

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

OFFICE OF DISCIPLINARY COUNSEL	:	No. 85 DB 2012
Petitioner	:	
	:	
v.	:	Attorney Registration No. 18018
	:	
JEFFREY E. PICCOLA	:	
Respondent	:	(Dauphin County)

PUBLIC REPRIMAND

Jeffrey E. Piccola, you stand before the Disciplinary Board, your professional peers and members of the public for the imposition of a public reprimand. It is an unpleasant task to publicly reprimand one who has been granted the privilege of membership in the bar of this Commonwealth. Yet as repugnant as this task may be, it has been deemed necessary that you receive this public discipline. We note that you agreed to a public reprimand by a joint petition in support of discipline on consent.

Mr. Piccola, over the past 20 to 25 years, you represented Kemp & Associates, a Utah company engaged in searching courthouse estate filings throughout the Country for decedents who die intestate and contacting potential beneficiaries of particular estates. The potential heir assigns to Kemp one-third of whatever assets the particular beneficiary will receive from the estate. Your fee was a contingent legal fee of five percent of any amount Kemp recovered. It is in the realm of this representation that your misconduct arose.

You were retained to represent Kemp and the estate claimants in connection with the Estates of Elinor Appel, Sharon M. Johnson, and Mildred Walter Leader. You failed to advise the claimants when you first undertook representation of them that you considered Kemp to be your primary client; that you would represent the claimants and Kemp as long as their interests were in accord, and that in the event adversity developed between Kemp and the claimants, you would withdraw your representations of both Kemp and the claimants.

As your representation of the above claimants and Kemp continued, there developed a conflict with some of the claimants, as it was communicated to you by other attorneys hired by some of the claimants that these claimants were contesting the assignment to Kemp. However, you continued to represent Kemp and all of the claimants and failed to withdraw your representation.

You represented Kemp in actions against former clients in the matter of *Kemp & Associates, Inc., v. Anna Mary Deardolf[sic], Thomas G. Denlinger, Ella Brown Friedel, Emma Jean Heidig, Helen M. Heisler and Velva Lee Masur*, Court of Common Pleas of Lancaster County, Civil Action No. 10-03298 and *Kemp and Associates, Inc. v. Richard M. Smelser, Carol A. McDannell and Terrence L. Thomas, as Power of Attorney for Anna Faye Thomas*, Court of Common Pleas, Adams County, Civil Action No. 2008-SU-0001487. You had previously represented the defendants in the same or substantially related matters, and were now representing Kemp, whose interests were materially adverse against these former clients.

Your actions have violated the following Rules of Professional Conduct:


1. RPC 1.4(a) – A lawyer shall promptly inform the client of any decision or circumstance with respect to which the client’s informed consent, as defined in Rule 1.0(e), is required by these Rules;
2. RPC 1.7(a) – Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if: (1) the representation of one client will be directly adverse to another client or (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer’s responsibilities to another client, a former client or a third person or by a personal interest of the lawyer;
3. RPC 1.9(a) – A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or substantially related matter in which that person’s interests are materially adverse to the interests of the former client unless the former client gives informed consent; and
4. RPC 1.16(a)(1) – Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if the representation will result in violation of the rules of professional conduct or other law.

We note that several mitigating factors exist in this matter. Significantly, you took the initiative to discuss a joint agreed disposition of this matter which saved a great deal of time and expense. You expressed sincere remorse and recognition of wrongdoing. You have practiced law for nearly forty years with no record of discipline.

Mr. Piccola, the conduct that has brought you to this moment is in the record of this proceeding and is now fully public. This public reprimand is now a matter of public record.

As you stand before the Board today, we remind you that you have a continuing legal obligation to adhere to the Rules of Professional Conduct and the Rules of Disciplinary Enforcement. This public reprimand is proof that Pennsylvania lawyers will not be permitted to engage in conduct that falls below professional standards. Be mindful that any future dereliction will subject you to disciplinary action.

This Public Reprimand shall be posted on the Disciplinary Board's website at www.padisciplinaryboard.org.

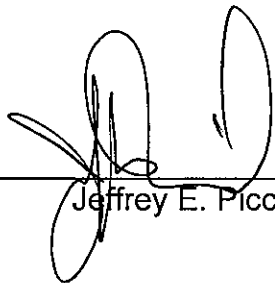


Designated Member
The Disciplinary Board of the
Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania, at Philadelphia, Pennsylvania, on November 16, 2012.

ACKNOWLEDGMENT

The undersigned, Respondent in the above proceeding, herewith acknowledges that the above Public Reprimand was administered in his presence and in the presence of the designated panel of The Disciplinary Board at the Board Offices located at 16th Floor, Seven Penn Center, 1635 Market Street, Philadelphia, Pennsylvania, on November 16, 2012.



Jeffrey E. Piccola