

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2607 Disciplinary Docket No. 3
: :
Petitioner : No. 156 DB 2018
: :
v. : New York Bar Registration No. 2747517
: :
SUSAN STEINTHAL, : (Out of State)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 27th day of June, 2019, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board, the Joint Petition in Support of Discipline on Consent is granted. Susan Steinthal is suspended on consent from the Bar of this Commonwealth for a period of six months. Consistent with the Joint Petition, Respondent shall not apply for admission to the Bar of this Commonwealth for two years from the date of this Order. She shall comply with all the provisions of Pa.R.D.E. 217, and pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

Justice Mundy dissents and would deny the joint petition for discipline on consent in favor of a six-month suspension, with no additional conditions.

Justice Todd and Justice Wecht join this dissent.

A True Copy Patricia Nicola
As Of 06/27/2019

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

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

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 156 DB 2018
Petitioner	:	
	:	
v.	:	New York Bar Registration No. 2747517
	:	
SUSAN J. STEINTHAL,	:	
Respondent	:	(Out of State)

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

Petitioner, the Office of Disciplinary Counsel (hereinafter, "ODC") by Paul J. Killion, Chief Disciplinary Counsel, and Dana M. Pirone, Esquire, Disciplinary Counsel and Susan J. Steinthal (hereinafter "Respondent"), by and through her counsel, Robert S. Tintner, Esquire, respectfully petition the Disciplinary Board in support of discipline on consent, pursuant to Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 215(d), and in support thereof state:

1. ODC, whose principal office is situated at Office of Chief Disciplinary Counsel, Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania 17106, is invested, pursuant to Pa.R.D.E. 207, with the power and duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Enforcement Rules.

2. Respondent was born in 1970.

3. On March 25, 1996, Respondent was admitted to practice law in the State of New York.

FILED 04/16/2019 The Disciplinary Board of the Supreme Court of Pennsylvania

4. Respondent's registration address for her admission in New York is Citizens Bank, N.A., 30 Montgomery Street, Suite 1301, Jersey City, NJ 07302-3829.

5. Respondent is a member in good standing of the New York Bar.

6. Respondent is not a member of the Pennsylvania Bar.

7. Respondent began her on-line application for admission to the Pennsylvania Bar under Rule 204, with the Pennsylvania Board of Law Examiners (the "PABLE") in 2016. Respondent believed that she had filed her application at that time, but she did not hit the "submit" button to file the application. Respondent later realized that she had not actually hit the "submit" button, and she did so on June 16, 2017.

8. On August 22, 2018, Respondent notified ODC that that she had withdrawn her Pennsylvania Bar application, as the ODC had requested.

9. As a result of actions Respondent took in civil proceedings pending in the Philadelphia Municipal Court and twenty-three Courts of Common Pleas throughout the Commonwealth of Pennsylvania, Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

SPECIFIC FACTUAL AND LEGAL ADMISSIONS

10. From August 1, 2015, and continuing until the present, Respondent has practiced law solely in her position as Deputy General Counsel for Citizens Bank, from Citizens Bank's office at 30 Montgomery Street, Suite 1301, Jersey City, NJ.

11. As Deputy General Counsel for Citizens Bank, Respondent endeavored to streamline the process for filing Answers to Interrogatories in Aid of Execution ("Answers") on behalf of Garnishee, Citizens Bank of Pennsylvania ("Garnishee, Citizens Bank").

12. Beginning in October 2016, and continuing until on or about November 13, 2017, approximately two hundred thirty-two (232) Answers were filed on behalf of Garnishee, Citizens Bank, in Pennsylvania proceedings that included Affidavits signed by Respondent in her capacity as Deputy General Counsel for Citizens Bank.,.

13. Respondent is identified in the Answer Cover Sheets as "Counsel of Record, Susan Steinthal, Esquire", but Respondent did not seek or obtain *pro hac vice* admission.

14. Respondent stated that her address and contact information were: c/o Fulfillment Services Legal Team Citizens Bank, 525 William Penn Pl, Floor 21, PW2140, Pittsburgh, PA 15219-1725, Phone: (888) 999-6884; Fax (888) 666-0197.

15. The Affidavit to each Answer which included Respondent's signature stated:

My name is Susan Steinthal, and I am in-house Deputy General Counsel for Citizens Bank. I am an attorney admitted in New York, and my application for admission in Pennsylvania is pending. I oversee Citizens Bank's program for responding to Pennsylvania writs of garnishment. The employee at Citizens Bank who has prepared the enclosed answer to interrogatories attests that the answer was prepared in accordance with this program.

16. As stated above, Respondent did not hit the "submit" button on her on-line application for admission to the Pennsylvania bar (which she began in 2016) until June 15, 2017. Her signed Affidavits, however, date from October 2016 and state that her "application for admission in Pennsylvania is pending."

17. After learning that Respondent had signed Affidavits that were filed with various Answers on behalf of Garnishee, Citizens Bank, ODC placed Respondent on notice that she had engaged in the unauthorized practice of law.

18. As a result, Citizens Bank retained outside counsel to represent it in all open Pennsylvania matters in which Respondent's appearance had been entered as Counsel of Record for Garnishee, Citizens Bank. From that point forward, Respondent ceased providing an affidavit on behalf of Citizens Bank, and a Pennsylvania lawyer in good standing made the subsequent garnishee filings on behalf of Citizens Bank.

19. By no later than December 7, 2017, Respondent provided proof to ODC that her appearance had been withdrawn as Counsel of Record for Garnishee, Citizens Bank, in Pennsylvania matters.

20. Respondent's affidavit in support of this Joint Petition that she consents to the recommended discipline of a six-month suspension and her agreement to refrain from seeking admission to the Pennsylvania Bar for a two-year period is attached hereto as Exhibit "A." That affidavit is consistent with Pennsylvania Rule of Disciplinary Enforcement 215(d).

VIOLATIONS OF THE RULES OF PROFESSIONAL CONDUCT

By Respondent's conduct as set forth in paragraphs 10 through 20, Respondent violated the following Rules:

- A. RPC 1.16(a)(1) – A lawyer is prohibited from representing a client if the representation will result in violation of the rules of professional conduct or other law;
- B. RPC 5.5(a) – A lawyer is prohibited from practicing law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction;
- C. RPC 5.5(b)(1) – A lawyer who is not admitted to practice in this jurisdiction is prohibited from establishing an office or other systematic and continuous presence in this jurisdiction for the practice of law;

- D. RPC 5.5(b)(2) – A lawyer who is not admitted to practice in this jurisdiction is prohibited from holding herself out to the public as being admitted to practice law in this jurisdiction;
- E. RPC 8.4(a) – A lawyer is prohibited from violating or attempting to violate the Rules of Professional Conduct, knowingly assisting or inducing another to do so, or do so through the acts of another; and
- F. RPC 8.4(c) – A lawyer is prohibited from engaging in conduct involving misrepresentation.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

21. For purposes of resolving this matter in Pennsylvania, Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a six (6) month suspension from the practice of law based upon the precedent. Respondent also agrees that she will refrain from seeking admission to the Pennsylvania Bar for a period of two years from the date this Joint Petition is granted.

22. The parties respectfully submit that the following mitigating circumstances are present:

- a) Respondent has expressed her remorse and acceptance of responsibility for her misconduct;
- b) Respondent has cooperated with Petitioner by entering into this Joint Petition;
- c) Respondent took immediate action to remedy the problem as identified;

- d) Respondent's conduct was not willful, as she at all times believed that her representations were truthful, and that she had disclosed that she was not a member of the Pennsylvania Bar in her Affidavits; and
- e) Respondent has no history of discipline as a member of the bar of New York.

23. In Pennsylvania, there is no *per se* discipline for a particular type of misconduct; instead, each case is reviewed individually while being mindful of precedent and the need for consistency. *Office of Disciplinary Counsel v. Lucarini*, 472 A.2d 186, 190 (Pa. 1983).

24. The imposition of a six (6) month suspension is consistent with the range of sanctions imposed in similar cases involving the unauthorized practice of law. For example:

- a. In *Office of Disciplinary Counsel v. Pellegrino*, No. 130 DB 2017 (2017) the Supreme Court imposed a six (6) month suspension on consent to address Ms. Pellegrino's unauthorized practice of law and law-related activity while working as in-house counsel for a securities company by providing legal advice and serving as counsel of record for numerous federal court filings in Pennsylvania;
- b. In *Office of Disciplinary Counsel v. McCarthy*, 132 DB 2016 (2016) the Supreme Court imposed a six (6) month suspension on consent to address McCarthy's unauthorized practice of law in Massachusetts while employed at three companies as in-house counsel over approximately four years;
- c. In *Office of Disciplinary Counsel v. D'Oyley*, 37 DB 2014 (2014) the Supreme Court imposed a six (6) month suspension on consent to address

Ms. D'Oyley's unauthorized practice of law and law-related activity while employed as Assistant General Counsel and Associate General Counsel for a pharmaceutical company over approximately five years:

- d. In *Office of Disciplinary Counsel v. Moore*, 32 DB 2009 (2009), the Supreme Court imposed a six (6) month suspension on consent to address Moore's unauthorized practice of law while employed as general counsel to a corporation for approximately one year; and
- e. In *Office of Disciplinary Counsel v. Coleman*, 98 DB 2003 (2005), the Supreme Court imposed a two-year suspension. Mr. Coleman's misconduct consisted of signing hundreds of pleadings during a ten-month period as an attorney of record in Pennsylvania while on inactive status.

25. Respondent's agreement not to seek admission to the Pennsylvania Bar for two years is consistent with the discipline imposed in *Coleman*.

26. As stated in paragraph 21 above, and in light of the nature of the misconduct and the mitigation factors, Petitioner and Respondent submit that a six (6) month suspension is appropriate.

WHEREFORE, Petitioner and Respondent respectfully request that, pursuant to Pennsylvania Rules of Disciplinary Enforcement 215(e), 215(g) and 215(i), a three member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and file a recommendation with the Supreme Court of Pennsylvania that Respondent receive a six-month suspension and not seek admission to the Pennsylvania Bar for two years from the date this Joint Petition is granted.

Respectfully submitted,
OFFICE OF DISCIPLINARY COUNSEL
PAUL J. KILLION,
Attorney Registration No. 20955,
Chief Disciplinary Counsel


DATE

DANA M. PIRONE
Disciplinary Counsel
Attorney Registration Number 57221
Office of Disciplinary Counsel
820 Adams Avenue, Suite 170
Trooper, PA 19403
(610) 650-8210

DATE

SUSAN J. STEINTHAL
Respondent

9/14/15
DATE



ROBERT S. TINTNER, ESQUIRE
Attorney Registration Number 73865
Fox Rothschild LLP
2000 Market Street
20th Floor
Philadelphia, PA 19103-3222
Counsel for Respondent

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OFFICE OF DISCIPLINARY COUNSEL
PAUL J. KILLION,
Attorney Registration No. 20955,
Chief Disciplinary Counsel

DATE

DANA M. PIRONE
Disciplinary Counsel
Attorney Registration Number 57221
Office of Disciplinary Counsel
820 Adams Avenue, Suite 170
Trooper, PA 19403
(610) 650-8210

4/12/2019

DATE

SUSAN J. STEINTHAL
Respondent

DATE

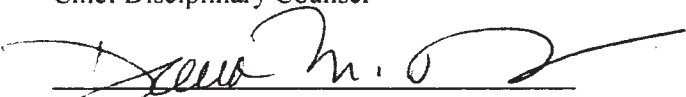
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OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION,
Attorney Registration No. 20955,
Chief Disciplinary Counsel

4/15/19
DATE



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Disciplinary Counsel
Attorney Registration Number 57221
Office of Disciplinary Counsel
820 Adams Avenue, Suite 170
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SUSAN J. STEINTHAL,	:	
Respondent	:	(Out of State)

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

STATE OF NEW YORK :
COUNTY OF NASSAU :

Susan J. Steinthal, being duly sworn according to law, deposes and hereby submits this affidavit consenting to the recommendation of a six (6) month suspension and agreement that she will not seek admission to the Pennsylvania Bar for two years from the date the Joint Petition is granted, in conformity with Pa.R.D.E. 215(d), and further states as follows:

1. She is not a member of the Pennsylvania Bar.
2. She is an attorney admitted to the bar in the State of New York as of March 25, 1996.
3. For purposes of resolving this matter in Pennsylvania, she desires to submit a Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d).
4. Her consent is freely and voluntarily rendered; she is not being subjected to coercion or duress, and she is fully aware of the implications of submitting this affidavit.
5. She is aware that there is presently pending a proceeding into allegations that she has

been guilty of misconduct as set forth in the Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d) to which this affidavit is attached.


6. She acknowledges that the material facts set forth in the Joint Petition are true.

7. As required by Pa.R.D.E. 215(d), she submits the within affidavit because she knows that if the charges filed in the Petition for Discipline are prosecuted at a disciplinary hearing, she could not successfully defend against them.

8. She acknowledges that she is fully aware of her right to consult and employ counsel to represent her in the instant proceeding. She has retained, consulted and acted upon the advice of counsel, Robert S. Tintner, Esquire, in connection with her 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.A. §4904 (relating to unsworn falsification to authorities).

Signed this 15th day of April, 2019.

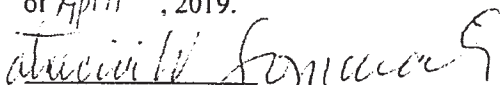


Susan J. Steinthal

Sworn to and subscribed

before me this 15 day

of April, 2019.



Notary Public

PATRICIA W. SOMAIAH
Notary Public, State of New York
No. 01SO6015758
Qualified in Nassau County
Certificate Filed in New York County
Commission Expires November 9, 2019 22

VERIFICATION

The statements contained in the foregoing *Joint Petition In Support of Discipline on Consent 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.

DATE

DANA M. PIRONE
Disciplinary Counsel

DATE

SUSAN J. STEINTHAL
Respondent

4/11/19
DATE



ROBERT S. TINTNER, ESQUIRE
Counsel for Respondent

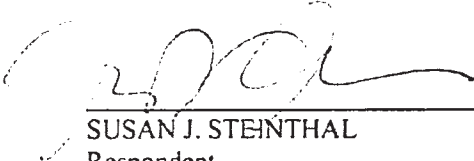
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DATE

DANA M. PIRONE
Disciplinary Counsel

4/14/2019
DATE



SUSAN J. STEINTHAL
Respondent


DATE

ROBERT S. TINTNER, ESQUIRE
Counsel for Respondent

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The statements contained in the foregoing *Joint Petition In Support of Discipline on Consent 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.

4/15/19
DATE



DANA M. PIRONE
Disciplinary Counsel

DATE

SUSAN J. STEINTHAL
Respondent

DATE

ROBERT S. TINTNER, ESQUIRE
Counsel for Respondent

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Petitioner	:	
	:	
v.	:	New York Bar Registration No. 2747517
	:	
SUSAN J. STEINTHAL,	:	
Respondent	:	(Out of State)

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 and Overnight Mail, as follows:

Robert S. Tintner, Esquire
Fox Rothschild LLP
2000 Market Street
20th Floor
Philadelphia, PA 19103-3222
Counsel for Respondent

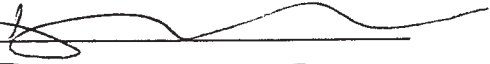
Dated: 4/14/19



Dana M. Pirone, Esquire
Disciplinary Counsel
Attorney Registration No. 57221
Office of Disciplinary Counsel
820 Adams Avenue, Suite 170
Trooper, PA 19403
(610) 650- 8210

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: Dan M. Pione, DCJ
Signature: 
Name: Dan M. Pione
Attorney No. (if applicable): 57221