

**IN THE SUPREME COURT OF PENNSYLVANIA**

In the Matter of	:	No. 2362 Disciplinary Docket No. 3
	:	
J. MICHAEL FARRELL	:	No. 34 DB 2017
	:	
PETITION FOR REINSTATEMENT	:	Attorney Registration No. 33803
	:	
	:	(Philadelphia)
	:	
	:	
	:	
	:	

**ORDER**

**PER CURIAM**

**AND NOW**, this 20<sup>th</sup> day of June, 2025, upon consideration of the parties' responses to the Disciplinary Board's Report and Recommendations, the Petition for Reinstatement is denied. Petitioner is directed to pay the expenses incurred by the Disciplinary Board in the investigation and processing of the Petition for Reinstatement. See Pa.R.D.E. 218(f).

A True Copy Nicole Traini  
As Of 06/20/2025

Attest: Nicole Traini  
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

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REPORT AND RECOMMENDATIONS OF  
THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES  
OF THE SUPREME COURT OF PENNSYLVANIA:

Pursuant to Rule 218(c)(5) of the Pennsylvania Rules of Disciplinary Enforcement, The Disciplinary Board of the Supreme Court of Pennsylvania submits its findings and recommendations to your Honorable Court with respect to the above captioned Petition for Reinstatement.

I. FACTUAL BACKGROUND

The Board makes the following findings of fact:

**A. The Initial Misconduct**

1. Petitioner is J. Michael Farrell. He was born in 1952 and was admitted to practice law in Pennsylvania in 1980. He was also admitted to practice in the District of

Columbia in 1978, North Carolina in 1979, and New Jersey in 1980. 2/21/24 N.T. 96.

2. Following practice with the Philadelphia Defender Association and at a private firm, Farrell started his own law firm on January 10, 1986, where he worked until he was placed on temporary suspension from the practice of law in 2017. 2/21/2024 N.T. 97, 102-103.
3. Farrell was previously privately disciplined for misconduct associated with a PCRA matter. He was unclear of the date but believed it was somewhere between 2009 and 2012. 2/21/24 N.T. 218, 219.
4. Farrell described a past problem with alcohol and has been sober since 2004. 2/21/2024 N.T. 100.

#### Farrell's Criminal Conviction

5. From 2009 through 2013, Farrell engaged in a money laundering conspiracy with members of a multimillion dollar marijuana distribution business headed by Matt Nicka. ODC-3, 000060.
6. In October of 2015, Petitioner was indicted by a federal grand jury in Maryland for twelve offenses. ODC-1.
7. On February 6, 2017, after a fourteen-day trial, a jury found Farrell guilty of the following ten counts:
  - a. Count One - alleging that from 2009 to 2013, Farrell was involved in a money laundering conspiracy that related to proceeds generated from

Nicka's multi-state, multimillion dollar marijuana drug operation, in violation of 18 U.S.C. § 1956(h);

- b. Counts Two, Three, Five, Six, Seven and Twelve – alleging that Farrell engaged in particular acts of money laundering in violation of 18 U.S.C. § 1956(a)(1)(B)(i), by using drug proceeds received from the Nicka Organization to write checks drawn on Farrell's law firm account to pay for members of the Nicka Organization to receive legal services and to pay for money orders given to an incarcerated member of the Nicka Organization;
- c. Counts Four and Nine – alleging that Farrell attempted to obstruct a DEA forfeiture proceeding and a prosecution in the Maryland District Court in violation of 18 U.S.C. § 1512(c)(2), by submitting a forged affidavit to DEA on behalf of a Nicka Organization drug dealer, by discussing with another represented Nicka Organization drug dealer the federal investigations and criminal prosecutions, by agreeing to assist with that drug dealer's legal expenses, and by directing that drug dealer to only tell federal law enforcement authorities what they already knew at a proffer interview; and
- d. Count Eight – alleging that Farrell attempted to tamper with a witness in violation of 18 U.S.C. § 1512(b)(3), based on, *inter alia*, the advice Farrell gave to the Nicka Organization drug dealer to withhold relevant information from federal law enforcement authorities.

ODC-1; ODC-7, Ex. B and C; Bates Nos. ODC-000145-170.

8. Testimony at Farrell's criminal trial established that Farrell was the lawyer for Nicka and his organization. ODC-3, 000060.
9. Starting in at least 2009, Farrell received drug proceeds in the form of cash from Nicka. ODC-3, 000061. Farrell used the cash to pay attorneys to represent grand jury witnesses, co-conspirators in state proceedings, and defendants in the marijuana conspiracy. ODC-3, 000061.
10. During this time, Farrell encouraged several Nicka Organization members not to cooperate with federal authorities.
11. Farrell filed a forged affidavit with the DEA on behalf of one member of the Nicka Organization that prevented a forfeiture of the member's seized property.
12. Farrell maintained inadequate records of cash deposits and falsified records to make it appear that he had received payment from Nicka Organization drug dealers, which included Farrell instructing an organization member to write Farrell a check for \$10,000 in exchange for a \$10,000 cash payment from Farrell so that Farrell could make it appear that the member had paid Farrell. ODC-1, 000009, 000013-000026, 000037, 000039-000040, 000050.
13. Farrell's own words established his intimate knowledge about the Nicka Organization and his status as a willing co-conspirator. Farrell disclosed during a taped undercover conversation with an organization member that Farrell knew "everything" about the Nicka Organization and considered himself "at risk" based on his involvement with the Nicka Organization. ODC-1, p. 23.

14. Shortly after Farrell was found guilty, on February 24, 2017, Office of Disciplinary Counsel (“ODC”) and Farrell filed with the Supreme Court of Pennsylvania a Joint Petition to Temporarily Suspend an Attorney.
15. By Order dated March 10, 2017, the Court placed Farrell on temporary suspension from the practice of law.
16. Farrell was sentenced on July 17, 2017, to a total term of imprisonment of 42 months, 18 months of supervised release, payment of a \$15,000 fine, and a special assessment totaling \$1,000. ODC-7.
17. Farrell was released from prison on December 2, 2019 and after reporting to a halfway house, was immediately released on house arrest. He remained on house arrest until July 15, 2020, at which time he began an 18-month period of supervised release. Farrell completed supervised release in January of 2022 without incident. He is no longer under federal sentence. 2/21/24 N.T. 263, 264; Reinstatement Questionnaire No. 9(c).

Farrell’s Appeal to the United States Court of Appeals for the Fourth Circuit

18. Farrell appealed his criminal convictions as of right to the United States Court of Appeals for the Fourth Circuit. By Opinion dated April 5, 2019, the Fourth Circuit rejected Farrell’s challenges to his convictions and affirmed his criminal judgment. ODC-1.
19. The Fourth Circuit held that the evidence overwhelmingly showed Farrell engaged in money laundering:

- a. Farrell received thousands of dollars in cash from the Nicka Organization and used those funds to defend Nicka and the organization.
- b. Farrell knew everything about the Nicka Organization including that the Organization made large sums of cash money from marijuana trafficking.
- c. Farrell falsified his law firm's financial records regarding its receipt of defense fund cash from the Nicka Organization.
- d. Farrell took on a substantial role in protecting the Nicka Organization.
- e. Farrell threatened members of the Nicka Organization to protect the Organization.

ODC-1, 00034-36.

- 20. The Fourth Circuit further held that there was substantial evidence presented at trial that Farrell knew the money he deposited into his firm bank account was derived from the illegal source of drug trafficking. ODC-1, 000039.
- 21. Based on this overwhelming evidence of Farrell's money laundering, the Fourth Circuit affirmed his conviction for that crime.
- 22. The Fourth Circuit affirmed Farrell's conviction for attempted obstruction of official proceedings. The Fourth Circuit held that the evidence showed Farrell forged an affidavit to the DEA and succeeded in that effort, causing the DEA to forgo the administrative forfeiture of the seized property. ODC-1, 000042.
- 23. The Fourth Circuit held that the evidence showed Farrell persuaded a witness to lie to federal authorities. ODC-1, 000042.

24. Finally,<sup>1</sup> the Fourth Circuit held that there was sufficient evidence to convict Farrell of witness tampering. The Fourth Circuit stated that Farrell “knowingly sought to corruptly persuade [a witness] to withhold relevant information from federal officers during the proffer meeting.” ODC-1, 000044.
25. After the Fourth Circuit issued its opinion, Farrell filed a petition for certiorari with the United States Supreme Court, which was denied in 2019. Oral Argument N.T. 12, 13; HC Rpt. p. 21.
26. After exhausting his appeals, on November 19, 2019, Farrell submitted a voluntary resignation statement to the Court. By Order dated December 4, 2019, the Court disbarred Farrell on consent, retroactive to the date of the temporary suspension on March 10, 2017. ODC-7-8.
27. On January 15, 2020, Farrell filed with the Board a Statement of Compliance under Pa.R.D.E. 217(e).

#### **B. The Reinstatement Proceeding**

28. On July 8, 2022, Farrell filed a Petition for Reinstatement and Reinstatement Questionnaire.
29. On September 28, 2022, Farrell filed with the Board a Motion to Withdraw the 2022 Petition.
30. By Order dated September 29, 2022, the Board granted Farrell's motion.

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<sup>1</sup> The Fourth Circuit addressed other contentions made by Farrell, but those contentions were related to the admissibility of witnesses and jury instructions and not relevant to Farrell's criminal conduct or his petition for reinstatement.



31. Farrell testified that the reason he withdrew the 2022 Petition was because ODC's investigation raised issues as to Farrell's handling of IOLTA funds. 2/21/24 N.T. 283-284.

32. On February 14, 2023, Farrell filed his second Petition for Reinstatement and accompanying Questionnaire.

33. Following an investigation, on July 24, 2023, ODC filed a Response stating its opposition to Farrell's reinstatement and setting forth a number of concerns.

Farrell's Post-Disbarment Conduct

34. After Farrell was disbarred, he:

- a. failed to comply with Pa.R.D.E. 217(d)(3)(iii), in that he failed to promptly disburse fiduciary funds he was holding on behalf of five former Pennsylvania clients and three former New Jersey clients;
- b. failed to undertake "reasonable efforts" to locate the five former Pennsylvania clients to whom he owed fiduciary funds, as required by Rule of Professional Conduct ("RPC") 1.15(v)(1);
- c. failed to remit to the IOLTA Board the fiduciary funds belonging to the former Pennsylvania clients Farrell was unable to locate, as required by RPC 1.15(v)(1) (Farrell instead escheated the funds to the Commonwealth of Pennsylvania, Bureau of Unclaimed Property, in November of 2022);
- d. commingled the fiduciary funds he was holding on behalf of eight former Pennsylvania and New Jersey clients;

- e. allowed the balance in his banking account beginning on October 25, 2022, and for several weeks thereafter, to fall below the amount that Farrell was holding on behalf of the eight former Pennsylvania and New Jersey clients, in violation of RPC 1.15(b);
- f. failed to comply with Pa.R.D.E. 217(c)(3) by failing to notify the United States District Court for the District of New Jersey, the United States Court of Appeals for the Third Circuit, the United States Court of Appeals for the Eighth Circuit, the United States Court of Appeals for the Federal Circuit, and the Supreme Court of the United States of his disbarment.

2/21/24 N.T. 264-269, 273-277; 2/22/24 N.T. 216, 219, 222-230; ODC-11, 49-59.

35. In December of 2020, Farrell had to close his New Jersey IOLTA account and transferred the funds in that account (which consisted of funds belonging to both former Pennsylvania and New Jersey clients) to a savings account in the name of Farrell and his wife because he “didn’t think of it” and he “lost track of it.” 2/22/24 N.T. 219-221, 227-228.

36. ODC’s inquiry about Farrell’s taxes in connection with the investigation of Farrell’s 2022 Petition for Reinstatement resulted in Farrell realizing that he was holding fiduciary funds belonging to former Pennsylvania and New Jersey clients that he had yet to disburse. 2/22/24 N.T. 217-218.

37. In connection with the 2022 Petition, ODC sent an August 24, 2022 letter to Farrell inquiring whether Petitioner had notified the NJ District Court, the Third Circuit, the Eighth Circuit, the Federal Circuit, and the Supreme Court of the United States of his disbarment. Despite this alert, Farrell only sent the required notifications after filing the 2023 Petition and the 2023 Questionnaire, and following ODC's written request to do so. ODC-29-30, 34-36; P-11.

38. Farrell conceded he had "no excuse" for:

- a. not determining if he was holding fiduciary funds on behalf of clients that had to be disbursed when he completed and filed with the Board his January 15, 2020 Statement of Compliance, which document represented that Farrell had complied with Pa.R.D.E. 217;
- b. not opening a new account so he could deposit the fiduciary funds into an account that only held those funds rather than depositing the fiduciary funds held in the New Jersey IOLTA account into the bank account belonging to Farrell and his wife; and
- c. not notifying other jurisdictions of his disbarment before Farrell filed the 2023 Petition and Questionnaire.

2/22/24 NT 221-222, 226-227, 231-232.

39. Beginning in February of 2020 and continuing until March of 2021, Farrell engaged in law-related activities for Patrick T. Duffy, Esquire, an attorney with whom Farrell practiced law before Farrell was temporarily suspended and disbarred. 2/21/24

N.T. 277. Farrell notified the Board of his employment. P-1. Farrell's employment with Attorney Duffy was not in compliance with Pa.R.D.E. 217(j)(4)(i), which prohibits a formerly admitted attorney from performing law-related services for an attorney with whom the formerly admitted attorney was previously associated at the time of the misconduct.

40. Farrell admitted he was "wrong" in his interpretation of Pa.R.D.E. 217(j)(4)(i) and he "misadvised Mr. Duffy" that Farrell could work for Mr. Duffy. (2/22/24 N.T. 276-277)

41. From approximately March of 2021 until the present time, Farrell has worked under the supervision of Don W. Pak, Esquire as an immigration paralegal. Farrell notified the Board of the employment. P-2; 2/21/24 N.T. 143-44, 148.

42. Mr. Pak's practice emphasizes federal immigration law. He has held a New Jersey law license since 1999 but did not obtain a Pennsylvania law license until 2023. 2/21/24 N.T. 141-142.

43. From March of 2021 until sometime in 2023, because Mr. Pak was not licensed to practice law in Pennsylvania, Farrell was not in compliance with Pa.R.D.E. 217(j)(1), which requires that the formerly admitted attorney's supervisor be a member in good standing of the bar of the Commonwealth of Pennsylvania. 2/21/24 N.T. 141, 143, 145-148.

44. Farrell testified that he had complied with the various subsections of Pa.R.D.E. 217(j) during his employment as a paralegal with Mr. Pak. However, this was incorrect, as set forth above. 2/21/24 N.T. 278.

45. In completing the 2022 Questionnaire, Farrell incorrectly answered “No” in response to Question 5(d), which inquired if he has “any debts which are currently 90 or more days past due.” 2/21/24 N.T. 289; 2/22/24 N.T. 236-241; ODC-25-29, 33, 39. At that time, Farrell had an unsatisfied gas service judgment in the amount of \$720.90 that was owed to the City of Philadelphia and unsatisfied fines in connection with two traffic violation cases that were filed against him in Camden County, New Jersey, in 2004 and 2008. ODC-26-28, 39.
46. Despite ODC’s inquiry into these matters by letter dated August 24, 2022, Farrell again answered “No” in response to the same question on his 2023 Questionnaire, even though he had not satisfied the judgment and fines. ODC-29; ODC-33.
47. Farrell acknowledged that he incorrectly answered “No” in response to Question 5(d) on the 2023 Questionnaire, Part II, because he “was doing it [him]self with the assistance of someone that [he] relied upon” and he “was wrong” and “should have done right” in completing the 2023 Questionnaire. 2/22/24 NT 242-243.

#### The Reinstatement Hearing

48. Following a prehearing conference on September 26, 2023, a District I Hearing Committee held a reinstatement hearing on November 16, 2023, February 21, 2024 and February 22, 2024.
49. Farrell was represented by counsel. He presented 15 character witnesses, two of whom also offered non-character testimony. Farrell and ODC stipulated to the character testimony that two additional witnesses would have offered. Farrell

presented expert testimony, and testified on his own behalf. Farrell offered a total of 49 exhibits. ODC introduced 61 exhibits and presented no witness testimony.

50. Farrell testified that he accepted responsibility for his misconduct. He further testified that his conduct was wrong and there was no excuse for his criminal acts. 2/21/24 N.T. 255, 259, 260, 303, 304-305; 2/22/24 N.T. 208-209.

51. Farrell testified that he crossed the line and “made intentional and knowing decisions to violate the law” and he made “mistakes” and “bad judgments.” 2/21/24 N.T. 302, 303.

52. Farrell offered other testimony that indicates he has not accepted personal responsibility and is not remorseful for his wrongdoing.

53. When questioned on direct as to accepting full responsibility, Farrell testified to the “challenges” of a criminal defense lawyer, “especially with mandatory sentencing in federal court with especially drug cases, is very challenging, and I just made mistake after mistake.” 2/21/24 N.T. 255, 302-303.

54. When questioned by the Committee Chair on the subject of Farrell tampering with a witness by instructing a Nicka Organization individual to only tell the government what they already know and whether it was a fair charge against Farrell, he testified, “Absolutely. Absolutely. I don’t quite think – and I don’t want to – I’m not in any way – I’m not squirming, okay, but it’s very challenging when you’re facing, when these, you know, young people are facing these long sentences.” 2/21/24 N.T. 258.

55. At times Farrell's hearing testimony minimized his criminal conduct in contrast to the Fourth Circuit Opinion:

- a. Farrell testified that he received information from Nicka and Sharpeta about Spain's grand jury testimony; however, the Fourth Circuit stated that Farrell shared with Nicka and Sharpeta what Farrell learned from Spain about Spain's grand jury testimony;
- b. Farrell testified that he agreed to Forman's request to give Forman \$10,000 in cash in return for Forman's \$10,000 check; however, the Fourth Circuit recounted that Farrell requested from Forman a \$10,000 check and offered to give Forman \$10,000 so Farrell "could show on the books" that Farrell had been paid;
- c. Farrell testified he had not created records making it appear that Forman had made cash payments to Farrell; however, the Fourth Circuit observed in a footnote that Farrell's client transaction reports showed that Forman paid Farrell more than \$20,000 in cash;
- d. Farrell testified that he did not know that the \$200,000 in cash he received from Nicka were proceeds from a criminal activity; however, the Fourth Circuit concluded that "the evidence proved beyond peradventure Farrell's actual subjective knowledge that he had received and distributed defense fund proceeds from the Nicka Organization's unlawful drug trafficking activities";

- e. Farrell testified he kept appropriate records whenever he used the \$200,000 in drug proceeds; however, the Fourth Circuit determined that Farrell “falsified” records related to “the defense funds he received”;
- f. Farrell testified he had not directed Forman to lie to federal law enforcement authorities at a proffer session; however, the Fourth Circuit found that Farrell instructed Forman “to lie to the federal agents”;
- g. Farrell described his criminal conduct as “mistakes”; however, the Fourth Circuit viewed Farrell as knowingly engaging in multiple forms of criminal conduct in performing his roles as “consigliere” and “fixer.”

2/21/2024 N.T. 232, 255, 260, 263; 2/22/2023 N.T. 149-150, 178-181, 204-205, 257-258.

56. Farrell further testified:

- a. He was “the first of equals in developing a team of lawyers to help these young people defend a grand jury investigation”;
- b. What he “did wrong is done all the time right by especially large law firms that have a criminal department and they get hired by a hospital who is under investigation for Medicare fraud, or you know, a defense contractor that’s under investigation for fraud relating to billing”; and
- c. His collapsed defense strategy would result in “everybody to ultimately plea” guilty.

2/21/24 N.T. 232, 249-250; 2/22/24 N.T. 170, 203.



57. Farrell testified to his post-disbarment activities.

58. Farrell completed Continuing Legal Education courses required for reinstatement.

During his disbarment period, he reviewed Third Circuit and Pennsylvania Supreme Court cases. He maintains currency in the law working as a paralegal.

2/21/2024 N.T. 280, 281, 282.

59. Farrell testified to charitable activities during his disbarment.

a. He volunteers at the Joseph House, a homeless shelter in Camden, New Jersey. Farrell works in the kitchen every Thursday night assisting in feeding the homeless. Farrell volunteered for this organization for about three months after his release from prison and stopped at the commencement of COVID. Farrell resumed his volunteer work about two months prior to the reinstatement hearing. 2/21/2024 N.T. 289-299.

b. Farrell volunteers with his church parish in Philadelphia by shoveling snow, clearing leaves, acting as a back-up CCD church school teacher, and participating in events at the parish school and church. Farrell also participates in a weekly prayer group for men. 2/21/2024 N.T. 298-301.

60. Farrell presented numerous character witnesses who are lawyers and members of his community. Farrell's spouse also testified.

a. Brian McGonagle, Esquire is a criminal defense attorney in Philadelphia. 11/16/23 N.T. 69. Mr. McGonagle credibly testified that he knows Farrell and Farrell has genuine remorse for his conduct. 11/16/23 N.T. 73. Mr.

McGonagle conceded, however, that he has had minimal contact with Farrell following his conviction and his release from prison.

- b. Bradley Bridge, Esquire worked in the Philadelphia Public Defender's office for more than 40 years and knew Farrell in that capacity. He credibly testified that Farrell has accepted responsibility for his actions, expressed remorse, and is trying to make amends. 11/16/23 N.T. 106. However, he conceded he only spoke with Farrell once from 2020 through October 2023. 11/16/23 N.T. 116.
- c. The late Stephen LaCheen, Esquire testified on Farrell's behalf.<sup>2</sup> At the time of his testimony he had practiced law for approximately 65 years, mainly as a criminal defense attorney. Mr. LaCheen knew Farrell well as a criminal defense attorney. He described Farrell's conduct as "awful" but testified that Farrell expressed acceptance of responsibility and remorse and that Farrell apologized to the extent his actions affected Mr. LaCheen. 11/16/23 N.T. 127. 130-132. Mr. LaCheen, however, has had "sporadic" or "rare" contact with Farrell since 2019. 11/16/23 N.T. 143.
- d. Thomas Brophy, Esquire has known Farrell since high school. Mr. Brophy described Farrell as "aggressive" in his lawyering. 11/16/23 N.T. 159. Mr. Brophy described Farrell's criminal conduct as "aberrational and surprising." 11/16/23 N.T. 163. Like the other witnesses, Mr. Brophy had limited

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<sup>2</sup> Mr. LaCheen passed away some months subsequent to testifying at Farrell's reinstatement hearing.

interaction with Farrell from the time Farrell was released from prison until his testimony on November 16, 2023. 11/16/23 N.T. 170, 171.

- e. William Ricci, Esquire has known Farrell since high school. Mr. Ricci testified that he has seen Farrell in recent years at spiritual group meetings and Farrell has expressed shame, embarrassment, and remorse over his criminal conduct. 11/16/23 N.T. 188, 190, 204.
- f. Felicia Sarner, Esquire knew Farrell in her capacity as a federal public defender. She described him as a passionate attorney who would fight hard for his clients. 11/16/23 N.T. 224. Ms. Sarner agreed that Farrell's conduct was deliberate and not in compliance with the rules of ethics and was criminal conduct. 11/16/23 N.T. 230. She has communicated on occasion with Farrell since his release from prison but not with great regularity. 11/16/23 N.T. 236.
- g. Michael Campbell, Esquire has known Farrell since high school. 11/16/23 N.T. 248. Mr. Campbell credibly testified that Farrell's criminal conviction was serious and negatively impacts the public's perception of the legal profession. 11/16/23 N.T. 262. Mr. Campbell has had limited interaction with Farrell since his release from prison. 11/16/23 N.T. 257-259. He did testify, however, that Farrell had expressed remorse regarding his actions in a talk he gave to high school classmates before his trial. 11/16/23 N.T. 262.

- h. Honorable Gregory M. Sleet is a retired federal judge who served for twenty years on the bench for the United States District Court for the District of Delaware. 11/16/23 N.T. 264. Judge Sleet has known Farrell for a number of years starting when they were both public defenders in Philadelphia. 11/16/23 N.T. 265. Judge Sleet and Farrell became law partners for approximately a year in 1986 or 1987 after which Judge Sleet moved to Delaware and took another position. 11/16/23 N.T. 266. The two remained in touch and spoke or got together fairly regularly as time and commitments allowed. 11/16/23 N.T. 267. Judge Sleet credibly testified that Farrell initially resisted the notion that he engaged in criminal conduct. 11/16/23 N.T. 282. Judge Sleet felt that over time, after a period of incarceration, Farrell came to accept responsibility for his actions. 11/16/23 N.T. 283. Judge Sleet felt that Farrell learned over time that a lawyer cannot do the job of representing a criminal defendant at all costs, and must still abide by the rules of ethics. 11/16/23 N.T. 286.
- i. Nicholas Pinto, Esquire knew Farrell from their employment as public defenders. 11/16/23 N.T. 290. Mr. Pinto also confirmed Farrell accepted full responsibility for his misconduct and has remorse. 11/16/23 N.T. 293. Since Farrell's release from prison, Mr. Pinto has had minimal interaction with him.
- j. Francis Burns, III, Esquire has known Farrell since high school and currently sees him on Saturday mornings as part of a religious group. 11/16/23 N.T.

313. Mr. Burns visited Farrell on several occasions while he was in prison. 11/16/23 N.T. 322. Farrell told Mr. Burns “how grieved he was” and how his behavior affected others. 11/16/23 N.T. 337.

- k. Father George Bur got to know Farrell during a Saturday morning group devoted to spiritual exercises and improvement. Farrell joined the group in 2008 and rejoined after being released from prison. 2/21/24 N.T. 14-16. Father Bur testified that Farrell had a good reputation in the community and was known as a truthful and honest person. 2/21/24 N.T. 19, 20.
- l. Richard T. Bobbe, III, Esquire has known Farrell for years dating back to his time in the District Attorney’s Office in Philadelphia. Mr. Bobbe testified that Farrell has accepted responsibility but Mr. Bobbe has never spoken to Farrell about the criminal case. Further, Mr. Bobbe has not seen Farrell much since his release from prison. 2/21/24 N.T. 46.
- m. David Rudovsky, Esquire is a criminal defense attorney who has known Farrell for fifteen or so years. 2/21/24 N.T. 108. Mr. Rudovsky felt Farrell showed “some” genuine remorse “even with all of the explanations” after being released from prison. 2/21/24 N.T. 112. Mr. Rudovsky had minimal contact with Farrell after his release. 2/21/24 N.T. 125.
- n. Don W. Pak, Esquire is Farrell's current employer. 2/21/24 N.T. 143. Mr. Pak confirmed Farrell has not held himself out as an attorney and has been diligent in his working hours. He further noted Farrell’s remorse. 2/21/24 N.T. 130-160.

- o. Patrick T. Duffy, Esquire previously practiced law with Farrell. 2/21/24 N.T. 179-180. After Farrell was released from prison, he worked for Mr. Duffy as a paralegal from January of 2020 through March of 2021. 2/21/24 N.T. 181. Mr. Duffy later learned that he could not employ Farrell, pursuant to the Pennsylvania Rules of Disciplinary Enforcement governing disbarred attorneys, and Farrell left his employ to take another job. 2/21/24 N.T. 184. Mr. Duffy indicated that Farrell took full responsibility for his actions. 2/21/24 N.T. 211.
- p. Sharon Farrell is Farrell's wife. She confirmed that he has accepted full responsibility for his misconduct and has been very remorseful. 2/22/24 N.T. 106, 107, 108.
- q. The parties stipulated to the character testimony of Terry Lynam, Esquire and Henry Schober, Esquire.

61. The character witnesses are credible and speak well of Farrell based on their knowledge of him prior to his conviction; however, most have had minimal contact with Farrell since his release from prison.

62. Farrell called Dr. John O'Brien as an expert witness. Dr. O'Brien is a psychiatrist and testified as to Farrell's mental health. Farrell's current psychological condition is a longstanding history of alcohol and substance abuse, in remission. Dr. O'Brien testified there was no psychiatric illness or cognitive disability that would limit or impair Farrell's ability to function at the level required of an attorney. 2/22/24 N.T. 23, 24, 25.

### **C. The Proceedings Below**

63. On April 12, 2024, Farrell filed a post-hearing brief to the Committee in support of his qualifications for reinstatement.
64. On May 13, 2024, ODC filed a post-hearing brief to the Committee in support of its position that Farrell's reinstatement should be denied because an insufficient period of time has passed since his disbarment and he has not shown sufficient rehabilitation.
65. By Report filed on August 19, 2024, the Committee concluded that Farrell failed to meet his reinstatement burden based on an insufficient period of time that has elapsed since Farrell's misconduct and insufficient rehabilitation. The Committee recommended to the Board that the Petition for Reinstatement from disbarment be denied.
66. Farrell's counsel withdrew his appearance on September 17, 2024.
67. Farrell filed a brief on exceptions on September 26, 2024 and requested oral argument.
68. ODC filed a brief opposing exceptions on October 15, 2024.
69. A three-member panel of the Board held oral argument on January 17, 2025.
70. The Board adjudicated this matter at the meeting on January 23, 2025.

## **II. CONCLUSIONS OF LAW**

1. The misconduct for which Farrell was disbarred is not so egregious as to preclude his reinstatement. *Office of Disciplinary Counsel v. John J. Keller*, 506 A.2d 872 (Pa. 1986).
2. Farrell's eight year period of disbarment is insufficient to dissipate the detrimental impact of his misconduct on the public trust. *In the Matter of Verlin*, 731 A.2d 600 (Pa. 1999).
3. Farrell failed to meet his burden of demonstrating by clear and convincing evidence that he has the moral qualifications and competency required to practice law in this Commonwealth, and that his resumption of the practice of law within the Commonwealth will be neither detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest. Pa.R.D.E. 218(c)(3).

### III. DISCUSSION

The Board's review of this matter follows oral argument on Farrell's exceptions to the Committee's unanimous recommendation to deny his Petition for Reinstatement from disbarment on consent imposed by the Court on December 4, 2019, retroactive to March 10, 2017. Farrell contends that the Committee erred in concluding he did not meet his burden of proof and further contends that the record evidence of his remorse, acceptance of responsibility, moral qualifications, competency and learning in the law, assures the Board that he will never again engage in the conduct upon which his disbarment is based. ODC opposes Farrell's exceptions and supports the Committee's



recommendation. Upon our independent review of the record and for the following reasons, we conclude that Farrell failed to satisfy his burden by clear and convincing evidence and we recommend that Farrell's request for reinstatement to the bar of this Commonwealth be denied.

Farrell's misconduct is not so egregious as to preclude reinstatement

The primary purpose of the lawyer disciplinary system is to protect the public, preserve the integrity of the courts, and deter unethical conduct. *Office of Disciplinary Counsel v. Paul M. Pozonsky*, 177 A.3d 830, 838 (Pa. 2018). Considering that a disbarred attorney has no expectation of a right to resume the practice of law at some future time, when a disbarred attorney seeks reinstatement, the Board and the Court as a threshold matter must examine whether the magnitude of the breach of trust would permit the resumption of practice without a detrimental effect upon "the integrity and standing of the bar or the administration of justice nor subversive of the public interest." *Office of Disciplinary Counsel v. John J. Keller*, 506 A.2d 872, 875 (Pa. 1986). This initial examination recognizes that some forms of misconduct are so egregious that they will forever bar the attorney from seeking reinstatement.

Here, Farrell was disbarred from the practice of law in Pennsylvania for money laundering, tampering with official proceedings, conspiracy to engage in money laundering, and attempted witness tampering. Farrell's grave criminal acts arose from his engagement in a money laundering operation with members of a multimillion dollar marijuana distribution business. Nevertheless, consistent with the decisional law, we conclude that Farrell's misconduct is not so egregious that it should prohibit his petition

for reinstatement. See *In re Verlin*, 731 A.2d 600 (Pa. 1999) (Verlin disbarred for assisting a personal injury client in impersonating a dead man at a deposition; the Court concluded this misconduct was not so egregious as to act as an outright bar to reinstatement); *In re Greenberg*, 749 A.2d 434 (Pa. 2000) (Greenberg disbarred for misappropriation of two million dollars and commission of perjury in bankruptcy proceeding; the Court concluded that Greenberg satisfied the *Keller* standard); *In re Perrone*, 777 A.2d 413 (Pa. 2001) (Perrone was disbarred after his conviction of theft by deception and tampering with public records based on filing false and misleading fee petitions which requested payment for legal services purportedly provided to indigent defendants in the City of Philadelphia; the Court concluded that this misconduct was not so egregious as to prevent reinstatement); *In the Matter of Gerard Emmett Evans*, No. 10 DB 2001 (D. Bd. Rpt. 10/3/2008) (S. Ct. Order 12/15/2008) (conviction of mail fraud and wire fraud in connection with lobbying activities; conduct not so egregious as to bar reinstatement under *Keller*); *In the Matter of Stephen Greg Doherty*, No. 69 DB 2010 (D. Bd. Rpt. 9/13/2017) (S. Ct. Order 10/27/2017) (conviction of mail fraud, wire fraud, bankruptcy fraud and money laundering in connection with a program of real property sales and lease-back transactions intended to assist homeowners facing foreclosure; conduct not so egregious as to bar reinstatement under *Keller*). Accordingly, Farrell is not barred from seeking reinstatement based on the nature of his misconduct.<sup>3</sup>

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<sup>3</sup> The Committee found that Petitioner met the *Keller* threshold standard and ODC did not oppose this conclusion.

Farrell failed to establish that he engaged in a sufficient period of disbarment during which he engaged in rehabilitation to dissipate the impact of his misconduct on the public trust

Having concluded that Farrell's misconduct is not so egregious as to preclude considering his petition for reinstatement, we next examine whether Farrell has met his burden by clear and convincing evidence that his current resumption of the practice of law would not have a detrimental impact on the integrity and standing of the bar or the administration of justice nor be subversive of the public interest, and that he has the moral qualifications, competency and learning in the law required for admission to practice law in Pennsylvania, pursuant to Pa.R.D.E. 218(c)(3). We consider both the amount of time that has passed since Farrell's disbarment and his efforts at rehabilitation, in order to determine whether the injurious impact of his serious misconduct on the public trust has been dissipated. *Verlin*, 731 A.2d at 602.

A disbarred lawyer may apply for reinstatement after the expiration of at least five years from the effective date of the disbarment. See Pa.R.D.E. 218(b). Farrell was disbarred retroactive to March 10, 2017. At this time, Farrell has been removed from the practice of law for a period of eight years.<sup>4</sup> We observe there is no set time frame deemed sufficient for reinstatement. The determination of whether time is sufficient varies from case to case and requires close analysis of the facts.

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<sup>4</sup> The Committee found that "Although seven years have elapsed since the Petitioner was suspended, it has been only five years since he ceased filing appeals related to his criminal conduct and less than five years since he was formally disbarred (December 4, 2019) although his disbarment was retroactive to March 10, 2017." HC Rpt., p. 21. We observe that Farrell was entitled to file appeals of his criminal sentence and find no precedent for fixing the date that he ceased his appeals as the start of his disbarment period.

We are mindful of the Court's directive that "the operative question is, if the public knew of [Farrell's] transgressions, would the fact that [Farrell] was able to resume practicing law after a mere [eight] years of disbarment adversely affect the public's perception of the legal profession?" *Greenberg*, 749 A.2d at 437. We further observe that a reinstatement proceeding is a "searching inquiry into a lawyer's present professional and moral fitness to resume the practice of law. The object of concern is not solely the transgressions which gave rise to the lawyer's suspension or disbarment, but rather, the nature and extent of the rehabilitative efforts he has made since the time the sanction was imposed and the degree of success achieved in the rehabilitative process." *Philadelphia News, Inc. v. Disciplinary Board of the Supreme Court of Pennsylvania*, 363 A.2d 779, 780-781 (Pa. 1976). Therefore, we must examine whether Farrell is a different person than the one who committed the serious criminal acts—whether Farrell, during the eight years since his disbarment, has "come to terms with his misconduct" and "shown by his words and actions that he is not predisposed to commit future ethical wrongdoings." *Verlin*, 731 A.2d at 603.

As detailed in the factual findings, the magnitude of Farrell's criminal misconduct is great. Farrell's criminal acts arose from his involvement in a money laundering scheme over a period of three to four years with members of a multimillion dollar marijuana distribution organization, whereby he engaged in money laundering, tampering with official proceedings, conspiracy to engage in money laundering, and attempted witness tampering. Farrell was intimately involved in the Nicka Organization and in that role, he: conspired to launder drug proceeds; laundered drug proceeds on

multiple occasions; advised a Nicka Organization individual to lie to federal agents; impeded a DEA forfeiture proceeding involving a Nicka Organization individual and counseled that individual not to disclose he received an expensive watch from a drug supplier; concealed his laundering of drug proceeds by falsifying his law firm records and by failing to maintain proper records of cash deposits; and ensured he maintained contact with indicted Nicka Organization members and their lawyers so he could “protect the family, the group of us.” ODC-1.

The record demonstrates that following his criminal conviction, Farrell was sentenced to 42 months of imprisonment. He appealed his conviction to the Fourth Circuit Court of Appeals, which was denied in April of 2019. He filed a petition for certiorari with the United States Supreme Court, which was denied sometime in the fall of 2019. Farrell served 28 months in prison, was released to a period of house arrest in December of 2019, and was on supervised release until completion of his sentence in January of 2022. He served his time in prison and on house arrest and supervised release without incident.

When Farrell returned from prison, he began working in January of 2020 as a paralegal with his former partner, Patrick Duffy, Esquire. He then began working as an immigration law paralegal for Don W. Pak, Esquire, commencing in March of 2021, which employment continues to the present time. Farrell completed CLE credits and kept apprised of the law through his paralegal work. Farrell engaged in a period of charitable service at a homeless shelter shortly after his release from prison and resumed that activity about two month prior to his reinstatement hearing. He also engaged in volunteer work for his church and attended group spiritual meetings. Farrell presented numerous

character witnesses at the reinstatement hearing, most of whom are lawyers and one of whom is a retired federal judge. These witnesses spoke well of Farrell, although many had only minimal contact with him since his release from prison.

While the foregoing evidence may demonstrate that Farrell is “on the way to rehabilitation,” *Greenberg*, 749 A.2d at 437, it is Farrell’s own testimony that stands as an obstacle to his reinstatement bid. Farrell’s reinstatement request is hampered by his efforts to downplay his misconduct that resulted in the loss of his privilege to practice law. The record established that Farrell has difficulty accepting responsibility for his wrongdoing. His testimony was filled with caveats, explanations, and excuses for his behavior, and he often referred to his criminal conduct as “mistakes.” The record supports the conclusion that Farrell minimized his criminal conduct, a position diametrically opposite the Fourth Circuit’s depiction of Farrell as someone who became part of the Nicka Organization itself, as its “consigliere,” “fixer,” and “advisor.” ODC-1, p. 8.

At his reinstatement hearing, Farrell testified:

- He received information from Nicka and Sharpeta about Spain’s grand jury testimony; in contrast, the Fourth Circuit stated that Farrell shared with Nick and Sharpeta what Farrell learned from Spain about Spain’s grand jury testimony;
- He agreed to Forman’s request to give Forman \$10,000 in cash in return for Forman’s \$10,000 check; in contrast, the Fourth Circuit recounted that Farrell requested from Forman a \$10,000 check and offered to give Forman \$10,000 in cash so Farrell “could show in the books” that Farrell had been paid;

- He had not created records making it appear that Forman had made cash payments to Farrell; in contrast, the Fourth Circuit observed in a footnote that Farrell's client transaction reports showed that Forman paid Farrell more than \$20,000 in cash;

- He did not know that the \$200,000 in cash he received in a bag from Nicka were proceeds from a criminal activity; in contrast, the Fourth Circuit concluded that "the evidence proved beyond peradventure Farrell's actual subjective knowledge that he had received and distributed defense fund proceeds from the Nicka Organization's unlawful drug trafficking activities";

- He kept appropriate records whenever he used the \$200,000 in drug proceeds; in contrast, the Fourth Circuit determined that Farrell "falsified" records related to "the defense funds he received";

- He had not directed Forman to lie to federal law enforcement authorities at a proffer session; in contrast the Fourth Circuit found that Farrell instructed Forman "to lie to the federal agents";

- He made mistakes in reference to his criminal conduct, in contrast, the Fourth Circuit viewed Farrell as knowingly engaging in multiple forms of criminal conduct in performing his role in the Nicka Organization.

Farrell's testimony was tinged with his continuing view that he had performed virtuous or honorable work for the Nicka Organization. For example, he twice described himself as "the first of equals in developing a team of lawyers to help these young people defend a grand jury investigation." 2/21/24 N.T. 232; 2/22/24 N.T. 203. When questioned as to the fairness of the tampering with a witness charge, Farrell

testified to “challenges” faced by criminal defense attorneys in federal drug cases related to mandatory minimums and his defense of the “young people” facing long sentences. 2/21/24 N.T. 258. Farrell also maintained that what he “did wrong is done all the time right by especially large law firms that have a criminal department” representing organizational clients. 2/21/24 N.T. 249-250. A certain sense of pride in his work for the Nicka Organization seeps through Farrell’s testimony and highlights his failure to appreciate the gravity of his criminal conduct.

On this record, Farrell has not established by clear and convincing evidence that his disbarment period of eight years has been a time of rehabilitation and transformation to dissipate the detrimental impact of his serious misconduct on the public trust. The case precedent supports our conclusion.

The Court has previously considered the length of the disbarment period in relation to the misconduct and efforts at rehabilitation. In *In re Greenberg*, 749 A.2d 434 (Pa. 2000), the Court denied Greenberg’s request for reinstatement following a disbarment period of eight years. Greenberg was disbarred for his conviction of conspiracy and bank fraud, which arose from fraudulent financial transfers that resulted in the misappropriation of two million dollars from a corporation and filing false documents in bankruptcy court to conceal the criminal conduct. Greenberg was sentenced to five years in prison and restitution of 1.7 million dollars. The Court noted that Greenberg’s “misdeeds may never have come to light,” but for the “diligence” of federal law enforcement authorities, and further observed that Greenberg’s actions “brought great dishonor upon the legal profession.” Despite Greenberg offering 42 character letters and



evidence establishing he was “on the road to rehabilitation,” the Court denied reinstatement, stating that to “reinstate [Greenberg’s] license to practice law after eight years of disbarment would only tarnish the image of the legal profession further.” *Id.* at 437, 438.

Similarly, in *In re Perrone*, 777 A.2d 413 (Pa. 2001), the Court denied Perrone’s reinstatement petition after a disbarment period of nearly eight years. Perrone was disbarred for submitting false fee petitions to the City of Philadelphia over a period of three years, receiving a total of approximately \$345,000. Perrone pled guilty to theft by deception, tampering with public records or information, securing execution of documents by deception, and unsworn falsification to authorities. Perrone was sentenced to five years of probation and ordered to pay restitution. Perrone sought reinstatement some eight years later. The Court acknowledged Perrone’s rehabilitation efforts during the disbarment period, which included completing his criminal sentence, volunteering with charitable organizations, gainful employment, eight character witnesses and 24 character letters, and expressions of remorse. Still, the Court observed that Perrone’s misconduct was “both deliberate and committed solely for his own personal profit.” *Id.* at 416. Moreover, the misconduct was longstanding, having continued for three years until it was discovered, and Perrone “would not have come forward on his own to report his conduct had he not been directly and indisputably confronted with it.” *Id.* at 417. The Court also noted that considering the nature of Perrone’s misconduct, he had not performed an acceptable amount of community service. These factors moved the Court to state that “[g]iven the severity of Perrone’s misdeeds, allowing him to be reinstated after less than

eight years of disbarment would only reinforce the public's perception that lawyers are greedy and deceitful." *Id.* at 417. Consequently, the Court denied Perrone's reinstatement request on the basis that allowing him to resume the practice of law at the present time would have a detrimental effect upon the integrity and standing of the bar and on the administration of justice and would subvert the public interest.

The Court granted reinstatement in *In re Verlin*, 731 A.2d 600 (Pa. 1999). Verlin was disbarred for his conviction of criminal conspiracy, perjury, false swearing and theft by deception stemming from his improper handling of two personal injury actions whereby Verlin assisted a client in impersonating a dead man at a deposition. The Court evaluated Verlin's rehabilitation efforts over the eight year period of disbarment and found the efforts sufficient to dissipate the detrimental impact of the misconduct on the integrity and standing of the bar, the administration of justice, and the public interest. The Court noted Verlin's completion of his criminal sentence, restitution, paralegal work, community service, and excellent character evidence. The Court specifically highlighted as important to their evaluation Verlin's credible expressions of remorse for his actions. *Id.* at 603.

In addition to the guidance provided by the Court's opinions, we are guided by Board precedent. The Board has recommended denying reinstatement in matters where a disbarred attorney has not acknowledged wrongdoing or displayed remorse; these deficiencies supported the Board's conclusion that the attorneys were not rehabilitated. See *In the Matter of Robert Philip Tuerk*, Nos. 51 DB 2014 & 178 DB 2017 (D. Bd. Rpt. 9/17/2024) (S. Ct. Order 11/21/2024) (the Board found that Tuerk had not accepted personal responsibility for his misconduct); *In the Matter of Paul Joseph Staub*,

*Jr.*, No. 36 DB 2010 (D. Bd. Rpt. 1/9/2018, p. 14) (S. Ct. Order 3/1/2018) (Staub “described his thefts merely as an example of ‘bad choices’” and had not “fully acknowledged that his actions harmed others and damaged the integrity of the legal system,” which led the Board to find that Staub had “failed to express genuine remorse or apologize for his actions.”) The Court adopted the Board’s recommendations in *Tuerk* and *Staub* and denied reinstatement.

The above precedent supports the conclusion that Farrell’s eight years of disbarment is not sufficient. The Court in *Greenberg* and *Perrone* found that these disbarred attorneys were “on the road to rehabilitation” but denied their reinstatement bids on the basis that a longer period of disbarment was necessary to dissipate the detrimental impact of the misconduct. Conversely, Verlin’s eight year disbarment period was sufficient, with the Court specifically emphasizing Verlin’s credible remorse as a factor in favor of granting reinstatement. Here, Farrell’s severe misconduct was longstanding, deliberate and knowing. Moreover, his lack of appreciable recognition and remorse for his misconduct drives home the conclusion that in the instant matter, eight years has not been a sufficient period of time to dissipate the breach of trust. Reinstatement at this time is premature.

We find additional bases for our recommendation to deny Farrell’s reinstatement. Under Pa.R.D.E 218(c)(3), he must prove that he has moral qualifications and competency. As to the question of Farrell’s moral qualifications, his lack of genuine remorse and failure to accept responsibility for his wrongdoing informs our conclusion that he lacks the necessary moral qualifications. Farrell testified that his conduct was wrong,

yet as detailed above, Farrell equivocated on numerous occasions throughout his testimony, recasting his part in the Nicka Organization's criminal activities to make himself appear less culpable. He also chose to present his actions as somewhat heroic in defending the "young people," and no different than what happens in other organizations. We find Farrell's testimony that he is remorseful to be substantially undercut by his testimony minimizing his criminal conduct.

Farrell's character witnesses are an impressive group of experienced legal practitioners in his community. But their cumulative testimony cannot rehabilitate Farrell's failure to accept full responsibility and show remorse. *See In the Matter of Michael Radbill*, No. 113 DB 2004 (D. Bd. Rpt. 1/2/2019, p. 22) (S. Ct. Order 3/13/2019) (character evidence can serve to support and bolster a petitioner's remorse but cannot serve to create such remorse when the petitioner himself has not expressed it in a meaningful way). And, many of the witnesses had little contact with Farrell after his conviction and release from prison and did not offer an opinion as to whether he had transformed himself during his disbarment. Of the 15 witnesses, 9 had minimal contacts.<sup>5</sup> Of the remaining witnesses, Judge Gregory Sleet, offered compelling evidence, as he stayed in contact with Farrell while he was imprisoned and after his release. Judge Sleet shared his view that Farrell had changed, testifying that Farrell initially resisted the notion that he committed criminal acts but eventually came to accept responsibility.

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<sup>5</sup> The witnesses were: Brian McGonagle, Esquire; Bradley Bridge, Esquire; Stephen Lacheen, Esquire; Thomas Brophy, Esquire; Felicia Sarnier, Esquire; Michael Campbell, Esquire; Nicholas Pinto, Esquire; Richard T. Bobbe, III, Esquire; and David Rudovsky, Esquire.

Farrell's failure to fulfill his ethical obligations as a disbarred attorney and his careless attention to his 2023 Questionnaire raise questions as to Farrell's competence. Farrell's testimony reveals that he was either lax or uninformed related to his errors and omissions. In December of 2020, Farrell closed his New Jersey IOLTA account (since he was a disbarred lawyer) and transferred funds in that account, which belonged to former Pennsylvania and New Jersey clients, to a savings account in the name of Farrell and his wife. Farrell testified that he "didn't think of it" and "he lost track of it." 2/22/2024 N.T. 219-221, 227-228. Not until ODC made inquiries in connection with the investigation of Farrell's first request for reinstatement in 2022 did Farrell realize he was holding fiduciary funds that he had yet to disburse. 2/22/2024 N.T. 217-218.

Farrell acknowledged that he had "no excuse" for not determining if he was holding fiduciary funds on behalf of clients that had to be disbursed when he completed and filed with the Board a January 15, 2020 Statement of Compliance reporting that he had complied with Pa.R.D.E. 217, governing formerly admitted attorneys. He further acknowledged there was no excuse for not opening a new account so he could deposit the fiduciary funds into a separate account that held only those entrusted funds, rather than improperly commingling the fiduciary funds in the bank account belonging to Farrell and his wife.

Farrell's paralegal work did not fully comply with the rules in that as a disbarred lawyer he worked for Attorney Duffy, his former partner, in violation of Pa.R.D.E. 217(j)(4)(i), which prohibits a formerly admitted attorney from providing law-related services to a firm or attorney with whom the lawyer had been associated at the time of

the misconduct. Farrell explained that he was “wrong” in his interpretation of Pa.R.D.E. 217(j)(4)(i). 2/22/2024 N.T. 276-277. Farrell’s “wrong” interpretations of the rules continued during his employment with Attorney Pak. In March of 2021, Farrell began working for Mr. Pak, who at the time of Farrell’s start date was admitted in New Jersey but not admitted in Pennsylvania. Mr. Pak later was admitted in Pennsylvania in 2023. Farrell’s paralegal work for Mr. Pak prior to Mr. Pak’s admission in Pennsylvania failed to comply with Pa.R.D.E. 217(j)(1), which requires that the formerly admitted attorney be supervised by a member in good standing of the bar of the Commonwealth of Pennsylvania.

After being disbarred, Farrell failed to notify other jurisdictions where he was admitted of his disbarment and only did so before he filed his 2023 Questionnaire. ODC-36; 2/22/204 N.T. 231-232. This omission had been brought to Farrell’s attention by ODC at the time of his 2022 petition, but Farrell did not correct it until his 2023 petition. Again, Farrell conceded he had no excuse for his omission. Finally, Farrell incorrectly answered a question regarding his debts that were 90 days past due. He responded “No” to Question 5(d) on the 2023 Questionnaire, despite the fact that ODC had made Farrell aware in conjunction with his 2022 petition that he had a gas service judgment and unsatisfied fines in New Jersey traffic violation matters. Farrell testified that he incorrectly answered Question 5(d) because he relied on an assistant, and he conceded he was “wrong” and “should have done right” in completing his 2023 Questionnaire. 2/22/24 N.T. 242- 243.

These cumulative post-disbarment failings and omissions are part of the evidence we have reviewed when considering the question of Farrell's rehabilitation and fitness. To be clear, we find these issues to be less significant as a marker of Farrell's fitness to resume practice than his lack of remorse and failure to accept responsibility.

In conclusion, the searching inquiry into Farrell's present professional and moral fitness to resume the practice of law reveals that Farrell has not sufficiently rehabilitated himself from the underlying serious misconduct during his eight years of disbarment. Upon this record, we find that Farrell's resumption of the practice of law would be detrimental to the integrity and standing of the bar or the administration of justice and subversive of the public interest. For these reasons, the Board recommends that Farrell's reinstatement be denied.

IV. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, J. Michael Farrell, be denied reinstatement to the practice of law.

The Board further recommends that, pursuant to Rule 218(f), Pa.R.D.E., Petitioner be directed to pay the necessary expenses incurred in the investigation and processing of the Petition for Reinstatement.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

By: /s/ Gaetan J. Alfano  
Gaetan J. Alfano, Member

Date: 04/21/2025