

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 1610 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 81 DB 2009
v.	:	
	:	Attorney Registration No. 81329
ANNE MICHELLE CAMPBELL,	:	
Respondent	:	(Philadelphia)

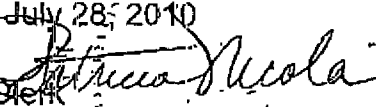
ORDER

PER CURIAM:

AND NOW, this 28th day of July, 2010, upon consideration of the Report and Recommendations of the Disciplinary Board dated May 10, 2010, it is hereby

ORDERED that Anne Michelle Campbell is suspended from the Bar of this Commonwealth for a period of one year and one day and she shall comply with all the provisions of Rule 217, Pa. R.D.E.

It is further ORDERED that respondent shall pay costs to the Disciplinary Board pursuant to Rule 208(g), Pa. R.D.E.

A True Copy Patricia Nicola
As of: July 28, 2010
Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 81 DB 2009
Petitioner	:	
	:	
v.	:	
	:	Attorney Registration No. 81329
	:	
ANNE MICHELLE CAMPBELL	:	
Respondent	:	(Philadelphia)

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

On June 4, 2009, Office of Disciplinary Counsel filed a Petition for Discipline against Anne Michelle Campbell, Respondent. The Petition charged Respondent with violations of the Rules of Professional Conduct and Rules of Disciplinary Enforcement in two matters arising out of her failure to appear for an Informal Admonition before Chief Disciplinary Counsel and her neglect of a client. Respondent did not file an Answer to Petition for Discipline.

A disciplinary hearing was held on October 27, 2009, before a District I Hearing Committee comprised of Chair John F. Gough, Esquire, and Members Christopher N. Santoro, Esquire, and Maria-Louise Perri, Esquire. Respondent did not appear.

The Hearing Committee filed a Report on March 8, 2010, concluding that Respondent violated the Rules as charged in the Petition for Discipline, and recommending that she be suspended for a period of one year and one day.

This matter was adjudicated by the Disciplinary Board at the meeting on April 14, 2010.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner, Office of Disciplinary Counsel, whose principal office is located at Pennsylvania Judicial Center, 601 Commonwealth Ave., Suite 2700, P.O. Box 62485, Harrisburg, Pennsylvania 17106, is invested, pursuant to 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 is Anne Michelle Campbell. She was born in 1968 and was admitted to practice law in the Commonwealth in 1998. Her most recently

registered office address is 100 S. Broad St., Suite 1530, Philadelphia PA 19110. Respondent is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. Respondent has no history of discipline.

The Davis Matter

4. Towards the end of 2006, Respondent represented Yvonne Davis in a divorce action in Family Court in Philadelphia County. Ms. Davis paid Respondent a total fee of \$2,000.

5. By letter of March 8, 2007, Respondent's paralegal forwarded to Ms. Davis a copy of an Order dated February 20, 2007 and filed March 1, 2007, from the Honorable Kevin Dougherty approving grounds for divorce.

6. On December 5, 2007, Respondent was present and represented Ms. Davis at a master's hearing to determine the issue of equitable distribution and related issues.

7. On February 21, 2008, the master forwarded a copy of his report to Respondent with his recommendations and a notice that a request for trial de novo in the matter before a judge must be requested within 20 days of the date of notice.

8. Respondent received the notice of master's report but did not contact Ms. Davis or provide Ms. Davis with a copy.

9. Ms. Davis contacted the master's unit and was informed that the

report had been mailed to Respondent on February 21, 2008.

10. The court sent a copy of the master's report to Ms. Davis on March 18, 2008.

11. The 20 day period for requesting a trial de novo had expired and Respondent prejudiced Ms. Davis' case in allowing the time period to expire without notice to Ms. Davis despite repeated requests by Ms. Davis to Respondent's office for information.

12. On or about March 25, 2008, Ms. Davis filed a request for trial de novo.

13. On September 22, 2008, Ms. Davis filed a complaint with Office of Disciplinary Counsel against Respondent.

14. By Letter Request for Statement of Respondent's Position (DB-7) dated November 7, 2008, Disciplinary Counsel advised Respondent of the complaint by Ms. Davis and requested a response as to the allegations.

15. Respondent did not reply.

16. Disciplinary Counsel wrote a follow-up letter on December 1, 2008, which also failed to elicit a response from Respondent.

17. By letter dated February 2, 2009, Chief Disciplinary Counsel Paul J. Killion informed Respondent that:

a. She had previously been advised of a complaint filed against her and the investigation into the complaint had been completed;

b. It had been determined that she should receive an Informal Admonition for violations of RPC 1.3, 1.4(a)(3), and 1.4(a)(4);

c. An Informal Admonition was scheduled for Friday, March 6, 2009 at 12:40 p.m. in the District I office in Philadelphia;

d. Respondent had the right to demand formal proceedings;

e. In the event of such a demand Respondent need not appear for the Informal Admonition; and

f. Respondent had the option of notifying the Secretary of the Board and ODC that she did not wish to receive the Informal Admonition and to proceed with formal charges.

18. Chief Disciplinary Counsel sent the February 2, 2009 notice to Respondent by certified mail, return receipt requested.

19. Respondent received the letter.

20. Respondent did not notify ODC or the Secretary that she wished to pursue formal charges.

21. Respondent failed to appear on March 6, 2009 for her scheduled Informal Admonition.

22. By letter of March 11, 2009, Chief Disciplinary Counsel informed Respondent that she should present good cause for her failure to appear, and in the absence of a showing of good cause, ODC would proceed with further disciplinary action.

23. Respondent received the certified mail from Chief Disciplinary Counsel.

24. Thereafter, Respondent did not inform ODC of any good cause for her failure to appear on March 6, 2009.

The Muldrow Matter

25. On February 13, 2007, Respondent was retained by Tyrone Muldrow to represent him in connection with his divorce matter.

26. On April 23, 2007, Respondent filed a complaint in divorce in the Court of Common Pleas of Philadelphia County.

27. On March 24, 2008, Mr. Muldrow filed a complaint with ODC alleging Respondent's failure to communicate with him, failure to keep him reasonably informed of the status of his case, and failure to promptly comply with reasonable requests for information concerning his case.

28. On April 1, 2008, Disciplinary Counsel spoke with Respondent by telephone about the complaint and Respondent advised that she would communicate with Mr. Muldrow and resolve the matter. As a result of this conversation, ODC dismissed Mr. Muldrow's complaint.

29. From May 5, 2008 through January of 2009, Mr. Muldrow attempted to contact Respondent's office to speak with her about his case. At all times with the exception of July 16, 2008, Respondent failed to communicate with Mr.

Muldrow.

30. Respondent did not communicate with Mr. Muldrow after July 16, 2008.

31. On January 13, 2009, Mr. Muldrow filed a lawsuit against Respondent in the Small Claims Court in Philadelphia seeking the return of his legal retainer in the amount of \$800 plus costs.

32. On January 20, 2009, the complaint filed by Mr. Muldrow was served at Respondent's office and service was accepted.

33. Despite being sued by Mr. Muldrow, Respondent failed to withdraw her appearance in the divorce matter.

34. By letter dated February 4, 2009, Mr. Muldrow advised Respondent that he was discharging her as his attorney and requested that Respondent withdraw her appearance from his legal matter.

35. Respondent still failed to withdraw her appearance.

36. On February 6, 2009, Respondent failed to appear at the court hearing scheduled on Mr. Muldrow's civil complaint.

37. By Order of February 6, 2009, default judgment was entered against Respondent in the amount of \$800 plus costs.

38. By letter dated February 6, 2009, Respondent was served with notice of the judgment.

39. On March 26, 2009, Mr. Muldrow re-filed his complaint against

Respondent with ODC.

40. As of May 28, 2009, Respondent has not satisfied the judgment.

41. Respondent did not appear at the disciplinary hearing and has not responded in any way to the charges against her.

42. Yvonne Davis and Tyrone Muldrow testified at the disciplinary hearing. Both testified credibly that their experiences with Respondent diminished their view of the legal profession.

III. CONCLUSIONS OF LAW

By her actions as set forth above, Respondent violated the following Rules of Professional Conduct and Rules of Disciplinary Enforcement:

1. Pa.R.D.E. 203(b)(2) – Willful failure to appear before Disciplinary Counsel for informal admonition shall be grounds for discipline.

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

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

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

5. 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 to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law.

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

IV. DISCUSSION

This matter is before the Disciplinary Board for consideration of the Petition for Discipline filed against Respondent on May 29, 2009. The Petition with notice to plead was served on Respondent personally on July 30, 2009. Respondent did not file an Answer. All of the factual allegations contained in the Petition are deemed admitted. Pa.R.D.E. 208(b)(3).

The Petition charges that Respondent willfully failed to appear at an Informal Admonition on March 6, 2009. The Petition also charges that Respondent is conclusively deemed to have violated the Rules in connection with her representation of Yvonne Davis, which was the subject of the informal admonition. Finally, the Petition charges that Respondent violated the Rules in connection with her representation of Tyrone Muldrow.

Petitioner bears the burden of proving ethical misconduct by a preponderance of the evidence that is clear and satisfactory. Office of Disciplinary

Counsel v. Grigsby, 425 A.2d 730 (Pa. 1981). Petitioner has met this burden of proof. In connection with the Davis complaint, Respondent failed to respond to Petitioner's requests for information, failed to request formal charges after being advised that an Informal Admonition was to be imposed upon her, failed to appear at the Informal Admonition, and failed to respond to inquiries concerning her absence at the Informal Admonition. In the Muldrow matter, Respondent failed to respond to requests for information from her client and failed to withdraw from the representation and take steps to protect her client's interests. This evidence is more than sufficient for Petitioner to carry its burden. Respondent did not appear at the hearing and the record is devoid of any explanation by Respondent as to her improper conduct.

The Hearing Committee has recommended that Respondent be suspended for a period of one year and one day. After review of the record, the Committee's well-reasoned discussion, and the outcomes of similar cases, the Board is persuaded that a suspension of one year and one day is an appropriate sanction to address Respondent's misconduct.

A respondent who engages in neglect of one or more client matters and fails to appear for an Informal Admonition and the subsequent disciplinary hearing has typically been disciplined by a term of suspension, generally of one year and one day. Office of Disciplinary Counsel v. William Walsh, No 73 DB 2005, 1 Pa. D. & C. 5th 342 (2006); Office of Disciplinary Counsel v. Kenton O'Neil, No. 212 DB 2003, 72 Pa. D. & C. 4th 438(2004). The reason for a suspension requiring a petition for reinstatement is

not the actual client misconduct, but the respondent's absolute failure to acknowledge the disciplinary proceedings and participate in them.

Herein, Respondent's refusal to participate in the disciplinary proceedings is as troubling to the Board as the neglect of her clients. Respondent had the opportunity to resolve the Davis matter by an Informal Admonition from Chief Disciplinary Counsel. This was an opportunity for her to have a candid conversation with the disciplinary authorities and perhaps get help with her practice difficulties. Respondent did not avail herself of this opportunity and failed in any way to respond.

Respondent's failure to respond in any way continued as her involvement in the disciplinary system deepened, and has now culminated in a recommendation of suspension of her license. Respondent has failed to act professionally and responsibly. She has provided no evidence that she has a desire to keep her law license or that her misconduct will not continue in the future. There is no evidence that Respondent places value on her privilege to practice law.

The Board's responsibility to the public is paramount. Office of Disciplinary Counsel v. Costigan, 584 A.2d 296 (Pa. 1990). A suspension of one year and one day will protect the public until such time as Respondent affirmatively demonstrates that, whatever the cause of her difficulties, she is fit to practice law.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, Anne Michelle Campbell be Suspended from the practice of law for a period of One Year and One Day.

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: 
Stephan K. Todd, Board Member

Date: May 10, 2010

Board Member Nasatir abstained.