

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

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 88 DB 2019
Petitioner	:	
	:	File No. C4-18-1078
v.	:	
	:	Attorney Registration No. 90872
CHARLES A. PASCAL, JR.	:	
Respondent	:	(Armstrong County)

O R D E R

AND NOW, this 14th day of May, 2019, in accordance with Rule 208(a)(5), Pa.R.D.E., the determination by a Review Panel of the Disciplinary Board of the Supreme Court of Pennsylvania, in the above captioned matter is accepted; and it is

ORDERED that the said CHARLES ANTHONY PASCAL, JR. of Armstrong County, be subjected to a **PUBLIC REPRIMAND WITH CONDITION** 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.

Within thirty (30) days from the date of this Order, Respondent shall submit to the Prothonotary of the Board and Disciplinary Counsel proof that he has:

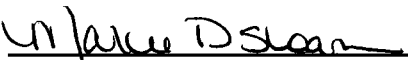
1. Refunded \$2,500 to Cameron Texter and \$700 to Toni Smith.

Failure to comply with the above Condition shall be grounds for reconsideration of this matter and prosecution of formal charges against Respondent under the specific provision of Enforcement Rule 204(b). Costs shall be paid by the Respondent.

BY THE BOARD:


Board Chair

TRUE COPY FROM RECORD
Attest:


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

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PUBLIC REPRIMAND

Charles A. Pascal, Jr., 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.

Mr. Pascal, the record indicates that in January 2018, you were contacted by Cameron Textor on behalf of a group of York County citizens to represent them in a matter challenging the fitness of the mayor of the city of York. You agreed to represent this group and file a Quo Warranto Complaint in York County on their behalf. On February 10, 2018, you met with your clients in person. Pursuant to your fee agreement, your fee was described as a "nonrefundable flat fee retainer of \$5,000.00." On or about February 10, 2018, Toni Smith paid you \$700.00 and on or about February 26, 2018, Mr. Textor paid you an additional \$2,500.00. You acknowledged receipt of these payments. Thereafter, you performed minimal work and did not file a Quo Warranto Complaint. You stopped replying or communicating with your clients in early June 2018. A number of the clients tried to contact you throughout June and July 2018 for a status update. You failed

to respond. By letter dated July 12, 2018, your clients requested that you provide an update and if you were no longer working for them, they requested that you provide a detailed invoice for work performed and the amount of the fee to be refunded. You did not respond to the letter, nor did you provide an accounting or a refund of unearned fees.

By DB-7 Request for Statement of Respondent's Position dated February 14, 2019, Office of Disciplinary Counsel placed you on notice of allegations of possible violations of the Rules of Professional Conduct, and informed you that failure to respond within thirty days of the date of the letter, without good cause, was an independent ground for discipline. You failed to provide a response to the DB-7 letter.

We note that as a condition to this Public Reprimand, you were required to refund \$700 to Ms. Smith and \$2,500 to Mr. Textor. The record indicates that you have complied with this condition.

Your conduct in this matter has violated the following Rules of Professional Conduct:

1. RPC 1.3 – A lawyer shall act with reasonable diligence and promptness in representing a client;
2. RPC 1.4(a)(3) and 1.4(a)(4) – A lawyer shall keep the client reasonably informed about the status of the matter and promptly comply with reasonable requests for information;
3. RPC 1.5(a) – A lawyer shall not enter into an agreement for, charge or collect an illegal or clearly excessive fee;
4. RPC 1.15(e) – 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;

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;
6. RPC 8.1(b) – A lawyer in connection with a disciplinary matter shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority; and
7. RPC 8.4(c) – It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

We note that you were admitted to practice law in the Commonwealth in 2003 and have no history of professional discipline.

Mr. Pascal, your conduct in this matter is now fully public. This Public Reprimand is a matter of public record.

As you stand before the Board today, we remind you that you have a continuing obligation to abide by the Rules of Professional Conduct and 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 more severe disciplinary action.

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

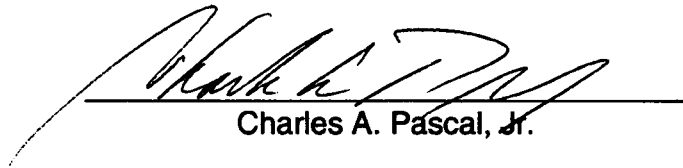
A handwritten signature in black ink, appearing to read "C. B. Hart", is written over a horizontal line.

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 Pittsburgh, Pennsylvania, on September 9, 2019.

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 Frick Building, 437 Grant Street, Suite 1300, Pittsburgh, Pennsylvania, on September 9, 2019.



Charles A. Pascal, Jr.