

**IN THE SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2105 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 95 DB 2013
v.	:	
	:	Attorney Registration No. 85270
MARK DAVID JOHNS,	:	
Respondent	:	(Montgomery County)

**ORDER**

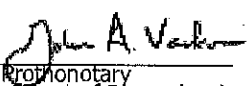
**PER CURIAM**

**AND NOW**, this 30<sup>th</sup> day of December, 2014, upon consideration of the Report and Recommendations of the Disciplinary Board dated October 2, 2014; it is hereby

ORDERED that Mark David Johns is suspended from the Bar of this Commonwealth for a period of one year and one day, and he 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 John A. Vaskov, Esquire  
As Of 12/30/2014

Attest:   
Deputy Notary  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 95 DB 2013
Petitioner	:	
	:	
v.	:	Attorney Registration No. 85270
	:	
MARK DAVID JOHNS	:	
Respondent	:	(Montgomery County)

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

By Petition for Discipline filed on September 30, 2013, Office of Disciplinary Counsel charged Mark David Johns with violations of the Rules of Professional Conduct arising out of his representation of two separate clients. Respondent filed an Answer to Petition on October 24, 2013.

A disciplinary hearing was held on January 14, 2014, before a District II Hearing Committee comprised of Chair John F. Cordisco, Esquire, and Members Melissa M. Weber, Esquire, and James C. Higgins, Jr., Esquire. Respondent appeared *pro se*.

Following the submission of briefs by the parties, the Committee filed a Report on May 28, 2014, concluding that Respondent violated the Rules as contained in the Petition for Discipline, and recommending that he be publicly reprimanded followed by one year stayed suspension and a practice monitor. The dissenting member of the Committee recommended a suspension of one year.

Petitioner filed a Brief on Exceptions on June 13, 2014.

This matter was adjudicated by the Disciplinary Board at the meeting on July 26, 2014.

## II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner, whose principal office is situated at Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, Harrisburg, Pennsylvania 17106, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement, 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 the Rules.

2. Respondent is Mark David Johns. He was born in 1969 and was admitted to practice law in the Commonwealth in 2000. His attorney registration address is

P.O. Box 842, Horsham, Montgomery County, Pennsylvania 19044. He is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

3. Respondent has a history of professional discipline in Pennsylvania consisting of an Informal Admonition administered in 2010 and a Private Reprimand administered in 2012.

### **The Youngblood Matter**

4. Respondent was retained by Sheryl Youngblood in August 2011 to represent her concerning a defense in an arbitration case filed in the Lackawanna County Court of Common Pleas. (S-20; ODC-1; ODC-2)

5. Respondent invoiced Ms. Youngblood and was paid a \$600 fee. (S-21; ODC-1; ODC-2)

6. The receipt issued by Respondent did not state that the payment was a flat fee earned upon receipt or was non-refundable. (S-22)

7. The arbitration did not take place because the matter was discontinued without prejudice on December 23, 2011, without any pleading filed by Respondent or an entry of appearance by him. (S-23; ODC-8)

8. Respondent did not return to Ms. Youngblood the \$600 fee when the arbitration did not take place. (S-24; ODC-1; ODC-2)

9. Respondent did not provide any writing to Ms. Youngblood stating or explaining that the \$600 fee was earned upon payment or receipt. (N.T. 98-99)

10. On or about August 24, 2012, Ms. Youngblood contacted Respondent about a Notice of Intent to Enter Default Judgment ("the Notice") that she had received from plaintiff's counsel in a separate case filed in Lackawanna County Court of Common Pleas.

11. During Ms. Youngblood's telephone conversation with Respondent, she explained to Respondent that she had filed a timely Answer and New Matter in August 2008, and questioned why the Notice had been sent to her. (S-27; ODC-1; ODC-2; ODC-6; ODC-7)

12. On August 25, 2012, Ms. Youngblood emailed to Respondent the Notice she had received. (S-28; ODC-1; ODC-2; ODC-6; ODC-7)

13. Respondent received Ms. Youngblood's email containing the Notice. (S-29; ODC-1; ODC-2; ODC-6; ODC-7)

14. Respondent advised Ms. Youngblood to contact the Prothonotary of Lackawanna County to confirm that her Answer and New Matter had been filed. The docket entries confirmed that Ms. Youngblood had filed an Answer and New Matter on August 22, 2008. (S-30; ODC-1; ODC-2)

15. On August 26, 2012, Ms. Youngblood communicated with Respondent by telephone and explained the information she had received from the Prothonotary. (S-31; ODC-1; ODC-2; ODC-6; ODC-7)

16. Respondent explained to Ms. Youngblood that no further action needed to be taken because of the timely filed Answer and New Matter. (S-32; ODC-1; ODC-2)

17. Ms. Youngblood asked Respondent to represent her in the action and to use the \$600 that she had given him in the arbitration matter. Respondent agreed to represent Ms. Youngblood and further agreed to apply the \$600 payment to his handling of the action. (S-33)

18. On September 17, 2012, plaintiff's counsel mistakenly entered a default judgment against Ms. Youngblood due to her alleged failure to Answer the Complaint. (S-34; ODC-1; ODC-2; ODC-6; ODC-7)

19. On September 18, 2012, Respondent received a telephone call from Ms. Youngblood about the Notice of Default Judgment she had received from the Prothonotary. (S-35; ODC-1; ODC-2; ODC-6; ODC-7)

20. Ms. Youngblood recalls Respondent explaining to her that once she received the information and sent it to him for his review, that "a simple phone call" to plaintiff's counsel should resolve the error. (N.T. 50)

21. By email dated September 18, 2012, Respondent received from Ms. Youngblood the Notice of Default Judgment. (S-36; ODC-1; ODC-2; ODC-6; ODC-7)

22. After September 18, 2012, Ms. Youngblood telephoned Respondent several times about the Default Judgment because she only had 30 days to file a Petition to Strike the Judgment. Respondent represented to Ms. Youngblood that he would call the plaintiff's attorney and have counsel voluntarily remove the erroneously filed Default Judgment. (S-37; ODC-6; ODC-7)

23. Ms. Youngblood telephoned Respondent's office several times on September 25, 26, 27, and 28, 2012, and on each day left voice mail messages for him. (S-38; ODC-1; ODC-2; ODC-6; ODC-7)

24. By 2:05 p.m. on September 29, 2012, Respondent had not returned any of the telephone messages from Ms. Youngblood. Respondent claims his phone service was not working properly between September 25, 2012 and September 28, 2012, and believes he used a pre-paid phone to contact Ms. Youngblood. (S-39)

25. On September 29, 2012 at 2:05 p.m., Respondent received an email from Ms. Youngblood about, among other things, his failure to respond to her voice mail messages, what action he intended to take concerning the default judgment, and requested that he contact her. (S-40; ODC-1; ODC-2; ODC-6; ODC-7; ODC-9)

26. By October 6, 2012, Respondent may have tried to contact plaintiff's counsel and, if he did, he did not successfully persuade counsel to vacate the default judgment. (S-41)

27. Respondent did not advise Ms. Youngblood that he had tried to reach plaintiff's counsel. (S-42; ODC-9)

28. Respondent did not provide any documentary evidence to Disciplinary Counsel of his attempt to contact plaintiff's counsel about the default judgment. (S-43)

29. By email dated October 6, 2012, Ms. Youngblood explained to Respondent that she was "highly disappointed in your indifference to my [her] request for legal assistance. I did not ask you to help me for free. You have a \$600.00 retainer that you could have used to file documents and talk to the opposing attorney. I find your failure to respond to my phone calls and email to be unethical and the handling of this case...to be negligent. I no longer wish to retain you as my attorney, and I would like my retainer returned. You may mail the check to me at: 636 N. Irving, Scranton, PA 18510." (S-44; ODC-6; ODC-7; ODC-9, N.T. 51)

30. Respondent received the October 6, 2012 email from Ms. Youngblood. (S-45; ODC-6; ODC-7; ODC-9)

31. From August 24, 2012 until Respondent's termination on October 6, 2012, he determined that Ms. Youngblood had properly answered the complaint and

advised her of the costs associated with attempting to file a motion to open or vacate the default judgment. (S-46)

32. After terminating Respondent, Ms. Youngblood hired new counsel to represent her in the action. (S-47; ODC-6; ODC-7)

33. Ms. Youngblood's new attorney resolved the action by way of a short telephone call to plaintiff's attorney. (S-48; ODC-6; ODC-7; N.T. 52)

34. Since October 6, 2012, Respondent has failed to return to Ms. Youngblood the documents she provided to him in electronic format. (S-49)

35. Despite several requests by Ms. Youngblood for a refund, Respondent retained Ms. Youngblood's \$600 fee from the arbitration matter in 2011 until the disciplinary hearing on January 14, 2014. (S-50; N.T. 53)

36. Respondent provided to Disciplinary Counsel a bank check made payable to Ms. Youngblood for a refund of the \$600.00 fee. (N.T. 9)

#### **The Ann Stevens – Ryan Cepeda Matter**

37. On November 9, 2012, Ann Stevens, a resident of North Carolina, telephoned Respondent about the license suspension in Pennsylvania of her grandson, Ryan Cepeda, which suspension would be in effect until November 17, 2013. Ms. Stevens found Respondent's contact information on Respondent's website. (S-52; ODC-4; ODC-5; ODC-6; ODC-7; N.T. 17, 18, 20)

38. During this and all subsequent communications, Ms. Stevens repeatedly asked Respondent for an estimate of how long it would take Respondent to get Mr. Cepeda's license restored. Respondent repeatedly informed Ms. Stevens that the restoration process would take six weeks. Ms. Stevens explained to Respondent that Mr. Cepeda needed his license restored quickly, as he could not obtain a license in North



Carolina, where he was living, until the Pennsylvania suspension was resolved. Mr. Cepeda needed a license in order to work and attend college starting in January of 2013. (S-53; ODC-4; ODC-5; ODC-6; ODC-7; N.T. 19, 20).

39. Respondent had not represented Ms. Stevens or Mr. Cepeda before November 2012. (S-54; ODC-6; ODC-7)

40. After the telephone conversation on November 9, 2012, Respondent sent an email receipt to Ms. Stevens for the \$500.00 credit card payment. The email receipt from PayPal does not include any information about the nature of the payment. (S-55; ODC-4; ODC-5; ODC-6; ODC-7; ODC-13, N.T. 98-99)

41. After November 9, 2012 and through May 29, 2013, Ms. Stevens telephoned and emailed Respondent numerous times to find out when Mr. Cepeda's license would be restored and the costs, if any, to be paid to PennDOT. (S-58; ODC-4; ODC-5; ODC-6; ODC-7; ODC-10; ODC-12; ODC-13)

42. By email dated November 20, 2012, Respondent again advised Ms. Stevens that he expected to have the matter cleared up in approximately six weeks. (S-57; ODC-4; ODC-5; ODC-6; ODC-7; ODC-13; N.T. 31-32)

43. During the first six weeks of Respondent's representation, he received and responded to several emails from Ms. Stevens. Specifically, on December 13, 2012, Ms. Stevens sent Respondent an email about Mr. Cepeda's need to get his driver's license because his college classes would be starting on January 8, 2013. (S-58; ODC-4; ODC-5; ODC-6; ODC-7; ODC-13)

44. Respondent failed to respond to Ms. Stevens' email until December 19, 2012. (S-59; ODC-6; ODC-7; ODC-13)

45. At that time, Respondent explained to Ms. Stevens that he was “pushing [the] da to list asap. I will call him again. Da controls the schedule for these cases. Need to list in front of judge. “ (S-60; ODC-6; ODC-7; ODC-13)

46. Based upon Respondent’s email, Ms. Stevens understood that Respondent had spoken with the district attorney after the district attorney had spoken with the judge. A few minutes later on December 19, 2012, at 8:32 a.m. Ms. Stevens responded to Respondent’s email and asked him to find out about Mr. Cepeda’s case. (S-61; ODC-4; ODC-5; ODC-6; ODC-7; ODC-13)

47. Respondent failed to communicate with Ms. Stevens or respond to her email of December 19, 2012 until February 14, 2013. (S-62; ODC-6; ODC-7)

48. By email dated February 14, 2013, Respondent explained to Ms. Stevens that he would be going to court on Wednesday, February 20, 2013, and that Respondent would either resolve Mr. Cepeda’s matter that day or have a date certain for the case. (S-63; ODC-6; ODC-7; ODC-13)

49. By email dated March 4, 2013, Respondent advised Ms. Stevens that he expected an order would be written and documented that week, and Mr. Cepeda would shortly be able to resume driving under a valid Pennsylvania license. (S-64; ODC-4; ODC-5; ODC-6; ODC-7; ODC-13)

50. Later on March 4, 2013, Ms. Stevens sent an email to Respondent asking, among other things, if she and Mr. Cepeda needed to do anything else, i.e. complete forms or pay a fee to PennDOT. (S-65; ODC-4; ODC-5; ODC-6; ODC-7; ODC-13)

51. By reply email on March 4, 2013, Respondent explained to Ms. Stevens that Mr. Cepeda might need to pay a restoration fee when PennDOT updates its records. (S-66; ODC-4; ODC-5; ODC-6; ODC-7; ODC-13)

52. As of March 25, 2013, Mr. Cepeda's license still had not been restored. (S-67)

53. By email dated March 25, 2013, Ms. Stevens contacted Respondent for a case status update. (S-68; ODC-4; ODC-5; ODC-6; ODC-7; ODC-13)

54. Respondent did not respond to Ms. Stevens' email until March 29, 2013. By email dated March 29, 2013, Respondent promised to telephone Ms. Stevens on Monday, April 1, 2013 after returning to his office from a vacation. (S-69; ODC-4; ODC-5; ODC-6; ODC-7; ODC-13)

55. Respondent failed to communicate with Ms. Stevens on April 1, 2013, and at any other time before April 18, 2013. (S-70; ODC-6; ODC-7; ODC-13)

56. On April 18, 2013, Respondent sent an email to Ms. Stevens explaining that his contact at PennDOT was working to get an answer for her by Monday, April 22, 2013. (S-71; ODC-4; ODC-5; ODC-6; ODC-7; ODC-13)

57. By email dated April 24, 2013, Ms. Stevens asked Respondent to provide a case status update. (S-73; ODC-6; ODC-7; ODC-13)

58. Respondent received Ms. Stevens' email of April 24, 2013 and promised to telephone her later that day. (S-74; ODC-6; ODC-7; ODC-13)

59. Respondent failed to telephone Ms. Stevens on April 24, 2013. (S-75; ODC-6; ODC-7; ODC-13)

60. By email dated April 30, 2013, Ms. Stevens contacted Respondent, again, for a case status update. (S-76; ODC-4; ODC-5; ODC-6; ODC-7; ODC-13)

61. In May 2013, Ms. Stevens telephoned Respondent multiple times. Specifically, Ms. Stevens telephoned Respondent on: May 6, 7, 10, 13, 14, 16, 17, 20, 21, 23, and 29. (S-77; ODC-6; ODC-7; ODC-10; ODC-13; N.T. 39)

62. Respondent delayed responding to Ms. Stevens' email of April 20, 2013, until May 7, 2013. (S-78; ODC-6; ODC-7; ODC-13)

63. In Respondent's email of May 7, 2013, he explained to Ms. Stevens that Mr. Cepeda should soon expect to receive the paperwork from PennDOT and that Respondent would be following up with PennDOT on May 10, 2013. (S-79; ODC-4; ODC-5; ODC-6; ODC-7; ODC-13)

64. On May 13, 2013, Ms. Stevens contacted Respondent for a case status update. (S-80; ODC-4; ODC-5; ODC-6; ODC-7)

65. Respondent did not have any new information to provide to Ms. Stevens on May 13, 2013. (S081; ODC-6; ODC-7)

66. Respondent sent an email to Ms. Stevens dated May 15, 2013, explaining that he planned to speak with PennDOT's counsel and would provide an update of his conversation to Ms. Stevens no later than May 16, 2013. (S-82; ODC-6; ODC-7; ODC-13)

67. Respondent did not contact Ms. Stevens on May 16, 2013. (S-83; ODC-6; ODC-7)\

68. Respondent waited until May 21, 2013 to contact Ms. Stevens. By email dated May 21, 2013, Respondent explained to Ms. Stevens that he had finally spoken with his contact at PennDOT and that Mr. Cepeda should receive the Restoration Letter "any day." (S-84; ODC-4; ODC-5; ODC-6; ODC-7; ODC-13)

69. On May 20, 2013, PennDOT issued a form "Restoration Requirements Letter" to Mr. Cepeda. The letter plainly states that Mr. Cepeda could not drive or have his driving privileges restored until after November 17, 2013, his eligibility date, and after he complied with the other conditions listed in the letter. (S-85; ODC-6; ODC-7; ODC-14)

70. Respondent never communicated to Ms. Stevens or Mr. Cepeda that PennDOT would not restore Ms. Cepeda's license until after November 17, 2013. (S-86; ODC-6; ODC-7)

71. Throughout Respondent's representation of Mr. Cepeda, Ms. Stevens experienced extreme difficulty getting timely responses, if any, from him. Ms. Stevens ultimately resorted to all methods of communication available to her in order to contact Respondent, including telephone calls, text messages, emails and faxes. (N.T. 21, 23)

72. After receiving the Restoration Letter, Ms. Stevens contacted Respondent by email and/or telephone in May 21, 2013 and May 29, 2013. During these communications, Ms. Stevens asked Respondent to explain more about Mr. Cepeda's suspension and for a refund of the \$500 fee. (S-86; ODC-6; ODC-7; ODC-13)

73. Respondent received Ms. Stevens' communications of May 21, 2013, and May 29, 2013 (S-88; ODC-6; ODC-7; ODC-13)

74. Respondent failed to respond to Ms. Stevens' communications of May 21, 2013 and May 29, 2013, requesting a refund. (S-89; ODC-6; ODC-7; ODC-13; N.T. 20)

75. When Respondent failed to refund the \$500 to Ms. Stevens, she contacted the Horsham Police Department. (S-90; ODC-6; ODC-7)

76. Ms. Stevens' complaint was investigated by Detective Adam E. Dunning, who contacted Respondent about Ms. Stevens' complaint. (S-91; S-92; ODC-6; ODC-7)

77. Only after being contacted by Detective Dunning, did Respondent refund the \$500 to Ms. Stevens, via a bank check, dated June 18, 2013. (S-93; ODC-6; ODC-7)

78. Respondent received an Informal Admonition on March 4, 2010 for violations of RPC 1.3, 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), and 1.4(b). Respondent took no steps to further his client's divorce and equitable distribution matter. His failure to communicate and failure to respond to numerous requests for a status update over a three month period, prompted his client to terminate his services and demand a refund of the \$750 retainer. (ODC-15; ODC-16)

79. Respondent received a Private Reprimand on October 3, 2012, for violations of RPC 1.3, 1.4(a)(2), 1.4(a)(3), and 1.4(b) and was ordered to refund the sum of \$615 to the client for court-imposed sanctions. Respondent was retained to represent a client in a divorce. Thereafter, Respondent failed to respond to requests for discovery and production of documents. When he did not respond, opposing counsel filed a formal request for documents. Again, Respondent did not respond. Opposing counsel filed a Motion to Compel and the court issued a Rule to show cause. The client notified Respondent he had retained other counsel and Respondent returned the client's file. Respondent then failed to respond to requests from successor counsel that he withdraw his appearance. (ODC- 17)

80. Respondent's representation of Ms. Youngblood occurred during his prior disciplinary action that resulted in the Private Reprimand.

81. Although Respondent was on notice of the problems in his practice that led to the Informal Admonition and Private Reprimand, he failed to take any corrective measures to improve interactions with clients.

### III. CONCLUSIONS OF LAW

By his actions as set forth above, Respondent violated the following Rules of Professional Conduct:

1. RPC 1.1 – A lawyer shall provide competent representation to a client.
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 the matter.
4. RPC 1.4(a)(4) – A lawyer shall promptly comply with reasonable requests for information.
5. RPC 1.15(e) – A lawyer shall promptly deliver to the client...any property...that the client...is entitled to receive and, upon request by the client...shall promptly render a full accounting regarding the property.
6. 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 ...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.
7. RPC 8.4(c) – It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

### IV. DISCUSSION

This matter is before the Board for the consideration of the charges brought against Respondent that he engaged in professional misconduct in two separate client matters. Petitioner bears the burden of proving, by a preponderance of the evidence that is clear and satisfactory, that Respondent's actions constitute professional misconduct. Office of Disciplinary Counsel v. Surrick, 749 A.2d 441 (Pa. 2000).

Here, Petitioner satisfied its burden by way of the Joint Stipulations, wherein Respondent admitted to serial neglect and other misconduct, 14 exhibits and testimony from Ms. Youngblood and Ms. Stevens, as well as Respondent's testimony.

Respondent received payment for services he promised to provide to his clients but did not perform any work for them, and simultaneously ignored communications about the respective matters. Ms. Youngblood, Mr. Cepeda and Ms. Stevens were left dangling for months, waiting for action on their matters. Ms. Youngblood's matter could have been resolved by a telephone call to opposing counsel, which is in fact how it was finally resolved by Ms. Youngblood's successor attorney, yet Respondent did not take that simple step to assist his client. To Ms. Stevens and Mr. Cepeda, Respondent routinely provided misleading explanations and excuses about the restoration of Mr. Cepeda's driving privileges. During the six months of representation, Respondent consistently relayed to Ms. Stevens that the matter would be resolve in six weeks, misleading her into believing that he was actively fulfilling his obligation to her. Both clients had difficulty receiving refunds of their monies.

By his actions, Respondent violated Rules of Professional Conduct 1.1, 1.3, 1.4(a)(3), 1.4(a)(4), 1.15(e), 1.16(d), and 8.4(c).

The purpose of the disciplinary system is to protect the public from unfit attorneys and to maintain the integrity of the legal system. Office of Disciplinary Counsel v.



Costigan, 584 A.2d 296 (Pa. 1990). In assessing discipline, the Board reviews the totality of the facts and the precedent in order to achieve consistent results. Office of Disciplinary Counsel v. Lucarini, 472 A.2d 186 (Pa. 1983)

The uncontroverted evidence demonstrates that Respondent has established a pattern of serial neglect during his legal career of approximately 13 years. Respondent has twice received private discipline for neglecting client matters, failing to communicate with clients, failing to provide services he was pre-paid to handle, and failing to cooperate with clients when they requested a refund. Despite these prior contacts with the disciplinary system, Respondent has failed to conform his conduct to the standards required of the legal profession, which is the reason he is currently before the Board for his neglect of two more clients. His ongoing disregard for his obligations has placed members of the public at risk of substandard representation.

Precedent suggests that a suspension of one year and one day is appropriate to address Respondent's misconduct. The attorneys in the following cases received suspensions of one year and one day: Office of Disciplinary Counsel v. Richard Patrick Reynolds, No. 179 DB 2011 (Pa. 2014) (neglect of client's appeal, failed to communicate and abandoned client after accepting representation, aggravating factors included two prior Informal Admonitions for similar misconduct); Office of Disciplinary Counsel v. Ann-Marie McDonald Pahides, No. 171 DB 2009 (Pa. 2010) (the misconduct included lack of competence, neglect, lack of communication, and the failure to refund unearned fees and documents in five client matters, aggravating factor was a prior Informal Admonition); Office of Disciplinary Counsel v. Marc D. Collazzo, No. 165 DB 2010 (Pa. 2010) (misconduct included lack of competence in failing to file timely complaint, failed to communicate with client, misrepresentations, aggravating factors); Office of Disciplinary

Counsel v. Lawrence E. Brinkmann, Jr. 157 DB 2008 (Pa. 2010) (misconduct included neglect of multiple clients coupled with failure to communicate, aggravating factors included two Informal Admonitions and a Public Censure); Office of Disciplinary Counsel v. Richard Charles Rupp, No. 85 DB 2007 (Pa. 2007) (misconduct included neglect of five client matters over a three year period, aggravating factors included two Informal Admonitions for similar misconduct).

As Respondent has neither learned from his past contacts with the disciplinary system nor has he stopped his pattern of misconduct. Hence, he should be removed from the practice of law with the requirement that he prove his fitness prior to reinstatement.


V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, Mark David Johns, 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:   
Lawrence M. Kelly, Board Member

Date: 10/2/2014

Board Chair McLemore recused.