

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1828 Disciplinary Docket No. 3
Petitioner :
: No. 27 DB 2012
v. :
: Attorney Registration No. 33076
THOMAS ALVIN LANDIS, :
Respondent : (Montgomery County)

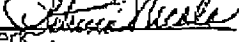
ORDER

PER CURIAM:

AND NOW, this 4th day of October, 2012, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated July 11, 2012, the Joint Petition in Support of Discipline on Consent is hereby granted pursuant to Rule 215(g), Pa.R.D.E., and it is

ORDERED that Thomas Alvin Landis is suspended on consent from the Bar of this Commonwealth for a period of five years retroactive to June 5, 2012, and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

A True Copy Patricia Nicola
As Of 10/4/2012

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA


OFFICE OF DISCIPLINARY COUNSEL : No. 1828 Disciplinary Docket No. 3
Petitioner :
 : No. 27 DB 2012
v. :
 : Attorney Registration No. 33076
THOMAS ALVIN LANDIS :
Respondent : (Montgomery County)

RECOMMENDATION OF THREE-MEMBER PANEL
OF THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

The Three-Member Panel of the Disciplinary Board of the Supreme Court of Pennsylvania, consisting of Board Members Carl D. Buchholz, III, David A. Nasatir, and Albert Momjian, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on June 5, 2012.

The Panel approves the Joint Petition consenting to a five year suspension retroactive to June 5, 2012 and recommends to the Supreme Court of Pennsylvania that the attached Petition be Granted.

The Panel further recommends that any necessary expenses incurred in the investigation and prosecution of this matter shall be paid by the respondent-attorney as a condition to the grant of the Petition.


Carl D. Buchholz, III, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: July 11, 2012

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 27DB 2012
Petitioner :
 : Board File No. C2-08-803
v. :
 : Attorney Reg. No. 33076
THOMAS ALVIN LANDIS, :
Respondent : (Montgomery County)

JOINT PETITION IN SUPPORT OF DISCIPLINE ON CONSENT
UNDER RULE 215(d) PA.R.D.E.

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Patricia A. Dugan, Disciplinary Counsel, and Respondent, Thomas Alvin Landis, by James C. Schwartzman, Esquire, file this Joint Petition in Support of Discipline on Consent under Rule 215(d) Pa.R.D.E., and respectfully represent that:

1. Petitioner, whose principal office is situated at Pennsylvania Judicial Center, 601 Commonwealth Avenue Suite 2700, P.O. Box 62485, Harrisburg, Pennsylvania 17106, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter "Pa.R.D.E."), with the power and duty to investigate all matters involving alleged misconduct of any attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of said Rules.

2. Respondent, Thomas Alvin Landis, was born on July 26, 1955, and was admitted to practice law in the Commonwealth on December 10, 1980. He no longer

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Office of the Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

maintains an office. His public access address is P.O. Box 529, Lansdale, Pennsylvania 19446.

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

4. On or about February 15, 2012, Petitioner and Respondent filed in the Supreme Court a Joint Petition to Temporarily Suspend Respondent's license to practice law.

SPECIFIC FACTUAL ADMISSIONS AND RULES OF
PROFESSIONAL CONDUCT VIOLATED

The Dorothy K. Bean Estate

5. On or about December 10, 1992, Dorothy K. Bean, (hereinafter "Mrs. Bean"), executed her Last Will and Testament, (hereinafter "Will").

6. In her Will, Mrs. Bean made a few specific bequests and named a local charity, the Peter Becker Community, (hereinafter, "PBC"), located in Harleysville, Pennsylvania, as the sole remainder beneficiary of her estate.

7. On or about October 3, 2006, Mrs. Bean executed a Codicil to her Will changing the Executor to her niece, Laurene D. Yerger, (hereinafter "Ms. Yerger").

8. Respondent signed his name as a witness to Mrs. Bean's Codicil.

9. On or about May 26, 2006, Mrs. Bean executed a Durable Power of Attorney to Ms. Yerger, as Agent.

10. Ms. Yerger had Power of Attorney while Mrs. Bean was alive, specifically from May 26, 2006 until Mrs. Bean's death on November 1, 2006.

11. At the time of Mrs. Bean's death, she had 159,360 shares of Harleysville National Corporation stock that had a value of approximately \$3,223,852.08. She also had several other securities; however, the Harleysville National Corporation stock represented the vast majority of her estate.

12. On or about November 8, 2006, Ms. Yerger hired Respondent to represent her in her capacity as Executrix of Mrs. Bean's Estate.

13. Ms. Yerger had never served as an Executrix before, had no knowledge as to when the assets of an estate had to be liquidated or distributed and did not know that she had to notify the beneficiaries.

14. On November 9, 2006, the Register of Wills in Montgomery County, Pennsylvania granted Letters Testamentary to Ms. Yerger.

15. Respondent opened the following bank accounts for Mrs. Bean's Estate:

- a) Wachovia high performance money market account, #XX9871; and
- b) Wachovia checking account, #XX6662.

16. Ms. Yerger was the only individual authorized to sign checks written on either estate account. However, Respondent maintained possession of and exercised control over the Bean Estate checkbooks.

17. On March 21, 2007, Respondent sent letters to the Lower Skippack Mennonite Church, Wentz's United Church of Christ, and PBC advising them that Mrs.

Bean was deceased and providing a Notice of Estate Administration in accordance with the Pennsylvania Orphans' Court Rules.

18. Respondent failed to provide notice to PBC of the 159,360 shares of Harleysville National Corporation Stock that were in the Bean Estate with an approximate value of \$3,223,852.08.

19. Respondent failed to inform Ms. Yergler that she had to notify PBC of the Harleysville National Corporation Stock.

20. Respondent never sent notice to the Attorney General's Office in accordance with Orphans' Court Rule 5.5, therefore, the Attorney General's Office was not aware when Mrs. Bean died that a charitable organization had been named as a remainder beneficiary.

21. Respondent should have known this notice had to be sent to the Attorney General's Office because the Commonwealth is a party in interest in its capacity as *parens patriae* within the Commonwealth of Pennsylvania and the pecuniary legacy was over \$25,000.00.

22. Ms. Yergler was not aware, nor did Respondent inform her, that notice had to be sent to the Attorney General's Office.

23. Ms. Yergler was not aware, nor did Respondent inform her, that the liquidation of the stock should have been completed within six months of Mrs. Bean's death.

24. On or about July 25, 2007, Respondent:

- a) issued Wachovia check #1008 made payable to himself from the Dorothy K. Bean Estate checking account, #XX6662, in the amount of \$10,000.00;
- b) signed Ms. Yerger's name at the bottom of the check without her knowledge or permission;
- c) indicated that the check was for "A/C Counsel Fee";
- d) endorsed the back of the check; and
- e) deposited the \$10,000.00 into Respondent's Wachovia personal checking account in the name of *Thomas A. Landis and Judy L. Landis*, account #XX7825.

25. On or about August 7, 2007, Respondent:

- a) issued Wachovia check #1001 made payable to himself from the Dorothy K. Bean Estate Wachovia high performance money market account, #XX9871 in the amount of \$20,000.00;
- b) signed Ms. Yerger's name at the bottom of the check without her knowledge or permission;
- c) indicated that the check was for "A/C Counsel Fee";
- d) endorsed the back of the check; and
- e) deposited the \$20,000.00 into his Wachovia operating account, #XX6345.

26. On or about September 7, 2007, Respondent:

- a) issued Wachovia check #1002 made payable to himself from the Dorothy K. Bean Estate Wachovia high performance money market account, #XX9871, in the amount of \$7,500.00;
- b) signed Ms. Yerger's name at the bottom of the check without her knowledge or permission;
- c) endorsed the back of the check; and
- f) deposited the \$7,500.00 into his Wachovia personal checking account in the name of *Thomas A. Landis and Judy L. Landis*, account #XX7825.

27. On September 27, 2007, Respondent took a fee of \$65,000.00 from the Bean Estate accounts and at Respondent's direction, Ms. Yerger took an Executrix's fee of \$65,000.00.

28. On October 11, 2007, Respondent deposited a check, #3567, drawn on his operating account, into the Bean Estate checking account, #XX6662, in the amount of \$10,247.17. The \$247.17 was for interest. Respondent indicated on the check that it was payment for a "Transfer from Investment."

29. On October 17, 2007, Respondent deposited a check, #3571, drawn on his operating account, into the Bean Estate checking account #XX6662, in the amount of \$27,713.25. The \$213.25 was for interest.

30. Respondent prepared a First and Final Account of the Bean Estate from November 1, 2006, through October 17, 2007, for Ms. Yerger's review. Ms. Yerger signed the Verification on November 20, 2007.

31. Ms. Yerger was not aware at the time she signed the Verification to the First and Final Account from November 1, 2006, through October 17, 2007, that Respondent:

- a) made three withdrawals from the Bean Estate checking account totaling \$37,500.00 by signing her name on three separate Estate checks;
- b) paid the money back; or
- c) included interest totaling \$460.42.

32. On October 25, 2007, almost a year after Mrs. Bean's death, counsel for PBC sent Respondent a letter requesting a copy of the Inheritance Tax Return and Inventory.

33. On November 7, 2007, Respondent sent to PBC's counsel the Inheritance Tax Return and Inventory.

34. On December 7, 2007, Respondent sent to PBC's counsel the First and Final Account together with a Receipt, Release and Refunding Bond.

35. Respondent knew the First and Final Account was not correct since he failed to list the three unauthorized withdrawals, the two deposits he made to cover those withdrawals and the interest income.

36. On December 17, 2007, PBC's counsel sent Respondent a letter informing him that the Board of Directors:

- a) would like to have all the securities liquidated and not to take them in kind; and
- b) had authorized and directed Ms. Yerger to liquidate all securities and pay proceeds to PBC.

37. On January 4, 2008, Respondent hand delivered to PBC a check for \$500,000.00 as a distribution.

38. On January 11, 2008, Respondent sent a letter to PBC and requested that the Receipt, Release and Refunding Bond be signed by PBC.

39. On or about January 24, 2008, the President/CEO of PBC signed the Receipt, Release and Refunding Bond.

40. On March 21, 2008, counsel for PBC sent Respondent a letter informing Respondent that:

- a) PBC had asked counsel to express to Respondent their concern about the possible loss in value of the stock in the Bean Estate due to a delayed sale; and
- b) Respondent should take all steps necessary to liquidate the securities as promptly as possible.

41. Respondent never discussed this letter with Ms. Yerger or provided a copy of the letter to her.

42. On April 4, 2008, counsel for PBC sent Respondent a letter informing Respondent that:

- a) the Board of Directors of PBC had expressed concern about the decreasing value of the securities; and
- b) the Board had instructed PBC's counsel to request a hearing if proceeds of the sale were not received by Wednesday, April 9, 2008.

43. Respondent never discussed this letter with Ms. Yerger or provided a copy of the letter to her.

44. On April 7, 2008, Respondent sent a letter to PBC enclosing a disbursement check for \$200,000.00 and informed PBC that Respondent would continue to make distributions as proceeds for the stock become available. Respondent also anticipated completion by the end of the month.

45. On April 11, 2008, counsel for PBC sent Respondent a letter informing Respondent that PBC still had not received all the distributions relating to the Harleysville National Bank Stock and that the stock's value has continued to decline.

46. On April 14, 2008, Respondent sent a letter to PBC's counsel informing them that all of the Harleysville National Bank Stock was deposited with Vanguard and Respondent was waiting for an account to be set up.

47. On April 15, 2008, PBC filed a Petition For Citation To Show Cause As To Why An Accounting Should Not Be Filed Or Why A Distribution Not Made in the Court of Common Pleas of Montgomery County, Orphans' Court Division, docket #46-2006-3499.

48. On April 22, 2008, PBC's counsel sent a copy of the Petition for Citation to Show Cause to the Office of the Attorney General.

49. On April 29, 2008, Respondent sent PBC's counsel a letter enclosing the transfer of assets forms for the stock held with Vanguard and stated that the delivery of the transfer documents constituted an in kind distribution to PBC.

50. On April 30, 2008, Senior Deputy Attorney General, Mary C. Kenney, entered her appearance in the Orphans' Court matter.

51. Also on April 30, 2008, PBC's counsel sent Vanguard the transfer of assets forms.

52. On May 9, 2008, Respondent sent a letter to the President/CEO of PBC and enclosed a distribution check for \$107,757.29. Respondent also informed the President/CEO that all the distributions had been made except The Travelers' Inc. stock.

53. On May 16, 2008, The Honorable Stanley R. Ott ordered Ms. Yerger to file an account of her administration on or before July 2, 2008, including an account of her agency under a Power of Attorney.

54. Respondent prepared a second First and Final Account for the Bean Estate from November 1, 2006 through June 13, 2008 for Ms. Yerger's review.

55. Ms. Yerger examined this second First and Final Account and noticed that a deposit was missing. She examined the deposits for the Bean Estate checking account and noticed the three checks (#1008, #1001, and #1002) that Respondent had

made payable to himself and had signed Ms. Yerger's name without her knowledge or permission.

56. Ms. Yerger refused to sign the Verification to the second First and Final Account that Respondent prepared.

57. Respondent failed to list in the second First and Final Account:

- a) the \$37,500.00 in unauthorized withdrawals Respondent made from Wachovia Bank, Bean Estate checking account #XX6662;
- b) the two payments totaling \$37,500.00 that Respondent paid back to the Bean Estate checking account in October of 2007; and
- c) the two payments of interest totaling \$460.42 that Respondent paid to the Bean Estate checking account in October of 2007.

58. On July 28, 2008, Ms. Yerger's new attorney, Francis X. Buschman, Jr. Esquire, filed a First and Final Account of Laurene Yerger, Executrix.

59. On or about August 22, 2008, Mary C. Kenney filed Objections of the Commonwealth of Pennsylvania, Office of Attorney General to the First and Final Account of Laurene Yerger, Executrix.

60. The Commonwealth of Pennsylvania objected to Ms. Yerger's commission, and Respondent's legal fees because Ms. Yerger failed to promptly liquidate and distribute the assets of the Bean Estate.

61. The Commonwealth of Pennsylvania requested a surcharge plus interest upon Ms. Yerger for the same reasons.

62. On or about August 28, 2008, Counsel for PBC filed a Joinder of PBC in Objections of the Commonwealth of Pennsylvania Office of the Attorney General to the First and Final Account of Laurene Yerger, Executrix.

63. Ms. Yerger retained the law firm of Meyerson & O'Neill to represent her in the Objections that the Office of the Attorney General filed against her as Executrix.

64. On December 1, 2008, Jack Meyerson, Esquire filed a Petition for Citation to Show Cause Why Executrix Laurene Yerger Should Not be Entitled to Contribution and/or Indemnification from Respondent.

The Richard Christian Van Meter Estate

65. In or around February of 2005, Respondent prepared a Last Will and Testament, (hereinafter, "Will") for Richard Christian Van Meter, a.k.a, R.C. Van Meter.

66. An employee of Wachovia Bank referred R.C. Van Meter to Respondent. There was no familial relationship between Respondent and R.C. Van Meter.

67. R.C. Van Meter executed his Will on February 11, 2005 as did two witnesses. R. C. Van Meter nominated Respondent as Executor of his Estate.

68. In or around May 4, 2006, Respondent prepared a Codicil to the Will and R.C. Van Meter executed the Codicil. Respondent signed his name as one of the two witnesses.

69. R. C. Van Meter died testate on May 27, 2007.

70. In or around May or June of 2007, Respondent opened a Wachovia checking account in the name of *Estate of R.C. Van Meter Thomas A. Landis, Executor,*

account #XX5049.

71. On or about February 26, 2008, Respondent drafted a Van Meter Estate check, #1023, and made it payable to himself in the amount of \$25,242.12. Respondent indicated on check #1023 that it was for *Wachovia credit card reimb.*

72. On or about February 26, 2008, Respondent endorsed the back of check #1023 and deposited the check into Respondent's Wachovia personal checking account in the name of *Thomas A. Landis and Judy L. Landis*, account number XX7825.

73. In Respondent's First and Final Account for the period May 25, 2007 to June 30, 2008, that Respondent provided to R.C. Van Meter's daughter, Patricia Landes, and in Schedule I of the R.C. Van Meter Inheritance Tax Return, Respondent identified this Wachovia credit card as FIA Card Services, credit card account #XX9886.

74. Respondent's First and Final Account falsely indicated that \$25,242.12 of the Van Meter Estate funds had been paid to FIA Card Services, for credit card account #XX9886, when in fact Respondent paid the \$25,242.12 directly to himself, via check #1023.

75. Check #1023 was not a reimbursement because Respondent never paid the Van Meter FIA credit card account #XX9886 from his own funds.

76. From February 2008 through January 2012, Respondent failed to return this money to the Van Meter Estate and/or make payment to FIA Card Services. The account was subsequently closed.

77. On December 6, 2011, Respondent received a DB-7A Request for Statement of Respondent's Position. Respondent did not provide an answer to the DB-

7A.

78. On or about January 30, 2012, Respondent made restitution to FIA Card Services for credit card account #XX9886 in the amount of \$25,242.12.

79. By his conduct as alleged in Paragraphs 4 through 78 above, Respondent has violated the following Rules of Professional Conduct:

- a. RPC 1.1, requiring a lawyer to provide competent representation to a client;
- b. RPC 1.3, requiring a lawyer to act with reasonable diligence and promptness in representing a client;
- c. RPC 1.4(a)(2), requiring a lawyer to reasonably consult with a client about the means by which the client's objectives are to be accomplished;
- d. RPC 1.4(a)(3), requiring a lawyer to keep the client reasonably informed about the status of the matter;
- e. RPC 1.4(b), requiring a law to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation;
- f. RPC 1.5(a), prohibiting a lawyer to enter into an agreement for, charge, or collect an illegal or clearly excessive fee;
- g. Former RPC 1.15(a), requiring a lawyer to hold property of clients or third persons that is in a lawyer's possession in connection with

a client-lawyer relationship separate from the lawyer's own property, identified and appropriately safeguarded;

- h. RPC 1.15(b), requiring a lawyer to hold all Rule 1.15 Funds and property separate from the lawyer's own property, identified and appropriately safeguarded;
- i. Former RPC 1.15(b), requiring a lawyer to promptly deliver to a client or third person any property that the client or third person is entitled to receive;
- j. RPC 1.15(d), requiring an attorney, upon receipt of Rule 1.15 Funds or property, to promptly notify the client or third person, consistent with the requirements of applicable law;
- k. RPC 8.4(b), prohibiting an attorney from committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other aspects;
- l. RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; and
- m. RPC 8.4(d), prohibiting a lawyer from engaging in conduct that is prejudicial to the administration of justice.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

80. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension from the practice of

law for a period of five years retroactive to the date on which the Pennsylvania Supreme Court grants the currently pending Joint Petition to place Respondent on temporary suspension.

81. Respondent hereby consents to that discipline being imposed upon him by the Supreme Court of Pennsylvania. Attached to this petition, marked as Exhibit A, is Respondent's executed Affidavit required by Rule 215, Pa.R.D.E., stating that he consents to the recommended discipline which includes the mandatory acknowledgements required by Rule 215 (d)(1) through (4), Pa.R.D.E.

82. In support of Petitioner and Respondent's joint recommendation, it is respectfully submitted that the following mitigating circumstances are present:

- a. Respondent has admitted to engaging in misconduct and violating the charged Rules of Professional Conduct;
- b. Respondent is 56 years old, has no prior history of discipline and had been practicing law for approximately 31 years;
- c. Respondent executed a Joint Petition for Temporary Suspension which was filed with the Supreme Court on or about February 15, 2012;
- d. On or about February 1, 2012, Respondent made restitution to FIA Card Services in the amount of \$25,242.12, albeit after receiving Petitioner's DB-7A letter, dated December 6, 2011; and

- e. Respondent is remorseful for his misconduct and understands he should be disciplined, as evidenced by his consent to receiving a suspension of five years.

In Pennsylvania, there is no *per se* discipline for a particular type of misconduct, but instead each case is reviewed individually as established in the case of *Office of Disciplinary Counsel v. Lucarini*, 417 A.2d 186 (Pa. 1983).

The Supreme Court has made clear that commingling and conversion of entrusted funds is considered a serious breach of public trust. Most often attorneys who engage in such misconduct receive public discipline (*Office of Disciplinary Counsel v. Lewis*, 426 A.2d 1138 (Pa. 1981)) including disbarment. *Office of Disciplinary Counsel v. Monsour*, 701 A.2d 556 (Pa. 1997). The knowing conversion of fiduciary funds alone is a serious breach of ethics. Respondent forged Executrix Yerger's signature three times and took a total of \$37,500.00 from the Bean Estate without Ms. Yerger's knowledge or permission. Respondent, shortly thereafter, repaid the money plus interest. As Executor of the Van Meter Estate, Respondent converted \$24,252.14 in Van Meter Estate funds that were supposed to be paid to a credit card debtor of the Van Meter Estate. Respondent did not make restitution until four years later and not until Petitioner had sent Respondent a DB-7A. Respondent knowingly prepared two false accountings for the Bean Estate and the Van Meter Estate.

Cases illustrate that generally a five-year suspension or disbarment has been imposed upon attorneys who knowingly convert client funds. In *Office of Disciplinary Counsel v. Jackson*, 99 DB 2006 D.Bd. Rpt. 12/13/2007 (S. Ct. Order 4/23/2008), the

attorney received a five-year suspension for converting \$33,285.00 from a wrongful death settlement and neglecting one client matter. Attorney Jackson had a prior informal admonition for failing to file an appeal. In *Office of Disciplinary Counsel v. Rainone*, 60 DB 2004, D.Bd. Rpt. 5/11/2006 (S. Ct. Order 12/21/2006), the attorney was disbarred for converting \$26,000.00 in four client matters and neglecting a fifth client matter. Attorney Rainone had practiced law for thirty-five years and had no prior history of discipline. He chose not to testify or to offer any evidence of mitigating circumstances. In *Office of Disciplinary Counsel v. Renfro*, No. 122 DB 2004, D.Bd. Rpt. 8/30/2005 (S. Ct. Order 11/1/2005), the attorney had practiced law for twenty-four years without a record of discipline and was disbarred for misappropriating \$155,702.00 which belonged to her minor client.

In *Office of Disciplinary Counsel v. Hammer*, No. 87 DB 2001, D.Bd. Rpt. 9/29/05 (S.Ct. Order 1/5/06), the attorney was disbarred for converting \$14,887.88 in settlement funds in one client matter. Attorney Hammer made partial restitution and had a prior record of discipline for dissimilar conduct. Therefore, a five-year suspension is within the range of discipline imposed on attorneys who have engaged in misconduct similar to Respondent's.

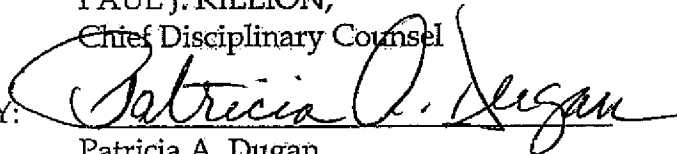
WHEREFORE, Petitioner and Respondent respectfully request that, pursuant to Pennsylvania Rules of Disciplinary Enforcement 215(e) and 215(g), a three member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and file a recommendation with the Supreme Court of Pennsylvania that Respondent be suspended for a period of five years retroactive to the

date on which the Supreme Court grants the currently pending Joint Petition to temporarily suspend Respondent and that Respondent be ordered to pay all necessary expenses incurred in the investigation and prosecution in the matter as a condition to the grant of the Petition.

Respectfully submitted,
OFFICE OF DISCIPLINARY COUNSEL
PAUL J. KILLION,
Chief Disciplinary Counsel

5-31-12
Date

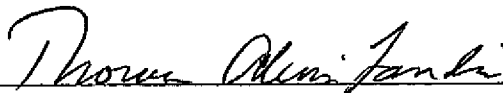
BY:



Patricia A. Dugan
Attorney Registration No. 87147
Disciplinary Counsel
Office of Disciplinary Counsel
District II Office
820 Adams Avenue, Suite 170
Trooper, PA 19403

5/25/2012
Date

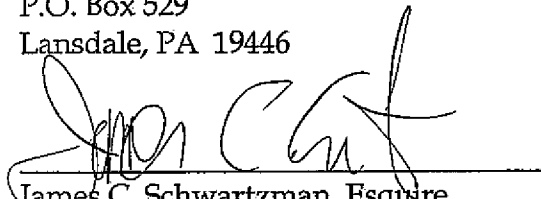
BY:



Thomas Alvin Landis
Respondent
Attorney Reg. No. 33076
P.O. Box 529
Lansdale, PA 19446

5/25/2012
Date

BY:



James C. Schwartzman, Esquire
Counsel for Respondent
Attorney Registration No. 16199
1818 Market Street, 29th Floor
Philadelphia, PA 19103

VERIFICATION

The statements contained in the foregoing Joint Petition in Support of Discipline on Consent under Rule 215(d), Pa.R.D.E., are true and correct to the best of our knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

5-31-12

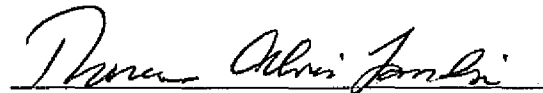
Date



Patricia A. Dugan,
Disciplinary Counsel

5/25/2012

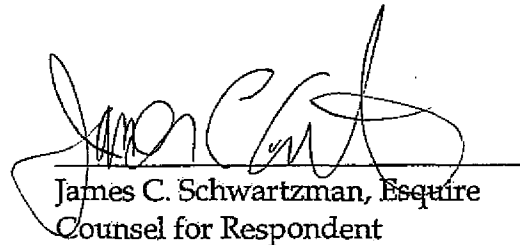
Date



Thomas Alvin Landis,
Respondent

5/25/2012

Date



James C. Schwartzman, Esquire
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

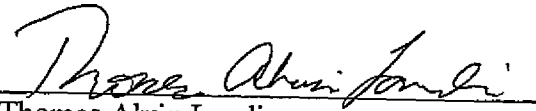
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AFFIDAVIT UNDER RULE 215 Pa.R.D.E.

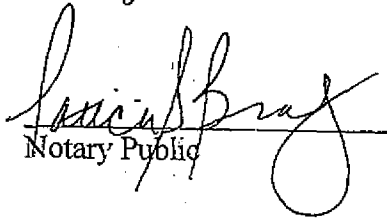
Respondent, Thomas Alvin Landis, hereby states that he consents to the imposition of a suspension from the practice of law for a period of five years and further states that:

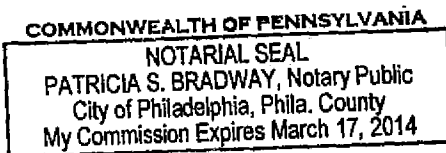
1. He is an attorney admitted to the Commonwealth of Pennsylvania, having been admitted to the bar on or about December 10, 1980.
2. He desires to submit a Joint Petition in Support of Discipline on Consent pursuant to Pa.R.D.E. 215(d).
3. His consent is freely and voluntarily rendered; he is not being subject to coercion or duress; and he is fully aware of the implications of submitting this consent.
4. He has consulted with counsel, James C. Schwartzman, Esquire, in connection with his decision to consent to discipline.
5. He is aware there is presently a proceeding involving allegations that he has been guilty of misconduct as set forth within the accompanying petition.

6. He acknowledges that the material facts within the petition are true.
7. He consents because he knows that if he continues to be prosecuted in the pending proceeding, he cannot successfully defend himself.


Thomas Alvin Landis
Respondent

Sworn to and Subscribed
before me this 25th day
of May, 2012


Notary Public



BEFORE THE DISCIPLINARY BOARD OF
THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL : No. 1828 Disciplinary Docket
Petitioner : No. 3 - Supreme Court
:
v. :
:
THOMAS ALVIN LANDIS, : Attorney Reg. No. 33076
:
Respondent : (Montgomery County)

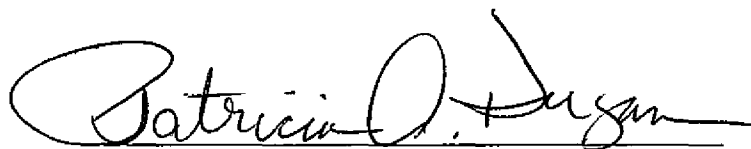
CERTIFICATE OF SERVICE

I hereby certify that I have this day served by first class mail the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 204 Pa. Code §89.22 (relating to service by a participant).

By First Class Mail:

Counsel for Respondent: James C. Schwartzman, Esquire
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May 31, 2012



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