

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2651 Disciplinary Docket No. 3
	:	
Petitioner	:	No. 142 DB 2018
	:	
v.	:	Attorney Registration No. 85182
	:	
JASON MICHAEL PURCELL,	:	(Northumberland County)
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 31st day of October, 2019, upon consideration of the Report and Recommendations of the Disciplinary Board, Jason Michael Purcell is disbarred from the Bar of this Commonwealth, and he shall comply with all 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 10/31/2019

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 142 DB 2018
Petitioner	:	
	:	
v.	:	Attorney Registration No. 85182
	:	
JASON MICHAEL PURCELL	:	
Respondent	:	(Northumberland 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

On August 9, 2018, Petitioner, Office of Disciplinary Counsel, filed a Petition for Discipline against Respondent, Jason Michael Purcell. Respondent is charged with engaging in the unauthorized practice of law while on administrative suspension and failing to cooperate with Petitioner’s investigation. Respondent failed to file an Answer to Petition.

Following the assignment of this matter to a District III Hearing Committee, the Committee Chair held a prehearing conference on October 22, 2018. Respondent

failed to appear. The Hearing Committee conducted a disciplinary hearing on November 29, 2018. Petitioner presented the testimony of one witness and introduced into evidence Exhibits ODC-A through ODC-H4 and ODC-1 through ODC-8. Respondent failed to appear.

Petitioner filed a Brief to the Committee on January 17, 2019 and recommended that Respondent be disbarred from the practice of law.

Respondent did not file a brief.

On April 29, 2019, the Hearing Committee filed a Report, concluded that Respondent violated the Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement as charged in the Petition for Discipline and recommended that Respondent be disbarred.

The parties did not file exceptions to the Committee's Report and recommendation.

The Board adjudicated this matter at the meeting on July 19, 2019.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner's principal office is located at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62625, Harrisburg, Pennsylvania 17106. Pursuant to Rule 207, Pa.R.D.E., Petitioner is invested with the power and duty to investigate matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute disciplinary proceedings brought in accordance with various provisions of the Rules.

2. Respondent is Jason Michael Purcell, born in 1974 and admitted to practice law in the Commonwealth of Pennsylvania on April 20, 2000. (Pet. For Discipline, at ¶2).

3. Pursuant to Pa.R.D.E. 201(a)(1), Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania. (Pet. For Discipline, at ¶4).

4. Respondent has no history of prior discipline.

5. Respondent's last registered address is 815 North Shamokin Street, Shamokin, PA 17872. (Pet. For Discipline, at ¶3).

6. Respondent's last known address is 134 Roadarmel Lane, Paxinos, Pennsylvania 17860. (N.T. 13).

7. By Order of the Supreme Court of Pennsylvania dated December 1, 2002, Respondent was placed on administrative suspension for failure to pay his annual attorney registration fee. (Pet. For Discipline, at ¶5).

8. Respondent failed to file a Statement of Compliance within ten days of the effective date of the transfer to inactive status, or any point thereafter, as required by Rule 217(e)(1), Pa.R.D.E. (Pet. For Discipline, at ¶6).

9. To date, Respondent remains administratively suspended. (Pet. For Discipline, at ¶7).

10. As a formerly admitted attorney on administrative suspension, Respondent is ineligible to practice law in Pennsylvania.

11. Respondent continues to hold himself out as an attorney on his social media outlets. (Pet. For Discipline, at ¶9; ODC-1).

12. Respondent's LinkedIn profile listed Respondent as having fifteen (15) plus years of diverse legal experience. (Pet. For Discipline, at ¶10; ODC-1).

13. Respondent's LinkedIn page states that Respondent is licensed to practice in New York, California, Pennsylvania, Maryland, and the District of Columbia. (Pet. For Discipline, at ¶13; ODC-1).

14. This statement is false and misleading in that Respondent's license is administratively suspended in Pennsylvania and he was never licensed to practice law in any capacity in those listed jurisdictions. (Pet. For Discipline, at ¶13; ODC-1).

15. Respondent states on his LinkedIn profile that he worked for Key New York as In-House Counsel and Associate Broker from May 2012-June 2017 in a private boutique real estate firm. (Pet. For Discipline, at ¶12; ODC-1).

16. Respondent states his responsibilities included, but were not limited to, analysis and clearance of all firm-related legal matters, including litigation. (ODC-1).

17. These statements are false and misleading; Key New York has never had in-house counsel and has no record of every employing Respondent. (Pet. For Discipline, at ¶12; ODC-1).

18. Respondent's LinkedIn profile lists that he worked for NBC Sports Group from April 2010-April 2012 as Assistant Director of Competition. (ODC-1).

19. Respondent states his responsibilities while employed at NBC Sports Group included serving as a legal representative. (ODC-1).

20. Respondent states on his LinkedIn profile that he worked as a Sole Proprietor at the Law Office of Jason Purcell from 2004-2008, where he represented clients in legal matters including serving as the Solicitor for the City of Shamokin Redevelopment Authority. (ODC-1).

21. Respondent states on his LinkedIn profile that he worked as an Associate Attorney for Lepley, Engleman & Yaw in Williamsport, Pennsylvania from August 2002 until October 2004; however, this statement is false and misleading as Respondent was only employed by Lepley, Engleman & Yaw for two (2) months before he was terminated. (Pet. For Discipline, at ¶11; ODC-1).

22. While on administrative suspension, Respondent has appeared in court as counsel in at least four (4) matters and prepared court filings in another matter. (Pet. For Discipline, at ¶14; ODC-2 through ODC-8).

Commonwealth v. Charles Moyer
No.CP-49-CR-0000116-2006 (Northumberland C.P.)

23. Respondent was listed as counsel of record for the defendant in *Commonwealth v. Charles Moyer*, No.CP-49-CR-0000116-2006 (Northumberland C.P.), who had been charged with a DUI and careless driving. (Pet. For Discipline, at ¶15; ODC-2).

24. On December 20, 2005, Respondent requested a continuance on behalf of his client, alleging he was just retained and needed time to review and confer with his client. (ODC-2).

25. Mr. Moyer paid Respondent \$250.00 to represent him in his criminal matter and was never provided with a writing explaining the rate and basis of his fee. (Pet. For Discipline, at ¶17 & ¶18).

26. On or about February 7, 2006, Respondent counseled his client in the waiver of his preliminary hearing. (Pet. For Discipline, at ¶19; ODC-2).

27. On February 23, 2006, Respondent filed a request for Accelerated Rehabilitative Disposition (“ARD”) on his client’s behalf. (Pet. For Discipline, at ¶¶20; ODC-2).

28. On July 6, 2006, Respondent represented Mr. Moyer at his ARD hearing, which included the testimony of several witnesses. (Pet. For Discipline, at ¶¶21; ODC-2).

29. Respondent failed to inform his client that he was administratively suspended and prohibited from accepting clients and practicing law in any manner. (Pet. For Discipline, at ¶¶16).

Christopher J. Petrovich v. Darlene Petrovich
CV-97-1127 (Northumberland C.P.)

30. On or about August 2, 2005, Respondent was retained to represent the plaintiff in a custody matter docketed at *Christopher J. Petrovich v. Darlene Petrovich*, CV-97-1127 (Northumberland C.P.). (Pet. For Discipline, at ¶¶22; ODC-3).

31. Mr. Petrovich paid Respondent \$250.00 for his representation. (ODC-3).

32. On August 2, 2005, Respondent represented his client at a hearing before Domestic Relations Hearing Officer Michael Seward, where testimony was taken. (Pet. For Discipline, at ¶¶24; ODC-3).

33. During the hearing, Respondent was asked by the Hearing Officer about his status as an attorney. (Pet. For Discipline, at ¶¶25).

34. Respondent stated he had “come out of retirement” to handle the case. (Pet. For Discipline, at ¶¶26).

35. This statement was false and misleading, as Respondent was administratively suspended and prohibited from accepting new clients or practicing law in any manner. (Pet. For Discipline, at ¶27).

In Re: Shamokin City Council Election
CV-2005-1984 (Northumberland C.P.)

36. Respondent drafted and aided in the filing of a Petition for Recanvassing of Voting Machines under 25 P.S. § 3262 docketed at *In Re: Shamokin City Council Election*, CV-2005-1984 (Northumberland C.P.). (Pet. For Discipline, at ¶28; ODC-4).

37. Respondent drafted the Petition for Recanvassing of Voting Machines although he was on administrative suspension and prohibited from accepting new clients or practicing law in any manner. (Pet. For Discipline, at ¶28; ODC-4).

38. The Petition for Recanvassing of Voting machines was dismissed. (Pet. For Discipline, at ¶29).

39. On November 9, 2006, Petitioner sent Respondent a DB-7 Request for Statement of Respondent's Position letter ("DB-7 letter") regarding his involvement in the ***Moyer, Petrovich, and Shamokin City Council Election*** matters. (Pet. For Discipline, at ¶37).

40. The DB-7 was sent to Respondent's last registered address, 815 North Shamokin Street, Shamokin, Pennsylvania 17872. (Pet. For Discipline, at ¶38; ODC-C).

41. The certified mailing was returned as unclaimed. (Pet. For Discipline, at ¶39).

42. Petitioner engaged in extensive efforts to locate respondent, which were unsuccessful. The complaint was thereafter closed without disposition. (Pet. For Discipline, at ¶¶40 and ¶41).

Commonwealth v. Joshua A. Purcell
CP-19-CR-0000571-2006 (Columbia C.P.)

43. On March 9, 2006, defendant in the matter at *Commonwealth v. Joshua A. Purcell*, CP-19-CR-0000571-2006 (Columbia C.P.), was charged with possession of marijuana. (Pet. For Discipline, at ¶¶30; ODC-5).

44. Respondent was counsel of record for the defendant. (Pet. For Discipline, at ¶¶30; ODC-5).

45. On or about July 18, 2006, Respondent aided the defendant in entering a guilty plea, even though Respondent was on administrative suspension and prohibited from accepting new clients or practicing law in any manner. (Pet. For Discipline, at ¶¶31; ODC-5).

Michael Deitz v. Charles Derr
No. CV-18-437 (Northumberland C.P.)

46. On March 21, 2018, Respondent appeared before Senior Judge Harold F. Woelfel in the Northumberland County Court of Common Pleas, as counsel for the defendant in a Protection from Abuse Hearing. (Pet. For Discipline, at ¶¶42; ODC-8).

47. In response to Senior Judge Woelfel's inquiries, Respondent acknowledged his administration suspension, but falsely claimed that he had filed for reinstatement in November 2017 and that his license "should be good by now." (Pet. For Discipline, at ¶¶45).

48. This statement was false and misleading, in that, Respondent had not submitted a petition for reinstatement. (Pet. For Discipline, at ¶46).

49. Respondent further falsely stated that he had received a letter from the “Administrative Office of Pennsylvania Courts Disciplinary Board” that he had been reinstated and was just waiting for his “pocket card.” (Pet. For Discipline, at ¶47; ODC-8).

50. This statement was false and misleading, in that the Board had not communicated with Respondent concerning his alleged reinstatement. (Pet. For Discipline, at ¶48).

51. Senior Judge Woelfel instructed Respondent to bring the letter that Respondent received from the “Administrative Office of Pennsylvania Courts Disciplinary Board” to the Northumberland County Court Administrator’s Office by noon the following day, noting that if he failed to do so, Judge Woelfel would refer the matter to the Disciplinary Board for investigation. (Pet. For Discipline, at ¶49; ODC-8).

52. In response to Senior Judge Woelfel’s inquiry, Respondent again falsely confirmed that he had received the above-referenced letter. (Pet. For Discipline, at ¶50; ODC-8).

53. During the proceedings on March 21, 2018, Respondent at no time informed the Court that he was prohibited from practicing law and could not appear as counsel for the defendant. (Pet. For Discipline, at ¶43 - ¶47).

54. As a result of Respondent’s conduct, the proceeding that was scheduled to occur that day was continued. (Pet. For Discipline, at ¶51).

55. Respondent failed to produce any documentation to the Northumberland County Court Administrator's Office in support of his alleged reinstatement. (Pet. For Discipline, at ¶52; ODC-7 & 8).

Commonwealth v. Jason Michael Purcell
No. CP-19-CR-0000749-2006 (Columbia C.P.)

56. On August 17, 2006, Respondent was arrested and charged with DUI (highest rate), docketed at *Commonwealth v. Jason Michael Purcell*, No. CP-19-CR-0000749-2006 (Columbia C.P.). (Pet. For Discipline, at ¶32; ODC-6A).

57. This was the Respondent's third DUI offense. (Pet. For Discipline, at ¶33; ODC-6A, B & C).

58. Respondent failed to appear for his jury trial on March 6, 2007, and a bench warrant was issued for his arrest. (Pet. For Discipline, at ¶34 and ¶35; ODC-6A).

59. To date, the warrant remains outstanding. (Pet. For Discipline, at ¶36; ODC-6A).

Failure to Cooperate with Petitioner's Investigation

60. On April 19, 2018, Petitioner sent a DB-7 letter concerning Respondent's apparent maintenance of a Pennsylvania office and his appearance before Senior Judge Woelfel. The DB-7 was sent to Respondent's last registered address, by certified and first class mail. (Pet. For Discipline, at ¶53 and ¶54; ODC-C).

61. The certified mailing was returned as unclaimed; however, the first class mail was not returned. (Pet. For Discipline, at ¶55).

62. Respondent's response to the DB-7 was due on or before May 19, 2018. (Pet. For Discipline, at ¶56).

63. To date, Respondent has failed to respond. (Pet. For Discipline, at ¶57).

64. On June 14, 2018, Petitioner sent Respondent a DB-7A Supplemental Request for Statement of Respondent's Position letter concerning his criminal matter, outstanding warrant, and misrepresentations regarding his work history and attorney status. (Pet. For Discipline, at ¶58; ODC-F).

65. Petitioner also enclosed a copy of the November 9, 2006, DB-7 letter and asked that Respondent submit a response thereto. (Pet. For Discipline, at ¶59; ODC-F).

66. The DB-7 letter was mailed to three (3) addresses that Petitioner was able to determine were linked to Respondent: (1) 815 North Shamokin Street, Shamokin, Pennsylvania 17872; (2) P.O. Box 31, Paxinos, Pennsylvania 17860; and (3) 134 Roadarmel Lane, Paxinos, Pennsylvania 17860. (Pet. For Discipline, at ¶60; ODC-A, B, C, E, & F; ODC – H1, H2, H3 & H4).

67. The certified mailing to 815 North Shamokin Street was returned as unclaimed and the first-class mailing was returned with a notation that Respondent did not reside at that address. (Pet. For Discipline, at ¶61).

68. The certified mailing to P.O. Box 31 was returned based on the box being "vacant"; however, the first class mail was not returned. (Pet. For Discipline, at ¶62).

69. The certified mailing sent to 134 Roadarmel Lane was accepted by Donald Purcell. (Pet. For Discipline, at ¶¶63; ODC-F; ODC-H1, H2).

70. Respondent's response was due on or before July 14, 2018. (Pet. For Discipline, at ¶¶64; ODC-F).

71. Respondent has failed to communicate with Petitioner or provide a response to the DB-7 letters. (Pet. For Discipline, at ¶¶65).

72. On August 9, 2018, Petitioner filed a Petition for Discipline.

73. On August 16, 2018, Auditor-Investigator Suzanne Kreider went to Respondent's last registered address, 815 North Shamokin Street, Shamokin, Pennsylvania, to effectuate personal service of the Petition for Discipline on Respondent. (N.T. 12).

74. The owner of the residence informed Auditor-Investigator Kreider that he was Respondent's step-father and that Respondent did not reside at that address. (N.T. 12-13).

75. Respondent's step-father informed Auditor-Investigator Kreider that he had provided the DB-7 and DB-7A to Respondent's uncle to give to Respondent. (N.T.12-13).

76. Auditor-Investigator Kreider spoke with Respondent's uncle, who confirmed that Respondent's step-father had provided him with the DB-7 and DB-7A and that he had given those mailing to Respondent's father. (N.T. 13).

77. Respondent's uncle confirmed that Respondent was residing with his father at 134 Roadarmel Lane. (N.T. 13).

78. Auditor-Investigator Kreider met with Sergeant Bryon Chowka of the Ralpho Township Police Department, who confirmed that Respondent's father was living at 134 Roadarmel Lane. (N.T. 13-14; ODC-E).

79. By email dated September 20, 2018, Sergeant Chowka informed Auditor-Investigator Kreider that three (3) separate Complaints had been filed the previous week involving Respondent's alleged refusal to leave the 134 Roadarmel Lane residence. (N.T. 14; ODC-E; ODC-H1, H2, & H3.).

80. On September 16, 2018, Respondent's father contacted the Ralpho Township Police Department to have Respondent removed from his home. (N.T. 14; ODC-E; ODC-H1, H2, & H3.).

81. Respondent's father advised Officer David Tomtishen that Respondent had been living at his address, 134 Roadarmel Lane, Paxinos for the past sixteen (16) months. (N.T. 14; ODC-E; ODC-H1, H2, & H3.).

82. Pursuant to Rule 212, Pa.R.D.E., Substituted Service, Petitioner sent the original Petition for Discipline by regular mail to Respondent's last registered address, 815 North Shamokin Street, Shamokin, Pennsylvania 17872. (ODC-C & G).

83. Petitioner additionally sent copies of the Petition for Discipline to Respondent by certified mail to the above stated address and by first-class and certified mail to the other addresses that Petitioner was able to determine may be associated with Respondent: (1) P.O. Box 31, Paxinos, Pennsylvania 17860; and (2) 124 Roadarmel Lane, Paxinos, Pennsylvania 17860. (ODC-A & G; ODC-H1, H2, H3, & H4).

84. Petitioner engaged in extensive efforts to locate Respondent during this time period. (Pet. For Discipline, at ¶40; N.T., at 9-11).

85. Respondent failed to respond to the Petition for Discipline.

86. Respondent failed to appear for the prehearing conference or hearing in this matter.

III. CONCLUSIONS OF LAW

By his conduct as set forth above, Respondent violated the following Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement:

1. RPC 1.5(b) - When a 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 representation.

2. RPC 1.16(a)(1) - 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.

3. RPC 3.2 - A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

4. RPC 3.3(a)(1) - A lawyer shall not knowingly make a false statement of material fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer.

5. RPC 5.5(a) - 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.

6. RPC 5.5(b)(2) - 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.

7. RPC 8.1(b) - A ... lawyer ... in connection with a disciplinary matter, shall not ... fail to respond to a lawful demand for information from ... disciplinary authority.

8. RPC 8.1(c) - It is professional misconduct for a lawyer to ... engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

9. RPC 8.4(d) - It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

10. Pa.R.D.E. 203(b)(7) - The following shall also be grounds for discipline: Failure by a respondent-attorney without good cause to respond to Disciplinary Counsel's request for supplemental request under Disciplinary Board Rules § 87.7(b) for a statement of the respondent-attorney's position.

11. Pa.R.D.E. 217 (j)(4)(ii) - Without limiting the other restrictions in this subdivision (j), a formerly admitted attorney is specifically prohibited from engaging in any of the following activities... performing any law related services from an office that is not staffed by a supervising attorney on a full time basis.

12. Pa.R.D.E. 217 (j)(4)(iv) - Without limiting the other restrictions in this subdivision (j), a formerly admitted attorney is specifically prohibited from engaging in any of the following activities... representing himself or herself as a lawyer or person of similar status.

13. Pa.R.D.E. 217 (j)(4)(v) - Without limiting the other restrictions in this subdivision (j), a formerly admitted attorney is specifically prohibited from engaging in any of the following activities ... having any contact with clients either in person, by telephone, or in writing, except as provided in paragraph (3).

14. Pa.R.D.E. 217 (j)(4)(vi) - Without limiting the other restrictions in this subdivision (j), a formerly admitted attorney is specifically prohibited from engaging in any of the following activities ...rendering legal consultation or advice to a client.

15. Pa.R.D.E. 217 (j)(4)(vii) - Without limiting the other restrictions in this subdivision (j), a formerly admitted attorney is specifically prohibited from engaging in any of the following activities ...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.

IV. DISCUSSION

This matter is before the Board for review of allegations that Respondent committed professional misconduct by engaging in the unauthorized practice of law and by failing to respond to Petitioner's requests for information. The evidence establishes that Petitioner served Respondent with the Petition for Discipline setting forth the charges against him. Respondent failed to file an Answer to Petition for Discipline. Consequently, all of the factual allegations in the Petition for Discipline are deemed admitted, pursuant to Rule 208(b)(3), Pa.R.D.E., and support the conclusion that Respondent violated the Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement charged in the Petition for Discipline. Petitioner proved by clear and satisfactory evidence that Respondent engaged in ethical misconduct by virtue of the facts plead in the Petition for Discipline and related exhibits. ***Office of Disciplinary Counsel v. John Grigsby***, 425 A.2d 730, 732 (Pa. 1981).

Having concluded that Respondent violated the rules, this matter is ripe for the determination of discipline. For the following reasons, the Board recommends that Respondent be disbarred.

Respondent, admitted to practice law in this Commonwealth in April 2000, was administratively suspended two years later by Order of the Supreme Court of Pennsylvania dated December 1, 2002, for failure to pay his annual attorney registration fee. To date, Respondent remains administratively suspended and has been prohibited from engaging in the practice of law since December 2002. In accordance with the Court's Order, Respondent was directed to fulfill certain requirements pursuant to Rule 217, Pa.R.D.E., applicable to his status as a formerly admitted attorney, including filing a statement of compliance with the Board; Respondent has failed to do so.

During his lengthy period of administrative suspension, Respondent engaged in serious professional misconduct by continuing to hold himself out to the public as an active member of the Pennsylvania Bar and representing clients in at least five legal matters in the Commonwealth of Pennsylvania, four of which required his submission of court filings and/or appearance at proceedings. In the Petrovich matter in 2005, Respondent represented his client in a domestic relations hearing, during which he falsely stated to the hearing officer that he had "come out of retirement" to handle the case. In the Moyer matter in 2005 and 2006, Respondent counseled his client on the waiver of his preliminary hearing, filed a request for his client to obtain ARD, and later represented his client at the ARD hearing. In the Joshua Purcell matter in 2006, Respondent represented his client in the entry of a guilty plea. In all of these matters, Respondent failed to advise his clients or the court that he was prohibited from accepting clients and practicing law.

More recently, in March 2018 in the Derr matter, Respondent appeared before Senior Judge Woelfel in the Northumberland County Court of Common Pleas on behalf of his client in a protection from abuse matter. During the hearing, Judge Woelfel questioned Respondent about the status of his law license. Respondent acknowledged his administrative suspension, but falsely and misleadingly stated that his license “should be good by now” since he had filed for reinstatement in November 2017, received a letter from the “Administrative Office of Courts Disciplinary Board” advising that he had been reinstated, and was waiting to receive his “pocket card.” All of these statements were false. Judge Woelfel continued the proceeding and instructed Respondent to provide the referenced letter by noon the next day. As the Board had never sent such a letter to Respondent, he failed to communicate further with the Northumberland County Court or Judge Woelfel.

In addition to representing clients and appearing in court in violation of the Supreme Court’s order, Respondent misrepresented himself to the public through his social media as an active Pennsylvania attorney, and falsely stated his licensure in other jurisdictions where he is not admitted. Respondent concocted a falsified legal work history through his postings and profiles by listing numerous organizations with which he was never employed. Through this contrived information, Respondent deceived the public into believing that he is an experienced attorney capable of handling their legal work.

Respondent’s contemptuous attitude towards his professional responsibilities carried forward to these disciplinary proceedings, as he failed to respond to any correspondence from Petitioner, failed to answer the charges against him, failed to appear at the prehearing conference and failed to appear at the disciplinary hearing.

The record demonstrates that Petitioner made extensive efforts and expended staff time and resources attempting to locate and communicate with Respondent concerning his misconduct. Respondent's lack of participation evidences his dismissive and disinterested attitude towards his ability to practice law and his disrespect for disciplinary authority and constitutes an aggravating factor in the imposition of discipline. **Office of Disciplinary Counsel v. Franchot A.S. Golub**, No. 162 DB 2016 (D. Bd. Rpt. 2/14/2018) (S. Ct. Order 4/24/2018); **Office of Disciplinary Counsel v. Keith Hall Barkley**, 144 DB 2016 (D. Bd. Rpt. 9/13/2017) (S. Ct. Order 11/14/2017); **Office of Disciplinary Counsel v. Carol Chandler**, 10 DB 2010 (D. Bd. Rpt. 4/15/2011) (S. Ct. Order 8/17/2011).

The manner in which Respondent has conducted his private life further exemplifies his intolerance for abiding by rules and procedures and submitting to authority. Respondent has a criminal history wherein he has been twice convicted of Driving Under the Influence of Alcohol. In September 2006, Respondent was charged with his third DUI offense in Columbia County, Pennsylvania. The matter was scheduled for jury trial in March 2007, but most egregiously, Respondent failed to appear in court and a bench warrant was issued for his arrest. To date, more than eleven years later, the arrest warrant remains outstanding.

We find that there are no mitigating factors present in this matter. Although Respondent has no prior disciplinary record, his misconduct commenced a short time after his admission to the bar and has endured for nearly two decades; therefore, mitigation for lack of prior disciplinary record is not appropriate.

It is well-established that in evaluating professional discipline, each case must be decided individually on its own unique facts and circumstances. **Office of Disciplinary Counsel v. Robert Lucarini**, 427 A.2d 186, 190 (Pa. 1983). In order to

“strive for consistency so that similar misconduct is not punished in radically different ways,” **Office of Disciplinary Counsel v Anthony Cappuccio**, 48 A.3d 1231, 1238 (Pa. 2012) (quoting **Lucarini**, 473 A.2d at 190), the Board is guided by precedent for the purpose of measuring “the respondent’s conduct against other similar transgressions.” **In re Anonymous No. 56 DB 94 (Linda Gertrude Roback)**, 28 Pa. D. & C. 4th 398 (1995).

Generally, “[t]he Supreme Court does not tolerate lawyers who take a lax approach to the administrative rules governing the practice of law. Even in situations where lawyers lack disciplinary records and have otherwise good reputations, the court finds their conduct contemptuous...” **Office of Disciplinary Counsel v. Harry Curtis Forrest, Jr.**, 134 DB 2003 (D. Bd. Rpt. 12/30/2004) (S. Ct. Order 3/24/2005).

The Court has suspended attorneys for more than one year in numerous cases where the attorney has engaged in the unauthorized practice of law. See, **Office of Disciplinary Counsel v. Keith Hall Barkley**, No. 144 DB 2016 (D. Bd. Rpt. 9/13/2017) (S. Ct. Order 11/14/2017) (two year suspension for attorney who represented two clients during an approximately eighteen-month period while on administrative suspension and failed to participate in the disciplinary process); **Office of Disciplinary Counsel v. John Joseph Garagozzo**, No. 58 DB 2016 (D. Bd. Rpt. 8/8/2017) (S. Ct. Order 10/6/2017) (two year suspension for attorney who engaged in the unauthorized practice of law during an eighteen-month period of administrative suspension; continued to represent clients that he had represented prior to his administrative suspension and obtained new clients after his administrative suspension; represented three clients at trial and acted as a provider of pre-paid legal services to a local union; no prior discipline in more than thirty years as a lawyer served as a mitigating factor; failure to file an answer to Petition for Discipline and failure to appear at the hearing served as aggravating factors); **Office of Disciplinary**

Counsel v. Brendan Magee, 137 DB 2015 (D. Bd. Rpt. 10/4/2016) (S. Ct. Order 12/19/2016) (one year and one day suspension for attorney licensed solely in Colorado who appeared as counsel for stepson at school expulsion hearing in Pennsylvania); **Office of Disciplinary Counsel v. David M. Siegel**, No. 16 DB 2013 (D. Bd. Rpt. 1/13/2014) (S. Ct. Order 4/30/2014) (one year and one day suspension for attorney who continued to practice law after administrative suspension by failing to withdraw his appearance in four bankruptcy matters; other misconduct; mitigating circumstances).

Not only did Respondent engage in the unauthorized practice of law, he falsely and outrageously misrepresented his license status to a hearing officer and to the court in separate matters. This dishonest conduct elevates the seriousness of this matter. The Court has held that dishonesty on the part of an attorney establishes unfitness to practice law. **Office of Disciplinary Counsel v. Gregory Holston**, 619 A.2d 1054, 1056 Pa. 1996).

In two recent matters, the Court disbarred attorneys who engaged in the unauthorized practice of law, misrepresented their status to the court, and failed to participate in their disciplinary proceedings. In the matter of **Office of Disciplinary Counsel v. Nathan Daniel Lyle**, Nos. 189 & 190 DB 2017 (D. Bd. Rpt. 8/3/2018) (S. Ct. Order 10/25/2018), Lyle represented two clients and appeared in court on one occasion while administratively suspended. During his court appearance, Lyle misrepresented his identity by claiming to be another, actively licensed attorney. Lyle forged the other attorney's signature on legal papers in order to obtain a continuance. In addition to his unauthorized practice, Lyle failed to report two criminal convictions to Office of Disciplinary Counsel. Lyle failed to answer the disciplinary charges filed against him and failed to participate in the disciplinary proceedings.

In the matter of ***Office of Disciplinary Counsel v. Michael Gallo***, 121 DB 2017 (D. Bd. Rpt. 8/10/2018) (S. Ct. Order 11/2/2018), Gallo engaged in the unauthorized practice of law for eight months, during which time he represented two clients. In one of the matters, Gallo represented his client at a status conference and misrepresented to the judge and the assistant district attorney that he had been reinstated from administrative suspension and was in good standing as an attorney. Gallo's misconduct was aggravated by his criminal conviction for a bad check and for his failure to cooperate with Office of Disciplinary Counsel's investigation.

The Board is mindful when adjudicating each case that the primary purpose of the lawyer discipline system in Pennsylvania is to protect the public, preserve the integrity of the courts and deter unethical conduct. ***Office of Disciplinary Counsel v. Akim Czmus***, 889 A.2d 1197, 1204 (Pa. 2005). After analysis of the decisional law, we conclude that Respondent's violation of the Supreme Court's order prohibiting him from practicing law, deceitful conduct before the court and a hearing officer, failure to respond to Petitioner's requests for information, aggravated by Respondent's failure to participate in the disciplinary process and his prior criminal convictions, including an outstanding bench warrant for his arrest, weigh in favor of disbarment as the most appropriate sanction to protect the public and maintain the integrity of the courts and the legal profession.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, Jason Michael Purcell, be Disbarred from the practice of law in this Commonwealth.

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: 
Andrew J. Trevelise, Chair

Date: 9/4/19