

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

OFFICE OF DISCIPLINARY COUNSEL	:	No. 196 DB 2011
Petitioner	:	
	:	
v.	:	Attorney Registration No. 65821
	:	
FRANCIS T. COLLERAN	:	
Respondent	:	(Philadelphia)

PUBLIC REPRIMAND

Francis T. Colleran, you stand before the Disciplinary Board, your professional peers and members of the public for the imposition of a public reprimand. It is an unpleasant task to publicly reprimand one who has been granted the privilege of being a member of the bar of this Commonwealth. Yet as unpleasant as this task may be, it has been deemed necessary that you receive this discipline.

You represented the plaintiff Paul Jones, in a medical malpractice action in the Court of Common Pleas of Philadelphia County. Two of the defendants were Menachem M. Meller, M.D. and Mercy Hospital of Philadelphia. During the course of your representation of Mr. Jones, you received a Medical-Legal Report prepared by your expert, Steven R. Graboff, M.D., and dated December 5, 2007.

This Report was marked **“DRAFT REPORT”** and was preliminary and incomplete because you had not yet deposed Dr. Meller, questioned him on x-ray interpretations, or discussed Dr. Meller’s interpretations with Dr. Graboff. Sometime after the commencement of the civil action, Dr. Meller’s attorney, William H. Pugh, V, Esquire, requested that you forward to him an expert report. In response to this request, you whited-out the words **“DRAFT REPORT”** and forwarded the Report to Mr.

Pugh without advising Mr. Pugh that the Report was a draft and you had altered it. Dr. Graboff did not give you permission to remove the words "DRAFT REPORT" from the Report. In its altered state, the Report was misleading because facially it gave the appearance of being a final report.

In April 2008, Dr. Meller filed a grievance against Dr. Graboff with the American Academy of Orthopaedic Surgeons ("AAOS") in regard to Dr. Graboff's December 5, 2007 report. At the request of Dr. Graboff, you drafted a letter dated February 6, 2009 to the AAOS, which you forwarded to Dr. Graboff for his comment prior to submission to the AAOS. This letter was never submitted. Thereafter, you allowed Dr. Graboff to draft another version of your February 6, 2009 letter for Respondent's signature and submission to the AAOS.

You or your agent endorsed and submitted to AAOS on your letterhead a letter dated February 13, 2009, which was false and misleading, in that the letter misrepresented that both Mr. Pugh and Dr. Meller had requested that you provide them with expert reports, draft or final, in order to effectuate a quick settlement of the case when in fact Mr. Pugh never consulted with Dr. Meller. Additionally, you misrepresented that Mr. Pugh believed that you were providing a preliminary report when in fact Mr. Pugh never believed that Respondent would be providing anything other than a final report.

Dr. Graboff was subsequently suspended for two years by the AAOS for unprofessional conduct in the performance of expert witness testimony. He later initiated a civil action against you.

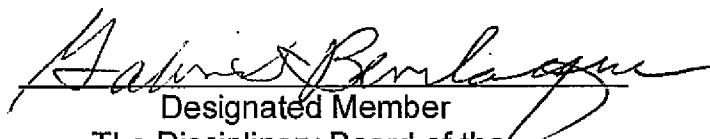
Your actions have violated the following Rules of Professional Conduct:

1. RPC 3.4(a) – A lawyer shall not unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value or assist another person to do any such act;
2. RPC 8.4(a) – It is professional misconduct for a lawyer to violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; and
3. RPC 8.4(c) – It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

We note that several mitigating circumstances exist in this matter. You admitted engaging in this misconduct and violating the Rules of Professional Conduct; you cooperated with Office of Disciplinary Counsel; and, you have no disciplinary history in the Commonwealth of Pennsylvania.

As you stand before the Board today, we remind you that you have a continuing legal obligation to adhere to the Rules of Professional Conduct and the Rules of Disciplinary Enforcement. Any future instances of misconduct will be dealt with swiftly and severely. This public reprimand is proof that Pennsylvania lawyers will not be permitted to engage in conduct that falls below professional standards. It is strongly urged that you avoid engaging in misconduct in the future.

This Public Reprimand shall be posted on the Disciplinary Board's website at www.padisciplinaryboard.org.


Designated Member
The Disciplinary Board of the
Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania, at Philadelphia, Pennsylvania, on October 3, 2012.

ACKNOWLEDGMENT

The undersigned, Respondent in the above proceeding, herewith acknowledges that the above Public Reprimand was administered in his presence and in the presence of the designated panel of The Disciplinary Board at the Board offices located at 16th Floor, Seven Penn Center, 1635 Market Street, Philadelphia, Pennsylvania, on October 3, 2012.

A handwritten signature in cursive script, appearing to read "Francis T. Collieran", written over a horizontal line.

Francis T. Collieran