

**IN THE SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL, : No. 2674 Disciplinary Docket No. 3  
Petitioner :  
 : No. 195 DB 2019  
v. :  
 : Attorney Registration No. 40898  
TIMOTHY ROBERT HOUGH, :  
Respondent : (Philadelphia)

**ORDER**

**PER CURIAM**

**AND NOW**, this 12<sup>th</sup> day of May, 2021, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board, the Joint Petition in Support of Discipline on Consent is granted, and Timothy Robert Hough is suspended on consent from the Bar of this Commonwealth for a period of five years, retroactive to November 22, 2019. Respondent shall comply with all 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 Patricia Nicola  
As Of 05/12/2021

  
Attest:  
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2674 Disc. Dkt. No. 3  
Petitioner :  
: No. 195 DB 2019  
v. :  
: Atty. Reg. No. 40898  
TIMOTHY ROBERT HOUGH, :  
Respondent : (Philadelphia)

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

Petitioner, Office of Disciplinary Counsel ("ODC"), by Thomas J. Farrell, Esquire, Chief Disciplinary Counsel, and by Richard Hernandez, Esquire, Disciplinary Counsel, and Respondent, Timothy Robert Hough, who is represented by Samuel C. Stretton, Esquire, file this Joint Petition In Support of Discipline On Consent Under Rule 215(d) of the Pennsylvania Rules of Disciplinary Enforcement ("the Joint Petition") and respectfully represent that:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania, is invested, pursuant to Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 207, with the power and 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

**FILED**  
**04/05/2021**  
**The Disciplinary Board of the**  
**Supreme Court of Pennsylvania**

brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.

2. Respondent, Timothy Robert Hough, was born in 1959, was admitted to practice law in the Commonwealth on October 15, 1984, and resides in Bucks County, Pennsylvania.

3. Pursuant to Pa.R.D.E. 201(a)(1), Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

4. By Order dated November 22, 2019, effective December 22, 2019 ("the temporary suspension Order"), the Supreme Court of Pennsylvania granted Petitioner and Respondent's Joint Petition to Temporarily Suspend an Attorney ("the Joint Temporary Suspension Petition"), and Respondent was placed on temporary suspension pursuant to Pa.R.D.E. 208(f)(1).

5. Respondent is aware that there is an open complaint file under investigation by ODC.

6. Respondent received a Request for Statement of Respondent's Position (Form DB-7) dated October 17, 2019.

7. In the DB-7 letter, Petitioner alleged that Respondent: failed to hold inviolate in an IOLTA account that Respondent maintained for Respondent's law firm fiduciary funds that belonged to clients and third parties;

converted fiduciary funds that belonged to clients and third parties; failed to maintain required records for the IOLTA account; failed to perform on a monthly basis a reconciliation of the IOLTA account; made payment to several clients of their shares of settlement proceeds by checks written on the IOLTA account before the settlement proceeds were available for distribution; and misrepresented to a client that the client's personal injury case had settled.

8. By letter dated June 23, 2020, Respondent submitted a response to the DB-7 letter.

9. At Petitioner's request, Respondent provided additional financial records and information related to the IOLTA account, which records and information clarified the scope of Respondent's misconduct.

10. Respondent has agreed to enter into a joint recommendation for consent discipline that encompasses the allegations of misconduct raised in the open complaint file.

**SPECIFIC FACTUAL ADMISSIONS AND  
RULES OF PROFESSIONAL CONDUCT VIOLATED**

11. Respondent stipulates that the factual allegations set forth below are true and correct and that he violated the charged Rules of Professional Conduct as set forth herein.

CHARGE

12. At all times relevant hereto, Respondent maintained an IOLTA account at TD Bank, account number xxx-xxxx110, titled "JAFFE AND HOUGH PC IOLTA TRUST ACCOUNT," for holding fiduciary funds ("the IOLTA account").

13. At all times relevant hereto, Respondent maintained an operating account at TD Bank, account number xx-xxxx145, titled "JAFFE AND HOUGH PC OPERATING ACCOUNT," for the private practice of law ("the operating account").

14. At all times relevant hereto, Respondent had managerial authority at the law firm of Jaffe & Hough, PC ("the law firm").

15. At all times relevant hereto, Respondent was the sole attorney at the law firm responsible for overseeing and managing the IOLTA account.

16. At all times relevant hereto, Respondent was the sole attorney at the law firm responsible for overseeing and managing the operating account.

17. At all times relevant hereto, Respondent was the sole attorney affiliated with the law firm who had signature authority for the IOLTA account.

18. At all times relevant hereto, Respondent was the sole attorney affiliated with the law firm who had signature

authority for the operating account.

19. For several years, Respondent had designated a specific office employee to manage the IOLTA account and the operating account, which arrangement continued until August 2016.

20. During the period that Respondent turned over management of the IOLTA account and the operating account to this office employee, Respondent failed to:

- a. review the bank records and other financial documents related to the IOLTA account and the operating account;
- b. supervise the office employee's handling of the IOLTA account and the operating account.

**THE IOLTA ACCOUNT - OUT-OF-TRUST**

21. On January 1, 2016, the opening day IOLTA account balance was \$160,695.85.

22. From January 7, 2016 through June 9, 2016, 26 checks totaling \$271,089.17 cleared the IOLTA account; these checks, which were written by Respondent, were to be drawn on fiduciary funds deposited into the IOLTA account prior to January 1, 2016, and represented the disbursement of fiduciary funds owed either to clients or third parties.

- a. By way of example, on December 16, 2015, a \$125,000 settlement check for Paula Scarpato, a client of the law firm, was deposited into the IOLTA account; on January 27, 2016, three checks were written on the IOLTA account that were made payable to Ms. Scarpato, which checks collectively totaled \$80,180.41.
- b. By way of further example, on February 26, 2015, a \$250,000 settlement check for Patricia Adams, a client of the law firm, was deposited into the IOLTA account; on February 8, 2016, a \$37,500 check was written on the IOLTA account that was made payable to a third party, The Rawlings Company, to satisfy a medical insurance subrogation lien that related to Ms. Adams' personal injury case.
- c. The 26 checks were written in connection with the following client matters: Paula Scarpato, Ruth Barreto, Dominic Taraborelli, Ethel Marthers, Hilola Yusupova, Edward Horton, Betty Bryant, Barb Benson, Patricia Adams, Renee Pero-Dunn, Bethany Smith, Tracey Floyd, Lyndsay Curtis, George Mortimer, Reva Romine,

Byron Wise, Gladys Centeno, Kevin Brabham, and  
the Estate of Ellen Johnson.

23. As of January 1, 2016, the amount of funds that Respondent was required to hold in trust in the IOLTA account on behalf of clients and third parties was \$271,089.17, the sum total of the 26 checks that were made payable to clients and third parties, which checks were to be drawn on fiduciary funds deposited into the IOLTA account prior to January 1, 2016.

24. As of January 1, 2016, the balance in the IOLTA account was \$110,393.32 below the amount of funds that Respondent was required to hold in trust on behalf of Respondent's clients and third parties.

25. Respondent's failure to properly supervise his employee's handling of fiduciary funds deposited into the IOLTA account resulted in the conversion of \$110,393.32 of funds belonging to his clients and third parties.

26. Respondent's lack of oversight of his employee's handling of fiduciary funds deposited into the IOLTA account resulted in the misappropriation of client and third-party funds to the law firm's use.

27. From February 23, 2016 through July 27, 2016, the IOLTA account received deposits of \$446,190.83 in fiduciary



funds and there were no disbursements during that time frame of those fiduciary funds to or on behalf of the clients on whose behalf Respondent had received the funds.

- a. The deposits of \$446,190.83 in fiduciary funds were related to the following client matters: Christina Suarez (\$17,500); Anthony Rivera (\$15,000); Andre C. White (\$15,500); Tony Belen, Jr. (\$17,000); Holly Morell (\$10,000); Cardonald Dorcena (\$10,000); Amhir S. Ewart (\$50,000) Christina Colwel (\$3,500); Don Barco (\$7,500); Michael Shabrinsky (\$4,354.42); Giovanni Cancelliere (\$30,000); Crystal Dixon (\$4,486.41); Manual Palmer (\$12,500); James Hall (\$14,000); Priscilla Kodua (\$11,250); Jocelyn Martin (\$25,000); James Williams (\$5,000); Theresa Piotrowicz (\$120,000); Comfort W. Pitts (\$28,600); Cherisse Todd (\$25,000); and Chanel Rice (\$20,000).

28. The end-of-the-day balance in the IOLTA account on July 29, 2016, was \$117,680.25.

29. By July 29, 2016, \$328,510.58 from the \$446,190.83 in fiduciary funds deposited into the IOLTA account had been used as a result of transfers of funds from the IOLTA account

to the operating account and of checks being written on the IOLTA account to pay clients (other than those clients identified in ¶27(a), *supra*) and third parties (other than third parties who received funds on behalf of clients identified in ¶27(a), *supra*) during the period of February 23, 2016 through July 29, 2016.

- a. From February 23, 2016 through July 29, 2016, there were 113 instances in which funds were transferred from the IOLTA account to the operating account; these transfers totaled \$654,042.84.

30. Respondent and the law firm were not entitled to receive a total of \$328,510.58 as payment for attorney fees and as reimbursement for expenses from the \$446,190.83 in fiduciary funds deposited into the IOLTA account.

31. As of July 29, 2016, the amount of funds that Respondent was required to hold in trust in the IOLTA account on behalf of clients and third parties was \$216,778.38.

32. As of July 29, 2016, the balance in the IOLTA account was \$99,098.13 below the amount of funds that Respondent was required to hold in trust on behalf of Respondent's clients and third parties.

33. Respondent's failure to properly supervise his employee's handling of fiduciary funds deposited into the IOLTA account resulted in the conversion of \$99,098.13 of funds belonging to his clients and third parties as of July 29, 2016.

34. Respondent's lack of oversight of his employee's handling of fiduciary funds deposited into the IOLTA account resulted in the misappropriation of client and third-party funds to the law firm's use.

35. By September 6, 2016, Respondent assumed responsibility for handling the IOLTA account and the operating account.

36. From September 6, 2016 through December 15, 2016 (excluding the period of December 5-6, 2016, when Respondent was holding sufficient funds to satisfy his fiduciary obligations), Respondent failed to maintain fiduciary funds he deposited into the IOLTA account inviolate and he converted those fiduciary funds, in that during that time frame, Respondent failed to hold in the IOLTA account an amount equal to the fiduciary funds entrusted to him; the shortfall in the amount Respondent was to hold in trust in the IOLTA account during this period ranged from as low as \$4,125.72 (December 13-15, 2016) to as high as \$169,304.78 (October 3, 2016).

37. From January 1, 2016 through December 15, 2016 (excluding the period of May 9-11 and December 5-6, 2016, when Respondent was holding sufficient funds to satisfy his fiduciary obligations), the shortfall in the amount Respondent was to hold in trust in the IOLTA account during this period ranged from as low as \$4,125.72 (December 13-15, 2016) to as high as \$229,017.81 (February 22, 2016).

**IMPROPRIETIES PERTAINING TO  
MAINTENANCE AND HANDLING OF FUNDS**

***Lack of Required Records and  
Failure to Perform Reconciliations***

38. From January 4, 2016 through December 9, 2016, there were 186 instances in which funds were transferred from the IOLTA account to the operating account for an unspecified purpose.

39. Respondent failed to maintain records that explained the purpose of the 186 instances in which funds were transferred from the IOLTA account to the operating account.

40. Respondent failed to maintain for the IOLTA account a check register or a general ledger that included the following information:

- a. the payee, date, purpose, and amount of each check, withdrawal, and transfer;

- b. the payor, date, and amount of each deposit;  
and
- c. the matter involved for each transaction.

41. Respondent failed to maintain for the IOLTA account individual client ledgers that included the following information:

- a. the source, amount, and nature of all funds received from or on behalf of the client;
- b. the description and amounts of charges or withdrawals, and the names of all persons or entities to whom such funds were disbursed;  
and
- c. the dates of all deposits, transfers, withdrawals, and disbursements.

42. Respondent failed to perform on a monthly basis a reconciliation of the IOLTA account, as required by Rule of Professional Conduct 1.15(c)(4).

***Illegal Advances***

43. In the following client matters, five of Respondent's clients received their shares of settlement proceeds by checks written on the IOLTA account before the settlement proceeds that were deposited into the IOLTA account on behalf of those clients was available for

distribution:

- a. On October 20, 2015, Mr. Benjamin Williams received a check, made payable to him, in the amount of \$17,122.06. Mr. Williams transacted this check. On April 26, 2016, there was deposited into the IOLTA account a \$27,500.00 settlement check that the law firm received on behalf of Mr. Williams.
- b. On March 15, 2016, Ms. Betty Jean received check number 4152, made payable to her, in the amount of \$9,171.99. Ms. Jean transacted this check on March 23, 2016. On April 1, 2016, there was deposited into the IOLTA account a \$15,000.00 settlement check that the law firm received on behalf of Ms. Jean.
- c. On April 20, 2016, Mr. John Drake received check number 4178, made payable to him, in the amount of \$3,993.55. Mr. Drake transacted this check on April 20, 2016. On April 21, 2016, there was deposited into the IOLTA account a \$7,500.00 settlement check that the law firm received on behalf of Mr. Drake.

- d. On May 5, 2016, Mr. Freddie Cooper received check number 4192, made payable to him, in the amount of \$2,000.00. Mr. Cooper transacted this check on May 5, 2016. On May 9, 2016, there was deposited into the IOLTA account a \$192,500.00 settlement check that the law firm received on behalf of Mr. Cooper.
- e. On July 11, 2016, there was deposited into the IOLTA account a \$10,000.00 settlement check that the law firm received on behalf of Ms. Melanie Paolini. On July 21, 2016, Ms. Paolini received check numbers 4252, 4253, and 4255, made payable to her, in the amounts of \$7,000.00, \$7,000.00, and \$6,040.71, respectively. Ms. Paolini transacted these checks on July 22, 2016. On July 27, 2016, there was deposited into the IOLTA account a \$25,000.00 settlement check that the law firm received on behalf of Ms. Paolini.

**THE LEONARDO VASQUEZ MATTER**

44. On February 15, 2016, Respondent issued a \$9,830.05 check that was made payable to Mr. Leonardo Vasquez; this check was drawn on the IOLTA account.

- a. Mr. Vasquez transacted this check on February 23, 2016.

45. On February 15, 2016, Mr. Vasquez appeared at Respondent's office and executed a statement of distribution; thereafter, Mr. Vasquez received the \$9,830.05 check.

46. The statement of distribution stated, *inter alia*, that:

- a. Mr. Vasquez's personal injury case had settled for the sum of \$18,000.00;
- b. the law firm had withheld from the settlement proceeds \$2,335.00 as reimbursement of costs incurred and \$4,914.95 as a contingent fee;
- c. \$900.00 was withheld to satisfy an outstanding medical bill owed to "Makefield Orthopaedics"; and
- d. Mr. Vasquez was due \$9,830.05.

47. Mr. Vasquez's personal injury case did not settle for \$18,000.00.

48. The law firm did not obtain an award or settlement on behalf of Mr. Vasquez.

49. The law firm had mishandled Mr. Vasquez's personal injury case and for this reason, the law firm was unable to obtain an award or settlement on behalf of Mr. Vasquez.



50. Respondent failed to advise Mr. Vasquez that:

- a. the law firm had been unable to recover any monies in connection with Mr. Vasquez's personal injury case because his personal injury case had been mishandled by the law firm; and
- b. he should consult with independent counsel to determine if he had a basis to raise a legal malpractice claim against the law firm.

51. Respondent misrepresented to Mr. Vasquez that Mr. Vasquez's personal injury case had settled for the sum of \$18,000.00.

52. Respondent presented to Mr. Vasquez a statement of distribution that contained false information.

53. By his conduct as alleged in paragraphs 12 through 52 above, Respondent violated the following Rules of Professional Conduct:

- a. RPC 1.4(a)(3), which states that a lawyer shall keep the client reasonably informed about the status of the matter;
- b. RPC 1.4(b), which states that a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make

informed decisions regarding the representation;

- c. RPC 1.8(e), which states that a lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that: (1) a lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; and (2) a lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client;
- d. RPC 1.15(b), which states that a lawyer shall hold all Rule 1.15 Funds and property separate from the lawyer's own property. Such property shall be identified and appropriately safeguarded;
- e. RPC 1.15(c), which states, in relevant part, that complete records of the receipt, maintenance and disposition of Rule 1.15 Funds and property shall be preserved for a period of five years after termination of the client-lawyer or Fiduciary relationship or after

distribution or disposition of the property, whichever is later. A lawyer shall maintain the writing required by Rule 1.5(b) (relating to the requirement of a writing communicating the basis or rate of the fee) and the records identified in Rule 1.5(c) (relating to the requirement of a written fee agreement and distribution statement in a contingent fee matter).

- f. RPC 1.15(c)(2), which states, in relevant part, that a lawyer shall also maintain the following books and records for each Trust Account and for any other account in which Fiduciary Funds are held pursuant to Rule 1.15(1):

...

(2) check register or separately maintained ledger, which shall include the payee, date, purpose and amount of each check, withdrawal and transfer, the payor, date, and amount of each deposit, and the matter involved for each transaction; provided, however, that where an account is used to hold funds of more than one

client, a lawyer shall also maintain an individual ledger for each trust client, showing the source, amount and nature of all funds received from or on behalf of the client, the description and amounts of charges or withdrawals, the names of all persons or entities to whom such funds were disbursed, and the dates of all deposits, transfers, withdrawals and disbursements;

- g. RPC 1.15(c)(4), which states that a regular trial balance of the individual client trust ledgers shall be maintained. The total of the trial balance must agree with the control figure computed by taking the beginning balance, adding the total of moneys received in trust for the client, and deducting the total of all moneys disbursed. On a monthly basis, a lawyer shall conduct a reconciliation for each fiduciary account. The reconciliation is not complete if the reconciled total cash balance does not agree with the total of the client balance listing. A lawyer shall preserve for a period of five

years copies of all records and computations sufficient to prove compliance with this requirement;

- h. RPC 1.15(e), which states that except as stated in this Rule or otherwise permitted by law or by agreement with the client or third person, a lawyer shall promptly deliver to the client or third person any property, including but not limited to Rule 1.15 Funds, that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding the property; Provided, however, that the delivery, accounting and disclosure of Fiduciary Funds or property shall continue to be governed by the law, procedure and rules governing the requirements of Fiduciary administration, confidentiality, notice and accounting applicable to the Fiduciary entrustment; and
- i. RPC 8.4(c), which states that it is professional misconduct for a lawyer to engage

in conduct involving dishonesty, fraud, deceit or misrepresentation.

**SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE**

54. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension of five years, to be made retroactive to November 22, 2019, the date of the temporary suspension Order.

55. 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, including the mandatory acknowledgements contained in Rule 215(d)(1) through (4), Pa.R.D.E

56. In support of Petitioner and Respondent's joint recommendation, it is respectfully submitted that there are several mitigating circumstances:

- a. Respondent has admitted engaging in misconduct and violating the charged Rules of Professional Conduct;
- b. Respondent has cooperated with Petitioner, as is evidenced by Respondent's admissions

herein, his prior consent to being placed on temporary suspension, and his consent to receiving a five-year suspension;

- c. Respondent is remorseful for his misconduct and understands he should be disciplined, as is evidenced by his prior consent to being placed on temporary suspension and his consent to receiving a five-year suspension;
- d. Respondent has no record of discipline in Pennsylvania since his admission to practice law thirty-six years ago; and
- e. Respondent has made full restitution to those clients whom Petitioner identified as not having received their shares of settlement proceeds. Respondent provided documentation to Petitioner showing that Respondent took action to have his clients made financially whole. Petitioner recently contacted the Pennsylvania Lawyers Fund for Client Security and ascertained that Respondent has not been the subject of any claim filed with that organization; this fact suggests that

Respondent satisfied all of the clients to whom he owed monies.

57. Respondent claims that he turned responsibility for the IOLTA account and the operating account over to an office employee, who mishandled both accounts, resulting in the conversion of fiduciary funds belonging to clients and third parties. Respondent submits that any conversion of fiduciary funds for the benefit of the law firm was unintentional on his part and he wrongly assumed that the office employee was acting properly at all times when making transfers and issuing disbursements from the IOLTA account. Nonetheless, Respondent admits that he was the sole attorney at the law firm responsible for the IOLTA account and the operating account and that he failed to exercise any oversight over the office employee's handling of the IOLTA account and the operating account. Petitioner has confirmed that Respondent had assigned to an office employee duties related to the IOLTA account and the operating account, that this employee left the law firm toward the end of August 2016, that the accounting firm that was retained from 2012 through 2016 to prepare the law firm's federal, state, and local income tax returns principally interacted with this office employee in obtaining financial records and information, that the



accounting firm deemed the law firm's record-keeping as poor, and that sometime in late winter/early spring of 2016, a partner at this accounting firm had voiced concerns to Respondent about the reliability of paperwork and information that were supplied by this office employee.

58. The following cases resulted in attorneys with no record of discipline being suspended for five years for having converted fiduciary funds; these cases support Petitioner and Respondent's recommendation that Respondent be suspended for five years. See *Office of Disciplinary Counsel v. George J. Kanuck*, 517 Pa. 160, 174, 535 A.2d 69 (1987) (Respondent Kanuck suspended for five years for converting and commingling funds in five client matters; full restitution); *Office of Disciplinary Counsel v. Anthony L. Cianfrani*, No. 164 DB 2007 (S.Ct. Order dated 3/26/2008) (Recommendation of the Three-Member Panel of the Disciplinary Board approving Joint Petition for Consent Discipline dated 12/7/07) (Respondent Cianfrani converted not less than \$116,000 belong to clients and third parties in connection with 11 client matters; full restitution); *Office of Disciplinary Counsel v. Donald B. Corriere*, No. 182 DB 2014 (S.Ct. Order dated 6/18/2015) (Recommendation of the Three-Member Panel of the Disciplinary Board approving Joint Petition for Consent

Discipline dated 5/26/15) (Respondent Corriere, *inter alia*, misappropriated funds and charged excessive fees in connection with three estate matters, which amounts collectively totaled over \$100,000, and he regularly deducted legal fees from his IOLTA account prior to receiving payment of those legal fees, resulting in two IOLTA accounts being out-of-trust over a period that spanned two years, with a single day high of \$185,767.97; partial restitution made). A common factual circumstance in these disciplinary cases is that the attorneys either made complete or partial restitution.

Of the aforementioned cases, **Corriere** most closely resembles Respondent's disciplinary matter on the issue of intent. Respondent Corriere denied knowingly converting fiduciary funds and attributed the conversions to poor recording-keeping. **Corriere**, No. 182 DB 2014, Jt. Pet. 49-50. The Joint Petition for Consent Discipline noted that Respondent Corriere had several "disturbing practices"; some of those practices involved the failure to maintain appropriate books and records and to perform regular reconciliations of the IOLTA account. *Id.* at 50. Respondent Corriere's misconduct predated the adoption of RPC 1.15(c)(2) and RPC 1.15(c)(4), which ethical provisions Respondent Hough

violated by failing to maintain certain required records and to perform monthly reconciliations of the IOLTA account.

Moreover, a suspension of five years is sufficiently lengthy to advance the goals of attorney discipline. Those goals are protecting the public, maintaining the integrity of the courts and the legal profession, and specific and general deterrence. See *Office of Disciplinary Counsel v. Keller*, 506 A.2d 872, 875 (Pa. 1986); *In re Iulo*, 766 A.2d 335, 338-339 (Pa. 2001).

59. Petitioner and Respondent are requesting that if the joint recommendation is approved, that the suspension of five years be made retroactive to November 22, 2019, the date of the temporary suspension Order. Respondent did not timely file a Statement of Compliance as required by 217(e)(1), Pa.R.D.E., following the issuance of the temporary suspension Order; the Statement of Compliance was filed on January 28, 2021. Respondent claims he inadvertently failed to timely file the Statement of Compliance.

The Supreme Court of Pennsylvania has the discretion to grant retroactivity to Respondent notwithstanding Respondent's late filing of the Statement of Compliance. The Note associated with subsection 217(e)(1) provides that a "respondent-attorney who fails to file a verified statement

at the time of temporary suspension should not expect a final order to include a reference to retroactivity." Thus, the Note makes plain that the Supreme Court *may* grant retroactivity, but retroactivity should not be expected if a verified statement was not timely filed.

Respondent and Petitioner respectfully submit that the joint recommendation of a five-year suspension should be made retroactive to November 22, 2019 because:

- a. Respondent provided documentation to Petitioner, which was filed with the Disciplinary Board, showing that he had, in fact, timely complied with the temporary suspension Order; and
- b. Respondent had recognized the gravity of his misconduct by agreeing to enter into the Joint Temporary Suspension Petition, which was the basis of the temporary suspension Order.

WHEREFORE, Petitioner and Respondent respectfully request that:

- a. Pursuant to Rule 215(e) and 215(g), Pa.R.D.E., the Three-Member Panel of the Disciplinary Board review and approve the 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 enter an Order that Respondent receive a suspension of five years, to be made retroactive to November 22, 2019, the date of the temporary suspension Order, and that Respondent comply with all of the provisions of Rule 217, Pa.R.D.E.; and

- b. Pursuant to Pa.R.D.E. 215(i), the Three-Member Panel of the Disciplinary Board enter an order for Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter, and that under Pa.R.D.E. 208(g)(1) all expenses be paid by Respondent within 30 days after the notice of the taxed expenses is sent to Respondent.


Respectfully and jointly submitted,

OFFICE OF DISCIPLINARY COUNSEL


THOMAS J. FARRELL  
CHIEF DISCIPLINARY COUNSEL

April 5, 2021  
Date


By

  
Richard Hernandez  
Disciplinary Counsel

4/1/21  
Date

By   
Thomas Robert Hough  
Respondent

4/1/21  
Date

By   
Samuel C. Stretton, Esquire  
Respondent's Counsel

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: Atty. Reg. No. 40898  
TIMOTHY ROBERT HOUGH, :  
Respondent : (Philadelphia)


VERIFICATION

The statements contained in the foregoing Joint Petition  
In Support Of Discipline On Consent Under Pa.R.D.E. 215(d)  
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.


April 5, 2021  
Date

  
Richard Hernandez  
Disciplinary Counsel

4/1/21  
Date

  
Timothy Robert Hough  
Respondent

4/1/21  
Date

  
Samuel C. Stretton, Esquire  
Counsel for Respondent

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

Respondent, Timothy Robert Hough, hereby states that he consents to the imposition of a suspension of five years retroactive to November 22, 2019, 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 Samuel C. Stretton, Esquire, in connection with the decision to consent to discipline;

2. He is aware that there is presently pending an investigation into 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, he could not successfully defend against them.



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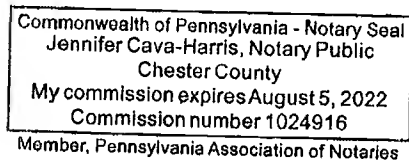
Timothy Robert Hough  
Respondent

Sworn to and subscribed

before me this 1<sup>st</sup>

day of April, 2021.

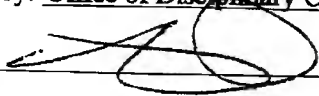
  
Notary Public



**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Office of Disciplinary Counsel

Signature:  \_\_\_\_\_

Name: Richard Hernandez, Disciplinary Counsel

Attorney No. (if applicable): 57254