

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

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 30 DB 2018
Petitioner	:	
	:	File No. C1-17-381
v.	:	
	:	Attorney Registration No. 83366
JOSEPH VACCARO	:	
Respondent	:	(Montgomery County)

ORDER

AND NOW, this 15<sup>th</sup> day of March, 2018, in accordance with Rule 208(a)(5), Pa.R.D.E., the determination by a Review Panel of the Disciplinary Board of the above captioned matter is accepted; and it is

ORDERED that the said JOSEPH VACCARO be subjected to a **PUBLIC REPRIMAND** by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(a)(5) and Rule 205(c)(8) of the Pennsylvania Rules of Disciplinary Enforcement.

Costs shall be paid by the Respondent.

BY THE BOARD:



Board Chair

TRUE COPY FROM RECORD

Attest:



Marcee D. Sloan, Prothonotary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

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	:	Attorney Registration No. 83366
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Respondent	:	(Montgomery County)

**PUBLIC REPRIMAND**

Joseph Vaccaro, you stand before the Disciplinary Board, your professional peers and members of the public for the imposition of a Public Reprimand. It is an unpleasant task to publicly reprimand one who has been granted the privilege of membership in the bar of this Commonwealth. Yet as repugnant as this task may be, it has been deemed necessary that you receive this public discipline.

Mr. Vaccaro, the record indicates that you are being reprimanded today for your misconduct in one matter, as well as your failure to respond to Office of Disciplinary Counsel. In September 2016, you were retained by Hayde Aquino to represent her minor son in a juvenile delinquency matter in the Court of Common Pleas of Philadelphia County. Both Ms. Aquino and her son are from Honduras, speak Spanish as their first language, and do not fluently speak or understand the English language. You presented Ms. Aquino with a fee agreement; however, you failed to advise Ms. Aquino in writing that you do not maintain legal malpractice insurance.

During this time, the minor was also involved in an immigration matter in which he was represented by Stephanie Lubert, Esquire, of the Hebrew Immigrant Aid Society (“HIAS”), a non-profit legal service agency, which is not permitted to represent clients in non-immigration matters. On September 6, 2016, at the time that you met with Ms.

Aquino regarding the representation, she signed an authorization permitting the release of the minor's medical records in regard to the immigration matter. By letter dated September 8, 2016, you informed Ms. Lubert that you had been retained to represent the minor in his juvenile delinquency matter, requested that Ms. Lubert forward a complete copy of the minor's file in order to assist in your representation, and enclosed a copy of the authorization to release the minor's medical records. Although Ms. Lubert contacted you regarding your requests, you failed to return her telephone call.

On February 2, 2017, after a delinquency hearing the minor was detained and sent to a juvenile correctional facility. As a result of his detention, the minor missed a counseling session with La Puerta Abierta, a non-profit organization providing pro bono mental health support to immigrants. By email dated February 7, 2017, Ms. Lubert contacted you regarding the minor's detention, as she had numerous questions. You received the email but did not respond.

On February 16, 2017, Ms. Lubert telephoned you, at which time you refused to disclose the minor location until Ms. Lubert has forwarded the information that you had requested in your September 8, 2018 letter. By email following the telephone call, Ms. Lubert forwarded to you copies of documents from her file on the minor, and informed you that since September 2016, the minor had been receiving counseling services.

On February 21, 2017, a hearing was held before the Honorable Lori A. Dumas in regard to the minor's delinquency matter. Ms. Lubert attended the hearing, during which Judge Dumas stated that she was unaware that the minor was represented by HIAS and that he was receiving counseling services. Judge Dumas also stated that you had never mentioned anything to the court about those facts. In response, you stated to Judge Dumas that prior to the hearing, you had no notice that the minor was represented by HIAS and was receiving counseling services. These statements were

misrepresentations in that since September 2016, you were aware of HIAS's representation of the minor, and since February 16, 2017, you were aware of the fact that the minor was receiving counseling.

At the conclusion of the hearing, Judge Dumas instructed you to file a motion in order for the minor to be transferred from detention for an immigration hearing. Thereafter, you met Ms. Lubert outside of the courtroom and requested that she draft the motion, even though you were aware that Ms. Lubert did not practice law outside of immigration matters.

On or about February 23, 2017, Ms. Aquino terminated your representation.

You failed to respond to Office of Disciplinary Counsel's DB-7 letter requesting your position on this matter.

As a result of your conduct, you have violated the following Rule of Professional Conduct ("RPC") and Pennsylvania Rules of Disciplinary Enforcement ("Pa.R.D.E."):

1. RPC 1.1 – A lawyer shall provide competent representation to a client.
2. RPC 1.3 – A lawyer shall act with reasonable diligence and promptness in representing a client.
3. RPC 1.4(c) – A lawyer in private practice shall inform a new client in writing if the lawyer does not have professional liability insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate per year, subject to commercially reasonable deductibles, retention or co-insurance, and shall inform existing clients in writing at any time the lawyer's professional liability insurance drops below either of those amounts or the lawyer's professional liability insurance is terminated. A lawyer shall maintain a record of these disclosures for six years after the termination of the representation of a 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 lawyers.
5. RPC 8.4(c) - It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.
6. RPC 8.4(d) – It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.
7. Pa.R.D.E. 203(b)(7) – Failure by a respondent-attorney without good cause to respond to Disciplinary Counsel’s request or supplemental request under Disciplinary Board Rules, §87.7(b) for a statement of the respondent-attorney’s position, shall be grounds for discipline.


It is my duty to reprimand you for your misconduct. We note that you have practiced law since 1999 and have no prior discipline. Please be aware that any subsequent violations on your part can only result in further discipline and perhaps more severe sanctions. We sincerely hope that you will conduct yourself in such a manner that future disciplinary action will be unnecessary.

Mr. Vaccaro, your conduct in this matter is now fully public. This Public Reprimand is a matter of public record.

As you stand before the Board today, we remind you that you have a continuing obligation to abide by the Rules of Professional Conduct and Rules of Disciplinary Enforcement. This Public Reprimand is proof that Pennsylvania lawyers will not be permitted to engage in conduct that falls below professional standards. Be mindful that any future dereliction will subject you to disciplinary action.

This Public Reprimand shall be posted on the Disciplinary Board’s website at

[www.padisciplinaryboard.org](http://www.padisciplinaryboard.org)



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Designated Member  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania, at Philadelphia, Pennsylvania, on July 17, 2018.

**ACKNOWLEDGMENT**

The undersigned, Respondent in the above proceeding, herewith acknowledges that the above Public Reprimand was administered in his presence and in the presence of the designated panel of The Disciplinary Board at the Board offices located at the 1601 Market Street, Suite 3320, Philadelphia, Pennsylvania, on July 17, 2018.



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Joseph Vaccaro