

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1363 Disciplinary Docket No. 3  
Petitioner :  
v. : No. 43 DB 2008  
JOHN J. KELLER, : Attorney Registration No. 10282  
Respondent : (Lehigh County)


ORDER

**PER CURIAM:**

AND NOW, this 15<sup>th</sup> day of October, 2014, there having been filed with this Court by John J. Keller his verified Statement of Resignation dated August 25, 2014, stating that he desires to resign from the Bar of the Commonwealth of Pennsylvania in accordance with the provisions of Rule 215, Pa.R.D.E., it is

ORDERED that the resignation of John J. Keller is accepted; he is disbarred on consent from the Bar of the Commonwealth of Pennsylvania; and he shall comply with the provisions of Rule 217, Pa.R.D.E. Respondent shall pay costs, if any, to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.

A True Copy Patricia Nicola  
As Of 10/15/2014

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

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

OFFICE OF DISCIPLINARY COUNSEL	:	No. 1363 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 43 DB 2008
v.	:	
	:	Attorney Registration No. 10282
JOHN J. KELLER	:	
Respondent	:	(Lehigh County)

**RESIGNATION BY RESPONDENT**

Pursuant to Rule 215  
of the Pennsylvania Rules of Disciplinary Enforcement

RE: Office of Disciplinary Counsel  
v. JOHN J. KELLER  
No. 1363 Disciplinary Docket No. 3  
No. 43 DB 2008  
Attorney Registration No. 10282  
(Lehigh County)

RECORD OF PRIOR DISCIPLINE

Disbarment – Ordered March 21, 1986  
No. 491 Disciplinary Docket No. 2

By Opinion filed March 21, 1986, Respondent was Disbarred from the practice of law in this Commonwealth. The Disbarment was based on misconduct in two client matters. In the first charge, Respondent was hired to represent an estate, and estate check made payable to an heir was deposited into Respondent's trust account and used for his own purposes. In the second charge, Respondent represented both parties involved in a real estate transaction. Respondent converted the settlement funds to his own use without the knowledge or consent of the mortgagees, his clients or the title insurance company. By Order dated October 11, 1994, Respondent was reinstated to the practice of law.

BEFORE THE DISCIPLINARY BOARD OF  
THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :  
Petitioner :  
: No. 43 DB 2008  
v. :  
: Atty. Registration No. 10282  
: JOHN J. KELLER :  
Respondent : (Lehigh County)

RESIGNATION  
UNDER Pa.R.D.E. 215

John J. Keller hereby tenders his unconditional resignation from the practice of law in the Commonwealth of Pennsylvania in conformity with Pa.R.D.E. 215 ("Enforcement Rules") and further states as follows:

1. He is an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on November 18, 1971.

His attorney registration number is 10282.

2. He desires to submit his resignation as a member of said bar.

3. His resignation is freely and voluntarily rendered; he is not being subjected to coercion or duress; and he is fully aware of the implications of submitting this resignation.

4. He is aware that there is presently pending a formal disciplinary proceeding, the nature of which charges have been made known to him by service of a Petition for Discipline docketed at No. 43 DB 2008, a true and correct copy of which is attached hereto, made a part hereof, and marked "Exhibit A."

5. He acknowledges that the material facts upon which the allegations of complaint contained in "Exhibit A" are based are true.

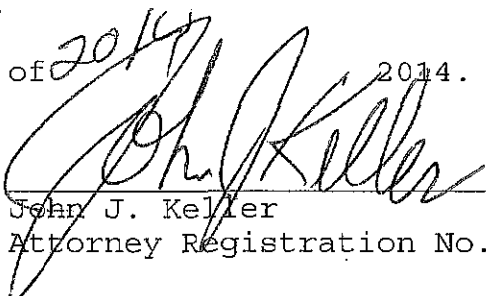
6. He submits the within resignation because he knows that if charges were predicated upon the misconduct under investigation, he could not successfully defend himself against them.

7. He is fully aware that the submission of this Resignation Statement is irrevocable and that he can only apply for reinstatement to the practice of law pursuant to the provisions of Enforcement Rule 218(b) and (c).

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

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

Signed this August 25 day of 2014, 2014.

  
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John J. Keller  
Attorney Registration No. 10282

WITNESS: Jamie Keller

BEFORE THE DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 43 DB.2008
Petitioner :
v. :
JOHN J. KELLER, : Atty. Reg. No. 10282
Respondent : (Lehigh County)

PETITION FOR DISCIPLINE

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Esquire, Chief Disciplinary Counsel, and Bruce H. Bikin, Esquire, Disciplinary Counsel, files the within Petition for Discipline and charges Respondent, John J. Keller, with professional misconduct in violation of the Rules of Professional Conduct and the Pennsylvania Rules of Disciplinary Enforcement (hereinafter "Pa.R.D.E.") as follows:

1. Petitioner, whose principal office is located at the Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter "Pa.R.D.E."), with the power and duty to investigate all matters involving alleged misconduct of an attorney admitted

FILED

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Office of the Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.

3. Respondent, John J. Keller, was born in 1945, was admitted to practice law in the Commonwealth on November 18, 1971, maintained his office at 133 N. 5<sup>th</sup> Street, Allentown, Lehigh County, Pennsylvania, and is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

4. On February 1, 2007, Respondent was indicted by a United States Grand Jury on seventeen counts of wire fraud under Title 18, U. S. Code, § 1343. Respondent was further charged with having defrauded his client, Tanya Slavinsky ("Ms. Slavinsky"), of \$225,000.

5. Respondent was charged with using his position as Ms. Slavinsky's attorney to make unauthorized disbursements of her money from his IOLTA Account. Respondent was charged with using that money to pay employee salaries, purchase office supplies and obtain cash for his personal use.

6. On May 20, 2008, Respondent was found guilty by a jury of counts 6 through 17 of the indictment for wire fraud pursuant to Title 18, U. S. Code, § 1343.

7. Respondent was sentenced to 57 months in prison for each count, to be served concurrently, and three (3) years of supervised release. Respondent was also ordered to pay \$225,000 in restitution.

8. By Order of July 31, 2008, the Pennsylvania Supreme Court granted Petitioner's Petition for Emergency Temporary Suspension and Related Relief pursuant to Pa. R. D. E. 208(f)(2) and placed Respondent on temporary suspension.

9. Respondent filed a direct appeal to the United States Court of Appeals for the Third Circuit seeking to overturn his conviction. On September 27, 2010, the Third Circuit Court of Appeals affirmed Respondent's conviction and sentence.

10. Respondent subsequently filed an ineffective assistance of counsel collateral appeal pursuant to 28 U.S.C. § 2233. On December 6, 2013, the district court dismissed the collateral attack on the verdict and the sentence.

11. By his conduct as alleged in Paragraphs 3 through 6 above, Respondent violated the following Rules of Professional Conduct and Rules of Disciplinary Enforcement that were in effect at the time of Respondent's criminal conviction in 2008:

a. Former RPC 1.15(b), which stated that a lawyer shall hold property of clients or third persons that is in the lawyer's possession in connection with a representation separate from the lawyer's own property;

b. RPC 8.4(b), which states that it is misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;

c. RPC 8.4(c), which states that it is misconduct



for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

d. Former Pa. R. D. E. 203(b)(1), which stated that conviction of a serious crime shall be grounds for discipline;

WHEREFORE, Petitioner prays that your Honorable Board appoint, pursuant to Rule 205, Pa.R.D.E., a Hearing Committee to hear testimony and receive evidence in accordance with Rule 214(f)(1) on the sole issue of the extent of the final discipline to be imposed, and at the conclusion of said hearing, to make such findings of fact, conclusions of law, and recommendations for discipline as it may deem appropriate.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

Paul J. Killion  
Chief Disciplinary Counsel

By



Bruce H. Bikin  
Disciplinary Counsel  
Attorney Registration No. 22126  
District II Office  
820 Adams Avenue, Suite 170  
Trooper, PA 19403  
(610) 650-8210

VERIFIED STATEMENT

I, Bruce H. Bikin, Disciplinary Counsel, state under the penalties provided in 18 Pa. C. S. §4904 (unsworn falsification to authorities) that:

I am a Disciplinary Counsel of the Disciplinary Board of the Supreme Court of Pennsylvania assigned to prosecute this matter pursuant to the Pennsylvania Rules of Disciplinary Enforcement;

I am authorized to make this verified statement; and

The facts contained in the attached Petition for Discipline are true and correct to the best of my knowledge, information and belief.

5-9-2014  
Date



\_\_\_\_\_  
Bruce H. Bikin  
Disciplinary Counsel