

IN THE SUPREME COURT OF PENNSYLVANIA


OFFICE OF DISCIPLINARY COUNSEL,	:	No. 1178 Disciplinary Docket No. 3 -
Petitioner	:	Supreme Court
	:	
	:	No. 26 DB 2006 – Disciplinary Board
v.	:	
	:	Attorney Registration No. 55789
EDWARD C. MEEHAN, JR.,	:	
Respondent	:	(Philadelphia)

ORDER

PER CURIAM:

AND NOW, this 18<sup>th</sup> day of September, 2006, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated June 27, 2006, the Joint Petition in Support of Discipline on Consent is hereby granted pursuant to Rule 215(g), Pa.R.D.E., and it is

ORDERED that Edward C. Meehan, Jr., be subjected to public censure by the Supreme Court.

A True Copy John A. Vaskov  
As of: September 18, 2006  
Attest:   
Deputy Prothonotary  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL : No. 26 DB 2006  
Petitioner :  
v. : Attorney Registration No. 55789  
EDWARD C. MEEHAN, JR. :  
Respondent : (Philadelphia)


RECOMMENDATION OF THREE-MEMBER PANEL  
OF THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

The Three-Member Panel of the Disciplinary Board of the Supreme Court of Pennsylvania, consisting of Board Members Robert C. Saidis, Donald E. Wright, Jr., and Sal Cognetti, Jr., has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on May 30, 2006.

The Panel approves the Joint Petition consenting to a Public Censure and recommends to the Supreme Court of Pennsylvania that the attached Petition be Granted.

The Panel further recommends that any necessary expenses incurred in the investigation and prosecution of this matter shall be paid by the respondent-attorney as a condition to the grant of the Petition.

Sal Cognetti Jr was UNAVAILABLE AND DID NOT PARTICIPATE  
IN THIS RECOMMENDATION.

  
Robert C. Saidis, Panel Chair  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

Date: June 27, 2006

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :  
Petitioner :  
: :  
: No. 26 DB 2006  
v. :  
: Atty. Reg. No. 55789  
EDWARD C. MEEHAN, JR., :  
Respondent: (Philadelphia)

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

Petitioner, Office of Disciplinary Counsel ("ODC"), by Paul J. Killion, Chief Disciplinary Counsel, and Harriet R. Brumberg, Disciplinary Counsel, and by Respondent, Edward C. Meehan, Jr., and Samuel C. Stretton, Esquire, Respondent's counsel, file this Joint Petition In Support of Discipline on Consent under Pennsylvania Rule of Disciplinary Enforcement (Pa.R.D.E.) 215(d), and respectfully represent that:

I. BACKGROUND

1. Petitioner, whose principal office is situated at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania, is invested, pursuant to Pa.R.D.E. 207, with the power and duty to investigate all matters involving alleged misconduct of any attorney admitted to practice law

**FILED**

MAY 30 2006

Office of the Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.

2. Respondent, Edward C. Meehan, Jr., was born on May 17, 1962, and was admitted to practice law in the Commonwealth on November 9, 1989.

3. Respondent's attorney registration address is 1420 Walnut Street, Suite 911, Philadelphia, PA 19102.

4. 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.

## II. PROCEDURAL HISTORY

5. On January 18, 2005, ODC served Respondent with a DB-7 Request for Statement of Respondent's Position with respect to a complaint of professional misconduct received from Devon Bell.

6. Respondent did not answer the DB-7 Request.

7. On March 7, 2005, ODC served Respondent with a DB-7 Request for Statement of Respondent's Position with respect to a complaint of professional misconduct received from Chad Johnson.

8. Respondent did not file an answer to the DB-7 Request at that time.

9. On February 15, 2006, ODC filed a Petition for Discipline against Respondent containing allegations of professional misconduct in the Devon Bell and Chad Johnson matters.

10. On March 1, 2006, ODC hand-delivered the Petition for Discipline to Respondent.

11. Respondent did not file an Answer to the Petition for Discipline and, as a result, all the factual allegations contained therein are deemed admitted.

12. On April 18, 2006, Respondent attempted to file an Answer to the Petition for Discipline.

13. By letter to Respondent dated April 20, 2006, the Disciplinary Board declined to accept Respondent's Answer for filing since it was not filed in accordance with D.Bd.Rule §93.52(b).

14. A prehearing conference, which Respondent attended, was held on April 24, 2006; Respondent's disciplinary hearing is scheduled for June 7, 2006.

**III. FACTUAL ADMISSIONS AND  
VIOLATIONS OF RULES OF PROFESSIONAL CONDUCT**

15. Respondent specifically admits to the truth of the factual allegations and conclusions of law contained in paragraphs 1 through 45.

**Charge I: Devon Bell**

16. Respondent was retained to represent Devon Bell on charges of first degree murder, aggravated assault, criminal conspiracy, and possession of an instrument of crime in a case captioned *Commonwealth v. Devon Bell*, No. 0287, July Term, 1999 (C.C.P. Philadelphia County).

17. On August 10, 2001, the Honorable James Lineberger found Mr. Bell guilty of all charges.

18. On December 10, 2001, Judge Lineberger sentenced Mr. Bell to a total of not less than ten years and no more than twenty years' imprisonment on the aggravated assault and weapons convictions, to run consecutive to Mr. Bell's sentence of life imprisonment.

19. During Mr. Bell's sentencing hearing, Mr. Bell informed Respondent, in open court, that Mr. Bell would like to appeal his conviction.

20. Respondent advised Judge Lineberger that even if Mr. Bell's family did not retain Respondent for the

appeal, "I [Respondent] certainly will file the Notice of Appeal for him [Mr. Bell] so as to preserve - excuse me - his right to appeal to the Superior Court."

21. Respondent failed to file the Notice of Appeal within thirty days from the judgment of sentence, thereby causing Mr. Bell to lose his direct appeal rights.

22. On March 5, 2002, Mr. Bell filed a Motion for Post Conviction Collateral Relief.

23. On August 8, 2002, the court appointed Lee Mandell, Esquire, to represent Mr. Bell.

24. On August 28, 2002, Mr. Mandell filed an amended PCRA petition on behalf of Mr. Bell.

25. On March 20, 2003, the court granted Mr. Bell the right to appeal *nunc pro tunc*.

26. On April 16, 2003, Mr. Bell filed a Notice of Appeal, *nunc pro tunc*, with the Superior Court.

27. By his conduct, Respondent 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 1.16(d), which states that upon termination of representation, a lawyer shall take steps to the extent reasonably

practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee that has not been earned. The lawyer may retain papers relating to the client to the extent permitted by other law; and

- c. RPC 8.4(d), which states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

**CHARGE II: Chad Johnson**

28. Respondent represented Chad Johnson on aggravated assault and related charges before the Honorable Pamela Dembe in a case captioned *Commonwealth v. Chad Johnson*, No. 0372, July Term, 2003 (C.C.P. Philadelphia County).

29. On January 9, 2004, Judge Dembe found Mr. Johnson guilty of aggravated assault as a felony of the first degree, witness intimidation, possession of an instrument of crime, and terroristic threats.



30. At the conclusion of trial, Mr. Johnson requested that Respondent file an appeal.

31. By letter dated February 1, 2004, from Respondent to Mr. Johnson, Respondent wrote:

- a. confirming that Mr. Johnson was found guilty of aggravated assault charges;
- b. advising Mr. Johnson that Respondent would visit him at the House of Corrections before sentencing to discuss any possible issues for appeal; and
- c. requesting that Mr. Johnson call Respondent if he had any questions.

32. Respondent failed to visit Mr. Johnson at the House of Corrections to discuss possible issues for appeal, as promised.

33. On February 25, Judge Dembe sentenced Mr. Johnson to not less than three nor more than six years' imprisonment on the aggravated assault charge, a consecutive sentence of not less than two nor more than six years' imprisonment on the witness intimidation charge, and a consecutive sentence of one to three years' imprisonment on the possession of an instrument of crime charge; the District Attorney *nolle prossed* the remaining charges.

34. At the conclusion of sentencing, Mr. Johnson requested that Respondent file an appeal on his behalf.

35. Respondent failed to file a Notice of Appeal on behalf of Mr. Johnson, thereby causing Mr. Johnson to lose his direct appeal rights.

36. Respondent failed to timely advise Mr. Johnson that he had failed to file a Notice of Appeal on Mr. Johnson's behalf.

37. By letter dated October 13, 2004, from Mr. Johnson to Respondent, Mr. Johnson wrote:

- d. complaining about the lack of communication from Respondent;
- e. expressing interest in the issues Respondent would raise on appeal;
- f. requesting copies of the Rule 1925(b) statement, appellate briefs, and trial transcript;
- g. advising Respondent that sentencing issues pertaining to the recent decision of *Blakely v. Washington* should be preserved by presenting it on direct appeal; and
- h. stating that Mr. Johnson was looking forward to hearing from Respondent in the immediate future.

38. Respondent received Mr. Johnson's letter.

39. By his conduct, Respondent 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), which states that a lawyer shall keep a client informed about the status of a matter and promptly comply with reasonable requests for information;
- c. RPC 1.4(b), which states that a lawyer shall explain a matter to the extent necessary to permit the client to make informed decisions regarding the representation; and
- d. RPC 1.16(d), which states that upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee

that has not been earned. The lawyer may retain papers relating to the client to the extent permitted by other law.

#### IV. JOINT RECOMMENDATION FOR DISCIPLINE

40. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a Public Censure.

41. Respondent hereby consents to the discipline being imposed by the Supreme Court of Pennsylvania. Attached to this Petition is Respondent's executed Affidavit required by Pa.R.D.E. 215(d), stating that he consents to the recommended discipline and the mandatory acknowledgements contained in Pa.R.D.E. 215(d)(1) through (4).

42. Petitioner and Respondent respectfully submit that there are the following aggravating circumstances:

- a. Respondent did not cooperate with the investigation of Office of Disciplinary Counsel (hereinafter "ODC") and did not file answers to the DB-7 Requests; and
- b. Respondent has received prior discipline for engaging in misconduct identical to his misconduct in the Bell and Johnson matters. In C1-99-585, Respondent failed to file a

timely appellate brief on behalf of a criminal defendant. In C1-99-43, Respondent failed to file a timely Notice of Appeal on behalf of a criminal defendant. For this misconduct, on May 25, 2000, Respondent received an Informal Admonition with the condition that he complete a one hour course on office management. In C1-02-909, Respondent failed to promptly advise his client that his PCRA petition was dismissed as frivolous or file a timely appeal from the dismissal of the PCRA petition. On February 11, 2004, Respondent received a Private Reprimand for this misconduct.

43. Respondent submits that a mitigating factor is that he has hired additional office support to assist him with his caseload.

44. Where an attorney has not engaged in any misrepresentation, discipline in neglect cases ranges from a non-summary private reprimand to a suspension of one year and one day. Generally, the amount of discipline increases with the number of matters neglected and the extent of prior discipline. See, e.g., *Office of Disciplinary*

*Counsel v. Anonymous Attorney*, 89 DB 90, 16 Pa. D.&C.4<sup>th</sup> 419 (1991) (Disciplinary Board directed a non-summary private reprimand where attorney failed to timely file appellate briefs in two matters and a petition for allocatur in the third matter); *ODC v. Neil Jokelson*, Nos. 58 DB 1998 and 102 DB 1998, D.Bd. Rpt. 12/22/2000 (S.Ct. Order 2/26/2001) (attorney who neglected two client matters and had a history of private discipline for similar types of neglect received a public censure and probation with a practice monitor); *Office of Disciplinary Counsel v. Michael S. Geisler*, 532 Pa. 56, 614 A.2d 1134 (1992) (Supreme Court suspended for six months a young attorney who faced 21 counts of lack of diligence and failure to communicate); *Office of Disciplinary Counsel v. Michael G. Bowen*, 10 DB 2003, D.Bd. Rpt. 7/29/04 (S.Ct. Order 7/29/04) (attorney who neglected six client cases and had a history of private discipline for similar misconduct was suspended from the practice of law for one year and one day).

45. A public censure is within the range of discipline imposed on attorneys who have engaged in misconduct similar to Respondent's misconduct. Precedent supports the imposition of a public censure where the

respondent-attorney has neglected two appellate matters and has a record of private discipline.

WHEREFORE, Petitioner and Respondent respectfully request that:

a. Pursuant to Pa.R.D.E. 215(e) and 215(g), the three-member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and file its recommendation with the Supreme Court of Pennsylvania recommending that the Supreme Court enter an Order:

1. that Respondent receive a Public Censure; and
2. directing Respondent to comply with all provisions of Pa.R.D.E. 217.

b. Pursuant to Pa.R.D.E. 215(i), the three-member panel of the Disciplinary Board enter an order for Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter as a condition to the grant of the Petition, and that all expenses be paid by Respondent before the

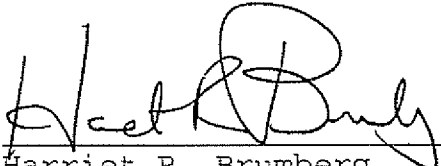
imposition of discipline under Pa.R.D.E.  
215(g).

Respectfully and jointly submitted,

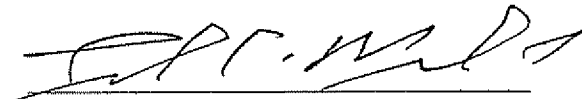
OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION  
CHIEF DISCIPLINARY COUNSEL

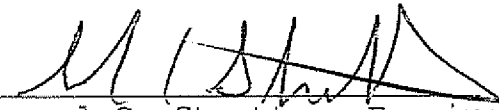
5/11/06  
Date

By   
Harriet R. Brumberg  
Disciplinary Counsel

5/22/04  
Date

By   
Edward C. Meehan, Jr.  
Respondent

5/15/06  
Date

By   
Samuel C. Stretton, Esquire  
Counsel for Respondent



BEFORE THE DISCIPLINARY BOARD OF THE  
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OFFICE OF DISCIPLINARY COUNSEL, :  
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: :  
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v. :  
: Atty. Reg. No. 55789  
EDWARD C. MEEHAN, JR., :  
Respondent : (Philadelphia)

ORDER

PER CURIAM:

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_,  
2006, upon consideration of the Recommendation of the  
Three-Member Panel of the Disciplinary Board dated  
\_\_\_\_\_, 2006, the Joint Petition in Support of  
Discipline on Consent is hereby granted in accordance with  
Rule 215(g), Pa.R.D.E. and it is hereby

ORDERED that Edward C. Meehan, Jr., receive a Public  
Censure.

BEFORE THE DISCIPLINARY BOARD OF THE  
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Petitioner :  
: :  
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v. :  
: Atty. Reg. No. 55789  
EDWARD C. MEEHAN, 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 our  
knowledge, information and belief and are made subject to  
the penalties of 18 Pa.C.S. §4904, relating to unsworn  
falsification to authorities.

5/11/06

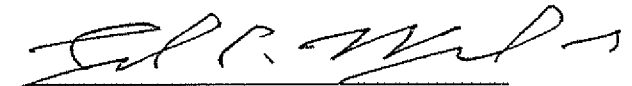
Date



Harriet R. Brumberg  
Disciplinary Counsel

5/22/06

Date



Edward C. Meehan, Jr.  
Respondent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Samuel C. Stretton  
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :  
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: Atty. Reg. No. 55789  
EDWARD C. MEEHAN, JR., :  
Respondent: (Philadelphia)

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Petition In Support Of Discipline On Consent Under  
Pa.R.D.E. 215(d) are true and correct to the best of our  
knowledge, information and belief and are made subject to  
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5/11/06

Date


Date

5/23/06

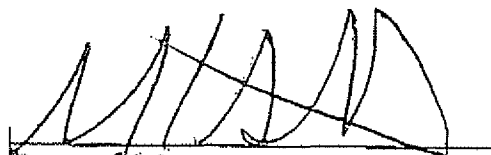
Date



Harriet R. Brumberg  
Disciplinary Counsel



Edward C. Meehan, Jr.  
Respondent



Samuel C. Stretton  
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,       :  
  Petitioner       :  
  :  
  : No. 26 DB 2006  
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  : v.   :  
  :   :  
  : Atty. Reg. No. 55789  
EDWARD C. MEEHAN, JR.,                   :  
  :  
  : Respondent       : (Philadelphia)

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

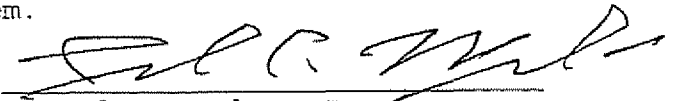
Respondent, Edward C. Meehan, Jr., hereby states that he consents to the imposition of a Public Censure, and further states that:

1. His consent is freely and voluntarily rendered; he is not being subjected to coercion or duress; he is fully aware of the implications of submitting the consent; and he has consulted with counsel in connection with the decision to consent to discipline;

2. He is aware that there is presently pending a proceeding involving allegations that he has been guilty of misconduct as set forth in the Joint Petition;

3. He acknowledges that the material facts set forth in the Joint Petition are true; and


4. He knows that if the charges pending against him are continued to be prosecuted in the pending proceeding, he could not successfully defend against them.

  
Edward C. Meehan, Jr.

Sworn to and subscribed

before me this 22

day of MAY, 2006.

  
\_\_\_\_\_  
Notary Public

