

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

OFFICE OF DISCIPLINARY COUNSEL	:	No. 99 DB 2012
Petitioner	:	
	:	
v.	:	Attorney Registration No. 52407
	:	
WILLIAM AUSTIN WATKINS	:	
Respondent	:	(Monroe County)

PUBLIC REPRIMAND

William Austin Watkins, 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. Watkins, you are being reprimanded for your conduct in three separate client matters. By Order of the Court dated January 12, 2010, you were appointed to represent the defendant, Cheryl Ann Kunkle, in an Appeal *Nunc Pro Tunc* to the Supreme Court of Pennsylvania from a decision of the Superior Court affirming her criminal conviction in Monroe County. You twice failed to timely file a Petition for Allowance of Appeal. By Order of the Prothonotary dated October 27, 2010, you were directed to comply with the Court's Order of June 14, 2010 and file a Petition within ten days. Instead, you filed a Petition to Withdraw as Counsel for Defendant, claiming that you had reviewed the transcripts and record but could find no merit in any of the claims of your client. You failed to list the various claims your client wished to raise in her

appeal and did not analyze any of the issues. By Order of January 12, 2011, the Supreme Court remanded the case to Monroe County for the appointment of new counsel. The Order commented on your repeated failure to file a Petition for Allowance of Appeal which indicated that you effectively abandoned your client. You timely turned over Ms. Kunkle's file to successor counsel.

By Order of the Monroe County Court dated October 8, 2009, you were appointed as counsel for James D. Facyson, Sr. relative to his PCRA Petition to the Superior Court. Mr. Facyson requested a copy of the Commonwealth's brief, and you advised him that you had contacted the attorney for the Commonwealth and requested such a copy. However, Mr. Facyson never received a copy of the brief. Your client sent letters to you dated December 17, 2009, January 2, 2010, and January 19, 2010 requesting updates on his matter. You failed to acknowledge or respond to these letters.

The Superior Court affirmed the decision of the lower court in Mr. Facyson's criminal case, but you failed to advise your client of this decision. By letter of April 21, 2010, to the Prothonotary of the Superior Court, Mr. Facyson inquired as to the status of his PCRA and the Prothonotary sent him copies of its docket and the January 25, 2010 Opinion.

Mr. Facyson then attempted to contact you by letters on April 27, 2010 and May 6, 2010 to get information about what had happened with his appeal. You failed to acknowledge receipt or otherwise respond to these letters.

On September 1, 2010, Mr. Facyson filed a *pro se* Application to File Petition for Allowance of Appeal Nunc Pro Tunc and stated that you were his appointed counsel but had failed to advise him that his Superior Court appeal was denied or to respond to his letters. The Supreme Court Prothonotary requested your response within

20 days of the date of its letter of January 19, 2011, but you failed to file any response. The Supreme Court ordered new counsel be appointed and you timely turned over Mr. Facyson's file to successor counsel.

On May 11, 2010, Mr. Jean-Marie Joseph met with and retained you to initiate and prosecute a mortgage foreclosure action. Mr. Joseph paid you a \$2,500 retainer. You confirmed the retention by letter dated May 20, 2010, stating your hourly rate, but incorrectly stated that you had been paid \$2,000, instead of \$2,500. You indicated that a complaint in mortgage foreclosure was being prepared and you enclosed a verification for Mr. Joseph to sign. Mr. Joseph signed and returned the fee letter but not the verification. Your letter of May 20, 2010 was the last communication Mr. Joseph received from you before he filed a disciplinary complaint against you on March 9, 2011.

Mr. Joseph attempted to call you numerous times, which calls you did not return. He sent you a letter on September 28, 2010 to advise that he was disappointed with your representation. You failed to respond to this letter.

After being advised of Mr. Joseph's disciplinary complaint, you initiated a Mortgage Foreclosure action on April 8, 2011 over your own verification. You then sent a letter to Mr. Joseph dated April 10, 2011, stating that you had initiated an action over your own verification and enclosed a verification for Mr. Joseph to sign. You apologized for any confusion. In the meantime, Mr. Joseph had sent a letter to you dated April 11, 2011, which crossed in the mail with your letter of April 10. Mr. Joseph discharged you and requested a refund, but after realizing the circumstances of the crossed letters, decided to stay with your representation.

Your conduct in this matter has 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(i) – A lawyer shall deposit into a Trust Account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred, unless the client gives informed consent, confirmed in writing, to the handling of fees and expenses in a different manner.
6. RPC 1.15(m) – All Qualified Funds which are not Fiduciary Funds shall be placed in an IOLTA Account.
7. RPC 8.4(d) – It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

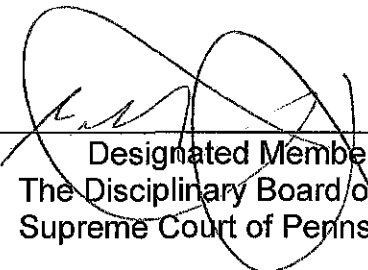
Mr. Watkins, you have a record of discipline which is an aggravating factor in this matter. On April 9, 2002, you were Publicly Censured by the Supreme Court as a result of your convictions of DUI and Leaving the Scene of an Accident. You failed to report those convictions, and did not complete paying the costs imposed until January 2006. You received a Private Reprimand on June 3, 2007 with probation for two years as a result of your convictions of two DUIs.

We also recognize there are mitigating factors present in this matter. Your prior record of discipline was the result of alcoholism, which you have addressed, and have been sober since 2006. You are very active in your community and enjoy a good reputation. You have shown remorse and have fully cooperated with Office of Disciplinary Counsel.

Mr. Watkins, 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 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 Harrisburg, Pennsylvania, on February 15, 2013.

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 in Courtroom #3002, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania, on February 15, 2013.



William Austin Watkins