

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2399 Disciplinary Docket No. 3
: :
Petitioner : No. 78 DB 2016
: :
v. : Attorney Registration No. 312507
: :
CALEB CLINTON BISSETT, : (Out of State)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 22nd day of September, 2017, upon consideration of the Report and Recommendation of the Disciplinary Board, Caleb Clinton Bissett is disbarred from the bar of this Commonwealth, and he shall comply with the provisions of Pa.R.D.E. 217. Respondent shall pay costs to the Disciplinary Board. See Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 9/22/2017

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 78 DB 2016
Petitioner	:	
	:	
v.	:	Attorney Registration No. 312507
	:	
CALEB CLINTON BISSETT	:	
Respondent	:	(Out of State)

REPORT AND RECOMMENDATIONS OF
THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES
OF THE SUPREME COURT OF PENNSYLVANIA:

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

I. HISTORY OF PROCEEDINGS

By Petition for Discipline filed on May 11, 2016, Office of Disciplinary Counsel charged Caleb Clinton Bissett, Respondent, with violations of the Rules of Professional Conduct (“RPC”) and Pennsylvania Rules of Disciplinary Enforcement (“Pa.R.D.E.”) in five separate client matters. Respondent failed to file an Answer to Petition for Discipline; all factual allegations contained therein are deemed admitted pursuant to Pa.R.D.E. 208(b)(3).

A prehearing conference was held on September 19, 2016, at which Respondent failed to appear. A disciplinary hearing was held on October 19, 2016, before a District IV Hearing Committee comprised of Chair Philip J. Murray, Esquire, and Members Richard T. Ting, Esquire and Leslie M. Britton, Esquire. Petitioner's Administrative Exhibits 1-5 and Exhibits 1- 4 were offered and admitted into evidence. Petitioner did not offer any witness testimony. Respondent failed to appear, despite acknowledging receipt of notice of the proceeding.

Following the submission of briefs by Petitioner and Respondent, the Hearing Committee filed a Report on March 3, 2017, concluding that Respondent violated the rules as charged in the Petition for Discipline, and recommending that he be disbarred from the practice of law.

The parties did not file briefs on exception to the Hearing Committee's recommendation.

The Disciplinary Board adjudicated this matter at the meeting on April 28, 2017.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pa 17106-2485, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement, 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 is Caleb Clinton Bissett, born in 1983 and admitted to practice law in the Commonwealth in 2011. Respondent's last mailing address in Pennsylvania was 5741 Pebble Creek Ct., Apt. 4102, Bethel Park, PA 15102. His attorney registration address is 15404 Hebbe Lane, Pflugerville, TX 78660. Respondent is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. Respondent was placed on administrative suspension by Order of the Supreme Court of Pennsylvania dated March 10, 2015, effective April 9, 2015, for failure to comply with continuing legal education requirements.

4. Respondent has no record of prior discipline.

The following facts 5 – 83 are incorporated by reference in the Petition for Discipline (AE 1) in accordance with Pa.R.D.E. 208(b)(3), which provides that factual allegations not timely answered are deemed admitted.

The Crooks (Bayer) Matter

5. In September 2013, Jennifer Crooks retained Respondent to represent her in a divorce case and Respondent filed a one count Complaint in Divorce on behalf of Ms. Crooks on September 26, 2013, in the case of **Jennifer Crooks v. Mark Crooks, Jr.**, in the Court of Common Pleas of Allegheny County.

6. Although Respondent had not regularly represented Ms. Crooks, Respondent failed to communicate to her, in writing, the basis or rate of his fee before or within a reasonable time after commencing the representation.

7. Subsequently, Ms. Crooks filed a *pro se* custody complaint.

8. Through mediation, the parties were able to reach an agreement regarding custody and on April 9, 2014, a copy of the Memorandum of Understanding was hand-delivered to Respondent by opposing counsel.

9. Respondent was responsible to draft a custody consent order for the parties' review, but failed to do so.

10. On May 8, 2014, a Final Order by agreement was entered with regard to support claims in Ms. Crooks' case.

11. In June 2014, Respondent was provided with a draft marital settlement agreement to review and on July 26, 2014, Respondent met with Ms. Crooks to review changes to the proposed marital settlement agreement.

12. Respondent failed to communicate those changes to opposing counsel and had no further communication with Ms. Crooks after July 26, 2014.

13. An emergency Petition for Special Relief was hand-delivered to Respondent on August 31, 2014, giving notice for presentation on September 15, 2014, but Respondent failed to advise Ms. Crooks.

14. Ms. Crooks learned that Respondent was unavailable to clients for several months in the late summer and early fall of 2014, and Respondent did not make arrangements to have another attorney cover his law practice while he was unavailable.

15. Ms. Crooks subsequently had a third party assist her in filing the required paperwork to obtain a divorce decree in her case.

16. On December 3, 2014, Ms. Crooks sent a letter to Respondent at Bissett Law Office, 304 Ross Street, Suite 301, Pittsburgh, PA 15219, in which she terminated Respondent's representation.

17. In her letter dated December 3, 2014, Ms. Crooks requested that Respondent forward to her all records, transcripts, and documents relating to her case and that Respondent provide an itemized bill regarding his legal fees. Additionally, Ms. Crooks requested a partial refund of the fees she paid to Respondent for his representation.

18. Respondent did not respond to Ms. Crooks' letter dated December 3, 2014, or provide Ms. Crooks with any documents, an accounting or a partial refund.

19. Petitioner notified Respondent of the allegations against him in the Crooks matter and of his duty to respond, by a letter of inquiry dated October 5, 2015. The letter was personally served on Respondent on October 6, 2015.

20. Respondent did not provide a response to the letter of inquiry or communicate with Office of Disciplinary Counsel in any way regarding this matter.

The Crosby Matter

21. On July 31, 2012, a complaint for Shared Legal and Primary Physical Custody and for Return of Child was filed on behalf of Charles Sandherr against Kristen Crosby in the Somerset County Court of Common Pleas.

22. Sometime in early February 2013, Ms. Crosby retained Respondent to represent her in the pending custody action.

23. On February 14, 2013, Respondent filed a Motion for Continuance on behalf of Ms. Crosby, said Motion was granted, and the custody trial was rescheduled for February 21, 2013.

24. On February 19, 2013, a rescheduling Order was entered moving the trial date to March 19, 2013.

25. On March 19, 2013, Respondent appeared on behalf of Ms. Crosby and an Agreed Custody Order was entered.

26. On April 25, 2013, a custody conference in Ms. Crosby's matter was scheduled for September 20, 2013.

27. On September 20, 2013, Respondent appeared on behalf of Ms. Crosby and an Amended Agreed Custody Order was entered.

28. On April 4, 2014, a Petition to Modify Custody Order was filed on behalf of Mr. Sandherr.

29. On May 6, 2014, a custody mediation conference was conducted, at which time Respondent appeared on behalf of Ms. Crosby, but the parties were unable to reach an agreement.

30. On May 7, 2014, a custody stipulation was filed amending the prior custody order, which included Respondent's signature.

31. After Respondent's continuance request was granted, the custody trial was rescheduled in Ms. Crosby's matter for the February 2015 trial term.

32. On January 26, 2015, the Call of the Civil Trial List for the February, 2015 Trial Term was conducted by the court but Respondent failed to appear on behalf of Ms. Crosby.

33. On January 28, 2015, an Order for Pretrial Statement was forwarded by the court to counsel for both parties. Respondent subsequently failed to file a Pretrial Statement on behalf of Ms. Crosby.

34. On January 30, 2015, a Scheduling Order for a nonjury trial to be held on February 17, 2015, was entered and a copy was forwarded to Respondent by the court to Respondent's attorney registration address, which was of record with the court.

35. On February 17, 2015, Respondent and Ms. Crosby failed to appear for the nonjury trial. At that time, the court placed a telephone call to Respondent's law office and requested that Respondent return the call to the court as soon as possible. Respondent did not return the call to the court.

36. On February 24, 2015, the court placed a telephone call to Respondent's law office and requested that Respondent return the phone call to the court as soon as possible. Respondent again failed to respond to the court's effort to contact him.

37. Thereafter, Ms. Crosby proceeded *pro se* and later retained new counsel to represent her in her custody matter in Somerset County.

38. Following Respondent's administrative suspension, effective April 9, 2015, he failed to contact Ms. Crosby to advise her that he could no longer represent her in the custody action, nor did Respondent notify opposing counsel or the court.

39. Respondent did not provide a verified statement to the Disciplinary Board or Office of Disciplinary Counsel as required by Pa.R.D.E. 217.

40. Respondent was put on notice of the allegations in the Crosby matter and his duty to respond, by a letter of inquiry dated October 5, 2015. The letter was personally served on Respondent on October 6, 2015.

41. Respondent did not provide a response to the letter of inquiry or communicate with Office of Disciplinary Counsel in any way regarding this matter.

The Ayers Matter

42. In about August 2012, Joanne Ayers met with Respondent to represent her in a divorce action.

43. At that time, Ms. Ayers paid Respondent \$3,300 as a retainer for his representation.

44. Although Respondent had not regularly represented Ms. Ayers, Respondent failed to communicate to her, in writing, the basis or rate of his fee before or within a reasonable time after commencing the representation.

45. On August 28, 2012, Respondent filed a Praecipe to Proceed *In Forma Pauperis* and a two count-complaint in divorce on behalf of Ms. Ayers at **Joanne Ayers v. Stanley Ayers**, in the Court of Common Pleas of Allegheny County, Pennsylvania.

46. Thereafter, Respondent had no further communication with Ms. Ayers, although she did attempt to contact Respondent several times, and he failed to return any of her telephone calls.

47. In early 2014, Ms. Ayers retained other counsel, Robert D. Sebastian, Esquire, to represent her in the pending divorce action.

48. Mr. Sebastian made many attempts to contact Respondent by telephone and letter in early 2014, but Respondent did not respond.

49. In May 2014, Mr. Sebastian prepared a motion seeking Respondent's withdrawal from the case and counsel fees.

50. Respondent responded to Mr. Sebastian, the motion was not presented and, after negotiations, Respondent agreed to pay Ms. Ayers the sum of \$2,000.00 at the rate of \$250.00 per month.

51. Respondent failed to make any payment under the agreement and refused to respond to any further efforts by Mr. Sebastian to contact him about the matter.

52. Mr. Sebastian filed an action against Respondent on behalf of Ms. Ayers. Respondent failed to appear before the Magisterial District Judge, and judgment was entered in favor of Ms. Ayers and against Respondent in the amount of \$3,300.00.

53. An appeal from the Magisterial District Judge's judgment was filed on Respondent's behalf by Attorney Matthew J. Brungo, in the Court of Common Pleas of Allegheny County.

54. Respondent subsequently failed to appear for the hearing in the civil matter and a nonjury verdict was entered in the amount of \$3,300.00 plus costs, in favor of Ms. Ayers and against Respondent.

55. Petitioner notified Respondent of the allegations in the Ayers matter and his duty to respond, by a letter of inquiry dated October 5, 2015. Petitioner personally served the letter on Respondent on October 6, 2015.

56. Respondent did not provide a response to the letter of inquiry or communicate with Office of Disciplinary Counsel in any way regarding this matter.

The Kerr Matter

57. On May 9, 2014, Kelly M. Kerr met with Respondent to discuss her pending divorce action filed in the Court of Common Pleas of Allegheny County.

58. At that meeting, Respondent informed Ms. Kerr that the fee for handling her divorce case would be \$2,000.00. At that time, Ms. Kerr gave Respondent a check for \$1,000.00. Upon receipt of the check, Respondent told Ms. Kerr that this would be his initial retainer.

59. Although Respondent had not previously represented Ms. Kerr, Respondent failed to communicate to her, in writing, the rate of basis of his fee for the representation.

60. On May 15, 2014, Respondent again met with Ms. Kerr, at which time she gave Respondent another payment of \$300.00.

61. After the May 15, 2014, meeting, Respondent sent a letter dated May 23, 2014, to Rosalind M. Ross, Esquire, counsel for Ms. Kerr's husband.

62. On or about July 22, 2014, Ms. Kerr sent to Respondent another payment of \$100.00.

63. Thereafter, Ms. Kerr contacted Respondent to inquire if he had heard anything back from her husband's attorney and Respondent indicated that he had not.

64. Respondent sent a letter dated July 25, 2014, to opposing counsel and a letter dated July 25, 2014, to Ms. Kerr.

65. On or about August 7, 2014, Ms. Kerr sent to Respondent an additional payment of \$100.00 for his representation.

66. On February 5, 2015, February 13, 2015, February 19, 2015, and February 28, 2015, Ms. Kerr left messages for Respondent on his cell phone, asking that Respondent contact her. Respondent failed to return any of Ms. Kerr's calls.

67. Thereafter, Ms. Kerr called Respondent's office telephone number and received a message that the number was no longer in service.

68. On March 12, 2015, Ms. Kerr emailed Respondent but received no response from Respondent.

69. On April 18, 2015, Ms. Kerr called the building in which Respondent's office was located and was told that Respondent "no longer was allowed in this building."

70. Ms. Kerr has not had communication from Respondent since July 2014.

71. Following Respondent's administrative suspension effective April 9, 2015, Respondent failed to communicate with Ms. Kerr to advise her that he could no longer represent her in the divorce action, nor did Respondent notify opposing counsel.

72. Respondent did not provide a verified statement to the Disciplinary Board of Office of Disciplinary Counsel as required by Pa.R.D.E. 217.

73. Petitioner notified Respondent of the allegations in the Kerr matter and his duty to respond, by letter of inquiry dated October 5, 2015. Petitioner personally served the letter on Respondent on October 5, 2015.

74. Respondent did not provide a response to the letter of inquiry or communicate with Office of Disciplinary Counsel regarding this matter.

The Cox (Davis) Matter

75. In or about July 2014, Respondent was retained by Len Davis to represent him in a criminal mischief case with a summary trial scheduled before Magisterial District Judge Leonard J. Hromyak for December 3, 2014.

76. Mr. Davis' sister, Pat Cox, paid Respondent the \$500 retainer, on behalf of Mr. Davis, by check dated July 28, 2014.

77. Although Respondent had not previously represented Mr. Davis, Respondent failed to communicate to Mr. Davis, in writing, the basis or rate of Respondent's fee for the representation.

78. After paying Respondent the \$500 retainer, Ms. Cox on behalf of Mr. Davis, made numerous attempts by telephone to contact Respondent about the representation.

79. Respondent failed to communicate with Ms. Cox or Mr. Davis.

80. Because Respondent failed to communicate with Ms. Cox or Mr. Davis, Ms. Cox notified Respondent on behalf of Mr. Davis by email dated November 15, 2014, of the termination of Respondent's representation and requested a refund of the \$500 retainer paid to Respondent. Ms. Cox had made two previous requests for the return of the fees.

81. Respondent failed to respond to Ms. Cox's email dated November 15, 2014, and Respondent failed to return to Ms. Cox or Mr. Davis the \$500 retainer.

82. Petitioner notified Respondent of the allegations in the Davis matter and his duty to respond, by a letter of inquiry dated October 5, 2015. Petitioner personally served the letter on Respondent on October 6, 2015.

83. Respondent did not provide a response to the letter of inquiry or communicate with Office of Disciplinary Counsel regarding this matter.

Other Findings

84. In 2016, Respondent failed to participate or appear in enforcement and contempt proceedings against him in his own divorce case in which he is a party in Allegheny County. PE 1.

85. Respondent failed to indemnify his ex-wife for his student loans in excess of \$30,000, as required by his marital settlement agreement. PE 1.

86. A default judgment was entered against Respondent in excess of \$41,000 in an action filed by the National Collegiate Student Loan Trust in Allegheny County. PE 2, 3.

87. Respondent failed to participate in the prehearing conference and failed to appear at the disciplinary hearing despite receiving notice of the date, time and location. AE - 4, 5.

88. Following the close of the record Respondent filed a Brief to the Hearing Committee on January 3, 2017. This was Respondent's sole act of participation in the proceedings against him.

89. Respondent relocated from Pennsylvania to Pflugerville, Texas, and is no longer practicing law. AE-2.

III. CONCLUSIONS OF LAW

By his conduct as set forth above, Respondent violated the following rules:

1. RPC 1.3 – A lawyer shall act with reasonable diligence and promptness in representing a client.

2. RPC 1.4(a)(3) – A lawyer shall keep the client reasonably informed about the status of the matter.

3. RPC 1.4(a)(4) – A lawyer shall promptly comply with reasonable requests for information.

4. RPC 1.5(a) – A lawyer shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee.

5. RPC 1.5(b) - 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 a reasonable time after commencing the representation.

6. RPC 1.15(e) – Except as stated in this Rule or otherwise permitted by law or by agreement with the client or third person, 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; Provided, however, that the delivery, accounting and disclosure of Fiduciary Funds or property shall continue to be governed by the law, procedure and rules governing the requirements of Fiduciary administration, confidentiality, notice and accounting applicable to the Fiduciary entrustment.

7. 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 giving reasonable notice of 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. The lawyer may retain papers relating to the client to the extent permitted by other law.

8. RPC 8.4(c) – It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

9. RPC 8.4(d) – It is professional misconduct for lawyer to engage in conduct that is prejudicial to the administration of justice.

10. Pa.R.D.E. 203(b)(7) – 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.

11. 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 disbarment, suspension, administrative suspension or transfer to inactive status and the consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status and shall advise said client 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.

12. Pa.R.D.E. 217(b) – A formerly admitted attorney shall promptly notify, or cause to be 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 disbarment, suspension, administrative suspension or transfer to inactive status and consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status. 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 disbarment, suspension, administrative suspension or transfer to inactive status, it shall be the responsibility of the formerly admitted attorney to move in the court or agency in which the proceeding is pending for leave to withdraw. 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 of receipt with the Secretary of the Board and shall serve a conforming copy on the Office of Disciplinary Counsel.

13. Pa.R.D.E. 217(e)(1) – Within ten days after the effective date of the disbarment, suspension, administrative suspension, or transfer to inactive status order, the formerly admitted attorney shall file with the Secretary of the Board a verified statement and serve a copy on Disciplinary Counsel.

IV. DISCUSSION

Respondent failed to respond to disciplinary charges filed against him in five separate matters. Consequently, all of the factual allegations contained in the Petition for Discipline are deemed admitted, pursuant to Rule 208(b)(3), Pa.R.D.E., and support the conclusion that Respondent violated Rules of Professional Conduct 1.3, 1.4(a)(3), 1.5(a), 1.5(b), 1.15(e), 1.16(d), 8.4(c) and 8.4(d), and Pennsylvania Rules of Disciplinary Enforcement 203(b)(7), 217(b), and 217(e)(1). Petitioner proved by clear and satisfactory

evidence that Respondent engaged in disciplinary misconduct by virtue of the facts pled in the Petition for Discipline and related exhibits. ***Office of Disciplinary Counsel v. Robert Surrick***, 749 A.2d 441, 444 (Pa. 2000).

Respondent engaged in repeated professional misconduct involving five client matters and failed to meet his obligations to respond to Petitioner's letters of inquiry concerning such matters. Further, Respondent was transferred to administrative suspension due to his failure to comply with CLE requirements, and failed to meet his obligations as a formerly admitted attorney, pursuant to Rule 217, including notifying his clients, the court and opposing counsel of his inability to practice law.

In the Crooks matter, Respondent: failed to provide his client with a writing setting forth the rate or basis of his fees for the representation; failed to adequately communicate with his client; failed to finalize the client's divorce in Allegheny County; and, failed to provide an accounting or refund of monies paid to him when requested by his client. In the Crosby matter, Respondent abandoned his client in a custody action in Somerset County in that he: failed to communicate with his client; failed to show up for some court proceedings; failed to respond to the court's efforts to contact him to inquire why he was not participating; and, failed to inform his client and the court of his administrative suspension.

In the Ayers matter, Respondent failed to provide his client with a writing stating the rate of basis of his fee for the representation. In the Kerr matter, Respondent: failed to provide a written fee agreement; took money from his client and then did no work; failed to advise his client that he could no longer represent her due to his administrative suspension; and, failed to return the file or the fee to his client. Similarly, in the Cox/Davis matter, Respondent: failed to provide a written fee agreement; performed no work for the

client; and, failed to return the monies to the client when the representation was terminated.

Having concluded that Respondent failed to meet his responsibilities to his clients and to the profession, the Board must determine the appropriate discipline. Petitioner and the Hearing Committee have recommended that Respondent be disbarred. In his post-hearing brief, Respondent recommended a suspension. For the following reasons, we conclude that disbarment is warranted in this particular matter.

The Board's recommended discipline must reflect facts and circumstances unique to the case, including circumstances that are aggravating or mitigating. *Office of Disciplinary Counsel v. Joshua Eilberg*, 441 A.2d 1193, 1195 (Pa. 1982). The final discipline imposed is determined on a case-by-case basis on the totality of the facts presented. Nevertheless, despite the fact-intensive nature of the endeavor, consistency is required so that similar misconduct "is not punished in radically different ways." *Office of Disciplinary Counsel v. Robert S. Lucarini*, 472 A.2d 186, 190 (Pa. 1983). The Board is mindful when adjudicating each case that the primary purpose of the lawyer discipline system in Pennsylvania is to protect the public, preserve the integrity of the court and deter unethical conduct. *Office of Disciplinary Counsel v. Akim Czmus*, 889 A.2d 117 (Pa. 2005).

The record establishes that Respondent is 34 years of age and is a relatively inexperienced practitioner, having been admitted to practice in the Commonwealth in 2011. According to the facts of record, although Respondent has no prior record of discipline, he began ignoring the rules and abandoning his clients in late 2014 into 2015, just three years after his bar admission. As evidenced by the administrative exhibits, Respondent has relocated from Pennsylvania to Pflugerville,

Texas, where he is no longer engaged in the practice of law.

Consistent with Respondent's failure to respond to the charges against him, and despite notice, he failed to appear at the prehearing conference and the disciplinary hearing. Respondent's sole act of participation in these disciplinary proceedings was filing a post-hearing brief with the Hearing Committee after the close of the record. Therein, Respondent offered an apology and stated that his actions were not meant to be malicious. Respondent further acknowledged that his former clients are owed monies, yet he offered no plan to reimburse the victims of his actions, except to suggest they seek recompense from the Pennsylvania Lawyers Fund for Client Security. Respondent has made no effort to address his disciplinary issues and has provided no evidence that he values his privilege to practice law. He has forfeited any meaningful opportunity to make his clients whole and to accept responsibility and express remorse.

The record demonstrates that Respondent's dismissive attitude toward his professional obligations also extended to his personal legal actions. Respondent failed to participate and appear in enforcement and contempt proceedings in his divorce case in Allegheny County, failed to indemnify his ex-wife for student loans in excess of \$30,000, and has a default judgment against him in excess of \$41,000 filed by the National Collegiate Student Loan Trust in Allegheny County.

Disbarment is a severe sanction properly reserved for only the most egregious matters, as it constitutes a termination of an attorney's privilege to practice law without promise of its restoration in the future. ***Office of Disciplinary Counsel v. Anthony C. Cappuccio***, 48 A.3d 1231, 1238 (Pa. 2012).

Two recent cases similar to the instant matter have resulted in disbarment. In ***Office of Disciplinary Counsel v. Joseph A. Rizzo***, 85 DB 2014 (D. Bd. Rpt. 7/20/15)

(S. Ct. Order 9/21/2015), the attorney, who had no prior record of discipline, failed to comply with the Supreme Court order placing him on administrative suspension, neglected one client matter, failed to appear for an informal admonition and failed to comply with a condition requiring the refund of \$1,500.00 of client monies, failed to answer the petition for discipline, failed to appear at the disciplinary hearing and generally failed to participate in disciplinary proceedings. The Board recommended disbarment after noting that Rizzo had absconded with his client's funds and had made himself unavailable to the disciplinary system by failing to provide a current address to the Disciplinary Board. The Court imposed disbarment.

The other similar disbarment matter is the case of ***Office of Disciplinary Counsel v. John Michael Biondi***, 196 DB 2012 (D. Bd. Rpt. 3/31/2014) (S. Ct. Order 6/26/2014). Therein, Biondi ignored communications with the Court of Common Pleas of Butler County and related court offices, failed to appear for an Informal Admonition, failed to answer the petition for discipline and failed to appear at the disciplinary hearing. Biondi had been administratively suspended for failure to comply with Continuing Legal Education requirements, but had no prior record of discipline since his admission approximately 18 years prior to his misconduct. The Board recommended to the Court that Biondi be suspended for a period of four years after determining that Biondi had not evidenced "a scintilla of interest in his privilege to practice." Instead, the Court imposed disbarment.

Remembering, however, that the Court has declined to create *per se* discipline, ***Lucarini*** at 190, we note the recent matter of ***Office of Disciplinary Counsel v. Matthew I. Cohen***, No. 165 DB 2015 (D. Bd. Rpt. 8/22/2016) (S. Ct. Order 10/20/2016). Therein, Cohen, who had no prior discipline and had practiced law for approximately

twenty years, was notified that an Informal Admonition would be imposed upon him to address his misconduct in one client matter, with the condition that he reimburse monies to the client. Cohen failed to appear on two occasions for the informal admonition and failed to provide verification that he reimbursed his client. Formal charges were filed against him, and Cohen further failed to appear at the disciplinary hearing. The Board recommended disbarment, due to Cohen's failure to appear for the scheduled admonitions, failure to refund client funds, and subsequent failure to participate in the disciplinary proceedings. The Court did not adopt this recommendation and suspended Cohen for two years.

Upon review of the cited cases, we conclude that the facts and circumstances of the instant matter warrant disbarment. Unlike the respondent-attorney in *Cohen*, whose client misconduct and failure to reimburse funds extended to a single matter and resulted in suspension, Respondent engaged in client misconduct in five matters and failed to reimburse multiple clients, in addition to failing to fulfill obligations under the rules required for administratively suspended attorneys, and failing to participate in the disciplinary proceedings. Our review of the record demonstrates that there are no significant mitigating factors that weigh against disbarment. Although Respondent has no record of prior discipline, we do not consider this to be a compelling factor, as he began committing misconduct a mere three years after his bar admission. The respondent-attorneys in *Biondi* and *Rizzo* had no prior discipline, yet were disbarred for conduct similar to Respondent.

In order to protect the public and maintain the integrity of the courts and the legal profession, we recommend that Respondent be disbarred.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania recommends that the Respondent, Caleb Clinton Bissett, be Disbarred from the practice of law in this Commonwealth.

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

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: 

David A. Fitzsimons, Member

Date: 7/21/17