

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 1338 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 186 DB 2007
v.	:	
	:	Attorney Registration No. 60730
SCOTT ALAN WESTCOTT,	:	
Respondent	:	(Allegheny County)

ORDER


PER CURIAM:

AND NOW, this 10th day of December, 2008, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated September 26, 2008, the Joint Petition in Support of Discipline on Consent is hereby granted pursuant to Rule 215(g), Pa.R.D.E., and it is

ORDERED that Scott Alan Westcott is suspended on consent from the Bar of this Commonwealth for a period of five years retroactive to June 19, 2002, and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

A True Copy Patricia Nicola

As of: December 10, 2008

Attest: 

Chief Clerk

Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

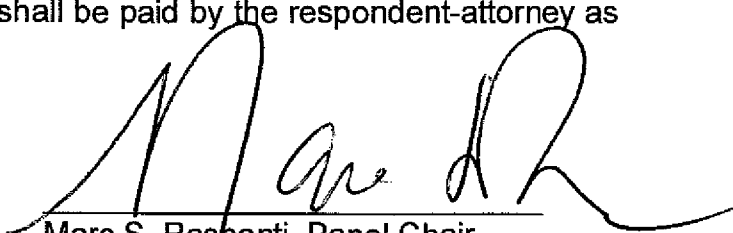
OFFICE OF DISCIPLINARY COUNSEL	:	No. 1338 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 186 DB 2007
v.	:	
	:	Attorney Registration No. 60730
SCOTT ALAN WESTCOTT	:	
Respondent	:	(Allegheny County)

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 Marc S. Raspanti, Jonathan H. Newman and Gabriel L. Bevilacqua, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on August 25, 2008.

The Panel approves the Petition consenting to a five year suspension retroactive to June 19, 2002 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.



Marc S. Raspanti, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: 9/26/2008

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 1338 Disciplinary Docket
	:	No. 3 – Supreme Court
Petitioner	:	
	:	No. 186 DB 2007 – Disciplinary
v.	:	Board
	:	
SCOTT ALAN WESTCOTT,	:	Attorney Registration No. 60730
	:	
Respondent	:	(Allegheny County)

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

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

Angelea Allen Mitas
Disciplinary Counsel-in-Charge
Suite 1300, Frick Building
437 Grant Street
Pittsburgh, PA 15219
(412) 565-3173

and

Dennis M. Blackwell, Esquire
Counsel for Respondent
Blackwell, Tarantine & Certo P.C.
Deushtown Center
801 Vinial Street, 3rd Floor
Pittsburgh, PA 15212
(412) 391-5299

FILED

AUG 25 2008

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

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 1338 Disciplinary Docket
	:	No. 3 – Supreme Court
Petitioner	:	
	:	No. 186 DB 2007 - Disciplinary
v.	:	Board
	:	
SCOTT ALAN WESTCOTT,	:	Attorney Registration No. 60730
	:	
Respondent	:	(Allegheny 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 Angelea Allen Mitas, Disciplinary Counsel-in-Charge, and Respondent, Scott Alan Westcott, by his counsel, Dennis M. Blackwell, Esquire, file the within Joint Petition In Support Of Discipline On Consent Under Rule 215(d), Pa.R.D.E., which charges Respondent, Scott Alan Westcott, with professional misconduct in violation of the Pennsylvania Rules of Disciplinary Enforcement as follows:

1. Petitioner, whose principal office is located at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania, 17101, 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, Scott Alan Westcott, was born in 1964. He was admitted to practice law in the Commonwealth of Pennsylvania on February 15, 1991. Respondent's attorney registration mailing address is Apt. 3, 516 Grandview Avenue, Pittsburgh, PA 15211. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. By Order entered on June 19, 2002, Mr. Westcott, having been found to be severely mentally disabled and involuntarily committed by Order of the Court of Common Pleas of Allegheny County dated May 2, 2002, the Supreme Court of Pennsylvania ordered Mr. Westcott transferred to inactive status pursuant to Rule 301(a), Pa.R.D.E. The Order was effective immediately and for an indefinite period until further Order of the Court. Pending disciplinary proceedings were to be held in abeyance except for the perpetuation of testimony and the preservation of documentary evidence. By that same Order, the criminal conviction of Mr. Westcott for the charges of Driving Under the Influence and Driving While Operating Privileges is Suspended or Revoked, which occurred on March 8, 2002, was referred to the Disciplinary Board pursuant to Rule 214(f)(1), Pa.R.D.E.

4. By Order entered on March 10, 2008, the Supreme Court referred the conviction of Respondent in the Court of Common Pleas of Allegheny County of the crimes of Forgery, Criminal Trespass, Tampering With Public Records or Information, Unsworn Falsification to Authorities, Escape, and Criminal Mischief, to the Disciplinary Board pursuant to Rule 214(f)(1) and (g), Pa.R.D.E.

5. Previously, by Order of the Disciplinary Board of the Supreme Court of Pennsylvania entered on April 27, 2001, it was directed that Respondent be subjected to a Private Reprimand and placed on probation for a period of two years, subject to various conditions, as a result of his conviction in Allegheny County for Driving Under the Influence. On September 11, 2001, that Private Reprimand was administered to Respondent. At the time of his 2003 conviction, Mr. Westcott was still on probation.

6. On January 26, 2007, Mr. Westcott filed a Petition for Reinstatement from Inactive Status pursuant to Rules 218 and 301(h), Pa.R.D.E. That Petition is pending before the Disciplinary Board.

SPECIFIC FACTUAL ADMISSIONS

7. On March 8, 2002, at Allegheny County criminal docket number CR-0002792-2002, Respondent pled guilty before the Honorable Robert Dauer to the crime of Driving Under the Influence of Alcohol, Title 75, Section 3731(a)(1), Driving

While Operating Privilege is Suspended or Revoked, Title 75, Section 1543(a), and False Identification to Law Enforcement Officers, Title 18, Section 4914(a).

8. Respondent was sentenced on March 8, 2002 by Judge Dauer as follows:

(a) On Driving Under the Influence, to 90 days to 23 months incarceration to be followed by 15 months probation;

(b) On False Identification to Law Enforcement Officers, to a consecutive 12 months probation;

(c) On Driving Under Suspension, to 90 days incarceration to run consecutive to the sentence imposed on Driving Under the Influence;

(d) Respondent was given credit for 29 days served, and was granted alternative housing at ARC House; and,

(e) Respondent was to be paroled after serving the minimum sentence of 180 days.

9. On February 24, 2003, a Criminal Information was docketed in Allegheny County at CR-0000820-2003, by which Respondent was charged with two counts of Unsworn Falsification to Authorities with a Written Statement, in violation of Title 18, Section 4904(a)(1), Forgery, in violation of Title 18, Section 4101(a)(1), Tampering with Public Records or Information, in violation of Title 18,

Section 4911(a)(2) and (b), Tampering with Records or Identification, in violation of Title 18, Section 4104, Tampering with or Fabricating Physical Evidence, in violation of Title 18, Section 4910(2), Criminal Use of Communication Facility, in violation of Title 18, Section 7512, two counts of Unsworn Falsification to Authorities, in violation of Title 18, Section 4904(a)(1) and (2), two counts of Escape, in violation of Title 18, Section 5121(a), and one count of Criminal Mischief, in violation of Title 18, Section 3304.

10. On May 13, 2003, Respondent pled guilty before the Honorable Raymond Novak to one count of Forgery, one count of Unsworn Falsification to Authorities, one count of Tampering with Records or Identification, two counts of Escape, one count of Criminal Trespass, and one count of Criminal Mischief.

11. On the Count Four, Tampering with Records, Judge Novak sentenced Respondent to one year to four years incarceration, followed by seven years probation to run concurrently. No further sentence was imposed at the remaining counts to which he pled guilty.

12. The remaining counts of the Criminal Information were withdrawn.

13. On June 5, 2003, Judge Novak modified Respondent's sentence to seven months to four years incarceration. All other remaining aspects of the sentence were to remain the same.

14. The Forgery count to which Respondent pled guilty involved him forging a court order purportedly signed by the Honorable Robert Gallo, which would allow Respondent an increase in hours of his daily work schedule.

15. On September 11, 2001, at 26 DB 2000, Respondent received a Private Reprimand issued by the Disciplinary Board as a result of his two prior criminal convictions for Driving Under the Influence of Alcohol (which occurred on January 20, 1999, and October 20, 1999). As a condition of that Private Reprimand, Respondent was placed on two years probation commencing September 11, 2001.

16. Various conditions were attached to that probation, including that Respondent, among other things, abstain from using alcohol or any other mind altering chemical.

17. Respondent's conviction in the Court of Common Pleas of Allegheny County on the charge of Drunk Driving and related offenses at criminal docket number CR-0002792-2002, in effect, violated this probation.

18. Respondent admits that by his conduct as described in paragraphs 7 through 17 above, he violated the Pennsylvania Rules of Disciplinary Enforcement 203(b)(1) (conviction of a crime), and 203(b)(3) (willful violation of any other provision of the Enforcement Rules), and 203(b)(4) (failure by a respondent-attorney without good cause to comply with any order under the Enforcement Rules).

AGGRAVATING FACTORS

19. On September 11, 2001, Respondent received a Private Reprimand at 26 DB 2000, for his January 20, 1999 conviction of Driving Under the Influence of Alcohol or Controlled Substance, Title 75, Section 3731(a)(1), and his October 20, 1999 conviction of Driving Under the Influence of Alcohol or Controlled Substance, Title 75, Section 3731(a)(1), and Driving While Operating Privilege is Suspended or Revoked, Title 75, Section 1541(b).

20. As a condition of that Private Reprimand, Respondent was placed on probation for a period of two years, effective that same date, subject to the following conditions:

1. Respondent shall abstain from alcohol or any other mind altering chemical;
2. Respondent shall regularly attend Alcoholics Anonymous meetings on a weekly basis;
3. Respondent shall obtain a sponsor in Alcoholics Anonymous and maintain weekly contact with that sponsor;

4. A sobriety monitor shall be appointed to monitor Respondent in accordance with Disciplinary Board Rule 89.293(c);
5. Respondent shall furnish his sobriety monitor with his Alcoholics Anonymous sponsor's name, address and telephone number;
6. Respondent shall establish his weekly attendance at Alcoholics Anonymous meetings by providing written verification on a board-approved form to the Board;
7. Respondent shall undergo any counseling, out-patient or in-patient treatment, prescribed by a physician or alcohol counselor;
8. Respondent shall file with the Executive Director and Secretary of the Board quarterly written reports;
9. With the sobriety monitor, Respondent shall:
 - a. Meet at least twice a month;
 - b. Maintain weekly telephone contact;

- c. Provide the necessary properly executed written authorizations to verify his compliance with the required substance abuse treatment; and,
- d. Cooperate fully.

10. The appointed sobriety monitor shall:

- a. Monitor Respondent's compliance with the terms and conditions of the order imposing probation;
- b. Assist Respondent in arranging any necessary professional or substance abuse treatment;
- c. Meet with Respondent at least twice a month, and maintain weekly telephone contact with Respondent;
- d. Maintain direct monthly contact with Respondent's Alcoholics Anonymous sponsor;
- e. File with the Executive Director and Secretary of the Board quarterly written reports; and,
- f. Immediately report to the Executive Director and Secretary of the Board any violations by the

Respondent of the terms and conditions of the probation.

21. It was also ordered that Respondent select a practice monitor subject to the approval of the Office of Disciplinary Counsel. The practice monitor was to do the following during the two year period of Respondent's probation:

1. Meet with Respondent at least monthly to review Respondent's recordkeeping to ensure continued compliance with the property handling of funds and maintenance of appropriate bookkeeping records;
2. Meet with Respondent at least monthly to review Respondent's workload, verify deadlines and examine Respondent's progress toward satisfactory and timely completion of client's legal matters and regular client's contacts;
3. File quarterly written reports on a Board-approved form with the Executive Director and Secretary; and,
4. Shall immediately report to the Executive Director and Secretary of the Board any violations of the Respondent of the terms and conditions of probation.

22. Respondent was still on probation when he was convicted in March of 2002 and May of 2003.

23. The criminal activity in which Respondent engaged which resulted in those criminal convictions was also in violation of the conditions of Respondent's disciplinary probation.

MITIGATING FACTORS

24. At the time of his criminal convictions in March of 2002 and May of 2003, Respondent suffered from alcoholism and major depression.

25. On December 15, 2003, Respondent was admitted to an in-patient program at Gateway Braddock, and received a regular discharge on January 29, 2004. He was transferred to a work release program and received a regular discharge on March 15, 2004. He was then transferred to an intensive out-patient program at Gateway Allegheny Valley, which he attended through November 27, 2004.

26. On January 25, 2006, Respondent began treatment with Dr. Paul J. Friday. Dr. Friday diagnosed Respondent as bipolar disorder - hypomanic in his report of August 14, 2006. See Exhibit A.

27. In his report of March 22, 2007 (see Exhibit B), Dr. Friday provides an update on Respondent's treatment, and states that "the combination of his mental

health infirmities, major depressive episode recurrent (DSM Code 296.32) and alcohol abuse (Code 305.00, both on Access I) was the unfortunate platform from which sprang these ethical transgressions."

28. In his report of October 24, 2007, Dr. Friday described Respondent's "significant progress in understanding and rectifying the foundations for his past misconduct," and that Respondent "has minimized any risk of recidivism to previous behaviors of misconduct." See Exhibit C.

29. Respondent admits he is an alcoholic, and has sustained his sobriety since December 3, 2004.

30. Respondent has maintained a sponsor, Mark Lowery, a brother in the Christian Order and a member of the staff of Central Catholic High School. See Exhibit D.

31. Respondent participates in Calix International Society, a recovery organization that bases its spiritual foundation upon Catholic teaching. Respondent currently serves as vice president of the Pittsburgh Chapter, and will assume the position of president in 2009.

32. Respondent served as Chair of the International Convention held August 1 - 3, 2008. At that Convention, he was unanimously elected to the Board of Directors. See Exhibit E.

33. Respondent participates in Central Catholic High School's Alcohol Awareness Program. See Exhibit D.

34. Respondent still conducts Alcoholic Anonymous meetings at the Allegheny County Jail and at Mayview State Hospital. See Exhibit D.

35. Respondent is currently employed by the law offices of Blackwell, Tarantine, & Certo, P.C., and has complied with the requirements of Rule 217(j), Pa.R.D.E.

36. There is currently pending before the Honorable Randall B. Todd a Petition for Termination of Probation, filed by Respondent's Allegheny County Probation Officer, Donald Teeter, based on Respondent's successful completion of his probation requirements, including payment of costs and restitution.

37. There are additional mitigating circumstances:

(a) Respondent has admitted in engaging in misconduct;

(b) Respondent cooperated with Petitioner, as is evident by Respondent's admissions herein and his consent to receiving a suspension for five years, retroactive to the date of his transfer to inactive status due to his disability;

(c) Respondent is remorseful for, and embarrassed by, his misconduct and understands he should be disciplined; and,

(d) Respondent understands that his reinstatement to the practice of law is dependent upon the outcome of the reinstatement process.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

38. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension for five years, retroactive to the date of his transfer to inactive status due to his disability (on June 19, 2002).

39. Respondent hereby consents to that discipline being imposed upon him by the Supreme Court of Pennsylvania. 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 including the mandatory acknowledgements contained in Rule 215(d)(1) - (4), Pa.R.D.E.

APPLICABLE PRECEDENT AND HOW THE RECOMMENDED DISCIPLINE
COMPARES TO DISCIPLINE IMPOSED IN REPORTED CASES

40. Forgeries have been addressed differently by the Board and the Court depending on the intent of the forger as well as the impact on the client and the judicial system. In most of the cases the forgers used a forgery to misappropriate funds, reinforce their misrepresentations to their clients, or give false testimony about the document.

41. In the matter of *Office of Disciplinary Counsel v. John M. Larason, No. 1 DB 2002*, Larason represented a client in a Chapter 7 bankruptcy which resulted in a discharge. Previously Larason's client advised him that she had been sued before a District Justice. Larason knew that the obligation had not been listed on the schedule of creditors which was discharged. Thereafter, Larason "whited-out" the name of the discharged creditor on a copy of the schedule which had been filed in the bankruptcy proceeding, filled in the name of the other creditor and faxed to the District Court a falsified schedule of creditors and discharge order. The District Court, relying on Larason's misrepresentation, dismissed the creditor's case against the client. The Board stated that "by leading the District Court to believe that the schedule he faxed was the same schedule he filed with the bankruptcy court, Respondent knowingly made a false statement of material fact to a tribunal, that he knowingly offered evidence he knew was false, and engaged in dishonest conduct, which was prejudicial to the administration of justice." The Board Report contains

no mention of mitigation or explanation for Larason's misconduct. By Order of Court dated August 19, 2004, the Supreme Court of Pennsylvania, adopting the recommendation of the Disciplinary Board, ordered that Larason be suspended for a period of three months.

42. In the matter of *Office of Disciplinary Counsel v. Barry Franklin Levine, No. 35 DB 2002*, Levine who had settled a minor's claim, forged a court order which purported to approve the settlement. He caused the forged order to be provided to the insurer and the civil action was settled in reliance thereon. His clients could not deposit the check issued to them by Levine without a certified copy of the purported valid order of court. Levine presented a motion to the court wherein he falsely represented that the court had previously approved the settlement. After investigation, Levine was also charged criminally, but was admitted into the Erie County ARD program. Levine was found to have violated Rules of Professional Conduct 3.3(a)(1), 3.3(a)(4), 4.1(a), 8.4(b), 8.4(c), and 8.4(d). At the disciplinary hearing, Levine contended that he was entitled to mitigation based on psychiatric evidence he presented of his purported major depression and post-traumatic stress disorder (stemming from childhood sexual abuse). Both the Hearing Committee and the Disciplinary Board found that he failed to meet his burden of proof on the **Braun** issue. The Board recommended that *Levine* receive a five year suspension, and by Order entered on April 27, 2005, the Court imposed a five year suspension.

43. In the matter of *Office of Disciplinary Counsel v. Philip A. Valentino, Jr., No. 26 DB 1997*, by Order entered May 20, 1999, Valentino was suspended from the practice of law for a period of five years retroactive to February 24, 1997, the date on which he was placed on temporary suspension. Valentino's suspension arose out of his November 1996 guilty plea in Federal Court to one count of mail fraud which was aggravated by his subordination of perjury by his mother before a Federal Grand Jury. Valentino was sentenced to three years of probation, with the first twelve months on home confinement. Valentino engaged in several instances of fraud by submitting medical records that he knew to be fraudulent. Valentino did not present evidence of **Braun** mitigation.

44. In *Office of Disciplinary Counsel v. Gregory G. Holston*, 619 A.2d 1054 (1993), Holston forged a judge's signature to a divorce decree which he then mailed to his client. When the court later questioned Holston about the decree, Holston lied to the court and said he did not know how he got the document or who prepared the order and certification. After consulting with counsel, Holston immediately revealed to the court that he was responsible for forging the name of the judge to the decree which he had sent to his client. Holston did not present **Braun** mitigation. By Order entered January 25, 1993, the Supreme Court disbarred Holston.

45. Based on the mitigation presented by Respondent, and the causal connection between his misconduct and his alcoholism and depression as

presented in his expert reports, a five year suspension retroactive to the date of his transfer to inactive status due to his disability is the appropriate sanction in the circumstances presented.

WHEREFORE, Petitioner and Respondent respectfully request that:

(a) Pursuant to Rules 215(e) and 215(g), Pa.R.D.E., the three-member panel of the Disciplinary Board 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 Supreme Court suspend Respondent from the practice of law for a period of five years, retroactive to the date of his transfer to inactive status due to disability, by Order entered June 19, 2002; and,

(b) Pursuant to Rule 215(i), the three-member panel of the Disciplinary Board order Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter as a condition to the grant of the Petition and that all expenses be paid by Respondent before the imposition of discipline under Rule 215(g), Pa.R.D.E.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

By Angelea Allen Mitas
Angelea Allen Mitas
Disciplinary Counsel-in-Charge

and

By Scott Alan Westcott
Scott Alan Westcott
Respondent

and

By Dennis M. Blackwell, Esquire
Dennis M. Blackwell, Esquire
Counsel for Respondent



UPMC Shadyside
Division of Clinical Psychology

Part of
UPMC Presbyterian Shadyside

August 14, 2006

Paul J. Friday, PhD
Chief

Shadyside Medical Building
Suite 514
5200 Centre Avenue
Pittsburgh, PA 15232
412-683-7396
Fax: 412-682-0502 *51
fridaypaul@upmc.edu

John E. Quinn, Esquire
Portnoy and Quinn, LLC Attorneys at Law
1 Oxford Center
36th floor
301 Grant Street
Pgh, PA 15219-6401

RE: Scott Alan Westcott
Your File #: 00-1307

CONFIDENTIAL

Dear John:

Thank you for your letter of August 9th requesting information on my professional interaction with Mr. Westcott with the accompanying authorization to release health care information signed by Scott.

I first had the opportunity of meeting with Mr. Westcott on January 25, 2006 and have documented his history and background in the accompanying progress notes. His history is certainly well known to you. My initial diagnosis was for a bipolar disorder-hypomanic on axis I (296.40). Our treatment has consisted on regular outpatient psychotherapy with emphasis on cognitive behavioral approach to treating this disorder. He has been diligent in his participation in his treatment and I am impressed with his honesty and forthrightness in describing the specific details of his initial problems, his insight as to the foundation and collateral circumstances that lead to the suspension of his law license and his tenacity in resolving the underlying platforms so that he can return to the bar with appropriate professional behaviors and controls to preclude repetition of previous behaviors.

It is my professional belief that Mr. Westcott's prognosis is good for precluding recidivism and it is within a reasonable degree of professional certainty that his readmission to the practice of law would not be subversive to the public's interest. I believe his moral integrity certainly meets or exceeds the standards of the practice of law in our community.

As part of my assessment, please find attached a copy of the personality assessment inventory (PAI) as well as the symptoms survey 77 (SS-77) which confirm by above clinical impressions. Please note the excellent validity statistics on these 2 computer scored psychometrics verifying valid testing profiles. I am also attaching copies of my progress notes from the initial meeting of January 25th through the present time. During this time we have met approximately once per week and I am convinced that his not only controlling any and all substance abuse materials but is assuring both the letter and the spirit of this control by maintaining appropriate contacts with several support individuals and organizations.

Mr. Quinn, I feel confident that Mr. Westcott is displaying appropriate behaviors over an extended time that would assuage the review boards concerns as to his ability to return to full practice of law in our commonwealth.

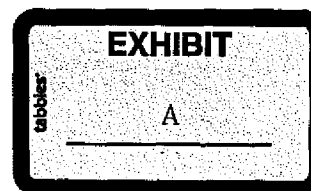
Mr. Quinn, I would be willing to testify to the above if needed. Thanking you for your support of Mr. Westcott, I remain,

Sincerely,

Paul J. Friday, Ph.D.
Chief, Clinical Psychology
UPMC Shadyside Hospital

PJF/mdk

Enclosure: progress notes, SS-77 and PAI





UPMC Shadyside

Department of Clinical Psychology

Part of
UPMC Presbyterian Shadyside

March 22, 2007

John E. Quinn, Esquire
Portnoy and Quinn, LLC Attorneys at Law
1 Oxford Center
36th floor
301 Grant Street
Pgh, PA 15219-6401

Paul J. Friday, PhD
Chief

Suite 514
5200 Centre Avenue
Pittsburgh, PA 15232
412-683-7396
Fax: 412-682-0502 *51
fridaypaul@upmc.edu

RE: Scott Alan Westcott
Your File #: 00-1307

Dear Mr. Quinn:

This is a progress report addressing my work with your client, Scott Westcott.

As you know from my letter of August 6, 2006, I had agreed to work with Mr. Westcott with the goal of assisting him in his stabilization process following his emotional and physical near disintegration from the previous years.

I have been meeting with Mr. Westcott consistently, several times per month, since our introduction on January 25, 2006. In the time of his treatment, Mr. Westcott has displayed a unique level of openness and honesty that has helped him immensely with his outpatient cognitive psychotherapy program. Based on this long-term treatment, it is my professional opinion that Mr. Westcott has resolved multiple significant baseline issues which were the foundation of his ethical misconduct several years ago. Some of his major issues at the time included a DUI (in January 2002) forgery (signing judge Gallo's name to an order of court allowing him extra work hours) and escaping from his halfway house (August, 2002).

The combination of his mental health infirmities, major depressive episode recurrent (DSM code 296.32) and alcohol abuse (code 305.00, both on Axis I) was the unfortunate platform from which sprang these ethical transgressions.

It is my professional opinion that Mr. Westcott has resolved these two major issues (major depression and alcoholism). Further, it is my professional opinion that he is prepared to re-enter his profession with a sense of commitment and resolve that was compromised by his prior mental state.

Please find attached his current SS-77, which, with good validity, confirms the above.

Mr. Quinn, I feel confident that Mr. Westcott is displaying appropriate behaviors over an extended time that would assuage the review boards concerns as to his ability to return to full practice of law in our commonwealth.

Mr. Quinn, I would be willing to testify to the above if needed.

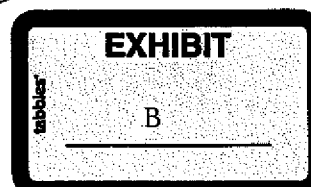
Thanking you for your support of Mr. Westcott, I remain,

Sincerely,


Paul J. Friday, Ph.D.

Chief, Clinical Psychology
UPMC Shadyside Hospital

PJF/mdk



Enclosure: comparative SS-77 plus 3-21-07 administration

UPMC Presbyterian Shadyside is a hospital of University of Pittsburgh Medical Center



UPMC Shadyside

Part of
UPMC Presbyterian Shadyside

Department of Clinical Psychology

Paul J. Friday, PhD
Chief

Suite 514
5200 Centre Avenue
Pittsburgh, PA 15232
412-683-7396
Fax: 412-682-0502 *51
fridaypaul@upmc.edu

Mr. Dennis M. Blackwell, Esq.
Blackwell, Tarantine and Certo, PC
801 Vinial Street
Pittsburgh, PA 15212

October 24, 2007

RE: Scott Alan Westcott

Dear Mr. Blackwell:

This is a supplemental letter to the two previous reports concerning the background and status of my patient, Mr. Scott Alan Westcott.

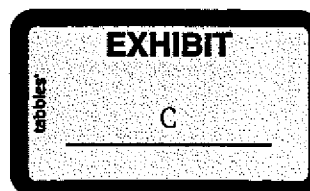
I am attaching the previous reports dated August 14, 2006 and March 22, 2007 for your review and records.

Mr. Westcott continues to be actively involved in his outpatient supportive psychotherapy with me. I maintain my previously stated position that Mr. Westcott has made and continues to make significant progress in understanding and rectifying the foundations for his past misconduct, which lead to his current status with the Office of Disciplinary Counsel and the Pennsylvania Supreme Court.

Again, as I stated in my March 22, 2007 report, Mr. Westcott's mental infirmities and alcohol abuse were significant contributing factors that resulted in his past misconduct. Mr. Westcott has been alcohol free for nearly three years, continues to actively participate in AA activities including participation in CALIX, has coordinated weekly AA meetings at the Allegheny County jail and has been involved in the supportive activities at The Light of Life Mission on the Northside.

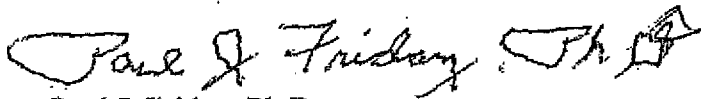
Mr. Blackwell, it is my professional opinion that Mr. Westcott has minimized any risk of recidivism to previous behaviors of misconduct. With his psychological and behavioral changes, I strongly support his reinstatement to active legal practice.

Please feel free to contact me at your convenience should you need clarification of the above. I would be willing to testify on Mr. Westcott's behalf before the Hearing committee if needed.



Thanking you for your support of my patient, I remain,

Sincerely,

A handwritten signature in cursive script that reads "Paul J. Friday, Ph.D." followed by a stylized flourish.

Paul J. Friday, Ph.D.
Chief, Clinical Psychology
University of Pittsburgh Medical Center – Shadyside

PJF/mdk

Enclosure: letters to Mr. John Quinn, 08-14-06 and 03-22-07

Brothers of the Christian Schools

4720 Fifth Avenue
Pittsburgh, Pennsylvania 15213-2952

August 1, 2008

Dennis M. Blackwell
801 Vinial Street
Pittsburgh, PA 15212

Dear Mr. Blackwell:

I am writing to you on behalf of Scott Westcott. I have gotten to know Scott over the past 8 years. I have been involved with the Allegheny County Jail Chaplain's office for a number of years. I am also presently the Outreach Director of Michael's Place, a recovery residence for homeless ex-offenders who have are addicted to chemical substances and are serious about rehabilitating their lives and becoming productive citizens of society.

I am well aware of Scott's past activities and also of his serious determination to put his life back in order. Scott and I have spent a great deal of time together and therefore I have gotten to know Scott rather well. I know how serious he is about his recovery. He attends recovery meetings on a very regular basis and he is also a member of Calix, a group of Catholics who meet regularly to maintain their sobriety and help one another. Scott has taken on a leadership role in Calix and this year has done an outstanding job as the Chairman of the 51st International Convention which is being held here in Pittsburgh.

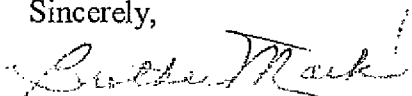
Scott is a man of good character and integrity. I have seen a great deal of growth in these qualities since I first met him. He is very willing to help others. He has been and continues to be especially willing to help any resident of Michael's Place by giving them guidance in legal matters. He is very generous in giving of his knowledge, talent, time and support to the men who reside or have resided at Michael's Place, not only in legal matters but also sharing his past experience with the men. He is also committed to, if necessary, representing these men when he is reinstated to the practice of law.

Scott has also been involved with programs at Central Catholic High School concerning drug and Alcohol use and abuse. Recently he was involved with other young men who are in recovery as they shared their experience with high school students. Scott also has conducted AA. Recovery meetings in Allegheny County Jail and Mayview State Hospital.

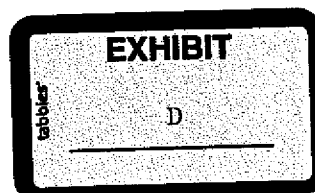
I hope that this letter is of help to you in assisting Scott in his quest for reinstatement to the practice of law. If you care to speak further with me about Scott please feel free to contact me. I can be reached at 412-427-0253.

Thank you for your consideration of this matter and also for the help that you are giving to Scott.

Sincerely,



Brother Mark Lowery, F.S.C.



Calix Society
International Headquarters
3881 Highland Avenue, Suite 201
White Bear Lake, MN 55110
(800) 398-0524
August 13, 2008

To Whom It May Concern,


I'm the secretary for the Calix International Society, a support group for Christians (primarily Catholics) who are in recovery from addiction to alcohol and/or drugs. I'm a recovering alcoholic with 28 years of sobriety and about 16 years as a member of Calix. I should add that Calix is not a replacement for Alcoholics Anonymous, but it should be regarded as an unaffiliated, spiritual adjunct. We ask our members to retain their personal affiliation with AA or other 12-step program.

I just returned from our International Convention that was hosted this year by the Pittsburgh Unit from August 1-3, 2008. Over this past year I have been working with Scott Westcott, who was selected to be the Convention Chair. Scott and I exchanged e-mail and phone calls on almost a weekly basis in the process of setting up the program, facilities and all of the tasks that need to be done to have this meeting. Scott did a superb job in helping and overseeing his fellow committee members in running and setting up this wonderful retreat.

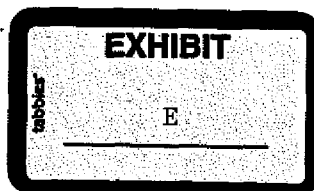
At our annual conventions we elect and approve officers and Board Directors for the society. These are the unpaid volunteers charged with running the society, not unlike how Alcoholics Anonymous is overseen by the General Service Board. Scott was unanimously elected to the office of Director.

I personally enjoyed meeting Scott, and I am impressed with his enthusiasm for recovery and his service to the incarcerated alcoholic.

Sincerely,


James Billigmeier
Secretary
Calix International Society

e-mail: Calix@usfamily.net and Website: www.calixsociety.org



BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 1338 Disciplinary Docket
	:	No. 3 – Supreme Court
Petitioner	:	
	:	No. 186 DB 2007 - Disciplinary
v.	:	Board
	:	
SCOTT ALAN WESTCOTT,	:	Attorney Registration No. 60730
	:	
Respondent	:	(Allegheny 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 our knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

8/21/08
Date

Angelea Allen Mitas
Angelea Allen Mitas
Disciplinary Counsel-in-Charge

8-21-2008
Date

Scott Alan Westcott
Respondent

8-21-2008
Date

Dennis M. Blackwell, Esquire
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 1338 Disciplinary Docket
	:	No. 3 – Supreme Court
Petitioner	:	
	:	No. 186 DB 2007 - Disciplinary
v.	:	Board
	:	
SCOTT ALAN WESTCOTT,	:	Attorney Registration No. 60730
	:	
Respondent	:	(Allegheny County)

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

Respondent, Scott Alan Westcott, hereby states that he consents to the sanction of a suspension of five years, retroactive to the date of his transfer to inactive status due to his disability (on June 19, 2002), 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; he is fully aware of the implications of submitting the consent; and he has consulted with counsel in connection with the decision to consent to discipline;

2. He is aware that there is presently pending a 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 charges predicated upon the matter under investigation were filed or continued to be prosecuted in the pending proceeding he could not successfully defend against them.

8-21-2008

Date



Scott Alan Westcott
Respondent

Sworn to and subscribed
before me this 21ST
day of August, 2008.



Notary Public

