IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	No. 2225 Disciplinary Docket No. 3
	:	No. 119 DB 2015
v.	:	Attorney Registration No. 57554
DAVID G. BUTTERWORTH, Respondent	:	(Delaware County)

ORDER

PER CURIAM:

AND NOW, this 1st day of December, 2015, upon consideration of the Verified Statement of Resignation, David G. Butterworth is disbarred on consent from the Bar of the Commonwealth of Pennsylvania in accordance with Pa.R.D.E. 215, and he shall comply with the provisions of Pa.R.D.E. 217. Respondent shall pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 12/1/2015

Attest: Patricia Nicola
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL Petitioner	:	No. 119 DB 2015
v.	:	Attorney Registration No. 57554
DAVID G. BUTTERWORTH Respondent	:	(Delaware County)

RESIGNATION BY RESPONDENT

Pursuant to Rule 215
of the Pennsylvania Rules of Disciplinary Enforcement

BEFORE THE DISCIPLINARY BOARD OF
THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	No. 119 DB 2015
v.	:	Attorney Registration
DAVID G. BUTTERWORTH, Respondent	:	No. 57554 (Delaware County)

RESIGNATION
UNDER Pa.R.D.E. 215

David G. Butterworth hereby tenders his unconditional resignation from the practice of law in the Commonwealth of Pennsylvania in conformity with Pa.R.D.E. 215 ("Enforcement Rules") and further states as follows:

1. He was admitted in the Commonwealth of Pennsylvania on December 22, 1989. His attorney registration number is 57554.

2. He has been on Administrative Suspension effective December 18, 2010.

3. His resignation 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 resignation.

4. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the

instant proceeding. He ~~has~~ has not retained, consulted with and acted upon the advice of counsel in connection with his decision to execute the within resignation.

5. He is aware that there is presently pending an investigation into allegations that he has been guilty of misconduct, the nature of which allegations have been made known to him by service of a Petition for Discipline dated July 13, 2015, a true and correct copy of which is attached hereto, made a part hereof and marked Exhibit "A".

6. He acknowledges that the material facts upon which the Petition for Discipline is predicated contained in Exhibit "A" are true.

7. He submits the within resignation because he knows that he could not successfully defend himself against the charges of professional misconduct set forth in the Petition for Discipline.

8. He is fully aware that the submission of this Resignation Statement is irrevocable and that he can only apply for reinstatement to the practice of law pursuant to the provisions of Enforcement Rule 218(b) and (c).

9. He is aware that pursuant to Enforcement Rule 215(c) the fact that he has tendered his resignation shall become a matter of public record immediately upon delivery of the resignation statement to Disciplinary Counsel or the

Secretary of the Board.

10. Upon entry of the order disbarring him on consent, he will promptly comply with the notice, withdrawal, resignation, trust accounting, and cease-and-desist provisions of Enforcement Rule 217 (a), (b), (c) and (d).

11. After entry of the order disbarring him on consent, he will file a verified statement of compliance as required by Enforcement Rule 217(e) (1).

12. He is aware that the waiting period for eligibility to apply for reinstatement to the practice of law under Enforcement Rule 218(b) shall not begin until he files the verified statement of compliance required by Enforcement Rule 217(e)(1), and if the order of disbarment contains a provision that makes the disbarment retroactive to an earlier date, then the waiting period will be deemed to have begun on that earlier date.

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

Signed this 11th day of November, 2015.

David G. Butterworth

WITNESS: Karina C. Chirkova

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	No. 119 DB 2015
v.	:	Attorney Registration No. 57554
DAVID G. BUTTERWORTH, Respondent	:	(Delaware County)

PETITION FOR DISCIPLINE

BE A TRUE AND CORRECT COPY.

Petitioner, the Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Dana M. Pirone, Disciplinary Counsel, files the within Petition for Discipline and charges Respondent, David G. Butterworth, with professional misconduct in violation of the Rules of Professional Conduct and the Pennsylvania Rules of Disciplinary Enforcement as follows:

1. Petitioner, whose principal office is situated at Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62485, Harrisburg, Pennsylvania 17106 is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter "Pa.R.D.E."), with the power and duty to investigate all matters involving alleged misconduct of any

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Office of the Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

EXHIBIT A

attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of said Rules.

2. Respondent, David G. Butterworth (the "Respondent"), was born in 1957, and was admitted to practice law in the Commonwealth of Pennsylvania on December 22, 1989.

3. Respondent's registered address for his office is 633 Walnut Lane, Haverford, Delaware County, Pennsylvania 19041.

4. Respondent relocated his office, without notice to the Attorney Registrar, to 870 Martin Avenue, Bryn Mawr, Delaware County, Pennsylvania 19010.

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

FACTUAL BACKGROUND

6. Respondent failed to comply with his annual continuing legal education requirements ("CLE") for Compliance Group 1 as of April 30, 2010.

7. Respondent received and failed to respond to any of the letters or invoices from the Continuing Legal Education Board (the "CLE Board") dated January 29, June 25, and September 29, 2010, providing Respondent with information about his CLE non-compliance, imposition of several $100.00 late fees, and steps he could take in order to resolve his non-compliance.

8. By Order dated November 18, 2010, the Supreme Court placed Respondent on Administrative Suspension pursuant to Pa.R.C.L.E. 111(b), effective December 18, 2010 (the "Order").

9. By letter dated November 18, 2010, the Attorney Registrar for the Commonwealth of Pennsylvania, Suzanne E. Price, provided Respondent with the Order, and explained that if he was administratively suspended, Respondent would need to comply with Pa.R.D.E. 217 and Disciplinary Board Rules §§ 91.91-91.99.

10. Respondent received Ms. Price's letter.

11. Respondent failed to comply with any of the rules identified in Ms. Price's letter.

12. Respondent has been on Administrative Suspension since December 18, 2010.

CHARGE

13. ODC incorporates by reference the factual background averred in Paragraphs 6 through 12, *supra*.

14. After December 18, 2010, Respondent continued to practice law throughout the Commonwealth.

15. By DB-7 Request for Statement of Respondent's Position (the "DB-7") dated December 10, 2014, Office of Disciplinary Counsel ("ODC") notified Respondent that he had engaged in various misconduct including the unauthorized practice of law. The DB-7 was sent by certified mail, return receipt requested to Respondent at the address provided with his most recent Attorney Registration.

16. The DB-7 was returned to ODC by the postal authorities noting on the envelope "unable to forward."

17. Respondent's forwarding order with the postal authorities had expired before December 10, 2014.

18. The DB-7 was sent to Respondent at his current mailing address on December 17, 2014, by Certified Mail, Return Receipt Requested and First Class Mail.

19. Respondent signed and dated the Return Receipt card for the DB-7 on December 18, 2014.

20. By letter dated February 18, 2015, and sent by Certified Mail, Return Receipt Requested, ODC wrote to Respondent about the unanswered DB-7, provided him with another copy of the DB-7, and provided him additional time to respond to the DB-7 until February 28, 2015.

21. On February 20, 2015, Respondent signed and dated the Return Receipt card for ODC's letter dated February 18, 2015.

22. Respondent failed to provide a Response to the DB-7 he received on December 18, 2014 and February 20, 2015.

RESPONDENT ENGAGED IN THE UNAUTHORIZED PRACTICE OF LAW

23. Respondent represented PTP Enterprises LLC (the "LLC") and one of its shareholders, Thomas Lotterman ("Mr. Lotterman"), before and after his Administrative Suspension in the case captioned *Peter Horvat and Rolin Edward v. Versaplex, LLC, PTP*

Enterprises, LLC, and Thomas Lotterman, No. 870-2010 Civil (Pike County Court of Common Pleas)(the "PTP Matter").

24. In the PTP Matter, Respondent held himself out and represented to the LLC, Mr. Lotterman, judges, and non-judicial employees of the Pike County Court of Common Pleas, and Plaintiffs' counsel, Richard B. Henry, Esquire, that Respondent was an attorney in good standing by his actions including, but not limited to:

(a). using his law firm letterhead (for both addresses) when communicating with the LLC, Mr. Lotterman, Mr. Henry, and the Pike County Court of Common Pleas;

(b). filing pleadings, petitions, motions, and other documents in the PTP Matter including: a Petition to Strike Default Judgment on March 22, 2011; a Memorandum of Law in Support of Petition to Strike Default Judgment and Certificate of Service on March 22, 2011; Proof of Service by Respondent of the Rule issued on March 24, 2011, in response to the Petition to Strike Default Judgment; Petition to Allow *Nunc Pro Tunc* Petition to Vacate Arbitration Award (filed 3-days after the deadline); Petition to Vacate, Modify or Correct Arbitration Award, Respondent's Verification, and Certificate of Service on January 25, 2013; Response to Motion to Quash Defendants' Petition to Vacate, Modify or Correct Arbitration Award dated April 9, 2013; and Motion for Reconsideration of Judge Gregory H. Chelak's Order approving the request to reduce the Award to an Order on July 9, 2013;

(c). taking discovery;

(d). attending hearings in 2013;

(e). negotiating with opposing counsel;

(f). providing legal advice to the LLC and Mr. Lotterman;

(g). receiving payment for services rendered; and

(h). handling client funds from 2010 through 2014.

25. Respondent represented the LLC and Mr. Lotterman from 2010 through 2012, in an American Arbitration Association ("AAA") case captioned *Peter Horvat and Rolin Edward v. PTP Enterprises, LLC and Thomas Lotterman*, No 14 115 00992 11 (the "AAA Matter").

26. Mr. Henry filed the AAA Matter in order to dissolve the LLC under an Operating Agreement.

27. In the AAA Matter, Respondent held himself out and represented to the LLC, Mr. Lotterman, Mr. Henry, and the AAA Arbitrator, Marianne J. Gilmartin, Esquire (the "AAA Arbitrator" or "Ms. Gilmartin") that he was an attorney in good standing by his actions including, but not limited to:

(a). using his law firm letterhead when communicating with the LLC, Mr. Lotterman, Mr. Henry, AAA, and the AAA Arbitrator;

(b). using his law firm email to communicate with Mr. Henry and AAA;

(c). preparing and submitting to the AAA Arbitrator various submissions including: Proposed Findings of Facts and

Conclusions of Law and Prehearing Brief dated February 9, 2012, which he re-sent on February 9, 2012, and Post-hearing submissions; and

(d). attending and representing the LLC and Mr. Lotterman at the hearings over which Ms. Gilmartin presided on March 19, August 2, and September 20, 2012;

(e). providing legal advice to the LLC and Mr. Lotterman;

(f). receiving payment for services rendered; and

(g). handling client funds.

28. Ms. Gilmartin denied Respondent's request on behalf of the LLC and Mr. Lotterman for payment of his legal fees of $68,000.00. Instead, Ms. Gilmartin awarded $15,346.00 in legal fees to each Claimant. Ms. Gilmartin also directed that the LLC and Mr. Lotterman would be responsible to pay her fee and the costs of the arbitration as established by AAA.

29. Respondent represented the LLC and Mr. Lotterman in the case captioned *Peter Horvat et al.* v. *PTP Enterprises, LLC et al.*, 925-2010 (Wayne County CCP) in 2013 and 2014 (the "Dissolution Action") after Ms. Gilmartin issued the Award.

30. In the Dissolution Action, Respondent held himself out and represented to the LLC, Mr. Lotterman, Mr. Henry, judges, and non-judicial employees of the Wayne County Court of Common Pleas that he was an attorney in good standing by his actions including, but not limited to:

(a). using his law firm letterhead when communicating with the LLC, Mr. Lotterman, Mr. Henry, the court, and the court-appointed liquidation trustee, Jeffrey S. Treat, Esquire, in 2013 and 2014;

(b). using his law firm email to communicate with Mr. Henry and Mr. Treat;

(c). preparing and filing various documents in the Dissolution Action including: Brief in Opposition to Petition for Judicial Dissolution of Limited Liability Corporation and a Certificate of Service on October 29, 2013;

(d). attending and representing the LLC and Mr. Lotterman at the October 29, 2013 hearing on the Petition for Judicial Dissolution;

(e). providing legal advice to the LLC and Mr. Lotterman;

(f). negotiating with Mr. Treat on behalf of a tenant, Versaplex, Inc., about vacating the building "owned" by the LLC and wanting to purchase the building while Mr. Treat was in the process of selling it; and

(g). receiving payment for services rendered.

31. After being placed on administrative suspension, Respondent continued to represent the LLC in a Mechanic's lien action in the case captioned *Versaplex, Inc. v. PTP Enterprises, LLC*, 1593-2013 (Pike County CCP) (the "Mechanic's Lien Claim").

32. In the Mechanic's Lien Claim, Respondent held himself out

and represented to the LLC, Mr. Lotterman, Mr. Henry, judges and non-judicial employees of the Pike County Court of Common Pleas, that he was an attorney in good standing by his actions, including, but not limited to:

(a). using his law firm letterhead when communicating with the LLC, Mr. Henry, and the court in 2013 and 2014;

(b). preparing and filing various documents with the court including, but not limited to: Mechanic's Lien Claim and Notice of Mechanic's Lien on October 7, 2013; and

(c). causing the LLC, Mr. Henry, and the court to believe Respondent would attend the December 30, 2013 Oral Argument concerning Defendant's Preliminary Objections (as explained below).

33. After Respondent filed the Mechanic's Lien Claim, he failed to provide the required notice.

34. When Mr. Henry learned about the Mechanic's Lien Claim, he filed Preliminary Objections based on lack of notice and served them and the Rule for Oral Argument on Respondent.

35. Respondent received the Preliminary Objections and the Rule for Oral Argument scheduled to be held on December 30, 2013.

36. Respondent failed to advise his client, Mr. Henry, or the court, that he did not intend to appear for the oral argument.

37. On December 30, 2013, after arriving in court, Mr. Henry learned about Respondent's administrative suspension.

38. Respondent's unexcused absence inconvenienced the Court.

39. Respondent represented Mr. Lotterman in three, personal litigation matters against a home owners' association.

40. Respondent initiated the case captioned *Mountain View Villas HOA, Inc. v. Thomas Lotterman*, 01624-2012 (Pike County CCP) ("HOA Case 1") on August 10, 2012, by filing an Appeal and Rule to File a Complaint from a district justice decision.

41. During HOA Case 1, Respondent held himself out and represented to Mr. Lotterman, Plaintiff's counsel, judges, and non-judicial employees in Pike County that he was an attorney in good standing by his actions including, but not limited to:

(a). using his law firm letterhead when communicating with Mr. Lotterman, Plaintiff's counsel, and various courts in Pike County throughout 2012 and 2013;

(b). preparing and filing various documents in HOA Case 1 including, but not limited to: pleadings, petitions, motions, memoranda of law, and notice of appeal to the Superior Court;

(c). attending and representing Mr. Lotterman at the bench trial in the Pike County Court of Common Pleas on May 9, 2013;

(d). providing legal advice to Mr. Lotterman;

(e). negotiating with plaintiff's counsel; and

(f). receiving payment for services rendered.

42. On October 28, 2013, Respondent filed an appeal of the Verdict filed in HOA Case 1 in the case captioned *Mountain View*

Villas HOA, Inc. v. Thomas Lotterman, 2985 EDA 2013 (Pa. Super. Ct.) ("HOA Case 2").

43. During HOA Case 1 and 2, Respondent held himself out and represented to Mr. Lotterman, Plaintiff's counsel, judges, and non-judicial employees of the Pike County Court of Common Pleas and the Superior Court, that he was an attorney in good standing by his actions including, but not limited to:

(a). using his law firm letterhead when communicating with Mr. Lotterman, Plaintiff's counsel and the courts from October 28, 2013, until the Superior Court issued an Order on February 28, 2014 suspending the briefing schedule so that Mr. Lotterman could retain an attorney after learning about Respondent's administrative suspension;

(b). preparing and filing various documents with two courts;

(c). providing legal advice to Mr. Lotterman; and

(d). receiving payment for services rendered.

44. On April 21, 2014, the Superior Court dismissed the appeal.

45. On August 15, 2013, Respondent initiated a third case captioned *Mountain View Villas HOA, Inc. v. Thomas Lotterman,* 2013-01322 (Pike County CCP) ("HOA Case 3") by filing a Notice of Appeal and Praecipe to Enter a Rule to File a Complaint from a District Justice Judgment.

46. After counsel filed a Complaint in HOA Case 3, Respondent failed to answer it and the court entered a Default Judgment against Mr. Lotterman on December 6, 2013.

47. In the course of HOA Case 3, Respondent held himself out and represented to Mr. Lotterman, Plaintiff's counsel, and employees of the Pike County Court of Common Pleas that he was an attorney in good standing by his actions including, but not limited to:

(a). using his law firm letterhead when communicating with Mr. Lotterman, Plaintiff's counsel, and the court;

(b). preparing and filing various documents to pursue an appeal with the various courts;

(c). providing legal advice to Mr. Lotterman; and

(d). receiving payment for services rendered.

48. In addition to representing the LLC and Mr. Lotterman, Respondent represented two other clients, Cheryl L. Diamond and Versaplex, Inc., while on administrative suspension.

49. In November 2012, Respondent represented Cheryl L. Diamond in the Magisterial District Court Action captioned *Leslie J. Lewis and Paul Lewis v. Cheryl L. Diamond,* MJ-38-106-cv-0000163-2012.

50. By letter dated November 14, 2012, written on Respondent's law firm letterhead, Respondent wrote to Judge Henry J. Schireson for the purpose of entering his appearance as counsel,

advising the court and Mr. Lewis (an attorney) that Ms. Diamond would not be defending the action, and explaining he intended to appeal the judgment in the Montgomery County Court of Common Pleas.

51. On March 13, 2013, Respondent filed a Petition to Allow Appeal *Nunc Pro Tunc* (the "Petition")in the matter captioned *Cheryl L. Diamond v. Leslie J. Lewis, et al*, 2013-15243 (Montgomery County CCP) (the "Diamond Action").

52. During the Diamond Action, Respondent held himself out and represented to Ms. Diamond, Paul Lewis, Esquire (who represented himself and his wife), a judge, and non-judicial employees of the Montgomery County Court of Common Pleas that he was an attorney in good standing by his actions including, but not limited to:

(a). using his law firm letterhead when communicating with Ms. Diamond, Mr. Lewis, and the court;

(b). preparing and filing various documents to effectuate an appeal with the district justice court and in the Diamond Action;

(c). appearing in court on April 10, 2013, before the Honorable Bernard A. Moore who heard oral argument on the Petition;

(d). negotiating with plaintiffs' counsel orally and in writing via his law firm email;

(e). providing legal advice to Ms. Diamond; and

(f). receiving payment for services rendered.

53. On August 13, 2012, Respondent initiated a case captioned *Versaplex, Inc. v. Gentex Corporation*, No. 2013-1321 (Pike County CCP) (the "Contract Action").

54. Respondent filed the Contract Action after he was unable to resolve the dispute over an equipment purchase agreement with counsel for Gentex Corporation.

55. During the Contract Action, Respondent held himself out and represented to Mr. Lotterman, an officer in Versaplex, Inc., Gentex's counsel, and judicial and non-judicial employees of the Pike County Court of Common Pleas that he was an attorney in good standing by his actions including, but not limited to:

(a). using his law firm letterhead when communicating with Mr. Lotterman/Versaplex, Inc., counsel for Gentex Corporation, and the court;

(b). preparing and filing the complaint;

(c). participating in settlement negotiations until a few days before Donna A. Walsh, Esquire withdrew the settlement offer from Gentex Corporation by letter dated November 8, 2013;

(d). providing legal advice to Versaplex, Inc.; and

(e). receiving payment for services rendered.

56. By Preliminary Objections dated November 8, 2013, counsel for Gentex Corporation alleged the Contract Action could not proceed due to Respondent's administrative suspension and improper venue.

57. Respondent did not appear in court for the oral argument on the Preliminary Objections that was held on December 30, 2013.

58. Respondent failed to advise his client, counsel for Gentex Corporation, and/or the court that he would not be in court.

59. Respondent's unexcused absence inconvenienced the Court and counsel.

60. On December 31, 2013, Judge Chelak granted the Preliminary Objections and dismissed the complaint.

61. By his conduct as alleged in Paragraphs 6 through 60 above, Respondent violated the following Rules of Professional Conduct and Rules of Disciplinary Enforcement:

A. RPC 1.16(a)(1), which states that "except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if the representation will result in violation of the rules of professional conduct or other law."

B. RPC 5.5(a), which states that "a lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so."

C. RPC 5.5(b)(1), which states that "a lawyer who is not admitted to practice in this jurisdiction shall not except as authorized by these Rules, Pa.B.A.R. 302 or other law, establish an

office or other systematic and continuous presence in this jurisdiction for the practice of law."

D. RPC 5.5(b)(2), which states that "a lawyer who is not admitted to practice in this jurisdiction shall not hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction."

E. RPC 7.1, which states that "about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading."

F. RPC 8.4(c), which states that "it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation."

G. RPC 8.4(d), which states that "it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice."

H. Pa.R.D.E 203(b)(3), which states that "wilful violation of any other provision of the Enforcement Rules, shall be grounds for discipline."

I. Pa.R. D. E. 203(b)(7), which states that "failure by a respondent-attorney without good cause to respond to Disciplinary Counsel's request or supplemental request under Disciplinary Board

Rules, § 87.7(b) for a statement of respondent-attorney's position" shall be grounds for discipline.

J. Pa. R.D.E. 217(a), which states that "a formerly admitted attorney shall promptly notify, or cause to be notified, by registered or certified mail, return receipt requested, all clients being represented in pending matters, other than litigation or administrative proceedings, of the disbarment, suspension, administrative suspension or transfer to inactive status and the consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status and shall advise said clients to seek legal advice elsewhere."

K. Pa.R.D.E. 217(b), which states that "a formerly admitted attorney shall promptly notify, or cause to be notified, by registered or certified mail, return receipt requested, all clients who are involved in pending litigation or administrative proceedings, and the attorney or attorneys for each adverse party in such matter or proceeding, of the disbarment, suspension, administrative suspension or transfer to inactive status and consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status. The notice to be given to the client shall advise the prompt substitution of another attorney or attorneys in place of the

formerly admitted attorney. In the event the client does not obtain substitute counsel before the effective date of the disbarment, suspension, administrative suspension or transfer to status, it shall be the responsibility of the formerly admitted attorney to move in the court or agency in which the proceeding is pending for leave to withdraw. The notice to be given to the attorney or attorneys for an adverse party shall state the place of residence of the client of the formerly admitted attorney."

L. Pa.R.D.E. 217(c)(2), which states that "a formerly admitted attorney shall promptly notify, or cause to be notified, of the disbarment, suspension, administrative suspension or transfer to inactive status, by registered or certified mail, return receipt requested: all other persons with whom the formerly admitted attorney may at any time expect to have professional contacts under circumstances where there is a reasonable probability that they may infer that he or she continues as an attorney in good standing. The responsibility of the formerly admitted attorney to provide the notice required by this subdivision shall continue for as long as the formerly admitted attorney is disbarred, suspended, administratively suspended or on inactive status."

M. Pa.R.D.E. 217(d), which states that "orders imposing suspension, disbarment, administrative suspension or transfer to inactive status shall be effective 30 days after entry. The formerly admitted attorney, after entry of the disbarment,

suspension, administrative suspension or transfer to inactive status order, shall not accept any new retainer or engage as attorney for another in any new case or legal matter of any nature. However, during the period from the entry date of the order and its effective date the formerly admitted attorney may wind up and complete, on behalf of any client, all matters which were pending on the entry date."

N. Pa.R.D.E. 217(e), which states that "within ten days after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status order, the formerly admitted attorney shall file with the Board a verified statement showing: (1) that the provisions of the order and these rules have been fully complied with; and (2) all other state, federal and administrative jurisdictions to which such person is admitted to practice. Such statement shall also set forth the residence or other address of the formerly admitted attorney where communications to such person may thereafter be directed."

O. Pa.R.D.E. 217(i), which states that "a formerly admitted attorney shall keep and maintain records of the various steps taken by such person under these rules so that, upon any subsequent proceeding instituted by or against such person, proof of compliance with these rules and with the disbarment, suspension, administrative suspension or transfer to inactive status order will be available."

P. Pa.R.D.E. 217(j)(4), which states that "a formerly admitted attorney may not engage in any form of law-related activities in this Commonwealth except in accordance with the following requirements: Without limiting the other restrictions in this subdivision (j), a formerly admitted attorney is specifically prohibited from engaging in any of the following activities: (i) performing any law-related activity for a law firm, organization or lawyer if the formerly admitted attorney was associated with that law firm, organization or lawyer on or after the date on which the acts which resulted in the disbarment or suspension occurred, through and including the effective date of disbarment or suspension; (ii) performing any law-related services from an office that is not staffed by a supervising attorney on a full time basis; (iii) performing any law-related services for any client who in the past was represented by the formerly admitted attorney; (iv) representing himself or herself as a lawyer or person of similar status; (v) having any contact with clients either in person, by telephone, or in writing, except as provided in paragraph (3); (vi) rendering legal consultation or advice to a client; (vii) appearing on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, hearing officer or any other adjudicative person or body; (viii) appearing as a representative of the client at a deposition or other discovery matter; (ix) negotiating or

transacting any matter for or on behalf of a client with third parties or having any contact with third parties regarding such a negotiation or transaction; (x) receiving, disbursing or otherwise handling client funds."

Q. Pa.R.D.E. 219(e), which provides that "upon receipt of a form, or notice of change of information contained therein, filed by an attorney in accordance with the provisions of subdivision (d) of this rule (attorney registration requirements), and of payment of the required annual fee to practice law in this Commonwealth, receipt thereof shall be acknowledged on a certificate or license."

WHEREFORE, Petitioner prays that your Honorable Board appoint, pursuant to Rule 205, Pa. R.D.E., a Hearing Committee to hear testimony and receive evidence in support of the foregoing charges and upon completion of said hearing to make such findings of fact, conclusions of law, and recommendations for disciplinary action as it may deem appropriate.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION,
Chief Disciplinary Counsel

BY: _____

Dana M. Pirone
Attorney Registration No. 57221
Disciplinary Counsel
Suite 170
820 Adams Avenue
Trooper, PA 19403

VERIFICATION

The statements contained in the foregoing Petition for Discipline 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.

7/8/15
Date

Dana M. Pirone
Disciplinary Counsel