

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : 2782 Disciplinary Docket No. 3
Petitioner :
 : No. 29 DB 2021
v. :
 : Attorney Registration No. 83537
ANGELA E.M. MONTGOMERY-BUDD, :
Respondent : (Chester County)

ORDER

PER CURIAM

AND NOW, this 9th 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 Angela E.M. Montgomery-Budd is suspended from the Bar of this Commonwealth for a period one year. Respondent shall comply with all the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board. See Pa.R.D.E. 208(g).

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


Attest:
Chief Clerk
Supreme Court of Pennsylvania

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

OFFICE OF DISCIPLINARY COUNSEL, : No. Disciplinary Docket
 Petitioner : No.
 :
 : No. DB
 :
 :
 : Board File Nos. C2-20-858 &
 : C2-20-881
 :
 : Attorney Reg. No. 83537
ANGELA E. MONTGOMERY-BUDD, :
 Respondent : (Chester)

**JOINT PETITION IN SUPPORT OF DISCIPLINE ON CONSENT
PURSUANT TO Pa.R.D.E. 215(d)**

Petitioner, the Office of Disciplinary Counsel ("ODC"), by Thomas Farrell, Chief Disciplinary Counsel and Mark Gilson, Disciplinary Counsel, and Respondent, Angela E. Montgomery-Budd, Esquire ("Respondent"), respectfully petition the Disciplinary Board in support of discipline on consent, pursuant to Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 215(d), and in support thereof state:

PARTIES TO DISCIPLINE ON CONSENT

1. Pursuant to Pa.R.D.E. 207, ODC, whose principal office is situated at Office of Chief Disciplinary Counsel, Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania, 17106, is invested with the power and duty to investigate all matters involving alleged misconduct

**FILED
03/09/2021
The Disciplinary Board of the
Supreme Court of Pennsylvania**

of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the provisions of the Enforcement Rules.

2. Respondent was born on September 1, 1972, is currently 48 years old, and was admitted to the Bar of the Commonwealth of Pennsylvania on May 25, 1999. Respondent is on active status in Pennsylvania, and her last registered address is 21 Paul Nelms Drive, Downingtown, PA 19335.

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

4. Respondent has no prior record of discipline.

SPECIFIC FACTUAL ALLEGATIONS ADMITTED

5. Respondent's affidavit stating, *inter alia*, her consent to the recommended discipline is attached as Exhibit A.

6. On or around August 26, 2019, Ms. Regina L. Forgach, and her fiancé, Mr. David Sassaman (hereinafter collectively referred to as "the clients"), retained Respondent to assist them in petitioning for adoption of Ms. Forgach's minor daughter by Mr. Sassaman. Respondent agreed to handle their matter for a flat fee of \$2,500. Despite the fact that she had never represented either Ms. Forgach or Mr. Sassaman before, Respondent failed to provide the clients a written fee agreement. The clients paid Respondent's fee in full.

7. Respondent promised the clients she would file the paperwork to initiate the adoption process in the Chester County Court of Common Pleas Orphans' Court Division ("the court") shortly after the date on which the couple were to be married: October 5, 2019. However, for over a year Respondent failed to file any paperwork or take any steps to initiate the adoption process in the court.

8. Over the course of the next 12 months, and in response to the clients' inquiries requesting updates on the status of their legal matter, Respondent made multiple misrepresentations regarding the status of their case, and intentionally mislead the clients regarding actions she claimed to have taken on their behalf.

9. To wit, Respondent repeatedly claimed to have filed petitions with the court to initiate the adoption process, and further represented she was only awaiting the court to schedule a hearing date when, in fact, Respondent had failed to file any paperwork or take any other action to initiate the adoption process in the court system. For over a year, Respondent deceived the clients into believing the court had only to schedule their matter for a hearing, and repeatedly promised to inform them of the hearing date once she received it when, in fact, Respondent had

neglected their legal matter and had failed to take any steps to have the matter brought before the court.

10. After having neglected the clients' matter for over 14 months from the date she had initially been retained, Respondent finally filed paperwork to initiate the adoption process with the court on October 28, 2020, in the form of a *Petition for Involuntary Termination of Parental Rights* and a *Petition for Adoption Step-Parent* (hereinafter collectively referred to as "the petitions"). Respondent attached verification forms to each of the petitions bearing the purported signatures of the clients, "David Sassaman" and "Regina Sassaman," and the handwritten date "7-15-2020."

11. However, neither one of the clients had signed their respective verification forms, nor had the clients consented to or provided permission or authorization for Respondent or anyone else to sign the forms on their behalf. Respondent either knew or should have known that the verification forms she attached to the petitions that she filed with the court bore the forged signatures of the clients.

12. By email dated October 28, 2020, the clients notified Respondent that they had hired new counsel, Julie Potts, Esquire, to represent them in their adoption matter, and were terminating Respondent's representation.

13. By letter dated October 29, 2020, Attorney Potts informed Respondent she had been retained by Mr. and Mrs. Sassaman to represent them, requested Respondent refund and transfer the \$2,500 attorney fee to her, provide a copy of the clients' file, and to specifically include the petitions Respondent filed with the court.

14. Respondent refunded the attorney's fee in full. However, the only documents Respondent provided Attorney Potts were materials solely related to the search history for the biological father of the child. Respondent failed to provide Attorney Potts any other materials from the clients' file, including copies of the petitions.¹

15. On November 4, 2020, Respondent withdrew the petitions she had filed with the court that contained the clients' forged signatures on the verification forms. Attorney Potts assumed representation of the clients, filed the proper paperwork, and initiated the adoption process which is currently proceeding in due course before the court.

16. By letter dated December 7, 2020, ODC provided Respondent a DB-7 Request for Statement of Respondent's Position

¹ Respondent claimed that she had either lost or misplaced the clients' file, and was unable to locate any other paperwork or documents.

setting forth the factual averments regarding her misconduct and the Rules of Professional Conduct she was alleged to have violated.

17. By letter dated January 13, 2021, Respondent provided a timely Statement of Respondent's Position in which she admitted to the factual averments regarding her misconduct, accepted responsibility for her actions, and expressed remorse for her behavior.

18. If the matter went to a hearing, Respondent would testify by way of explanation that she experienced significant personal, professional, health and family issues during the time she was handling the clients' legal matter—most notably her and her husband's serious illnesses (possibly from the Covid-19 virus) and her husband's loss of employment—that caused her to become "distracted" and "distraught," thereby making it hard for her to "concentrate on work issues" and "follow through on work items." As a result of these issues, Respondent had to close her office and relocate her practice to her residence. Respondent recognized in her response that "this is no excuse," and further acknowledged that "[t]here is no justification for my conduct . . .," while also admitting that she "should have been honest with them [the clients] but I was too embarrassed and just wanted to fulfill my obligations to them, which I clearly failed to do." Respondent would further testify that she "acknowledge[s] the seriousness of my conduct and

that I am truly sorry for what I have put Mr. and Mrs. Sassaman through with the adoption of their child."

19. Respondent accepts full responsibility for neglecting the clients' legal matter, misleading them as to her failure to competently and diligently represent them, and misrepresenting the actual status of their case.

VIOLATIONS OF THE RULES OF PROFESSIONAL CONDUCT

20. By her conduct as set forth in paragraphs 6 through 19 above, Respondent acknowledges she violated the following Rules of Professional Conduct:

- a. RPC 1.1, which states that 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, which states that a lawyer shall act with reasonable diligence and promptness in representing a client;
- c. RPC 1.4(a)(3), which states that a lawyer shall keep the client reasonably informed about the status of the matter;
- d. RPC 1.4(a)(4), which requires a lawyer to promptly comply with reasonable requests for information from the client;

- e. RPC 1.5(b), which states that when the lawyer has not regularly represented the client, the basis or rate of the legal fee shall be communicated to the client, in writing, before or within a reasonable time after commencing representation;
- f. RPC 1.16(d), which states, in pertinent part, that upon termination of representation, a lawyer shall take steps necessary to the extent reasonably practicable to protect a client's interests, such as surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred;
- g. RPC 8.4(c), which states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation; and
- h. RPC 8.4(d) which states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

JOINT RECOMMENDATION FOR DISCIPLINE

21. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's misconduct is a one year suspension from the practice of law.

22. Respondent hereby consents to the discipline being imposed upon her by the Disciplinary Board of the Supreme Court of Pennsylvania. Attached to this Petition as Exhibit A is Respondent's executed Affidavit as required by Pa.R.D.E. 215(d)(1) through (4).

23. In support of the Joint Petition, the parties respectfully submit the following mitigating circumstances are present:

- a. Respondent admitted the factual allegations in her Statement of Respondent's Position Letter;
- b. Respondent accepts full responsibility for her misconduct and is remorseful;
- c. While not rising to the level of *Braun*² mitigation evidence, during the relevant time period Respondent experienced personal, professional, health and family issues that may have contributed to her misconduct;
- d. Respondent fully refunded all attorney's fees to the clients;
- e. Respondent's misconduct did not cause the client to suffer a permanent harm or deprive them of a legal

² See *Office of Disciplinary Counsel v. Braun*, 520 PA. 157, 553 A.2d 894 (1989).

remedy, and the clients were able to retain new counsel to handle and complete the adoption process;

- f. Respondent cooperated with Disciplinary Counsel in the investigation;
- g. Respondent understands discipline is necessary and appropriate, and has expressed a willingness to accept public discipline in the form of a one year suspension; and
- h. Respondent has no history of discipline in over 21 years of practice.

24. In Pennsylvania, there is no *per se* discipline for a particular type of misconduct; instead, each case is reviewed individually while being mindful of precedent and the need for consistency. *Office of Disciplinary Counsel v. Lucarini*, 472 A.2d 186, 190 (Pa. 1983).

25. The parties believe, and therefore aver, that their recommendation for a suspension of one year is consistent with the range of sanctions imposed in similar cases involving neglect of client matters, misrepresentations to the client, and submission of forged documents:

- a. In *Office of Disciplinary Counsel v. Jamie Ray-Leonetti*, 182 DB 2017, D.Bd. Rpt. 2/23/18 (S.Ct. Order 3/19/18), the Pennsylvania Supreme Court granted a joint petition

for discipline on consent and imposed a suspension of one year and one day where respondent neglected client matters and made repeated misrepresentations to clients and third parties about a case, claiming, *inter alia*, to have settled the case where it had actually been dismissed for failure to file a complaint;

- b. In *Office of Disciplinary Counsel v. Marc C. Collazzo*, 165 DB 2010, D.Bd. Rpt. 2/1/10 (S.Ct. Order 11/30/10), the Pennsylvania Supreme Court granted a joint petition for discipline on consent and imposed a suspension of one year and one day where respondent made misrepresentations to client that the case was proceeding when, in fact, it had been dismissed;
- c. In *Office of Disciplinary Counsel v. Robert Leonard Stauffer*, 63 DB 2016, (7/11/16), a public reprimand was imposed where respondent filed an affidavit bearing his client's forged signature; and
- d. In *Office of Disciplinary Counsel v. James J. Vassallo*, 126 DB 2020, (9/14/20), a public reprimand was imposed where respondent created, notarized, and submitted a false deed bearing a forged signature.³

³ Respondent was already suspended at the time the public reprimand was imposed (and remains suspended as of this date), so further suspension was not necessary in this case.

In both Stauffer and Vassallo, the forged documents were consistent with the expressed desires of the parties. In other words, in Vassallo, the forged deed represented a property transfer to which the parties had actually agreed to and desired to effectuate. In Strauffer, respondent submitted an altered Affidavit of Consent to expedite entry of the divorce to which the parties had agreed rather than to gain any advantage personally or on behalf of the client. Similarly, here Respondent's action, while clearly unacceptable, was consistent with the clients' goal and did not seek to defraud any interested party to the adoption.

26. Respondent's lack of prior discipline, admission of wrongdoing, expression of remorse, refund of attorney's fees, cooperation with Disciplinary Counsel and, perhaps most importantly, the fact that the clients did not suffer a permanent loss of any legal right or remedy and will be able to complete the adoption process with new counsel⁴, make Respondent a suitable candidate for public discipline in the form of a one year suspension.

27. Based on the totality of the circumstances presented as more fully described and set forth above, the parties submit that discipline in the form of a one year suspension will adequately

⁴Attorney Potts informed ODC that she expects the clients' matter to move to final adoption by March/April 2021.

address Respondent's misconduct and provide her ample time to reflect upon her behavior, protect the public, maintain the integrity of the legal profession, while also take into consideration Respondent's mitigating factors.

WHEREFORE, Petitioner and Respondent respectfully request, pursuant to Pennsylvania Rules of Disciplinary Enforcement 215(e) and 215(g), that a three member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and Order that Respondent receive a one year suspension.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL
THOMAS FARRELL
Attorney Registration Number 48976
Chief Disciplinary Counsel

3/8/21
DATE


Mark F. Gilson
Disciplinary Counsel
Attorney Registration Number 46400
Office of Disciplinary Counsel
District I Office
1601 Market Street
Philadelphia, PA 19103
(215) 560-6296

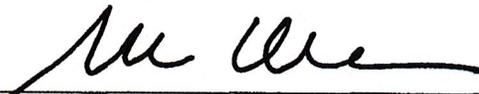
3-3-21
DATE


Angela E. Montgomery-Budd, Esquire
Respondent
Attorney Registration Number 83537

VERIFICATION

The statements contained in the foregoing *Joint Petition In Support of Discipline on Consent* are true and correct to the best of my 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.

3/8/21
DATE



Mark F. Gilson, Esquire
Disciplinary Counsel

3-3-21
DATE



Angela E. Montgomery-Budd, Esquire
Respondent

EXHIBIT A

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. Disciplinary Docket
 Petitioner : No.
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 : Board File Nos. C2-20-858 &
 : C2-20-881
 :
 : Attorney Reg. No. 83537
v. :
ANGELA E. MONTGOMERY-BUDD, :
 Respondent : (Chester)

AFFIDAVIT UNDER RULE 215(d), Pa.R.D.E.

ANGELA E. MONTGOMERY-BUDD, being duly sworn according to law, deposes and submits this affidavit consenting to the recommendation of a public reprimand in conformity with Pa.R.D.E. 215(d), and further states as follows:

1. She is an attorney admitted to the Bar of the Commonwealth of Pennsylvania on or about May 25, 1999.
2. She desires to submit a Joint Petition in Support of Discipline on Consent pursuant to Pa.R.D.E. 215(d).
3. Her consent is freely and voluntarily rendered; she is not being subjected to coercion or duress, and she is fully aware of the implications of submitting this affidavit.
4. She is aware that there is presently pending a proceeding regarding allegations that she has been guilty of misconduct as set forth in the Joint Petition in Support of Discipline on Consent

Pursuant to Pa.R.D.E. 215(d) to which this affidavit is attached.

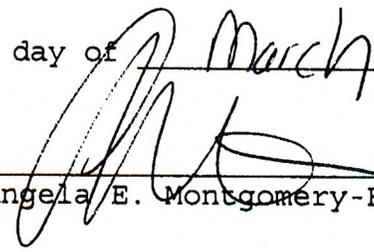
5. She acknowledges that the material facts set forth in the Joint Petition are true.

6. She submits this affidavit because she knows that if charges predicated upon the matter under investigation were filed, or continued to be prosecuted in the pending proceeding, she could not successfully defend against them.

7. She acknowledges that she is fully aware of her right to consult and employ counsel to represent him in the instant proceeding. She has not retained, consulted, or acted upon the advice of counsel in connection with her decision to execute the Joint Petition.

It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904 (relating to unsworn falsification to authorities).

Signed this 3rd day of March, 2021.

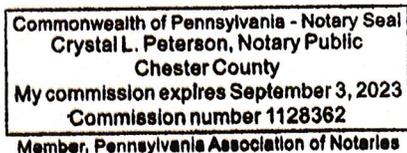


Angela E. Montgomery-Budd, Esquire

Sworn to and subscribed
Before me on this 3rd
day of March, 2021



Notary Public



BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. Disciplinary Docket
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 :
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v. :
ANGELA E. MONTGOMERY-BUDD, :
 Respondent : (Chester)

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 204 Pa. Code §89.22 (relating to service by a participant).

First Class Mail and Email, as follows:

Angela E. Montgomery-Budd, Esquire
21 Paul Nelms Drive
Downingtown, PA 19335
angelambudd@gmail.com

Dated:

3/8/21

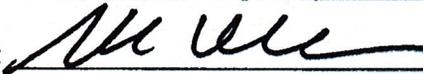


MARK F. GILSON
Disciplinary Counsel
Office of Disciplinary Counsel
District I Office
1601 Market Street
Philadelphia, PA 19103
(215) 560-6296

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: Mark F. Gilson, Disciplinary Counsel

Attorney No.: 46400