

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2686 Disciplinary Docket No. 3
: :
Petitioner : No. 99 DB 2018
: :
v. : Attorney Registration No. 86375
: :
TANGIE MARIE BOSTON, : (Philadelphia)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 12th day of February, 2020, upon consideration of the Report and Recommendations of the Disciplinary Board, Tangie Marie Boston 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 Pa.R.D.E. 217. Respondent shall pay costs to the Disciplinary Board. See Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 02/12/2020


Attest:
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 99 DB 2018
Petitioner	:	
	:	
v.	:	Attorney Registration No. 86375
	:	
TANGIE MARIE BOSTON	:	
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

By Petition for Discipline filed on June 12, 2018, Petitioner, Office of Disciplinary Counsel, charged Respondent, Tangie Marie Boston, with violations of the Rules of Professional Conduct in four separate matters. Petitioner attempted to personally serve the Petition upon Respondent; however, personal service was unsuccessful and the Petition was served via first class and certified mail at Respondent’s last registered address. Respondent filed an Answer to Petition on April 5, 2019.

Following prehearing conferences held on March 27, 2019 and April 10, 2019, a District I Hearing Committee (“Committee”) conducted a disciplinary hearing on May 8, 2019. Petitioner presented the testimony of four witnesses and introduced evidence through Joint Stipulations of Fact, Law and Exhibits, and Exhibits ODC-1 through ODC-33. Respondent appeared pro se, did not testify on her own behalf, and did not present any witnesses or other evidence.

On June 7, 2019, Petitioner filed a brief to the Committee and requested that the Committee recommend to the Board that Respondent be suspended for one year and one day.

On June 26, 2019, Respondent filed a brief to the Committee and requested that the Committee recommend to the Board any discipline that it believed just and appropriate for her actions.

By Report filed on August 26, 2019, the Committee concluded that Respondent engaged in professional misconduct and recommended that she be suspended for a period of one year and one day.

The parties did not take exception to the Committee’s Report and recommendation.

The Board adjudicated this matter at the meeting on October 17, 2019.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania, is invested, pursuant to Pennsylvania Rule of Disciplinary Enforcement 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.
2. Respondent is Tangie Marie Boston, born in 1961 and admitted to practice law in the Commonwealth in 2000. Her attorney registration address is P.O. Box 40803, Philadelphia, PA 19107. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.
3. By Order dated March 21, 2018, effective April 20, 2018, the Supreme Court transferred Respondent to administrative suspension pursuant to Rule 111(b), Pa.R.C.L.E., for failure to satisfy her Continuing Legal Education credits. ODC-1; Joint Stipulation ("Stip") 6. After her transfer to administrative suspension, Respondent failed to file a statement of compliance as required by Rule 217(e), Pa.R.D.E.
4. By Order dated August 8, 2018, effective thirty days from March 21, 2018, Respondent was suspended until further Order of the Court from the practice of law in the United States District Court for the Eastern District of Pennsylvania based on her Pennsylvania administrative suspension. ODC-22.
5. Respondent has no prior record of professional discipline.

CHARGE I

6. On September 28, 2015, Respondent was retained by Pauline Finney-Jenkins to represent her in divorce proceedings. Stip. 9.

7. On that date, Respondent met Ms. Finney-Jenkins at her home, in which the following occurred:

- a. Respondent advised Ms. Finney-Jenkins that her retainer fee would be \$1,250;
- b. Ms. Finney-Jenkins paid Respondent \$1,000; and
- c. Respondent issued Ms. Finney-Jenkins a receipt for the payment to Respondent.

Stip. 10; ODC-2.

8. On October 12, 2015, Respondent met with Ms. Finney-Jenkins at Respondent's home, at which time Ms. Finney-Jenkins signed a divorce complaint. Stip. 12.

9. On December 15, 2015, Respondent filed the divorce complaint with the Court of Common Pleas of Philadelphia County, Family Division. Stip. 13; ODC-3.

10. After Respondent filed the divorce complaint on behalf of Ms. Finney-Jenkins, Respondent failed to take any additional action on her client's behalf. N.T. 53.

11. By email dated May 17, 2016, to Respondent, Ms. Finney-Jenkins requested an update on the status of her divorce matter. N.T. 55.

12. Respondent received Ms. Finney-Jenkins' email. N.T. 56.

13. On May 23, 2016, Respondent sent an email to Ms. Finney-Jenkins wherein Respondent informed her that:

- a. Respondent's telephone had been "down" since May 8, 2016;

- b. Prior to that, she did not recall receiving any messages from Ms. Finney-Jenkins;
- c. Respondent had a death in the family and had to help out financially;
- d. Respondent needed to submit a praecipe for divorce and verification of military status; and
- e. Respondent would be in touch with Ms. Finney-Jenkins when she returned to Philadelphia.

N.T. 56-57.

14. Thereafter, Respondent failed to contact Ms. Finney-Jenkins. N.T. 53-55.

15. Respondent failed to inform Ms. Finney-Jenkins that she was no longer at her Temple Road address. N.T. 57-58.

16. Respondent failed to advise Ms. Finney-Jenkins of her new office address.

N.T. 62.

17. By text messages to Respondent on August 19, 2016, August 22, 2016, September 8, 2016 and September 19, 2016, Ms. Finney-Jenkins requested updates on the status of her divorce matter. N.T. 53-55.

18. Ms. Finney-Jenkins did not receive any notification that the text messages were not received. N.T. 62.

19. Respondent received each text message and failed to respond. *Id.*

20. On August 28, 2016 and September 2, 2016, Ms. Finney-Jenkins telephoned Respondent in an attempt to discuss and obtain a status update on her matter, but an automated message stated, "Person not available." Stip. 15.

21. On September 28, 2016, Ms. Finney-Jenkins telephoned Respondent in an attempt to discuss her matter, but an automated message stated, "Person not available."

Ms. Finney-Jenkins obtained Respondent's telephone number from the Office of Disciplinary Counsel. Stips. 15, 16.

22. On October 31, 2016, Ms. Finney-Jenkins telephoned Respondent to discuss her matter, but an automated message stated that the number was no longer in service. N.T. 59-61.

23. Respondent failed to inform Ms. Finney-Jenkins that it was her intention not to represent her in the divorce matter. N.T. 62.

24. In December 2018, Ms. Finney-Jenkins' divorce matter was finalized after she retained another attorney to represent her.

25. Respondent failed to return the unearned fee. N.T. 63.

26. In June 2018, Ms. Finney-Jenkins filed a claim with the Pennsylvania Lawyers Fund for Client Security seeking a refund of the unearned fee paid to Respondent, which claim is pending. N.T. 63.

CHARGE II

27. On or before December 28, 2014, Respondent was retained by Plucerfina Conolly to represent her in a divorce matter in the Court of Common Pleas of Philadelphia County, Family Court Division, case captioned **Conolly v. Conolly**, No. D04088567. Stip. 18.

28. On December 28, 2014, Ms. Conolly paid Respondent's retainer fee of \$750. Stip. 19; ODC-4.

29. In a Decree and Order dated September 10, 2015, Ms. Conolly's marriage to her now ex-husband, Geoffrey Conolly, was dissolved, and the property settlement agreement ("Settlement Agreement") was affirmed. Stip. 21.

30. By email to Ms. Conolly's sister, Evangeline Ngayan, dated September 10, 2015, Respondent forwarded forms from the New Jersey Department of Treasury Division of Pensions and Benefits ("Pensions Division") that Ms. Conolly was required to complete in order to effectuate the Settlement Agreement. Stip. 22; ODC-5

31. On September 22, 2015, Ms. Conolly paid Respondent an additional \$150 towards Respondent's fee. Stip. 24; ODC-6.

32. By letter to the Pensions Division dated October 5, 2015, Respondent, *inter alia*, enclosed a "draft court order" dated September 10, 2015, in regard to Ms. Conolly's pension account. Stip. 26.

33. By email to Respondent dated November 9, 2015, Ms. Ngayan advised Respondent that Ms. Conolly wanted an update on the status of her case. Stip. 27; ODC-5.

34. By email to Ms. Ngayan dated November 9, 2015, Respondent advised her that:

- a. Respondent had forwarded the Settlement Agreement to the Pensions Division; and
- b. after Respondent verified that Mr. Conolly was paid, she would draft the transfer deeds for the martial property.

Stip. 28; ODC-5.

35. By letter to Respondent dated December 8, 2015, the Pensions Division informed Respondent that, *inter alia*,

- a. after review of the contents of the court order, they would not be able to implement the provisions within the order in its current form;

- b. they required a court order using the language reflected in a sample sheet located on their website;
- c. they had yet to receive a Qualified Domestic Relations Order (“QDRO”) that the court order required but instead received a master’s report that was not acceptable; and
- d. if an executed court order reflecting the required language was received, they would implement the order since their records indicated that Ms. Conolly was currently receiving monthly retirement allowances.

Stip. 29; ODC-7.

- 36. By email to Ms. Ngayan dated December 16, 2015, Respondent:
 - a. forwarded a copy of the Pensions Division’s December 8, 2015 letter;
 - b. advised Ms. Ngayan that the QDRO would cost between \$450 and \$500; and
 - c. advised Ms. Ngayan that Mr. Conolly’s attorney, Linda Walters, Esquire, wanted Mr. Conolly to receive a lump sum payment of \$52,500 pursuant to the Settlement Agreement before Christmas “or she’s going to bring [Ms. Conolly] back to court.”

Stip. 31; ODC-8.

- 37. On December 22, 2015, Ms. Walters filed a Petition for Contempt, wherein it was requested that Ms. Conolly pay:

- a. \$2,000 per month until the \$52,500 is paid in full;
- b. \$1,500 in legal fees to Mr. Conolly; and
- c. interest on the \$52,500 from December 10, 2015.

Stip. 33; ODC-9.

38. By Order dated March 30, 2016, a Rule to Show Cause was issued as to why the relief requested in the Petition for Contempt should not be expressly granted. The Rule was returnable on June 7, 2016. Stip. 35; ODC-10.

39. By email to Respondent dated May 4, 2016, Ms. Ngayan inquired about how she could pay the QDRO fee. Stip. 37; ODC-11.

40. By email to Ms. Ngayan dated May 5, 2016, Respondent informed her that:

- a. Respondent would obtain the court order requested by the Pensions Division on June 7, 2016; and
- b. Respondent would mail to Ms. Conolly a copy of the court notice.

Stip. 39; ODC-11.

41. By letter to Ms. Conolly dated May 6, 2016, Respondent:

- a. enclosed a copy of the Petition for Contempt, the Rule to Show Cause, and the letter from the Pensions Division; and
- b. stated that Respondent would “deal with the issue of ordering a QDRO after” the June 7, 2016 hearing.

Stip. 40; ODC-12.

42. By email to Respondent dated May 20, 2016, Ms. Ngayan informed Respondent that she had not received Respondent’s May 6, 2016 letter. Stip. 42; ODC-11.

43. By email to Ms. Ngayan dated May 23, 2016, Respondent informed her that:

- a. Respondent’s May 6, 2016 letter was returned because Respondent had “mistakenly transposed the numbers of [Ms. Conolly’s] address”;
- b. Respondent would resend the letter to the correct address;
- c. the regular appearance fee for the June 7, 2016 hearing would be \$250;

- d. “due to a death in the family and unexpected financial shortcomings” Respondent’s phone was temporarily out of service; and
- e. there was no need for Respondent and Ms. Conolly to meet prior to the June 7, 2016 hearing.

Stip. 43; ODC-11.

44. By email to Respondent dated May 25, 2016, Ms. Ngayan requested that Respondent explain the Petition for Contempt and Rule to Show Cause. Stip. 44; ODC-13.

45. By email to Ms. Ngayan dated May 27, 2016, Respondent answered some but not all of Ms. Ngayan’s questions. Stip. 46; ODC-13.

46. On June 7, 2016, Respondent attended the hearing with Ms. Conolly. Stip. 47.

47. By Order dated June 7, 2016, the Court ordered:

- a. Ms. Conolly to pay a lump sum payment of \$54,000 to Mr. Conolly;
- b. the Pensions Division to withhold \$54,000 from Ms. Conolly’s monthly retirement allowances; and
- c. that within 21 days from the date of the Order, the parties execute deeds to the jointly owned marital real estate.

Stip. 48; ODC-14.

48. After the Court’s June 7, 2016 Order, Respondent failed to take any action on behalf of Ms. Conolly. N.T. 71.

49. On December 8, 2016, Ms. Walters filed a second Petition for Contempt against Ms. Conolly. Stip. 50.

50. By email to Respondent dated December 10, 2016, Ms. Ngayan inquired about the consequences if Mr. Conolly refused to sign the deeds. Stip. 51; ODC-15.

51. Respondent did not respond to Ms. Ngayan's December 10, 2016 email. Stip. 53.

52. By Order dated February 14, 2017, the Court:

- a. scheduled an April 20, 2017 hearing on the second contempt petition;
- b. suggested that Ms. Conolly "should take this paper to [her] lawyer at once"; and
- c. informed the parties that Ms. Conolly's "failure to appear could result in [her] arrest."

Stip. 54; ODC-16.

53. Respondent failed to contact Ms. Conolly. Stip. 56.

54. Respondent failed to advise Ms. Conolly or Ms. Ngayan that she would no longer represent Ms. Conolly. N.T. 76.

55. Respondent abandoned Ms. Conolly's case. *Id.*

56. Respondent failed to return any unearned fee to Ms. Conolly. N.T. 80.

57. Ms. Conolly retained another attorney to represent her in her matter. N.T. 78-79.

CHARGE III

58. On or before February 13, 2009, Valerie Bush retained Respondent to handle "all administrative matters and to legally represent" the estate of her father, J.C. Bush ("the Estate").

- a. Mr. Bush died on December 18, 2008.
- b. Ms. Bush was appointed administratrix of the Estate.

Stip. 58; ODC-17.

59. By letter dated February 7, 2011, Respondent provided Ms. Bush with an itemized statement showing the following:

- a. total balance due: \$20,075.00;
- b. total amount paid to date: \$30,300.00; and
- c. retainer balance remaining: \$10,225.00.

Stip. 60; ODC-18.

60. On October 18, 2013, Kevin Neal, an heir to the Estate, filed a Petition for Partition with the Court of Common Pleas of Philadelphia County, Orphans' Court Division, docket number 1381DE of 2013. Stip. 62; ODC-19.

61. By Order dated January 31, 2014, the Honorable Joseph O'Keefe denied Mr. Neal's petition without prejudice. Stip. 64.

62. On June 18, 2014, Mr. Neal filed a Petition for Citation to File an Account. Stip. 65.

63. By Order dated June 25, 2014, Judge O'Keefe:

- a. awarded Mr. Neal's citation;
- b. issued a Rule to Show Cause why Ms. Bush should not be required to prepare and file immediately an account of her administration of the Estate; and
- c. issued a Rule to Show Cause why Ms. Bush should not be removed as administrator of the Estate.

Stip. 66.

64. On August 15, 2014, Respondent filed an answer to the Rule to Show Cause. Stip. 67.

65. By Order dated March 6, 2015, the Honorable George Overton scheduled a March 18, 2015 conference in the Estate matter. Stip. 68.

66. Respondent received a copy of the Court's Order. Stip. 69.

67. On March 18, 2015, Respondent failed to appear with Ms. Bush at the conference. Stip. 70.

68. By Order dated March 20, 2015, Judge Overton directed Ms. Bush to file an account of her administration on or before April 29, 2015, in the Office of the Clerk of the Court. Stip. 71.

69. Respondent received a copy of this Order. Stip. 72.

70. Thereafter, Respondent failed to file an account on or before April 29, 2015. Stip. 73.

71. On April 20, 2015, Mr. Neal filed a second Petition for Citation. Stip. 74.

72. By Order dated June 19, 2015, Judge Overton:

- a. awarded Mr. Neal's citation;
- b. issued a Rule to Show Cause why Ms. Bush should not be held in contempt for failing to file an account of her administration of the Estate pursuant to the March 20, 2015 Order; and
- c. issued a Rule to Show Cause why Ms. Bush should not be restrained from making any further payments or distributions to the Estate beneficiaries and from selling or otherwise conveying any Estate assets until further order from the Court.

Stip. 75.

73. On August 31, 2015, Mr. Neal filed a third Petition for Citation. Stip. 76.

74. In September 2015, in response to Ms. Bush's inquiries regarding an accounting and her request for her father's original documents, Respondent sent Ms. Bush a text message wherein Respondent stated that:

- a. She needed to cover herself and make copies of the documents;
- b. She was "not a bum," "not a slouch" and "not a thief";
- c. She was out of the country so Ms. Bush would not be able to reach her;
and
- d. She wanted Ms. Bush to send her a letter of termination.

N.T. 19-21.

75. Ms. Bush did not send Respondent a termination letter and still considered Respondent the attorney for the Estate because:

- a. Respondent had not completed the services for which she was paid \$40,000; and
- b. Respondent did not send Ms. Bush a termination letter.
- c. Respondent did not file a motion to withdraw from the Estate matter and continued to be listed as counsel of record.

N.T. 22-23.

76. On September 1, 2015, Mr. Neal filed a Writ of Attachment. Stip. 77.

77. By Order dated February 9, 2016, Judge Overton:

- a. awarded Mr. Neal's citation;
- b. issued a Rule to Show Cause why Ms. Bush should not be restrained from making any further payments or distributions to the Estate beneficiaries and from selling or otherwise conveying any Estate assets until further order from the Court;

- c. issued a Rule to Show Cause why Ms. Bush should not immediately file an accounting of the Estate in the office of the clerk of the Court; and
- d. issued a Rule to Show Cause why Mr. Neal should not be declared the son of the decedent.

Stip. 78.

78. On March 29, 2016, Mr. Neal filed a Petition for Default Judgment. ODC-19.

79. By Order dated March 30, 2016, Judge Overton issued to Ms. Bush a Rule to Show Cause why a writ of attachment should not be issued against her for her failure to file an account pursuant to the court order dated March 20, 2015. The Rule was returnable April 14, 2016. *Id.*

80. Respondent received a copy of this Order but failed to answer the Rule to Show Cause.

81. By Order dated May 20, 2016, Judge Overton:

- a. Issued to Ms. Bush a Rule to Show Cause why she should not be held in contempt for her failure to comply with the court order dated March 15, 2015; and
- b. Ordered Ms. Bush to appear without fail on June 14, 2016 to answer the Rule to Show Cause.

82. Respondent received a copy of this Order but failed to answer the Rule to Show Cause.

83. Respondent failed to advise Ms. Bush that she was required to appear on June 14, 2016. N.T. 24-25.

84. On June 14, 2016, neither Respondent nor Ms. Bush appeared at the hearing.

85. By Order dated June 14, 2016, Judge Overton:

- a. granted the Petition for Default Judgment;
- b. ordered Ms. Bush removed as administrator of the Estate;
- c. ordered that Ms. Bush be restrained from making any further payments or distributions to Estate beneficiaries and from selling or otherwise conveying any Estate assets; and
- d. ordered Ms. Bush to deliver any assets belonging to the decedent, along with all books, accounts, and records of the Estate that she still had in her control to the successor administrators appointed by the Register of Wills.

Stip. 79.

86. Respondent received a copy of the Court's June 14, 2016 Order.

87. Respondent failed to respond to the Order and failed to inform Ms. Bush of the Order. N.T. 23-25.

88. On or before January 12, 2017, the Register of Wills appointed Mr. Neal and Katie Whitaker as co-administrators of the Estate. ODC-19.

89. By Order dated January 12, 2017, Judge Overton issued to Ms. Bush a Rule to Show Cause why a writ of attachment should not be issued for her failure to comply with the court order dated June 14, 2016. ODC-19.

90. Respondent received a copy of this Order.

91. Respondent failed to respond to the Rule to Show Cause. ODC-19.

92. On February 22, 2017, Mr. Neal filed a fourth Petition for Citation. *Id.*

93. By Order dated February 27, 2017, Judge Overton issued a Rule to Show Cause why Ms. Bush should not be compelled to turn over to Mr. Neal and Ms. Whitaker the real estate at the decedent's date of death and listed on an inventory that was attached to the Order. ODC-19.

94. Respondent received a copy of the Order.

95. Respondent failed to respond to the Rule to Show Cause. ODC-19.

96. By certified letter to Respondent dated March 18, 2017, Ms. Bush stated that:

- a. Respondent had not returned "all documents, court filings, accountings, receipt and releases and paperwork" to her in relation to the Estate;
- b. she "attempted to contact [Respondent] on multiple occasions and [had] even visited [Respondent's] office...on several occasions in an attempt to retrieve the needed documents"; and
- c. she had paid Respondent \$40,000 "in full and [Respondent] failed to complete and provide the services Respondent stated Respondent would provide" to her.

ODC-32.

97. On March 20, 2017, the certified letter was returned "Undeliverable as Addressed" by the United States Postal Service. N.T. 30.

98. Prior to the March 18, 2017 letter, Ms. Bush hand-delivered another letter to Respondent's office located at 7849 Temple Road, Philadelphia PA 19150 requesting information from Respondent. N.T. 31-32, 49-50.

99. Respondent received Ms. Bush's letter.

100. Respondent failed to respond to Ms. Bush's letter. N.T. 32.

101. Respondent failed to return the unearned fee. *Id.*

CHARGE IV

102. On or before February 13, 2009, Respondent was retained by Valerie Bush (“Ms. Bush”) to handle “all administrative matters and to legally represent” the estate of her father, J.C. Bush (“the Estate”), of which she was the administrator. Stip. 80.

103. By letter to the heirs of the Estate (“the Bush heirs”) dated February 13, 2009, Respondent informed them that she would be representing the Estate.

- a. Theresa Thompkins is an heir and the sister of Ms. Bush.

Stip. 81.

104. Thereafter, Respondent scheduled several meetings with the Bush heirs but canceled each meeting. Stip. 82.

105. By letter to Respondent dated April 12, 2010, Brenda Mallett, a Bush heir, stated that:

- a. Respondent allowed Ms. Bush to control the administration of the Estate even though Respondent “knew or should have known how to instruct her accordingly”;
- b. she called Respondent and “specifically inquired why [the Bush heirs] as heirs were not being properly informed” about how Respondent was handling the Estate;
- c. the “only correspondence [the Bush heirs] received from [Respondent] was . . . when [Respondent] initially informed [them] that [Respondent] will be representing the Bush heirs”; and

- d. “none of the meetings” with the Bush heirs or Ms. Mallett that Respondent had scheduled “ever took place”; and
- e. there was “no justification for the continual delays” with the administration of the Estate that Respondent had caused.

Stip. 84; ODC-20.

106. In July 2010, Ms. Thompkins received a \$10,000 payment from the Estate representing a portion of the amount that she had inherited. Stip. 86.

107. By letter dated August 1, 2011, to the Bush heirs, Respondent advised each heir of the amount that they were to receive from the Estate. Stip. 87.

108. Thereafter, Respondent failed to forward the remaining balance owed to Ms. Thompkins. Stip. 88.

109. In January 2016, Ms. Thompkins telephoned Respondent to discuss why she and another Bush heir had not received their final payment from the Estate as Respondent outlined in her August 1, 2011 letter, at which time:

- a. Respondent told Ms. Thompkins that the Estate was closed;
- b. in response, Ms. Thompkins stated that the Estate could not be closed because she and another Bush heir had payments pending; and
- c. Respondent told Ms. Thompkins, “Oh, that’s right ... We need to sell more properties first.”

N.T. 89-90.

110. In or around July 2016, Ms. Thompkins telephoned and sent Respondent a text message at which time she:

- a. informed Respondent that her son had passed away; and
- b. requested the remaining payment from the Estate.

N.T. 88-90.

111. Respondent did not respond to Ms. Thompkins' message. N.T. 90-91.

112. Ms. Bush's mother, Hattie Bush, owned her home located at 104 Club House Drive, Willingboro, NJ 08046 ("Club House property"):

- a. The Club House property was paid in full at that time.
- b. Mr. Bush had previously allocated funds to cover the payment of property taxes on the Club House property.

Stip. 83.

113. In or around March 2009, Respondent advised Ms. Bush that she should have Hattie Bush take out a reverse mortgage on the Club House property in order to pay the property taxes on the home. N.T. 93.

114. By letter to Hattie Bush dated November 5, 2015, Reverse Mortgage Solutions, Inc. stated, *inter alia* that:

- a. the 2015 property taxes on the Club House property had not been paid;
and
- b. Hattie Bush "could lose [her] home" if the taxes were not paid.

ODC-31.

115. The testimony of Ms. Bush, Ms. Finney-Jenkins, Ms. Ngayan and Ms. Thompkins was credible.

116. Respondent did not offer testimony or evidence in regard to the charges contained in the Petition for Discipline and did not offer evidence in mitigation.

III. CONCLUSIONS OF LAW

By her conduct as set forth above, Respondent violated the following Rules of Professional Conduct:

Charge I

1. RPC 1.3 – A lawyer shall act with reasonable diligence and promptness in representing a client;
2. RPC 1.4(a)(3) - A lawyer shall keep the client reasonably informed about the status of the matter;
3. RPC 1.4(a)(4) – A lawyer shall promptly comply with reasonable requests for information;
4. RPC 1.4(b) – A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation; and
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.

Charge II

1. RPC 1.1 – A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation;

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 1.4(b) – A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation; and

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 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.

Charge III

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

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

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

4. RPC 1.4(b) – A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation;

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; and.

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

Charge IV

1. RPC 1.1 - A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation; and

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

IV. DISCUSSION

This matter is before the Board for consideration of charges against Respondent alleging multiple violations of the Rules of Professional Conduct in four matters. Petitioner bears the burden of proving ethical misconduct by a preponderance of the evidence that is clear and satisfactory. ***Office of Disciplinary Counsel v. John T.***

Grigsby, III, 425 A.2d 730, 732 (Pa. 1981). Upon review of the record, the Board concludes that Petitioner met its burden of proof. Petitioner's evidence in the nature of the witness testimony, the joint stipulations, and the exhibits proved the facts and circumstances of the violations charged in the Petition for Discipline and demonstrates Respondent's troubling pattern of neglect.¹ For the following reasons, the Board recommends that Respondent be suspended for a period of one year and one day.

Respondent has practiced law in the Commonwealth since 2000 with no record of prior discipline. However, beginning with her representation of the Bush estate in 2009, and her later representation of Ms. Conolly in 2014 and Ms. Finney-Jenkins in 2015, Respondent failed to represent her clients according to ethical standards of practice. These matters concern Respondent's incompetence, neglect, lack of communication, failure to return unearned fees, and conduct prejudicial to the administration of justice.

In September 2015, Respondent was retained by Ms. Finney-Jenkins to represent her in divorce proceedings. At that time, Ms. Finney-Jenkins paid Respondent \$1,000.00 towards Respondent's \$1,250.00 fee. In December 2015, Respondent filed a divorce complaint on behalf of her client. Thereafter, Respondent failed to take any additional action on behalf of Ms. Finney-Jenkins. Beginning in May 2016, Ms. Finney-Jenkins attempted to contact Respondent on numerous occasions to obtain an update on the status of her divorce matter via emails, text messages, and telephone. Although Respondent received her client's messages, she failed to respond. In October 2016, Ms. Finney-Jenkins telephoned Respondent and learned that the number was no longer in

¹ In Charge IV, Petitioner withdrew allegations of violations of RPC 1.2(d), RPC 1.15(e), and RPC 8.4(c).

service. Although Respondent had taken some steps to complete the divorce, she failed to perform fully the services for which she was retained, and failed to refund the unearned portion of the fee to Ms. Finney-Jenkins, who then filed a claim with the Pennsylvania Lawyers Fund for Client Security.

In December 2014, Ms. Conolly retained Respondent to represent her in a divorce matter. In September 2015, Ms. Conolly's marriage was dissolved and the property settlement agreement was affirmed. In order to effectuate the settlement agreement, Respondent sent a "draft court order" to the New Jersey Pensions Division, which order was not implemented by the Division, as it was not in the proper form. Respondent failed to provide the Division with the correct order. Sometime after the June 7, 2016 Order, which ordered Ms. Conolly to make a lump sum payment of \$54,000 to her ex-husband, Respondent failed to take any action on behalf of Ms. Conolly and failed to respond to requests for status updates on the divorce matter, made via emails and a February 27, 2017 letter. After the representation was terminated, Respondent neglected to protect Ms. Conolly's interests by failing to return any of the unearned portion of the fee Ms. Conolly paid Respondent to represent her.

In 2009, Ms. Bush retained Respondent to handle "all administrative matters and to legally represent" the J.C. Bush Estate. During her representation of the Estate, Respondent failed to respond to numerous rules to show cause, failed to abide by court orders, and failed to appear at conferences and hearings. Respondent also failed to communicate with Ms. Bush in regard to the rules to show cause, hearing dates and court orders, and failed to respond to Ms. Bush's request for documents and an accounting. After essentially abandoning her representation and failing to withdraw, Respondent failed to return to Ms. Bush any portion of the unearned fee.

During Respondent's representation of the Bush Estate, although funds were allocated to cover payments of property taxes on Hattie Bush's Club House property, Respondent advised Hattie Bush to sign reverse mortgage documents to cover those costs. This advice put the Club House property in jeopardy of foreclosure when the conditions of the reverse mortgage were violated because of non-payment of taxes. Throughout the representation of the Estate, Respondent scheduled meetings with the heirs and then canceled those meetings, and failed to take the steps necessary to conclude the estate.

Respondent stipulated to the facts and violations in the Finney-Jenkins and Conolly matters and did not offer testimony as to the Bush estate matters to rebut the testimony of Ms. Bush and Ms. Thompkins. Respondent filed a post-hearing brief to the Committee wherein she stated that the disciplinary charges arose from her "derelictions," and further stated that she "accepts full responsibility for the alleged misconduct." Respondent's Brief, pp. 4, 5. In her brief, Respondent offered explanations for her actions in the nature of personal problems, but she offered no evidence of such problems at the hearing. Respondent did not recommend a specific disciplinary sanction; instead, she requested that the Committee recommend to the Board a "just and appropriate" discipline. Respondent's Brief, p. 6. Respondent did not take exception to the Committee's findings and conclusions or the recommendation of a one year and one day suspension. These actions demonstrate Respondent's recognition that she committed sanctionable misconduct.

It is well-established that the goals of the attorney disciplinary system include protecting the public from unfit attorneys, maintaining the integrity of the bar, and upholding respect for the legal system. ***Office of Disciplinary Counsel v. John Keller***,

506 A.2d 872, 875 (Pa. 1986). Upon reviewing the totality of the facts and circumstances of this record, and after considering the goals of the disciplinary system and the established precedent to ensure the application of consistent discipline, we conclude that Respondent's misconduct warrants a one year and one day suspension. **Office of Disciplinary Counsel v. Robert Lucarini**, 427 A.2d 186, 190 (Pa. 1983); **Office of Disciplinary Counsel v. Melvin V. Richardson**, No. 35 DB 1988, 8 Pa. C. & C. 4th 344, 355 (1990).

Although there is no per se discipline for attorneys who engage in multiple instances of neglect, failure to communicate, failure to properly protect clients' interests upon termination of representation, and conduct prejudicial to the administration of justice, precedent supports the conclusion that a suspension of one year and one day is appropriate and sufficient to address the misconduct, particularly where, as in the instant matter, the attorney has not engaged in dishonest or deceitful conduct. See **Office of Disciplinary Counsel v. Douglas Andrew Grannan**, No. 197 DB 2016 (D. Bd. Rpt. 4/3/2019) (S. Ct. Order 7/9/2019) (suspended for one year and one day for neglect of seven client matters; engaged in lack of competence, lack of diligence, failure to communicate, failure to return client files, and conduct prejudicial to the administration of justice; adverse consequences to clients, as rights were jeopardized or lost in immigration matters; no prior discipline; no remorse or acceptance of responsibility); **Office of Disciplinary Counsel v. Sterling Artist**, No. 153 DB 2005 (D. Bd. Rpt. 4/27/2007) (S. Ct. Order 7/18/2007) (suspended for one year and one day for neglect and incompetence in three client matters; lack of communication, failure to return client files and misrepresentation; admitted wrongdoing; no prior discipline); **Office of Disciplinary Counsel v. Howard Goldman**, No. 157 DB 2003 (D. Bd. Rpt. 5/20/2005) (S. Ct. Order

8/30/2005) (suspended for one year and one day for neglecting four client matters; admitted misconduct; no record of discipline). *See also, Office of Disciplinary Counsel v. Kevin Mark Wray*, No. 19 DB 2017 (S. Ct. Order 7/6/2017) (suspended for one year and one day on consent for neglect, failure to communicate and retention of unearned fees in six matters; criminal contempt in one client matter; prior Informal Admonition); *Office of Disciplinary Counsel v. Lee Eric Oesterling*, No. 18 DB 2014 (D. Bd. Rpt. 3/24/2014) (S. Ct. Order 5/23/2014) (suspended for one year and one day on consent; accepted client fees in six separate matters, began work on the matters and then failed to communicate with clients, missed court dates, closed his office and failed to provide his clients with updated contact information, and failed to refund unearned fees; prior Informal Admonition); *Office of Disciplinary Counsel v. Ann-Marie MacDonald Pahides*, No. 171 DB 2009) (S. Ct. Order 12/21/2010) (suspended for one year and one day on consent for lack of competence, neglect, lack of communication and failure to return unearned fees and documents in five client matters; prior Informal Admonition).

Respondent's misconduct is similar to that of the above-cited cases and demonstrates her unfitness to practice law. In determining the appropriate measure of discipline, we have considered Respondent's lack of prior discipline and her willingness to stipulate to many of the facts and rule violations, her statements in her post-hearing brief accepting responsibility for her actions, and her decision to not contest the Committee's recommendation of discipline. However, these factors are not sufficiently weighty to decrease discipline to a level below that which will require petitioning for reinstatement.

Upon this record, we conclude that a suspension for one year and one day is warranted, as it removes Respondent from practice and protects the public, fulfilling the

predominant mission of the disciplinary system. If Respondent desires to practice law in the future, she will be required to prove her fitness by clear and convincing evidence.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Respondent, Tangie Marie Boston, be Suspended for one year and one day from the practice of law in this Commonwealth.

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: 

Dion G. Rassias, Member

Date: 12/10/19