

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

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 247 DB 2018
Petitioner	:	
	:	File No. C1-17-521
v.	:	
	:	Attorney Registration No. 72289
JAMES T. MARSH	:	
Respondent	:	(Philadelphia)

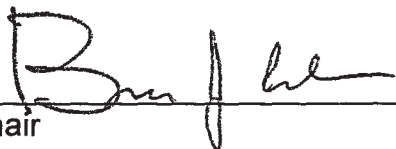
O R D E R

AND NOW, this 18<sup>th</sup> day of January, 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 JAMES T. MARSH of Philadelphia 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:

  
\_\_\_\_\_  
Chair

TRUE COPY FROM RECORD

Attest:

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

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**PUBLIC REPRIMAND**

James T. Marsh, 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. Marsh, the record indicates that you failed to keep personal funds separate from client funds and used your IOLTA account to pay personal and business expenses. You admitted that you failed to maintain client ledgers. Your misconduct was discovered In May 2017, when two checks in the amount of \$200 and \$263.92 were drawn on your IOLTA account and presented for payment. Both checks were paid by the bank, which caused your account to be overdrawn by \$343.72. The Pennsylvania Lawyer's Fund for Client Security was not satisfied with your explanation of the incident and referred it to the Office of Disciplinary Counsel. Subsequent investigation revealed there was little activity in your IOLTA account and that you used it to pay personal and business expenses. On at least two occasions, in December 2017 and May 2018, you paid your rent from the IOLTA account. The audit further showed there were no

deposits made in 2018. In February 2018, the balance in your IOLTA account was approximately \$10.00 and that balance remained through May 31, 2018.

As a result of your conduct, you have violated the following Rules of Professional Conduct ("RPC"):

1. RPC 1.15(b) – 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.
2. RPC 1.15(c) (effective 2/28/15) – 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). A lawyer shall also maintain... books and records for each Trust Account and for any other account in which Fiduciary Funds are held pursuant to 1.15(l).
3. RPC 1.15(h) – A lawyer shall not deposit the lawyer's own funds in a Trust Account except for the sole purpose of paying service charges on that account, and only in an amount necessary for that purpose.

It is my duty to reprimand you for your misconduct. We note that you have practiced law since 1994 and have a record of prior discipline consisting of a Public

Reprimand imposed in October 2017 for your misconduct in two matters. In the first matter, you were convicted of direct criminal contempt after you made misrepresentations to the court and the assistant district attorney in a criminal matter, which caused the court to dismiss all of the jurors selected. In the second matter, you engaged in misleading and dishonest conduct when you forwarded to your former client a civil complaint, which had not been filed with the court, in an attempt to deceive your client into believing that you had initiated a civil action against the client for unpaid legal fees.

Considering that you have already received public discipline, we strongly advise you to be aware that any subsequent violations on your part can only result in further discipline and perhaps more severe sanctions. We sincerely hope that you will conduct yourself in such a manner that future disciplinary action will be unnecessary.

Mr. Marsh, 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](http://www.padisciplinaryboard.org)

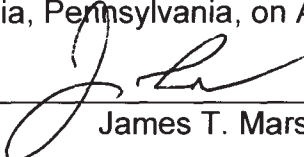


Designated Member  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania, at Philadelphia, Pennsylvania, on April 18, 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 the Board offices located at the 1601 Market Street, Suite 3320, Philadelphia, Pennsylvania, on April 18, 2019.

  
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James T. Marsh