomplished on January 8 and January 9, 2019, respectively. ODC 1 Bates 5, ODC 2 Bates 22, ODC 3 Bates 32.
10. On February 1 and March 12, 2019, counsel for Dr. Grahovac and Dr. O’Toole, respectively, filed their Praecipes for Rule to File Complaint, but Respondent did not inform his clients about those filings. NT 21-22; ODC1 Bates 5, ODC 2 Bates 23, ODC 3 Bates 32.
11. On March 22 and April 16, 2019, counsel for Dr. Grahovac and Dr. O’Toole, respectively, filed their Notices of Intention to Enter a Judgment of Entry of *Non Pros*. Respondent did not inform his clients about those filings. NT 21-22; ODC 1 Bates 5, ODC 2 Bates 23, ODC 6 Bates 36-39, ODC 7 Bates 40-43.
12. On April 26, 2019, counsel for Dr. Grahovac filed Notice of Service for Voluntary Discontinuance pursuant to Pa.R.Civ.P. 229 and a Stipulation to Amend Caption. Respondent did not inform his clients about those filings. NT 21-22, 30-31; ODC 1 Bates 6, ODC 2 Bates 23, ODC 8 Bates 44-47.
13. By Order of Court dated April 26, 2019, the Stipulation for Voluntary Discontinuance and to Amend Caption was granted, any and all claims against defendant Tara Grahovac, M.D., were dismissed with prejudice, and the caption

was amended to remove Dr. Grahovac as a defendant. Respondent did not inform his clients of this circumstance. NT 30-31; ODC 1 Bates 6, ODC 2 Bates 23, ODC 9 Bates 48.

14. A Judgment of *Non Pros*, dated April 29, 2019, was entered for Respondent's failure to file a complaint within 20 days of service of the Rule previously issued and the certification of mailing, to Respondent, on April 16, 2019, of a 10-day notice of intention to file the Judgment of *Non Pros*. ODC 1 Bates 6, ODC 2 Bates 23, ODC 10, Bates 49-57.

15. On May 8, 2019, Respondent filed on behalf of the McMurtrys a Petition to Open Judgment of *Non Pros*, but he had neither alerted his clients to the need to file the petition to open, nor informed them of its filing. NT 24-25; ODC 1 Bates 6, ODC 2 Bates 23, ODC 11 Bates 58-73.

16. On May 28, 2019, counsel for Dr. O'Toole filed a Petition for Rule to Show Cause why Judgment of *Non Pros* should not be made final and noticed Respondent for the presentation of the petition on June 7, 2019. ODC 1 Bates 6, ODC 2 Bates 23, ODC 12 Bates 74-82.

17. By Orders of Court dated June 7, 2019, the Court denied the Petition for Rule to Show Cause, granted the request for relief from the Judgment of *Non Pros*, and directed the Department of Court Records to reopen the matter. ODC 1 Bates 7, ODC 2 Bates 23, ODC 13 Bates 83-84.

18. On June 10, 2019, counsel for Dr. O'Toole filed a Petition for Rule to Show Cause Why the Judgment of *Non Pros* should not be made final. ODC 1 Bates 7, ODC 2 Bates 23, ODC 14 Bates 85-92.

19. On July 8, 2019, counsel for Dr. O'Toole filed a Notice of Intention to Enter Judgment of *Non Pros* on the McMurtrys' professional liability claim. ODC 1 Bates 7, ODC 2 Bates 23, ODC 15 Bates 93-96.
20. By emails dated June 17 and July 11, 2019, Mr. McMurtry inquired of Respondent about the status of the civil action. NT 22-23; ODC 1 Bates 7, ODC 2 Bates 23, ODC 16 Bates 97.
21. Respondent failed to respond to Mr. McMurtry's emails dated June 17 and July 11, 2019. NT 22-23; ODC 1 Bates 7, ODC 2 Bates 23.
22. On August 6, 2019, Respondent filed a Complaint in Civil Action against Dr. O'Toole, ostensibly on behalf of the McMurtrys, and a Certificate of Merit. NT 23-24, 35; ODC 1 Bates 7, ODC 2 Bates 23, ODC 17 Bates 98-109, ODC 18 Bates 110-112.
23. Respondent failed to provide the McMurtrys with a copy of the complaint he had drafted and failed to consult with them about it so that they could review it for corrections, if any, prior to Respondent filing it. NT 23-25, 35.
24. Respondent failed to file a Verification of the Complaint in Civil Action signed by the McMurtrys. NT 25-26; ODC 1 Bates 8, ODC 2 Bates 23, ODC 17 Bates 98-109.
25. Respondent, instead, included with the filed complaint an "Attorney Verification" as follows:

I, Brian S. Quinn, Esquire, verify that I am the Plaintiff in the foregoing action and that the information set forth in the foregoing Complaint is true and correct to the best of my knowledge, information and belief as provided to me by the Plaintiffs and a review of available medical records. A verification from Plaintiffs will be provided.

NT 23; ODC 1 Bates 8, ODC 2 Bates 23, ODC 17 Bates 107-109.

26. The Complaint in Civil Action that Respondent filed contained inaccuracies. NT 35-36.
27. By email dated August 21, 2019, Mr. McMurtry again asked Respondent about the status of the civil action. NT 26; ODC 1 Bates 8, ODC 2 Bates 23, ODC 19 Bates 113.
28. Respondent did not immediately reply to Mr. McMurtry's email dated August 21, 2019. NT 26; ODC 1 Bates 8, ODC 2 Bates 23.
29. On August 27, 2019, Dr. O'Toole, through his counsel, filed Preliminary Objections to the complaint and a Brief in Support. Respondent did not inform his clients of that filing. NT 29; ODC 1 Bates 8, ODC 2 Bates 23, ODC 20 Bates 114-131.
30. Argument on the Preliminary Objections was scheduled for October 3, 2019. ODC 1 Bates 8, ODC 2 Bates 24, ODC 3 Bates 32.
31. On August 28, 2019, Respondent replied to Mr. McMurtry's email dated August 21, 2019, and informed him that the case was "working its way through some procedural issues." Respondent did not discuss or meaningfully consult with the McMurtrys about the substance of the foregoing "procedural issues" he had encountered in the litigation. NT 26-28; ODC 1 Bates 8, ODC 2 Bates 24, ODC 21 Bates 132, ODC 30 Bates 174-198.
32. By Order of Court dated October 3, 2019:
- a. The count for consortium contained in the complaint was voluntarily dismissed and the case caption was amended to remove Mr. McMurtry as a plaintiff;

- b. Respondent was ordered to file the verification of Mrs. McMurtry to the original complaint; and
 - c. Dr. O'Toole was ordered to file his answer to the complaint within 45 days.
- ODC 1 Bates 9, ODC 2 Bates 24, ODC 22 Bates 133.
33. Respondent failed to file Mrs. McMurtry's verification of the complaint. ODC 1 Bates 9, ODC 2 Bates 24.
34. On February 28, 2020, counsel for Dr. O'Toole filed and served an Answer and New Matter in response to the complaint. ODC 1 Bates 9, ODC 2 Bates 24, ODC 23 Bates 134-142.
35. On March 6, 2020, counsel for Dr. O'Toole filed Notice of Service of Interrogatories and a Request for Production of Documents. ODC 1 Bates 9, ODC 2 Bates 24, ODC 24 Bates 143-146.
36. On October 21 and November 2, 2020, counsel for Dr. O'Toole filed Motions to Compel Discovery because Respondent had not filed Mrs. McMurtry's responses to the Interrogatories, nor provided documents in response to the Request for Production of Documents served upon Respondent. ODC 1 Bates 10, ODC 2 Bates 24, ODC 25 Bates 147-156, ODC 26 Bates 157-164.
37. By Order of Court dated November 2, 2020, the Honorable Philip Ignelzi, Judge of the Court of Common Pleas of Allegheny County, granted the defendant's motion and the plaintiff was ordered to provide full and complete responses to defendant's first set of Interrogatories and Request for Production of Documents within 20 days of the date of the Order and noted that failure to do so may result in "further sanctions" by the Court. ODC 1 Bates 10, ODC 2 Bates 24, ODC 27 Bates 166.

38. On July 27, 2021, Respondent, on behalf of Mrs. McMurtry, filed and served a Motion to Compel Discovery upon counsel for Dr. O'Toole. ODC 1 Bates 10, ODC 2 Bates 24, ODC 28 Bates 167-172.
39. By Order of Court dated August 2, 2021, the Court granted the Motion to Compel that Respondent had filed on behalf of Mrs. McMurtry. ODC 1 Bates 10, ODC 2 Bates 24, ODC 29 Bates 173.
40. On September 2, 2021, counsel for Dr. O'Toole filed a Motion to Dismiss based upon the defendant's Affidavit of Non-Involvement. Respondent did not inform the McMurtrys about that filing nor discuss with them the importance of the motion as it related to their legal interests. NT 27-28; ODC 1 Bates 10, ODC 2 Bates 24, ODC 30 Bates 174-198.
41. On September 13, 2021, Respondent filed a Response to Dr. O'Toole's Motion to Dismiss. ODC 1 Bates 11, ODC Bates 24, ODC 31 Bates 199-206.
42. By Order of Court dated September 14, 2021, the Honorable John McVay, Jr., Judge of the Court of Common Pleas of Allegheny County, ruled that the Motion to Dismiss based on Dr. O'Toole's Affidavit of Non-Involvement was denied, with leave for the defendant to present it as a motion for summary judgment. NT 28-29; ODC 1 Bates 11, ODC 2 Bates 24, ODC 32 Bates 207.
43. On September 16, 2021, counsel for Dr. O'Toole filed Notice of Service of Answers/Responses and Objections to Mrs. McMurtry's Request for Discovery. ODC 1 Bates 11, ODC 2 Bates 24, ODC 33 Bates 208-211.
44. On various occasions in 2020, 2021, 2022, and 2023, Respondent informed the McMurtrys that he intended to depose Dr. O'Toole. ODC 1 Bates 11, ODC 2 Bates 24.

45. Respondent did not depose Dr. O'Toole until January 30, 2024. ODC 1 Bates 11, ODC 2 Bates 25.
46. By email dated December 8, 2021, Mr. McMurtry asked Respondent for an update on Mrs. McMurtry's case. NT 30; ODC 1 Bates 11, ODC 2 Bates 25, ODC 34 Bates 212.
47. Respondent neither replied to Mr. McMurtry's email dated December 8, 2021, nor otherwise communicated with Mrs. McMurtry about the status of her legal matter. NT 30; ODC 1 Bates 11, ODC 2 Bates 25.
48. By email dated February 15, 2022, Mr. McMurtry again inquired of Respondent about the status of Mrs. McMurtry's legal matter. NT 30; ODC 1 Bates 12, ODC 2 Bates 25, ODC 35 Bates 213.
49. Respondent failed to inform Mrs. McMurtry of the status of her case and did not promptly reply to Mr. McMurtry's email dated February 15, 2022. NT 30; ODC 1 Bates 12, ODC 2 Bates 25.
50. On September 7, 2022, Respondent replied to Mr. McMurtry's email dated August 30, 2022, inquiring about the status of Mrs. McMurtry's case. Respondent apologized for not responding sooner due to illness, stated he had sent a letter to Dr. Grahovac one week prior but had not yet received a reply, and he had requested a date to depose Dr. O'Toole. NT 30-31; ODC 1 Bates 12, ODC 2 Bates 25, ODC 36 Bates 214.
51. On October 6 and October 24, 2022, Mr. McMurtry asked Respondent if there had been any progress made in his wife's case, including whether Respondent had been successful in contacting Dr. Grahovac, whom Respondent had stated he

would subpoena before scheduling a deposition for Dr. O'Toole. NT 31-32; ODC 1 Bates 12, ODC 2 Bates 25, ODC 37 Bates 215.

52. Respondent did not reply to Mr. McMurtry's inquiries, nor otherwise communicate with Mrs. McMurtry about the status of her legal matter, until November 14, 2022, when he stated, "I'm talking with an expert later this week ... to prep for Dr. O'Toole's deposition" and he was waiting for opposing counsel to provide deposition dates but he had prepared a motion to compel if the deposition was not scheduled by the end of that week. NT 32-33; ODC 38 Bates 216.

53. On March 10, 2023, Respondent replied to Mr. McMurtry's email dated March 9, 2023, wherein Respondent stated that he had "sent a subpoena" to Dr. Grahovac before he had left on vacation. NT 33; ODC 1 Bates 13, ODC 2 Bates 25, ODC 39 Bates 217.

54. On July 11, 2023, Calendar Control for Allegheny County scheduled a trial date in Mrs. McMurtry's case for January 24, 2024. ODC 1 Bates 13, ODC 2 Bates 25, ODC 3 Bates 31.

55. Respondent failed to inform the McMurtrys that the matter had been scheduled for trial. NT 34; ODC 1 Bates 13, ODC 2 Bates 25.

56. By email dated October 2, 2023, Mr. McMurtry asked Respondent for any updates and asked whether he had received any response from Dr. Grahovac to the issuance of the subpoena Respondent claimed he had caused to be issued to her. NT 33-34; ODC 1 Bates 13, ODC 2 Bates 25, ODC 40 Bates 218.

57. Respondent neither replied to Mr. McMurtry's email dated October 2, 2023, nor otherwise communicated with Mrs. McMurtry about her legal matter. NT 33-34; ODC 1 Bates 13, ODC 2 Bates 25.

58. On November 8, 2023, a pre-trial conference was scheduled for January 5, 2024. ODC 1 Bates 14, ODC 2 Bates 26, ODC 3 Bates 31.
59. Respondent failed to inform Mrs. McMurtry of the scheduling of the pre-trial conference. NT 34; ODC 1 Bates 14, ODC 2 Bates 26.
60. By email dated December 18, 2023, Mr. McMurtry informed Respondent, among other things, that the McMurtrys would begin looking for successor counsel, as it seemed to them that their case should have been resolved already. NT 36-38; ODC 1 Bates 14, ODC 2 Bates 26, ODC 41 Bates 219.
61. Respondent did not reply to Mr. McMurtry's email dated December 18, 2023, nor did Respondent otherwise communicate with Mrs. McMurtry about her legal matter. NT 38.
62. On January 5, 2024, Respondent filed a Motion for Continuance of the pre-trial conference scheduled for January 5, 2024, and the trial scheduled for January 24, 2024. ODC 1 Bates 14, ODC 2 Bates 26, ODC 42 Bates 220-225.
63. On January 10, 2024, counsel for Dr. O'Toole filed a Motion for Summary Judgment and a Brief in Support. ODC 1 Bates 14, ODC 2 Bates 26, ODC 43 Bates 226-233.
64. By Order of Court dated January 16, 2024, the Court granted leave for Dr. O'Toole's counsel to file his Motion for Summary Judgment and scheduled argument on the motion for February 28, 2024. ODC 1 Bates 14, ODC 2 Bates 26, ODC 44 Bates 234.
65. By Order of Court dated January 16, 2024, upon consideration of the Plaintiff's Motion for Continuance, the Court directed that the matter be relisted for trial on March 28, 2024. ODC 1 Bates 15, ODC 2 Bates 26, ODC 45 Bates 235.

66. Respondent failed to inform Mr. and Mrs. McMurtry about the filing of the Motion for Summary Judgment. NT 38; ODC 1 Bates 15, ODC 2 Bates 26.
67. On February 28, 2024, Respondent filed a Motion for Leave to File an Amended Complaint and filed a Response to the Motion for Summary Judgment. ODC 1 Bates 15, ODC 2 Bates 26, ODC 46 Bates 236-254, ODC 47 Bates 255-273.
68. By Order of Court dated March 7, 2024, the Honorable Patrick Connelly, Judge of the Allegheny County Court of Common Pleas, ruled that, upon consideration of the Motion for Summary Judgment filed on behalf of Dr. O'Toole, it was ordered, adjudged and decreed that the Motion was granted, judgment was entered on behalf of Dr. O'Toole, Mrs. McMurtry's case was dismissed with prejudice, and the Motion to Amend the Complaint was denied. NT 38-39; ODC 1 Bates 15, ODC 2 Bates 26, ODC 48 Bates 274.
69. Respondent failed to inform Mrs. McMurtry about the dismissal of her civil action. NT 38-39.

ODC's DB-7 Request for Statement of Position

70. On July 15, 2024, ODC sent Respondent a DB-7 request for a statement of his position in response to Mr. McMurtry's disciplinary complaint, by regular mail and certified mail, return receipt requested. ODC 1 Bates 18, ODC 2 Bates 27, ODC 49 Bates 275-284.
71. Although the certified mailing was returned to ODC marked "Unclaimed Unable to Forward," the regular mailing was not returned to ODC as undeliverable. ODC 1 Bates 18, ODC 2 Bates 27, ODC 49 Bates 282-284.
72. Respondent stated in an email to ODC dated August 14, 2024, that he did not immediately receive ODC's request for a statement of his position and requested

additional time to submit his statement of position. ODC 1 Bates 18, ODC 2 Bates 27, ODC 50 Bates 285.

73. By email to Respondent dated August 19, 2024, ODC granted Respondent an additional 30 days to provide his statement. ODC 1 Bates 18, ODC 2 Bates 27, ODC 51 Bates 286.

74. Despite receiving additional time to file his response, Respondent failed to provide ODC with his statement of position in response to ODC's DB-7 request. ODC 1 Bates 18, ODC 2 Bates 27.

The Disciplinary Proceedings at No. 17 DB 2025

75. By Petition for Discipline filed on March 31, 2025, ODC charged Respondent with violations of the Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement arising from his representation of the McMurtrys.

76. Respondent filed a Response to Petition for Discipline on April 23, 2025, wherein he admitted communication lapses during his representation of the McMurtrys.

77. Following the appointment of a Hearing Committee and a prehearing conference on June 16, 2025, the Committee held a disciplinary hearing on August 18, 2025.

78. ODC offered the testimony of Terry McMurtry in its case-in-chief and offered documentary exhibits ODC 1 - ODC 51 for purposes of the merits portion of the hearing, which were admitted into evidence. Respondent waived cross-examination of Mr. McMurtry and did not testify or offer any witnesses or exhibits during the merits phase of the hearing. During the dispositional phase of the hearing, ODC offered ODC 52 into evidence. Respondent offered brief testimony during the dispositional portion of the hearing. Respondent offered no other witnesses or exhibits.

79. Mr. McMurtry testified that:

- a. Respondent did not inform him or Mrs. McMurtry that because Respondent had not timely filed a complaint in civil action, that Dr. O'Toole was seeking a judgement of *non pros* to bar them from proceeding with a lawsuit (NT 22);
- b. Respondent never contacted him or Mrs. McMurtry to obtain a signed verification of the complaint against Dr. O'Toole (NT 23, 25);
- c. Respondent never provided him or Mrs. McMurtry with a copy of the complaint to review and never reviewed the contents of the complaint with them (NT 24);
- d. Respondent never asked him or Mrs. McMurtry to review the complaint for accuracy before he filed it in August 2019 (NT 25);
- e. The first time he saw the complaint against Dr. O'Toole was in December 2023 (NT 25, 35);
- f. He saw the complaint because he learned how to access his case docket in December 2023 (NT 25-26);
- g. The complaint had inaccuracies (NT 36);
- h. He was not aware that Dr. Grahovac had been allowed out of the case (NT 22, 31);
- i. Respondent never told him that Dr. O'Toole had filed preliminary objections (NT 29);
- j. Respondent never informed the McMurtrys that a trial had been scheduled in the case (NT 34).

80. Mr. McMurtry testified to his frustration that the lawsuit had gone on for a long time and that Respondent rarely responded to Mr. McMurtry's communications or provided progress updates. N.T. 19, 23, 26, 27, 30, 31, 32, 34, 37.

81. Mr. McMurtry's testimony was credible.

82. During the dispositional phase of the hearing, ODC introduced evidence that Respondent has a record of prior discipline. By Order of the Disciplinary Board dated August 3, 2016, the Board directed that Respondent be subjected to a Public Reprimand by the Board for engaging in the unauthorized practice of law while on administrative suspension and making a misrepresentation to his law firm supervisor as to when he learned of his suspension. The Board administered a Public Reprimand to Respondent on January 5, 2017. NT 45-46; ODC 52.

83. Respondent offered brief testimony as to his age, address, education, employment history, number of minor children, lack of criminal history or substance abuse history, lack of involvement in civil actions over the past ten years, and that he is involved in divorce proceedings. N.T. 46-49.

Post-hearing proceedings

84. On September 18, 2025, ODC submitted a post-hearing brief to the Committee and requested that the Committee recommend to the Board that Respondent be suspended for a period of one year and one day.

85. On October 29, 2025, Respondent submitted a post-hearing brief to the Committee. Respondent acknowledged communication deficiencies during his representation of his clients and requested that the Committee recommend to the Board that a public reprimand be imposed.

86. By Report filed on December 23, 2025, the Committee concluded that ODC met its burden to prove Respondent's violations of Rules of Professional Conduct 1.1, 1.2(a), 1.3, 1.4(a)(1), 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 1.4(b), and 3.2 and Pennsylvania Rule of Disciplinary Enforcement 203(b)(7). The Committee found that Respondent's record of discipline was an aggravating factor and found no mitigation. The Committee recommended that Respondent be suspended from the practice of law for one year and one day.

87. On January 27, 2026, Respondent filed a Brief on Exceptions. Respondent contended that the Committee erred in concluding that ODC proved violations of RPC 1.1, 1.2 (a), 1.4(a)(1) and 1.4(a)(2). Respondent further contended, *inter alia*, that the Committee erred in ignoring mitigating factors of record and inflating the weight of the prior discipline, and that any suspension be for a period of six months or less, be stayed, and involve probation.

88. On February 9, 2026, ODC filed a Brief Opposing Respondent's Exceptions. ODC contended that the Committee properly found violations of the rules charged in the Petition for Discipline and properly weighed all of the evidence in making its recommendation for a one year and one day period of suspension.

89. The Board adjudicated this matter at the meeting on April 15, 2026.

II. CONCLUSIONS OF LAW

1. By Respondent's conduct as set forth above, he violated the following Rules of Professional Conduct and Pennsylvania Rule of Disciplinary Enforcement:

a. Rule of Professional Conduct 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.”

b. Rule of Professional Conduct 1.2(a) – “[A] lawyer shall abide by a client’s decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued....”

c. Rule of Professional Conduct 1.3 – “A lawyer shall act with reasonable diligence and promptness in representing a client.”

d. Rule of Professional Conduct 1.4(a)(1) – “A lawyer shall...promptly inform the client of any decision or circumstance with respect to which the client’s informed consent, as defined in Rule 1.0(e), is required by these Rules....”

e. Rule of Professional Conduct 1.4(a)(2) – “A lawyer shall...reasonably consult with the client about the means by which the client’s objectives are to be accomplished....”

f. Rule of Professional Conduct 1.4(a)(3) – “A lawyer shall...keep the client reasonably informed about the status of the matter....”

g. Rule of Professional Conduct 1.4(a)(4) – “A lawyer shall...promptly comply with reasonable requests for information....”

h. Rule of Professional Conduct 1.4(b) – “A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.”

i. Rule of Professional Conduct 3.2 – “A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.”

j. Pennsylvania Rule of Disciplinary Enforcement 203(b)(7) – “The following shall also be grounds for discipline: Failure by a respondent-attorney without good cause to respond to Disciplinary Counsel’s request...under Disciplinary Board Rule §87.7(b) for a statement of the respondent-attorney’s position.”

III. DISCUSSION

This matter comes before the Board following exceptions filed by Respondent to the Committee’s Report and unanimous recommendation that Respondent be suspended for one year and one day for his misconduct that arose out of his representation of the McMurtrys. In attorney discipline matters, ODC bears the burden of proving professional misconduct by clear and convincing evidence. *Office of Disciplinary Counsel v. Anonymous Attorney*, 331 A.3d 523 (Pa. 2025). Upon our independent review of the record pursuant to Pa.R.D.E. 208(d)(2), and after considering Respondent’s exceptions, we conclude that Respondent violated Rules of Professional Conduct 1.1, 1.2(a), 1.3, 1.4(a)(1), 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 1.4(b), 3.2, and Pennsylvania Rule of Disciplinary Enforcement 203(b)(7). For the reasons that follow, we recommend that Respondent be suspended for a period of one year.

The record establishes that in January 2017, Terry and Katlynn McMurtry, husband and wife, retained Respondent to represent them in a civil action against Dr. Tara Grahovac and Dr. James O’Toole for injuries that allegedly arose from a bilateral mastectomy and reconstruction surgery performed on Mrs. McMurtry on December 30, 2016. During the representation, Respondent failed to act with competence, reasonable

diligence and promptness, and failed to communicate with his clients. The communication failures included failing to keep the McMurtys reasonably informed about the status of their matter, failing to advise them of the legal ramifications of the various case filings, and failing to respond to Mr. McMurry's reasonable requests for information during the seven year period of representation.

After Respondent was retained, and between January 2017 and September 2018, he did not communicate with his clients on their legal matter. On December 28, 2018, Respondent filed a Praecipe for Writ of Summons on behalf of his clients against Dr. Grahovac and Dr. O'Toole in the Court of Common Pleas of Allegheny County. After Respondent filed the Praecipe, he failed to timely file and serve a complaint in civil action upon the defendants, which prompted them to file their respective Praecipes for Rule to File a Complaint and Notices of Intention to Enter a Judgment of Entry of *Non Pros*. After Dr. Grahovac was excused as a defendant, a Judgment of *Non Pros* was entered for Respondent's failure to file a complaint against Dr. O'Toole within 20 days of service of the rule previously issued. Dr. O'Toole then sought entry of a Rule to Show Cause why the Judgment of *Non Pros* should not be made final. The court denied the Petition for Rule to Show Cause and the case against Dr. O'Toole was reopened. Respondent failed to alert his clients to the pre-complaint activity or his responses thereto.

Respondent filed a complaint on behalf of his clients against Dr. O'Toole on August 6, 2019. Respondent did not provide a draft of the complaint to the McMurtys for their review prior to filing, and did not inform them that he had filed and served the complaint until August 28, 2019. Mr. McMurry credibly testified he never saw the complaint until December 2023. Respondent did not obtain a signed verification from his clients to attach to the complaint; rather, he filed the complaint with an attorney verification. Similar to his

earlier failures to inform his clients of activity in their matter, Respondent did not apprise his clients of the post-complaint docket activity. Dr. O'Toole filed preliminary objections on August 27, 2019; Respondent did not make his clients aware of that filing. Argument on the preliminary objections was held on October 3, 2019. The court issued an order that day dismissing the count for consortium and amending the caption to remove Mr. McMurtry as a plaintiff, and ordering Respondent to file the verification of Mrs. McMurtry to the original complaint. Respondent failed to file Mrs. McMurtry's verification. In September 2021, Dr. O'Toole filed a Motion to Dismiss based upon defendant's Affidavit of Non-Involvement. Respondent filed a response but did not inform his clients about the filing nor discuss the legal implications of the motion.

In July 2023, Calendar Control for Allegheny County scheduled a trial date for Mrs. McMurtry's case for January 24, 2024, and in November 2023 the pre-trial conference was set for January 5, 2024. Respondent never informed his client or Mr. McMurtry of the pre-trial conference date or the trial date. Mr. McMurtry discovered the trial date on his own after he learned how to access the docket in December 2023. It was at that time that Mr. McMurtry finally read the contents of the complaint and realized that Dr. O'Toole was the sole defendant. Mr. McMurtry also discovered that the complaint contained inaccuracies.

Dr. O'Toole filed a Motion for Summary Judgment on January 10, 2024; again, Respondent never informed the McMurtrys of the filing and its legal consequences for Mrs. McMurtry's case. Argument on the summary judgment motion was held on February 28, 2024, and the court later issued an order granting the motion and dismissing Mrs. McMurtry's case with prejudice. Respondent never informed Mrs. McMurtry about the dismissal of her civil action. Mr. McMurtry attended the summary judgment argument and

was aware of the court's ruling that dismissed his wife's case. As to any conversation with Respondent about the case being dismissed, Mr. McMurtry indicated that "we didn't really talk after the fact." N.T. 38.

The record demonstrates that Respondent treated his clients as if they were a mere afterthought in their own legal action. That the McMurtrys were unacquainted with the status of their matter and unaware of critical information was not for lack of trying to obtain that information from Respondent. Perhaps the most troubling aspect of this matter is Respondent's significant communication flaws. Throughout the course of the representation, Mr. McMurtry regularly sought status updates, with little success. Respondent failed to respond to many of Mr. McMurtry's numerous requests for information and failed to provide his clients with information on their matter, even as to the most basic and critical pieces of information such as the date a trial was scheduled. Mr. McMurtry credibly described the frustration he felt when Respondent ignored the repeated communications. Mr. McMurtry subsequently filed a complaint against Respondent with ODC. As part of its investigation, ODC sent to Respondent a DB-7 request for a statement of his position which required a response within 30 days. Despite obtaining an extension of time, Respondent never submitted a response.

Having concluded that Respondent engaged in professional misconduct, this matter is ripe for the determination of discipline. Disciplinary sanctions serve the dual purpose of protecting the public from unfit attorneys and maintaining the integrity of the legal system. *Office of Disciplinary Counsel v. Robert Costigan*, 584 A.2d 296, 300 (Pa. 1990). In assessing the appropriate quantum of discipline, the Board must weigh any aggravating and mitigating circumstances. *Office of Disciplinary Counsel v. Brian J. Preski*, 134 A.3d 1027, 1031 (Pa. 2016).

We first consider that Respondent has a record of public discipline. In 2017, the Board publicly reprimanded Respondent for his misconduct that arose from his four month period of unauthorized practice of law while administratively suspended for failing to comply with Continuing Legal Education requirements. The record of that matter established that although Respondent had notice of his change in license status and consequent inability to practice law, he failed to notify his clients and his law firm of his change in status, held himself out as eligible to practice, and appeared at various hearings on behalf of clients. Four months after he received notice that he was administratively suspended, Respondent misrepresented to his law firm that he had only “recently discovered” his suspended status. It is well-established that a record of prior discipline is a weighty aggravating factor. *See Office of Disciplinary Counsel v. Michael Eric Adler*, No. 88 DB 2022 (D. Bd. Rpt. 11/6/2023) (S. Ct. Order 1/23/2024).

Turning to mitigation, we conclude that the only factor properly accorded mitigating weight is Respondent’s admissions to the charged allegations in the Petition for Discipline that he failed to communicate with the McMurtrys. *See ODC-2*. These admissions denote acceptance of responsibility for at least some acts of misconduct; this accountability serves to reduce the severity of the sanction imposed in this matter. *See Office of Disciplinary Counsel v. Frank C. Arcuri*, No. 147 DB 2019 (D. Bd. Rpt. 8/20/20) (S. Ct. Order 10/6/2020). We note that Respondent’s Response to Petition for Discipline referenced “a dire financial situation because of a bitter divorce and custody battle” that he was experiencing. *ODC-2*, ¶ 76. However, Respondent offered no testimony on those particular issues, other than to state he was going through a divorce. His brief testimony during the dispositional phase of the hearing gave basic background information on his age, education, employment, number of minor children, lack of involvement in civil actions

over the past ten years, and lack of criminal history or substance abuse history. Respondent did not place on the record any other information that may properly be considered as mitigation of his admitted misconduct.

Precedent supports the Board's recommendation for a one year suspension. In a recent matter, the Court imposed a one year suspension on an attorney who engaged in communication deficiencies and neglect in two client matters and had a record of prior discipline. See *Office of Disciplinary Counsel v. William E. Vinsko, Jr.*, No. 75 DB 2024 (D. Bd. Rpt. 2/23/2026) (S. Ct. Order 5/11/2026). The Board concluded that Vinsko failed to communicate with his clients in a real estate matter, and in a separate estate matter, failed to communicate with clients, failed to act with diligence and promptness, and failed to promptly distribute estate property. In assessing the appropriate level of discipline, the Board weighed Vinsko's record of prior discipline consisting of two public reprimands and an informal admonition against his apology to one of his clients, concession that he failed to promptly respond to his client's request for information, and substantial character evidence. The totality of these facts and circumstances informed the Board's recommendation that while a period of suspension was warranted, the record did not establish the need for a suspension longer than one year, *i.e.*, a term that would require a reinstatement proceeding to resume practice. Comparing the facts of *Vinsko* with the instant matter, we observe similarities in the types of misconduct, particularly the serious communication deficiencies that left both Vinsko's and Respondent's clients frustrated. We further observe that while Vinsko's record of discipline was more substantial than Respondent's record, Vinsko offered more mitigating evidence than the scant mitigation found in the instant record.

Upon the totality of facts and circumstances, we conclude that a one year suspension strikes the appropriate balance when considering Respondent's serious misconduct, his prior public discipline, and his partial degree of accountability for his communication deficiencies, and is consistent with precedent for similar misconduct. This balanced approach is consistent with the goals of the disciplinary system to protect the public and preserve the integrity of the courts and the legal profession. In reaching our conclusion, we considered and rejected both the Committee's recommendation for a one year and one day suspension and Respondent's request for a stayed suspension of six months or less, with probation. The Committee's recommendation is too severe and does not account for Respondent's admissions of wrongdoing relating to his communication failures. Likewise, Respondent's recommendation for probation has no support in this record and is inadequate to address his serious acts of client misconduct and failure to respond to ODC's inquiry. On this record, we recommend a one year suspension.

IV. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, Brian Scott Quinn, be Suspended for One Year from the practice of law in this Commonwealth.

It is further recommended that the expenses incurred in the investigation and prosecution of this matter are to be paid by the Respondent.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: */s/ Scott B. Cooper*
Scott B. Cooper, Member

Date: June 11, 2026

Members Bloom and Neft recused.