

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

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 233 DB 2018
Petitioner	:	
	:	File No. C4-18-441
v.	:	
	:	Attorney Registration No. 67619
JOHN K. FOSTER, III	:	
Respondent	:	(Allegheny County)


O R D E R

AND NOW, this 21st day of December, 2018, 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 John K. Foster, III of Allegheny 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

John K. Foster, III, 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 membership in the bar of this Commonwealth. Yet as repugnant as this task may be, it has been deemed necessary that you receive this public discipline.

Mr. Foster, the record indicates that Dianna McGrew was injured in a motor vehicle accident on or about December 10, 2010. In May 2011, Ms. McGrew met with you and you agreed to represent her on a contingent fee basis. You waited until November 29, 2012, to file a Praecipe for Writ of Summons on your client's behalf in the Court of Common Pleas of Allegheny County. After filing to reinstate the Writ, you never perfected the Writ and ultimately did no further work in the case. The civil action was dismissed in May 2016 because there was a lack of docket activity on the record.

After filing the Praecipe for Writ of Summons on behalf of your client, you had sporadic communication with her through approximately May 2013. In May 2013, you represented Ms. McGrew in a separate, unrelated landlord-tenant matter after which Ms. McGrew attempted to repeatedly contact you by telephone to inquire about the motor

vehicle case. You did not communicate with your client. Even after the civil action was dismissed for a lack of docket activity, you failed to inform Ms. McGrew that her case had been dismissed and that she would not be able to have her day in court.

In other acts of misconduct, you failed to list your business/operating account on your 2018-2019 Attorney Annual Fee Form. You failed without good cause to respond to Office of Disciplinary Counsel's requests for information concerning these matters and have not communicated with that Office in any manner after being served with the DB-7 request and follow-up letter dated August 2, 2018.

Your conduct in this matter has violated the following Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement:


1. RPC 1.3 – A lawyer shall act with reasonable diligence and promptness in representing a client;
2. RPC 1.4(a)(3) – A lawyer shall keep the client reasonably informed about the status of the matter;
3. RPC 8.4(d) – It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice;
4. Pa.R.D.E. 203(b)(7) – Failure by an attorney without good cause to respond to Disciplinary Counsel's request or supplemental request for statement of the attorney's position is grounds for discipline; and
5. Pa.R.D.E. 219(d)(1)(v) – On or before July 1 of each year all attorneys required to pay an annual fee shall electronically file with the Attorney Registration Office a form specified by the Office and shall set forth every business operating account maintained or utilized by the attorney in the practice of law.

We note that you were admitted to practice law in the Commonwealth in 1993 and have never been the subject of professional discipline.

Mr. Foster, your conduct in this matter is now fully public. This Public Reprimand is a matter of public record.

As you stand before the Board today, we remind you that you have a continuing obligation to abide by the Rules of Professional Conduct and Rules of Disciplinary Enforcement. This Public Reprimand is proof that Pennsylvania lawyers will not be permitted to engage in conduct that falls below professional standards. Be mindful that any future dereliction will subject you to disciplinary action.

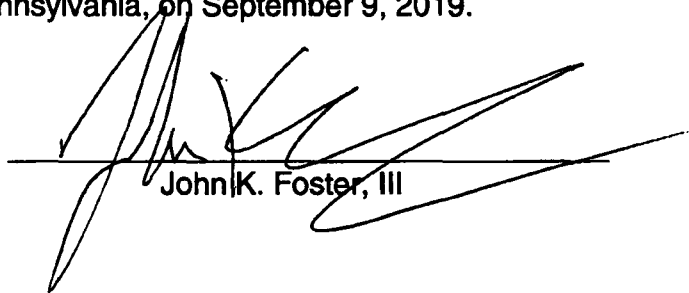
This Public Reprimand shall be posted on the Disciplinary Board's website at www.padisciplinaryboard.org.


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 Pittsburgh, Pennsylvania, on September 9, 2019.

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 Frick Building, 437 Grant Street, Suite 1300, Pittsburgh, Pennsylvania, on September 9, 2019.



John K. Foster, III