

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

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 37 DB 2021
Petitioner	:	
	:	File No. C1-20-760
v.	:	
	:	Attorney Registration No. 313227
SHAWN KENDRICKS PAGE, SR.	:	
Respondent	:	(Philadelphia)

O R D E R

AND NOW, this 15th day of April, 2021, in accordance with Rule 208(a)(5), Pa.R.D.E., the determination by a Review Panel of the Disciplinary Board of the above captioned matter is accepted; and it is

ORDERED that the said SHAWN KENDRICKS PAGE, SR. of Philadelphia be subjected to a **PUBLIC REPRIMAND** by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(a)(5) and Rule 205(c)(8) of the Pennsylvania Rules of Disciplinary Enforcement.

Costs shall be paid by the Respondent.

BY THE BOARD:



Board Chair

TRUE COPY FROM RECORD

Attest:



Marcee D. Sloan, Board Prothonotary
The Disciplinary Board of the
Supreme Court of Pennsylvania

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PUBLIC REPRIMAND

By Order dated April 15, 2021, the Board directed that Shawn Kendricks Page, Sr. receive a public reprimand.

In February 2018, Anthony Whaley retained Respondent to represent him at sentencing and to appeal his conviction and sentence in a criminal case filed in the Court of Common Pleas of Delaware County. Mr. Whaley paid to Respondent a \$2,500 retainer toward the \$4,000 fee.

On April 9, 2018, Respondent appeared for Mr. Whaley's sentencing before the Honorable Richard M. Cappelli. On April 30, 2018, Respondent filed on behalf of his client a Notice of Appeal to the Superior Court. After the Superior Court received Judge Cappelli's Opinion, the Court issued an order directing that Mr. Whaley's brief was due by December 31, 2018. The Court granted an extension for Respondent to file the brief by January 30, 2019. However, Respondent failed to file a brief on behalf of his client. On March 6, 2019, the Superior Court dismissed the appeal.

On March 11, 2019, Respondent filed a Post-Conviction Relief Act Petition ("PCRA Petition") seeking to have Judge Cappelli reinstate Mr. Whaley's direct appeal rights. The PCRA filing was premature, as the criminal conviction and sentence in the

criminal case was not yet final because the period for discretionary review in the United States Supreme Court had not yet lapsed. By Order dated April 2, 2019, Judge Cappelli denied the PCRA Petition. Respondent appealed the denial to the Superior Court. On December 27, 2019, Respondent filed an application to withdraw as counsel for Mr. Whaley with the Superior Court.

By Order dated January 17, 2020, the Superior Court directed the trial court to rule on the withdrawal motion. On February 11, 2020, Judge Cappelli heard the withdrawal motion, after which the judge appointed substitute counsel to represent Mr. Whaley and granted Respondent's request to be withdrawn as counsel. Thereafter, Respondent sent a letter to Mr. Whaley requesting that Mr. Whaley provide an address so Respondent could refund the \$2,500 retainer. Mr. Whaley sent two letters to Respondent with a mailing address, but Respondent did not refund the monies in response to those letters. Respondent claims he only received the letter dated September 22, 2020, but in any event, did not refund the monies until January 12, 2021, after Office of Disciplinary Counsel had commenced investigation into this matter.

By his conduct, Respondent violated the following Rules of Professional Conduct ("RPC"):

1. RPC 1.1 – Respondent failed to provide competent representation to his client. Respondent's filing of a PCRA Petition on behalf of Mr. Whaley was premature because Mr. Whaley's criminal conviction and sentence in his criminal case was not yet final as the period for discretionary review in the United States Supreme Court had not lapsed.

2. RPC 1.3 – Respondent failed to act with reasonable diligence and promptness in representing his client. Respondent failed to file a brief on behalf of Mr. Whaley in Mr. Whaley's appellate case that was pending in the Superior Court of Pennsylvania, which circumstance resulted in the dismissal of Mr. Whaley's appellate case.
3. RPC 1.16(d) – Upon termination of the representation, Respondent failed to refund unearned fees. Respondent failed to mail a \$2,500 refund check to Mr. Whaley after Mr. Whaley had provided Respondent with an address. However, the record established that after Office of Disciplinary Counsel commenced its investigation of this matter, Respondent refunded the monies in full.
4. RPC 8.4(d) – Respondent's conduct prejudiced the administration of justice.

Respondent has a history of discipline consisting of an informal admonition imposed in 2019.

Respondent's conduct in this matter is public. This Public Reprimand is a matter of public record and shall be posted on the Disciplinary Board's website at www.padisciplinaryboard.org

A handwritten signature in black ink, appearing to read "Joel P. Gabel", with a long horizontal flourish extending to the right.

Board Chair