

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 3134 Disciplinary Docket No. 3
	:	
Petitioner	:	No. 101 DB 2025
	:	
v.	:	Attorney Registration No. 26644
	:	
	:	(Montgomery County)
	:	
JOEL B. BERNBAUM	:	
	:	
Respondent	:	

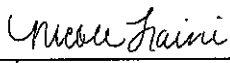
ORDER

PER CURIAM

AND NOW, this 25th day of September, 2025, upon consideration of the Recommendation of the Disciplinary Board, Joel B. Bernbaum is placed on temporary suspension until further action by this Court. See Pa.R.D.E. 208(f)(5). Respondent shall comply with the provisions of Pa.R.D.E. 217. Respondent's rights to petition for dissolution or amendment of this Order and to request accelerated disposition of charges underlying this order are specifically preserved. See Pa.R.D.E. 208(f)(4) and (f)(8). This Order constitutes an imposition of public discipline within the meaning of Pa.R.D.E. 402, pertaining to confidentiality.

Justice Wecht did not participate in the consideration or decision of this matter.

A True Copy Nicole Traini
As Of 09/25/2025

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL Petitioner	:	No. _____ Disciplinary Docket No. 3
	:	
v.	:	No. 101 DB 2025
	:	
	:	Attorney Registration No. 26644
	:	
JOEL B. BERNBAUM	:	
Respondent	:	(Montgomery County)

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

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES
OF THE SUPREME COURT OF PENNSYLVANIA:

On July 29, 2025, Petitioner, Office of Disciplinary Counsel, filed with the Board a Petition for Issuance of a Rule to Show Cause why Respondent Should not be Suspended for Failure to Comply with a Subpoena Pursuant to Rule 208(f)(5), Pa.R.D.E. (Appendix A)

On July 31, 2025, the Disciplinary Board of the Supreme Court of Pennsylvania issued an Order and Rule to Show Cause why Joel B. Bernbaum, Respondent, should not be placed on temporary suspension, pursuant to Rule 208(f)(5), Pa.R.D.E. (Appendix B)

The Rule to Show Cause was served on Respondent on July 31, 2025 and was returnable within ten (10) days after service. (Appendix C)


Respondent has not responded to the Rule to Show Cause.

On August 21, 2025, Petitioner filed a Petition to Make Rule Absolute. (Appendix D)

In accordance with Rule 208(f)(5), Pa.R.D.E., the Disciplinary Board finds that Respondent has refused to comply with a valid subpoena and has materially delayed or obstructed his disciplinary proceeding and respectfully recommends that your Honorable Court consider, pursuant to Rule 208(e), entering an Order placing the Respondent, Joel B. Bernbaum, on temporary suspension.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: 
David S. Senoff, Board Chair

Date: August 21, 2025

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. _____ Disciplinary Docket No. 3
Petitioner	:	
	:	No. 101 DB 2025
v.	:	
	:	Attorney Registration No. 26644
JOEL B. BERNBAUM	:	
Respondent	:	(Montgomery County)

ORDER

AND NOW, this _____ day of _____, 2025, upon consideration of the Recommendation of the Disciplinary Board, Joel B. Bernbaum is placed on temporary suspension until further action by this Court. See Pa.R.D.E. 208(f)(5). Respondent shall comply with the provisions of Pa.R.D.E. 217.

Respondent's rights to petition for dissolution or amendment of this Order and to request accelerated disposition of charges underlying this order are specifically preserved. See Pa.R.D.E. 208(f)(4) and (f)(8).

This Order constitutes an imposition of public discipline within the meaning of Pa.R.D.E. 402, pertaining to confidentiality.

BEFORE THE DISCIPLINARY BOARD
OF THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 101 DB 2025
Petitioner	:	
	:	ODC File No. C2-25-536
v.	:	
	:	Attorney Registration No. 26644
JOEL B. BERNBAUM,	:	
Respondent	:	(Montgomery County)

**PETITION FOR ISSUANCE OF A RULE TO SHOW CAUSE WHY
RESPONDENT SHOULD NOT BE PLACED ON TEMPORARY
SUSPENSION PURSUANT TO Pa.R.D.E. 208(f)(5)**

Petitioner, Office of Disciplinary Counsel (hereinafter, "ODC"), by Thomas J. Farrell, Esquire, Chief Disciplinary Counsel, and by Emily R. Provencher, Esquire, Disciplinary Counsel, respectfully petitions the Disciplinary Board to issue a Rule to Show Cause Why Respondent Should Not be Placed on Temporary Suspension pursuant to Pennsylvania Rule of Disciplinary Enforcement 208(f)(5) and in support thereof states:

1. ODC, whose principal office is located at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 5800, P.O. Box 62675, Harrisburg, Pennsylvania, 17106, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement ("Pa.R.D.E."), with the power and duty to investigate all matters involving alleged misconduct of any 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 of Disciplinary Enforcement.

2. Respondent, Joel B. Bernbaum, Esquire, is currently 77 years old, having been born in June 1948 and was admitted to practice law in the Commonwealth of Pennsylvania on November 23, 1977. His attorney registration number is 26644. His office is located at 33 Rock Hill Road, Suite 250, Bala Cynwyd, Pennsylvania 19004.

3. Respondent is currently on active status.

4. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

2022 OVERDRAFT

5. On August 16, 2022, the Pennsylvania Lawyers Fund for Client Security ("CSF") received notice from Firsttrust Bank that a check had been dishonored due to insufficient funds in Respondent's Interest on Lawyers' Trust Account ("IOLTA").

6. On September 28, 2022, CSF referred the matter to ODC for additional inquiry because Respondent had not "cooperated with [CSF's] inquiry relating to the negative balance involving his firm's IOLTA account."

7. On October 14, 2022, ODC issued a DB-7 Request for Statement of Respondent's Position and Request for Pa.R.P.C. 1.15(c) Required Records in ODC File No. C2-22-826.

8. Respondent failed to respond to the allegations of misconduct stated in the October 14, 2022 DB-7 and did not produce the requested Required Records.

9. On November 29, 2022, ODC personally served Respondent with a separate Letter Request under Pa.R.D.E. 221(g)(1) and D.Bd.Rule § 91.178(b) and an additional copy of the DB-7 Request for Respondent's Statement of Position.

10. The Letter Request notified Respondent that he had until December 8, 2022 to respond to the DB-7 Request and until December 13, 2022 to produce the Required Records.

11. Respondent failed to respond to the allegations of misconduct stated in the DB-7 and did not produce the requested Required Records.

12. On April 13, 2023, a Subpoena Duces Tecum was personally served on Respondent to appear at the District II Office of Disciplinary Counsel in Trooper, Pennsylvania on April 27, 2023 at 10:00 a.m.

13. Respondent failed to attend the initial, scheduled subpoena return that was scheduled for April 27, 2023 at 10:00 a.m.

14. Respondent did appear for the rescheduled subpoena return on May 3, 2023 and provided some of the requested documentation.

15. By Letter dated May 12, 2023, ODC issued Respondent a Letter of Concern in ODC File No. C2-22-826 based on its opinion that Respondent had violated Rule of Professional Conduct (“RPC”) 1.15(c) by failing to produce IOLTA Statements and failing to produce business and operating account records along with deposited items, canceled checks and records of electronic transactions. Respondent also failed to produce the check register or separate ledger for the IOLTA. A true and correct copy of the May 12, 2023 Letter of Concern in file C2-22-826 is attached hereto as “Exhibit A”.

16. In issuing the Letter of Concern, ODC advised Respondent that it exercised its prosecutorial discretion, explaining that:

- a) Respondent was 74 years old;
- b) Respondent was a member of the bar for 45 years with no history of prior discipline;
- c) ODC’s investigation had uncovered no evidence of client harm; and
- d) Respondent was warned that future, similar misconduct would result in commencing proceedings for temporary suspension.

2025 OVERDRAFT

17. On April 14, 2025, CSF received notification from Citizens Bank, advising that a check had been presented against insufficient funds, creating a negative balance of \$1,329.00 in Respondent's IOLTA.

18. By inquiry letter dated April 15, 2025, CSF requested information and documentation from Respondent.

19. Respondent failed to respond to CSF's letter dated April 15, 2025.

20. By letter dated May 1, 2025, CSF informed Respondent that CSF had not received any reply and required a written response from Respondent within five business days.

21. Respondent failed to respond to CSF's letter dated May 1, 2025.

22. By letter dated May 9, 2025, CSF referred the matter to ODC for additional inquiry.

23. By DB-7 Request for Statement of Respondent's Position dated June 10, 2025 in ODC File No. C2-25-536, ODC placed Respondent on notice of allegations of misconduct including failure to maintain the books and records as required by RPC 1.15(c); failure to complete monthly reconciliations for his IOLTA; failure to report all bank accounts related to Respondent's law practice on his Pennsylvania Attorney Annual Registration

Forms for the past five years; and failure to respond to an inquiry by CSF. A true and correct copy of the DB-7 Request dated June 10, 2025 is attached hereto as "Exhibit B".

24. Pursuant to the authority of Pa.R.D.E. 221(g)(1) and Disciplinary Board Rule § 91.178(b), the DB-7 also contained a request for Respondent to produce to ODC within ten (10) business days the following Records Required to be Maintained Under RPC 1.15(c):

- a) All transaction records for his IOLTA with an account number ending in 8610 at Citizens Bank, N.A. (the "IOLTA"), including but not limited to the monthly or other periodic statements of account, cancelled checks, deposited items, and records of electronic transactions, from December 1, 2024, through the present;
- b) A copy of his general ledger or check register for his Citizens IOLTA ending in 8610, and each individual client trust ledger for all client funds held in the IOLTA, along with a monthly reconciliation for each individual client trust ledger and a total trial balance, as required by RPC 1.15(c)(2) and (4), from December 1, 2024, through the present;

- c) For December 1, 2024 (the first day of the period for which records were requested), the source(s) of the beginning balance of the IOLTA by (a) identifying each client whose funds were held in the account on that date; and (b) identifying the dollar amount attributable to each client;
- d) All transaction records of any other account at any financial institution in which funds belonging to clients or third persons were deposited or otherwise placed, including but not limited to the monthly or other periodic statements of account, cancelled checks, deposited items, and records of electronic transactions, from December 1, 2024, through the present;
- e) A written explanation as to how he made his client whole after the April 2025 overdraft in his IOLTA and provide documents that support his written explanation;
- f) In the event the negative balance was caused solely by bank error, a written acknowledgment from the bank specifying the exact nature of the error, in lieu of his reply;
- g) If the negative balance was not caused by bank error, a documented explanation, which should include, but not be limited to the payee, client and the maker of each check. With

respect to each client matter discussed in the explanation,
Respondent was to provide a copy of the client ledger(s);

- h) If funds have been deposited or transferred to cover the negative balance, a copy of the receipted deposit slip, credit memo, or bank statement, together with a full description of the source of funds comprising that deposit;
- i) A list of all law related bank accounts Respondent currently holds; and
- j) Any other addresses at which Respondent practices law.

25. On June 10, 2025, ODC Investigator/Auditor Susan Roehre personally served Respondent with the June 10, 2025 DB-7 Request for Statement of Respondent's Position and Demand for Records as set forth in her notarized Affidavit of Service, a true and correct copy of which is attached hereto as "Exhibit C".

26. Respondent was required to respond to the Demand for Records on or before June 25, 2025.

27. Respondent was required to respond to the DB-7 Request for Statement of Position on or before July 10, 2025.

28. To date, Respondent has failed to produce to ODC any of the RPC 1.15(c) requested documents listed in the June 10, 2025 Demand for

Records Pursuant to Pa.R.D.E. 221(g)(2) and Disciplinary Board Rule 87.7(e) that Respondent was directed to provide to ODC and has not provided ODC with an explanation why he has not provided the requested records.

29. Respondent has failed to communicate with ODC in any fashion with respect to its current investigation despite being put on notice in May of 2023 that additional similar misconduct would result in temporary suspension proceedings.

30. It is believed and therefore averred that Respondent has failed to maintain records he is required to maintain under RPC 1.15.

31. To date, Respondent has failed to provide his Statement of Position to the DB-7 Request and has not provided ODC with an explanation why he has not provided his Statement of Position.

32. To date, Respondent has failed to respond to the inquiry by CSF regarding the overdraft in Respondent's IOLTA.

33. Based on the forgoing, it appears that Respondent has also ignored his obligation to safeguard entrusted funds; it is believed and therefore averred that Respondent has failed to maintain and produce the records as required by the Rules of Professional Conduct.

34. Respondent's wholesale failure to respond or produce any records he is required to maintain and produce to ODC in compliance with R.P.C. 1.15(c) and PA.R.D.E 221 (e) and (g) further warrants his temporary suspension.

35. Respondent's blatant disregard of the Rules of Professional Conduct and Disciplinary Enforcement Rules regarding safekeeping funds for the second time in three years warrants the issuance of a rule to show cause why he should not be placed on temporary suspension.

36. ODC believes and therefore avers that Respondent's conduct potentially violates RPC 1.15(a); RPC 1.15(b); RPC 1.15(c); RPC 8.4(b); RPC 8.4(c); Pa.R.D.E. 203(b)(3); Pa.R.D.E. 203(b)(7); Pa.R.D.E. 219(c)(1)(iii); Pa.R.D.E. 221(g)(1); Pa.R.D.E. 221(g)(2); Pa.R.D.E. 221(g)(3); and Pa.R.D.E. 221(q).

WHEREFORE, ODC respectfully requests that the Disciplinary Board issue a Rule upon Respondent to Show Cause, if he has any, within ten (10) days following service of the Rule as to why he should not be temporarily suspended.

Respectfully submitted,
OFFICE OF DISCIPLINARY COUNSEL

Thomas J. Farrell, Esquire
Chief Disciplinary Counsel

By: Emily Provencher
Emily R. Provencher
Disciplinary Counsel
Attorney Registration Number 309804
District II Office
820 Adams Avenue, Suite 170
Trooper, PA 19403

BEFORE THE DISCIPLINARY BOARD
OF THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No.	DB 2025
Petitioner	:		
	:	ODC File No.	C2-25-536
v.	:		
	:	Attorney Registration No.	26644
JOEL B. BERNBAUM,	:		
Respondent	:	(Montgomery County)	

ORDER AND RULE TO SHOW CAUSE

AND NOW, this _____ day of _____, 2025,
upon Petition of the Office of Disciplinary Counsel, a Rule is hereby issued
upon Respondent to show cause, within ten (10) days following service of
this Rule, why he should not be placed on Temporary Suspension pursuant
to Pa.R.D.E. 208(f)(5). Any response must be filed with the Board
Prothonotary, with a copy served on Office of Disciplinary Counsel.

BY THE BOARD:

David S. Senoff, Esquire
Board Chair

BEFORE THE DISCIPLINARY BOARD
OF THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No.	DB 2025
	:		
	:		
	:		ODC File No. C2-25-536
	:		
	:		
	:		Attorney Registration No. 26644
	:		
	:		
JOEL B. BERNBAUM,	:		
	:		
Respondent	:		(Montgomery County)

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a copy of the Petition For Issuance Of a Rule To Show Cause Why Respondent Should Not Be Placed on Temporary Suspension Pursuant to Pa.R.D.E. 208(F)(5) and all accompanying documents upon the person and in the manner indicated below, which service satisfies the requirements of Pa.R.A.P. 121.

First Class Mail, Certified Mail Return Receipt Requested, Email

Joel B. Bernbaum, Esquire
Bernbaum Family Law
33 Rock Hill Road, Suite 250
Bala Cynwyd, Pennsylvania 19004
joel@bernbaumfamilylaw.com

Date: July 29, 2025



Emily R. Provencher
Disciplinary Counsel
Attorney Registration Number 309804
Office of Disciplinary Counsel
District II Office
820 Adams Avenue, Suite 170
Trooper, PA 19403

VERIFICATION

The statements contained in the foregoing Petition For Issuance Of A Rule To Show Cause Why Respondent Should Not Be Placed on Temporary Suspension Pursuant To Pa.R.D.E. 208(f)(5) are true and correct to the best of my knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

July 29, 2025

Date

Emily Provencher

Emily R. Provencher
Disciplinary Counsel
District II Office

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Office of Disciplinary Counsel

Signature: Emily Provencher

Name: Emily R. Provencher

Attorney Number: # 309804

EXHIBIT A

Thomas J. Farrell
Chief Disciplinary Counsel

Raymond S. Wierciszewski
Deputy Chief Disciplinary Counsel

District II Office
820 Adams Avenue
Suite 170
Trooper, PA 19403
(610) 650-8210
Fax: (610) 650-8213

THE DISCIPLINARY BOARD
OF THE
SUPREME COURT OF PENNSYLVANIA



Harold E. Ciampoli, Jr.
Disciplinary Counsel-in-Charge

Disciplinary Counsel
Dana M. Pirone
Elizabeth A. Livingston
Marie C. Dooley
Mark F. Gilson

OFFICE OF DISCIPLINARY COUNSEL
www.padisciplinaryboard.org

May 12, 2023

VIA EMAIL AND FIRST CLASS MAIL

PERSONAL AND CONFIDENTIAL

Joel B. Bernbaum, Esquire
Bernbaum Family Law
33 Rock Hill Road, Suite 250
Bala Cynwyd, PA 19004
joel@bernbaumfamilylaw.com

Re: File No. C2-22-826 (ODC-CSF)

Dear Mr. Bernbaum:

You were the subject of a complaint opened by this Office after receiving a Notice of Insufficient Funds from the Pennsylvania Lawyers Fund for Client Security (the "Fund") regarding an overdraft on your Firsttrust Bank IOLTA Account (the "IOLTA"). The Fund referred the matter to this Office after you failed to provide it with requested information pertaining to the overdraft. Our Office brought this complaint to your attention by DB-7 Request for Statement of Respondent's Position dated October 14, 2022 (the "DB-7"), as well as Demands for Required Records dated November 29, 2022 and January 18, 2023. You did not respond to the DB-7 or to the Demands for Required Records. As part of our investigation, subpoenas were issued to you and your bank for your IOLTA and Operating Accounts. After failing to attend the initial scheduled subpoena return, you did appear in our office for a subsequent subpoena return on May 3, 2023 and produced some documents.

Upon review of the information available to us, including a review of the records provided by your bank, it is the opinion of this Office that you violated RPC 1.15(c). This rule provides that "[c]omplete records of the receipt, maintenance and disposition of Rule 1.15 Funds and property shall be preserved for a period of five years after termination of the client-lawyer or Fiduciary relationship or after distribution or disposition of the property, whichever is later. A lawyer shall

maintain the writing required by Rule 1.5(b) (relating to the requirement of a writing communicating the basis or rate of the fee) and the records identified in Rule 1.5(c) (relating to the requirement of a written fee agreement and distribution statement in a contingent fee matter). A lawyer shall also maintain the following books and records for each Trust Account and for any other account in which Fiduciary Funds are held pursuant to Rule 1.15(l)."

RPC 1.15(c)(1) concerns all transaction records provided by the financial institution. This rule provides that "all transaction records provided to the lawyer by the Financial Institution or other investment entity, such as periodic statements, cancelled checks in whatever form, deposited items and records of electronic transactions."

RPC 1.15(c)(2) concerns a lawyer's obligation to maintain a check register or separate ledger for an IOLTA account. This rule provides that: "check register or separately maintained ledger, which shall include the payee, date, purpose and amount of each check, withdrawal and transfer, the payor, date, and amount of each deposit, and the matter involved for each transaction; provided, however, that where an account is used to hold funds of more than one client, a lawyer shall also maintain an individual ledger for each trust client, showing the source, amount and nature of all funds received from or on behalf of the client, the description and amounts of charges or withdrawals, the names of all persons or entities to whom such funds were disbursed, and the dates of all deposits, transfers, withdrawals and disbursements.

You violated RPC 1.15(c)(1) in that you failed to produce IOLTA account statements for January 2020 through October 2021 and copies of the checks identified on these statements and the checks identified in the statements from November 2021 through April 2023. You also violated RPC 1.15(c)(1) in that you failed to produce business or operating account records for January 2020 through October 2021 (statements, canceled checks, deposited items, and electronic transactions). You also failed to provide deposited items and records of electronic transactions for November 2021 through April 2023. Regarding records for 2022, you did not produce copies of all canceled checks.

You violated RPC 1.15(c)(2) in that you failed to produce the check register or separate ledger for the IOLTA account you claim is maintained through your software program, Cosmolex. Contrary to RPC 1.15(c)(2), you did not produce a client ledger card for your client Marcus Dimitri (to the extent one existed) and did not perform regular or monthly reconciliations in accordance with the procedures set forth in RPC 1.15(c).

The overdraft arose when Mr. Dimitri presented IOLTA Check No. 132, dated July 1, 2022, for payment on August 15, 2022, when the amount in the IOLTA was \$39.80, \$2,200.08 less than Check No. 132. We understand that Mr. Dimitri was not entitled to the proceeds from Check No. 132 since it had been replaced by Check No. 3274 from your business operating accounting account on August 15, 2022. Mr. Dimitri cashed check 3274 for \$2,289.00 on August 31, 2022. This check represented the undistributed funds from the January 24, 2020 deposit of \$113,255.76 (proceeds from the sale of the marital residence).

Joel B. Bernbaum, Esquire
May 12, 2023
Page 3

Our decision to dismiss the complaint through the issuance of this Letter of Concern was based on the factors that you are 74 years old, have been a member of the bar for forty-five (45) years without incurring any discipline and that our investigation revealed no evidence of client harm.

Although we have exercised our prosecutorial discretion and dismissed the matter through the issuance of this Letter of Concern, we need to emphasize that your failure to fully cooperate with the Fund and with this Office in providing your Statement of Position to the DB-7 and records you are **required** to maintain and produce in a timely manner upon request by this Office is extremely disconcerting and troublesome. Please be advised that any similar recalcitrance on your part in the future **WILL** result in this office commencing proceedings for your temporary suspension.

The dismissal of this matter by way of a letter of concern does not constitute a record of discipline.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dana M. Pirone". The signature is fluid and cursive, with the first name "Dana" and last name "Pirone" clearly distinguishable.

Dana M. Pirone
Disciplinary Counsel

DMP: glc

EXHIBIT B

Thomas J. Farrell
Chief Disciplinary Counsel

Raymond S. Wierciszewski
Deputy Chief Disciplinary Counsel

District II Office
820 Adams Avenue
Suite 170
Trooper, PA 19403
(610) 650-8210
Fax: (610) 650-8213

THE DISCIPLINARY BOARD
OF THE
SUPREME COURT OF PENNSYLVANIA



Harold E. Ciampoli, Jr.
Disciplinary Counsel-in-Charge

Disciplinary Counsel
Elizabeth A. Livingston
Marie C. Dooley
Mark F. Gilson
Jennifer Flemister
Emily R. Provencher

OFFICE OF DISCIPLINARY COUNSEL
www.padisciplinaryboard.org

June 10, 2025

**VIA ATTEMPTED PERSONAL SERVICE,
EMAIL, FIRST CLASS MAIL, AND
CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

PERSONAL AND CONFIDENTIAL

Joel B. Bernbaum, Esquire
Bernbaum Family Law
33 Rock Hill Road, Suite 250
Bala Cynwyd, Pennsylvania 19004
joel@bernbaumfamilylaw.com

Re: Complaint of Office of Disciplinary Counsel
ODC File No. C2-25-536

**DB-7 REQUEST FOR STATEMENT OF RESPONDENT'S POSITION AND
DEMAND FOR RECORDS PURSUANT TO PA.R.D.E. 221(G)(2) & D.BD.
RULE 87.7(E)**

Dear Mr. Bernbaum:

This office is considering the above-referenced complaint matter which we opened against you on our own motion as a result of information received. By letter dated May 9, 2025, the Pennsylvania Lawyers Fund for Client Security ("CSF") brought to our attention the fact that, on or about April 2, 2025, an overdraft balance was created in your IOLTA with an account number ending in 8610 at Citizens Bank. It is important for you to understand that issuance of this letter means that the complaint against you has survived this office's initial screening process and that, based upon the information currently available to us, it appears that your alleged conduct may have violated the Pennsylvania Rules of Professional Conduct ("RPC") and Pennsylvania Rules of Disciplinary Enforcement ("Pa.R.D.E.").

Joel B. Bernbaum, Esquire
Bernbaum Family Law
June 10, 2025
Page 2

It is also important for you to understand that it is the obligation of our office to develop all information relevant to a complaint, including that information which may justify or exonerate the alleged actions of a respondent-attorney or mitigate the seriousness of any violations that may have occurred. You have a right to submit a statement of position with regard to the allegations. Your statement of position, if you choose to file one, may result in a decision to dismiss this complaint against you. However, because this complaint has survived our initial screening process, you should retain or consult with counsel before submitting a statement of your position.

IT IS IMPORTANT THAT YOU READ THIS DB-7 LETTER IN ITS ENTIRETY. IT CONTAINS A RECITATION OF THE ALLEGED FACTS UNDER CONSIDERATION AND A REQUEST FOR RECORDS THAT YOU ARE REQUIRED TO MAINTAIN UNDER RPC 1.15(C), PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT ("Pa.R.D.E.") 221(e) AND DISCIPLINARY BOARD RULES AND PROCEDURES ("D.Bd.RULE") § 91.177(a).

THE TIME TO SUBMIT A RESPONSE TO THE SUBSTANTIVE ALLEGATIONS (THIRTY (30) DAYS FROM THE DATE OF THIS DB-7 LETTER) DIFFERS FROM THE TIME TO PRODUCE THE REQUIRED RECORDS (TEN (10) BUSINESS DAYS FROM RECEIPT OF THIS DB-7 LETTER), AND YOU ARE REQUIRED TO PROVIDE THE REQUESTED RECORDS WHETHER OR NOT YOU FILE A STATEMENT OF POSITION TO THE SUBSTANTIVE ALLEGATIONS CONTAINED IN THE DB-7 LETTER.

DB-7 REQUEST FOR STATEMENT OF RESPONDENT'S POSITION

The allegations presently under consideration are as follows:

1. On November 23, 1977, you were admitted to the Bar of the Commonwealth of Pennsylvania.
2. At all relevant times, the registered address of your law practice was 33 Rock Hill Road, Suite 250, Bala Cynwyd, Pennsylvania 19004.
3. At all relevant times, you owned and operated Bernbaum Family Law.
4. At all relevant times, you maintained at Citizens Bank, N.A. an Interest on Lawyers Trust Account with an account ending in number 8610 ("IOLTA") in the name Joel B. Bernbaum.
5. Prior to on or about April 2, 2025:

- a. you issued a check (check number 141) in the amount of \$1,500.00 from your IOLTA; and
 - b. the check was deposited by an unknown payee, which caused a \$1,500.00 withdrawal out of your IOLTA.
6. On or about April 2, 2025, check number 141 in the amount of \$1,500.00 was presented to Citizens Bank.
7. It is believed and averred that, on or about April 2, 2025, your IOLTA balance was \$171.00, which was less than the \$1,500.00 necessary to pay check number 141.
8. On or about April 2, 2025, you lacked sufficient funds in your IOLTA to cover the \$1,500.00 check, resulting in an overdraft in the amount of \$1,329.00.
9. On or about April 2, 2025, check number 141 for \$1,500.00 was returned to the payees due to insufficient available funds.
10. On April 14, 2025, 2024, the Pennsylvania Lawyers Fund for Client Security ("CSF") received notification from Citizens Bank pursuant to Pa.R.D.E. 221, advising that check number 141 in the amount of \$1,500.00 had been presented against insufficient funds, creating a negative balance of \$1,329.00 in the IOLTA ending in 141 titled to Joel B. Bernbaum.
11. By inquiry letter dated April 15, 2025, Kathryn Peifer Morgan, Esquire, Executive Director and Counsel for CSF, requested information and documentation from you regarding the April 2, 2025 overdraft of your IOLTA.
12. In the April 2, 2025 letter, Ms. Morgan requested a written response from you within ten business days of the date of the letter.
13. You received the April 2, 2025 inquiry letter sent to you from CSF.
14. You failed to respond to the April 2, 2025 inquiry letter sent to you from CSF.
15. By letter dated May 1, 2025, sent via regular and certified mail, Ms. Morgan advised you, *inter alia*, that:
 - a. she had not received any reply to the April 15, 2025 letter she sent to you; and

- b. she required within five business days of the date of the May 1, 2025 letter, “a written, documented explanation of the circumstances surrounding this overdraft as requested in [her] original letter. Failure to provide the information requested will result in the immediate referral of this matter to the Office of Disciplinary Counsel.”
16. Ms. Morgan advised you if no written response was received, the matter would be referred to this office.
 17. You received the May 1, 2025 inquiry letter sent to you from CSF.
 18. You failed to respond to the May 1, 2025 inquiry letter sent to you from CSF.
 19. You have failed to do monthly reconciliations for your IOLTA ending in 8610.
 20. You failed to report your IOLTA ending in 8610 with Citizens Bank on your Pennsylvania Attorney Annual Registration Forms for the years 2019 through 2025.
 21. You failed to report all bank accounts related to your law practice on your Pennsylvania Attorney Annual Registration Forms.
 22. It is believed and therefore alleged that you have failed to maintain the books and records you are required to maintain pursuant to RPC 1.15(c).
 23. It is believed and therefore alleged that you would have identified this potential overdraft of your IOLTA on April 2, 2025 if you had been maintaining required records pursuant to RPC 1.15(c).
 24. It is believed and therefore alleged that, between December 1, 2024 and the present, you knew or should have known that your IOLTA is to be used solely for purposes of holding funds on behalf of clients or third persons, inviolate.
 25. It is believed and therefore alleged that, by your conduct as set forth in Paragraphs 1 through 24, *supra*, you commingled, converted, misappropriated, misapplied and/or misused funds to be held in your IOLTA, inviolate.

If the above allegations are true, we are concerned that you may have violated the following Rules of Professional Conduct: RPC 1.15(a); RPC 1.15(b); RPC 1.15(c); RPC 8.4(b); RPC 8.4(c), Pa.R.D.E. 219(c)(1)(iii); and Pa.R.D.E. 221(q).

Joel B. Bernbaum, Esquire
Bernbaum Family Law
June 10, 2025
Page 5

The Office of Disciplinary Counsel will make no recommendation for the disposition of this complaint until you have been afforded an opportunity to state your position with respect thereto within thirty (30) days of the date of this letter. Please note that failure to respond to this request for your statement of position without good cause is an independent ground for discipline pursuant to Rule 203(b)(7) of the Pennsylvania Rules of Disciplinary Enforcement. The Office of Disciplinary Counsel will only agree to a limited extension of the thirty-day deadline when the request is made for specific reasons constituting good cause. If you do not respond or provide good cause for failing to respond within thirty 30 days, the Office of Disciplinary Counsel may seek to impose discipline for your violation of Pa.R.D.E. 203(b)(7).

Please be assured that we are not prejudging the allegations and charges. Rather, we are conducting an impartial and unbiased investigation with regard to this matter. For this reason, and because a lawyer can be subject to discipline for making a materially false statement or deliberately failing to disclose a material fact in connection with a disciplinary matter, you should be careful to be accurate in your factual statements. Additionally, as previously stated, you may wish to consult with counsel before replying to the allegations.

In any reply which you make, please chronologically and specifically state your account of the events and include copies of any particularly pertinent documents to which you refer. Generally, it is most helpful if your response deals item-by-item with the allegations contained in the numbered paragraphs in this letter, as well as with the cited Rules.

Please be advised that §85.13 of the Disciplinary Board Rules requires that any response to this letter:

...that contains an averment of fact not appearing of record or a denial of fact shall include or be accompanied by a verified statement signed by the respondent-attorney that the averment or denial is true based upon knowledge or information and belief. The respondent-attorney need not aver the source of the information or expectation of ability to prove the averment or denial. The verified statement may be based upon personal knowledge as to a part and upon information and belief as to the remainder.

If we do not hear from you within thirty (30) days, we will assume that you do not desire to submit your position with respect to this matter. In such a situation we are permitted to proceed to make our recommendation for an appropriate disposition on the basis of the information and material contained in our file, including your failure to respond in violation of Rule 203(b)(7), Pa.R.D.E.. However, we certainly would prefer to have the benefit of your statement of position before making our recommendation.

DEMAND FOR RPC 1.15(C) REQUIRED RECORDS

WHETHER OR NOT YOU SUBMIT A SUBSTANTIVE RESPONSE TO THE FOREGOING ALLEGATIONS OF MISCONDUCT, YOU ARE DIRECTED TO PROVIDE TO THIS OFFICE, PURSUANT TO Pa.R.D.E. 221(g)(2) AND DISCIPLINARY BOARD RULE §87.7(e), THE FOLLOWING DOCUMENTS AND INFORMATION WITHIN TEN (10) BUSINESS DAYS OF RECEIPT OF THIS DB-7 LETTER:

1. All transaction records for your IOLTA with an account number ending in 8610 at Citizens Bank, N.A. (the "IOLTA"), including but not limited to the monthly or other periodic statements of account, cancelled checks, deposited items, and records of electronic transactions, from December 1, 2024, through the present;
2. Provide a copy of your general ledger or check register for your Citizens IOLTA ending in 8610, and each individual client trust ledger for all client funds held in the IOLTA, along with a monthly reconciliation for each individual client trust ledger and a total trial balance, as required by RPC 1.15(c)(2) and (4), from December 1, 2024, through the present;
3. On December 1, 2024 (the first day of the period for which records have been requested), identify the source(s) of the beginning balance of the IOLTA by (a) identifying each client whose funds were held in the account on that date; and (b) identifying the dollar amount attributable to each client;
4. All transaction records of any other account at any financial institution in which funds belonging to clients or third persons were deposited or otherwise placed, including but not limited to the monthly or other periodic statements of account, cancelled checks, deposited items, and records of electronic transactions, from December 1, 2024, through the present;
5. A written explanation as to how you made your client whole after the April 2025 overdraft in your IOLTA and provide documents that support your written explanation;
6. In the event the negative balance was caused solely by bank error, you must submit a written acknowledgment from the bank specifying the exact nature of the error, in lieu of your reply;
7. If the negative balance was not caused by bank error, we will need your documented explanation, which should include, but not be limited to the payee,

your client and the maker of each check. With respect to each client matter discussed in the explanation, we will need a copy of the client ledger(s);

- 8. If funds have been deposited or transferred to cover the negative balance, we will need a copy of the receipted deposit slip, credit memo, or bank statement, together with a full description of the source of funds comprising that deposit;**
- 9. Provide a list of all law related bank accounts you currently hold; and**
- 10. Provide any other addresses at which you practice law.**

PURSUANT TO Pa.R.D.E. 221(g)(2) AND D.Bd.RULE §87.7(e), YOU MUST PRODUCE THE SPECIFIED RECORDS WITHIN TEN (10) BUSINESS DAYS OF THE RECEIPT OF THIS DB-7 LETTER WHETHER OR NOT YOU FILE A STATEMENT OF POSITION TO THE SUBSTANTIVE ALLEGATIONS CONTAINED IN THE DB-7 LETTER.

THIS DB-7 LETTER WILL BE CONSIDERED “RECEIVED” WHEN:

- (A) PERSONAL SERVICE IS ACCOMPLISHED; OR**
- (B) A COPY OF THIS DB-7 LETTER IS DELIVERED TO AN EMPLOYEE, AGENT, OR OTHER RESPONSIBLE PERSON AT YOUR OFFICE AS DETERMINED BY THE ADDRESS FURNISHED BY YOU ON YOUR MOST RECENTLY FILED ATTORNEY REGISTRATION STATEMENT; OR**
- (C) IF MAILED BY CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED TO ONE OR MORE OF THE ADDRESSES FURNISHED BY YOU IN YOUR LAST ATTORNEY REGISTRATION STATEMENT AND DELIVERY IS ACCEPTED AS SHOWN BY ELECTRONIC OR PAPER RETURN RECEIPT CONTAINING THE NAME OR OTHER PERSON WHO ACCEPTED DELIVERY.**

THE TIME IN WHICH TO PRODUCE THE REQUIRED RECORDS (TEN BUSINESS DAYS) IS SEPARATE FROM THE TIME FIXED FOR THE FILING OF YOUR STATEMENT OF POSITION TO THE SUBSTANTIVE ALLEGATIONS CONTAINED IN THE DB-7 LETTER (THIRTY DAYS FROM THE DATE OF THE DB-7 LETTER).

PURSUANT TO Pa.R.D.E. 221(g)(3), AND DISCIPLINARY BOARD RULES §87.7(f) AND §91.179, YOUR FAILURE TO PRODUCE THE SPECIFIED RECORDS WITHIN TEN (10) BUSINESS DAYS FROM RECEIPT OF THIS DB-7 LETTER MAY RESULT IN THE

Joel B. Bernbaum, Esquire
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Page 8

**INITIATION OF PROCEEDINGS TO HAVE YOU PLACED ON EMERGENCY
TEMPORARY SUSPENSION PURSUANT TO Pa.R.D.E. 208(f)(1) OR Pa.R.D.E. 208(f)(5).**

If you have any questions, you or your counsel should not hesitate to contact this office. Thank you for your anticipated cooperation and assistance in this important matter. We look forward to receiving your response.

Very truly yours,

OFFICE OF DISCIPLINARY COUNSEL



Emily R. Provencher
Disciplinary Counsel
District II Office

ERP: mc

EXHIBIT C

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

Office of Disciplinary Counsel

v.

Joel B. Bernbaum, Respondent

File No. C2-25-536

Attorney Reg. No. 26644

Montgomery County

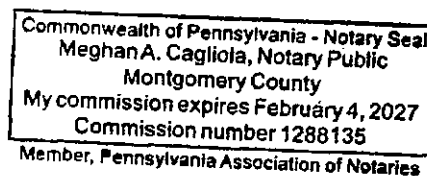
AFFIDAVIT OF SERVICE

I, Susan Roehre, Auditor Investigator, Office of Disciplinary Counsel, 820 Adams Avenue, Trooper, Pennsylvania, being duly sworn according to law, depose and say that, on Tuesday, June 10, 2025, I served on Respondent Joel B. Bernbaum, at 33 Rock Hill Road, Bala Cynwyd, Pennsylvania 19004, a DB-7 Request for Statement of Respondent's Position and Demand for Records letter dated June 10, 2025, from Disciplinary Counsel Emily R. Provencher.



Susan Roehre,
Auditor/Investigator

Sworn to and subscribed
before me this 11th day
of June, 2025.


Notary Public

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

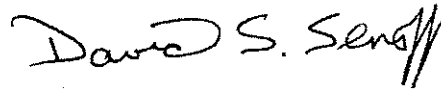
OFFICE OF DISCIPLINARY COUNSEL,	:	No. 101 DB 2025
Petitioner	:	
	:	
v.	:	
	:	Attorney Registration No. 26644
JOEL B. BERNBAUM,	:	
Respondent	:	(Montgomery County)

ORDER AND RULE TO SHOW CAUSE

AND NOW, this 31st day of July, 2025, upon Petition of Office of Disciplinary Counsel, a Rule is hereby issued upon Respondent to show cause why he should not be placed on Temporary Suspension from the Bar of the Commonwealth of Pennsylvania pursuant to Pa.R.D.E. 208(f)(5).

The Rule to Show Cause is returnable within ten (10) days from service of notice of this Order. Respondent is directed to timely serve a copy of any response to the Petition and to this Rule with the Board Prothonotary and the Office of Disciplinary Counsel.

BY THE BOARD:



Chair

TRUE COPY FROM RECORD
Attest:



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

IN THE SUPREME COURT OF PENNSYLVANIA

Office of Disciplinary Counsel	:	No. 101 DB 2025
	:	File No. C2-25-536
	:	
v.	:	Attorney Reg. No. 26644
	:	
Joel B. Bernbaum, Respondent	:	Montgomery County
	:	

AFFIDAVIT OF SERVICE

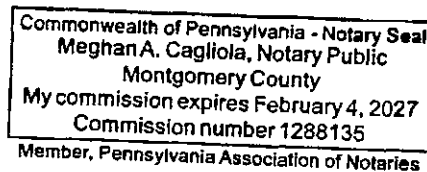
I, Susan Roehre, Auditor Investigator, Office of Disciplinary Counsel, 820 Adams Avenue, Trooper, Pennsylvania, being duly sworn according to law, depose and say that, on Thursday, July 31 2025, I served on Respondent Joel B. Bernbaum, at a Starbucks located at 775 Lancaster Avenue, Villanova, Pennsylvania 19085, a cover letter dated July 31, 2025, from Board Prothonotary Marcee Sloan, an Order and Rule to Show Cause, and a copy of the Petition for Issuance of a Rule to Show Cause that was filed with the Pennsylvania Disciplinary Board on July 29, 2025.



Susan Roehre,
Auditor/Investigator

Sworn to and subscribed
before me this 31st day
of July, 2025.


Notary Public



FILED
08/01/2025
The Disciplinary Board of the
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD
OF THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 101 DB 2025
Petitioner	:	
	:	ODC File No. C2-25-536
v.	:	
	:	Attorney Registration No. 26644
JOEL B. BERNBAUM,	:	
Respondent	:	(Montgomery County)

PETITION TO MAKE RULE ABSOLUTE

Petitioner, Office of Disciplinary Counsel (hereinafter, "ODC"), by Thomas J. Farrell, Esquire, Chief Disciplinary Counsel, and by Emily R. Provencher, Esquire, Disciplinary Counsel, respectfully petitions the Disciplinary Board to make absolute the Rule previously issued in this matter pursuant to Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 208(f)(5), and in support thereof states:

1. On July 29, 2025, ODC filed a Petition for Issuance of a Rule To Show Cause Why Respondent Should Not Be Suspended Pursuant To Pa.R.D.E. 208(f)(5) alleging, *inter alia*, that Respondent failed to provide ODC with his Statement of Position to the DB-7, failed to produce records as required by RPC 1.15, and failed to communicate with ODC.

2. By Order and Rule to Show Cause dated July 31, 2025, the Disciplinary Board issued a Rule upon Respondent to show cause why he

should not be placed on temporary suspension from the Bar of the Commonwealth of Pennsylvania pursuant to Pa.R.D.E. 208(f)(5).

3. The Rule to Show Cause was returnable ten days from the service of notice of the Order.

4. The Order and Rule to Show Cause, together with a copy of the previously filed and served Petition for Issuance of a Rule To Show Cause Why Respondent Should Not Be Suspended Pursuant To Pa.R.D.E. 208(f)(5), were personally served upon Respondent at a Starbucks located at 775 Lancaster Avenue, Villanova, Pennsylvania on July 31, 2025 by Susan Roehre, an Auditor/Investigator with Office of Disciplinary Counsel.

5. On August 1, 2025, ODC filed Ms. Roehre's Affidavit of Service with the Disciplinary Board. A true and correct copy of Ms. Roehre's Affidavit of Service filed with Gateway is attached hereto and marked as Exhibit "A."

6. Respondent's response to the Order and Rule to Show Cause was due on or before August 11, 2025.

7. Respondent has failed to file any response to the Order and Rule to Show Cause why he should not be place on temporary suspension.

8. Pa.R.D.E. 208(f)(5), provides in part that "if the period for response to the rule to show cause has passed without a response having been filed,...the Board may recommend to the Supreme Court that the

respondent-attorney be placed on temporary suspension.”

WHEREFORE, ODC prays that your Honorable Board make the Rule absolute and prepare and forward to the Supreme Court of Pennsylvania a recommendation that Respondent, Joel B. Bernbaum, be placed on Temporary Suspension.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL
Thomas J. Farrell, Esquire
Chief Disciplinary Counsel

By: Emily Provencher

Emily R. Provencher
Disciplinary Counsel
Attorney Registration Number 309804
District II Office
820 Adams Avenue, Suite 170
Trooper, PA 19403
(610) 650-8210

Date: August 21, 2025

BEFORE THE DISCIPLINARY BOARD
OF THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 101 DB 2025
Petitioner	:	
	:	ODC File No. C2-25-536
v.	:	
	:	Attorney Registration No. 26644
JOEL B. BERNBAUM,	:	
Respondent	:	(Montgomery County)


CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a copy of the Petition to Make Rule Absolute upon the person and in the manner indicated below, which service satisfies the requirements of Pa.R.A.P. 121 by:

First Class Mail, Certified Mail and Email

Joel B. Bernbaum, Esquire
33 Rock Hill Road, Suite 250
Bala Cynwyd, Pennsylvania 19348-1705
joel@bernbaumfamilylaw.com


Date: August 21, 2025


Emily R. Provencher
Disciplinary Counsel
Attorney Registration Number 309804
Office of Disciplinary Counsel
District II Office
820 Adams Avenue, Suite 170
Trooper, PA 19403

VERIFICATION

The statements contained in the foregoing Petition To Make Rule Absolute are true and correct to the best of my knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

August 21, 2025
Date



Emily R. Provencher
Disciplinary Counsel
District II Office

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Office of Disciplinary Counsel

Signature: Emily Provencher

Name: Emily R. Provencher

Attorney Number: # 309804

IN THE SUPREME COURT OF PENNSYLVANIA

Office of Disciplinary Counsel	:	No. 101 DB 2025
	:	File No. C2-25-536
	:	
v.	:	Attorney Reg. No. 26644
	:	
Joel B. Bernbaum, Respondent	:	Montgomery County
	:	

AFFIDAVIT OF SERVICE

I, Susan Roehre, Auditor Investigator, Office of Disciplinary Counsel, 820 Adams Avenue, Trooper, Pennsylvania, being duly sworn according to law, depose and say that, on Thursday, July 31 2025, I served on Respondent Joel B. Bernbaum, at a Starbucks located at 775 Lancaster Avenue, Villanova, Pennsylvania 19085, a cover letter dated July 31, 2025, from Board Prothonotary Marcee Sloan, an Order and Rule to Show Cause, and a copy of the Petition for Issuance of a Rule to Show Cause that was filed with the Pennsylvania Disciplinary Board on July 29, 2025.



Susan Roehre,
Auditor/Investigator

Sworn to and subscribed
before me this 31st day
of July, 2025.


Notary Public

