

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1991 Disciplinary Docket No. 3
Petitioner :
 : No. 102 DB 2012
v. :
 : Attorney Registration No. 29949
RONALD PETER LANGELLA, :
Respondent : (McKean County)

ORDER

PER CURIAM:

AND NOW, this 15th day of January, 2014, upon consideration of the Report and Recommendations of the Disciplinary Board dated September 24, 2013, the Petition for Review and response thereto, it is hereby

ORDERED that Ronald Peter Langella is suspended from the Bar of this Commonwealth for a period of five years and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

It is further ORDERED that respondent shall pay costs to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.

A True Copy Patricia Nicola
As Of 1/15/2014

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 102 DB 2012
Petitioner	:	
	:	
v.	:	Attorney Registration No. 29949
	:	
RONALD PETER LANGELLA	:	
Respondent	:	(McKean County)

REPORT AND RECOMMENDATIONS OF
THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

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

Pursuant to Rule 208(d)(2)(iii) of the Pennsylvania Rules of Disciplinary Enforcement, the Disciplinary Board of the Supreme Court of Pennsylvania ("Board") herewith submits its findings and recommendations to your Honorable Court with respect to the above-captioned Petition for Discipline.

I. HISTORY OF PROCEEDINGS

By Petition for Discipline filed on July 3, 2012, Office of Disciplinary Counsel charged Ronald Peter Langella with violation of Rules of Professional Conduct 1.3, 1.4(a)(3), 1.4(a)(4), 1.16(d), 1.5(b), and 1.15(b). Respondent filed an Answer to Petition on August 21, 2012.

A disciplinary hearing was held on November 15, 2012, before a District IV Hearing Committee comprised of Chair Edwin L. Edwards, Jr., Esquire, and Members Philip K. Kontul, Esquire, and Betsy A. Zimmerman, Esquire.

Following the submission of briefs by the parties, the Hearing Committee filed a Report on April 16, 2013, concluding that Respondent violated the Rules as charged in the Petition and recommending that he be suspended for a period of one year and one day.

Respondent filed a Brief on Exceptions on May 8, 2013 and requested oral argument.

Petitioner filed a Brief Opposing Exceptions on May 30, 2013.

Oral argument was held on June 11, 2013 before a three-member panel of the Board.

This matter was adjudicated by the Disciplinary Board at the meeting on July 27, 2013.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg PA 17106-2485, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement, with the power and the duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania

and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

2. Respondent is Ronald Peter Langella. He was born in 1954 and was admitted to practice law in the Commonwealth in 1979. His attorney registration mailing address is 805 E. Main Street, Bradford PA 16701. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. Respondent has a history of discipline in Pennsylvania. In 2009, a Petition for Discipline was filed against Respondent, which resulted in discipline of a Private Reprimand and five years of probation with conditions. In 2005, Respondent discovered that his wife misappropriated \$57,000 in funds entrusted to him. After Respondent had restored those funds to his trust accounts, his wife again misappropriated funds in the amount of \$76,000 from Respondent's IOLTA Accounts.

4. Respondent did not fully comply with the conditions of his probation. He has failed to file monthly reports certifying his oversight of his IOLTA accounts, he has failed to make restitution as ordered and he has failed to pay the costs associated with that matter.

The Akif Matter

5. On or about October, 2010, Mona Akif met with Respondent about representation in a bankruptcy matter.

6. Respondent advised Ms. Akif that his charge to represent her would be \$988.95, which would include attorney fees in the amount of \$650, filing fees of \$299, and \$39.95 in miscellaneous costs.

7. On or about October 30, 2010, Ms. Akif retained Respondent to represent her in filing a bankruptcy petition, and provided him with various financial documents and bills regarding her matter.

8. By check dated October 30, 2010, Ms. Akif's mother, Mary Akif, paid \$988.50 to Respondent.

9. On or about November 1, 2010, Respondent deposited or caused to be deposited Ms. Akif's check into his Northwest Savings Bank IOLTA Account, captioned "Ronald P. Langella, Attorney at Law."

10. As of November 1, 2010, after subtracting his fee, Respondent was entrusted with \$338.50 on behalf of Ms. Akif for costs related to her bankruptcy matter.

11. In the beginning of December 2010, Respondent sent Ms. Akif a draft of a Chapter 11 Bankruptcy Petition for her to review, and a document for her to sign and return to him.

12. Shortly thereafter, Ms. Akif signed the document Respondent had sent her and returned it to him.

13. Respondent did not file a Bankruptcy Petition on behalf of his client.

14. By letter dated February 16, 2011, sent to Respondent, by certified mail, return receipt requested and received at his office on February 19, 2011, Ms. Akif, among other things, asked Respondent the status of her bankruptcy matter, informed him that she had left several voicemail messages for him, and requested that he call her. Respondent did not respond to this letter.

15. By letter dated March 28, 2011, sent to Respondent by certified mail, return receipt requested, Ms. Akif, among other things, informed him that she continued to

receive letters and calls from collection agencies, advised him that she tried to contact him several times, but he did not respond to her, asked him to refund her money if he was not going to represent her, and requested he contact her.

16. Respondent did not claim Ms. Akif's March 28, 2011 letter, even though several attempts were made to deliver it.

17. By letter dated August 19, 2011, sent to Respondent by certified mail, return receipt requested, and received by him on August 22, 2011, Ms. Akif informed him that she had retained Attorney Timothy Bevevino for her bankruptcy matter, told him to forward her file to Mr. Bevevino before the end of that month, and requested an immediate refund of her \$988.50 payment to him.

18. Respondent never responded to Ms. Akif's August 19, 2011 letter. He never forwarded Ms. Akif's file to the successor attorney, nor refunded to Ms. Akif or Mary Akif the \$988.50 which has been paid to him.

The Vespasiano Matter

19. In January of 2011, Michael A. Vespasiano contacted Respondent about representing him in drafting and recording a deed conveying title to real estate from Mr. Vespasiano to Stephan J. Roller.

20. Respondent informed Mr. Vespasiano that his fee to draft the deed and to record it would be \$200, and he would need a check in the amount of \$1,758.86 to cover his fees and the fees to record the deed.

21. Respondent had not regularly represented Mr. Vespasiano.

22. Respondent did not provide Mr. Vespasiano with any writing setting forth the basis or rate of his fee, either before or within a reasonable period of time after his representation of Ms. Vespasiano commenced.

23. By check dated January 20, 2011, in the amount of \$1,758.86 made payable to Respondent, and annotated "Deed for 38 Derrick Rd," Mr. Vespasiano's wife, Christina, paid Respondent the deed recording fees and his attorney's fees.

24. On January 24, 2011, Respondent deposited or caused to be deposited the \$1,758.86 check into his IOLTA Account.

25. At that time, Respondent was entrusted with at least \$1,558.86 on behalf of Mr. Vespasiano.

26. After January 24, 2011, Mr. Vespasiano and his wife made numerous attempts to contact Respondent by telephone and left messages to return their calls, but Respondent did not do so.

27. By email dated April 29, 2011, Mr. Vespasiano informed Respondent, among other things, that he and his wife had each left multiple messages which Respondent had not returned, and Respondent should call him or email him upon receipt of that message.

28. By email dated May 2, 2011, Respondent informed Mr. Vespasiano, among other things that he apologized for the delay in getting back to him. He explained that his secretary, who is also his wife, told Respondent that she believed she had sent the deed in for recording as soon as Mr. Vespasiano returned it to Respondent. However, after receiving Mr. Vespasiano's email, Respondent's wife searched the office and found

the deed with the checks for recording under a stack of files. He asserted that he drove to Smethport and had it recorded.

29. On May 2, 2011, Respondent recorded the Deed transferring the Derrick Road property from Mr. Vespasiano to Mr. Roller with the Recorder of Deeds of McKean County.

Entrustments Matter

30. As of January 31, 2011, Respondent was entrusted with \$1,897.36 on behalf of Ms. Akif and Mr. Vespasiano.

31. On February 11, 2011, because of payments unrelated to his entrustments, the balance in Respondent's IOLTA Account was \$977.67 below his total entrustment on behalf of Ms. Akif and Mr. Vespasiano.

32. On March 23, 2011, Respondent was entrusted with \$274 in filing fees for filing a bankruptcy action on behalf of Paula Louk, which funds were part of a check from Ms. Louk in the amount of \$1,299 for fees and costs for that matter, which Respondent deposited into his IOLTA Account on that date.

33. On April 24, 2011, Respondent was entrusted with \$2,171.36 on behalf of Ms. Akif, Mr. Vespasiano and Ms. Louk.

34. On April 25, 2011, the balance in Respondent's IOLTA Account was \$410.44, which was \$1,760.92 below his entrustment on behalf of Ms. Akif, Mr. Vespasiano, and Ms. Louk.

35. By check dated May 2, 2011, in the amount of \$1,284.20, made payable to the Recorder of Deeds, drawn on his IOLTA Account, and annotated "Vespasiano/Roller tran tax," Respondent paid the transfer tax on behalf of Mr. Vespasiano

to the McKean County Recorder of Deeds in regard to the property that he was transferring to Mr. Roller, thereby reducing his entrustment for that matter to \$274.66.

36. By check dated May 2, 2011, in the amount of \$42.50, made payable to the Recorder of Deeds, drawn on his IOLTA Account, and annotated "Vespasiano/Roller recording," Respondent paid the recording fees to the McKean County Recorder of Deeds in regard to the property that Mr. Vespasiano transferred to Mr. Roller, thereby reducing his entrustment for that matter to \$232.16.

37. As of May 9, 2011, Respondent was entrusted with a total of \$1,162.50 on behalf of Ms. Akif, Mr. Vespasiano, and Ms. Louk.

38. On May 9, 2011, because of payments unrelated to his entrustment, Respondent had a negative balance of \$10.46 in his IOLTA Account, and he had misappropriated the entire \$1,162.50 with which he was entrusted on behalf of Ms. Akif, Mr. Vespasiano, and Ms. Louk.

39. On July 5, 2011, Respondent paid \$274 to the U.S. Bankruptcy Court for the filing fee in regard to the Chapter 13 Bankruptcy Petition that Respondent had filed on behalf of Ms. Louk, and was no longer entrusted with funds on her behalf.

40. Respondent has not refunded to Ms. Akif the \$338.50 with which he is still entrusted on her behalf, nor has he refunded to Mr. Vespasiano the \$232.16 with which he is still entrusted on his behalf.

41. Ms. Akif was compensated by the Pennsylvania Lawyers Fund for Client Security for the entire amount which she paid to Respondent. Respondent has not reimbursed the Lawyers Fund.

42. Respondent testified on his own behalf at the disciplinary hearing.

43. Respondent described the entrustment issues as “not intentional,” though he admits that the IOLTA Account was overdrawn. Respondent explained that the gas company made unauthorized removal of funds from the trust account for utility bills, as apparently his wife had provided the trust account number to the gas company by mistake.

44. Respondent has, for about 15 years, been under the care of a psychiatrist and his primary care physician for treatment of depression and a mood disorder. He is prescribed medication for these conditions.

45. Respondent is experiencing significant financial difficulties with his law practice and believes that a suspension from the practice of law would effectively end his career.

III. CONCLUSIONS OF LAW

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

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 1.16(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.

5. RPC 1.5(b) – When 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.

6. RPC 1.15(b) – A lawyer shall hold all Rule 1.15 Funds and property separate from the lawyer’s own property. Such property shall be identified and appropriately safeguarded.

IV. DISCUSSION

This matter is before the Board for consideration of the charges against Respondent that he failed to diligently represent his client, failed to adequately communicate with a client, failed to communicate his fee agreement in writing, failed to refund an unearned fee and return entrusted funds to a client, and failed to hold entrusted funds separately from his own. Petitioner bears the burden of proof by evidence that is clear and satisfactory. Office of Disciplinary Counsel v. Grigsby, 425 A.2d 730 (Pa. 1981). The evidence of record demonstrates the following and establishes that Respondent violated the Rules of Professional Conduct.

In the Akif matter, Petitioner failed to timely file a bankruptcy petition. This constituted a lack of diligence in representing his client. He failed to keep Ms. Akif informed of the status of her matter, and failed to respond to her reasonable requests for information. Finally, he failed after his discharge to refund that portion of his fee which was unearned, or to refund to her the costs which she had advanced.

With regard to Mr. Vespasiano, Respondent, despite the fact that he had not regularly represented his client, failed to ever communicate to him, in writing, the basis or rate of the fee which he was charging him.

The most serious aspect of Respondent's misconduct is his failure to hold entrusted funds separate from his own. After January 31, 2011, his IOLTA Account was deficient with regard to his entrustments by as much as \$1,760.92 out of \$2,171.36. Whether this was intentional, or as Respondent contends, a mistake made by his wife, Respondent has never refunded any of the monies, either to his clients or the Pennsylvania Lawyers Fund for Client Security.

While the amount of Respondent's misappropriation may appear small, aggravating circumstances exist in this matter. Respondent is currently on a five year disciplinary probation for an earlier failure to properly hold entrusted funds on behalf of clients. In that matter, Respondent failed to supervise his trust accounts, and his wife misappropriated approximately \$57,000 in 2005 and \$76,807.98 from late 2006 through 2007. Respondent received a Private Reprimand in 2011 in conjunction with the probation, along with the warning that subsequent violations of the rules would result in more severe discipline. Respondent's probation has conditions attached, requiring reimbursement to former clients and the filing of monthly reports to Petitioner. Respondent admitted that he failed to make restitution or provide any such reports, and he is in violation of his probation.

In order to protect any future clients, Respondent must be suspended from the practice of law. Although we have considered Respondent's argument that a suspension would effectively end his career as an attorney, we are not persuaded that a

lesser discipline would adequately protect the public. It is clear from the record and Respondent's own testimony that he has been unable to safeguard the funds of clients or third persons in his IOLTA Account. Each time the funds are improperly handled, Respondent attempts to persuade this Board that such event was unintentional. In fact, it is Respondent's lax oversight of the trust accounts that is the precipitate reason for the problems that arise. The Board already gave Respondent an opportunity to keep his livelihood while making amends to clients. He squandered his opportunity by failing to abide by the conditions of probation. We cannot allow any more such instances to occur. For these reasons, the Board recommends that Respondent be suspended for a period of one year and one day.

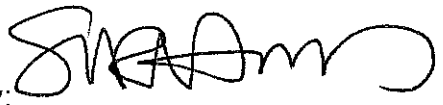
V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, Ronald Peter Langella, be Suspended from the practice of law for a period of one year and one day.

It is further recommended that the expenses incurred in the investigation and prosecution of this matter are to be paid by the Respondent.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: 
Stephan K. Todd, Board Member

Date: September 24, 2013

Board Member Cali did not participate in the adjudication.