

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

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	No. 139 DB 2016
	:	
v.	:	File Nos. c4-15-361 & c4-15-386
	:	
JOHN ALLEN ROTH, Respondent	:	Attorney Registration No. 30347
	:	
	:	(Westmoreland County)

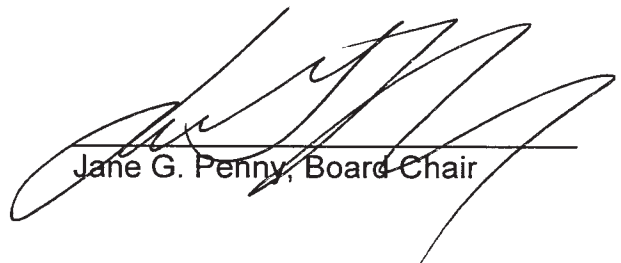
ORDER

AND NOW, this 13th day of September, 2016, 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 JOHN ALLEN ROTH of Westmoreland County be subjected to a **PUBLIC REPRIMAND** by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(b) and Rule 205(c)(8) of the Pennsylvania Rules of Disciplinary Enforcement.


Costs shall be paid by the Respondent.

BY THE BOARD:


Jane G. Penny, Board Chair

TRUE COPY FROM RECORD

Attest:


Elaine M. Bixler, Secretary Emerita
The Disciplinary Board of the
Supreme Court of Pennsylvania

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OFFICE OF DISCIPLINARY COUNSEL	:	No. 139 DB 2016
Petitioner	:	
	:	File Nos. C4-15-361 & C4-15-386
v.	:	
	:	Attorney Registration No. 30347
JOHN ALLEN ROTH	:	
Respondent	:	(Westmoreland County)

PUBLIC REPRIMAND

John Allen Roth, you stand before the Disciplinary Board, your professional peers and members of the public for the imposition of a Public Reprimand. It is an unpleasant task to publicly reprimand one who has been granted the privilege of membership in the bar of this Commonwealth. Yet as repugnant as this task may be, it has been deemed necessary that you receive this public discipline.

Mr. Roth, you are being reprimanded today in connection with your misconduct in two matters. In the first matter, on January 9, 2014, on behalf of your client John J. Clark against Lynnhoff, LTD, you filed a civil complaint in the Court of Common Pleas of Westmoreland County. As of March 17, 2015, you were still counsel of record for Mr. Clark in the civil action against Lynnhoff, LTD.

On March 17, 2015, you filed a complaint in divorce against Mr. Clark on behalf of his wife, Jean R. Clark, which matter was filed in the Court of Common Pleas of Westmoreland County. Mr. Clark did not consent to your representation of Jean R. Clark in the divorce matter against him.

By Order dated April 23, 2015, pursuant to a Petition for Special Relief filed by Elizabeth J. McCall, Esquire, Mr. Clark's divorce counsel, which Petition you

opposed, the court ordered you to withdraw your appearance because of a conflict of interest.

In the second matter, on or about March 17, 2015, you were retained by Timothy Shilling to represent him in a divorce and related matters concerning his wife, Paula Shilling. In early April 2015, you entered into an agreement with counsel for Mrs. Shilling, by which you were to file a bankruptcy action on behalf of both Mr. Shilling and Mrs. Shilling. When you informed Mr. Shilling of the agreement, Mr. Shilling told you repeatedly that he did not wish to file for bankruptcy and did not authorize you to do so on his behalf or on behalf of Mrs. Shilling.

On April 23, 2015, despite Mr. Shilling's communication to you that he did not authorize you to file the bankruptcy, you filed a Petition for Bankruptcy on behalf of Mrs. Shilling in the United States Bankruptcy Court for the United States District Court for the Western District of Pennsylvania. In the Petition, you listed Mr. Shilling as a "co-debtor" with Mrs. Shilling for various creditors. Mr. Shilling was also a possible creditor of Mrs. Shilling. The bankruptcy matter was substantially related to your ongoing representation of Mr. Shilling in the divorce action. At the time you filed the Bankruptcy Petition on behalf of Mrs. Shilling, you were still counsel of record for Mr. Shilling in the divorce action.

On May 7, 2015, you withdrew from representing Mr. Shilling in the divorce. On June 1, 2015, successor counsel for Mr. Shilling filed a motion to have you disqualified as counsel for Mrs. Shilling in her bankruptcy action, and by Order dated July 2, 2015, you were disqualified as counsel.

Your conduct in this matter has violated the following Rules of Professional Conduct ("RPC"):

1. RPC 1.2(a) – 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 as to the means by which they are to be pursued.
2. RPC 1.7(a) – A lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if the representation of one client will be directly adverse to another client.
3. RPC 8.4(d) – It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

We note that you have a history of professional discipline in Pennsylvania consisting of a Private Reprimand administered on June 16, 2009, with probation for two years. This was for conduct involving a violation of RPC 1.8(a). In the private reprimand matter, you borrowed \$15,000 from a client, without advising him of his right to separate counsel concerning that agreement. You successfully completed your probation on June 18, 2011. This prior discipline and the instant misconduct support the imposition of this Public Reprimand.

Mr. Roth, your conduct in this matter is now fully public. This Public Reprimand is a matter of public record. As you stand before the Board today, we remind you that you have a continuing obligation to abide by the Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement. Pennsylvania lawyers will not be permitted to engage in conduct that falls below professional standards. Be mindful that any future dereliction will subject you to disciplinary action.

This Public Reprimand shall be posted on the Disciplinary Board's website at www.padisciplinaryboard.org.



Designated Member

The Disciplinary Board of the
Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania, at Pittsburgh, Pennsylvania, on January 5, 2017.

ACKNOWLEDGMENT

The undersigned, Respondent in the above proceeding, herewith acknowledges that the above Public Reprimand was administered in his presence and in the presence of the designated panel of The Disciplinary Board at 437 Grant Street, Frick Building, Suite 1300, Pittsburgh, Pennsylvania, on January 5, 2017.



John Allen Roth