

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 3214 Disciplinary Docket No. 3
	:	
Petitioner	:	No. 108 DB 2026
	:	
v.	:	Attorney Registration No. 61562
	:	
	:	(Chester County)
	:	
MARK DAVID RASSMAN,	:	
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 14th day of September, 2026, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board, the Joint Petition in Support of Discipline on Consent is granted, and Mark David Rassman is suspended on consent from the Bar of this Commonwealth for a period of two years. Respondent shall comply with the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board. See Pa.R.D.E. 208(g).

A True Copy Nicole Traini
As Of 09/14/2026

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

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

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 108 DB 2026
Petitioner	:	
	:	
v.	:	Attorney Reg. No. 61562
	:	
MARK DAVID RASSMAN,	:	
Respondent	:	(Chester County)

**JOINT PETITION IN SUPPORT OF DISCIPLINE ON CONSENT
PURSUANT TO Pa.R.D.E. 215(d)**

Petitioner, the Office of Disciplinary Counsel ("ODC"), by Thomas J. Farrell, Chief Disciplinary Counsel, and Mark Gilson, Disciplinary Counsel, and Respondent, Mark David Rassman, Esquire ("Respondent"), respectfully petition the Disciplinary Board in support of discipline on consent, pursuant to Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 215(d), and in support thereof state:

PARTIES TO DISCIPLINE ON CONSENT

1. Pursuant to Pa.R.D.E. 207, ODC, whose principal office is situated at Office of Chief Disciplinary Counsel, Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania 17106, is invested 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

FILED
08/10/2026
The Disciplinary Board of the
Supreme Court of Pennsylvania

in accordance with the provisions of the Enforcement Rules.

2. Respondent was born in 1961, and was admitted to the Bar of the Commonwealth of Pennsylvania on June 19, 1991. Respondent is on active status in Pennsylvania. Respondent's office is located at 203 West Chestnut Street, West Chester, PA 19380. He also uses a mailing address at P.O. Box 342, Kennett Square, PA 19348. Respondent is representing himself in this matter.

3. Respondent has a prior history of discipline. On December 3, 2021, he received an informal admonition in two client matters for conduct involving the lack of competency and diligence, and the failure to: 1) provide a written fee agreement; 2) adequately communicate with clients; and 3) refund unearned fees upon termination. **ODC File Nos. C2-19-217 and C2-20-278.**

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

SPECIFIC FACTUAL ALLEGATIONS ADMITTED

5. Respondent's affidavit stating, *inter alia*, his consent to the recommended discipline is attached as Exhibit A.

Complaint of Robert L. Wilson, Jr. (C2-24-926)

6. On or around September 30, 2023, Complainant, Robert L. Wilson, Jr., consulted Respondent to discuss appealing a final child custody order issued on September 1, 2023, by Lancaster County Court of Common Pleas Court Judge Joanne Murphy. Respondent

informed Mr. Wilson he only had three days in which to file the appeal, and quoted Mr. Wilson a flat fee of \$2,500.00 to represent him.

7. On October 2, 2023, Mr. Wilson retained Respondent to file the appeal and paid him \$1,500.00 towards the fee, but was not able to pay the full amount. Respondent had not previously represented Mr. Wilson and failed to provide him with a written fee agreement.

8. On the same day he was retained (10/2/23), Respondent entered his appearance in the case, filed a timely notice of appeal of the court's custody order to the Pennsylvania Superior Court, and requested transcripts for two days of evidentiary hearings that were held before Judge Murphy regarding the custody matter.

9. On October 16, 2023, Respondent filed a 1925(b) Statement of Errors Complained of on Appeal with the trial court, and on November 17, 2023, Respondent filed a docketing statement with the Superior Court.

10. Mr. Wilson subsequently informed Respondent he did not have the money to pay the rest of his fee, and in a text message asked if Respondent would be willing to accept installment payments in the amount of \$100.00 per week to be charged to Mr. Wilson's credit card until the balance was paid off. Respondent, however, failed to respond to Mr. Wilson's text message or accept the offer,

and Mr. Wilson never paid the remaining \$1,000.00 that was owed to Respondent.

11. On November 22, 2023, the Superior Court established a briefing schedule, and issued an order directing Respondent to file an appellate brief on or before December 22, 2023.

12. Respondent failed to file an appellate brief with the Superior Court by the deadline or request an extension to file a brief.

13. By Order dated January 5, 2024, the Superior Court dismissed the appeal for failure to file an appellate brief. Respondent did not take remedial action to address the dismissal.

14. Respondent failed to notify or inform Mr. Wilson the Superior Court dismissed the appeal due to the failure to file an appellate brief.

15. Between January 18 and February 8, 2024, and after learning on his own the appeal had been dismissed, Mr. Wilson sent Respondent approximately seven text messages and left several phone messages requesting a status update and an explanation regarding why the appeal had been dismissed. Respondent, however, failed to respond to Mr. Wilson or provide any information regarding the dismissal.

16. By letter dated February 27, 2024, Mr. Wilson once again requested Respondent contact him regarding the status of his legal matter. Respondent failed to reply to Mr. Wilson's letter.

17. By letter dated November 12, 2024, ODC provided Respondent with a *DB-7 Request for Statement of Respondent's Position* letter setting forth the factual averments regarding his alleged misconduct in his handling of Mr. Wilson's legal matter and the violations of the Rules of Professional Conduct ("RPC").

18. By letter dated January 13, 2025, Respondent submitted his *Statement of Position* ("SOP") to the DB-7 letter. In his SOP, Respondent explained that he initially advised Mr. Wilson he could either appeal the court's custody order—which could take 6-8 months and was not likely to be successful—or he could accept the court's order, wait two to three months, and then file another petition with the court to modify custody. Mr. Wilson told Respondent he wanted to appeal the court's order.

19. To protect Mr. Wilson's rights and despite not having been paid in full, Respondent explained that he filed the notice of appeal, 1925(b) statement, and docketing statement. Respondent further explained, however, that it became apparent to him that Mr. Wilson did not have the money to fund the appeal. Respondent believed Mr. Wilson never had any intention to fully fund the appeal, and only demanded Respondent file one due to Mr. Wilson's

"disdain for the maternal grandparents and Mother of the child," and because he was dissatisfied with the outcome of the custody hearing and the court's order. Respondent further believed "[i]t may very well be that Mr. Wilson had made the decision to forego the appeal process and file a modification of custody," and he understood that "a Modification of Custody was in fact filed" by Mr. Wilson after the appeal was dismissed.

20. In his SOP, Respondent admitted he failed to provide Mr. Wilson with a written fee agreement. Respondent also admitted he failed to file an appellate brief with the Superior Court, and further admitted he failed to inform Mr. Wilson the appeal had been dismissed.

21. In connection with his representation of Mr. Wilson, Respondent accepts full responsibility for failing to: 1) provide a written fee agreement; 2) file an appellate brief; 3) inform Mr. Wilson his appeal was dismissed due to the failure to file an appellate brief; and 4) maintain adequate communication with Mr. Wilson regarding the status of his legal matter. Respondent is remorseful and regrets his misconduct in this matter.

Complaint of M.A.M. (C2-25-44)

22. On or about September 24, 2020, the Downingtown Borough Police Department in Chester County filed a criminal complaint charging M.A.M. with aggravated assault by vehicle while driving

under the influence and related charges ("criminal case"). The criminal complaint alleged that after a night of doing drugs with friends and while under the influence, M.A.M. drove a car that collided head-on with another vehicle resulting in serious injuries to a mother and her daughter who were occupants in the other car.

23. In and around August 2022, M.A.M. retained Respondent to represent her in the criminal case. Respondent agreed to represent M.A.M. and charged her a flat fee of \$4,000.00. Respondent had never represented M.A.M. before and failed to provide her with a written fee agreement. M.A.M. paid Respondent's fee in full.

24. On April 13, 2023, a jury convicted M.A.M. of all charges in a case tried before Chester County Court of Common Pleas Judge Analisa Sondergaard. The court permitted M.A.M. to remain on bail and scheduled a sentencing hearing for June 26, 2023.

25. On the date scheduled for sentencing (6/26/23), M.A.M. failed to appear and the court issued a bench warrant for her arrest.

26. On July 17, 2023, M.A.M. surrendered herself at the Chester County courthouse and was taken into custody by the Sheriff's Department.

27. After taking M.A.M. into custody, the Sheriff's Office prepared a property receipt dated July 17, 2023, titled "Personal

Property Received From Inmate" that itemized and described money and personal property M.A.M. had in her possession at the time of her arrest, including, *inter alia*:

- a. \$1,475.00 in United States currency;
- b. a purse with various credit cards and debit cards;
- c. (2) wallets;
- d. (3) cellphones;
- e. a bag containing make-up, assorted pieces of jewelry, and a watch; and
- f. other assorted items and personal belongings.

28. M.A.M. requested Respondent take possession of her money and personal belongings from the Sheriff's Office, as well as take possession of her 2001 Jeep Grand Cherokee automobile ("Jeep") that she drove to the courthouse and parked in a lot on the day she surrendered to the authorities.

29. Respondent agreed, and on July 17, 2023, M.A.M. and Respondent signed paperwork authorizing the Sheriff's Office to transfer M.A.M.'s money and personal belongings into Respondent's possession. Respondent also took possession of the Jeep.

30. On August 29, 2023, the court sentenced M.A.M. to serve a total sentence of 3-6 years to be served in a state correctional institution ("SCI").

31. Respondent filed a timely post-sentence motion that was denied by the court. Respondent then filed a timely notice of appeal with the Superior Court, and a timely 1925(b) statement of errors complained of on appeal with the trial court.

32. Beginning in September 2023, M.A.M. requested Respondent make arrangements to deliver the Jeep and her personal belongings to her stepfather, Michael Steczak. Respondent agreed and promised he would do so.

33. On two separate occasions, Respondent arranged for Mr. Steczak to come to his law office and take possession of the Jeep and M.A.M.'s belongings; however, Mr. Steczak was unable to keep either appointment and cancelled the meetings. Thereafter and throughout the months of September thru October 2023, Mr. Steczak called Respondent approximately eight times attempting to reschedule another date to meet with Respondent and take possession of M.A.M.'s property; however, he was unable to connect with Respondent and left messages requesting Respondent call him back. Respondent failed to contact Mr. Steczak.

During the same time, M.A.M. also called Respondent from prison attempting to speak to him regarding arrangements to return her property to Mr. Steczak, but she was unable to reach Respondent and he failed to contact her.

34. Despite his promise, Respondent did not make further arrangements to return M.A.M.'s money, personal belongings or Jeep to Mr. Steczak.

35. On October 10, 2023, Respondent wrote M.A.M. two separate letters concerning her money and personal property. In the one letter, Respondent provided M.A.M. with an inventory and description of the property she entrusted to him that he was holding for her, which included the Jeep and \$1,475.00 in cash. In the second letter, Respondent promised, *inter alia*, that he would place M.A.M.'s money "into an interest bearing Escrow Account [in her name]." Respondent, however, failed to deposit M.A.M.'s money into an attorney trust account or any other interest-bearing escrow account.

36. On October 13, 2023, Respondent met with M.A.M. at the Chester County Prison and hand-delivered the two letters to her. M.A.M. again requested Respondent contact her stepfather and make arrangements to deliver the Jeep and her personal belongings to him by October 15, 2023. Respondent, however, failed to do so.

37. By letter dated October 18, 2023, M.A.M. wrote to Respondent and again requested he return her Jeep, money and personal property to Mr. Steczak by October 23, 2023. Respondent, however, failed to do so.

38. Thereafter, M.A.M. wrote two separate letters to Judge

Sondergaard dated November 11 and December 2, 2023, respectively, in which she complained to the court regarding Respondent's failure to deliver her money, Jeep and personal belongings to Mr. Steczak, and requested new counsel be appointed to represent her in the criminal case.

39. In response to M.A.M.'s letters, Judge Sondergaard scheduled a hearing for December 13, 2023, to address M.A.M.'s request to have new counsel appointed to represent her on appeal.

40. Prior to the hearing, Respondent met with M.A.M. in the holding cell of the courthouse where M.A.M. once again requested Respondent return her belongings to Mr. Steczak. Respondent promised that he would do so. Later that same day (12/13/23), Respondent called and spoke to Mr. Steczak and told him he would return M.A.M.'s property to him on December 18, 2023. Respondent however, did not make further arrangements to return M.A.M.'s money, personal belongings or Jeep to Mr. Steczak.

41. Immediately following the hearing, Judge Sondergaard issued an order releasing Respondent as counsel for M.A.M. and appointed new counsel to represent her in the appeal.¹ Judge

¹ Court-appointed counsel ultimately filed an **Anders** brief with the court in which he represented that the appeal was frivolous and there were no legitimate, arguable legal grounds to challenge the conviction. See **Anders v. California**, 368 U.S. 738 (1967)

Sondergaard, however, did not address M.A.M.'s complaint regarding Respondent's failure to return her money and property to her.

42. On June 6, 2024, M.A.M. wrote and mailed a letter to Respondent. In her letter, M.A.M. quoted in its entirety Rule of Professional Conduct 1.16(d), and made the point that the Rule imposed on Respondent an ethical obligation to return her property after his representation was terminated. Also in her letter, M.A.M. specifically requested "that [Respondent] refund me the money that has not been earned or incurred in the amount of \$1475.00 and the wedding ring set in the amount of \$2856.00, jewelry, Motorola Syllus [sic] cell phone, and 2001 Jeep Grand Cherokee." Respondent, however, did not make further arrangements to return M.A.M.'s money, personal belongings or Jeep to Mr. Steczak.

43. By letter dated June 23, 2024, M.A.M. was notified by the Pennsylvania Bureau of Motor Vehicles that the Jeep she entrusted to Respondent had been declared abandoned in the 100 block of Brandywine Street by the West Chester Police Department and towed by a salvage company to their premises.

44. On January 2, 2025, M.A.M. completed and mailed a *Complaint Information Form* to ODC. In her complaint, M.A.M. asserted Respondent's failure to return her money, Jeep and personal belongings to her despite multiple and repeated requests for him to so, and requested ODC's assistance in the matter.

45. On February 11, 2025, an ODC paralegal spoke to M.A.M. on the telephone regarding the disciplinary complaint she filed against Respondent. At the time, M.A.M. was incarcerated at SCI-Cambridge Springs where she was serving her sentence. At the start of their conversation, M.A.M. reiterated her chief complaint regarding Respondent's failure to return her money and personal belongings to her despite repeated requests she made for him to do so. Later during their conversation and for the first time, M.A.M. disclosed to the paralegal that she and Respondent had engaged in consensual sexual relations on two occasions in Respondent's law office during the time Respondent was representing M.A.M. in her criminal case. M.A.M. denied the two had a romantic relationship. M.A.M further told the paralegal the sex was consensual, and that Respondent did not force, threaten or coerce her. M.A.M. also admitted she was under the influence of drugs during one of the sexual encounters.

46. By letter dated January 20, 2025, ODC provided Respondent a *DB-7 Request for Statement of Respondent's Position* letter setting forth the factual averments regarding his alleged misconduct and the relevant violations of the Rules of Professional Conduct.

47. By letter dated March 7, 2026, Respondent submitted his *Statement of Position* to the DB-7 letter. Respondent candidly

admitted that he twice engaged in improper sexual relations with his client in violation of RPC 1.8(j). Similar to what M.A.M. had told the paralegal, Respondent also stated the sex was consensual and that he did not force, threaten or coerce M.A.M.

48. Regarding M.A.M.'s property, Respondent explained he only agreed to take possession of her money, Jeep and personal belongings because she told him, "she had no one to take possession and safe guard [sic] those items [for her]." Respondent claimed arrangements were initially made for a friend of M.A.M.'s "to come to my office and retrieve [her] property. Despite several appointments, that individual did not appear. Eventually he advised he no longer would take possession of her belongings."

49. Respondent explained that M.A.M.'s stepfather, Mr. Steczak, also contacted him regarding her property, and that he "distinctly remember[ed] him [referring to Mr. Steczak] cancelling an appointment to retrieve the property because of his inability to travel to my office. He advised me that on some date in the future I was to drive to his residence and drop off the property. I did not agree to travel to his residence."

50. Regarding the Jeep, Respondent explained that he initially parked it in the lot at his law office. The Jeep, however, was in poor condition. Respondent described the car as an older Jeep Cherokee with a mix of parts, in need of a great deal

of repair, and that both the inspection and registration for the Jeep expired while the car was in his possession. After other tenants in his building complained about the Jeep, Respondent "moved the vehicle from parking spot to parking spot...[f]or approximately one to two months" before it was deemed abandoned and towed by the local authorities.

51. Regarding M.A.M.'s money, Respondent explained "[a]t some point [M.A.M.] realized that other than myself, she had no other assistance outside the prison. She and I had a conversation relative to where she would be once released from prison and the prospect of 'getting back on her feet.' She did not trust Mr. Steczak or any of her 'friends.' I agreed I would hold her money and belongings so that when she was released from prison those items would be returned. With the exception of the Jeep, I have kept my promise."

52. Respondent admitted that he provided M.A.M. with a letter in which he promised her he would deposit her money in an "interest bearing escrow account," but that he failed to do so. Respondent further admitted that "[a]t some point I did not have contact with [M.A.M.], her family or any other individual concerning the return of her property." Respondent explained that rather than attempting to make other arrangements to return her

property to her, he kept M.A.M.'s money and personal belongings in his office.

53. In connection with his representation of M.A.M., Respondent accepts responsibility for failing to: 1) provide M.A.M. with a written fee agreement; 2) properly handle M.A.M.'s money by depositing her funds into an attorney trust account; 3) safeguard and protect M.A.M.'s Jeep Cherokee that was entrusted to his possession; 4) make the necessary arrangements to promptly return M.A.M.'s personal property to her either upon her request or after his representation was terminated by the court; and 5) maintain adequate communication with M.A.M.'s regarding the disposition of her property. Respondent also acknowledges he was wrong to have sexual relations with M.A.M., and sincerely regrets his misconduct in that regard.

ADDITIONAL INFORMATION

54. Late in the evening of June 17, 2026, M.A.M. was released from prison. Upon her release, M.A.M. informed the parole authorities she would reside with her stepfather, Mr. Steczak.

55. Earlier on that same day (6/17/26), Respondent personally hand-delivered M.A.M.'s property to Mr. Steczak's residence. Respondent also obtained two certified checks issued in M.A.M.'s name totaling \$1,475.00 that he provided to her. There is no evidence that Respondent misappropriated his client's funds.

SPECIFIC RULES OF PROFESSIONAL MISCONDUCT VIOLATED

56. By his conduct as set forth in paragraphs 6 through 53 above, Respondent acknowledges he violated the following Rules of Professional Conduct:

a. RPC 1.2(a), which states in part that "a lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client at to the means by which they are to be pursued";

b. RPC 1.3, which states that "[a] lawyer shall act with reasonable diligence and promptness in representing a client";

c. RPC 1.4(a)(2), which states that "[a] lawyer shall reasonably consult with the client about the means by which the client's objectives are to be accomplished";

d. RPC 1.4(a)(3), which states that "[a] lawyer shall keep the client reasonably informed about the status of the matter";

e. RPC 1.4(a)(4), which requires a lawyer to "promptly comply with reasonable requests for information [from the client]";

f. RPC 1.4(b), which states that "[a] lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation";

g. RPC 1.5(b) (two counts), which states that "[w]hen the lawyer has not regularly represented the client, the basis or rate of the fee shall be communicated to the client, in writing,

before or within a reasonable time after commencing the representation”;

h. RPC 1.8(j), which states in pertinent part that “[a] lawyer shall not have sexual relations with a client unless a consensual relationship existed between them when the client-lawyer relationship commenced”;

i. RPC 1.15(b), which states in relevant part that “[a] lawyer shall...appropriately safeguard” a client’s property entrusted to his possession;

j. RPC 1.15(e), which states in relevant part that “a lawyer shall promptly deliver to the client or third person any property, including but not limited to Rule 1.15 Funds, that the client or third person is entitled to receive”;

k. RPC 1.15(k), which requires that “[a]ll Nonqualified Funds which are not Fiduciary Funds shall be placed in a Non-IOLTA Account or in another investment vehicle specifically agreed upon by the lawyer and the client or third person which owns the funds”;
and

l. RPC 1.16(d), which states, in relevant part, that “[u]pon termination of representation, a lawyer shall...surrender[]...property to which the client is entitled.”

JOINT RECOMMENDATION FOR DISCIPLINE

57. ODC and Respondent jointly submit the appropriate discipline to be imposed on Respondent for his misconduct in these two matters is a two-year suspension.

58. Respondent hereby consents to the discipline being imposed upon him by the Disciplinary Board of the Supreme Court of Pennsylvania. Attached to this Petition as Exhibit A is Respondent's executed Affidavit required by Pa.R.D.E. 215(d)(1) through (4).

59. Respondent's prior history of private discipline in the form of a summary informal admonition administered in December 2021, although it concerned misconduct that occurred over six and seven years ago in 2019 and 2020, respectively, is nonetheless an aggravating factor to be considered in determining the appropriate discipline to be imposed.

60. Not to diminish Respondent's misconduct in failing to file an appellate brief in Mr. Wilson's case or inform his client the appeal was dismissed; nor his misconduct in failing to appropriately handle M.A.M.'s money or promptly return her personal property to her, it is respectfully submitted that the most serious misconduct involved Respondent engaging in consensual sexual relations with his client on two occasions in violation of RPC 1.8(j).

Depending on the circumstances of each case, the range of discipline imposed on attorneys who engaged in sexual relationships with their clients can vary greatly based on the facts of each case and the presence of aggravating and mitigating factors.

For example, in *Office of Disciplinary Counsel v. Jonathan F. Altman*, 228 A.3d 508, 518 (Pa. 2020), the Court disbarred a respondent-attorney who engaged in multiple consensual encounters with a particularly vulnerable client over a period of nearly two years, and where Altman threatened to withdraw from the client's case if she did not comply with his demands for sex. Additionally, Altman's misconduct was significantly aggravated when he misused the legal system to retaliate against his client by filing a frivolous collection action and submitted false and misleading affidavits and invoices to the court "in pursuit of questionable claims against his former client." *Id.* at 515. The Court also noted that at the disciplinary hearing Altman failed to express genuine remorse or accept responsibility for his misconduct and, instead, repeatedly attempted to portray himself as the victim ("[Altman's] focus was on 'what it's done to my life' rather than on how it negatively impacted his client.") *Id.* at 519.

In stark contrast to *Altman*, in the case of *Office of Disciplinary Counsel v. Christian V. Badali*, 8 DB 2016 (Public

Reprimand approved 2/10/16), the Board approved imposition of a public reprimand for a respondent-attorney who had a sexual relationship with a client. In that case, Badali, who had no prior history of discipline, self-reported a consensual sexual relationship with a client he represented in a domestic relations matter for approximately two-and-a-half years. The relationship only ended because the ex-husband complained about it to Badali's law firm. When confronted, Badali initially lied to members of his firm and claimed the sexual relationship with the client ended prior to the formation of the attorney-client relationship. Badali only admitted he had lied after being confronted with text messages that left no doubt a sexual relationship existed during the course of the representation, and there was no evidence to show it ended before the attorney-client relationship was formed.

In disciplinary cases more analogous to the present matter involving sexual contact with a client (either consensual or non-consensual) where the respondent-attorney admitted their misconduct and agreed to consent discipline, the Board and the Court have most often approved discipline in the form of a one-year suspension. See e.g., **Office of Disciplinary Counsel v. Pearlette Toussant**, 138 DB 2022 (S.Ct. Order 2/13/23) (one-year suspension on consent approved where Toussant had consensual sexual relationship with a client; no prior history of discipline);

Office of Disciplinary Counsel v. Charles Shainberg, 41 DB 2022 (S.Ct. Order 10/13/22) (one-year suspension on consent approved where Shainberg made repeated sexually explicit comments to a vulnerable client and had nonconsensual sexual contact with her; no prior history of discipline); **Office of Disciplinary Counsel v. David Knight**, 37 DB 2013 (S.Ct. Order 7/17/13) (one-year suspension on consent approved where Knight had a vulnerable client perform oral sex on him three times in lieu of charging her a legal fee; no prior history of discipline); see also **Office of Disciplinary Counsel v. Brian Dooley Kent**, 37 DB 2025 (S.Ct. Order 5/23/25) (three-year suspension on consent with only one year to be served and the remaining two year suspension period stayed where Kent engaged in consensual sexual conduct with a particularly vulnerable client he was representing in a case where the client was the victim of sexual abuse when she was a member of a religious organization; further, Kent's sexual relationship with the client substantially impaired the attorney-client relationship; no prior history of discipline).

61. Elevating discipline to a two-year suspension in this matter is Respondent's additional misconduct in M.A.M.'s case regarding his failure to properly handle and deposit her money into a lawyer trust account, as well as failing to promptly return her personal property to her. It should be noted, however, that

there was no allegation of incompetence or other attorney misconduct in connection with Respondent's representation of M.A.M. in her underlying criminal case.

Further supporting a two-year suspension is Respondent's misconduct in a second case—Mr. Wilson's appeal—where Respondent failed to file an appellate brief, notify the client his appeal was dismissed, or respond to Mr. Wilson's reasonable requests for a status update. It is also worth noting that despite Respondent's failure to file a brief, Mr. Wilson did not appear to suffer any permanent harm or loss of his legal rights, and was able to file a subsequent modification of the child custody agreement.

62. There is also weighty and meaningful mitigation in this matter that militates against imposition of discipline greater than a two-year suspension; specifically, Respondent's: 1) candid admission in his DB-7 response to having sexual relations with his client on two occasions; 2) acknowledgement of other wrongdoing in both client matters; 3) remedial action in returning M.A.M.'s money and personal property to her; 4) acceptance of responsibility and expressions of remorse and regret; 5) cooperation with disciplinary authorities in the investigation; and 6) willingness to accept public discipline in the form of a significant suspension. Finally but perhaps most significantly, by consenting to the imposition of discipline Respondent spares M.A.M. the

embarrassment, stress and anxiety of testifying at a public disciplinary proceeding, thus allowing her to remain anonymous and keep her identity confidential.

Precedence exists to support the position that mitigating factors can weigh against imposition of a more severe sanction in determining the quantum of discipline. See **Office of Disciplinary Counsel v. Michael S. Geisler**, 614 A.2d 1134, 1136 (Pa. 1992) (acknowledgement of responsibility, remorse and cooperation with Disciplinary Counsel recognized as mitigating factors); **Office of Disciplinary Counsel v. Lawrence L. Rubin**, 90 DB 2010 (D.Bd. Rpt. 10/11/11) (S.Ct. Order 2/6/12) (respondent's remorse and cooperation with disciplinary proceedings are mitigating factors); **Office of Disciplinary Counsel v. Matthew J. Eshelman**, 167 DB 2009 (D.Bd Rpt. 4/15/11) (S.Ct. Order 8/17/11) (respondent's admission to misconduct, remorse and recognition of his need to be suspended were mitigating factors); **Office of Disciplinary Counsel v. John William Eddy**, 143 DB 2019 (D.Bd Rpt. 3/24/21) (S.Ct. Order 6/4/21) (respondent's payment of restitution and the fact the "clients were made whole" is a mitigating factor); and **Altman**, at 515, citing **Knight**, 37 DB 2013 (Knight's agreement to consent discipline in a sexual relations case which spared the client the embarrassment of testifying cited by the Court as a mitigating factor in imposing a one-year suspension).

63. Based on the factual circumstances presented, Respondent's prior history of discipline, mitigating factors and precedent, it is jointly recommended to the Disciplinary Board that Respondent receive a two-year suspension. It is respectfully submitted this resolution will serve to protect the public, maintain the integrity of the legal profession and the Bar of the Commonwealth of Pennsylvania, and deter other attorneys from similar misconduct.

WHEREFORE, Petitioner and Respondent respectfully request, pursuant to Pennsylvania Rules of Disciplinary Enforcement 215(e) and 215(g), that a three-Member Panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and file a recommendation with the Supreme Court of Pennsylvania that Respondent receive a two-year suspension, and pursuant to Pa.R.D.E. 208(g) pay costs to the Disciplinary Board.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

THOMAS J. FARRELL
Chief Disciplinary Counsel
Attorney Registration No. 48976

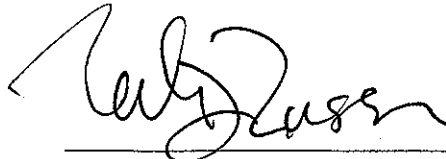
7/24/26

DATE



MARK GILSON
Disciplinary Counsel
Attorney Registration No. 46400

7/24/26
DATE



MARK DAVID RASSMAN

Respondent

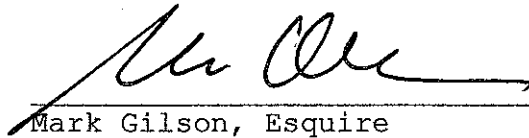
Attorney Registration No. 61562

VERIFICATION

The statements contained in the foregoing *Joint Petition In Support of Discipline on Consent* 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.

7/24/26

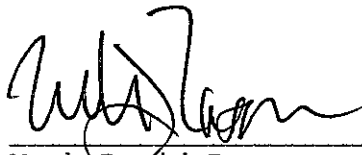
DATE



Mark Gilson, Esquire
Disciplinary Counsel

2/24/26

DATE



Mark David Rassman, Esquire
Respondent

EXHIBIT A

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No.	DB 2026
Petitioner	:		
	:		
v.	:	Attorney Reg. No.	61562
	:		
MARK DAVID RASSMAN,	:		
Respondent	:	(Chester County)	

AFFIDAVIT UNDER RULE 215(d) , Pa.R.D.E.

MARK DAVID RASSMAN, being duly sworn according to law, deposes and submits this affidavit consenting to the recommendation of a two year suspension in conformity with Pa.R.D.E. 215(d), and further states as follows:

1. He is an attorney admitted to the Bar of the Commonwealth of Pennsylvania on or about June 19, 1991.

2. He desires to submit a Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d).

3. His consent is freely and voluntarily rendered; he is not being subjected to coercion or duress, and he is fully aware of the implications of submitting this affidavit.

4. He is aware that there is presently pending a proceeding regarding allegations that he has been guilty of misconduct as set forth in the Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d) to which this affidavit is attached.

5. He acknowledges that the material facts set forth in the

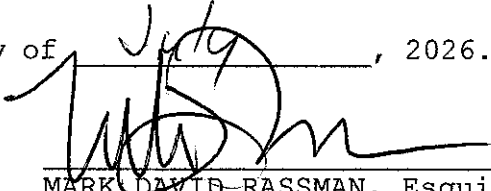
Joint Petition are true.

6. He submits this affidavit because he knows that if charges predicated upon the matter under investigation were filed, or continued to be prosecuted in a pending proceeding, he could not successfully defend against them.

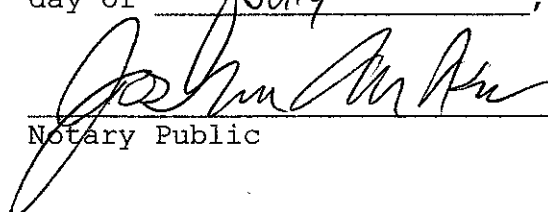
7. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has decided to waive his right to counsel and represent himself in connection with his decision to execute the Joint Petition.

It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904 (relating to unsworn falsification to authorities).

Signed this 29 day of July, 2026.


MARK DAVID RASSMAN, Esquire

Sworn to and subscribed
Before me on this 24
day of July, 2026


Notary Public

JOSHUA M. HOUSER
NOTARY PUBLIC
STATE OF DELAWARE
MY COMMISSION EXPIRES
APRIL 1, 2027
NO. 20260401000013

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. DB 2026
Petitioner :
:
v. : Attorney Reg. No. 61562
:
MARK DAVID RASSMAN, :
Respondent : (Chester County)

CERTIFICATE OF SERVICE

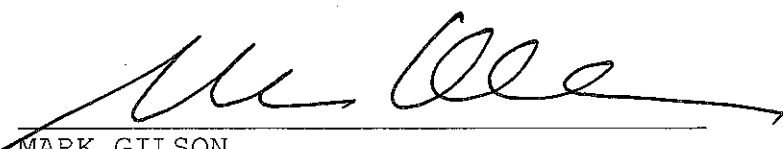
I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 204 Pa. Code §89.22 (relating to service by a participant).

First Class Mail and Email, as follows:

Mark David Rassman, Esquire
P.O. Box 342
Kennett Square, PA 19348
and
203 West Chestnut Street
West Chester, PA 19380
markrassmanesq@gmail.com

Dated:

8/10/26

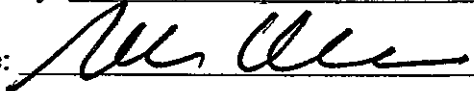

MARK GILSON

Disciplinary Counsel
Office of Disciplinary Counsel
District I Office
1601 Market Street
Philadelphia, PA 19103
(215) 560-6296

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: 

Name: Mark F. Gilson, Disciplinary Counsel

Attorney No.: 46400