

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	No. ² DB 2024
	:	
v.	:	Attorney Reg. No. 92705
	:	
BRIAN CHRISTOPHER EVES, Respondent	:	(Bucks County)

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

Petitioner, Office of Disciplinary Counsel (“ODC”) by Thomas J. Farrell, Chief Disciplinary Counsel, and Marie C. Dooley, Disciplinary Counsel and Brian Christopher Eves, Esquire (“Respondent”) respectfully petition the Disciplinary Board of the Supreme Court of Pennsylvania in support of discipline on consent, pursuant to Pennsylvania Rule of Disciplinary Enforcement (“Pa.R.D.E.”) 215(d), and in support thereof state:

1. 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, PA 17106, is invested, pursuant to Pa.R.D.E. 207, with the power and duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary

FILED
01/05/2024
**The Disciplinary Board of the
Supreme Court of Pennsylvania**

proceedings brought in accordance with the various provisions of the aforesaid Enforcement Rules.

2. Respondent was born June 10, 1972, and was admitted to practice law in the Commonwealth of Pennsylvania on June 28, 2004. Respondent is on active status his attorney registration number is 92705. Respondent's registered mailing address is 3805 Old Easton Road, Doylestown, PA 18902.

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

SPECIFIC FACTUAL ALLEGATIONS ADMITTED

4. Respondent represented Roxanne Rife in a Chapter 7 bankruptcy matter filed in the United States Bankruptcy Court for the Eastern District of Pennsylvania.

5. Respondent was unaware that Ms. Rife was involved in a formal divorce action pending in York County.

6. On September 29, 2020, Respondent filed Ms. Rife's petition, schedules and statement of financial affairs with the Bankruptcy Court, Case No. 20-13891. Respondent failed to fully disclose in Ms. Rife's petition all of Ms. Rife's creditors, assets and liabilities and inaccurately

stated that Ms. Rife did not receive her credit counseling certificate, when in fact she had completed the counseling in June of 2020.

7. Respondent compounded his error by failing to communicate to Ms. Rife that after she had filed for bankruptcy she was not permitted to transfer her interest in the marital home to Mr. Rife absent notice to creditors and Chapter 7 Trustee and Bankruptcy Court approval.

8. On or about October 14, 2020, the York County Common Pleas Court authorized and approved the equitable property distribution in which Ms. Rife received \$17,000.00 from Mr. Rife, for her interest in the marital home.

9. Prior to filing the bankruptcy petition, Respondent failed to:
- a. undertake the proper inquiry and review to determine whether Ms. Rife had fully disclosed all assets, liabilities and creditors as required under the Bankruptcy Code; and
 - b. personally conduct a page-by-page review with Ms. Rife of her schedules and statement of financial affairs to verify that the financial disclosures were complete, true and accurate.

10. Respondent improperly relied on sporadic and incomplete text and email communication with Ms. Rife.

11. Failure to disclose Ms. Rife's receipt of her equitable distribution in the divorce was potential bankruptcy fraud necessitating an investigation by the Chapter 7 Trustee and the Office of the United States Trustee ("UST") and opposition to Ms. Rife's discharge.

12. After Respondent's errors and omissions were identified, Respondent took full responsibility for the disclosure deficiencies.

13. As a result, the Chapter 7 Trustee withdrew her opposition to Ms. Rife's discharge.

14. On February 4, 2021, Ms. Rife obtained her bankruptcy discharge.

15. On March 16, 2021, the UST filed a motion with the Bankruptcy Court to impose civil penalties, sanctions and injunctive relief against Respondent for violations of the Bankruptcy Code and the Rules of Professional Conduct.

16. Ultimately, Respondent and the UST entered into a Stipulation, which was approved by the Bankruptcy Court on April 26, 2021, that required Respondent to:

- a. pay a \$250 sanction;

- b. obtain all required debtor signatures prior to filing in all future bankruptcy matters for 12 months; and
- c. file a certification that he provided copies of the filings and obtained written confirmation from the debtors regarding actual receipt, review and authorization of the filed bankruptcy documents.

17. In further resolution of the matter, on May 11, 2021, the Chapter 7 Trustee filed a motion for approval of a General Release of All Claims in the bankruptcy against Respondent and his malpractice insurance carrier, Continental Casualty Company, in exchange for payment of \$20,000.

18. The Bankruptcy Court entered an Order approving the General Release on June 1, 2021.

19. On August 25, 2021, by letter, Respondent "self-report[ed] conduct . . . [which] may have violated the Pennsylvania Rules of Professional Conduct as well as the Bankruptcy Code, specifically 11 U.S.C. §§ 526 and 707."

20. Respondent admits he failed to undertake a reasonable inquiry of the civil dockets of York and/or Lancaster County to include full and

accurate disclosure of Ms. Rife's pending divorce and equitable distribution of property.

SPECIFIC RULES OF PROFESSIONAL CONDUCT VIOLATED

21. Respondent violated the following Rules of Professional Conduct:

- 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)(2) – “A lawyer shall: . . . reasonably consult with the client about the means by which the client's objectives are to be accomplished;”
- 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 8.4(c) – “It is professional misconduct for a lawyer to: . . . engage in conduct involving dishonesty, fraud, deceit or misrepresentation;” and
- F. RPC 8.4(d) – “It is professional misconduct for a lawyer to: . . . engage in conduct that is prejudicial to the administration of justice.”

Relevant Disciplinary Authority

22. This matter is similar to *ODC v. Kevin Tanribilir*, 108 DB 2019 (D.Bd. Order 07/09/2019), Tanribilir received a public reprimand in connection with three bankruptcy matters in which he failed to exercise diligence, competence and due care by filing pleadings under penalty of perjury, that falsely certified and expressly attested that all the information contained in his filed documents was complete and accurate, without confirming with each client-debtor that they had reviewed the actual prepared documents. At an evidentiary hearing Tanribilir acknowledged on the record that the clients did not execute the documents and he affixed their /s/ electronic signature without the clients' express authorization. The Bankruptcy Court deemed Tanribilir's actions tantamount to forgery, stating without proper certification by the debtor, “there can be no assurance that the factual allegations contained within those documents are true and

correct. A debtor's lawyer cannot endorse those documents for the debtor." Tanribilir had no prior history of discipline. Like Tanribilir, Respondent failed to conduct a reasonable inquiry into Ms. Rife's financial disclosures to ensure all assets and liabilities were disclosed. Respondent exchanged texts with Ms. Rife but failed to obtain clear formal authorization to file, and, failed to expressly verify that his client viewed all of the information in the various documents and conduct his own due diligence.

23. Similarly in *Office of Disciplinary Counsel v. Ann Miller*, 20 DB 2019 (D.Bd. Order 04/17/2019), Miller received a public reprimand for failing to disclose substantial assets and important information in her personal bankruptcy and certifying under penalty of perjury that she had reviewed her petition and that the information contained therein was true and correct, when in fact it was not, due to Miller's failure to disclose relevant material. Miller also engaged in frivolous litigation related to the bankruptcy filings. Miller had no prior history of discipline. Here, unlike Miller, Respondent failed to act with diligence but did not engage in a knowing scheme to defraud her personal creditors.

SPECIFIC RECOMMENDATION FOR DISCIPLINE

24. ODC and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a public reprimand.

25. Respondent hereby consents to a public reprimand be imposed upon him by the Disciplinary Board. Attached to this Petition is Respondent's executed affidavit required by Pa. R.D.E. 215(d), stating that he consents to the recommended discipline and including the mandatory acknowledgements contained in Pa.R.D.E. 215(d)(1) through (4).

26. In aggravation, Respondent received a prior informal admonition in October of 2017 for multiple ethical violations in two client representations and non-compliance with the IOLTA rules. In one custody/dependency matter, Respondent, *inter alia*, failed to appear at a hearing, properly communicate with his client, deposit the advance fee in his IOLTA and misled the client about a filing, violating, *inter alia*, RPC 1.1, RPC 1.3, RPC 1.4(a)(2), RPC 1.4(a)(3), RPC 1.15(b) and RPC 8.4(c). For a PCRA appellate matter, Respondent failed to deposit the advanced fee in his IOLTA, communicate with his client, and promptly refund the advance fee violating, *inter alia*, RPC 1.4(a)(2), RPC 1.4(a)(3), RPC 1.15(b) and RPC 1.16(d). In both matters, Respondent failed to provide the clients written fee agreements in violation of RPC 1.5(b).

27. In mitigation, Respondent:

- a. self-reported his misconduct and exhibited remorse by stating "I am terribly sorry that I allowed this to happen. I

should have been more focused and found a way to integrate and obtain the necessary information;”

- b. took immediate action to compensate Ms. Rife her legal fee; and
- c. saved resources of the attorney disciplinary system by cooperating with ODC with its investigation and this Joint Petition, as evidenced by Respondent's admissions herein and consent to receive public reprimand;

WHEREFORE, ODC and Respondent respectfully requests that your Honorable Board:

- a. approve this Joint Petition and schedule imposition of a public reprimand; 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,
OFFICE OF DISCIPLINARY COUNSEL

Thomas J. Farrell,
Chief Disciplinary Counsel

01-05-24

DATE



MARIE C. DOOLEY, ESQUIRE

Disciplinary Counsel

Attorney Registration Number 203681

Office of Disciplinary Counsel

820 Adams Avenue, Suite 170

Trooper, PA 19403

(610) 650- 8210

DATE

BRIAN CHRISTOPHER EVES, ESQUIRE

Attorney Registration Number 92705

Respondent

DATE

MARIE C. DOOLEY, ESQUIRE
Disciplinary Counsel
Attorney Registration Number 203681
Office of Disciplinary Counsel
820 Adams Avenue, Suite 170
Trooper, PA 19403
(610) 650- 8210



DATE

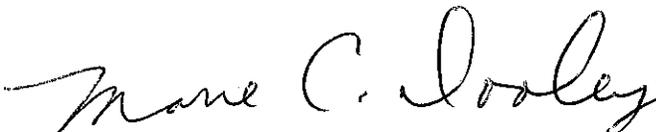
BRIAN CHRISTOPHER EVES, ESQUIRE
Attorney Registration Number 92705
Respondent

VERIFICATION

The statements contained in the foregoing *Joint Petition In Support of Discipline on Consent Discipline* 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.

01-05-24

DATE



MARIE C. DOOLEY, ESQUIRE
Disciplinary Counsel

DATE

BRIAN CHRISTOPHER EVES, ESQUIRE
Attorney Registration Number 92705
Respondent

VERIFICATION

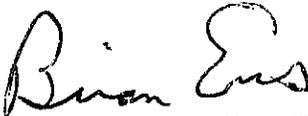
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DATE

MARIE C. DOOLEY, ESQUIRE
Disciplinary Counsel

12/20/23

DATE



BRIAN CHRISTOPHER EVES, ESQUIRE
Attorney Registration Number 92705
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,
Petitioner

v.

BRIAN CHRISTOPHER EVES,
Respondent

No. DB 2024

Attorney Reg. No. 92705

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

First Class and Overnight Mail, as follows:

Brian Christopher Eves, Esquire
3805 Old Easton Road
Doylestown, PA 18902

01-05-24

DATE



MARIE C. DOOLEY, ESQUIRE

Disciplinary Counsel

Attorney Registration Number 203681

Office of Disciplinary Counsel

820 Adams Avenue, Suite 170

Trooper, PA 19403

(610) 650- 8210

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OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	No. DB 2024
	:	
v.	:	Attorney Reg. No. 92705
	:	
BRIAN CHRISTOPHER EVES, Respondent	:	(Bucks County)

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

COMMONWEALTH OF PENNSYLVANIA:
COUNTY OF BUCKS:

BRIAN CHRISTOPHER EVES, ESQUIRE, being duly sworn according to law, deposes and hereby 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. He is an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on or about June 28, 2004.
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 subjected to coercion or duress, and he is fully aware of the implications of submitting this affidavit.

4. He is aware that there is presently pending a proceeding into allegations that he 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. He acknowledges that the material facts set forth in the Joint Petition are true.

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

7. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has/has not retained, consulted and acted upon the advice of counsel, in connection with his decision to execute the within 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).

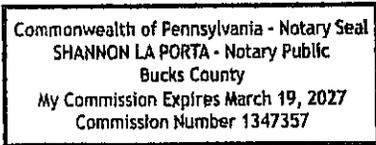
Signed this 3rd day of January, 2024

Brian Eves

BRIAN CHRISTOPHER EVES, ESQUIRE
Attorney Registration Number 92705
Respondent

Sworn to and subscribed
before me this *3* day
of *January 2023* *at*

Shannon La Porta
Notary Public



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: Marie C. Dooley
Name: Marie C. Dooley
Attorney No. (if applicable): 203681