

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL : No. 136 DB 2022
Petitioner :
v. : Attorney Registration No. 82328
JOHN R. PARROCCINI :
Respondent : (Warren County)

ORDER

AND NOW, this 12th day of April, 2023, in accordance with Rule 215(g), Pa.R.D.E., the three-member Panel of the Disciplinary Board having reviewed and approved the Joint Petition in Support of Discipline on Consent filed in the above captioned matter; it is

ORDERED that JOHN R. PARROCCINI be subjected to a **PUBLIC REPRIMAND** by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(a) and Rule 205(c)(9) of the Pennsylvania Rules of Disciplinary Enforcement.

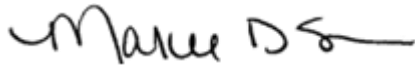
BY THE BOARD:



Board Chair

TRUE COPY FROM RECORD

Attest:



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

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,:

Petitioner :

: No. 136 DB 2022 - Disciplinary
: Board

v.

JOHN R. PARROCCINI,

: Attorney Registration No. 82328

Respondent : (Warren County)

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

Petitioner, the Office of Disciplinary Counsel (hereinafter "ODC"), by Thomas J. Farrell, Chief Disciplinary Counsel, and Respondent, John R. Parroccini, Esquire, by and through Craig Simpson, Esquire, and Ryan H. James, Esquire, file this Joint Petition in Support of Discipline on Consent Pursuant to Rule 215(d), Pa.R.D.E. and respectfully represent as follows:

1. ODC, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania 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

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03/20/2023

**The Disciplinary Board of the
Supreme Court of Pennsylvania**

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

2. Respondent, John R. Parroccini, was born in 1953. He was admitted to the practice of law by the Supreme Court of Pennsylvania on November 2, 1998. Respondent's attorney registration mailing address is 108 Jackson Avenue, Warren, PA 16365.

3. Respondent is presently on active status.

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

SPECIFIC FACTUAL ADMISSIONS

5. From approximately 2014 until his resignation on July 31, 2020, Respondent was the Chief Public Defender for Warren County, Pennsylvania, appointed by the Warren County Commissioners.

6. On May 29, 2020, LV was arrested by a Warren County Police Officer for probation violations while she was participating in the Drug Treatment Program pursuant to her previous criminal convictions docketed in the Warren County Court of Common Pleas at CP-62-CR-0000470-2016, CP-62-CR-0000471-2016, and CP-62-CR-0000472-2016.

7. Respondent represented LV in his capacity as the Chief Public Defender of the Warren County Public Defender's Office on the violation. He

represented her on the underlying convictions at the docket numbers listed in paragraph 6. He represented her on a probation violation proceeding in 2019. And he represented her on the 2020 probation violation.

8. LV was sentenced on June 25, 2020, to a period of confinement of four to twelve months. She was confined in the Warren County Jail. Respondent continued to represent her until July 10, 2020, when the Court removed him as her counsel upon discovery of the communications between him and his client.

9. During LV's confinement in Warren County, she had access to a "tablet email system" which permits inmates to electronically communicate with persons outside of the facility, including counsel.

10. From June 4, 2020, through and including July 26, 2020, Respondent and LV exchanged approximately 188 email communications via what is administered as "Lockdown Officer Client."

11. Some of the electronic communications were discussions about Respondent's representation of LV for her probation violations and some were personal discussions that included romantic or sexual content.

12. The email communications between Respondent (sent as "Public Defender Parroccini") and LV included, among others, the following exchanges on the following dates:

(a) June 15, 2020: Respondent stated to LV that he had given money to "Andy" (a mutual acquaintance) and she would be depositing it in LV's jail account later that day;

(b) June 15, 2020: LV replied to Respondent's email messages with "mwah" and "okay daddy".

(c) June 15, 2020: Respondent replied to LV "I liked the daddy part!!!" and "I know baby".

(d) June 18, 2020: LV stated "You already [know] you got u a bad bitch, queen of whatever I do! Hope you have a great day!"

(e) June 18, 2020: Respondent replied "I do have a "bad ass bitch xoxoxo";

(f) June 21, 2020: LV stated "HAPPY FATHERS DAY!!! ... love [you]"

(g) June 21, 2020: Respondent replied "Thanks baby!! Love you";

(h) June 21, 2020: LV replied "Love [you] too".

(i) June 22, 2020: Respondent told LV "Hey, I'm here. I will be over this afternoon, so dress up!! What was the name of the girl you wanted me to check on??".

(j) June 22, 2020: LV replied, "Amber [], and dress up lmao

I'll wear my blue and white special".

(k) June 22, 2020: Respondent replied with "I love that outfit on you!!" and "I took care of Amber's case".

(l) June 22, 2020: LV responded, "[You are] the bestest ever".

(m) June 25, 2020: After Respondent appeared in court to represent LV at her Gagnon II sentencing, LV stated in an email "Thank you so much babe!"

(n) June 25, 2020: Respondent told LV "You are soo very welcome. The key is to get DOC to accept your hot ass!! I'll try to get you on the bus ASAP. I wanted to hold your hand today!"

(o) June 25, 2020: Respondent stated, "I'm giving Andy \$40 tomorrow to put in your account . . . Hope that works for you oxoxoo".

(p) June 27, 2020: Respondent told LV, among other things, "I miss getting my good night text from you! I just miss you. You're in my thoughts all the time xoxo".

(q) June 29, 2020: Respondent sent LV an email stating "I spoke to the Clerk of Courts and they are preparing your paperwork as I type. You should be good to go by 3:00!! Talk about service!".

(r) June 29, 2020: LV responded to Respondent with "Good deal! Talk about service is right!".

(s) June 29, 2020: Respondent replied by stating "I can't wait to service all your needs!!!".

(t) July 3, 2020: LV stated, "[Can't] believe [tomorrow] is the 4th I'm so sad".

(u) July 3, 2020: Respondent stated, "Next year baby! Good night my love".

(v) July 4, 2020: LV stated, "happy fourth of July babe".

(w) July 4, 2020: Respondent replied "Happy 4th. Just think of the fireworks we'll make next year at this time. Love you".

(x) July 8, 2020: Respondent asked LV, "WHERE'S MY LETTER?????"

(y) July 8, 2020: LV replied, "I got to finish it at lockdown boo".

(z) July 9, 2020: LV stated, "I finished ur letter babe".

(aa) July 10, 2020: LV stated "...I'll work on a nice longer letter to my soon to be husband this weekend".

(bb) July 10, 2020: Respondent replied, "that last was was so hot it melted the paper!!!"

13. On July 9, 2020, jail authorities searched LV's cell and found a handwritten letter addressed, "Dear My Future Husband." The letter described in explicit detail sexual acts LV would perform for the recipient and ended with "I love you so much Baby! XoXo". LV refused to be interviewed by ODC, and there is no statement from her as to who actually authored the letter or for whom the letter was intended.

14. On or about July 14, 2020, Human Resource Director Eric Hern:

(a) Told Respondent that Respondent was under investigation; and

(b) Requested that Respondent surrender his key, his fobs, and any other means of access to the courthouse facility.

15. Respondent replied by asking "Does this have to do with the messages at the jail?" or words to similar effect.

16. Respondent was then escorted from the building.

17. By letter to Office of Disciplinary Counsel dated July 31, 2020, Respondent self-reported his interactions with LV by stating, among other things:

(a) "I believe[] that I have violated the Rules of Professional Conduct, in that I engaged in a romantic relationship with a client";

(b) “While this relationship did not result in a sexual relationship, I believe it was improper and in violation of the rules”;

(c) “In my capacity as the Warren County Public Defender, I became involved with my client, LV, she was participating in the Drug Treatment Program”;

(d) “I became more than her attorney. I was her friend. I found her employment, housing and assisted her in some living expenses”;

(e) Their communications “were romantic in nature”; and

(f) “I wanted to bring my conduct to the board’s attention as I am ashamed and disappointed in my failure to keep the attorney-client relationship separate from my personal life.”

SPECIFIC RULE VIOLATIONS

18. By his conduct, as set forth in paragraphs 5 through 17 *supra*, Respondent admits that he violated the following Rules of Professional Conduct:

(a) Rule of Professional Conduct 1.7(a)(2), which provides,

“Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if: (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer’s responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.”

(b) Rule of Professional Conduct 1.16(a)(1), which provides, “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: (1) the representation will result in violation of the Rules of Professional Conduct or other law.”

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

19. ODC and Respondent jointly recommend that the appropriate discipline for Respondent’s admitted misconduct is a public reprimand.

20. Respondent hereby consents to that discipline being imposed upon him. Attached to this Petition as Exhibit A is Respondent’s executed Affidavit, required by Pa.R.D.E 215(d), stating that he consents to the

imposition of a public reprimand and setting forth the mandatory acknowledgements contained in Pa.R.D.E 215(d)(1)-(4).

21. The sanctions for RPC 1.7(a)(2) and RPC 1.8(j) violations involving sexual conduct or communications with clients generally range from a public reprimand to a one-year suspension when no more than one client is involved. (There are few cases, where, as here, the improper conduct was entirely communications, and where, as here, physical contact was not attempted.)

22. Generally, attorneys who make inappropriate remarks and attempt to engage in physical sexual contact with a client receive a Public Reprimand. See, e.g, *Office of Disciplinary Counsel v. Joshua M. Briskin*, No. 93 DB 2019 (5/16/2019 Order) (Briskin, who had been practicing law for close to 50 years) received a Public Reprimand for making sexually charged statements to his 21-year old client via a series of text messages in an attempt to have sexual relations with her. On at least five occasions, while meeting with his client, Briskin attempted to kiss his client on the lips); and *Office of Disciplinary Counsel v. Thomas Joseph Dancison*, No. 20 DB 2022 (Order 2/25/2022) (on consent) (Dancison received a Public Reprimand for his misdemeanor conviction in Tennessee for placing his hand on the knee of his former client, using profane and

provocative language, and hugging her); *Office of Disciplinary Counsel v. Christian v. Badali*, No. 8 DB 2016 (Order 4/14/2016)(imposition of a Public Reprimand for Badali's admission that he had sex with his client in a domestic relations matter, lied to the partners of his law firm about the timing of the relationship, and only acknowledged his lie after being confronted with proof of text messages between him and the client).

23. Attorneys receive greater discipline, however, when their offensive touching involves an element of coercion or nonconsensual sexual contacts with a client or retaliation against the client once the sexual or romantic relationship ends. See, e.g., *Office of Disciplinary Counsel v. Pearlette V. Toussant*, 138 DB 2022 (S.Ct. Order 2/13/23)(one-year suspension on consent; when client terminated the relationship, Respondent badmouthed her to the other members of Respondent's firm, delayed return of the client's file, and left them in an insecure place on the client's porch); *Office of Disciplinary Counsel v. Charles C. Shainberg*, 41 DB 2022 (S.Ct. Order 10/13/22) (one-year suspension on consent; Respondent touched client's breasts, crotch and backside and attempted to hug her without her consent and over her objection; Respondent also unduly protracted client's divorce and child support case contrary to her instructions and at great expense, in violation of RPC 1.2); *Office of Disciplinary Counsel v. David*

Harold Knight, No. 37 DB 2013 (S.Ct. Order 7/17/2013) (on consent) (Supreme Court imposed a one-year suspension on Knight, who on at least three occasions exchanged his legal services for oral sex with a client that was experiencing financial hardship). Compare *Office of Disciplinary Counsel v. Edwin L. London*, Nos. 119 & 171 DB 2014, (D.Bd. Rpt., p. 32, 8/25/2015) (S.Ct. Order 10/22/2015) (Supreme Court disbarred London for having unwanted sexual relations with four clients in his law office; "significant aggravating factors," including "singl[ing] out vulnerable clients who needed his services supported London's disbarment).

24. By contrast with the above cases, this case involved sexual communication but no physical sexual contact, nor can we say with certainty that a sexual relationship would have been consummated when LV would have been released had the communications not been discovered.

25. There are significant mitigating circumstances in this matter. As soon as his conduct was discovered and he was removed as public defender, Respondent self-reported his misconduct to ODC, even though he was not required to do so, in a heartfelt handwritten letter that admitted without equivocation, "I have violated the Rules of Professional Conduct, in that I engaged in a romantic relationship with a client." His willingness to

consent to discipline in this petition reinforces the sincerity of his remorse and the magnitude of his acceptance of responsibility.

26. Respondent served as public defender for sixteen years. While the holding of this public office is also an aggravating factor, Respondent's years of service representing the indigent at a modest salary should be given consideration.

27. Respondent has practiced law for twenty-four (24) years and has no record of discipline.

28. Respondent's conduct appears in part attributable to a difficult time in his personal life. His wife passed away in March 2021 from a serious illness that lasted six years. During the last year of her life — the time period encompassing the conduct here — she was debilitated, bed-ridden, and could not even sustain any kind of meaningful conversation. For those last years of his wife's life, Respondent was her caregiver, and he restricted himself to their home nearly all the time he was not at work. He even came home at lunchtime to care for his wife and administer her medications. The only social life and adult conversation that Respondent had over the past several years was at the local coffee shop where he became friendly with his client LV, who worked there until her incarceration in May 2020. Respondent

would engage in light-hearted sexual banter with LV at the coffee shop, well before she became a client in this matter.

29. LV, Respondent's client, refused to cooperate with this investigation. However, LV's sentencing judge appointed counsel to speak to LV and determine whether there was reason to vacate her plea. That attorney reported to the judge and to ODC that LV did admit a romantic relationship with Respondent, but she did not feel her rights were violated, did not feel that Respondent unduly influenced her, and wanted to stand by her plea.

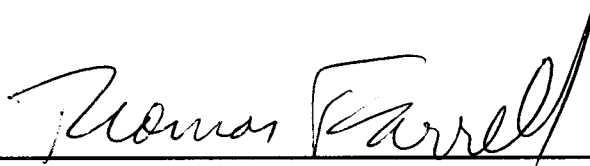
30. The primary purpose of the disciplinary system is to protect the public from unfit attorneys and to maintain the integrity of the legal system. *See Office of Disciplinary Counsel v. Keller*, 506 A.2d 872 (Pa. 1986) (internal citations omitted). A public reprimand represents a sufficient sanction to deter Respondent, whose career of public service otherwise is without blemish, from further misconduct. His misconduct lacks any of aggravating factors threaded through the cases cited above: coercion, unwanted touching, solicitation, or acceptance of sex in lieu of fees, or retaliation. In particular contrast to the cases cited above, there was no physical contact of any kind between Respondent and LV. His personal situation indicates that his act arose from a lonely, difficult time in his life.


Nonetheless, a public sanction is necessary to impress on Respondent and the bar the seriousness of this kind of misconduct and deter similar misconduct by him and other attorneys.

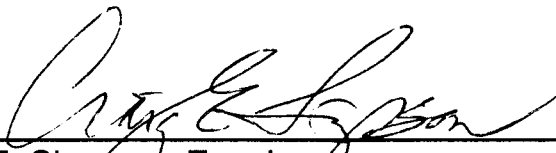
WHEREFORE, ODC and Respondent respectfully request that, pursuant to Pennsylvania Rules of Disciplinary Enforcement 215(e) and 215(g), a three-member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and the Disciplinary Board thereafter issue an order directing that: (a) Respondent pay the necessary expenses incurred in the investigation and prosecution of this matter within thirty (30) days after the notice of taxed expenses is sent to Respondent; and (b) Respondent receive a public reprimand.

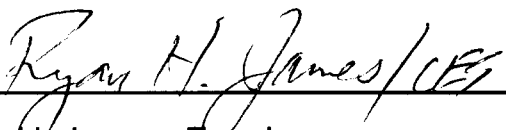
Respectfully and jointly submitted,

OFFICE OF DISCIPLINARY COUNSEL

By 
Thomas J. Farrell, Esquire
Chief Disciplinary Counsel

By 
John R. Parrocchini, Esquire
Respondent

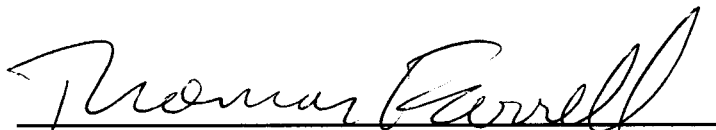
By 
Craig E. Simpson, Esquire
Co-Counsel for Respondent

By 
Ryan H. James, Esquire
Co-counsel for Respondent

VERIFICATION

The statements contained in the forgoing 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. § 4904 relating to unsworn falsification to authorities.


3/20/23
Date


Thomas J. Farrell, Esquire
Disciplinary Counsel

3/17/23
Date


John R. Parroccini, Esquire
Respondent

3-17-23
Date


Craig E. Simpson, Esquire
Co-Counsel for Respondent

3-17-23
Date



Ryan H. James, Esquire
Co-Counsel for Respondent

EXHIBIT A

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,:

Petitioner :

: No. 136 DB 2022 - Disciplinary
: Board

v.

JOHN R. PARROCCINI,

: Attorney Registration No. 82328

Respondent : (Warren County)

AFFIDAVIT

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

JOHN R. PARROCCINI, being duly sworn according to law, deposes and hereby submits this affidavit consenting to the recommendation of a public reprimand in conformity with Rule 215(d), Pa.R.D.E., and further states as follows:

1. He is an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on or about November 2, 1998.

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

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 prosecution regarding allegations that he has been guilty of misconduct, as set forth in the Joint Petition in Support of Discipline on Consent Pursuant to Rule 215(d), Pa.R.D.E., to which this affidavit is attached.

5. He acknowledges that the material facts set forth in the Joint Petition are true.

6. He submits the within affidavit because he knows that if charges predicated upon this matter were prosecuted in the 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 retained and consulted with counsel in connection with his decision to execute the within Joint Petition.

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

Signed this 17th day of March, 2023.


JOHN R. PARROCCINI

Sworn to and subscribed
before me this 17th day
of March 2023.



Notary Public of Pennsylvania - Notary Seal
Sheila A. M. Bluemling, Notary Public
Allegheny County
My commission expires April 22, 2023
Commission number 1013223
Member, Pennsylvania Association of Notaries

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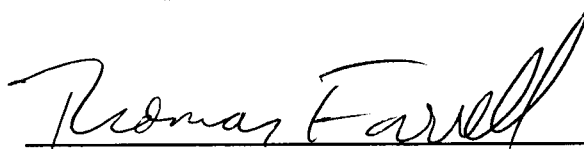
CERTIFICATE OF SERVICE

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:

Craig E. Simpson, Esquire
Law Office of Craig Simpson
1500 Ardmore Boulevard, Suite 207
Pittsburgh, PA 15221
Email: cesimpson7@comcast.net

Dated: 3/20/23



Thomas J. Farrell
Chief Disciplinary Counsel
Attorney Registration No. 48976
Office of Disciplinary Counsel
Frick Building, Suite 1300
437 Grant Street
Pittsburgh, PA 15219
(412) 565-3173
Thomas.farrell@pacourts.us

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: Thomas J. Farrell

Attorney No. (if applicable): 78466