

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 1789 Disciplinary Docket No. 3
Petitioner	:	
	:	
v.	:	No. 69 DB 2011
	:	
	:	
KATE LYNN,	:	Attorney Registration No. 88953
Respondent	:	(Lehigh County)

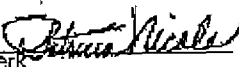
ORDER

PER CURIAM:

AND NOW, this 22<sup>nd</sup> day of December, 2011, there having been filed with this Court by Kate Lynn her verified Statement of Resignation dated October 7, 2011, stating that she 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 Kate Lynn is accepted; she is disbarred on consent from the Bar of the Commonwealth of Pennsylvania; and she 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 12/22/2011

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

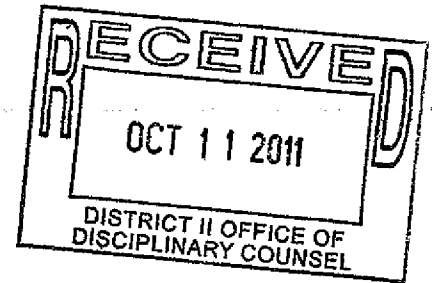
**BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL	:	No. 69 DB 2011
Petitioner	:	
	:	
v.	:	Attorney Registration No. 88953
	:	
KATE LYNN	:	
Respondent	:	(Lehigh County)

**RESIGNATION BY RESPONDENT**

Pursuant to Rule 215  
of the Pennsylvania Rules of Disciplinary Enforcement

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA



OFFICE OF DISCIPLINARY COUNSEL, :  
Petitioner :  
: No. 69 DB 2011  
v. :  
: Attorney Registration No. 88953  
KATE LYNN, :  
Respondent : (Lehigh County)

RESIGNATION  
UNDER RULE 215, Pa.R.D.E.

Respondent, hereby tenders her resignation from the practice of law in the Commonwealth of Pennsylvania in conformity with Rule 215, Pa.R.D.E., and further states as follows:

1. She is a formerly admitted attorney in the Commonwealth of Pennsylvania having been admitted to the bar on or about July 16, 2002, and placed on administrative suspension by the Pennsylvania Supreme Court by Order dated December 18, 2010.
2. She desires to submit her resignation as a member of said bar.
3. Her resignation is freely and voluntarily rendered; she is not being subjected to coercion or duress and she is fully aware of the implications of submitting this resignation.
4. She is aware that there are presently pending investigations into allegations that she has been guilty of misconduct, the nature of which allegations have been made known to her by a Petition for Discipline personally served upon her on May 25, 2011, a true and correct copy of which is attached hereto, made a part hereof and marked Exhibit "A."

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

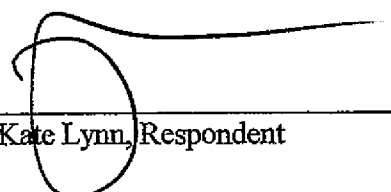
6. She submits the within resignation because she knows that she could not successfully defend herself against the charges of professional misconduct set forth in the attached Exhibit "A."

7. She is fully aware that the within resignation statement is irrevocable and that she can apply for reinstatement to the practice of law only pursuant to the provisions of Rule 218, Pa.R.D.E.

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

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

Signed this 7<sup>th</sup> day of October, 2011.

  
\_\_\_\_\_  
Kate Lynn, Respondent

WITNESS:



BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 69 DB 2011  
Petitioner :  
v. : Attorney Reg. No. 88953  
KATE LYNN, :  
Respondent : (Lehigh County)

PETITION FOR DISCIPLINE

Petitioner, the Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Patricia A. Dugan, Disciplinary Counsel, files the within Petition for Discipline and charges Respondent, Kate Lynn, with professional misconduct in violation of the Rules of Professional Conduct and the Pennsylvania Rules of Disciplinary Enforcement as follows:

1. Petitioner, whose principal office is situated at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62485, Harrisburg, Pennsylvania 17106, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter "Pa.R.D.E."), with the power and

FILED

MAY 10 2011

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

WE HEREBY CERTIFY THE WITHIN TO  
BE A TRUE AND CORRECT COPY

*Patricia A. Dugan*

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 said Rules.

2. Respondent, Kate Lynn, was born on May 29, 1962, was admitted to practice law in the Commonwealth on July 16, 2002, and maintained her office at 609 Hamilton Mall, Suite 15, Allentown, Pennsylvania, 18101 in Lehigh County.

3. On or about April 16, 2009, Respondent changed her address to P.O. Box 3596 Easton, Pennsylvania 18043.

4. In June of 2009, Respondent changed her address to P.O. Box 30094, Seattle, Washington, PA 98113.

5. On or about December 14, 2010, Respondent changed her address to P.O. Box 245 Mountlake Terrace, Seattle, Washington 98043.

6. Respondent was placed on administrative suspension on December 18, 2010, by Order of the Pennsylvania Supreme Court.

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

## CHARGES

### *The Bank of America IOLTA Overdrafts Matter (C2-09-299)*

8. In February of 2009, Respondent maintained an Interest on Lawyer's Trust Account, hereinafter "IOLTA", at Bank of America, titled in the name Law Offices of Kate Lynn, PC, with an account number ending in 7300.

9. In February of 2009, Respondent maintained an Operating Account at Bank of America titled in the name Law Offices of Kate Lynn, PC, with an account number ending in 6835.

10. On February 11, 2009, Bank of America sent an Attorney Trust Account Overdraft Report to the Pennsylvania Lawyers' Fund for Client Security, hereinafter, "the Fund" to notify the Fund that Respondent's check in the amount of \$925.00 was presented for payment on February 9, 2009, and that there were insufficient funds at the time of presentation. This caused an overdraft on Respondent's IOLTA in the amount of -\$653.54. Bank of America honored the item presented.

11. On February 19, 2009, Katherine J. Peifer, Esquire, Executive Director of the Fund, sent Respondent a copy of the Dishonored Check Notice from Bank of America and requested a written, documented explanation as to why the overdraft occurred.

12. Respondent failed to respond to Ms. Peifer's letter of February 19, 2009.

13. On March 10, 2009, Ms. Peifer sent Respondent a copy of her February 19, 2009 Overdraft Notification letter. She provided

Respondent an additional five days to provide a documented explanation of the circumstances surrounding the IOLTA overdraft as requested in her original letter to Respondent. Ms. Peifer sent the March 10, 2009 letter to Respondent, via certified mail, return receipt requested at 609 Hamilton Mall, Suite 15, Allentown, Pennsylvania 18101.

14. On March 16, 2009, the post office returned a signed green return receipt card to Ms. Peifer noting delivery had taken place.

15. Respondent failed to respond to Ms. Peifer's letter of March 10, 2009.

16. On March 23, 2009, Ms. Peifer sent a letter to Respondent at 609 Hamilton Mall, Suite 15, Allentown, Pennsylvania 18101 via certified mail, return receipt requested and notified Respondent that she was referring the matter to the Office of Disciplinary Counsel for further inquiry.

17. On or about March 27, 2009, the post office returned a signed return receipt card to Ms. Peifer noting delivery had taken place.

18. On April 8, 2009, Petitioner sent to Respondent at 609 Hamilton Mall, Suite 15, Allentown, Pennsylvania 18101, via first class U.S. mail and certified mail, return receipt requested, a DB-7 Request for Statement of Respondent's Position, (hereinafter, "DB-7").



19. Petitioner also requested in the DB-7 that Respondent provide Bank of America IOLTA bank records for the account ending in 7300 from November 1, 2008 up to and including the present, within twenty days of the date on the DB-7.

20. On April 16, 2009, the post office returned a signed green return receipt card to Petitioner noting delivery of the DB-7. A new address of P.O. Box 3596, Easton, Pennsylvania 18043 was hand written on the green card.

21. On March 31, 2009, Bank of America sent an Attorney Trust Account Overdraft Report to the Fund to notify the Fund that Respondent's check in the amount of \$947.38 was presented for payment on March 30, 2009 and that there were insufficient funds at the time of presentation. This caused an overdraft on Respondent's IOLTA in the amount of -\$512.12. Bank of America honored the item presented.

22. On April 3, 2009, Bank of America sent an Attorney Trust Account Overdraft Report to the Fund to notify the Fund that Respondent's check in the amount of \$30.00 was presented for payment on April 1, 2009 and that there were insufficient funds at the time of presentation. This caused an overdraft on Respondent's IOLTA in the amount of -\$542.12. Bank of America honored the item presented.

23. On April 13, 2009, Petitioner sent to Respondent at 609 Hamilton Mall, Suite 15, Allentown, Pennsylvania 18101, via first

class U.S. mail and certified mail, return receipt requested, a DB-7A Request for Statement of Respondent's Position, (hereinafter, "DB-7A").

24. On April 23, 2009, the post office returned a signed green return receipt card to Petitioner noting delivery of the DB-7A. A new address of P.O. Box 3596, Easton, Pennsylvania 18043 was hand written on the green card.

25. On May 11, 2009, Petitioner sent to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043, via first class U.S. mail and certified mail, return receipt requested, a letter providing Respondent until May 25, 2009 to answer the allegations contained in the DB-7 and DB-7A. Petitioner enclosed a copy of the DB-7, dated April 8, 2009 and the DB-7A, dated April 13, 2009 with the letter.

26. On May 26, 2009, the post office returned a signed green return receipt card to Petitioner noting delivery of the May 25, 2009 letter with enclosures.

27. On June 8, 2009, ODC sent to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043, via first class U.S. mail and certified mail, return receipt requested, a letter providing Respondent until June 28, 2009 to provide full responses to the outstanding allegations contained in the DB-7 and DB-7A and to submit copies of the Bank of America IOLTA bank records as previously requested.

28. On July 13, 2009, the post office returned an unclaimed certified letter to Petitioner noting that delivery had not taken place. A forwarding address of P.O. Box 30094, Seattle, Washington 98113 was hand written on the outside of the envelope.

29. On August 4, 2009, Petitioner sent to Respondent at P.O. Box 30094, Seattle, Washington 98113, P.O. Box 3596, Easton, Pennsylvania 18043 and a personal address in Bethlehem, Pennsylvania 18020, via first class mail and certified mail, return receipt requested, a letter providing Respondent until August 24, 2009 to provide full responses to the outstanding allegations contained in the DB-7 and DB-7A and to submit copies of the Bank of America IOLTA bank records as previously requested.

30. On August 7, 2009, the post office returned a signed green return receipt requested card to Petitioner noting delivery to Respondent at P.O. Box 30094, Seattle, Washington 98113.

31. On or about August 8, 2009, the post office returned unclaimed certified letters to Petitioner noting that delivery had not taken place at the Bethlehem and Easton, Pennsylvania addresses. A forwarding address of P.O. Box 30094, Seattle, Washington 98113 was hand written on the outside of each envelope.

32. On March 8, 2010, Petitioner sent to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043 and P.O. Box 30094, Seattle, Washington 98113, via certified mail, return receipt requested, a

letter requesting additional documentation as well as the documentation originally requested in the April 8, 2009 DB-7.

33. On April 5, 2010 and April 19, 2010, the post office returned both unclaimed certified letters to Petitioner noting that delivery had not taken place at either address.

34. None of the letters that Petitioner sent to Respondent via first class U.S. mail were returned to Petitioner.

**The Jennifer Radogna Matter (C2-09-582)**

35. In September of 2008, Jennifer Radogna retained Respondent to represent her in her divorce.

36. Ms. Radogna was an employee of Enterprise Rent-a-Car. The CLC, Inc. Life Management Program at Enterprise Rent-a-Car referred Ms. Radogna to Respondent.

37. Respondent had never represented Ms. Radogna and failed to provide Ms. Radogna with a written statement of the basis or rate of Respondent's fee.

38. On or about September 4, 2008, Ms. Radogna paid Respondent a retainer of \$1,500.00 by credit card.

39. Between September of 2008 and May of 2009:

- a.) Respondent and her paralegal, Lori Mehl, worked on Ms. Radogna's divorce matter;
- b.) Respondent communicated with potential counsel for Ms. Radogna's husband, Joel Ziev, Esquire;

- c.) Respondent communicated with Ms. Radogna by telephone, email and letter;
- d.) Respondent's turnaround time in responding to Ms. Radogna's communications was not prompt;
- e.) Respondent provided Ms. Radogna with a draft property settlement agreement;
- f.) Ms. Radogna and her husband reviewed the agreement, crossed out a paragraph, initialed the change and returned the draft property settlement agreement to Respondent;
- g.) Ms. Radogna requested an accounting of services rendered for the fee she paid Respondent; and
- h.) Respondent failed to provide Ms. Radogna with an accounting of services rendered.

40. In May of 2009, Respondent sent Ms. Radogna a cover letter asking her to review and sign the enclosed property settlement agreement and paperwork. Ms. Radogna called Respondent after receiving the letter and told Respondent that her husband would not sign the property settlement agreement because it still contained the paragraph they had crossed out. Respondent told Ms. Radogna that she would forward a new original of the property settlement agreement with the objectionable paragraph taken out.

41. On June 2, 2009, Respondent sent an email to Ms. Radogna and advised her that Respondent was sending her final papers with the corrected property settlement agreement in the mail.

42. Respondent failed to forward to Ms. Radogna any documents.

43. Between June 2, 2009, and June 18, 2009, Ms. Radogna sent Respondent seven emails advising Respondent that she had not received any correspondence from Respondent and requested that Respondent advise her of the status of her case.

44. Respondent failed to respond to Ms. Radogna's emails.

45. In or about April of 2009, Respondent relocated her office from Allentown, Pennsylvania to another address and did not notify Ms. Radogna.

46. Ms. Radogna called Respondent (610-435-7770 and 610-295-5415) on numerous occasions. All of the calls went into voicemail.

Ms. Radogna left several voicemail messages for Respondent to return her calls. Respondent failed to return any of her calls.

47. Ms. Radogna contacted the representative at the Life Management Program of her employer who originally referred her to Respondent. In June of 2009, Danette Jones, a customer care manager for CLC, Inc., called Respondent (610-295-5415) and left three messages for Respondent to return her calls. Respondent failed to return her calls.

48. In late June of 2009, Ms. Radogna sent emails and left voicemail messages advising Respondent that she was terminating Respondent's services. Ms. Radogna requested her file and a refund of her retainer.

49. Respondent failed to return Ms. Radogna's file, provide her with an accounting of the services rendered and a refund of any unearned fee.

50. On July 9, 2009, Respondent sent an email to Ms. Radogna and advised that Respondent would continue to represent her.

51. On July 13, 2009, Ms. Radogna sent an email to Respondent and left a voicemail message advising Respondent that she had retained new counsel. Ms. Radogna requested that Respondent return her file, provide an accounting of services rendered and a refund of any unearned fee.

52. Respondent has failed to return Ms. Radogna's file, provide her with an accounting of services rendered and a refund of any unearned fee.

53. Respondent has failed to provide Ms. Radogna with any executed withdrawal documents.

54. On August 4, 2009, Petitioner sent to Respondent at P.O. Box 30094, Seattle, Washington 98113, P.O. Box 3596, Easton, Pennsylvania 18043, and a personal address in Bethlehem, Pennsylvania 18020, via first class U.S. mail and certified mail, return receipt requested, a DB-7 letter.

55. Petitioner also requested in the DB-7 that Respondent provide proof that she deposited Ms. Radogna's \$1,500.00 retainer in an IOLTA and copies of bank statements for the account for the period of May 2008 to the present.

56. On or about August 17, 2009, the post office returned two unclaimed certified letters sent to the two addresses in Pennsylvania to Petitioner noting that delivery had not taken place. A forwarding address of P.O. Box 30094, Seattle, Washington 98113 was hand written on the outside of each envelope.

57. In August of 2009, the post office returned an unclaimed certified letter sent to P.O. Box 30094, Seattle, Washington 98113 to Petitioner noting that delivery had not taken place.

58. On August 26, 2009, Petitioner sent to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043, a personal residence in Bethlehem, Pennsylvania 18020, and P.O. Box 30094, Seattle, Washington 98113, via first class U.S. mail and certified mail, return receipt requested, a letter providing Respondent until September 4, 2009 to provide full responses to the outstanding allegations in the enclosed DB-7 and to submit copies of the IOLTA bank records as previously requested.

59. On September 17, 2009, the post office returned all three signed green return receipt cards to Petitioner noting delivery of the DB-7 on September 15, 2009, at P.O. Box 30094, Seattle, Washington 98113.



60. On March 8, 2010, ODC sent to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043 and P.O. Box 30094, Seattle, Washington 98113, via certified mail, return receipt requested, a letter providing Respondent until March 26, 2010 to answer the allegations contained in the DB-7 and to provide the requested documentation. Petitioner enclosed a copy of the DB-7, dated August 4, 2009, with the letter.

61. On April 5 and April 19, 2010, the post office returned both unclaimed certified letters to Petitioner noting that delivery had not taken place at either address.

62. On April 23, 2010, Petitioner sent to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043 and P.O. Box 30094, Seattle, Washington 98113, via first class U.S. mail and certified mail, return receipt requested, a DB-7A to add an additional rule violation not contained in the DB-7 letter. Petitioner provided Respondent with twenty days in which to answer.

63. On May 14, 2010, the post office returned the unclaimed letter addressed to Respondent at P.O. Box 30094, Seattle, Washington 98113 to Petitioner noting delivery had not taken place.

64. On May 18, 2010, the post office returned the unclaimed letter addressed to Respondent at P.O. Box 3596, Easton, Pennsylvania, 18043 to Petitioner noting delivery had not taken place.

65. None of the letters that Petitioner sent to Respondent via first class U.S. mail were returned to Petitioner.

*The Tori January Matter (C2-09-598)*

66. In July of 2008, Respondent:

- a.) Met with Tori January and agreed to represent her in her divorce;
- b.) Provided Ms. January with a written statement of the basis or rate of her fee; and
- c.) Requested and received a consultation fee of \$250.00 and a retainer of \$3,000.00 from Ms. January.

67. Between July of 2008; and March of 2009, Respondent took steps to represent Ms. January in her divorce and Respondent communicated with her in a timely manner.

68. In March of 2009, Respondent delayed in responding to Ms. January's emails and failed to return her calls.

69. On April 27, 2009, Respondent attended a conference with Ms. January, her husband, and her husband's counsel, Kathleen Collins, Esquire.

70. In April of 2009, Respondent told Ms. January that she was moving her office and that during the move Respondent was having tremendous difficulties with her computer networking and databases.

71. Between April of 2009 and July 6, 2009, Ms. January attempted to communicate with Respondent by email and telephone on numerous occasions. Respondent failed to respond to her communications.

72. In May and June of 2009, Ms. Collins called Respondent and left several voicemail messages for Respondent to return her calls. Respondent failed to return all but one of Ms. Collins' messages concerning Respondent's withdrawal from Ms. January's case. Respondent called Ms. Collins' office and told her secretary that Respondent moved her office. Respondent did not call and speak to Ms. Collins about withdrawing from Ms. January's case.

73. On July 6, 2009, Ms. January sent Respondent an email and requested that Respondent provide her with her file so that Ms. January could pass it on to a new lawyer. Ms. January also requested an accounting of time spent on her divorce and a check for the remainder of any unearned fee.

74. On July 9, 2009, Respondent sent Ms. January an email and asked Ms. January if she wanted Respondent to finish negotiations with opposing counsel concerning the settlement agreement in the case. Respondent told Ms. January that if she wanted Respondent to close her file and return documents, Respondent would do that. Respondent told Ms. January that she had moved her offices and that during the move Respondent had tremendous difficulties with her

computer networking and databases and that finally the issues were ironed out and Respondent's office was back up and running.

75. On July 10, 2009, Ms. January sent an email to Respondent and requested again that Respondent refund any unearned fee.

76. On July 10, 2009, Respondent sent an email to Ms. January and told her that Respondent would send Ms. January's file to her via Federal Express.

77. On July 22, 2009, Respondent sent a cover letter to Ms. January and enclosed her file. Respondent also advised Ms. January that Respondent would send under separate cover a final invoice and a Motion, Affidavit and Notice for Respondent's withdrawal as her attorney.

78. Respondent failed to provide Ms. January with an accounting of services rendered, a refund of any unearned fee, and executed withdrawal documents.

79. On August 4, 2009, Petitioner sent to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043, a personal residence in Bethlehem, Pennsylvania 18020, and P.O. Box 30094, Seattle Washington 98113, via first class U.S. mail and certified mail, return receipt requested, a DB-7.

80. ODC also requested in the DB-7 that Respondent provide proof that she deposited Ms. January's \$3,000.00 retainer in an IOLTA and provide copies of bank statements for the IOLTA for the period May 2008 to the present.

81. On or about August 26, 2009, the post office returned all three unclaimed certified letters to Petitioner noting that delivery had not taken place at any of the addresses.

82. On August 26, 2009, Petitioner sent to Respondent at P.O. Box 3596 Easton, Pennsylvania 18043, a personal residence in Bethlehem, Pennsylvania 18020 and P.O. Box 30094, Seattle, Washington 98113, via first class U.S. mail and certified mail, return receipt requested, a letter providing Respondent until September 4, 2009, to answer the allegations contained in the DB-7 and to provide the requested documentation. Petitioner enclosed a copy of the DB-7, dated August 4, 2009, with the letter.

83. On September 17, 2009, the post office returned all three signed green return receipt cards to Petitioner noting delivery of the DB-7 to Respondent on September 15, 2009, at P.O. Box 30094, Seattle, Washington 98113.

84. On March 8, 2010, Petitioner sent to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043 and P.O. Box 30094, Seattle, Washington 98113, via certified mail, return receipt requested, a letter providing Respondent until March 26, 2010, to answer the allegations contained in the DB-7 and to provide the requested documentation. Petitioner enclosed a copy of the DB-7, dated August 4, 2009, with the letter.

85. On April 5, 2010, and April 19, 2010, the post office returned both unclaimed certified letters to Petitioner noting that delivery had not taken place at either address.

86. On April 23, 2010, Petitioner sent to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043 and P.O. Box 30094, Seattle, Washington 98113, via first class U.S. mail and certified mail, return receipt requested, a DB-7A to add an additional rule violation not contained in the DB-7 letter. Petitioner provided Respondent with twenty days in which to answer.

87. On May 14, 2010, the post office returned the unclaimed letter, addressed to Respondent at P.O. Box 30094, Seattle, Washington 98113, to Petitioner noting delivery had not taken place.

88. On May 18, 2010, the post office returned the unclaimed letter, addressed to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043, to Petitioner noting delivery had not taken place.

89. None of the letters that Petitioner sent to Respondent via first class U.S. mail were returned to Petitioner.

**The Stamo Ballas-Groenewold Matter (C2-09-1006)**

90. In January of 2009:

a.) Stamo Ballas-Groenewold contacted Respondent regarding a legal matter;

- b.) Respondent agreed to represent Ms. Ballas-Groenwold;
- c.) Respondent quoted a fee of \$600.00;
- d.) Respondent told Ms. Ballas-Groenewold that it would take approximately 3 to 6 months to complete her legal matter; and
- e.) Respondent forwarded a written fee agreement.

91. On January 20, 2009, Ms. Ballas-Groenewold sent Respondent a check in the amount of \$600.00 and an executed fee agreement.

92. In February of 2009, Respondent negotiated Ms. Ballas-Groenewold's check and deposited it into her Operating Account at Bank of America.

93. Between February of 2009, and September of 2009, Respondent failed to:

- a.) Initiate communication with Ms. Ballas-Groenewold;
- b.) Provide evidence to Ms. Ballas-Groenewold that Respondent had performed any work on her legal matter; and
- c.) Respond to numerous telephone messages from Ms. Ballas-Groenewold

94. On September 29, 2009, Ms. Ballas-Groenewold sent a letter to Respondent and requested that Respondent communicate with her regarding the status of her legal matter.

95. In the spring of 2009, Respondent:

- a.) Closed her practice of law at 609 W. Hamilton Mall, Suite 15, Allentown, Pennsylvania 18101; and
- b.) Requested the post office to forward her mail addressed to the Hamilton Mall address to P.O. Box 3596, Easton, Pennsylvania 18043.

96. On May 14, 2009, Respondent advised Petitioner that she was relocating to the State of Washington for personal reasons.

97. In June of 2009, Respondent requested the post office to forward mail delivered to P.O. Box 3596, Easton, Pennsylvania to P.O. Box 30094, Seattle, Washington 98113.

98. Respondent failed to notify Ms. Ballas-Groenewold that she was no longer practicing law at the Hamilton Mall address and that Respondent relocated to Washington.

99. Respondent failed to notify the Attorney Registrar's Office of her move to the State of Washington, in writing, within 30 days after her move, or on Respondent's 2009-2010 Pennsylvania Annual Attorney Fee Form.

100. On October 28, 2009, Ms. Ballas-Groenewold sent to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043 and P.O. Box 30094, Seattle, Washington, a letter, via first class U.S. mail and certified mail, return receipt requested, and requested that Respondent communicate with her regarding the status of her legal matter, provide her with an accounting of services rendered and a



refund of any unearned fee. Respondent did not claim the certified letters. The post office did not return the letters sent by first class U.S. mail.

101. Respondent failed to provide Ms. Ballas-Groenewold with an accounting of services rendered, and a refund of any unearned fee.

102. Respondent failed to return Ms. Ballas-Groenewold's file.

103. On March 8, 2010, Petitioner sent to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043 and P.O. Box 30094, Seattle, Washington 98113, via first class U.S. mail and certified mail, return receipt requested, a DB-7.

104. On April 5, 2010, and April 19, 2010, the post office returned both unclaimed certified letters to Petitioner noting delivery had not taken place at either address.

105. On April 23, 2010, Petitioner sent to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043 and P.O. Box 30094, Seattle, Washington 98113, via first class U.S. mail and certified mail, return receipt requested, a DB-7A to add an additional rule violation not contained in the DB-7 letter. Petitioner provided Respondent with twenty days in which to answer.

106. On May 14, 2010, the post office returned the unclaimed letter addressed to Respondent at P.O. Box 30094, Seattle, Washington 98113 to Petitioner noting delivery had not taken place.

107. On May 18, 2010, the post office returned the unclaimed letter addressed to Respondent at P.O. Box 3596, Easton, Pennsylvania, 18043 to Petitioner noting delivery had not taken place.

108. None of the letters that Petitioner sent to Respondent via first class U.S. mail were returned to Petitioner.

**The Kristine Ludwig Matter (C2-09-1052)**

109. Between July of 2008 and November of 2008:

- a.) Respondent met with Kristine Ludwig and agreed to represent her in her divorce;
- b.) Respondent requested that Ms. Ludwig sign a written fee agreement wherein Respondent required an advance retainer of \$4,000.00 to be applied toward the payment of future bills;
- c.) Ms. Ludwig paid the \$4,000.00 retainer via credit card;
- d.) Respondent and her paralegal, Lori Mehl, met with Ms. Ludwig on two occasions;
- e.) Respondent prepared a divorce complaint;
- f.) Ms. Ludwig exchanged several emails with Ms. Mehl; and
- g.) Ms. Ludwig decided not to pursue divorce proceedings.

110. Between May of 2009 and September of 2009:

- a.) Ms. Ludwig tried to contact Respondent on numerous occasions by email and telephone in regard to pursuing her divorce;
- b.) Respondent did not return Ms. Ludwig's voicemail messages; and
- c.) Respondent failed to respond to all but one of Ms. Ludwig's emails.
- d.) Respondent replied to one of Ms. Ludwig's emails and told her that Respondent would not be able to meet with her but that Respondent could arrange a telephone conference;
- e.) Ms. Ludwig emailed Respondent back and agreed to a telephone conference; and
- f.) Respondent failed to communicate any further with Ms. Ludwig.

111. In the spring of 2009, Respondent:

- a.) Closed her practice of law at 609 W. Hamilton Mall, Suite 15, Allentown, Pennsylvania 18101; and
- b.) Requested the post office to forward her mail addressed to the Hamilton Mall address to P.O. Box 3596, Easton, Pennsylvania 18043.

112. On May 14, 2009, Respondent advised Petitioner that she was relocating to the State of Washington for personal reasons.

113. In June of 2009, Respondent requested the post office to forward mail delivered to P.O. Box 3596, Easton, Pennsylvania 18043 to P.O. Box, Seattle, Washington 98113.

114. Respondent failed to notify Ms. Ludwig that she was no longer practicing law at the Hamilton Mall address and the Respondent was relocating to Washington.

115. Respondent failed to notify the Attorney Registrar's Office of her move to the State of Washington, in writing, within 30 days after her move or on Respondent's 2009-2010 Pennsylvania Annual Attorney Fee Form.

116. Ms. Ludwig obtained the services of Connie Merwine, Esquire.

117. On December 7, 2009, Ms. Ludwig sent a letter to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043 and P.O. Box 30094, Seattle, Washington 98113, via first class U.S. mail and certified mail, return receipt requested, and terminated Respondent's services, advised Respondent that she retained the services of Ms. Merwine, and requested that Respondent provide an accounting of services rendered and a refund of any unearned fee. Respondent did not claim the certified letters. The post office did not return the letters sent by first class U.S. mail.

118. Respondent failed to provide Ms. Ludwig with an accounting of services rendered, and a refund of any unearned fee.

119. Respondent failed to return Ms. Ludwig's file.

120. On March 8, 2010, Petitioner sent to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043 and P.O. Box 30094, Seattle, Washington 98113, via first class U.S. mail and certified mail, return receipt requested, a DB-7.

121. On April 5, 2010, and April 19, 2010, the post office returned both unclaimed certified letters to Petitioner noting delivery had not taken place at either address.

122. On April 23, 2010, Petitioner sent to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043 and P.O. Box 30094, Seattle, Washington 98113, via first class U.S. mail and certified mail, return receipt requested, a DB-7A to add an additional rule violation not contained in the DB-7 letter. Petitioner provided Respondent with twenty days in which to answer.

123. On May 14, 2010, the post office returned the unclaimed letter addressed to Respondent at P.O. Box 30094, Seattle, Washington 98113 to Petitioner noting delivery had not taken place.

124. On May 18, 2010, the post office returned the unclaimed letter addressed to Respondent at P.O. Box 3596, Easton, Pennsylvania, 18043 to Petitioner noting deliver had not taken place.

125. None of the letters that Petitioner sent to Respondent via first class U.S. mail were returned to Petitioner.

**The Jamie Rose Matter (C2-09-1087)**

126. In January of 2008, Respondent agreed to represent Jamie Rose in her divorce case filed in the Northampton County Court of Common Pleas, captioned *Jamie C. Rose v. Michael Rose*, Civil Action No. C-48-CV-2008-4118.

127. Respondent had never represented Ms. Rose before and failed to provide Ms. Rose with a fee agreement.

128. On January 9, 2008, Ms. Rose paid Respondent a \$125.00 consultation fee and in April of 2008, a \$5,000.00 retainer.

129. On December 16, 2008, Ms. Rose paid Respondent an additional \$5,353.50.

130. From April of 2008, until the end of May in 2009, Respondent took steps to represent Ms. Rose in her divorce case.

131. In November of 2008, the Court entered an Order directing that Ms. Rose would have the right to live in the marital residence to the exclusion of her husband until the home is sold or November 19, 2009, whichever comes first.

132. In the spring of 2009, Respondent:

- a.) Closed her practice of law at 609 W. Hamilton Mall, Suite 15, Allentown, Pennsylvania 18101; and
- b.) Requested the post office forward her mail addressed to the Hamilton Mall address to P.O. Box 3596, Easton, Pennsylvania 18043.

133. On May 14, 2009, Respondent advised Petitioner that she was relocating to the State of Washington for personal reasons.

134. In June of 2009, Respondent requested the post office to forward mail delivered to P.O. Box 3596, Easton, Pennsylvania to P.O. Box 30094, Seattle, Washington 98113.

135. Respondent failed to notify Ms. Rose that she was no longer practicing law at the Hamilton Street address and that Respondent relocated to Washington.

136. Respondent failed to notify the Attorney Registrar's Office of her move to the State of Washington, in writing, within 30 days after her move, or on Respondent's 2009-2010 Pennsylvania Annual Attorney Fee Form.

137. Between the end of May of 2009, and November of 2009:

- a.) Respondent failed to communicate with Ms. Rose;
- b.) Ms. Rose attempted to communicate by email and telephone. Ms. Rose left several voicemail messages for Respondent to return her calls concerning her legal position with regard to the November 2008 Order, her custody case and divorce case; and
- c.) Respondent failed to respond to any of Ms. Rose's attempts to communicate with Respondent.

138. In November of 2009, Ms. Rose obtained the services of Richard Shiroff, Esquire.

139. On November 3, 2009, Mr. Shiroff sent Respondent a letter and enclosed a Praecipe to Withdraw Respondent's Appearance in Ms. Rose's case. Respondent failed to return or file the Praecipe, and failed to respond to Mr. Shiroff.

140. On January 28, 2010, Ms. Rose sent Respondent a letter and requested that Respondent provide her with an accounting of services rendered and a refund of any unearned fee concerning the second \$5,000.00 Ms. Rose gave Respondent on December 16, 2008. Ms. Rose sent the letter to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043 and P.O. Box 30094, Seattle, Washington, Pennsylvania 98113, via first class U.S. mail and certified mail, return receipt requested. Respondent did not claim the certified letters. The post office did not return the letters sent by first class U.S. mail.

141. Respondent failed to provide Ms. Rose with an accounting of services rendered, and a refund of any unearned fee.

142. Respondent failed to return Ms. Rose's file.

143. On March 8, 2010, ODC sent to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043 and P.O. Box 30094, Seattle, Washington 98113, via first class U.S. mail and certified mail, return receipt requested, a DB-7.

144. On April 5, 2010, and April 19, 2010, the post office returned both unclaimed certified letters to Petitioner noting delivery had not taken place at either address.



145. On April 23, 2010, Petitioner sent to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043 and P.O. Box 30094, Seattle, Washington 98113, via first class U.S. mail and certified mail, return receipt requested, a DB-7A to add an additional rule violation not contained in the DB-7 letter. Petitioner provided Respondent with twenty days in which to answer.

146. On May 14, 2010, the post office returned the unclaimed letter addressed to Respondent at P.O. Box 30094, Seattle, Washington 98113 to Petitioner noting delivery had not taken place.

147. On May 18, 2010, the post office returned the unclaimed letter addressed to Respondent at P.O. Box 3596, Easton, Pennsylvania, 18043 to Petitioner noting delivery had not taken place.

148. None of the letters that Petitioner sent to Respondent via first class U.S. mail were returned to Petitioner.

**The Cassandra Howell Matter (C2-09-1127)**

149. In January of 2009, Cassandra Howell retained Respondent to represent her in a divorce case filed in the Lehigh County Court of Common Pleas, captioned *Cassandra Howell v. Dawn L. Howell*, Civil Action No. 2008-FC-0769.

150. On January 5, 2009, Ms. Howell paid Respondent \$2,000.00 by check as a partial retainer.

151. On January 8, 2009, Ms. Howell paid Respondent an additional \$2,000.00 retainer.

152. Respondent provided Ms. Howell with a fee agreement.

153. Between February of 2009 and October of 2009, Respondent met with and attended a hearing with Ms. Howell.

154. In the spring of 2009, Respondent:

- a.) Closed her practice of law at 609 W. Hamilton Mall, Suite 15, Allentown, Pennsylvania 18101; and
- b.) Requested the post office forward her mail addressed to the Hamilton Mall address to P.O. Box 3596, Easton, Pennsylvania 18043.

155. On May 14, 2009, Respondent advised Petitioner that she was relocating to the State of Washington for personal reasons.

156. In June of 2009, Respondent requested the post office to forward mail delivered to P.O. Box 3596, Easton, Pennsylvania to P.O. Box 30094, Seattle, Washington 98113.

157. Respondent failed to notify Ms. Howell that she was no longer practicing law at the Hamilton Mall address and that Respondent relocated to Washington.

158. Respondent failed to notify the Attorney Registrar's Office of her move to the State of Washington, in writing, within 30 days after her move, or on Respondent's 2009-2010 Pennsylvania Annual Attorney Fee Form.

159. In October of 2009, Ms. Howell attempted to communicate with Respondent by calling Respondent and sending an email. Respondent did not return Ms. Howell's voicemail messages and Respondent did not respond to Ms. Howell's email message.

160. In October of 2009, Ms. Howell went to Respondent's Hamilton Mall office in Allentown and discovered that the office had been closed.

161. On December 7, 2009, Ms. Howell sent to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043 and P.O. Box 30094, Seattle, Washington, via first class U.S. mail and certified mail, return receipt requested, a letter and asked that Respondent provide her with an accounting of services rendered, a refund of any unearned fee and her file. Respondent did not claim the certified letters. The post office did not return the letters sent by first class U.S. mail.

162. Respondent failed to provide Ms. Howell with an accounting of services rendered, and a refund of any unearned fee.

163. Respondent failed to return Ms. Howell's file.

164. On March 8, 2010, Petitioner sent to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043 and P.O. Box 30094, Seattle, Washington 98113, via first class U.S. mail and certified mail, return receipt requested, a DB-7 letter.

165. On April 5, 2010, and April 19, 2010, the post office returned both unclaimed certified letters to Petitioner noting delivery had not taken place at either address.

166. On April 23, 2010, Petitioner sent to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043 and P.O. Box 30094, Seattle, Washington 98113, via first class U.S. mail and certified mail, return receipt requested, a DB-7A to add an additional rule violation not contained in the DB-7 letter. Petitioner provided Respondent with twenty days in which to answer.

167. On May 14, 2010, the post office returned the unclaimed letter addressed to Respondent at P.O. Box 30094, Seattle, Washington 98113 to Petitioner noting delivery had not taken place.

168. On May 18, 2010, the post office returned the unclaimed letter addressed to Respondent at P.O. Box 3596, Easton, Pennsylvania, 18043 to Petitioner noting delivery had not taken place.

169. None of the letters that Petitioner sent to Respondent via first class U.S. mail were returned to Petitioner.

**The John Barausky Matter (C2-10-49)**

170. In August and September of 2007, Respondent:

- a.) Agreed to represent Mr. Barausky in his divorce matter in the Lehigh County Court of Common Pleas,

captioned *Barausky v. Barausky*, docket no. 2007-FC-1000;

b.) Requested and Mr. Barausky paid a \$4,000.00 retainer via credit card; and

c.) Provided Mr. Barausky with a written fee agreement.

171. Between September of 2007 and December of 2008, Respondent represented Mr. Barausky in his divorce which was finalized in December of 2008.

172. Between December of 2008 and the spring of 2009, Mr. Barausky contacted Respondent's office and left numerous messages for Respondent to provide an accounting of services rendered and a refund of any unearned fee.

173. Respondent failed to return Mr. Barausky's telephone calls and failed to provide Mr. Barausky with an accounting of services rendered and a refund of any unearned fee.

174. In the spring of 2009, Respondent spoke with Mr. Barausky on the telephone and told him that Respondent would provide him with an accounting of services rendered and a refund of any unearned fee.

175. In the spring of 2009, Respondent:

a.) Closed her practice of law at 609 W. Hamilton Mall, Suite 15, Allentown, Pennsylvania 18101; and

b.) Requested the post office forward her mail addressed to the Hamilton Mall address to P.O. Box 3596, Easton, Pennsylvania 18043.

176. On May 14, 2009, Respondent advised Petitioner that she was relocating to the State of Washington for personal reasons.

177. In June of 2009, Respondent requested the post office to forward mail delivered to P.O. Box 3596, Easton, Pennsylvania to P.O. Box 30094, Seattle, Washington 98113.

178. Respondent failed to notify Mr. Barausky that she was no longer practicing law at the Hamilton Mall address and that Respondent relocated to Washington.

179. Respondent failed to notify the Attorney Registrar's Office of her move to the State of Washington, in writing, within 30 days after her move, or on Respondent's 2009-2010 Pennsylvania Annual Attorney Fee Form.

180. Respondent failed to provide Mr. Barausky with an accounting of services rendered and a refund of any unearned fee.

181. On March 8, 2010, Petitioner sent to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043 and P.O. Box 30094, Seattle, Washington 98113, via first class U.S. mail and certified mail, return receipt requested, a DB-7 letter.

182. On April 5, 2010, and April 19, 2010, the post office returned both unclaimed certified letters to Petitioner noting delivery had not taken place at either address.

183. On April 23, 2010, Petitioner sent to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043 and P.O. Box 30094, Seattle, Washington 98113, via first class U.S. mail and certified mail, return receipt requested, a DB-7A to add an additional rule violation not contained in the DB-7 letter. Petitioner provided Respondent with twenty days in which to answer.

184. On May 14, 2010, the post office returned the unclaimed letter addressed to Respondent at P.O. Box 30094, Seattle, Washington 98113 to Petitioner noting delivery had not taken place.

185. On May 18, 2010, the post office returned the unclaimed letter addressed to Respondent at P.O. Box 3596, Easton, Pennsylvania, 18043 to Petitioner noting delivery had not taken place.

186. None of the letters that Petitioner sent to Respondent via first class U.S. mail were returned to Petitioner.

**The Tara Neyer Matter (C2-10-368)**

187. In October of 2008, Tara Neyer paid Respondent \$2,000.00, via credit card to represent Ms. Neyer in her divorce. Respondent provided Ms. Neyer with a written fee agreement.

188. On October 24, 2008;

a.) Respondent filed a divorce complaint in the Northampton County Court of Common Pleas, captioned

*Tara Neyer v. Leonard Gnade*, Civil Action No. C-0048-CV-2008-11303;

- b.) Respondent served a copy of the divorce complaint on Mr. Gnade; and
- c.) Robert C. Patterson, Esquire provided Respondent with a copy of a counterclaim that he had filed on behalf of Mr. Gnade.

189. In January of 2009, Ms. Neyer telephoned Respondent and asked Respondent to suspend the divorce proceedings for a month or two because she was in the process of selling her home and her son was scheduled to undergo surgery.

190. In April of 2009, Ms. Neyer telephone Respondent and asked Respondent to resume the divorce proceedings. Respondent sent a one-line email response to Ms. Neyer in May of 2009 concerning custody of Ms. Neyer's son.

191. Between May of 2009 and April of 2010:

- a.) Respondent failed to initiate communication with Ms. Neyer;
- b.) Ms. Neyer telephoned Respondent on numerous occasions and left messages for Respondent to return her calls concerning the status of her divorce case;
- c.) Respondent failed to return Ms. Neyer's phone calls;



- d.) Ms. Neyer sent Respondent numerous emails asking Respondent about the status of her divorce case;
- e.) Respondent failed to respond to Ms. Neyer's emails;
- f.) Respondent failed to take any steps to advance Ms. Neyer's case on the docket; and
- g.) Respondent failed to communicate with Attorney Patterson.

192. In the spring of 2009, Respondent:

- a.) Closed her practice of law at 609 W. Hamilton Mall, Suite 15, Allentown, Pennsylvania 18101; and
- b.) Requested the post office forward her mail addressed to the Hamilton Mall address to P.O. Box 3596, Easton, Pennsylvania 18043.

193. On May 14, 2009, Respondent advised Petitioner that she was relocating to the State of Washington for personal reasons.

194. In June of 2009, Respondent requested the post office to forward mail delivered to P.O. Box 3596, Easton, Pennsylvania to P.O. Box 30094, Seattle, Washington 98113.

195. Respondent failed to notify Ms. Neyer that she was no longer practicing law at the Hamilton Street address and that Respondent relocated to Washington.

196. Respondent failed to notify the Attorney Registrar's Office of her move to the State of Washington, in writing, within

30 days after her move, or on Respondent's 2009-2010 Pennsylvania Annual Attorney Fee Form.

197. On April 23, 2010, Petitioner sent to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043 and P.O. Box 30094, Seattle, Washington 98113, via first class U.S. mail and certified mail, return receipt requested, a DB-7 letter.

198. On April 5, 2010, and April 19, 2010, the post office returned both unclaimed certified letters to Petitioner noting delivery had not taken place at either address.

199. None of the letters that Petitioner sent to Respondent via first class U.S. mail were returned to Petitioner.

**The Ray Wolf Matter (C2-10-463)**

200. In or around October or early November of 2007, Respondent met with Ray Wolf for an initial legal consultation. Dr. Wolf explained to Respondent that he and his wife had engaged in some mediation and that his wife had decided she did not wish to continue with mediation. Mrs. Wolf hired Samuel F. Feldman, Esquire to represent her in seeking a divorce.

201. On November 27, 2007, Dr. Wolf issued to Respondent Bank of America check #107 in the amount of \$3,000.00 as partial payment for Respondent's representation of Dr. Wolf in his divorce proceedings.

202. On or about December 3, 2007, Respondent deposited check #107 into Respondent's IOLTA.

203. Respondent failed to provide Dr. Wolf with a copy of a written fee agreement.

204. In 2008, Dr. Wolf sent Respondent a bank check, in the amount of \$3,000.00 as partial payment for Respondent's representation of him in his divorce proceedings.

205. On April 2, 2009, Dr. Wolf issued to Respondent Bank of America check #301 in the amount of \$3,000.00 as partial payment for Respondent's representation of him in his divorce proceedings.

206. On or about April 5, 2009, Respondent deposited check #301 into Respondent's IOLTA.

207. On May 6, 2009, Dr. Wolf sent Respondent a letter via registered mail, addressed to P.O. Box 3596, Easton, Pennsylvania 18043. Dr. Wolf requested, *inter alia*, for Respondent to contact Dr. Wolf and assure him that Respondent was still representing Dr. Wolf in his divorce matter. Respondent failed to respond to Dr. Wolf's letter.

208. On or about May 12, 2009, Dr. Wolf sent an email to Respondent's secretary, Lori Mehl, in an effort to get in contact with Respondent. Ms. Mehl sent an email back to Dr. Wolf the same day and said, "[p]lease contact Attorney Lynn directly at [xxxx].com. Thanks."

209. On May 13, 2009, Mr. Feldman sent Respondent an email and inquired as to whether Dr. Wolf was planning to personally appear at an upcoming conference with the Master.

210. On May 14, 2009, Respondent sent a reply email to Mr. Feldman and indicated that Respondent would speak with Dr. Wolf about it.

211. By letter dated, May 14, 2009, Respondent advised Petitioner that Respondent was moving to Washington State for personal reasons.

212. On May 27, 2009, Dr. Wolf sent Respondent an email to inform Respondent of a situation with his wife and asked for Respondent's advice. Additionally, Dr. Wolf asked if he and Respondent could speak and inquired about whether he was required to attend a hearing scheduled for the following week. Respondent failed to respond to Dr. Wolf's email.

213. On May 27, 2009, Dr. Wolf sent an email to Justia Lawyer Directory and advised Respondent that Dr. Wolf had sent Respondent a message via Respondent's attorney contact form. The message stated, "I need to know if I need to come to PA next week for the hearing. Please call me..." Dr. Wolf included his phone number at the end of the message. Respondent failed to respond to Dr. Wolf's message.

214. In June of 2009, Respondent requested the U.S. Postal Service to forward mail delivered to Respondent's P.O. Box 3596, Easton, Pennsylvania to P.O. Box 30094, Seattle, Washington 98113.

215. Respondent failed to advise Dr. Wolf that Respondent relocated to Washington State.

216. On June 8, 2009, Dr. Wolf sent Respondent an email and indicated that he would like to set up an appointment with Respondent about the next steps in his divorce. Respondent failed to respond to Dr. Wolf's email.

217. On July 9, 2009, Respondent sent an email to Dr. Wolf and asked him if he was available to talk on July 10, 2009 between 10:30 and noon.

218. On July 9, 2009, Mr. Feldman sent Respondent an email and informed Respondent that he was not available in the afternoon to speak with Respondent. He also inquired as to whether Respondent knew what the Wolfs were doing.

219. On July 10, 2009, Dr. Wolf sent Respondent an email at 10:44 a.m. and indicated that he was available until noon. He provided his phone number at the end of the message. Respondent failed to contact Dr. Wolf on this date.

220. On July 10, 2009, Respondent sent a reply email to Mr. Feldman and indicated that Respondent believed that the matter was still proceeding to hearing in August. Respondent further informed

him that Respondent would be speaking to Dr. Wolf that day. However, Respondent never contacted Dr. Wolf.

221. On July 10, 2009, Dr. Wolf saw a copy of the above email and sent Respondent an email asking, "[H]earing about what?"

222. On July 13, 2009, Dr. Wolf sent Respondent an email and asked when Respondent could schedule some time to speak to him. Respondent replied by email and informed Dr. Wolf that Respondent was "in a jury trial in [S]eattle. Will call you later."

223. On August 10, 2009:

- a.) Dr. Wolf sent Respondent an email and asked if there was any chance of getting his divorce settled sometime in the foreseeable future;
- b.) Respondent sent Dr. Wolf a reply the same day. Respondent informed Dr. Wolf that Respondent was in a traffic accident and had been quite laid up. Respondent indicated that she believed Mrs. Wolf wanted to settle and that the hearing had been continued with no new date set. Respondent also said that she would let Dr. Wolf know if Mrs. Wolf proposed a settlement. Respondent also inquired as to whether Mrs. Wolf and Ray Wolf had discussed a settlement; and
- c.) Dr. Wolf sent Respondent an email and informed Respondent that he and Mrs. Wolf wanted to settle

and provided to Respondent some specifics regarding the settlement.

224. On August 18, 2009, Dr. Wolf sent Respondent an email. He asked if Respondent left Pennsylvania and to contact him to complete his divorce of Mrs. Wolf. Respondent failed to respond to Dr. Wolf's email.

225. On August 18, 2009, Mr. Feldman sent Dr. Wolf an email with a letter attached, informing Dr. Wolf that Mr. Feldman has received no response from Respondent. Mr. Feldman further suggested that since Dr. Wolf and Mrs. Wolf were communicating perhaps he could try and resolve any remaining issues by negotiation in furtherance of their goal. Mr. Feldman asked Dr. Wolf to respond to his letter by phone or email.

226. On August 19, 2009, Dr. Wolf sent an email to Mr. Feldman and indicated that he would meet with Mr. Feldman and finalize the divorce.

227. On May 3, 2010, The Honorable F.P. Kimberly McFadden ordered and decreed that Dr. Wolf and Mrs. Wolf were divorced.

228. On June 1, 2010, Dr. Wolf sent Respondent a letter, via certified mail return receipt requested, to P.O. Box 3596, Easton, Pennsylvania 18043 and to P.O. Box 30094, Seattle, Washington 98113. Dr. Wolf requested that Respondent provide him, in writing, with an accounting of services Respondent provided and a refund of any unearned fee.

229. The post office subsequently returned Dr. Wolf's certified letters as "unclaimed."

230. Respondent failed to notify the Attorney Registrar's Office of her move to Washington State in writing within thirty days after her move or on Respondent's 2009-2010 Pennsylvania Annual Attorney Fee Form.

231. On September 1, 2010, Petitioner sent to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043, P.O. Box 30094, Seattle, Washington, 98113, 7416 Latona Avenue NE, Seattle, Washington, 98115, and c/o Mary Boben-Babbitt, 1506 24<sup>th</sup> Street Pl SE, Puyallup, Washington, 98372, via first class U.S. mail and certified mail, return receipt requested, a DB-7.

232. On September 4, 2010, the post office returned a signed green return receipt card to Petitioner noting delivery of the DB-7 at 7416 Latona Avenue NE, Seattle, Washington 98115.

233. Between September and October of 2010, the post office returned the three unclaimed certified letters, sent to P.O. Box 3596, Easton, Pennsylvania 18043, P.O. Box 30094, Seattle, Washington, 98113, and c/o Mary Boben-Babbitt, 1506 24<sup>th</sup> Street Pl SE, Puyallup, Washington, 98372, to Petitioner noting delivery had not taken place. The DB-7 letter sent to the Puyallup, Washington address via first class U.S. mail was returned, marked *NOT DELIVERABLE AS ADDRESSED UNABLE TO FORWARD*.



**The Candace Dannenhower Matter (C2-10-482)**

234. In July of 2008, Candace Dannenhower contacted Respondent's law office to set up an appointment with Respondent because she was seeking custody of her granddaughter.

235. On or about August 5, 2008, Mrs. Dannenhower, her husband and her son met Respondent at her office located at 609 Hamilton Mall, Suite 15 in Allentown, Pennsylvania 18101.

236. Mrs. Dannenhower and her family discussed with Respondent the reason why she was seeking custody and Respondent agreed to represent her.

237. Respondent informed Mrs. Dannenhower that it would cost \$500.00 for Respondent to file the initial papers and for Respondent to appear in court on her behalf. After the initial court hearing, the fee amount would depend on what Respondent would need to do from there.

238. Mrs. Dannenhower issued Respondent a Lehigh Valley Federal Credit Union check, no. 2709 in the amount of \$2,500.00 to assist Respondent in seeking custody.

239. On August 6, 2008, Respondent deposited check no. 2709 into Respondent's IOLTA.

240. On or about September 26, 2008, Respondent filed a Petition to Intervene on behalf of Mrs. Dannenhower in the Lehigh County Court of Common Pleas, Civil Division, captioned *Dominic Kertsmar v. Nicole M. Gilly, a Minor, by and through Frances Ann*

*Brown, her natural mother and Guardian ad Litem*, Docket No. 2007 FC 0477. The Court issued a Rule to Show Cause why the Petition to Intervene should not be granted with a Rule Returnable date of October 8, 2008 before The Honorable William E. Ford.

241. On or about September 29, 2008:

- a.) Respondent sent a copy of the Petition to Intervene and a copy of the Rule to Show Cause and Scheduling Order to the defendants and defense counsel; and
- b.) Respondent sent a Memorandum to Mrs. Dannenhower and informed her that "[a] hearing on the Petition to Intervene has been scheduled on October 8, 2008 at 9:30 a.m. Kate will meet you at the courthouse at 9:15 a.m." Respondent enclosed copies of the documents with Respondent's Memorandum to Mrs. Dannenhower as well.

242. On October 7, 2008:

- a.) Joel H. Ziev, Esquire sent a letter to Judge Ford and informed the Judge that he had just been retained by the defendants and that the date of the hearing, October 8, 2008, was Yom Kippur;
- b.) Based on those circumstances, Mr. Ziev requested a continuance of the hearing on the Petition to Intervene;

- c.) Mr. Ziev indicated that he tried to contact Respondent regarding the continuance but he was not able to get in touch with Respondent; and
- d.) Judge Ford continued the matter until October 29, 2008.

243. On October 29, 2008:

- a.) Respondent went to court, and defense counsel requested information that Mrs. Dannenhower did not have with her at the time so the hearing was continued until another date; and
- b.) Judge Ford entered an Order on October 29, 2008, which granted Mrs. Dannenhower and Frances Brown permission to intervene in the custody case.

244. Respondent failed to inform Mrs. Dannenhower of the October 29, 2008 Order.

245. Mrs. Dannenhower talked to Respondent on the telephone twice more in October, after the hearing on October 8, 2008.

246. From December 2008 through April of 2009, Mrs. Dannenhower left numerous messages on Respondent's office answering machine but Respondent never returned her phone calls.

247. In May of 2009, Mrs. Dannenhower went to Respondent's Hamilton Mall office and a receptionist in the building told her that as of December of 2008, Respondent no longer had an office at that address. The receptionist provided Mrs. Dannenhower with an

address of P.O. Box 3596 in Easton, Pennsylvania 18043 as a way to contact Respondent.

248. Respondent failed to inform Mrs. Dannenhower that she closed her practice of law at the Hamilton Mall location.

249. In the spring of 2009, Respondent requested the U.S. Postal Service to forward her mail addressed to Respondent at the Hamilton Mall address to P.O. Box 3596 in Easton, Pennsylvania 18043.

250. By letter dated, May 14, 2009, Respondent advised Petitioner that she was relocating to Washington State for personal reasons.

251. In June of 2009, Respondent requested the U.S. Postal Service to forward mail delivered to P.O. Box 3596 to P.O. Box 30094, Seattle, Washington 98113.

252. Respondent failed to inform Mrs. Dannenhower that she had moved to Washington and would no longer be handling her case.

253. On July 13, 2009, Mrs. Dannenhower sent Respondent a letter, via certified mail, return receipt requested. The letter was addressed to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043. In the letter, Mrs. Dannenhower terminated Respondent's representation and requested an accounting of services rendered and a refund of any unearned fee.

254. On July 30, 2009, Respondent signed for the letter and never responded to Mrs. Dannenhower's letter.

255. Respondent did not regularly represent Mrs. Dannenhower and failed to provide her with a written fee agreement.

256. Respondent failed to notify the Attorney Registrar's Office of her move to Washington State, in writing, within thirty days after her move, or on Respondent's 2009-2010 Pennsylvania Annual Attorney Fee Form.

257. On September 1, 2010, Petitioner sent to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043, P.O. Box 30094, Seattle, Washington, 98113, 7416 Latona Avenue NE, Seattle, Washington, 98115, and c/o Mary Boben-Babbitt, 1506 24<sup>th</sup> Street Pl SE, Puyallup, Washington, 98372, via first class U.S. mail and certified mail, return receipt requested, a DB-7.

258. On September 4, 2010, the post office returned a signed green return receipt card to Petitioner noting delivery of the DB-7 at 7416 Latona Avenue NE, Seattle, Washington 98115.

259. Between September and October of 2010, the post office returned the three unclaimed certified letters, sent to P.O. Box 3596, Easton, Pennsylvania 18043, P.O. Box 30094, Seattle, Washington, 98113, and c/o Mary Boben-Babbitt, 1506 24<sup>th</sup> Street Pl SE, Puyallup, Washington, 98372, to Petitioner noting delivery had not taken place. The DB-7 letter sent to the Puyallup, Washington address via first class U.S. mail was returned, marked *NOT DELIVERABLE AS ADDRESSED UNABLE TO FORWARD*.

*The Honorable Steven R. Serfass Matter (C2-10-649*

260. On March 22, 2007:

- a.) Respondent filed a divorce complaint on behalf of her client, Catherine Neyer, in the Carbon County Court of Common Pleas, captioned *Catherine E. Neyer v. William R. Neyer*, Docket No. 07-0654;
- b.) The case was assigned to The Honorable David W. Addy; and
- c.) Respondent entered her appearance in the case.

261. On July 14, 2008, Respondent petitioned the Court for the appointment of a divorce master for the divorce, alimony and equitable distribution claims.

262. On July 15, 2008, Judge Addy appointed Samuel F. Feldman, Esquire to serve as divorce master.

263. On or about July 25, 2008, Joseph J. Velitsky, Esquire entered his appearance on behalf of the defendant, William Neyer.

264. A preliminary conference was held on September 22, 2008.

265. A divorce master's hearing was scheduled for December 8, 2008.

266. Immediately preceding the hearing on December 8, 2008, the parties arrived at an agreement that resolved all economic claims. The agreement provided that Respondent's client, Ms. Neyer, would receive a portion of Mr. Neyer's tax deferred

retirement benefit. Respondent specifically assumed responsibility for the preparation of a Qualified Domestic Relations Order, hereinafter "QDRO" to effectuate the transfer of benefits.

267. The Court scheduled several status conferences to verify that the QDRO process was moving forward because a divorce decree would not be entered until the QDRO was finalized.

268. On December 13, 2008, Judge Addy scheduled a status conference with Respondent and Mr. Velitsky for February 22, 2009 to determine the status of the QDRO.

269. On or about February 22, 2009, Respondent failed to participate in the telephone status conference as ordered.

270. In or around April of 2009, Respondent closed down her practice of law at the Hamilton Mall address.

271. Respondent requested the U.S. Postal Service to forward her mail address to the Hamilton Mall address to P.O. Box 3596, Easton, Pennsylvania 18043.

272. By letter dated May 14, 2009, Respondent advised Petitioner that she was relocating to Washington State for personal reasons.

273. On May 20, 2009, The Honorable Richard W. Webb scheduled a telephone status conference with Respondent and Mr. Velitsky for July 13, 2009 and directed that Respondent initiate the call to the divorce master.

274. In or around June of 2009, Respondent requested the U.S. Postal Service to forward mail delivered to her P.O. Box 3596 in Easton, Pennsylvania to P.O. Box 30094 in Seattle, Washington 98113.

275. Respondent failed to notify Ms. Neyer that she was closing her practice and relocating to the state of Washington.

276. Respondent failed to notify the Court of her relocation to Washington.

277. Respondent failed to notify the Attorney Registrar's Office of her move to Washington State, in writing, within thirty days after her move, or on Respondent's 2009-2010 Pennsylvania Annual Attorney Fee Form.

278. On July 13, 2009, Respondent failed to place the call to the divorce master and failed to participate in the telephone status conference as ordered.

279. On July 16, 2009, Senior Judge Webb ordered that the QDRO had to be filed by July 24, 2009, otherwise Respondent, Mr. Velitsky and the parties had to personally appear before the divorce master on July 27, 2009.

280. On July 27, 2009, Respondent failed to file the QDRO and failed to appear before the divorce master as ordered.

281. On July 30, 2009, Judge Addy, at the request of the divorce master, ordered Respondent and Mr. Velitsky to appear in



Court, on November 10, 2009, to show cause, if any, why the matter should not be dismissed for failure to proceed.

282. On October 8, 2009, after the QDRO was submitted to the Plan Administrator, Judge Addy ordered an additional telephone status conference to be held on December 7, 2009, and further ordered Respondent to initiate the call. The hearing for November 10, 2009 was cancelled. Judge Addy also advised, in the Order, that appropriate sanctions might be imposed by the Court if Respondent failed to participate in the conference.

283. On December 7, 2009, Respondent failed to participate in the telephone status conference per Judge Addy's Order.

284. On or about December 14, 2009:

- a.) A status conference had been listed and Respondent failed to appear, participate or in any other manner, communicate with the Divorce Master pursuant to the Order; and
- b.) Senior Judge Webb ordered Respondent to appear before Judge Addy for a telephone status conference on February 22, 2010, to determine the progress of the QDRO preparation; and
- c.) In a footnote on the December 14, 2009 Order, Senior Judge Webb wrote that "the case has been settled but cannot be concluded due to the lack of

QDRO that was to be prepared by counsel for Plaintiff."

285. On February 22, 2010:

- a.) Respondent failed to appear as ordered;
- b.) Judge Serfass directed the divorce master to prepare the QDRO in order to conclude the case; and
- c.) Judge Serfass ordered Respondent to appear on April 20, 2010, to show cause why Respondent should not be held in contempt and appropriately sanctioned for her failure to comply with the Court's Orders of December 14, 2009, October 8, 2009, July 16, 2009, and May 20, 2009.

286. The matter was continued by the Court until May 24, 2010, at which time Respondent again failed to appear as ordered.

287. Prior to May 24, 2010:

- a.) Ms. Neyer contacted Judge Serfass' Chambers because she noticed the hearing on the docket while reviewing the Court's website;
- b.) Ms. Neyer participated in the hearing via telephone along with the divorce master who appeared personally;
- c.) Ms. Neyer advised the Court that she had no contact with Respondent since December of 2008 and was unaware of the status of the case; and

d.) The divorce master updated Ms. Neyer on the case and agreed to send Ms. Neyer all future court orders directly.

288. On May 26, 2010, Respondent failed to appear before the Court as directed by the May 3, 2010 Order and Judge Serfass found Respondent in civil contempt of the Court's Orders of December 14, 2009, October 8, 2009, July 16, 2009, and May 20, 2009. Respondent was further ordered to pay a fine of \$500.00 and costs of \$46.10 to the Carbon County Prothonotary within thirty days.

289. Respondent failed to pay the \$546.10 in violation of Judge Serfass' Order.

290. On September 1, 2010, Petitioner sent to Respondent at P.O. Box 3596, Easton, Pennsylvania 18043, P.O. Box 30094, Seattle, Washington, 98113, 7416 Latona Avenue NE, Seattle, Washington, 98115, and c/o Mary Boben-Babbitt, 1506 24<sup>th</sup> Street Pl SE, Puyallup, Washington, 98372, via first class U.S. mail and certified mail, return receipt requested, a DB-7.

291. On September 4, 2010, the post office returned a signed green return receipt card to Petitioner noting delivery of the DB-7 at 7416 Latona Avenue NE, Seattle, Washington 98115.

292. Between September and October of 2010, the post office returned the three unclaimed certified letters, sent to P.O. Box 3596, Easton, Pennsylvania 18043, P.O. Box 30094, Seattle, Washington, 98113, and c/o Mary Boben-Babbitt, 1506 24<sup>th</sup> Street Pl

SE, Puyallup, Washington, 98372, to Petitioner noting delivery had not taken place. The DB-7 letter sent to the Puyallup, Washington address via first class U.S. mail was returned, marked *NOT DELIVERABLE AS ADDRESSED UNABLE TO FORWARD*.

293. By her conduct as alleged in Paragraphs 8 through 292 above, Respondent violated the following Rules of Professional Conduct and Rules of Disciplinary Enforcement:

- a.) RPC 1.3, which states: A lawyer shall act with reasonable diligence and promptness in representing a client;
- b.) RPC 1.4(a)(3), which states: A lawyer shall keep the client reasonably informed about the status of the matter;
- c.) RPC 1.4(a)(4), which states: A lawyer shall promptly comply with reasonable requests for information;
- d.) RPC 1.5(b), which states: When the lawyer has not regularly represented the client, the basis or rate of the fee shall be communicated to the client, in writing, before or within reasonable time after commencing the representation;
- e.) RPC 1.15(b), which states: A lawyer shall hold all Rule 1.15 Funds and property separate from the

lawyer's own property and it shall be identified and appropriately safeguarded;

- f.) RPC 1.15(e), which states in pertinent part: A lawyer shall promptly deliver to the client or third person any property, including but not limited to Rule 1.15 Funds, that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding the property...;
- g.) RPC 1.16(a)(3), which states: A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation and when ordered to do so, shall continue representation notwithstanding good cause for terminating the representation;
- h.) RPC 1.16(d), which states: in pertinent part, Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and

refunding any advance payment of fee or expense that has not been earned or incurred...;

- i.) RPC 3.2, which states: A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client;
- j.) RPC 8.4(b), which states: It is professional 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;
- k.) RPC 8.4(c), which states: It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- l.) RPC 8.4(d), which states: It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice;
- m.) Pa.R.D.E. 219(d)(1)(ii), which states: On or before July 1 of each year all persons required by this rule to pay an annual fee shall file with the Attorney Registration Office a signed form prescribed by the Attorney Registration Office which shall set forth the current residence and office addresses of the attorney, each of which

shall be an actual street address or rural route box number and a preferred mailing address different from those addresses may also be provided which may be a post office box number; and.

n.) Pa.R.D.E. 219(d)(3), which states: Every person who has filed such a form shall notify the Attorney Registration Office in writing of any change in the information previously submitted within 30 days after such change.

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 support of the foregoing charges and upon completion of said hearing to make such findings of fact, conclusions of law, and recommendations for disciplinary action as it may deem appropriate.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION,  
Chief Disciplinary Counsel

BY:



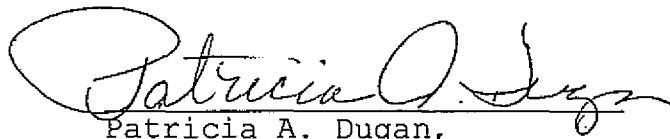
Patricia A. Dugan,  
Attorney Registration No. 87147  
Disciplinary Counsel  
Suite 170  
820 Adams Avenue  
Trooper, PA 19403

VERIFICATION

The statements contained in the foregoing Petition for Discipline are true and correct to the best of my knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

5-6-11

Date

A handwritten signature in cursive script, appearing to read "Patricia A. Dugan", written over a horizontal line.

Patricia A. Dugan,  
Disciplinary Counsel