

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2785 Disciplinary Docket No. 3
	:	
Petitioner	:	No. 34 DB 2021
	:	
v.	:	Attorney Registration No. 37162
	:	
WILLIAM M. CONNOR,	:	(Philadelphia)
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 19th day of April, 2022, a Rule having been entered by this Court pursuant to Pa.R.D.E. 208(h), directing Respondent to show cause why the stayed suspension order of this Court should not be modified as set forth by the Designated Board Member, and no response having been filed, the Rule is made absolute, and the probation order for William M. Connor will remain in effect until April 27, 2023.

Respondent shall pay the additional expenses incurred as a result of the probation violation proceedings. See Pa.R.D.E. 208(g).

A True Copy Nicole Traini
As Of 04/19/2022

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2785 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 34 DB 2021
v.	:	
	:	Attorney Registration No. 37162
WILLIAM M. CONNOR,	:	
Respondent	:	(Philadelphia)

THE REPORT AND RECOMMENDATION OF
DESIGNATED MEMBER OF
THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES
OF THE SUPREME COURT OF PENNSYLVANIA:

Pursuant to Rule 208(h)(1) of the Pennsylvania Rules of Disciplinary Enforcement, this designated member of the Disciplinary Board of the Supreme Court of Pennsylvania herewith submits a recommendation to your Honorable Court with respect to the Petition to Schedule a Probation Violation Hearing filed by Petitioner, Office of Disciplinary Counsel.

I. HISTORY OF PROCEEDINGS

By Order dated April 27, 2021 (“Court’s Order”), the Supreme Court of Pennsylvania granted a Joint Petition in Support of Discipline on Consent and suspended Respondent from the practice of law for one year. Pursuant to the Court’s Order, the suspension was stayed in its entirety and Respondent placed on probation for a period of

one year. The Court's Order directed that Respondent's period of probation be subject to certain conditions, including the appointment of a sobriety monitor.

On February 14, 2022, Petitioner filed a Petition to Schedule a Probation Violation Hearing, which alleged that Respondent violated the conditions of his probation. Petitioner requested that a Member of the Disciplinary Board be designated to hold a hearing pursuant to Pa.R.D.E. 208(h). By Order dated February 17, 2022, the Board Chair designated the undesigned Member to conduct a hearing.

A hearing was held on February 22, 2022. Richard Hernandez, Esquire, appeared on behalf of Petitioner. Respondent appeared pro se. Also present was Attorney A, Esquire, Respondent's appointed sobriety monitor.

II. FINDINGS OF FACT

The Court's Order directed that Respondent's probation period be subject to certain conditions, including but not limited to, Respondent meeting at least twice a month with Attorney A, maintaining weekly telephone contact with Attorney A, and cooperating fully with Attorney A. Pursuant to the Court's Order, Respondent and Attorney A were each required to file Quarterly Reports with the Disciplinary Board Prothonotary addressing compliance with conditions of probation. ODC-1.

By letter dated October 15, 2021, Attorney A wrote to the Board Prothonotary and advised that Respondent was attending Alcoholics Anonymous ("AA") meetings three or more times a week, seeing his AA sponsor, and staying sober according to the probation conditions but was not meeting at least twice a month with him and was not maintaining weekly telephone contact. Attorney A stated that connecting

with Respondent had been a problem and Respondent had canceled several planned meetings. ODC-4. Attorney A enclosed the second Quarterly Report, wherein he stated that during the second quarter he met in person one time with Respondent (July 2021) and had three telephone conversations with Respondent (July 21, August 9, and August 16, 2021). ODC-4. These meetings and telephone contacts did not meet the requirements set forth in the Court's Order.

By letter dated January 15, 2022, sent by Attorney A to the Board Prothonotary, Attorney A enclosed his third Quarterly Report and advised that Respondent had not complied with the conditions of the Court's Order in that Respondent had not met with Attorney A at least twice per month and had not maintained weekly telephone contact. In his letter, Attorney A discussed his fruitless attempts to schedule a fixed meeting time with Respondent and Respondent's unwillingness to adhere to an agreed-upon schedule. Attorney A also described what he perceived to be Respondent's cavalier attitude toward his probation obligations. ODC-5. The Third Quarterly Report reflects that Attorney A had two FaceTime meetings with Respondent (October 2021 and January 2022) and three telephone conversations with Respondent (October and December 2021 and January 2022), which communications failed to meet the requirements of the Court's Order. The Report further indicated that Respondent had remained sober. ODC-5.

Respondent filed with the Board Prothonotary a Second Quarterly Report dated October 15, 2021 and a third Quarterly Report dated January 15, 2022, which confirm that he has not complied with the conditions that required him to meet at least twice a month and maintain weekly telephone contact with Attorney A. ODC-6, ODC-

7. At the probation violation hearing, Respondent fully admitted that he had not complied with the conditions of his probation. N.T. 11, 12, 19.

Respondent offered a number of reasons for his noncompliance. He explained that he has experienced severe health issues including neurological medical issues that required hospitalization and a bout with COVID-19. Respondent explained that he has been on a leave of absence from his law firm since June 2020 and had sought inpatient treatment. N.T. 21. After completing treatment, Respondent was having difficulty getting things accomplished, in that he knew what he had to do, but was not able to do those things. N.T. 14. Respondent further explained that he has had issues with depression and anxiety, which made it difficult to get up in the morning, and which he believes contributed to his inability to comply with conditions of the Court's Order.

Respondent stated that he has a new therapist and a new psychiatrist who have been very helpful in the past four to six weeks with regard to taking care of priorities, and he has had lengthy discussions with his healthcare providers about the importance of meeting the requirements of the Court's Order. N.T. 14. Respondent feels his situation has improved since the change in healthcare providers and medications. N.T. 20-21. Respondent indicated that presently he does not suffer from any conditions that prevent in-person meetings with his sobriety monitor. N.T. 22-23, 24. Respondent stated that recently, he had FaceTime calls with Attorney A on January 21, February 11, and February 18, 2022. N.T. 12.

Respondent stated that he understands "completely" the importance of meeting the requirements of the Court's Order, including meeting with his sobriety monitor, and further stated that he has satisfied other requirements of the Court's Order

by attending AA meetings six or seven days a week and having regular contact with his sponsor. N.T. 12, 13. Respondent intends to meet the probation requirements going forward. N.T. 15.

Attorney A stated at the hearing that while Respondent has stayed sober, Respondent has displayed a repeated unwillingness to communicate with Attorney A as required by his probation. N.T. 16, 17. Attorney A expressed frustration that Respondent will not meet in person, particularly as Respondent goes to in-person AA meetings and goes out of town for other reasons, and expressed a general concern that Respondent has not prioritized adhering to the probation conditions. N.T. 16, 18. Attorney A confirmed Respondent's statement that there have been three or four recent FaceTime calls. N.T. 16.

III. CONCLUSIONS OF LAW

By his conduct, Respondent violated his probation by failing to meet at least twice a month and maintain weekly telephone contact with his sobriety monitor in accordance with the conditions set forth in the Court's Order.

IV. DISCUSSION

The evidence of record demonstrates that Respondent did not fully comply with the terms and conditions of his Supreme Court-ordered probation. He failed to meet at least twice monthly and failed to maintain weekly telephone contact with his sobriety

monitor. For the following reasons, I recommend that the probation be modified by extending it for a period of one year.

The record established that Respondent's inability to meet his conditions is not a question of his sobriety, as he has abstained from alcohol and drug use and regularly attends AA meetings and has contact with his AA sponsor. Rather, Respondent has been unwilling or unable to prioritize scheduling meetings with Attorney A and adhering to a fixed schedule. The totality of the record reflects that although Respondent did not fully comply with the probation requirements to maintain a certain level of contact with his sobriety monitor, he explained the reasons surrounding his failure to do so, discussed improved healthcare and medications that enable him to better meet his obligations, shared his efforts to meet his requirements during the current quarter, and expressed his sincere intentions to meet the conditions of probation going forward. Importantly, Respondent demonstrated recognition that he is under a Supreme Court order to meet with his sobriety monitor at least twice monthly and maintain telephone contact weekly and that he must fulfill those specific conditions, in addition to other conditions set forth in the Court's Order.

Critical to my recommendation to extend probation is the fact that Respondent has remained sober during the period of probation. Respondent's probation conditions are in place for the protection of the public. I conclude that there is no evidence that Respondent harmed any clients or that he is unfit to practice law and poses a danger to the public. Under these circumstances, a modification of the length of probation is appropriate to address Respondent's noncompliance and to allow him the opportunity for full compliance, with the understanding that any further violation of these terms and

conditions by Respondent may subject him to revocation of his probation and immediate suspension. To be clear, the conditions of probation set forth in the Court's Order are not negotiable; Respondent must meet them or he will be in front of the Board again.

V. RECOMMENDATION

This Member respectfully recommends that the probation previously ordered by the Supreme Court on April 27, 2021, be modified as follows:

The probation imposed on April 27, 2021 will remain in effect until April 27, 2023, subject to the conditions set forth in the April 27, 2021 Order.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: S/John C. Rafferty, Jr.
John C. Rafferty, Jr., Designated Member

Date: February 25, 2022