

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2848 Disciplinary Docket No. 3
: :
Petitioner : :
: : No. 170 DB 2021
v. : :
: :
ANDREW S. HURWITZ, : Attorney Registration No. 67136
: :
Respondent : (Montgomery County)

ORDER

PER CURIAM

AND NOW, this 25th day of February, 2022, 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**, and Andrew S. Hurwitz is suspended on consent from the Bar of this Commonwealth for a period of six months. Respondent shall comply with all the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board. See Pa.R.D.E. 208(g).

A True Copy Nicole Traini
As Of 02/25/2022

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

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

OFFICE OF DISCIPLINARY COUNSEL, :	No. ¹⁷⁰ DB 2021
Petitioner :	
v. :	Attorney Reg. No. 67136
ANDREW S. HURWITZ, :	
Respondent :	(Montgomery County)

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

Petitioner, the Office of Disciplinary Counsel (“ODC”), by Thomas J. Farrell, Chief Disciplinary Counsel, and Elizabeth A. Livingston, Disciplinary Counsel, and Respondent, Andrew S. Hurwitz (“Respondent”), 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 state:

1. Pursuant to Pa.R.D.E. 207, ODC, whose principal office is situated at Office of Chief Disciplinary Counsel, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62485, Harrisburg, Pennsylvania, 17106, is invested 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

FILED
12/29/2021
**The Disciplinary Board of the
Supreme Court of Pennsylvania**

disciplinary proceedings brought in accordance with the provisions of the Enforcement Rules.

2. Respondent was born in 1966 and was admitted to the Bar of the Commonwealth of Pennsylvania on December 9, 1992.

3. On July 1, 1996, Respondent voluntarily transferred to Inactive Status.

4. On May 12, 1998, Respondent was admitted in the Third Judicial Department of the State of New York. His license identification number in New York is #2880201.

5. Records indicate Respondent was suspended by the First Judicial Department of the State of New York by Order dated February 5, 2008, which was effective on March 6, 2008, for non-payment of annual attorney registration fees.

6. In 2011, Respondent applied for, and was granted, reinstatement from Inactive Status in Pennsylvania.

7. By Order dated October 19, 2014 (the "Order of Suspension"), the Supreme Court of Pennsylvania placed Respondent on Administrative Suspension for failure to comply with Pennsylvania Rule of Disciplinary Enforcement (Pa.R.D.E.) 219.

8. Respondent's New York law license remains suspended.

9. Respondent maintains an address of record at 112 Conway Avenue, Narberth, Montgomery County, Pennsylvania, 19072.

10. Respondent has no prior record of discipline in Pennsylvania.

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

SPECIFIC FACTUAL AND LEGAL ADMISSIONS

12. On March 17, 2021, Respondent filed a Petition for Reinstatement from Administrative Suspension with the Disciplinary Board of the Supreme Court of Pennsylvania (the "Petition").

Studio 1200

13. With his Petition, Respondent disclosed in response to Reinstatement Questionnaire No. 7(a) regarding employment history during the period of administrative suspension that he served as President of Studio 1200 in Ardmore, Pennsylvania from January 2018 to March 2020. Respondent acknowledged that he engaged in the law-related activity of "contracts" in his work for Studio 1200, even though he did not have an active Pennsylvania law license.

14. Respondent did not file a Notice of Engagement pursuant to Pa.R.D.E. 217(j)(5) identifying a supervising attorney and certifying that his activities would be monitored for compliance with the Pa.R.D.E.

15. As part of its routine background investigation relating to the Petition, ODC discovered that Respondent's LinkedIn account for "Andy Blackman Hurwitz," a pseudonym that he reportedly uses as an author of children's books, provided information about Respondent's work at Studio 1200, as follows:

In House Counsel & Senior Vice President Business Affairs. Entertainment Executive with a strong background in digital media, marketing and branding; Entrepreneur credited with successful start-ups (and some failures too); Professor of music business & entrepreneurship; and, Children's Author with over 12 books published through Penguin.

16. Respondent's LinkedIn account further described his duties and responsibilities at Studio 1200 as:

Worked directly under the President in running this international music and marketing firm responsible for all contracts, business affairs, while helping managing artists, projects and media. Directed a team of 30 full time staff members while directing sponsorships// experiential activations at festivals across the world. With 90% of our income tied-into live music and international touring Studio-1200 was a casualty to the COVID-19 crisis. And was dissolved in September of 2020. The Studio is dead. Long live the Studio.

17. On July 12, 2021, Respondent withdrew his Petition to address ODC's questions concerning his compliance with RPC 5.5 and Pa.R.D.E. 217(j).

18. In response to ODC's inquiries concerning his work at Studio 1200 and the related discrepancies between information reported on his Reinstatement Questionnaire and on his LinkedIn account, Respondent stated Studio 1200 was a start-up at which all the founders, including Respondent, "wore many hats . . . [because it] best served [them] to be able to have many titles and job descriptions were limiting – [they] all had many jobs"

19. Respondent provided ODC with sample memoranda of understanding and contracts on which he worked while at Studio 1200.

20. Studio 1200 did not retain outside counsel to negotiate, draft, review, or otherwise advise on its contracts from January 2018 to March 2020.

21. As an administratively suspended, formerly admitted Pennsylvania attorney, Respondent violated Pa.R.D.E. 217(j) and engaged in the unauthorized practice of law in violation of RPC 5.5 in his work at Studio 1200.

22. Respondent attributes his unauthorized practice of law in Pennsylvania to his erroneous belief that his role at Studio 1200 did not actively involve the practice of law.

23. Respondent held himself out to the public as a licensed attorney and as in-house counsel at Studio 1200, thereby engaging in conduct involving misrepresentation in violation of RPC 8.4(c).

24. Respondent took the remedial action of revising his LinkedIn account so it no longer states that he served as in-house counsel at Studio 1200.

30AMP Circuit

25. ODC's background investigation also revealed that Respondent's LinkedIn account for "Andy Blackman Hurwitz" stated: (1) he was a "licensed attorney with 25+ years of experience in media, technology and small business law"; and (2) he has been the "Executive Director & General Counsel for 30AMP Circuit" from January 2019 to the present.

26. In response to Reinstatement Questionnaire No. 7(a), Respondent failed to disclose in the Petition his role at 30AMP Circuit.

27. The 30AMP Circuit website identified Respondent as Founder "Andy Hurwitz, Esq." and described him as "a celebrated attorney known for his career in the entertainment industry, the label he started (ropeadope), and [his] commitment to the City of Philadelphia."

28. In response to ODC's inquiries, Respondent said his LinkedIn account stated he was a licensed attorney due to his "ignorance coupled with

[his] neglect of [his] LinkedIn site which [he] hadn't used in years" and this "go to on-line description of what [he] did" was immediately removed when ODC brought it to his attention.

29. ODC also asked Respondent to explain why he failed to report his role with 30AMP Circuit in response to Reinstatement Questionnaire No. 7(a).

30. Respondent represented he "never included [this non-profit] in his professional history or story . . . until COVID and until [he] needed to redefine [himself]." Respondent further stated he "now want[s] that to be a key factor in evaluating [his] candidacy for any jobs and [he] never meant to deceive the public, or solicit clients, but simply to best position [his] position moving forward."

31. After ODC's inquiries, Respondent took the remedial action of revising his LinkedIn account so it no longer states that he is a "licensed attorney" and that he served as General Counsel at 30 AMP Circuit. Respondent's LinkedIn account now states he is an "Entrepreneur, Educator & Advocate of the Arts" and "Former Attorney with a decade of experience in Entertainment and Arts law."

32. With respect to the 30AMP Circuit website, the site no longer uses "Esq." after Respondent's name. The website states Respondent's

“passion for music and art has guided him on a unique path that led him through years as an entertainment attorney, in-house counsel for an independent record label (Knitting Factory), A&R Director for a major label (Columbia Jazz) and ultimately the formation of his own label **ropeadope** which was a joint-venture with **Atlantic Records**” (emphasis in original).

33. Respondent held himself out to the public as a licensed attorney and as General Counsel at 30AMP Circuit, thereby engaging in conduct involving misrepresentation in violation of RPC 8.4(c).

34. Respondent accepts full responsibility for his disregard of the Pennsylvania licensing requirements, including his failure to take the steps required to seek reinstatement of his Pennsylvania law license prior to returning to work in Pennsylvania in January 2018.

35. Respondent accepts full responsibility for his misrepresentations regarding his roles at Studio 1200 and 30AMP Circuit.

36. Respondent has expressed remorse for his misconduct.

37. By his conduct as alleged in Paragraphs 12 through 33, Respondent violated the following Rules of Professional Conduct and Rules of Disciplinary Enforcement:

- a. RPC 5.5(a), prohibiting a lawyer from practicing law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction;
- b. RPC 5.5(b)(1), prohibiting a lawyer who is not admitted to practice in this jurisdiction from establishing an office or other systematic and continuous presence in this jurisdiction for the practice of law except as authorized by the Rules of Professional Conduct, Pa.B.A.R. 302 or other law;
- c. RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving misrepresentation; and
- d. Pa.R.D.E. 217(j), prohibiting a formerly admitted attorney from engaging in any form of law-related activities in this Commonwealth except in accordance with the requirements set forth within that Rule.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

38. ODC and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a six-month suspension from the practice of law in Pennsylvania.

39. Respondent consents to that discipline being imposed upon him by the Supreme Court of Pennsylvania. Respondent's affidavit required by Pa.R.D.E. 215 stating, *inter alia*, his consent to the recommended discipline is attached as Exhibit A.

40. With this Joint Petition in Support of Discipline on Consent (the "Joint Petition"), the parties respectfully submit that the following mitigating circumstances are present:

- a. Respondent has admitted to engaging in, and has expressed remorse for, his misconduct;
- b. Respondent has cooperated with ODC by entering into this Joint Petition to receive a six-month suspension; and
- c. Respondent has no prior record of discipline.

41. In Pennsylvania, there is no *per se* discipline for a particular type of misconduct; instead, each case is reviewed individually. *Office of Disciplinary Counsel v. Lucarini*, 417 A.2d 186 (Pa. 1983).

42. The imposition of a six-month suspension is consistent with the range of sanctions imposed in similar cases involving the unauthorized practice of law:

- a. In *Office of Disciplinary Counsel v. Goodrich*, No. 102 DB 2019 (S. Ct. Order 7/3/2019), the Court imposed a six-

month suspension on consent to address the respondent's unauthorized practice of law and law-related activity working in Pennsylvania in her role as Senior Vice President and Corporate Secretary for Lincoln Financial Group from January 2017 through May 2018;

- b. In *Office of Disciplinary Counsel v. Collett*, No. 68 DB 2019 (S. Ct. Order 6/7/2019), the Court imposed a six-month suspension on consent to address the respondent's unauthorized practice of law and law-related activity working in Pennsylvania as Corporate Counsel for Victaulic Company from October 2012 through October 2015 and as Counsel for SAP America from October 2015 through December 2017;
- c. In *Office of Disciplinary Counsel v. D'Oyley*, No. 137 DB 2014 (S. Ct. Order 12/30/2014), the Court imposed a six-month suspension on consent to address the respondent's unauthorized practice of law and law-related activity working in Pennsylvania in her roles as Assistant General Counsel and Associate General Counsel for a

pharmaceutical company from May 2009 through April 2014;

- d. In *Office of Disciplinary Counsel v. McCarthy Clark*, No. 132 DB 2016 (S. Ct. Order 11/17/2016), the Court imposed a six-month suspension on consent to address the respondent's unauthorized practice of law in Massachusetts in her roles as in-house counsel at three successive companies over a period of approximately four years. The respondent had never been admitted to practice law in Massachusetts or any other jurisdiction except Pennsylvania, and had elected voluntary inactive status in Pennsylvania for the entire period at issue;
- e. In *Office of Disciplinary Counsel v. Moore*, No. 32 DB 2009 (S. Ct. Order 7/13/2009), the Court imposed a six-month suspension on consent to address the respondent's unauthorized practice of law. The respondent was General Counsel for a Pennsylvania company and he remained in that position for a one-year period during which his license was inactive for failure to comply with CLE requirements. During that one-year period, the respondent answered

legal questions the company had regarding approximately six business contracts while awaiting outside counsel's advice regarding significant legal issues;

- f. In *Office of Disciplinary Counsel v. Muldoon*, 33 DB 2019 (S. Ct. Order 3/22/2019), the Court imposed a six-month suspension on consent to address respondent's unauthorized practice of law and law-related activity in her role as Chief Legal Officer at BDP International, Inc., while on administrative suspension between April 2015 and November 2018;
- g. In *Office of Disciplinary Counsel v. Pellegrino*, No. 130 DB 2017 (S. Ct. Order 10/6/2017), the Court imposed a six-month suspension on consent to address the respondent's unauthorized practice of law and law-related activities in Pennsylvania in her role as Vice President/Senior Counsel for Hartford Funds Management Company, LLC from December 2012 through March 2017;
- h. In the case of *Office of Disciplinary Counsel v. Price*, No. 113 DB 2006 (2006), the Court imposed a six-month suspension on consent for a respondent who continued to

practice law as a sole practitioner without supervision while on inactive status. The respondent, on behalf of several clients, appeared at judicial hearings, filed pleadings, provided legal consultation and advice, and negotiated or transacted matters with opposing counsel and/or third parties;

- i. In *Office of Disciplinary Counsel v. Talbot*, No. 158 DB 2007 (S. Ct. Order 8/22/2008), the Court imposed a six-month suspension on consent to address the respondent's unauthorized practice of law while on voluntary inactive status in Pennsylvania and retired status in New Jersey. For a period of seven months, the respondent worked as an attorney with Stevens & Lee without an active law license. The respondent voluntarily ceased practicing law, agreed to a temporary suspension, and later agreed to a six-month suspension on consent, retroactive to the date of his temporary suspension; and
- j. In *Office of Disciplinary Counsel v. Vassallo*, No. 45 DB 2018 (S. Ct. Order 8/7/2018), the Court imposed a six-month suspension on consent to address respondent's

unauthorized practice of law for a period of two years, during which respondent acted as in-house counsel, title agent and president of his title company.

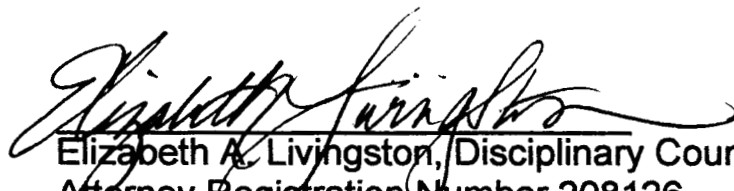
43. In light of the nature of Respondent's misconduct and mitigating factors, ODC and Respondent submit that a six-month suspension on consent is appropriate discipline.

WHEREFORE, ODC and Respondent respectfully request, pursuant to Pennsylvania Rules of Disciplinary Enforcement 215(e) and 215(g), that a three-member panel of the Disciplinary Board review and approve this 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 from the practice of law in Pennsylvania.

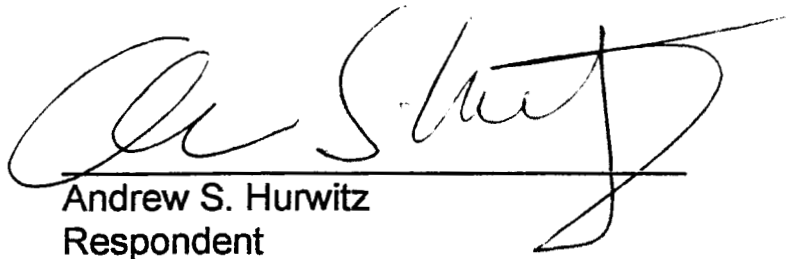
Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL
THOMAS J. FARRELL
Attorney Registration No. 48976
Chief Disciplinary Counsel

12/29/21
DATE


Elizabeth A. Livingston, Disciplinary Counsel
Attorney Registration Number 208126
Office of Disciplinary Counsel, District II Office
820 Adams Avenue, Suite 170
Trooper, PA 19403
(610) 650-8210

12/17/21
DATE



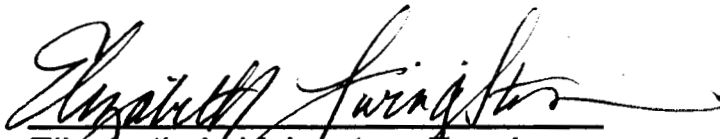
Andrew S. Hurwitz
Respondent
Attorney Registration Number 67136

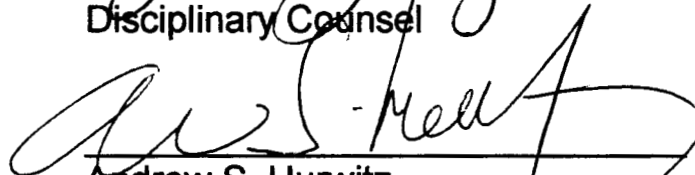
VERIFICATION

The statements contained in the foregoing *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.A. §4904, relating to unsworn falsification to authorities.

12/29/21
DATE

12/11/21
DATE


Elizabeth A. Livingston, Esquire
Disciplinary Counsel


Andrew S. Hurwitz
Respondent
Attorney Registration Number 67136

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. DB 2021
Petitioner :
v. : Attorney Reg. No. 67136
ANDREW S. HURWITZ, :
Respondent : (Montgomery County)

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 Administrative Order of the Disciplinary Board of the Supreme Court of Pennsylvania dated April 7, 2020 (relating to electronic service upon a respondent-attorney).

Via First Class Mail and E-Mail, as follows:

Andrew S. Hurwitz
112 Conway Avenue
Narberth, PA 19072-2202
buzzfacebob@gmail.com and
andyblackmanhurwitz@gmail.com

Dated: 12/29/21

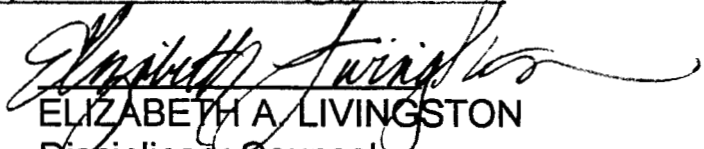

ELIZABETH A. LIVINGSTON
Disciplinary Counsel
Office of Disciplinary Counsel
District II Office
820 Adams Avenue, Suite 170
Trooper, PA 19403
(610) 650-8210

EXHIBIT A

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

OFFICE OF DISCIPLINARY COUNSEL, :	No. DB 2021
Petitioner :	
v. :	Attorney Reg. No. 67136
ANDREW S. HURWITZ, :	
Respondent :	(Montgomery County)

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

ANDREW S. HURWITZ, being duly sworn according to law, deposes and submits this affidavit consenting to the recommendation of a six-month suspension from the practice of law in Pennsylvania in conformity with Pa.R.D.E. 215(d), and further states as follows:

1. He is an attorney admitted to the Bar of the Commonwealth of Pennsylvania on December 9, 1992.
2. He desires to submit a Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d).
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 are presently pending proceedings regarding allegations that he 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) (the "Joint Petition") to which this affidavit is attached.

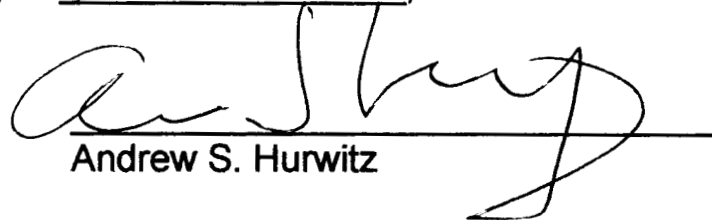
5. He acknowledges that the material facts set forth in the Joint Petition are true.

6. He submits this affidavit because he knows that if charges predicated upon the matter under investigation were filed, or continued to be 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 proceedings. He has not retained counsel in connection with his decision to execute the Joint Petition.

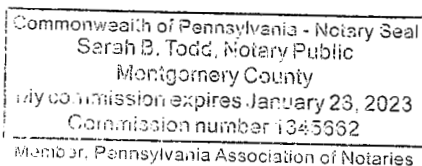
It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904 (relating to unsworn falsification to authorities).

Signed this 17th day of December, 2021.


Andrew S. Hurwitz

Sworn to and subscribed
Before me on this 17th
day of December, 2021


Notary Public SARAH B. TODD.



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

A handwritten signature in blue ink, appearing to read "Elizabeth Livingston", written in a cursive style.

Signature: _____

Dated: December 29, 2021

Name: Elizabeth A. Livingston, Esq.

Attorney No. (if applicable): 208126