

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


OFFICE OF DISCIPLINARY COUNSEL,	:	No. 114 DB 2021
Petitioner	:	
	:	File No. C3-20-465
v.	:	
	:	Attorney Registration No. 083809
ANNE MARIE HOWELLS	:	
Respondent	:	(Lackawanna County)

ORDER

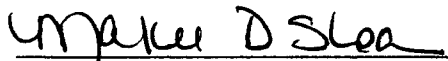
AND NOW, this 25<sup>th</sup> day of August, 2021, in accordance with Rule 208(a)(5), Pa.R.D.E., the determination by a Review Panel of the Disciplinary Board of the above captioned matter is accepted; and it is

ORDERED that the said ANNE MARIE HOWELLS of Lackawanna County be subjected to a **PUBLIC REPRIMAND** by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(a)(5) and Rule 205(c)(8) of the Pennsylvania Rules of Disciplinary Enforcement.

Costs shall be paid by the Respondent.

BY THE BOARD:  
  
\_\_\_\_\_  
Board Chair

TRUE COPY FROM RECORD  
Attest:

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

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OFFICE OF DISCIPLINARY COUNSEL,	:	No. 114 DB 2021
Petitioner	:	
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	:	File No. C3-20-465
v.	:	
	:	Attorney Registration No. 83809
ANNE MARIE HOWELLS,	:	
Respondent	:	(Lackawanna County)

**PUBLIC REPRIMAND**

Anne Marie Howells, you appear before the Disciplinary Board for the imposition of a Public Reprimand ordered by the Board on August 25, 2021. It is an unpleasant task to publicly reprimand one who has been granted the privilege of membership in the bar of the Commonwealth. Yet as repugnant as this task may be, it has been determined necessary that you receive this public discipline.

Ms. Howells, the record establishes that in May 2018, Paulette Nestruck retained you to represent her in a divorce action and in connection with the representation, you agreed to draft Ms. Nestruck's will. On or about May 8, 2019, as the matters came to their conclusion, your client advised you via email that she wanted to handle all outstanding matters at one time, which included executing her will and picking up the settlement check when it became available. On May 14, 2019, you received a check in the amount of \$68,803.54 made payable to you as Ms. Nestruck's counsel. On that same date, you deposited the check into your IOLTA and became a fiduciary for your client's funds.

Inexplicably, you breached your fiduciary duties and improperly disbursed the funds to a third-party fraudster in the following manner. You received an email

purportedly from Ms. Nestrick that requested the funds be wired because Ms. Nestrick would be "out of town." This email address had an extra "i" in it. On June 4, 2019, the imposter informed you that Ms. Nestrick was "still out of town" and that you should mail the check payable to an unknown third party, "Joao Bridi," via overnight mail to an address in San Francisco, California. You failed to inquire into the identity of "Joao Bridi" or the connection to Ms. Nestrick. Moreover, you failed to insist that Ms. Nestrick, who lived ten minutes from your office, come to your office to personally pick up the check, as she had advised you in previous emails that she desired to do. On June 14, 2019, you issued and dated a check in the amount of \$65,903.54, which was made payable to "Joao Bridi." On June 18, 2019, you sent the check to the California address by overnight mail. As of June 25, 2019, all of the transferred funds were released from the bank in California.

Eventually, it was discovered that Ms. Nestrick had not received the funds and they were missing. You contacted the Scranton Police Department and unsuccessfully attempted to stop payment with your bank. However, after discovery of the fraud, you failed to take responsibility for the mishandled funds and made no effort to reimburse your client for her loss. Ms. Nestrick incurred additional legal expenses in her effort to recover her funds and to hire new counsel to prepare and finalize her will, which you had never completed.

In response to Office of Disciplinary Counsel's DB-7 Request for Statement of Position, you denied responsibility and did not provide copies of the email exchanges in connection with your response.

Ultimately, Ms. Nestrick filed a claim with the Pennsylvania Lawyers Fund for Client Security and the Fund approved the claim in June 2021. After notification of the award, you reimbursed Ms. Nestrick.


The record indicates that you have practiced law for more than 20 years with no prior discipline.

By your conduct, you violated the following Pennsylvania 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)(4) – A lawyer shall promptly comply with reasonable requests for information.
3. 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.
4. RPC 1.15(e) – Except as stated in this Rule or otherwise permitted by law or by agreement with the client or third person, 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 and, upon request by the client or third person, shall promptly render a full accounting regarding the property; Provided, however, that the delivery, accounting, and disclosure of Fiduciary Funds or property shall continue to be governed by the law, procedure and rules governing the requirements of Fiduciary administration, confidentiality, notice and accounting applicable to the fiduciary entrustment.

Ms. Howells, your conduct in this matter is public. This Public Reprimand is a matter of public record and shall be posted on the Disciplinary Board's website at [www.padisciplinaryboard.org](http://www.padisciplinaryboard.org)

It is the Board's duty to reprimand you for your misconduct. Any subsequent violations on your part can only result in further discipline and perhaps more severe sanctions. We sincerely hope that you will conduct yourself in such a manner that future disciplinary action will be unnecessary.



Jon P. Doodick

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Board Chair

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania on October 7, 2021.