

IN THE SUPREME COURT OF PENNSYLVANIA

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|---------------------------------|---|------------------------------------|
| OFFICE OF DISCIPLINARY COUNSEL, | : | No. 2729 Disciplinary Docket No. 3 |
| | : | |
| Petitioner | : | No. 80 DB 2020 |
| | : | |
| v. | : | Attorney Registration No. 326047 |
| | : | |
| ROSS PETER WAGNER, | : | (Out of State) |
| | : | |
| Respondent | : | |

ORDER

PER CURIAM

AND NOW, this 15th day of July, 2020, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board, the Joint Petition in Support of Discipline on Consent is granted, and Ross Peter Wagner is suspended on consent from the Bar of this Commonwealth for a period of two years, with twelve months to be served. The remaining suspension of twelve months is stayed, and Respondent is placed on probation for a period of one year, subject to the following conditions:

1. Respondent shall continue treatment with Ms. Janet Coyle, LPC, or another qualified mental healthcare provider;
2. Respondent shall comply with the treatment regimen prescribed by Ms. Coyle or other mental healthcare provider;
3. Respondent shall file semi-annual reports with the Board Prothonotary, with a copy to disciplinary counsel, from his treating mental healthcare provider stating that he is continuing in treatment and is compliant with all treatment recommendations; and
4. Respondent shall not violate the Rules of Professional Conduct.

Respondent shall comply with all the provisions of Pa.R.D.E. 217, and pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 07/15/2020


Attest:
Chief Clerk
Supreme Court of Pennsylvania

REDACTED

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
: ODC File No. C1-19-432
v. :
: Atty. Reg. No. 326047
ROSS PETER WAGNER, :
Respondent : (Out of State)

**JOINT PETITION IN SUPPORT OF DISCIPLINE
ON CONSENT UNDER RULE 215(d), Pa.R.D.E.**

Petitioner, Office of Disciplinary Counsel ("ODC"), by Thomas J. Farrell, Esquire, Chief Disciplinary Counsel, and by Richard Hernandez, Esquire, Disciplinary Counsel, and Respondent, Ross Peter Wagner, file this Joint Petition In Support of Discipline On Consent Under Rule 215(d) of the Pennsylvania Rules of Disciplinary Enforcement ("the Joint Petition") and respectfully represent that:

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

2. Respondent, Ross Peter Wagner, was born in 1991, was admitted to practice law in the Commonwealth on October 15, 2018, and has a public access address of 1500 John F. Kennedy Blvd., Suite 810, Philadelphia, PA 19102. Respondent is currently employed as an associate at Wong Fleming, PC.

3. Pursuant to Pa.R.D.E. 201(a)(1), Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

4. Petitioner commenced an investigation of Respondent after Respondent self-reported to Petitioner that Respondent had made omissions and misrepresentations on applications he had submitted to sit for the New Jersey and Pennsylvania bar examinations; this complaint was docketed at No. C1-19-432.

5. In connection with ODC File No. C1-19-432, Respondent received a Request for Statement of Respondent's Position (Form DB-7) dated August 23, 2019.

6. By letter dated October 21, 2019, Respondent submitted a response to the DB-7 letter.

7. Respondent has agreed to enter into a joint recommendation for consent discipline that encompasses the allegations of misconduct raised in the open complaint file.

SPECIFIC FACTUAL ADMISSIONS
AND ETHICS RULES VIOLATED

8. Respondent stipulates that the factual allegations set forth below are true and correct and that he violated the Rules of Professional Conduct and Pennsylvania Rule of Disciplinary Enforcement as set forth herein.

CHARGE

9. Commencing in the summer of 2014, Respondent matriculated at Rutgers Law School ("Rutgers"), with the intention of obtaining a Juris Doctor degree.

10. Respondent was scheduled to graduate from Rutgers by the end of the 2017 spring semester.

11. One of the criteria for being eligible to sit for the New Jersey bar examination, and consequently for admission to the New Jersey Bar, was that a candidate had to have earned a Juris Doctor degree from an ABA accredited law school.

12. Respondent knew that one of the criteria for being eligible to sit for the New Jersey bar examination, and

consequently for admission to the New Jersey Bar, was that a candidate had to have earned a Juris Doctor degree from an ABA accredited law school.

13. On March 27, 2017, Respondent submitted to the New Jersey Board of Bar Examiners ("NJ Bar Examiners") a "Character & Fitness Questionnaire - July 2017" ("the 2017 NJ Character Questionnaire") that he completed for the purpose of being admitted to the New Jersey Bar.

14. The 2017 NJ Character Questionnaire contained a certification that Respondent completed in order to submit the 2017 NJ Character Questionnaire online.

15. The certification stated, *inter alia*, the following:

I understand that the full and correct completion of this Certified Statement of Candidate is a prerequisite for the Committee of Character's consideration of me as an applicant for admission to the practice of law. Candor and truthfulness are significant elements of fitness. I must provide the Committee with all available information, however unfavorable, even if I doubt its relevance.

I understand further that I have a **continuing duty to disclose** all required information to the Committee, and that this duty continues until the date of my admission to the Bar of New Jersey. (Bold in original)

I understand that I have a **continuing duty to amend this Certified Statement of Candidate within thirty (30) days of any occurrence that would change or render incomplete any answer.** (Bold in original)

I further certify that I have read the foregoing Statement of Candidate and the facts stated therein are true and complete to the best of my knowledge and belief.

16. Subsection C (titled "Law School") under Section 3 (titled "EDUCATION") on the 2017 NJ Character Questionnaire inquired if Respondent expected to receive a Juris Doctor degree from an ABA approved law school before he sat for the New Jersey bar examination and requested that he identify the law school and when the Juris Doctor had been or was expected to be awarded.

- a. Respondent listed Rutgers and stated that he expected to be awarded a Juris Doctor degree in "5-2017."

17. Sometime in April 2017, Respondent withdrew from a three-credit law school course titled "Diversity & The Law."

18. By withdrawing from the course on Diversity & The Law, Respondent was unable to meet the number of credits required (84) to be awarded a Juris Doctor degree from Rutgers by the close of the 2017 spring semester.

19. Respondent knew that by withdrawing from the course on Diversity & The Law, he would not have sufficient credits to be awarded a Juris Doctor degree from Rutgers by the close of the 2017 spring semester.

20. Respondent did not amend the response he submitted to Section 3, Subsection C on the 2017 NJ Character Questionnaire to reflect that he would not be awarded a Juris Doctor degree from Rutgers in "5-2017."

21. By Deficiency Notices dated May 8, 2017, June 30, 2017, and August 11, 2017, sent to Respondent by the NJ Bar Examiners, Respondent was advised that he had yet to supply a satisfaction of ethics requirement and a Law School

Certificate, and that the failure to submit the requested documentation meant that he could not be certified by the New Jersey Committee on Character, a prerequisite to being admitted to the New Jersey Bar, and that his file could be deemed as abandoned by him.

22. Respondent received the Deficiency Notices.

23. On May 22, 2017, Respondent completed an Employment Application for a Law Clerk position with the Honorable James Den Uyl, who is a sitting judge for the Superior Court of New Jersey, Civil Division, Ocean County.

24. Section 8 of the Employment Application requested information from Respondent regarding college and graduate school.

25. Respondent listed on section 8 of the Employment Application that he had: attended Rutgers from 6/14 through 5/17; completed 84 credits; and graduated with a Juris Doctor.

26. When Respondent signed and dated the Employment Application, he certified, *inter alia*, that he had not made a misrepresentation or falsified information in the Employment Application.

27. Respondent knew that a qualification for the Law Clerk position was that an applicant had to have graduated from an ABA approved law school.

28. Respondent was hired to serve as a Law Clerk to Judge Uyl.

29. Sometime in July 2017, Respondent took the New Jersey bar examination.

30. Respondent's employment as a Law Clerk for Judge Uyl commenced on August 25, 2017.

31. On October 3, 2017, Respondent submitted an amendment to the 2017 NJ Character Questionnaire ("the October 2017 Questionnaire Amendment").

32. On the October 2017 Questionnaire Amendment, Respondent listed his employment as a Law Clerk to Judge Uyl.

33. Section 17 (titled "Miscellaneous") on the October 2017 Questionnaire Amendment, inquired, *inter alia*, if there is "any information (event, incident, occurrence, etc.) that was not specifically addressed and/or asked of you in this application and/or in the instructions that could be considered a character issue?"

34. When Respondent submitted the October 2017 Questionnaire Amendment, he did not list under Section 17 that he had provided false information on the Employment Application that he had completed for the Law Clerk position with Judge Uyl.

35. By letter dated October 13, 2017, sent to Respondent by the NJ Bar Examiners, Respondent was notified that the results from his New Jersey bar examination were being withheld because he had not submitted a Law School Certificate.

36. Respondent received this letter.

37. By letter dated January 19, 2018, sent to Respondent by Sahbra Smooks Jacobs, Esquire, Counsel to the New Jersey Committee on Character, Respondent was advised that the New Jersey Committee on Character was treating his application for admission to the New Jersey Bar as abandoned and the reasons therefor; he was also advised of the steps he had to take to reactivate his application.

38. Respondent received this letter.

39. In January 2018, Respondent re-enrolled at Rutgers and took a two-credit law course titled "Advanced Legal

Writing" so that he could fulfill the credits requirements in order to be awarded a Juris Doctor degree from Rutgers.

40. On April 16, 2018, Respondent electronically filed with the Pennsylvania Board of Law Examiners ("the PA Bar Examiners") a Bar Application ("the PA Bar Application"), therein applying to sit for the July 24, 2018 bar examination.

- a. Respondent verified that the statements of fact made by him in the Pennsylvania Bar Application were true and correct and that they were made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

41. On the PA Bar Application, under the section titled "Education - Law School Degree(s)," Respondent was asked to identify the school he attended, the state/country where the school was located, the degree he was awarded, and the beginning and end dates of attendance.

- a. Respondent provided the following information: "Rutgers," "New Jersey," "JD," "06/09/2014" and "05/25/2017."

42. Respondent knowingly made false statements of material fact on the PA Bar Application when he answered that he had been awarded a Juris Doctor degree from Rutgers in May 2017.

43. On the PA Bar Application, under the section titled "Bar Related - Other Bar Applications," Respondent was asked to provide, *inter alia*, certain information for each application that he had submitted to sit for a bar examination.

- a. Respondent identified that he had submitted a New Jersey bar examination application, the application was dated "03/30/2017," and the result/status was "Exam Results Pending."

44. Respondent failed to disclose on the PA Bar Application, under the section titled "Bar Related - Other Bar Applications," that: he had not met the eligibility requirements to sit for the New Jersey bar examination, which required him to have been awarded a Juris Doctor degree; the results from his New Jersey bar examination were being withheld because he had not submitted a Law School Certificate; the Committee on Character had treated his

application for admission to the New Jersey Bar as abandoned; and he had to take affirmative steps to reactivate his application for admission to the New Jersey Bar.

45. On the PA Bar Application, there is a section titled "Miscellaneous - Issues," which states the following:

If there is any information (event, incident, occurrence, etc.) that was not specifically addressed and/or asked of you in the online application and/or in the instructions that could be considered a character issue, you are required to provide a detailed explanation for each event, incident/occurrence. Do you have any additional issues to disclose before submitting your application?

46. Respondent selected "No" when answering the inquiry listed under the "Miscellaneous - Issues" section of the PA Bar Application.

47. Respondent knowingly made a false statement of material fact on the PA Bar Application when he answered "No" in response to the inquiry listed under the "Miscellaneous - Issues" section of the PA Bar Application.

48. Respondent knowingly failed to disclose in response to the inquiry listed under the "Miscellaneous - Issues" section of the PA Bar Application that he:

- a. had not amended the 2017 NJ Character Questionnaire so as to disclose that he would not be awarded a Juris Doctor degree from Rutgers in May 2017;
- b. had falsely stated on the Employment Application for the Law Clerk position with Judge Uyl that he had obtained a Juris Doctor degree from Rutgers in May 2017; and
- c. had not amended the 2017 NJ Character Questionnaire so as to disclose that he had provided false information on the Employment Application that he had completed for the Law Clerk position with Judge Uyl.

49. When Respondent electronically filed the PA Bar Application, he:

- a. verified that the statements of fact made by him in the PA Bar Application were "true and correct," that they were "made subject to the penalties of 18 Pa. C.S §4904 relating to unsworn falsification to authorities," and that he had "not omitted any facts or matters

pertinent to [his] electronically filed application"; and

- b. acknowledged that he had an "obligation to keep [his] responses to the questions current, complete and correct by filing timely amendments until the date of [his] admission to the bar of the Commonwealth of Pennsylvania" and that "an amendment is considered timely when made no later than 10 days after any occurrence that would change, or render incomplete, any answer on [his] bar application."

50. In April 2018, Respondent received a passing grade and was awarded credit for the course on Advanced Legal Writing.

51. On May 17, 2018, Rutgers awarded Respondent a Juris Doctor degree.

52. In June 2018, Respondent filed a Motion with the Supreme Court of New Jersey to reactivate his 2017 New Jersey bar application.

53. By Order dated July 12, 2018, the Supreme Court of New Jersey:

- a. granted Respondent's Motion to "re-open [his] application for admission to the bar"; and
- b. directed Respondent to "submit an updated Certified Statement of Candidate and related materials, including criminal records, and a driver's abstract to the Committee on Character within sixty (60) days of the filing date of this Order."

54. On July 19, 2018, Respondent submitted an amendment to the 2017 NJ Character Questionnaire ("the July 2018 Questionnaire Amendment").

55. In response to Subsection C (titled "Law School") under Section 3 (titled "EDUCATION") on the July 2018 Questionnaire Amendment, Respondent mistakenly stated that he was awarded a "JD" from Rutgers in "5-2017."

56. By email dated July 30, 2018, sent by Ms. Jacobs to Respondent, Ms. Jacobs, *inter alia*:

- a. informed Respondent that Donald K. Ludman, Esquire, a member of the New Jersey Committee

on Character, would be reviewing Respondent's file again; and

- b. advised Respondent that Mr. Ludman would want to know why Respondent had repeatedly ignored messages from the New Jersey Committee on Character concerning Respondent's "delinquencies as well as the contact from Mr. Ludman" and that Respondent had to provide a "detailed and candid response to this question."

57. On or about August 9, 2018, Respondent submitted to the New Jersey Committee on Character a Supplemental Certification, along with a letter from Janet Coyle, a licensed professional counselor.

58. In the Supplemental Certification, Respondent: stated that he had not graduated from Rutgers in May 2017; explained why he had not graduated at that time; offered an explanation as to why he had not promptly addressed the Juris Doctor requirements for Rutgers and the deficiency notices from the New Jersey Committee on Character; advised that in January 2018, he had been diagnosed with clinical depression

and that since that time he had been receiving treatment consisting of psychotherapy and medication; claimed that the treatment was successful; and discussed what he had done to obtain a Juris Doctor degree from Rutgers.

59. On September 18, 2018, Respondent was interviewed by Mr. Ludman.

60. By letter dated September 19, 2018, sent to Respondent by Ms. Jacobs, Respondent was advised, *inter alia*, that Mr. Ludman had determined that the "issues in [Respondent's] Certified Statement of Character (also called Character and Fitness Questionnaire or bar application) require further consideration. As a result, [Respondent's] file has been assigned for additional scrutiny, which may result in the need for a formal hearing pursuant to RG 303."

61. Respondent received this letter.

62. By letter dated September 19, 2018, sent to Respondent by Ms. Jacobs, Respondent was notified, *inter alia*, that based on Respondent's "disclosures of alcohol, drugs, and/or mental health related issues, [he was] being referred for an evaluation and subsequent report to the Committee. This evaluation is necessary in order to provide

the Committee with sufficient information concerning the disclosed issues to determine if [Respondent] can be certified or if a hearing regarding [Respondent's] admission will be necessary."

63. Respondent received this letter.

64. Respondent knowingly failed to timely amend his PA Bar Application so as to disclose to the PA Bar Examiners that he:

- a. had not been awarded a Juris Doctor degree from Rutgers in May 2017, and the reasons therefor;
- b. had filed a motion to have his New Jersey bar application reopened;
- c. was the subject of an ongoing investigation by the New Jersey Committee on Character which was charged with determining whether he had the good character and present fitness to practice law in New Jersey; and
- d. had been interviewed by Mr. Ludman in September 2018, and that based on that interview and the information Respondent had

supplied to the New Jersey Committee on Character, he had been advised that his file might require a formal hearing and he had been directed to obtain a written evaluation from a licensed mental health professional.

65. On October 5, 2018, the PA Bar Examiners certified Respondent for admission to the Pennsylvania Bar.

66. On October 15, 2018, Respondent was admitted to the Pennsylvania Bar.

67. On March 12, 2020, the Supreme Court of New Jersey issued an Order that withheld Respondent's certification as a candidate for admission to the Bar of New Jersey and directed that Respondent could not reapply for admission for a minimum period of six months from the date of November 21, 2019.

68. By his conduct as alleged in paragraphs 9 through 67 above, Respondent violated the following Rules of Professional Conduct and Pennsylvania Rule of Disciplinary Enforcement:

- a. RPC 8.1(a), which states that an applicant for admission to the bar, or a lawyer in

connection with a bar admission application or in connection with a disciplinary matter, shall not knowingly make a false statement of material fact;

b. RPC 8.1(b), which states that an applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6;

c. RPC 8.4(c), which states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

- d. RPC 8.4(d), which states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice; and
- e. Pa.R.D.E. 203(b)(6), which states that a ground for discipline shall be making a material misrepresentation of fact or deliberately failing to disclose a material fact in connection with an application submitted under the Pennsylvania Bar Admission Rules.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

69. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension for a period of two years, with twelve months to be served; the remaining suspension of twelve months will be stayed and Respondent will be placed on probation for one year, subject to the following conditions:

- a. Respondent shall continue to treat with Ms. Coyle or other licensed professional counselor;

- b. Respondent shall comply with the treatment regimen prescribed by Ms. Coyle or other mental health provider;
- c. Respondent shall not violate the Rules of Professional Conduct; and
- d. on a semi-annual basis, Respondent shall file with the Board Prothonotary, and provide Petitioner with a copy of, a report from his treating mental health provider that Respondent is continuing in treatment and is in compliance with all treatment recommendations.

70. Respondent hereby consents to that discipline being imposed upon him 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 he consents to the recommended discipline, including the mandatory acknowledgements contained in Pa.R.D.E. 215(d)(1) through (4).

71. In support of Petitioner and Respondent's joint recommendation, it is respectfully submitted that there are several mitigating circumstances:

- a. Attached collectively as Attachment A are two undated reports prepared by Ms. Coyle. One of the reports was submitted to the New Jersey Committee on Character and the second report was submitted to the Supreme Court of New Jersey. In the first report, Ms. Coyle diagnosed Respondent with clinical depression and attention deficit disorder. In the second report, Ms. Coyle more specifically diagnosed Respondent with major depressive disorder. According to Ms. Coyle, Respondent has responded well to treatment.
- b. Attached as Attachment B is a November 8, 2018 report prepared by Dr. Laurie Deerfield, a psychiatrist with experience treating professionals. Respondent was evaluated by Dr. Deerfield at the direction of the New Jersey Committee on Character. Dr. Deerfield

diagnosed Respondent with "Adjustment Disorder with mixed symptoms of anxiety and depression- resolving" and "Attention Deficit Disorder, Inattentive Type- being treated." Under the section of the report with the heading "Impressions," Dr. Deerfield stated that Respondent had "put substantial time and effort into his psychotherapy. It has paid off" and he is "medically fit to enter into the practice of law."

- c. Respondent and Petitioner submit that it is likely that at a disciplinary hearing Respondent would establish that his judgment was impaired when he completed the applications to sit for the New Jersey and Pennsylvania bar examinations and, consequently, there is a causal connection between his misconduct and his diagnosed conditions so as to constitute mitigation under *Office of Disciplinary Counsel v. Braun*, 553 A.2d 894 (Pa. 1989).

- d. Respondent has admitted engaging in misconduct and violating the charged Rules of Professional Conduct and Pennsylvania Rule of Disciplinary Enforcement.
- e. Respondent has cooperated with Petitioner, as is evidenced by Respondent's admissions herein and his consent to receiving a two-year suspension, with one year served and one year stayed in favor of a one-year period of probation with conditions.
- f. Respondent is remorseful for his misconduct and understands he should be disciplined.
- g. Respondent has no record of discipline in the Commonwealth.
- h. Respondent self-reported his misconduct to Petitioner.

72. Two-year suspensions have been imposed on attorneys with no record of discipline for intentionally making misrepresentations and omitting material information on the Pennsylvania Bar Application. See, e.g., *In re Deborah Griffin, No. 76 DB 91*, 20 Pa. D.&C.4th 385 (1994) (Respondent

Griffin failed to disclose her guilty plea to two counts of deceptive use of a false social security number for the purpose of obtaining credit cards); **In re J. Ward Guilday, No. 80 DB 94**, 36 Pa. D.&C.4th 31 (1996) (Respondent Guilday failed to disclose on the Pennsylvania, New Jersey, and Delaware bar applications his seven arrests, three of which culminated in convictions; in addition, Respondent Guilday failed to disclose his criminal history on his application for admission to law school); and **Office of Disciplinary Counsel v. Robert Turnbull Hall**, No. 49 DB 2011 (S.Ct. Order 7/12/11) (consent discipline) (In completing the Pennsylvania and New Jersey bar applications, Respondent Hall: failed to disclose that he had provided false information in response to two questions on two separate law school applications when describing the circumstances surrounding his expulsion from secondary school and when discussing his arrest and conviction record; failed to disclose that he had failed to complete an outpatient drug treatment program; and misrepresented that he had not had any problems with the law since an April 2000 arrest for marijuana possession. In addition, on the Pennsylvania bar application Respondent Hall

failed to disclose a 1999 lawsuit in which he had been named as a defendant).

Respondent Wagner's matter differs from the matters involving Respondent Griffin, Respondent Guilday, and Respondent Hall, in that based on the reports of Ms. Coyle and Dr. Deerfield, Respondent Wagner is likely to prove **Braun** mitigation at a disciplinary hearing by showing that the misrepresentations and omissions on the New Jersey and Pennsylvania bar applications were attributable to Respondent's impaired judgment that arose from untreated mental health conditions.

Petitioner and Respondent's joint recommendation for Respondent to serve a suspension for a period of two years, with twelve months to be served, and the remaining suspension of twelve months to be stayed and to be placed on probation for one year with conditions, accounts for the precedent involving attorneys who have made misrepresentations and omitted information on bar applications and for Respondent's untreated mental health conditions that played a role in Respondent's misconduct. Respondent will effectively serve a one-year term of suspension, which sanction reflects the

gravity of his misconduct. Staying the second year of the suspension term in favor of a probationary term of one year with conditions: acknowledges the link between Respondent's misconduct and his then-untreated mental health conditions, and the success to date in the treatment of those conditions; and ensures that Respondent continues to adhere to his treatment regimen.

Petitioner and Respondent's joint recommendation advances the goals of attorney discipline. Those goals are protecting the public, maintaining the integrity of the courts and the legal profession, and specific and general deterrence. See *Office of Disciplinary Counsel v. Keller*, 506 A.2d 872, 875 (Pa. 1986); *In re Iulo*, 766 A.2d 335, 338-339 (Pa. 2001).

WHEREFORE, Petitioner and Respondent respectfully request that:

- a. Pursuant to Rule 215(e) and 215(g), Pa.R.D.E., the 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 Supreme Court enter an Order that Respondent: 1) receive a suspension of two years, with twelve months to be served, and the remaining suspension of twelve months to be stayed and to be placed on probation for one year with conditions that require Respondent to continue to treat with Ms. Coyle or alternate qualified professional; comply with the treatment regimen prescribed by Ms. Coyle or other mental health provider; not violate the Rules of Professional Conduct; and on a semi-annual basis, file with the Board Prothonotary, and provide Petitioner with a copy of a report from his treating mental health provider that Respondent is continuing in treatment and is in compliance with all treatment recommendations; and 2) comply with all of the provisions of Rule 217, Pa.R.D.E.; and

- b. Pursuant to Pa.R.D.E. 215(i), the Three-Member Panel of the Disciplinary Board enter an order for Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter, and that under Pa.R.D.E. 208(g)(1) all expenses be paid by Respondent within 30 days after the notice of the taxed expenses is sent to Respondent.


Respectfully and jointly submitted,

OFFICE OF DISCIPLINARY COUNSEL

THOMAS J. FARRELL
CHIEF DISCIPLINARY COUNSEL

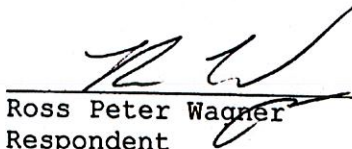
May 26, 2020
Date

By


Richard Hernandez
Disciplinary Counsel

May 26, 2020
Date

By


Ross Peter Wagner
Respondent

ATTACHMENT A
UNAVAILABLE -
CONFIDENTIAL DOCUMENT

ATTACHMENT B
UNAVAILABLE -
CONFIDENTIAL DOCUMENT

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
: ODC File No. C1-19-432
v. :
: Atty. Reg. No. 326047
ROSS PETER WAGNER, :
Respondent : (Out of State)

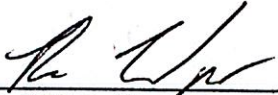
VERIFICATION

The statements contained in the foregoing Joint Petition
In Support Of Discipline On Consent Under Pa.R.D.E. 215(d)
are true and correct to the best of our knowledge or
information and belief and are made subject to the penalties
of 18 Pa.C.S. § 4904, relating to unsworn falsification to
authorities.

May 28, 2020
Date

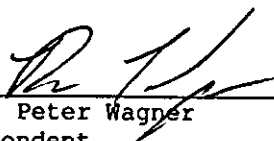

Richard Hernandez
Disciplinary Counsel

May 26, 2020
Date


Ross Peter Wagner
Respondent

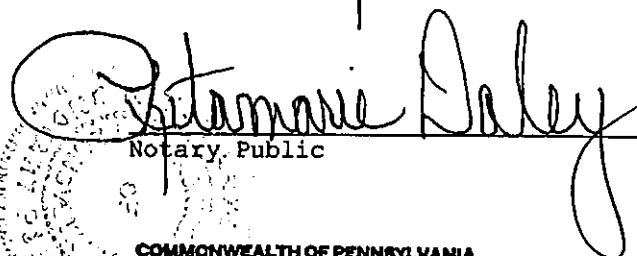
3. He acknowledges that the material facts set forth in the Joint Petition are true; and

4. He consents because he knows that if charges predicated upon the matter under investigation were filed, he could not successfully defend against them.



Ross Peter Wagner
Respondent

Sworn to and subscribed
before me this 19th
day of May, 2020.



Notary Public

