

**IN THE SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL, : No. 2467 Disciplinary Docket No. 3  
: :  
Petitioner : No. 203 DB 2017  
: :  
v. : Attorney Registration No. 34822  
: :  
RONALD I. KAPLAN, : (Philadelphia)  
: :  
Respondent :

**ORDER**

**PER CURIAM**

**AND NOW**, this 30<sup>th</sup> day of April, 2018, upon consideration of the Verified Statement of Resignation, Ronald I. Kaplan is disbarred on consent from the Bar of this Commonwealth, see Pa.R.D.E. 215, and he shall comply with the provisions of Pa.R.D.E. 217. Respondent shall pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola  
As Of 4/30/2018

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania



known to him by service of a Petition for Discipline filed on December 22, 2017 and docketed at the above number, a true and correct copy of which is attached hereto, made part hereof and marked "Exhibit A."

5. He acknowledges that the material facts upon which the allegations of the Petition for Discipline contained in Exhibit A are based, are true.

6. He submits the within resignation because he knows that he could not successfully defend himself against the charges of professional misconduct set forth in the attached exhibit.

7. He is fully aware that the submission of this Resignation Statement is irrevocable and that he can only apply for reinstatement to the practice of law pursuant to the provisions of Enforcement Rule 218(b) and (c).

8. He is aware that pursuant to Enforcement Rule 215(c), the fact that he has tendered this resignation shall become a matter of public record immediately upon delivery of the resignation statement to Disciplinary Counsel or the Secretary of the Board.

9. Upon entry of the order disbaring him on consent, he will promptly comply with the notice, withdrawal, resignation, trust accounting, and cease-and-desist provisions of subdivisions (a), (b), (c) and (d) of Enforcement Rule 217.

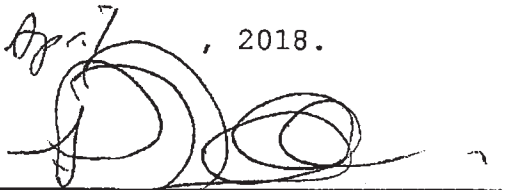
10. After entry of the order disbaring him on consent, he will file a verified statement of compliance as required by Enforcement Rule 217(e)(1).

11. He is aware that the waiting period for eligibility to apply for reinstatement to the practice of law under Enforcement Rule 218(b) shall not begin until he files the verified statement of compliance, and if the order of disbarment contains a provision that makes the disbarment retroactive to an earlier date, then the waiting period will be deemed to have begun on that earlier date.

12. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has retained, consulted with and acted upon the advice of counsel in connection with his decision to execute the within resignation.

It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S., Section 4904 (relating to unsworn falsification to authorities).

Signed this 10<sup>th</sup> day of April, 2018.

  
\_\_\_\_\_  
Ronald F. Kaplan

WITNESS:   
\_\_\_\_\_



Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.

2. Respondent, Ronald I. Kaplan, was born on June 7, 1957, and was admitted to practice law in the Commonwealth on November 4, 1981. His registered mailing address is 236 S. Azalea, Glen Mills, PA 19342.

3. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

CHARGE I

4. From September 1, 2006 to the present, Respondent has been:

- a. a formerly admitted attorney as defined by Pa.R.D.E. 102;
- b. prohibited from practicing law in the Commonwealth of Pennsylvania; and
- c. required to comply with all of the provisions of Pa.R.D.E 217.

5. By letter dated January 4, 2013, to then Secretary of the Disciplinary Board Elaine M. Bixler, Neil R. Gelb, Esquire:

- a. informed Ms. Bixler that he had engaged Respondent's services as a

paralegal/administrative assistant in his office and under his supervision; and

- b. Respondent's activities would be monitored for compliance with Pa.R.D.E. 217(j).

6. By letter dated January 4, 2013, to Ms. Bixler, Respondent:

- a. informed Ms. Bixler that he was employed as a paralegal/administrative assistant with Neil R. Gelb, P.C., under the supervision of Mr. Gelb;
- b. his activities would be monitored for compliance with Pa.R.D.E. 217(j); and
- c. he was no longer employed by Eric J. Linder, Esquire.

7. In February 2016, Mr. Gelb filed a civil action in the Court of Common Pleas of Philadelphia County on behalf of his client, James Jones, in a case captioned ***Jones v. City of Philadelphia, et al.***, No. 160201971.

- a. The Pennsylvania Department of Transportation (PennDOT) was also a defendant in this matter.

8. Between February 25, 2016 and October 5, 2016, Respondent communicated with Kristen D. Lawfer, Esquire, who represented PennDOT, and Lauren Curry, Esquire, who

represented the City of Philadelphia, by telephone and/or email in regard to Mr. Jones.

9. During those communications, Respondent identified himself as "Ron Kaplan J.D. Case Manager."

10. In those communications, Respondent failed to comply with Pa.R.D.E. 217(j)(3), in that Respondent did not:

- a. clearly indicate that he was a legal assistant; and
- b. identify the supervising attorney.

11. During those communications, Respondent failed to advise Ms. Lawfer and Ms. Curry that he was prohibited from practicing law.

12. By email dated October 5, 2016 to Ms. Lawfer and Ms. Curry, in regard to an October 6, 2016 deposition, Respondent stated that, *inter alia*:

- a. he had "put my client" on notice; and
- b. he was agreeable to continuing the arbitration.

13. Prior to the deposition, Respondent counselled and prepared Mr. Jones to testify at the October 6, 2016 deposition.

14. On October 6, 2016, depositions of Mr. Jones and Peter Berg of PennDOT were taken at the Law Offices of Neil



R. Gelb.

a. Both Ms. Lawfer and Ms. Curry were present.

15. Respondent appeared at the depositions as a representative on behalf of Mr. Jones.

a. Respondent was identified as "Ronald Kaplan, Esquire" and described as "Representing the Plaintiff" on the transcripts.

16. Neither Mr. Gelb nor any other attorney in good standing of the Bar in the Commonwealth appeared at the depositions on behalf of Mr. Jones.

17. Respondent again failed to advise Ms. Lawfer or Ms. Curry that he was prohibited from practicing law.

18. During the deposition of Mr. Jones, Respondent:

a. agreed to the customary stipulations at the outset;

b. actively participated when Mr. Jones was being questioned by Ms. Lawfer or Ms. Curry, in that Respondent clarified Mr. Jones' answers, made statements and/or asked questions; and

c. failed to correct Ms. Curry when she referred to Respondent as "[Mr. Jones'] attorney".

19. During the deposition, Respondent also questioned Mr. Jones as part of his examination.

20. Respondent's attendance and participation at the depositions was illegal and improper because:

- a. Respondent was not permitted to have direct contact or communication with a client or third parties except on ministerial matters (Pa.R.D.E. 217(j)(4)(v) and Pa.R.D.E. 217(j)(2)(ii));
- b. Respondent was not permitted to appear at a deposition other than to accompany a member in good standing of the Bar of the Commonwealth for the limited purpose of providing clerical assistance (Pa.R.D.E. 217(j)(2)(iii));
- c. Respondent was specifically prohibited from appearing as a representative of a client at a deposition (Pa.R.D.E. 217(j)(4)(viii)); and
- d. Respondent held himself out as a lawyer (Pa.R.D.E. 217(j)(4)(iv)).

21. By his conduct as alleged in Paragraphs 4 through 20 above, Respondent violated the following Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement:

- a. RPC 5.5(a), which states that a lawyer shall not practice law in a jurisdiction in

violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so;

- b. RPC 8.4(b), which states that it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- c. RPC 8.4(c), which states that is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- d. RPC 8.4(d), which states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice;
- e. Pa.R.D.E. 203(b)(3) via:
  - 1. Pa.R.D.E. 217(j)(2)(ii), which states, in pertinent part, that for purposes of this subdivision (j), the only law-related activities that may be conducted by a formerly admitted attorney is the direct communication with the client or

third parties to the extent permitted by paragraph (3);

2. Pa.R.D.E. 217(j)(2)(iii), which states, in pertinent part, that for purposes of this subdivision (j), the only law-related activities that may be conducted by a formerly admitted attorney is accompanying a member in good standing of the Bar of this Commonwealth to a deposition or other discovery matter or to a meeting regarding a matter that is not currently in litigation, for the limited purpose of providing clerical assistance to the member in good standing who appears as the representative of the client;
3. Pa.R.D.E. 217(j)(3), which states that a formerly admitted attorney may have direct communication with a client or third party regarding a matter being handled by the attorney, organization or firm for which the formerly admitted attorney works only if the communication

is limited to ministerial matters such as scheduling, billing, updates, confirmation of receipt or sending of correspondence and messages. The formerly admitted attorney shall clearly indicate in any such communication that he or she is a legal assistant and identify the supervising attorney;

4. Pa.R.D.E. 217(j)(4)(iv), which states, in pertinent part, that a formerly admitted attorney is specifically prohibited from representing himself as a lawyer or a person of similar status;
5. Pa.R.D.E. 217(j)(4)(v), which states, in pertinent part, that a formerly admitted attorney is specifically prohibited from having any client contact except on ministerial matters and while under the supervision of an attorney;
6. Pa.R.D.E. 217(j)(4)(vi), which states, in pertinent part, that a formerly admitted attorney is specifically prohibited from rendering legal consultation or advice to

a client; and

7. Pa.R.D.E. 217(j) (4) (viii), which states, in pertinent part, that a formerly admitted attorney is specifically prohibited from appearing as a representative of the client at a deposition or other discovery matter.

**CHARGE II**

22. A DB-7 Request for Statement of Respondent's Position ("DB-7 Letter") dated August 8, 2017 was forwarded, via certified mail return receipt requested, to Respondent setting forth the allegations in ¶¶ 4 through 20 *supra*.

23. On or about September 6, 2017, Respondent signed the green receipt card.

24. Thereafter, Respondent, without good cause, failed to respond to the DB-7 Letter, as required by Pa.R.D.E. 203(b) (7).

25. By his conduct as alleged in Paragraphs 22 through 24 above, Respondent violated the following Pennsylvania Rule of Disciplinary Enforcement:

- a. Pa.R.D.E. 203(b) (7), which states that failure by a respondent-attorney without good cause to respond to Disciplinary Counsel's request or

supplemental request under Disciplinary Board Rules, § 87.7(b) for a statement of the respondent-attorney's position, shall be grounds for discipline.

WHEREFORE, Petitioner prays that Your Honorable Board appoint, pursuant to Rule 205, Pa.R.D.E., a Hearing Committee to hear testimony and receive evidence in support of the foregoing charge and upon completion of said hearing to make such findings of fact, conclusions of law, and recommendations for disciplinary action as it may deem appropriate.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

Paul J. Killion  
Chief Disciplinary Counsel

By *Gloria Randall Ammons*  
Gloria Randall Ammons  
Disciplinary Counsel

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1601 Market Street  
Philadelphia, PA 19103  
(215) 560-6296

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :  
Petitioner :  
: No. DB 2017  
v. :  
: Atty. Reg. No. 34822  
RONALD I. KAPLAN, :  
Respondent : (Philadelphia County)

VERIFICATION

I, Gloria Randall Ammons, Disciplinary Counsel, verify that the statements made in the foregoing Petition for Discipline are true and correct to the best of my knowledge, information and belief and are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

12/21/2017  
Date


Gloria Randall Ammons  
Gloria Randall Ammons  
Disciplinary Counsel



**CERTIFICATE OF COMPLIANCE**

I certify that this exhibit 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: Gloria Randall Ammons

Signature: 

Name: Gloria Randall Ammons

Attorney No. (if applicable): 57701