

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 20 DB 2019
Petitioner :
 : File No. C2-16-1091
v. :
 : Attorney Registration No. 25358
ANN MILLER :
Respondent : (Montgomery County)

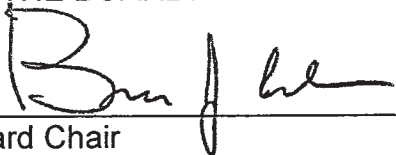
ORDER

AND NOW, this 28th day of February, 2019, in accordance with Rule 208(a)(5), Pa.R.D.E., the determination by a Review Panel of the Disciplinary Board of the above captioned matter is accepted; and it is

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


Costs shall be paid by the Respondent.

BY THE BOARD:


Board Chair

TRUE COPY FROM RECORD

Attest:


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

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PUBLIC REPRIMAND

By Order dated February 28, 2019, the Board directed that Ann Miller receive a public reprimand.

Respondent's conduct concerns the litigation of her Chapter 7 bankruptcy case. Over the nearly seven-year period in which the case has been in litigation, Respondent failed to disclose significant assets belonging to the bankruptcy estate. Respondent did not report on the bankruptcy schedule her interests in and anticipated income from attorney contingency and/or referral fees in five or more class action litigations. Respondent failed to disclose a creditor to whom she owed more than \$50,000. Additionally, during the § 341 Meeting of Creditors, Respondent certified under penalty of perjury that she had reviewed her petition and all of its attached statements and schedules, and that the information contained therein was true and correct, when in fact it was not, due to Respondent's failure to disclose information.

After Respondent's nondisclosures were revealed by civil litigation in state court and adversary actions in bankruptcy court, and despite oral direction from a bankruptcy judge, she refused to amend her filings to include the undisclosed assets. Further, Respondent engaged in numerous pleadings, motions and appeals based on meritless

grounds in attempts to justify her nondisclosures. Respondent's conduct resulted in revocation of her bankruptcy discharge for all creditor claims, which is a severe penalty reserved for debtors who engage in misconduct. Respondent's misconduct as a bankruptcy debtor is compounded by her status as a practicing attorney. Respondent displayed an unrepentant attitude even though no federal court agreed with her interpretation of the law and facts relating to her Chapter 7 case.

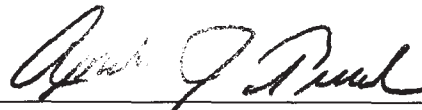
By her conduct, Respondent violated the following Rules of Professional Conduct ("RPC"):

1. RPC 3.1 – A lawyer shall not bring or defend a proceedings, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law;
2. RPC 3.3(a)(1) – A lawyer shall not knowingly make a false statement of material fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;
3. RPC 8.4(c) – It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation; and
4. RPC 8.4(d) – It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

Respondent has no history of discipline since her admission to practice law in 1977.

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

www.padisciplinaryboard.org

A handwritten signature in cursive script, appearing to read "Gary J. Reed", is written above a horizontal line.

Board Chair