

**IN THE SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL, : No. 2165 Disciplinary Docket No. 3  
: :  
Petitioner : No. 69 DB 2015  
: :  
v. : Attorney Registration No. 56704  
: :  
LISA JO FANELLI-GREER, : (Cumberland County)  
: :  
Respondent :

**ORDER**

**PER CURIAM**

**AND NOW**, this 3<sup>rd</sup> day of February, 2017, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board, the Joint Petition in Support of Discipline is granted and Lisa Jo Fanelli-Greer is suspended for a period of one year and one day. She shall comply with all provisions of Pa.R.D.E. 217.

A True Copy Patricia Nicola  
As Of 2/3/2017

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	
Petitioner,	:	No. 69 DB 2015
	:	
v.	:	Attorney Reg. No. 56704
	:	
LISA JO FANELLI-GREER,	:	(Cumberland County)
Respondent	:	
	:	

JOINT PETITION IN SUPPORT OF DISCIPLINE ON CONSENT  
PURSUANT TO Pa. R.D.E. 215(d)

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Kristin A. Wells, Disciplinary Counsel, and Respondent, Lisa Jo Fanelli-Greer, file this Joint Petition in Support of Discipline on Consent under Rule 215(d) of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter "Pa.R.D.E.") and respectfully state and aver the following:

1. Petitioner, whose principal office is located at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62485, Harrisburg, PA 17106, is invested, pursuant to Pa.R.D.E. 207, with the power and the duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

2. Respondent, Lisa Jo Fanelli-Greer, was born in 1964, was admitted to practice law in Pennsylvania on December 1, 1989, has a registered public address of P.O. Box 133, Grantham, Pennsylvania 17027, and is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

**FILED**  
**11/17/2016**  
**The Disciplinary Board of the**  
**Supreme Court of Pennsylvania**

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

4. By Order dated June 1, 2015, the Supreme Court of Pennsylvania granted Petitioner's Petition for Emergency Temporary Suspension and Related Relief Pursuant to Pa.R.D.E. 208(f), wherein Petitioner alleged that Respondent had abandoned her clients. Specifically, Petitioner stated that Respondent had failed to meet filing deadlines in two federal court matters, engaged in *ex parte* communication with a federal judge, and failed to communicate with several clients over the course of approximately one year.

SPECIFIC FACTUAL ADMISSIONS AND  
RULES OF PROFESSIONAL CONDUCT VIOLATED

5. Respondent's misconduct involves her failure to diligently represent or promptly communicate with her clients and *ex parte* communication with a federal judge, for which Respondent has presented a variety of excuses stemming from illnesses and injuries experienced and sustained by herself and her minor daughter and their alleged safety issues while traveling abroad. Further, Respondent has failed to cooperate with this disciplinary process in that she failed to comply with Rule 217 upon her temporary suspension and failed to timely respond to Petitioner's requests for information; Respondent excuses her failures to comply based on health problems experienced by herself and her daughter and issues with her husband.

6. In ***Popko v. Penn State Milton S. Hershey Medical Center, et al.***, Case No. 1:13-cv-01845, Respondent failed to timely file an Amended Complaint and repeatedly failed to meet filing deadlines to respond to Motions to Dismiss, despite being granted extensions for each of these deadlines. In her court filings, Respondent excused her failure to meet deadlines or need for extensions of time by stating that various

illnesses and injuries experienced by herself and her daughter, death in her family, vacation, reduced staff, the holidays, traveling abroad, and being the victim of theft and computer hacking while abroad prevented her compliance.

7. In February and on March 9, 2015, respectively, Respondent communicated by voicemail and email to Judge Yvette Kane's chambers that, due to safety concerns she encountered while abroad, she was unable to meet filing deadlines. Opposing counsel was not privy to these communications and was not informed of their occurrence until an April 30, 2015, Status Conference.

8. From early 2014 until the effective date of her temporary suspension, July 1, 2015, Respondent failed to promptly communicate with her clients in several matters, and would excuse her lack of communication based upon her and her daughter's health issues and alleged safety issues that she encountered while abroad.

9. Following her temporary suspension, Respondent failed to take the steps required by Pa.R.D.E. 217 and RPC 1.16(d) to wind up her practice, including failing to promptly inform all clients, the courts, and other necessary persons of her suspension, failing to provide her clients with their files, and failing to promptly close her IOLTA account.

10. Respondent's temporary suspension was effective July 1, 2015. To date, she has failed to fully comply with the provisions of Rules of Disciplinary Enforcement 217, in that she has failed to file a certificate of compliance with the Secretary of the Board.

11. From the effective date of her temporary suspension through September 2015, Respondent continued to communicate with her client, Hershel B. Swartz, concerning his matter without advising him of her temporary suspension.

12. Respondent initially failed to cooperate with Petitioner's investigation of these matters, in that she repeatedly failed to timely or completely respond to requests for information, stating that medical issues experienced by herself and her daughter prevented her from doing so.

#### DISCIPLINARY RULE VIOLATIONS

13. Respondent admits to violating the following Rules of Professional Conduct and Rules of Disciplinary Enforcement in this matter:

- a. RPC 1.3            A lawyer shall act with reasonable diligence and promptness in representing a client;
- b. RPC 1.4(a)(2)    A lawyer shall ... reasonably consult with the client about the means by which the client's objectives are to be accomplished;
- c. RPC 1.4(a)(3)    A lawyer shall ... keep the client reasonably informed about the status of the matter;
- d. RPC 1.4(a)(4)    A lawyer shall ... promptly comply with reasonable requests for information;
- e. RPC 1.16(d)       Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as ... 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;
- f. RPC 3.5(b)        A lawyer shall not ... communicate ex parte with [a judge] during the proceeding unless authorized to do so by law or a court order;
- g. Pa.R.D.E. 203(b)(7)    The following shall also be ground for discipline ... Failure by a respondent-attorney without good cause to respond to Disciplinary Counsel's request or supplemental request

under Disciplinary Board Rules, § 87.7(b) for a statement of the respondent attorney's position;

- h. Pa.R.D.E. 217(a) A formerly admitted attorney shall promptly notify, or cause to be promptly notified, all clients being represented in pending matters, other than litigation or administrative proceedings, of the ... suspension ... and the consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the ... suspension ... and shall advise said clients to seek legal advice elsewhere. The notice required by this subdivision (a) may be delivered by the most efficient method possible as long as the chosen method is successful and provides proof of receipt. At the time of the filing of the verified statement of compliance required by subdivision (e)(1) of this Rule, the formerly admitted attorney shall file copies of the notices required by this subdivision and proofs of receipt with the Secretary of the Board and shall serve a conforming copy on the Office of Disciplinary Counsel;
- i. Pa.R.D.E. 217(b) A formerly admitted attorney shall promptly notify, or cause to be promptly notified, all clients who are involved in pending litigation or administrative proceedings, and the attorney or attorneys for each adverse party in such matter or proceeding, of the ... suspension ... and consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the ... suspension .... The notice to be given to the client shall advise the prompt substitution of another attorney or attorneys in place of the formerly admitted attorney. In the event the client does not obtain substitute counsel before the effective date of the ... suspension ..., it shall be the responsibility of the formerly admitted attorney to move the court or agency in which the proceeding is pending for leave to withdraw. The notice to be given to the attorney or attorneys for an adverse party shall state the place of residence of the client of the formerly admitted attorney. The notice required by this subdivision (b) may be delivered by the most efficient method possible as long as the chosen method is successful and provides proof of receipt. ... At the time of the filing of the verified statement of compliance required by subdivision (e)(1) of this Rule, the formerly admitted attorney shall file copies of the notices required by this subdivision and proofs or receipt with the Secretary of the Board and shall serve a conforming copy on the Office of Disciplinary Counsel;
- j. Pa.R.D.E. 217(c)(1) A formerly admitted attorney shall promptly notify, or cause to be promptly notified, of the ... suspension ... (1) all persons or their agents or guardians, including but not limited to wards, heirs and beneficiaries, to whom a fiduciary duty is or may be owed at any time after the ... suspension ...; (2) all other

persons with whom the formerly admitted attorney may at any time expect to have professional contacts under circumstances where there is reasonable probability that they may infer that he or she continues as an attorney in good standing; and (3) any other tribunal, court, agency or jurisdiction in which the attorney is admitted to practice. The notice required by this subdivision (c) may be delivered by the most efficient method possible as long as the chosen method is successful and provides proof of receipt. ... At the time of the filing of the verified statement of compliance required by subdivision (e)(1) of this Rule, the formerly admitted attorney shall file copies of the notices required by this subdivision and proofs or receipt with the Secretary of the Board and shall serve a conforming copy on the Office of Disciplinary Counsel. The responsibility of the formerly admitted attorney to provide the notice required by this subdivision shall continue for as long as the formerly admitted attorney is ... suspended ...;

- k. Pa.R.D.E. 217(d)(2) In addition to the steps that a formerly admitted attorney must promptly take under other provisions of this Rule to disengage from the practice of law, a formerly admitted attorney shall promptly cease and desist from using all forms of communication that expressly or implicitly convey eligibility to practice law in the state courts of Pennsylvania[.]
- l. Pa.R.D.E. 217(d)(3)(ii) In cases of ... temporary suspension under Enforcement Rule 208(f) ... a formerly admitted attorney shall also promptly ... close every IOLTA ... account .... The formerly admitted attorney shall maintain records to demonstrate compliance with the provisions of paragraph[] (2) ... and shall provide proof of compliance at the time the formerly admitted attorney files the verified statement required by subdivision (e)(1) of this Rule;
- m. Pa.R.D.E. 217(d)(3)(iii) In cases of ... temporary suspension under Enforcement Rule 208(f) ... a formerly admitted attorney shall also promptly ... properly disburse or otherwise transfer all client and fiduciary funds in his or her possession, custody, or control .... The formerly admitted attorney shall maintain records to demonstrate compliance with the provisions of paragraph[] ... (3) and shall provide proof of compliance at the time the formerly admitted attorney files the verified statement required by subdivision (e)(1) of this Rule; and
- n. Pa.R.D.E. 217(e)(1) Within ten days after the effective date of the ... suspension ... the formerly admitted attorney shall file with the Secretary of the Board a verified statement and serve a copy upon Disciplinary Counsel.

SPECIFIC JOINT RECOMMENDATIONS FOR DISCIPLINE

14. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent is a one year and one day Suspension. Respondent hereby consents to the discipline being imposed upon her by the Supreme Court of Pennsylvania. Attached to this Petition is Respondent's executed Affidavit required by Pa.R.D.E. 215(d), stating that Respondent consents to the recommended discipline and including the mandatory acknowledgements contained in Pa.R.D.E. 215(d)(1) through (4).

15. In support of Petitioner and Respondent's Joint Recommendation, it is respectfully submitted as follows:

- a. The mitigating circumstances are that:
  - i. Respondent has been practicing law for 26 years without prior disciplinary history;
  - ii. Respondent's failures to meet filing deadlines did not result in the dismissal of her clients' matters;
  - iii. Respondent and her minor daughter experienced and sustained illnesses and injuries during the time period that Respondent's misconduct occurred; and
  - iv. Respondent is remorseful for her conduct and understands she should be disciplined, as evidenced by her consent to receiving a one year and one day suspension.

16. Discipline for misconduct arising from allegations of failure to diligently represent and communicate with clients supports a one year and one day suspension, **see Office of Disciplinary Counsel v. Bowen**, 73 Pa. D. & C.4<sup>th</sup> 335 (2004). Further, a



suspension of one year and one day is necessary to protect the public, which is the overriding goal of the disciplinary system. Requiring Respondent to petition for reinstatement will give her the opportunity to demonstrate that she is in a position to adequately represent clients. **See Office of Disciplinary Counsel v. Levin**, 124 DB 2004; **Office of Disciplinary Counsel v. Levande**, 72 DB 1999.

17. The parties respectfully submit that a one year and one day suspension, is consistent with the above cited disciplinary authority.

WHEREFORE, Petitioner and Respondent respectfully request that:

(a) Pursuant to Pa.R.D.E. 215, a three-member panel of the Disciplinary Board review and approve the above Joint Petition in Support of Discipline on Consent and file its recommendation with the Supreme Court of Pennsylvania in which it is recommended that the Disciplinary Board of the Supreme Court of Pennsylvania enter an Order Suspending Respondent for one year and one day, subject to the following conditions:

(i) Respondent shall fully comply with the provision of Rule 217 prior to filing a Petition for Reinstatement;

(ii) Failure to comply with the above conditions shall be grounds for reconsideration of this matter under the specific provision of Enforcement Rule 203(b)(2);

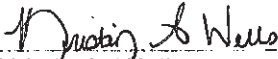
(b) Costs shall be paid by Respondent; and

(c) Pursuant to Pa.R.D.E. 215(i), a Three Member Panel of the Disciplinary Board enter an Order for Respondent to pay the necessary expenses incurred in the investigation of the prosecution of this matter as a condition to the grant of this

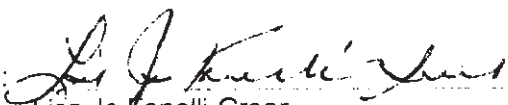
Petition, and that all expenses by paid by Respondent before the imposition of discipline under Pa.R.D.E. 215(g).

Respectfully submitted,

Date: 17 November 2016

By:   
Kristin A. Wells  
Disciplinary Counsel  
Attorney Registration No. 312080  
601 Commonwealth Avenue, Suite 5800  
P.O. Box 62675  
Harrisburg, PA 17106-2675  
Telephone (717) 772-8572

Date: 11-17-2016

By:   
Lisa Jo Fanelli-Greer  
Respondent  
Attorney Registration No. 56704  
P.O. Box 133  
Grantham, PA 17027  
Telephone (724) 831-4654

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OFFICE OF DISCIPLINARY COUNSEL,	:	
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	:	
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	:	
LISA JO FANELLI-GREER,	:	(Cumberland County)
Respondent	:	

VERIFICATION

The statements made in the foregoing Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d) are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 17 November 2016

By: Kristin A. Wells  
Kristin A. Wells  
Disciplinary Counsel  
Attorney Registration No. 312080  
601 Commonwealth Avenue, Suite 5800  
P.O. Box 62675  
Harrisburg, PA 17106-2675  
Telephone (717) 772-8572

Date: 11-17-2016

By: Lisa Jo Fanelli-Greer  
Lisa Jo Fanelli-Greer  
Respondent  
Attorney Registration No. 56704  
P.O. Box 133  
Grantham, PA 17027  
Telephone (724) 831-4654

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Respondent	:	
	:	

RESPONDENT'S AFFIDAVIT UNDER RULE 215(d) OF THE  
PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

I, Lisa Jo Fanelli-Greer, Respondent in the above-captioned matter, hereby consent to the imposition of a one year and one day Suspension, as jointly recommended by the Petitioner, Office of Disciplinary Counsel, and myself, in a Joint Petition in Support of Discipline on Consent and further state:

1. My consent is freely and voluntarily rendered; I am not being subjected to coercion or duress; I am fully aware of the implications of submitting the consent;
2. I am aware there is presently pending a proceeding involving allegations that I have been guilty of misconduct as set forth in the Joint Petition;
3. I acknowledge that the material facts set forth in the Joint Petition are true;
4. I consent because I know that if the charges continued to be prosecuted in the pending proceeding, I could not successfully defend against them; and

5. I acknowledge that I am fully aware of my right to consult and employ counsel to represent me in the instant proceeding.

By: 

Lisa Jo Fanelli-Greer  
Respondent  
Attorney Registration No. 56704  
P.O. Box 133  
Grantham, PA 17027  
Telephone (724)831-4654

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	:	
LISA JO FANELLI-GREER,	:	(Cumberland County)
Respondent	:	
	:	

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of Pa.R.A.P. 121.

First Class Mail as follows:

Lisa Jo Fanelli-Greer  
P.O. Box 133  
Grantham, PA 17027  
Telephone (724)831-4654

Date: 17 November 2016

By: Kristin A. Wells  
Kristin A. Wells  
Disciplinary Counsel  
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