

**IN THE SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL, : No. 2781 Disciplinary Docket No. 3  
Petitioner :  
: No. 25 DB 2021  
v. :  
: Attorney Registration No. 89950  
BRET ALISON BEYNON, :  
Respondent : (Franklin County)

**ORDER**

**PER CURIAM**

**AND NOW**, this 9<sup>th</sup> day of April, 2021, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board, the Joint Petition in Support of Discipline on Consent is granted, and Bret Alison Beynon is suspended on consent from the Bar of this Commonwealth for a period of one year and one day. Respondent shall comply with all the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola  
As Of 04/09/2021

  
Attest:  
Chief Clerk  
Supreme Court of Pennsylvania



the Supreme Court of Pennsylvania.

4. Respondent has no prior history of discipline.

#### SPECIFIC FACTUAL ADMISSIONS

5. Respondent's misconduct pertains to her neglect of a criminal client and repeated misrepresentations to the client and his family.

6. On or around July 6, 2016, Clinton Huntsman, Jr. retained Respondent as his counsel for a criminal matter docketed at CP-28-CR-1270-2016 (Franklin C.P.).

7. At that time, Respondent was a solo practitioner.

8. On August 1, 2016, Respondent joined Steve Rice Law.

9. Ultimately, Mr. Huntsman decided to proceed to trial in his criminal matter.

10. On April 6, 2018, the jury found Mr. Huntsman guilty.

11. On June 1, 2018, Mr. Huntsman received a sentence of 48 to 120 months' incarceration at a state correctional facility.

12. On June 11, 2018, Respondent filed a Post-Sentence Motion on Mr. Huntsman's behalf asking the Court to reconsider the sentence.

13. In or around July 2018, Respondent left the employ of Steve Rice Law.

14. By Order and Opinion dated July 7, 2018, the Court denied Mr. Huntsman's Post-Sentence Motion.

15. On August 16, 2018, Respondent filed a Notice of Appeal with the Pennsylvania Superior Court ("Superior Court").

16. On or around October 4, 2018, the Superior Court issued a briefing schedule, wherein it directed Respondent to file an appellate brief on Mr. Huntsman's behalf on or before November 13, 2018.

17. Respondent failed to file Mr. Huntsman's appellate brief by November 13, 2018, or on any date thereafter.

18. Respondent failed to inform Mr. Huntsman of her failure to file an appellate brief on his behalf.

19. On November 28, 2018, Janice Huntsman, Mr. Huntsman's mother, paid Respondent \$500.00 *via* check for Mr. Huntsman's appeal.

20. By Order dated December 13, 2018, the Superior Court dismissed Mr. Huntsman's appeal due to Respondent's failure to file an appellate brief on his behalf.

21. The Superior Court's December 13, 2018, Order further directed Respondent to file a certification within 10 days confirming Mr. Huntsman's receipt of notice concerning the dismissal of his appeal.

22. Respondent failed to inform Mr. Huntsman of the Superior Court's dismissal of his appeal.

23. Respondent thereafter failed to file any certification pursuant to the Superior Court's December 13, 2018, Order.

24. On an unknown date, Respondent told Ms. Huntsman that she had evidence that Assistant District Attorney Jonathan Faust ("A.D.A. Faust") and Pennsylvania State Trooper Eric Smith had been dishonest with the Court during Mr. Huntsman's trial.

25. Respondent further advised Ms. Huntsman that she was going to provide the evidence of A.D.A. Faust's and Trooper Smith's dishonesty to Franklin County District Attorney Matthew Fogal and Judge Van Horn.

26. Eventually, Respondent informed Ms. Huntsman that she had submitted the evidence of dishonesty to the Pennsylvania Attorney General's Office ("A.G.'s Office"), and that the matter had been assigned to an Attorney Scalinci at the A.G.'s Office.

27. Respondent also told Ms. Huntsman that Attorney Scalinci was in the process of obtaining a judge from Cumberland County to hear the matter in Franklin County.

28. Respondent's statements were false and misleading, in that Respondent had not referred anything to the A.G.'s Office relative to Mr. Huntsman's case and there was no investigation by the A.G.'s Office concerning the same.

29. During this same period of time, Respondent told Ms. Huntsman on multiple occasions that she had filed Motions with the Court to have Mr. Huntsman released from custody as a result of the alleged dishonesty of A.D.A. Faust and Trooper Smith.

30. Respondent similarly told Ms. Huntsman that she had four Orders from Chief Judge Christopher Conner of the United States District Court for the Middle District of Pennsylvania ("Middle District") directing Mr. Huntsman's release.

31. Respondent's statements were false and misleading, in that Respondent had not filed anything with the Court or Middle District seeking Mr. Huntsman's release from custody and Judge Conner had not issued any Orders relative to Mr. Huntsman.

32. On an unknown date, Respondent informed Mr. Huntsman that the Court had scheduled a hearing in his case for October 31, 2019 at 10:00 a.m. at the Franklin County Courthouse.

33. Respondent's statements were false and misleading, in that the Court had not scheduled any hearing relative to Mr. Huntsman's criminal matter.

34. In or around November 2019, Respondent provided Ms. Huntsman with copies of three Petitions for Allowance of Appeal to the Middle District ("Appeal Petitions"), Orders specifying the conditions of Mr. Huntsman's release from custody ("Release Orders"), and Appearance Bonds.

35. The date stamps on the Release Orders and Appearance Bonds indicated that the Middle District had issued them on various dates in August and September 2019.

36. The Appeal Petitions, Release Orders, and Appearance Bonds were false and misleading, in that Respondent had not filed anything with the Middle District on Mr. Huntsman's behalf.

37. In fact, Respondent fabricated the Release Orders and Appearance Bonds in order to deceive and mislead Ms. Huntsman and Mr. Huntsman.

38. On or around November 14, 2019, Respondent informed Mr. Huntsman that the Middle District had scheduled hearings before Chief Judge Conner for November 21 and 22, 2019.

39. Respondent's statements were false and misleading, in that Respondent had not initiated any proceedings relative to Mr. Huntsman in the Middle District and the Court had not scheduled any hearings relative to him.

40. On an unknown date, Mr. Huntsman terminated Respondent's representation, and retained Joseph Caraciolo, Esq. as successor counsel.

41. Respondent failed to advise Mr. Huntsman of her neglect of his legal matter or numerous misrepresentations concerning the status of his case.

42. By letter dated September 30, 2020, Respondent provided Ms. Huntsman with a refund of the \$500.00 she had paid on November 28, 2018 relative to Mr. Huntsman's appeal.

43. Respondent has provided Petitioner with a summary of her psychological treatment dating back to October 20, 1997.

44. The materials provided by Respondent state that various traumatic experiences in Respondent's life have led to her to develop a pattern of withdrawal/avoidance as a coping mechanism whenever she is confronted with stressful situations.

45. However, those materials do not identify an explicit causal connection between Respondent's psychological conditions and her misconduct in this matter, and therefore do not meet the standard articulated in *Office of Disciplinary Counsel v. Seymour H. Braun*, 553 A.2d 394 (Pa. 1989).

#### DISCIPLINARY RULE VIOLATIONS

46. Respondent admits to violating the following Rules of Professional Conduct in this matter:

- a. RPC 1.1 – “A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation;”
- b. RPC 1.3 – “A lawyer shall act with reasonable diligence and promptness in representing a client;”
- c. RPC 1.4(a)(3) – “A lawyer shall ... keep the client reasonably informed about the status of the matter;”
- d. RPC 1.4(b) – “A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation;”
- e. RPC 3.2 – “A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client;”

- f. RPC 4.1(a) – “In the course of representing a client, a lawyer shall not knowingly make a false statement of material fact or law to a third person;”
- g. RPC 8.4(c) – “It is professional misconduct for a lawyer to ... engage in conduct involving dishonesty, fraud, deceit or misrepresentation;” and
- h. RPC 8.4(d) – “It is professional misconduct for a lawyer to ... engage in conduct that is prejudicial to the administration of justice.”

#### SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent’s admitted misconduct is a suspension of one-year and one-day. There is no *per se* discipline for certain misconduct, *see Office of Disciplinary Counsel v. Robert S. Lucarini*, 472 A.2d 186, 190 (Pa. 1983), rather, each case is considered based on the facts and circumstances presented. Nonetheless, dishonesty on the part of an attorney warrants a strict sanction. “Truth is the cornerstone of the judicial system; a license to practice law requires allegiance and fidelity to truth.” *Office of Disciplinary Counsel v. Robert B. Surrick*, 749 A.2d 441, 449 (Pa. 2000). As a result, the failure to act honestly “suggests an unfitness to practice law.” *Office of Disciplinary Counsel v. Arthur Joseph Werner*, No. 202 DB 2003 (D. Bd. Rpt. 4/27/2005) (S. Ct. Order 8/10/2005).

In *Office of Disciplinary Counsel v. Keith Michael McWhirk*, No. 28 DB 2016 (D. Bd. Rpt. 7/9/2020) (S. Ct. Order 7/31/2020), the Disciplinary Board approved a four-year suspension on consent in light of McWhirk’s extensive misrepresentations in 11 client matters. In one matter, the client asked McWhirk to file a lawsuit against an automobile restoration company for breach of contract, unfair trade practices, and violation of consumer protection laws. McWhirk never filed a complaint with any court. Nonetheless, McWhirk falsely informed the client that he had



filed a complaint. McWhirk also told the client that a motion for summary judgment had been filed and granted. In support of this untruthful information, McWhirk created a document that purported to be a court order entering summary judgment in favor of the client and awarding \$25,000.00. The fraudulent order included a fictitious docket number, and bore the signature of the Honorable Bernard A. Moore, a judge on the Montgomery County Court of Common Pleas. McWhirk had forged Judge Moore's signature using another order in his possession from a different matter. McWhirk then informed his client that the opposing party had filed an appeal, and obtained authorization to settle the case for \$40,000.00. McWhirk paid \$10,000.00 of the alleged settlement to the client using his personal funds.

In another client matter, McWhirk was to file a mortgage foreclosure on behalf of a commercial bank. Over the course of six years, McWhirk repeatedly told the bank that he had filed the mortgage foreclosure when he had not done so. Eventually, McWhirk advised the bank that the property had been sold in a Sheriff's Sale. When the bank requested payment of the proceeds from the alleged Sheriff's Sale, McWhirk deposited \$424,000.00 of his own funds into his law firm's bank account. McWhirk then used \$20,000.00 from another client matter to make a total payment of \$444,000.00 to the bank. The bank and McWhirk's law firm subsequently required a distribution sheet from the Sheriff's Sale. In response, McWhirk fabricated a Sheriff's Distribution Sheet on letterhead that falsely indicated it was from the Berks County Sheriff's Department. The Distribution Sheet set forth the Sheriff's name and contact information, a fake sale number, the properties allegedly sold, and a breakdown of the sale amounts that allegedly resulted in a net distribution of \$444,445.35. As to other client matters, McWhirk engaged in extensive neglect and misrepresentation by informing clients that he had undertaken various actions when, in fact, he had not done anything on their behalves.

In *In re Anonymous*, No. 126 DB 90 (William D. Anthony), 22 Pa. D&C 4<sup>th</sup> 163 (1994), the Pennsylvania Supreme Court suspended Anthony for two years for engaging in extensive misrepresentations in two client matters. In the first matter, Anthony represented a husband in a divorce. Over a period of years, Anthony and opposing counsel engaged in intermittent negotiations concerning outstanding issues in support and equitable distribution. Eventually, Anthony sent his client a copy of a purported court order setting forth the terms of an alleged settlement of the outstanding issues. However, no settlement had been reached and the signature of the judge was a forgery. Anthony also provided his client with additional documents and “court orders” relative to the divorce that proved to be complete fabrications.

In the second client matter, Anthony was retained to file suit against a car dealership. Anthony thereafter failed to file any lawsuit on behalf of his client. Nonetheless, Anthony told the client that his case was proceeding. Anthony further advised the client that an arbitration hearing had been scheduled and that the client needed to attend. In reality, there was no arbitration hearing. To further the ruse, Anthony provided the client with a false court subpoena that purported to require the client’s attendance at the arbitration hearing. The docket number on the front of the “subpoena” did not match the docket number on the back thereof. The client attended the supposed arbitration hearing, and waited outside Anthony’s office as he “presented his case.” Afterward, Anthony told the client that he had won, but cautioned that the matter was going to be appealed to the Court of Common Pleas. Anthony thereafter relayed various “settlement offers” to his client, the final of which was \$7,500.00. As had been the case with the arbitration hearing, the settlement offers were complete fabrications. The client accepted the \$7,500.00 offer, which Anthony paid from personal funds that he had deposited in his IOLTA account. Anthony even provided a copy of the fictitious “settlement” check to the client.

In *Office of Disciplinary Counsel v. Susan Bell Bolno*, No. 162 DB 2000 (D. Bd. Rpt. 12/16/2002) (S. Ct. Order 3/7/2003), the Pennsylvania Supreme Court imposed a two-year suspension<sup>1</sup> based on Bolno's neglect of four client matters over a period of seven years. To conceal her neglect, Bolno made numerous misrepresentations to her clients and third parties. Bolno also fabricated letters in furtherance of her deceptive claims.

In *Office of Disciplinary Counsel v. Ronald James Gross*, No. 174 DB 2014 (D. Bd. Rpt. 3/20/2015) (S. Ct. Order 4/10/2015), Gross received a six-month suspension on consent for neglect and misrepresentation in one client matter. The client retained Gross to file a will contest. Gross thereafter failed to file anything on his client's behalf. Nonetheless, Gross misrepresented the status of the client's legal matter, and even provided the client with documentation that had purportedly initiated the will contest. In another client matter, Gross met with a magisterial district judge *ex parte*.

Respondent's actions are similar to that of Gross, in that she, like Gross, neglected Mr. Huntsman's legal matter and intentionally misled Mr. Huntsman and his mother about the status thereof. In further similarity to Gross, Respondent provided Mr. Huntsman and his mother with documentation that purported to be filings with the Middle District. However, Respondent's misconduct is more severe than that in *Gross*, insofar as Respondent fabricated numerous court documents and provided them to Mr. Huntsman and his mother. The documentation Gross gave to his client was deceptive because it accompanied and furthered Gross's misrepresentations about the will contest. Gross did not assert that the documentation originated from a court or other public office. Therefore, a six-month suspension would fail to adequately address Respondent's behavior in the present matter.

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<sup>1</sup> In its report to the Supreme Court, the Disciplinary Board recommended a suspension of one-year and one-day.

The cases cited above counsel in favor of an increased suspension where, as here, an attorney gives his or her client fraudulent court documents. While both *McWhirk* and *Bolno* involved fabricated documents, both are distinguishable from the present case because the misconduct in those cases occurred over a longer period of time and implicated multiple client matters. The scope and scale of Respondent's misconduct is most similar to *In re Anonymous (William D. Anthony)*. Both *In re Anonymous* and the present matter involve neglect, serial verbal misrepresentations, and the provision of fabricated court documents to perpetuate a ruse concerning the status of the respective client matters. Anthony received a two-year suspension even though he, like the Respondent in this case, admitted wrongdoing, expressed remorse, and did not have a prior disciplinary history. Moreover, Anthony presented favorable character testimony from several community members, including a former Disciplinary Board chairman. Given that the present case involves only one client matter rather than the two in *In re Anonymous*, a suspension of one-year and one-day is an appropriate disposition of this matter.

Throughout ODC's investigation, Respondent has expressed sincere remorse for her actions. By entering into this Joint Petition, Respondent has expressed recognition of her violations of the Rules of Professional Conduct and her understanding of the need for discipline. Moreover, requiring Respondent to undergo a hearing prior to reinstatement will provide an opportunity to ensure that Respondent has taken the steps necessary to address any psychological conditions that may have contributed to her misconduct.

Respondent hereby consents to the discipline being imposed upon her by this Honorable Board. Attached to this Petition is Respondent's executed Affidavit required by Pa.R.D.E. 215(d), stating that Respondent consents to the recommended discipline and including the mandatory acknowledgements contained in Pa.R.D.E. 215(d)(1) through (4).

WHEREFORE, Petitioner and Respondent respectfully request that your Honorable Board:

- (a) Approve this Petition and recommend that the Supreme Court of Pennsylvania enter an Order imposing a suspension of one-year and one-day; and
- (b) Pursuant to Pa.R.D.E. 215(i), enter an order for Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter.

Respectfully submitted,

*Nick Weiss*

Date: 2/26/2021

By: \_\_\_\_\_

Nicholas K. Weiss  
 Disciplinary Counsel  
 Attorney Registration No. 324774  
 601 Commonwealth Avenue, Suite 5800  
 P.O. Box 62675  
 Harrisburg, PA 17106-2675  
 Telephone (717) 772-8572

Date: *Feb 15, 2021*

By: \_\_\_\_\_

*BB*  
 Bret Alison Beynon  
 Respondent  
 Attorney Registration No. 89950  
 3 North 2<sup>nd</sup> Street  
 Chambersburg, PA 17201  
 Telephone (717) 443-3651

Date: 2-16-21

By: \_\_\_\_\_

*Heidi F Eakin*  
 Heidi F. Eakin, Esq.  
 Counsel for Respondent  
 Attorney Registration No. 43893  
 2807 Market Street, Suite 1  
 Camp Hill, PA 17011  
 Telephone (717) 602-0581

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	
Petitioner,	:	No. ____ DB 2020
	:	
v.	:	Attorney Reg. No. 89950
	:	
BRET ALISON BEYNON,	:	
Respondent	:	(Franklin County)

VERIFICATION

The statements made in the foregoing Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d) are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Respectfully submitted,

*Nick Weiss*

Date: 2/26/2021

By: \_\_\_\_\_  
Nicholas K. Weiss  
Disciplinary Counsel  
Attorney Registration No. 324774  
601 Commonwealth Avenue, Suite 5800  
P.O. Box 62675  
Harrisburg, PA 17106-2675  
Telephone (717) 772-8572

Date: February 15, 2021

By: \_\_\_\_\_  
Bret Alison Beynon  
Respondent  
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3 North 2<sup>nd</sup> Street  
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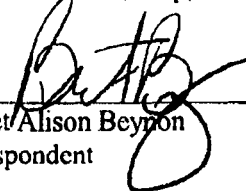
BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	
Petitioner,	:	No. ____ DB 2020
	:	
v.	:	Attorney Reg. No. 89950
	:	
BRET ALISON BEYNON,	:	
Respondent	:	(Franklin County)
	:	

RESPONDENT'S AFFIDAVIT UNDER RULE 215(d) OF THE  
PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

I, Bret Alison Beynon, Respondent in the above-captioned matter, hereby consent to the imposition of a one-year and one-day suspension, as jointly recommended by the Petitioner, Office of Disciplinary Counsel, and myself, in a Joint Petition in Support of Discipline on Consent and further state:

1. My consent is freely and voluntarily rendered; I am not being subjected to coercion or duress; I am fully aware of the implications of submitting the consent;
2. I am aware there is presently pending a proceeding involving allegations that I have been guilty of misconduct as set forth in the Joint Petition;
3. I acknowledge that the material facts set forth in the Joint Petition are true;
4. I consent because I know that if the charges continued to be prosecuted in the pending proceeding, I could not successfully defend against them; and
5. I am represented by counsel, Heidi F. Eakin, Esq., in this matter.

By:   
 Bret Alison Beynon  
 Respondent

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	
Petitioner,	:	No. ____ DB 2020
	:	
v.	:	Attorney Reg. No. 89950
	:	
BRET ALISON BEYNON,	:	
Respondent	:	(Franklin County)
	:	

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of Pa.R.A.P. 121.

First Class Mail and electronic mail as follows:

Bret Alison Beynon  
c/o Heidi F. Eakin, Esq.  
2807 Market Street, Suite 1  
Camp Hill, PA 17011

[HeidiEakin@gmail.com](mailto:HeidiEakin@gmail.com)

Date: 2/26/2021

By: 

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**CERTIFICATE OF COMPLIANCE**

I certify that this filing 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: Office of Disciplinary Counsel



Signature: \_\_\_\_\_

Name: Nicholas K. Weiss, Esq.

Attorney No. (if applicable): 324774