

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

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 80 DB 2023
Petitioner	:	
	:	File No. C4-20-683
v.	:	
	:	Attorney Registration No. 40391
ALFRED THOMAS FARRELL	:	
Respondent	:	(Blair County)

ORDER

AND NOW, this 25th day of May, 2023, in accordance with Rule 208(a)(5), Pa.R.D.E., the determination by a Review Panel of the Disciplinary Board of the above captioned matter is accepted; and it is

ORDERED that the said ALFRED THOMAS FARRELL of Blair County be subjected to a **PUBLIC REPRIMAND** by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(b) and Rule 205(c)(8) of the Pennsylvania Rules of Disciplinary Enforcement.

IT IS FURTHER ORDERED that Respondent shall be placed on PROBATION for a period of one year, subject to the following Conditions:

Conditions of Probation:

1. Respondent shall continue to maintain the records required by Rule of Professional Conduct (RPC) 1.15(c) for all IOLTAs;
2. Respondent shall submit those records to the Office of Disciplinary Counsel on a quarterly basis;
3. Respondent shall employ a CPA or other qualified professional to review Respondent's records for accuracy prior to submission to the Office of Disciplinary Counsel;

4. Respondent shall comply with any request by the Office of Disciplinary Counsel for corrected or supplemental records within 20 days of receipt of such records, without the need for the Office of Disciplinary Counsel to issue a subpoena;
5. Respondent shall maintain all of the required books and records required by RPC 1.15(c) in electronic form, which shall be securely backed up and readily available to Respondent and, upon demand, to the Office of Disciplinary Counsel;
6. Respondent shall reply to any request for backup records from the Office of Disciplinary Counsel within 20 days of receipt of such a request, without the need for the Office of Disciplinary Counsel to issue a subpoena;
7. Specifically as to the O'Dellick Estate, Respondent shall:
 - (a) Continue his immediate efforts to verify the current addresses of remaining residual beneficiaries and make immediate payment to each of them;
 - (b) Provide proof to Office of Disciplinary Counsel of all disbursements of estate assets to the heirs of the Estate;
 - (c) File an Amended Pennsylvania Inheritance Tax Return to reflect the decrease in the Estate's deductible expenses and the increase in the amount available to the Estate beneficiaries;
 - (d) Pay from his own funds the resulting increase in the Inheritance Tax due; and
 - (e) Provide proof to Office of Disciplinary Counsel that the estate administration has been finalized.
8. Respondent's probationary term shall not expire until he has provided the Office of Disciplinary Counsel with required records, and any requested corrected or supplemental records, and the Office of Disciplinary Counsel has determined that such records are sufficient under RPC 1.15(c);
9. The expenses incurred in the investigation and prosecution of this matter shall be paid by Respondent; and
10. If Respondent fails to satisfy these probationary conditions, the Office of Disciplinary Counsel will seek reconsideration of the matter and prosecution of formal charges against Respondent pursuant to Rule 204(b), Pennsylvania Rules of Disciplinary Enforcement.

Costs shall be paid by the Respondent.

BY THE BOARD:



Board Chair

TRUE COPY FROM RECORD

Attest:



Marcee D. Sloan
Board Prothonotary
The Disciplinary Board of the
Supreme Court of Pennsylvania

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PUBLIC REPRIMAND

Alfred Thomas Farrell, you appear before the Disciplinary Board for the imposition of a Public Reprimand ordered by the Board on May 25, 2023. The Board further ordered that you be placed on probation for a period of one year, subject to conditions. It is an unpleasant task to publicly reprimand one who has been granted the privilege of membership in the bar of the Commonwealth. Yet as repugnant as this task may be, it has been determined necessary that you receive this public discipline.

Attorney Farrell, the record demonstrates that you engaged in professional misconduct with regard to two estate matters handled by your law firm. Your daughter, Meghan Irwin, was employed as a lawyer in your office during this time period and worked under your management and supervision. The record demonstrates that you did not properly supervise Ms. Irwin's conduct and did not properly maintain your IOLTA account, which enabled Ms. Irwin to misappropriate entrusted funds from the estates, unbeknownst to you.

In the McGirk Estate, you were entrusted with \$38,049.04 and negotiated a lien with the Department of Public Welfare, now known as the Department of Human Services ("DHS"). In 2013, Ms. Irwin drafted a letter to DHS and purported to enclose a

check for \$38,049.04, but did not send the letter or check. Ms. Irwin misappropriated at least \$33,884.26 of the entrustment from your IOLTA. You failed to properly reconcile your IOLTA and apparently were unaware of the problem. You did not reply to multiple letters from DHS over the next years requesting a status update on the estate administration, and did not inform the estate executor that the DHS lien had not been satisfied. In June of 2021, you satisfied the lien.

In the O'Dellick Estate, in 2016, estate realty was sold with net proceeds totaling \$44,891.79. The proceeds were deposited into your business checking account, which was not an IOLTA or other trust account. You were entrusted with funds on behalf of the estate and DHS, which asserted a lien of \$11,842.91. Ms. Irwin transferred funds from your business account to the IOLTA to cover shortages she had created, and then misappropriated those funds. DHS contacted you on multiple occasions seeking the status of the estate administration, but you failed to reply.

On January 12, 2018, Ms. Irwin was disbarred on consent. In August of 2018, you filed an Inheritance Tax Return on behalf of the O'Dellick Estate, which listed estate obligations, but you took no action at that time to satisfy those obligations, and failed to inform the executor or DHS that Ms. Irwin had misappropriated funds from the estate. In November of 2021, you disbursed to DHS the funds owed on behalf of the O'Dellick Estate in satisfaction of the lien. In April of 2023, you provided information to Office of Disciplinary Counsel ("ODC") that you paid Estate obligations to three other creditors.

As part of the conditions of your probation, you are required to continue efforts to verify current addresses of remaining residual beneficiaries of the O'Dellick Estate and make immediate payment to each, and provide proof to ODC of all disbursements of estate assets to the heirs of the O'Dellick Estate. You are further required to maintain

RPC 1.15 records and submit them to ODC on a quarterly basis, employ a CPA or other professional to review your records for accuracy, and comply with ODC's requests for any corrected or supplemental records.

By your conduct, you violated the following Rules of Professional Conduct ("RPC"):

1. RPC 1.3, in that you failed to act with reasonable diligence and promptness in representing the personal representatives of the McGirk and O'Dellick Estates by failing to satisfy liens asserted against each estate.
2. RPC 1.4(a)(3), in that you failed to keep the personal representatives of the McGirk and O'Dellick Estates reasonably informed about the status of the respective estate administrations by failing to inform them about Ms. Irwin's misappropriation of the assets of each estate.
3. RPC 1.15(b), in that you failed to appropriately safeguard all Rule 1.15 Funds and property of the McGirk and O'Dellick Estates by failing to adequately supervise Ms. Irwin's conduct so as to prevent her misappropriation of the assets of each estate.
4. RPC 1.15(c), in that you failed to properly maintain the books and records of your IOLTA until you learned of Ms. Irwin's misappropriation of the assets of each estate from your IOLTA.
5. RPC 1.15(e), in that you failed to deliver to your clients and/or a third party property, including Rule 1.15 Funds, that your clients and/or the third party were entitled to receive by failing to satisfy the liens asserted against the two

estates either before or after Ms. Irwin's misappropriation of the assets of each estate from your IOLTA.

6. RPC 5.1(a) and 5.1(b), in that you failed to make reasonable efforts to ensure that your law office had in effect measures giving reasonable assurance that all lawyers in your office conformed their conduct to the Rules of Professional Conduct by failing to adequately supervise Ms. Irwin's record-keeping and IOLTA transactions related to her misappropriation of the assets of the McGirk and O'Dellick Estates.

Attorney Farrell, your conduct in this matter is public. This Public Reprimand is a matter of public record and shall be posted on the Disciplinary Board's website at www.padisciplinaryboard.org.

It is the Board's duty to reprimand you for your misconduct. We note that you have no record of discipline since your admission to the bar of Pennsylvania in 1984. We further note that you did not personally benefit from the misconduct of Ms. Irwin. Please be aware that any subsequent violations on your part can only result in further discipline and more severe sanctions. We sincerely hope that you will conduct yourself in such a manner that future disciplinary action will be unnecessary.

S/Robert J. Mongeluzzi

Designated Member
The Disciplinary Board of the
Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania on July 20, 2023.