

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2707 Disciplinary Docket No. 3
: :
Petitioner : No. 36 DB 2019
: :
v. : Attorney Registration No. 53881
: :
CARL B. WILLIAMSON, : (Lehigh County)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 29th day of May, 2020, upon consideration of the Report and Recommendations of the Disciplinary Board, Carl B. Williamson is suspended from the Bar of this Commonwealth for a period of one year and one day, and he shall comply with all the provisions of Pa.R.D.E. 217. Respondent shall pay costs to the Disciplinary Board. See Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 05/29/2020

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 36 DB 2019
Petitioner	:	
	:	
v.	:	Attorney Registration No. 53881
	:	
CARL B. WILLIAMSON	:	
Respondent	:	(Lehigh County)

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 208(d)(2)(iii) of the Pennsylvania Rules of Disciplinary Enforcement, the Disciplinary Board of the Supreme Court of Pennsylvania ("Board") herewith submits its findings and recommendations to your Honorable Court with respect to the above-captioned Petition for Discipline.

I. HISTORY OF PROCEEDINGS

On March 5, 2019, Petitioner, Office of Disciplinary Counsel, filed a Petition for Discipline against Respondent, Carl B. Williamson, charging him with violations of the Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement. On March 8, 2019, Petitioner personally served Respondent with the Petition for Discipline. Respondent did not file an Answer.

On May 29, 2019, District II Hearing Committee Chair Sean Murphy held a prehearing conference. Respondent appeared; indicated he did not intend to retain

counsel; acknowledged he did not file an Answer to the Petition for Discipline; acknowledged that the facts were deemed admitted; confirmed he did not intend to seek leave to file a response; and stated that he did not dispute any of the allegations in the Petition.

The Hearing Committee conducted a disciplinary hearing on July 8, 2019. Respondent did not attend. Instead, at 6:55 a.m. on the morning of the hearing, Respondent left a voicemail message with the Office of Disciplinary Counsel, stating that he would not be attending. The hearing was held, at which time Petitioner moved into evidence ODC-1 through ODC-27 and P-1 through P-3, and made Respondent's voicemail message part of the record.

On August 6, 2019, Petitioner filed a brief to the Committee and recommended that Respondent be suspended for a period of one year and one day.

Respondent did not file a post-hearing brief.

By Report filed on October 28, 2019, the Committee concluded that Respondent violated the rules charged in the Petition for Discipline and recommended that Respondent be suspended for a period of one year and one day.

The parties did not file exceptions to the Committee's Report and recommendation.

The Board adjudicated this matter at the meeting on January 16, 2020.

II. FINDINGS OF FACT

The Board makes the following findings:

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

2. Respondent is Carl B. Williamson, born in 1964 and admitted to practice law in the Commonwealth of Pennsylvania in 1988. Respondent's registered public address is 7280 Adams Street, #2, New Tripoli, Lehigh County, Pennsylvania 18066. Petition for Discipline at ¶ 2.

3. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania. *Id.* at ¶ 3.

A. Respondent Failed To Meet His CLE Requirements And Was Placed on Administrative Suspension Effective April 20, 2018.

4. Respondent is assigned to Compliance Group 2 for annual continuing legal education requirements (“CLE”) with a deadline of August 31. *Id.* at ¶ 4.

5. Respondent failed to comply with his annual CLE requirements as of August 31, 2017. *Id.*

6. Respondent received and failed to respond to any of the emails, letters, or invoices from the CLE Board dated June 2, 2017, October 20, 2017, January 24, 2018, March 21, 2018, and April 2, 2018, providing Respondent with information about his CLE

non-compliance, imposition of late fees, and steps he could take in order to remedy his non-compliance. *Id.* at ¶ 5.

7. By Order dated March 21, 2018, the Supreme Court of Pennsylvania administratively suspended Respondent effective April 20, 2018. *Id.* at ¶ 6; ODC-1.

8. By letter dated March 21, 2018, Attorney Registrar Suzanne E. Price, transmitted to Respondent a certified copy of the Administrative Suspension Order as well as forms Respondent would need to complete and submit in order to comply with Rule 217 of the Pennsylvania Rules of Disciplinary Enforcement, including a Statement of Compliance. *Id.* at ¶ 7; ODC-1.

9. Rule 217 provides, generally, that an administratively suspended attorney must disengage from the practice of law and advise clients and certain others about his administrative suspension.

10. Respondent admits he received Ms. Price's letter. Petition ¶ 8.

11. Respondent admits he failed to comply with any of the rules identified in Ms. Price's letter. *Id.* at ¶ 9.

12. Respondent also admits he did not file a Statement of Compliance. *Id.* at ¶ 10.

B. Respondent Became Current on His CLE Requirements, But Did Not Comply With The Administrative Suspension Order To Be Reinstated.

13. On July 2, 2018, a Compliance Specialist from the CLE Board wrote to Ms. Price “*via* electronic submission” to certify to her that Respondent “has complied with the Pennsylvania [CLE] Board’s Rules and Regulations. This attorney has complied with our requirement since the effective date of the Supreme Court Order on 4/20/2018.” *Id.* at ¶ 23; ODC-19.

14. The Compliance Specialist also provided a copy of this letter to Respondent. *Id.*

15. That same day, on July 2, 2018, Ms. Price wrote to Respondent to confirm her receipt of the CLE Board's certification. ODC-20.

16. In her July 2, 2018 letter, Ms. Price advised Respondent that in light of Respondent's newly confirmed compliance with his CLE requirements, he could now have his license reinstated by complying with Pa.R.D.E. 219(h). Ms. Price specifically enumerated certain things that Respondent must submit to the Attorney Registration Office in order to be reinstated, including:

- a. The current annual fee;
- b. The annual fee that would have been due had the person not been administratively suspended;
- c. The late payment penalty;
- d. DB-25 – Statement of Compliance; and
- e. A reinstatement fee of \$300.00

Id.

17. Respondent did not contact the Attorney Registrar in order to finalize his reinstatement. Petition at ¶ 27.

18. Respondent has been administratively suspended since the effective date of the Administrative Suspension Order on April 20, 2018. *Id.* at ¶ 11; ODC-2.

C. **Respondent Engaged In The Practice Of Law While Suspended, And Otherwise Failed To Comply With Pa.R.D.E. 217.**

19. As of April 20, 2018, Respondent remained counsel of record in ten (10) matters before the Lehigh County Court of Common Pleas as follows:

- a. ***John Billiard v. ProMark Tree Service, Inc.***, Case No. 2016-C-3245 (the "***Billiard*** Matter");

b. **John Wesley Taylor, III and Heidi Taylor d/b/a Taylor Aviation v. National Label Company**, Case No. 2017-C-3774 (the “Taylor Matter”);

c. **In re: Estate of James Boone**, Case No. 2000-1664;

d. **In re: Estate of Robert A. Karess**, Case No. 2003-0383;

e. **Charles L. Kent v. Zady M Pineda**, Case No. 2009-C-3469;

f. **In re: Estate of Rocco M. Generose**, Case No. 2012-0251;

g. **In re: Estate of Theresa Oswald A/K/A Therese Pusnik Oswald**, Case No. 2013-0566;

h. **Scott Robinson v. Kimberly Robinson**, Case No. 2013-FC-1125;

i. **Alyssa Tomcheck v. Fred M Cerimele**, Case No. 2014-C-4158; and

j. **Karen Morris v. Kawon Havens**, Case No. 2015-C-2310.

Id. at ¶ 13; ODC-12; ODC-18a through ODC-18h.

20. From the effective date of the Administrative Suspension Order until June 28, 2018, Respondent continued to represent the plaintiff, Mr. Billiard, in the **Billiard** Matter. *Id.* at ¶ 14.

21. On April 20, 2018, Respondent executed a stipulation, as counsel for Plaintiff that allowed Plaintiff to file an Amended Complaint against the defendants. ODC-3.

22. On May 23, 2018, the Honorable Michele A. Varricchio scheduled a Status Conference in the **Billiard** Matter to be held on June 28, 2018 at 3:30 pm. Petition at ¶

15; ODC-4. Judge Varricchio included in the Order that “[f]ailure to appear may result in sanctions, including the dismissal of the action and entry of a final order by the Court.”

ODC-4.

23. The Court sent the Order to Respondent, who was on Administrative Suspension at the time, and not to Mr. Billiard. *Id.*

24. On June 4, 2018, Judge Varricchio sent an Amended Order changing the start time of the hearing to 3:00 pm. The Order was, again, sent to Respondent and not to Mr. Billiard. ODC-5.

25. On June 28, 2018, neither Respondent nor Mr. Billiard was in the courtroom when Judge Varricchio called the **Billiard** Matter for the Status Conference at 3:11 pm on June 28, 2018. Petition at ¶ 18.

26. Opposing counsel informed Judge Varricchio that he did not know the reason Respondent had not appeared for the Status Conference and asked the Court to enter a judgment of *non pros* as the appropriate sanction for plaintiff's failure to appear at the Status Conference, consistent with the notice on the Scheduling Order. *Id.* at ¶ 19; ODC-9, pp. 2-3.

27. Respondent arrived at 3:21 p.m., and Judge Varricchio informed him he had missed the Status Conference. Respondent stated he believed the conference started at 3:30 pm. Petition at ¶ 20; ODC-9, p. 4.

28. Judge Varricchio asked Respondent for his “status to practice,” and the following discussion ensued:

MR. WILLIAMSON: I'm suspended temporarily because of ethics. I finished my ethics – I thought I finished my ethics course yesterday, Your Honor, in preparation for this [scheduling conference]. And I need to do all of my 2018, also. So I thought I would be ready for this, Your Honor.

THE COURT: You're not allowed to be here then. I hate to be having this conversation but – so you're here on behalf of Billiard, right?

MR. WILLIAMSON: Yes, Your Honor.

THE COURT: Technically. So I non-prossed the case because your Plaintiff wasn't here. What is Billiard going to do.

MR. WILLIAMSON: He was counting on me to get my act together and get my license unsuspended, which I will have done.

THE COURT: You entered this stipulation. You can't come into court if your license is suspended. Aren't you risking further sanctions?

MR. WILLIAMSON: I am, Your Honor, but -- I am, Your Honor.

THE COURT: That's a black and white standard, isn't it? Why are you doing that, I ask rhetorically. And so I think the only thing that you can do is tell your client that you can't come into court and ask for the non-pros to be set aside but that Billiard's got to contact [opposing counsel].

MR. WILLIAMSON: I will do that.

* * *

Id. at ¶ 20; ODC-9, pp. 4-5.

29. By Orders dated July 3, 2018 and July 5, 2018, the Court struck Respondent's appearance in the **Billiard** Matter and rescheduled the Status Conference for August 2, 2018. *Id.* at ¶ 24; ODC-10; ODC-11.

30. By letter dated July 27, 2018, Mr. Billiard asked Respondent to provide him with Respondent's files for all of his legal matters. Mr. Billiard stated, *inter alia*, "In light of the events that have transpired over the past few weeks I believe this is the best course for me." ODC-15.

31. Respondent provided to Mr. Billiard his files for the *Billiard* Matter and for Mr. Billiard's Worker's Compensation case. Petition at ¶ 25.

32. The *Billiard* Matter is the only instance that Petitioner identified where Respondent actually practiced law during his administrative suspension. N.T. at 29-30.

33. The remaining nine (9) cases involve Respondent's failure to withdraw from the matter.

34. In *Taylor v. National Label Company*, Case No. 2017-C-3774, Petitioner presented:

a. a copy of a complaint Respondent filed on November 6, 2017 (prior to Respondent's administrative suspension) (ODC-13);

b. a June 19, 2018 Order scheduling the matter for arbitration on August 16, 2018, which was sent to Respondent, who was then on suspension (ODC-14); and

c. an August 10, 2018, Application for Continuance filed pro se by the plaintiff in that matter, Mr. Taylor, requesting an extension because his "Lawyer was suspended" and "Defendant making payments," which the Court granted. ODC-16.

35. The evidence presented with respect to the *Taylor* matter confirms Respondent did not withdraw from representing his client in an active matter.

36. For the remaining eight cases (identified in Paragraphs 19(c) – (j), *supra.*), the ODC introduced the dockets for each case to demonstrate Respondent did not withdraw his appearance or petition to the Court to withdraw his appearance. ODC-18(a) – (h).

37. The dockets reflected that, for three of the cases, Respondent commenced litigation but never prosecuted the matters, for reasons unknown. ODC-18(a), 18(b), and 18(c). In each of these three cases, the Court sent notice to Respondent, while he was on administrative suspension, that the cases would be terminated for inactivity and they subsequently were terminated. *Id.* In one case, the plaintiff petitioned to reopen the case. ODC-18a.

38. In other cases, it appears the cases filed by Respondent on behalf of the various clients may have reached their natural conclusion before Respondent was placed on administrative suspension. ODC-18(d) (Estate filed in 2000 with estimated value of \$2,000, last entry is Death Certificate on 4/6/17); ODC-18(e) (Estate filed in 2013 with estimated value of \$200,000, last entry is Notice of Inheritance Tax Assessment 10/23/17); ODC-18(f) (Estate filed in 2003 with estimated value of \$2,000, last entry is Death Certificate on 12/3/12); ODC-18(g) (Estate filed in 2012 with estimated value of \$50,000, last entry is Notice of Inheritance Tax Assessment 2/12/16); and ODC-18(h) (Complaint in Divorce filed 9/20/13, with divorce granted 12/21/15).

39. From April 20, 2018, through at least September 4, 2018, Respondent continued to advertise his legal services in Pennsylvania on his Linked-In Profile. Petition ¶ 26; ODC-21.

D. Respondent Accepted Responsibility For His Conduct, But He Failed To Participate In Certain Aspects Of The Disciplinary Proceedings.

40. On August 2, 2018, the ODC issued its DB-7 Request for Statement of Respondent's Position (the "DB-7"), which placed Respondent on notice of the allegations that he had engaged in the unauthorized practice of law, other misconduct, and had not complied with the Administrative Suspension Order. ODC-22.

41. By letter dated September 4, 2018, Respondent responded to the DB-7 stating:

Dear Attorney Pirone:

I do not contest any of the facts set forth in the Complaint of the Office of Disciplinary Counsel. I acknowledge that I was provided with notices of my failure to obtain the necessary CLE credit for 2017 and the consequences of same. I had intended to complete my CLE credits before the deadline, then when I missed that deadline, intended to complete my CLE credits before I needed to attend any hearings, meetings or other legal work for my clients. Thinking that I would be able to have my license suspension lifted I failed (as I was required to do) to notify my clients of my suspension.

* * *

ODC-23.

42. In his September 4, 2018 letter, Respondent also wrote that he “will be seeking to suspend (his) practice and become inactive.” ODC-23. Notably, by that time, Respondent had already been administratively suspended for four and one-half months.

43. On March 5, 2019, Petitioner filed a Petition for Discipline; Respondent was properly served; and Respondent failed to Answer the Petition.

44. Respondent did not participate in the hearing and waited until the last possible moment to advise the Committee and Petitioner of this fact.

45. Respondent did not make any effort to comply with Rule 217 of the Pennsylvania Rules of Disciplinary Enforcement.

46. Respondent has a prior record of discipline.

47. On May 11, 2016, Respondent received an Informal Admonition in File No. C2-15-407 for violations of RPC 1.1, RPC 1.3 , RPC 1.4(a)(3), RPC 1.4(a)(4), RPC 1.4(b), RPC 1.4(c), RPC 1.16(d), RPC 3.2, and RPC 8.4(c). P-1

48. The Informal Admonition related to Respondent's mishandling of a medical malpractice action involving the death of a woman at a hospital. According to the DB-7 Letter, Respondent failed to timely prosecute the case, failed to meet several important deadlines, failed to pursue discovery, failed to present an expert; failed to respond to summary judgment; and failed to properly communicate with his client. P-2

49. Respondent was remorseful and accepted responsibility for the misconduct that resulted in the Informal Admonition. P-1, P-3.

50. From the beginning of the disciplinary process, in response to the DB-7 letter, Respondent admitted his misconduct, advised he does not contest the allegations against him, and accepted responsibility for his actions. He repeated this, on the record, on two other occasions.

III. CONCLUSIONS OF LAW

By his conduct as set forth above, Respondent violated the following Rules of Professional Conduct ("RPC") and Pennsylvania Rules of Disciplinary Enforcement ("Pa.R.D.E.):

1. RPC 1.16(a)(1), which states that an attorney must withdraw from an existing representation "if the representation will result in violation of the rules of professional conduct or other law."

2. RPC 5.5(a), which states that "a lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so."

3. RPC 5.5(b)(1), which states that "a lawyer who is not admitted to practice in this jurisdiction shall not, except as authorized by these Rules, Pa.B.A.R. 302 or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law."

4. RPC 5.5(b)(2), which states that "a lawyer who is not admitted to practice in this jurisdiction shall not hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction."

5. RPC 7.1, which states that "a lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading."

6. RPC 8.4(c), which states that “(i)t is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.”

7. Pa.R.D.E. 203(b)(3), which states that “willful violation of any other provision of the Enforcement Rules, shall be grounds for discipline.”

8. Pa.R.D.E. 217(a), which states that “a formerly admitted attorney shall promptly notify, or cause to be promptly notified, all clients being represented in pending matters, other than litigation or administrative proceedings, of the disbarment, suspension, administrative suspension or transfer to inactive status and the consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status and shall advise said clients to seek legal advice elsewhere.”

9. Pa.R.D.E. 217(b), which states that “a formerly admitted attorney shall promptly notify, or cause to be notified, by registered or certified mail, return receipt requested, all clients who are involved in pending litigation or administrative proceedings, and the attorney or attorneys for each adverse party in such matter or proceeding, of the administrative suspension...and consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the ... administrative suspension...The notice to be given to the client shall advise the prompt substitution of another attorney or attorneys in place of the formerly admitted attorney. In the event the client does not obtain substitute counsel before the effective date of the... administrative suspension...it shall be the responsibility

of the formerly admitted attorney to move in the court or agency in which the proceeding is pending for leave to withdraw....”

10. Pa.R.D.E. 217(c)(2), which states that “a formerly admitted attorney shall promptly notify, or cause to be notified, of the disbarment, suspension, administrative suspension or transfer to inactive status, by registered or certified mail, return receipt requested: all other persons with whom the formerly admitted attorney may at any time expect to have professional contacts under circumstances where there is a reasonable probability that they may infer that he or she continues as an attorney in good standing. The responsibility of the formerly admitted attorney to provide the notice required by this subdivision shall continue for as long as the formerly admitted attorney is disbarred, suspended, administratively suspended or on inactive status.”

11. Pa.R.D.E. 217(e), which states that “within ten days after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status order, the formerly admitted attorney shall file with the Board a verified statement showing: (1) that the provisions of the order and these rules have been fully complied with; and (2) all other state, federal and administrative jurisdictions to which such person is admitted to practice. Such statement shall also set forth the residence or other address of the formerly admitted attorney where communications to such person may thereafter be directed.”

12. Pa.R.D.E. 217(i), which states that “a formerly admitted attorney shall keep and maintain records of the various steps taken by such person under these rules so that, upon any subsequent proceeding instituted by or against such

person, proof of compliance with these rules and with the disbarment, suspension, administrative suspension or transfer to inactive status order will be available.”

13. Pa.R.D.E. 217(j)(4), which states “a formerly admitted attorney may not engage in any form of law-related activities in this Commonwealth except in accordance with the following requirements: Without limiting the other restrictions in this subdivision (j), a formerly admitted attorney is specifically prohibited from engaging in any of the following activities: . . . (ii) performing any law-related services from an office that is not staffed by a supervising attorney on a full time basis; (iii) performing any law-related services for any client who in the past was represented by the formerly admitted attorney; (iv) representing himself or herself as a lawyer or person of similar status; (v) having any contact with clients either in person, by telephone, or in writing, except as provided in paragraph (3); . . . (vii) appearing on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, hearing officer or any other adjudicative person or body. . . .”

IV. DISCUSSION

Herein, the Board considers Respondent’s unauthorized practice of law while administratively suspended due to noncompliance with the Pennsylvania Rules for Continuing Legal Education. Petitioner bears the burden of proving ethical misconduct by a preponderance of clear and satisfactory evidence. *Office of Disciplinary Counsel v. John T. Grigsby, III*, 425 A.2d 730, 732 (Pa. 1981). Petitioner personally served Respondent with the Petition for Discipline; however, Respondent failed to file an Answer

to the Petition for Discipline. Factual allegations in the Petition are deemed admitted if an answer to the Petition is not timely filed, pursuant to Pa.R.D.E. 208(b)(3).

The record is clear that from the start, by his response to the DB-7 inquiry, Respondent did not intend to challenge the allegations of misconduct. At the prehearing conference, Respondent acknowledged that he did not respond to the Petition for Discipline and further acknowledged that the facts contained therein were deemed admitted. He clearly stated on the record at the prehearing conference that he did not dispute any of the allegations contained in the Petition for Discipline. Thereafter, Respondent did not attend the disciplinary hearing, informing Petitioner by voice mail on the morning of the hearing that he did not contest the allegations against him.

The factual allegations and Petitioner's Exhibits prove that Respondent engaged in professional misconduct in violation of the Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement.

Effective April 20, 2018, Respondent was administratively suspended from the practice of law for failing to meet his annual CLE requirements. Thereafter, during the next three months, Respondent completed his CLE credits. The record indicates that on July 2, 2018, a compliance specialist from the CLE Board certified to the Attorney Registrar that as of that date, Respondent had complied with his CLE requirements. The Attorney Registrar notified Respondent that he could have his license reinstated by complying with the requirements of Pa.R.D.E. 219(h). Unfortunately and inexplicably, Respondent never contacted the Attorney Registrar to take the administrative steps necessary to finalize his return to active status. Respondent has remained on administrative suspension status since April 20, 2018.

As of April 20, 2018, Respondent was counsel of record in ten matters before the Lehigh County Court of Common Pleas. In one of the matters involving Respondent's client, John Billiard, Respondent engaged in the unauthorized practice of law. Respondent received two separate notices from the court concerning a scheduled status conference. Respondent failed to withdraw as counsel even though he was no longer permitted to practice, and did not notify the court or his client at that time that he was not permitted to practice. Respondent appeared at the status conference on behalf of Mr. Billiard. Upon his arrival, and at the judge's prompting, Respondent stated that his license was suspended and he was attempting to change that status by finishing his CLE credits, but that he nevertheless appeared at the conference to represent Mr. Billiard's interests because his client was "counting on me." ODC-9, pp. 4-5. Respondent indicated he understood there could be disciplinary ramifications for his actions.

Although Respondent's conduct in the *Billiard* matter was the only instance where he actually practiced law during his administrative suspension by appearing at the status conference, Respondent failed to withdraw from nine other matters. In the *Taylor* matter, the court sent Respondent a June 19, 2018 order scheduling the matter for arbitration on August 16, 2018. On August 10, 2018, an Application for continuance was filed pro se by Mr. Taylor, requesting an extension for among other things, the fact that his "Lawyer was suspended." The court granted the Application. The evidence supports the finding that Respondent did not withdraw from representing his client in an active matter. In the other eight matters, Petitioner presented evidence through court dockets that confirmed Respondent did not withdraw from his appearance or petition the court to withdraw his appearance. Separate and apart from these matters, Respondent continued

to hold himself out as a practicing lawyer through advertisement of his legal services in Pennsylvania on his Linked-In profile.

Herein, we note two weighty aggravating factors that must be considered in the imposition of discipline. Respondent, who has practiced law in the Commonwealth since 1988, has a history of prior discipline. He was informally admonished in 2016 for mishandling a medical malpractice action by failing to timely prosecute the matter; failing to meet deadlines; failing to pursue discovery; failing to present an expert; failing to respond to summary judgment; and failing to communicate with his client.

Respondent's failure to appear at the disciplinary hearing aggravates this matter. See, *Office of Disciplinary Counsel v. John Klinger Mort*, 110 DB 2015 (D. Bd. Rpt. 5/10/2016) (S. Ct. Order 6/30/2016). As discussed above, Respondent did advise Petitioner from the beginning of the process that he did not contest the allegations against him and he later appeared at the prehearing conference to state unequivocally that he acknowledged the charges against him and would not contest them. We concur with the Committee's finding that Respondent accepted responsibility for his actions. Respondent's failure to appear at the hearing may fairly be construed as a matter of his resignation to the fact that discipline would be imposed, rather than an outward sign of disrespect to the disciplinary system. Nevertheless, Respondent's last-minute notification to the Committee and Petitioner on the morning of the scheduled disciplinary hearing that he would not attend was inexcusable and unprofessional. Respondent's nonappearance waived his opportunity to explain his actions to the Committee and this Board and to present any mitigating facts.

It is well-settled that because attorney discipline is imposed on a case-by-case basis, the Board's recommended discipline must reflect facts and circumstances

unique to the case, including circumstances that are aggravating or mitigating. **Office of Disciplinary Counsel v. Peter Quigley**, 161 A.3d 800, 807 (Pa. 2017). Despite the fact-intensive nature of the endeavor, consistency is required so that similar misconduct “is not punished in radically different ways.” **Office of Disciplinary Counsel v. Robert S. Lucarini**, 472 A.2d 186, 190 (Pa. 1983).

After considering the recommendations of Petitioner and the Hearing Committee for a suspension of one year and one day, and after reviewing the nature and gravity of the misconduct as well as the presence of aggravating or mitigating factors in the context of the case precedent, we recommend that Respondent be suspended from the practice of law for a period of one year and one day.

Respondent’s actions constitute serious misconduct for which discipline is required. The case law establishes that attorneys who have engage in the unauthorized practice of law have been subject to license suspension. The duration of the suspension depends on the totality of the circumstances.

Discipline imposed in recent cases has ranged from a six month period of suspension to a two year period of suspension.¹ See, **Office of Disciplinary Counsel v. Andrea D. Goodrich**, 102 DB 2019 (S. Ct. Order 7/3/2019) (six month suspension on consent for engaging in the unauthorized practice of law while acting as corporate counsel; expressed remorse; accepted responsibility; no prior discipline; cooperated with

¹ We note a long-established line of cases from the 2000s, wherein the Court imposed suspension for one year and one day in matters involving the unauthorized practice of law. See, **Office of Disciplinary Counsel v. James Edward Harvin**, No. 108 DB 2008 (D. Bd. Rpt. 3/5/2010) (S. Ct. Order 6/16/2010); **Office of Disciplinary Counsel v. Peter William DiGiovanni**, No. 36 DB 2008 (D. Bd. Rpt. 2/27/2009) (S. Ct. Order 5/28/2009); **Office of Disciplinary Counsel v. Karen R. Mainor**, No. 135 DB 2005 (D. Bd. Rpt. 9/14/2007) (S. Ct. Order 3/10/2008); **Office of Disciplinary Counsel v. Harry Curtis Forrest, Jr.**, 134 DB 2003 (D. Bd. Rpt. 12/30/2004) (S. Ct. Order 3/25/2005); **Office of Disciplinary Counsel v. Sharon Goldin-Didinsky**, No. 87 DB 2003 (D. Bd. Rpt. 8/27/2004) (S. Ct. Order 12/13/2004).

Office of Disciplinary Counsel); **Office of Disciplinary Counsel v. Sheila K. Younger-Halliman**, 239 DB 2018 (S. Ct. Order 2/21/2019) (one year suspension on consent for creating the false impression that respondent was licensed to practice in Texas; engaging in the unauthorized practice of law in five matters in Texas and Georgia; failing to respond to a client's communications; no record of discipline; demonstrated remorse; cooperated with Office of Disciplinary Counsel); **Office of Disciplinary Counsel v. Lek Domni**, 98 DB 2015 (D. Bd. Rpt. 5/3/2016) (S. Ct. Order 6/27/2016)(Domni was administratively suspended, during which time he commenced a lawsuit in one matter, remained of record in several active matters, and failed to contact nine clients, opposing counsel and the courts that he was ineligible to practice law; abandoned his practice and relocated to New York; Domni's neglect resulted in courts deferring some cases and dismissing others; failed to file a response to the Petition for Discipline; failed to appear at the disciplinary hearing; no prior record of discipline; the Board recommended and the Court imposed a suspension for one year and one day, in order to require Domni to undergo the reinstatement process to prove his fitness to practice law); **Office of Disciplinary Counsel v. Keith Hall Barkley**, No. 144 DB 2016 (D. Bd. Rpt. 9/13/2017) (S. Ct. Order 11/14/2017) (Barkley was placed on administrative suspension in Pennsylvania and was not licensed to practice law in any other jurisdiction; during the suspension, Barkley maintained an office for the practice of law in Utah, offered his legal services in immigration matters, represented to the public he was admitted to practice in Utah, and engaged in the unauthorized practice of law in several matters; no prior discipline; weighty aggravating factors in that Barkley failed to answer the charges against him, failed to appear at the hearing, and had three civil contempts in a bankruptcy case and failed to

satisfy the judgments; the Board recommended a two year period of suspension, which the Court imposed).

Respondent's unauthorized practice consisted of his continued representation of Mr. Billiard over a nine-week period and his failure to withdraw his appearance from nine other matters. There was very little actual activity in the *Billiard* matter, but for Respondent's appearance before the court at a status conference, at which he advised the court, when asked, that he was administratively suspended and acknowledged he could be subject to disciplinary action.

In other matters, Respondent failed to withdraw his appearance, even after receiving a scheduling order from the court in one matter. There is no evidence that Respondent actively engaged in the practice of law by filing pleadings or appearing before the court.

Standing alone, this misconduct could be addressed with a short suspension, as in *Goodrich* and *Younger-Halliman*. However, like the attorneys in *Domni* and *Barkley*, Respondent's failure to appear at the disciplinary hearing aggravates this matter and warrants more severe discipline. Respondent's misconduct is not as serious or extensive as that in *Domni* and *Barkley*, but unlike those attorneys, Respondent has a prior disciplinary record, which serves to aggravate this matter and necessitates the imposition of discipline that requires Respondent to undergo the reinstatement process and prove his fitness to practice law.

The Board is mindful when adjudicating each case that the primary purpose of the lawyer discipline system in Pennsylvania is to protect the public, preserve the integrity of the court, and deter unethical conduct. *Office of Disciplinary Counsel v. Akim Camus*, 889 A.2d 1197, 1203 (Pa. 2005). Here, the goals of the system will be

served by suspending Respondent for a period of one year and one day, which sanction is consistent with discipline imposed in prior matters.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Respondent, Carl B. Williamson, be Suspended for one year and one day from the practice of law in this Commonwealth.

It is further recommended that the expenses incurred in the investigation and prosecution of this matter are to be paid by the Respondent.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: _____

Robert L. Repard, Member

Date: _____

02/21/2020