

IN THE SUPREME COURT OF PENNSYLVANIA

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| OFFICE OF DISCIPLINARY COUNSEL, | : | No. 3153 Disciplinary Docket No. 3 |
| Petitioner | : | No. 178 DB 2025 |
| v. | : | Attorney Registration No. 81437 |
| BRIAN JOSEPH McCORMICK, JR., | : | (Montgomery County) |
| Respondent | : | |

ORDER

PER CURIAM

AND NOW, this 23rd day of January, 2026, 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 Brian Joseph McCormick, Jr., is suspended on consent from the Bar of this Commonwealth for a period of three years. 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 01/23/2026

Attest: Nicole Traini
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 178 DB 2025
Petitioner :
v. : C1-24-932; C1-25-54; C1-25-68;
: C2-25-232; C1-25-923
: :
: Attorney Reg. No. 81437
BRIAN JOSEPH McCORMICK, JR. :
Respondent : (Philadelphia)

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

Petitioner, the Office of Disciplinary Counsel, by Thomas J. Farrell, Chief Disciplinary Counsel, and Michael D. Gottsch, Disciplinary Counsel, and Respondent, Brian Joseph McCormick, Jr., who is represented by Josh J.T. Byrne, 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. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania 17106, is invested, pursuant to Pennsylvania Rule of Disciplinary Enforcement ("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, Brian Joseph McCormick, Jr. was born in 1969. He was admitted to practice law in the Commonwealth of Pennsylvania on March 19, 1998.

FILED
12/18/2025
The Disciplinary Board of the
Supreme Court of Pennsylvania

3. Respondent maintains an office for the practice of law at 161 Washington Street Suite 401 Conshohocken, Pennsylvania 19428.
4. Respondent is presently on active status.
5. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

SPECIFIC FACTUAL ADMISSIONS

6. At all times relevant to the matters alleged herein, Respondent was a partner in the law firm of Ross Feller Casey LLP.
7. During Respondent's tenure with that firm, Respondent represented clients of the firm who possessed personal injury claims arising from having either used the drug Risperdal or been exposed to the chemical agent commonly known as Roundup.
8. Regarding the Roundup cases, such cases were included in aggregate "mass tort" settlements of a larger number of cases pursuant to which a formula was devised by which a Special Master would determine the amount of settlement proceeds to be paid to each particular client, subject to that client agreeing to accept the formula-determined amount for the client's case.
9. At least nine of Respondent's clients rejected the formula-determined settlement amounts for their cases.

10. After these clients had rejected their formula-determined settlement amounts, Respondent led them to believe that Respondent was attempting to obtain and/or had obtained, modified, higher settlement amounts for them.

11. Respondent communicated such higher amounts to some of them and sent some of them releases to be signed in order to effectuate the purported higher settlements.

12. The clients signed the releases and returned them to Respondent and were awaiting receipt of their settlement amounts.

13. Many, if not all, of these clients communicated to Respondent that they were awaiting receipt of their settlement amounts and requested updates on their matters.

14. Via emails, text messages, and voice messages, over the course of 2023 until at least January 2025, Respondent continued to mislead these clients concerning their matters.

15. Respondent provided false reasons as to why it was taking so long for the clients to receive their settlement amounts, making them believe that the delay was part of the settlement process.

16. Each time, Respondent promised that they would indeed be receiving settlement checks in the near future, often telling them specific dates.

17. In reality, no higher amounts had been determined by the Special Master.

18. The higher amounts Respondent told them they would be receiving were merely false amounts, concocted by Respondent, to placate these clients.

19. By email dated January 14, 2025 to Robert Ross, Joel Feller, and Matt Casey regarding the firm's Roundup cases, Respondent attached the "RFC Wagstaff Status Report."

20. Respondent stated in the email, *inter alia*: "There are 8 cases like [this one] where clients have signed Settlement Agreements; however, no settlement was reached within the settlement program. Meaning there is no money pending anywhere for these cases."

21. On January 14, 2025, Respondent was terminated from Ross Feller Casey LLP.

22. None of the purported settlement amounts Respondent had promised these clients were ever received by Respondent or placed into Respondent's firm's IOLTA account.

23. The purported settlement amounts that Respondent had led these clients to believe they would be receiving were never paid to such clients.

24. In fact, Respondent did not settle any of the roundup cases on behalf of the nine clients who rejected the formula determined settlement amount.

25. Regarding the Risperdal cases, Respondent followed the same pattern of providing the clients with false settlement amounts and releases for some of the clients to sign, which the clients signed and returned to Respondent.

26. Regarding the Risperdal cases, each client's case was treated separately and subject to individual negotiation of any settlement.

27. Respondent represented at least seven individuals as plaintiffs in litigation regarding Risperdal.

28. As with the Roundup clients, via emails, text messages, and voice messages, over the course of 2023 until at least April 2025, Respondent continued to mislead the Risperdal clients concerning their matters, providing false information via text messages, and voice messages from 2023 into 2025, providing false information as to why it was taking so long for the clients to receive their settlement amounts.

29. Respondent promised the Risperdal clients that they would indeed be receiving settlement checks in the near future, often telling them specific dates, and in at least one instance telling the client to come to Respondent's office on a specific date to pick up his settlement check, knowing that no settlement check existed

30. The amounts Respondent told them they would receive were merely false amounts, concocted by Respondent, to placate these clients.

31. None of the purported settlement amounts Respondent had promised these clients were ever received by Respondent or placed into Respondent's firm's IOLTA account.

32. The purported settlement amounts that Respondent had led these clients to believe they would receive were never paid to such clients.

33. In fact, Respondent did not settle any of Respondent's above-named clients' Risperdal cases.

34. In addition to Respondent's ongoing deception of the clients, in an attempt to help secure a litigation loan for a client, at the client's request, Respondent made misleading statements to litigation lenders Uplift Legal Funding and High Rise Financial, telling them that he expected settlements for these clients in the future.

35. After Ross Feller Casey LLP had terminated Respondent, the firm

undertook to assure that the clients' interests were protected and that the clients did not suffer any financial harm.

36. Respondent did not receive undue pecuniary gain to the detriment of his clients as a result of his conduct.

SPECIFIC RULE VIOLATIONS

37. By his conduct, as set forth in paragraphs 6 through 34, *supra*, Respondent admits that he violated the following Rules of Professional Conduct:

- a. RPC 1.3, which states that a lawyer shall act with reasonable diligence and promptness in representing a client;
- b. RPC 1.4(a)(3), which states that a lawyer shall keep the client reasonably informed about the status of the matter;
- c. RPC 1.4(a)(4), which states that a lawyer shall promptly comply with reasonable requests for information;
- d. RPC 4.1(a), which states that in the course of representing a client a lawyer shall not knowingly make a false statement of material fact or law to a third person;
- e. RPC 8.4(a), which states that it is professional misconduct for a lawyer to violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; and
- f. RPC 8.4(c), which states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation, except that a lawyer may advise, direct, or

supervise others, including clients, law enforcement officers, and investigators, who participate in lawful investigative activities.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

38. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a three-year suspension. By way of mitigation, Respondent:

- a. accepts full responsibility for his misconduct and is remorseful;
- b. has cooperated with Disciplinary Counsel in jointly agreeing to discipline on consent;
- c. fully recognizes the wrongful nature of his conduct, understands that discipline is necessary and appropriate, and is willing to accept discipline in the form of a three-year suspension;
- d. has no history of discipline in 27 years of law practice; and
- e. did not receive undue pecuniary gain to the detriment of his clients as a result of his conduct.

39. Respondent also states the following circumstances that he requests be considered in connection with this Petition:

- a. Respondent has been actively participating in psychological therapy since May 2024. Respondent began treating with a psychologist in Philadelphia in May 2024.
- b. In January 2025, Respondent contacted the confidential helpline of Lawyers Concerned for Lawyers of Pennsylvania ("LCL").
- c. In January 2025, Respondent switched providers and began seeing

a psychologist with Equilibria Psychological & Consultation Services, a medical practice recommended by LCL. Respondent has been seeing that psychologist consistently since January 2025 and his therapy and care continues today.

d. Respondent has a long record of public service that includes: (i) service on the Philadelphia Mayor's Advisory Task Force on Ethics and Campaign Finance; (ii) service on the Philadelphia Board of Ethics for more than 12 years, including two years as the Board's Vice-Chair; (iii) twelve years' service as a Board member of the Committee of Seventy; (iv) service to the Community Partnership School in North Philadelphia; and (v) more than 10 years' service to the CYO organization of St. Genevieve Church in Flourtown, Pa., including more than 4 years as President of the organization

40. The parties believe, and therefore aver, that their recommendation for a three-year suspension is consistent with other comparable cases:

a. *Office of Disciplinary Counsel v. Peter Richard Henninger, Jr.*, No. 43 DB 2021 (S. Ct. Order 9/7/2021). The respondent was suspended for two years based on a joint petition for discipline on consent. In a single client matter, the respondent failed to do any work on the case, failed to respond to court notices, and allowed the client's civil case to be dismissed with prejudice. He then lied to ODC and to the client, falsifying a settlement that he funded with his own money placed into his firm's IOLTA account. He concealed the fraudulent nature of the "settlement," leading the client

and ODC to believe, based on fabricated paperwork, there was an actual settlement. The joint petition in *Henninger* discusses other cases, notably *In re Anonymous*, No. 126 DB 90 (William D. Anthony), 22 Pa. D&C 4TH 163 (1994), where the respondent was suspended for two years when, in two client matters, he fabricated settlements funded with personal money deposited to an IOLTA account, fabricated the occurrence of an arbitration, and created fictitious legal documents (a court subpoena, two court orders, a deed, a letter, a check, and a release) which he presented to two clients as official documents. He also made misrepresentations to the clients about their cases); and *Office of Disciplinary Counsel v. Susan Bell Bolno*, No. 162 DB 2000 (D.Bd. Rpt. 12/16/2002) (S. Ct. Order 3/7/2003), where the respondent was suspended for two years for misconduct in four client matters for lying to clients and third parties and fabricating letters to conceal her misconduct.

b. *Office of Disciplinary Counsel v. Edward Harrington Heyburn*, No. 58 DB 2020 (D.Bd. Rpt. 4/28/2021) (S.Ct. Order 6/22/2021). The respondent was licensed in New Jersey and had been censured three times in New Jersey. The respondent was also licensed in Pennsylvania but on inactive status. He permitted co-counsel in a pending Pennsylvania matter to file an IOLTA form and two motions for admission pro hac vice in a Pennsylvania Common Pleas court which, in addition to being the incorrect form, contained false and/or incomplete information. He failed to disclose his New Jersey disciplinary history or his Pennsylvania admission. The respondent even had the opportunity to correct the filing as his initial *pro hac* filing had been rejected for using outdated forms. Ultimately, after

initially failing to cooperate, the respondent admitted his misconduct. The Supreme Court suspended the respondent for three years.

c. In *Office of Disciplinary Counsel v. Keith Michael McWhirk*, No. 28 DB 2016 (S.Ct. Order 7/31/2020) (D.Bd. Recommendation approving Joint Petition for Discipline on Consent 7/9/2020), the respondent, with no prior discipline in more than 16 years of law practice, was suspended for four years on consent (after having agreed to interim suspension) for misconduct in eleven client matters in which he violated RPCs 1.1, 1.2(a), 1.3, 1.4(a)(2), (3), and (4), 1.4(b), 1.15(h), 4.1(a), and 8.4(c). Over the course of several years, the respondent intentionally and repeatedly misrepresented facts and the status of matters to the clients. In seven of the matters, the respondent told the clients that he had filed complaints, motions, or responsive pleadings when he had not. In four of the matters, the respondent misrepresented the status of the matters, purporting to have filed complaints, petitions, or other filings when in fact he had not. In those four matters he paid significant amounts of his personal funds to the clients (totaling \$534,500) which he misrepresented as settlement funds or awards or proceeds from the clients' cases. In one case, the respondent created a fictitious court order that he provided to the client and placed in his firm's file. In another matter he created a fictitious sheriff's distribution sheet which he provided to the firm and the client. In a third matter, he provided the firm a fabricated letter and deposit slip to hide the fact that he had paid his personal funds to the client. See also *Office of Disciplinary Counsel v.*

James P. Miller, 52 DB 2022 (D. Bd. Rpt. 9/7/2023) (Sup. Ct. Order 11/20/2023) (Suspension of four years for serial neglect in nine client matters in violation of RPCs 1.1, 1.3, 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 1.16(d), 8.4(d) and Pa.R.D.E. 302(b)(7).

Respondent Miller, like Respondent here, had no history of discipline, but engaged in pronounced neglect in multiple client matters.); ***Office of Disciplinary Counsel v. Allan K. Marshall***, No. 136 DB 2019 (D.Bd. Rpt. 10/16/2020) (S.Ct. Order 2/12/2021) (Suspension of 30 months for, inter alia, a pattern of misconduct in multiple client matters in violation of RPCs 1.3, 1.4(a)(3), 1.4(a)(4), 1.4(b), 3.3(a)(1), and 8.4(c)).

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 three-year suspension.

Respectfully submitted,
OFFICE OF DISCIPLINARY COUNSEL

THOMAS J. FARRELL
Chief Disciplinary Counsel

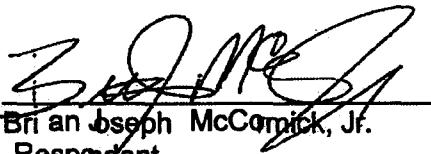
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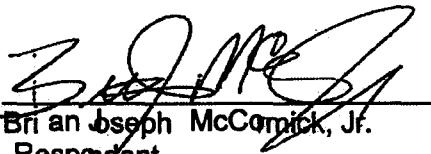
DATE

Michael D. Gottsch
Disciplinary Counsel


Michael D. Gottsch
Disciplinary Counsel

12/17/2025

DATE


Brian Joseph McCormick, Jr.
Respondent



Josh J.T. Byrne
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
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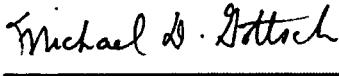
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: Attorney Reg. No. 81437
BRIAN JOSEPH McCORMICK, JR. :
Respondent : (Philadelphia)

VERIFICATION

The statements contained in the foregoing Joint Petition In Support of Discipline on Consent Under Pa.R.D.E. 215(d) 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.

12/18/2025

DATE



Michael D. Gottsch
Disciplinary Counsel

12/17/25



Brian Joseph McCormick, Jr.

Respondent

12/17/2025

DATE



Josh J.T. Byrne
Counsel for Respondent

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: Attorney Reg. No. 81437
BRIAN JOSEPH McCORMICK, JR. :
Respondent : (Philadelphia)

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

Brian Joseph McCormick, Jr., being duly sworn according to law, deposes and hereby submits this affidavit consenting to the joint recommendation of a 3-year suspension in conformity with Rule 214(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 March 19, 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 an investigation 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.

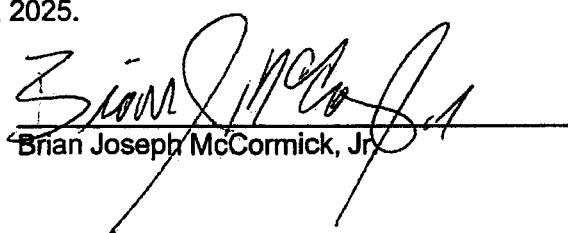
6. He submits the within affidavit because he knows that if charges predicated upon the matter under investigation were filed in the pending proceeding he could not successfully defend against them.

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, consulted and acted upon the advice of 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.A. §4904 (relating to unsworn falsification to authorities).

Signed this 17 day of December, 2025.

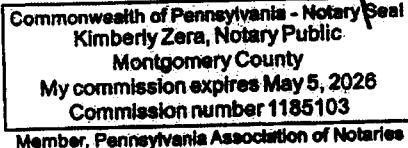
Commonwealth of Pennsylvania
County of Montgomery



Brian Joseph McCormick, Jr.

Sworn to and subscribed
before me this 17 day
of Dec, 2025.


Notary Public



BEFORE THE DISCIPLINARY BOARD OF THE
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: C2-25-232; C1-25-923
: :
: Attorney Reg. No. 81437
BRIAN JOSEPH McCORMICK, JR. :
Respondent : (Philadelphia)

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:

Josh J.T. Byrne, Esquire
Marshall Dennehey
2000 Market Street, Suite 2300
Philadelphia, PA 19103

jtbyrne@mdwcg.com

Dated: 12/18/2025

Michael D. Gottsch

Michael D. Gottsch,
Disciplinary Counsel
Attorney Registration No. 39421
Office of Disciplinary Counsel
1601 Market Street, Suite 3320
Philadelphia, PA 19103
(215) 560-6296

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: Michael D. Gottsch

Name: Michael D. Gottsch, Disciplinary Counsel

Attorney No. (if applicable): 39421