

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 180 DB 2019
Petitioner	:	
	:	File No. C4-18-736
v.	:	
	:	Attorney Registration No. 45598
JEFFREY MARC ROBINSON	:	
Respondent	:	(Allegheny County)

O R D E R

AND NOW, this 6th day of November, 2019, in accordance with Rule 208(a)(5), Pa.R.D.E., the determination by a Review Panel of the Disciplinary Board of the above captioned matter is accepted; and it is

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

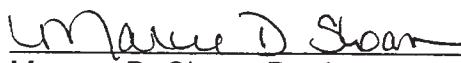
Costs shall be paid by the Respondent.

BY THE BOARD:



Chair

TRUE COPY FROM RECORD
Attest:



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

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

OFFICE OF DISCIPLINARY COUNSEL	:	No. 180 DB 2019
Petitioner	:	
	:	File No. C4-18-738
v.	:	
	:	Attorney Registration No. 45598
JEFFREY MARC ROBINSON	:	
Respondent	:	(Allegheny County)

PUBLIC REPRIMAND

By Order dated November 6, 2019, the Board directed that Jeffrey Marc Robinson receive a public reprimand.

This matter involved Respondent's pursuit of frivolous litigation on behalf of a client. On about September 26, 2016, a civil action was filed in Allegheny County Magisterial District 05-2-16 on behalf of Franco Moscatiello against Frank Zokaite Contracting, Inc., and Zokaite Properties, L.P. On about December 20, 2016, the Magisterial District Judge made an award in favor of Mr. Moscatiello and against all of the defendants in the amount of \$1,654.30.

On about January 18, 2017, Respondent filed on behalf of Mr. Zokaite and the other defendants a Praecipe for Writ of *Certiorari*, seeking to have the matter heard in the Court of Common Pleas of Allegheny County. In the Writ of *Certiorari*, Respondent alleged on behalf of the defendants that the Magisterial District Judge had no jurisdiction over the subject matter of the proceedings, the venue was improper, and that there was such irregularity of procedure that the judgment should be void. On March 6, 2017, Mr. Moscatiello filed a Motion to Dismiss the Writ and a Motion for

Sanctions. Respondent filed a Response thereto, asserting that service of the complaint was insufficient and that he had a reasonable basis to make such assertions.

By Memorandum and Order of the Court dated June 28, 2017, the Honorable Robert J. Colville dismissed the Writ of *Certiorari* and ordered the imposition of sanctions against the defendants of attorney's fees in the amount of \$3,000. In his Memorandum and Order, Judge Colville rejected Respondent's claims concerning service, and noted the "vexatious, obdurate and dilatory" conduct of defendants and counsel.

On June 30, 2017, Respondent filed a timely Notice of Appeal of Judge Colville's decision to the Superior Court of Pennsylvania. On July 14, 2017, Judge Colville ordered Respondent's clients to file a Concise Statement of Errors Complained of on Appeal pursuant to Rule 1925(b), Pa.R.A.P. On August 14, 2017, Respondent filed a Concise Statement on behalf of defendants, listing 17 issues to be addressed on appeal. On August 30, 2017, Judge Colville filed an Opinion pursuant to Rule 1925(a). Therein, Judge Colville chastised defendants for their failure to apprise themselves of fundamental rules and procedures.

By a Memorandum Opinion filed May 21, 2018, the Superior Court denied the appeal and affirmed Judge Colville's decision. Therein, the Superior Court found that "the redundancy and inclusion of clearly frivolous issues compel the conclusion that Appellants deliberately circumvented the meaning and purpose of Rule 1925(b) and acted in bad faith." The Superior Court found that pursuit of the Writ of *Certiorari* which Respondent had filed was vexatious and that Judge Colville acted within his discretion to award counsel fees as a result. The Superior Court also found that the appeal which

Respondent pursued on behalf of his clients was frivolous and entitled Mr. Moscatiello to an award for counsel fees for defending against the appeal.

The Superior Court remanded the matter to the Court of Common Pleas of Allegheny County to, among other things, determine the amount of counsel fees due to Mr. Moscatiello. By Opinion and Order dated August 30, 2018, Judge Colville determined that Mr. Moscatiello was entitled to an award of \$22,745.54 in counsel fees for Respondent's clients' frivolous appeal and vexatious conduct before the Superior Court, which was in addition to the previous \$3,000.00 sanction. On October 15, 2018, because the judgments for attorney's fees were paid in full, the docket was marked as satisfied.

By his conduct. Respondent violated the following Rules of Professional Conduct ("RPC"):

1. RPC 1.1 - Respondent filed a frivolous Writ of *Certiorari* from the judgment of a Magisterial District Judge against his client, as well as a frivolous appeal to the Superior Court of Pennsylvania of the denial of the Writ, which resulted in \$25,745.54 in sanctions being levied against Respondent's clients. Respondent failed to exercise the legal knowledge, skill, thoroughness and preparation necessary for the representation of his clients;
2. RPC 3.1 - Respondent filed a Writ of *Certiorari* as well as an appeal to the Superior Court of Pennsylvania of the denial of the Writ, which actions had no basis in law or fact which was not frivolous, and resulted in sanctions being levied against Respondent's client; and

3. RPC 8.4(d) - Respondent's filing of a frivolous Writ of *Certiorari* and his frivolous appeal of the denial of the Writ wasted court resources and resulted in his clients having to pay counsel fees to the opposing party. These actions prejudiced the administration of justice.

Respondent has a history of discipline. By Order dated October 2, 2000, Respondent was disbarred on consent for conduct involving, *inter alia*, failure to diligently represent clients, misrepresentations to clients, misappropriation of entrusted funds, and forgery of client signatures, as well as the signatures of others. Respondent was reinstated to practice by Supreme Court Order dated January 22, 2016.

Respondent's misconduct in this matter is public. This Public Reprimand is a matter of public record and shall be posted on the Disciplinary Board's website at www.padisciplinaryboard.org


Board Chair