

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2871 Disciplinary Docket No. 3
: :
Petitioner : No. 38 DB 2022
: :
v. : Attorney Registration No. 209610
: :
: (Out of State)
BRIAN OLIVER WILLIAMS, : :
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 19th day of April, 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 Brian Oliver Williams is suspended on consent from the Bar of this Commonwealth for a period of one year and one day. 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 04/19/2022

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

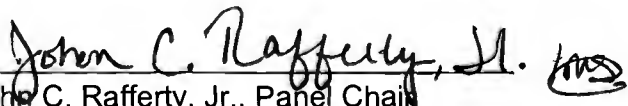
OFFICE OF DISCIPLINARY COUNSEL : No. 38 DB 2022
Petitioner :
v. :
BRIAN OLIVER WILLIAMS : Attorney Registration No. 209610
Respondent : (Out of State)
:

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 John C. Rafferty, Jr., Hon. Eugene F. Scanlon, Jr. and Hon. Robert L. Repard, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on March 10, 2022.

The Panel approves the Joint Petition consenting to a one year and one day suspension 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.


John C. Rafferty, Jr., Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: 3/21/2022

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	
Petitioner,	:	No. <u>38</u> DB 2022
	:	
v.	:	Attorney Reg. No. 209610
	:	
BRIAN OLIVER WILLIAMS,	:	
Respondent	:	(Out of State)
	:	

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

Petitioner, Office of Disciplinary Counsel (“ODC”), by Thomas J. Farrell, Chief Disciplinary Counsel, and Nicholas K. Weiss, Disciplinary Counsel, and Respondent, Brian Oliver Williams, 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 respectfully state and aver the following:

1. Petitioner, whose principal office is located at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62485, Harrisburg, PA 17106, is invested, pursuant to Pa.R.D.E. 207, with the power and the 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 Rules.

2. Respondent, Brian Oliver Williams, was born on January 2, 1973, and was admitted to practice law in Pennsylvania on October 14, 2008. Respondent maintains a registered mailing address of 10972 SW Winding Lakes Circle, Port St. Lucie, Florida 34987.

3. By Order dated March 17, 2021, Respondent was placed on Administrative Suspension for failure to satisfy his Continuing Legal Education requirements.

FILED 03/10/2022 The Disciplinary Board of the Supreme Court of Pennsylvania

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

SPECIFIC FACTUAL ADMISSIONS

Employment with Coover & Associates, PLLC

5. In or around February 2019, Respondent joined the law firm of Coover & Associates, PLLC (“Coover Firm”).

6. Sheri Coover, Esquire is the founding member of the Coover Firm.

7. As set forth below in this Joint Petition, Respondent failed to diligently and competently handle ten client matters while with the Coover Firm.

8. Over time, various staff members at the Coover Firm expressed concern to Attorney Coover about Respondent’s suspected alcohol use and possible mental health issues.

9. On more than one occasion, Attorney Coover spoke to Respondent about the reports she was receiving from staff members and clients and encouraged him to contact Lawyers Concerned for Lawyers (“LCL”).

10. Respondent denied the reports about his alleged alcohol use and the need to contact LCL, but acknowledged to Attorney Coover that he was working through anxiety issues, which his physician was trying to treat with various medications.

11. On September 23, 2019, Attorney Coover terminated Respondent’s employment with the Coover Firm.

12. Attorney Coover thereafter informed Respondent’s clients that Respondent was no longer associated with the Coover Firm, and advised them that they could continue with his representation if they so desired.

13. On or around November 5, 2019, Respondent arrived at the Coover Firm unannounced.

14. Staff members at the Coover Firm told Respondent that Attorney Coover was in court, and did not want him in the office.

15. Respondent then proceeded to his old office and began rummaging through files without permission.

16. When Attorney Coover arrived, Respondent told her that he was trying to locate the file for a client whose name he could not recall so that Respondent could represent the client in a criminal matter.

17. In response, Attorney Coover told Respondent that she would give him the file if he provided her with the client's name, but emphasized that Respondent was trespassing and that she could not allow him to go through client files.

18. Respondent continued to search for the file after Attorney Coover asked him to stop.

19. After Attorney Coover insisted that Respondent stop looking through client files, Respondent went to the front of the office, yelled that Attorney Coover did not understand that he was having a nervous breakdown, and left.

20. Respondent thereafter sent Attorney Coover text messages:

- a. apologizing for his behavior while employed at the Coover Firm;
- b. stating that, on most days, it took all his strength for him to leave his bedroom, let alone interact with others or draft motions;
- c. asserting that he was unable to leave his home most days without becoming physically ill; and

d. claiming that he frequently vomited in the street whenever he did leave his home.

21. Respondent subsequently relocated to Port St. Lucie, Florida.

22. Respondent failed to update his contact information with the Attorney Registration Office within 30 days as required by Pa. R.D.E. 219(d)(3).

The Lonn Lebo Matter

23. Respondent represented Mr. Lebo in a child support and custody matter in the Cumberland County Court of Common Pleas.

24. On or around September 19, 2018, the Court scheduled a Custody Conference before the custody conciliator (“Conciliator”), Maryann Murphy, Esquire, for October 31, 2018, at 11:30 a.m. (“First Conference”).

25. While the Conciliator recommended adjusting the pre-existing custody schedule in favor of Mr. Lebo at the First Conference; the parties were unable to reach an agreement to effectuate the Conciliator’s recommendations.

26. Respondent continued to be Mr. Lebo’s counsel of record after the First Conference.

27. Mr. Lebo thereafter attempted unsuccessfully to contact Respondent on multiple occasions.

28. Respondent failed to return Mr. Lebo’s communications.

29. On May 2, 2019, Mr. Lebo sent Attorney Coover an email:

a. noting Respondent’s unresponsiveness;

- b. explaining that Respondent had done very little since the First Conference, which was allowing Mr. Lebo's ex-wife to collect child support payments that were calculated using incorrect information; and
- c. expressing concern that Respondent was experiencing personal and/or professional issues.

30. By Order dated July 10, 2019, the Court scheduled a Pre-Trial Conference for August 12, 2019, at 1:30 p.m.

31. On that same date, counsel for Mr. Lebo's ex-wife, Hubert X. Gilroy, Esquire, filed a Petition for Special Relief with the Court.

32. On July 11, 2019, the Court directed Respondent to file an Answer to the Petition for Special Relief on or before July 17, 2019.

33. On or around July 15, 2019, Attorney Gilroy emailed Respondent a copy of the Court's July 11, 2019, Order.

34. Respondent failed to file the Answer to the Petition for Special Relief on or before July 17, 2019.

35. Respondent filed an untimely Answer to the Petition for Special Relief on July 19, 2019.

The Joseph Stark Matter

36. Respondent represented Mr. Stark relative to a divorce matter.

37. On April 11, 2019, Respondent filed a Motion for Appointment of a Divorce Master on Mr. Stark's behalf.

38. Respondent thereafter failed to adequately communicate with Mr. Stark about his divorce matter.

The Daniel Hoy Matter

39. Respondent represented Mr. Hoy in the Cumberland County Court of Common Pleas relative to a DUI matter.

40. A Pre-Trial Conference in Mr. Hoy's case was scheduled for May 6, 2019, at 9:00 a.m.

41. Respondent failed to advise Mr. Hoy at any point that Respondent would not be able to appear as Mr. Hoy's counsel at the Pre-Trial Conference.

42. When Respondent failed to appear for Mr. Hoy's Pre-Trial Conference, Mr. Hoy called the Coover Firm, and stated that he was without representation.

43. In response, Attorney Coover went to the Cumberland County Courthouse, spoke with Mr. Hoy, and arranged for Katie Maxwell, Esquire to handle Mr. Hoy's Pre-Trial Conference.

44. At or around 10:00 a.m., John Mangan, Esquire appeared at the Cumberland County Courthouse and informed Mr. Hoy that Respondent had asked Attorney Mangan to represent Mr. Hoy at the Pre-Trial Conference.

45. Respondent had failed to consult with Mr. Hoy about having Attorney Mangan represent him at the Pre-Trial Conference prior to Attorney Mangan's arrival at the Cumberland County Courthouse.

The Dustin McCorkle Matter

46. In 2019, Mr. McCorkle retained Respondent for a summary traffic matter.

47. Magisterial District Judge Anthony H. Adams scheduled a trial in Mr. McCorkle's matter for August 29, 2019, at 10:00 a.m.

48. On the morning of Mr. McCorkle's trial, Respondent sent a text message to the personal cell phone of a staff member at the Coover Firm:

- a. stating that that he would not be able to attend Mr. McCorkle's trial because he was sick;
- b. instructing the staff member to contact Judge Adams; and
- c. asking the staff member to advise Judge Adams that Respondent would not appear for Mr. McCorkle's trial.

49. Respondent failed to undertake any independent action to advise Judge Adams that Respondent was unable to appear for Mr. McCorkle's trial.

50. Respondent failed to appear for Mr. McCorkle's trial.

51. Although the staff member contacted Judge Adams, Judge Adams declined to continue Mr. McCorkle's trial.

52. Later that same day, Attorney Coover called Respondent about his failure to appear on Mr. McCorkle's behalf, at which time Respondent:

- a. told Attorney Coover that he was not concerned about Mr. McCorkle because Respondent had been sure that Judge Adams would find Mr. McCorkle guilty;
- b. noted that Mr. McCorkle could file an appeal to the Cumberland County Court of Common Pleas; and
- c. opined that the purpose of the Coover Firm's staff was, in part, to inform courts whenever one of the attorneys was unable to appear for a scheduled proceeding.

53. When Attorney Coover attempted to discuss the matter further, Respondent stated that he was too ill to speak about Mr. McCorkle's matter any longer

The Jason Yesser Matter

54. In 2019, Mr. Yesser retained Respondent for a DUI matter in the Cumberland County Court of Common Pleas.

55. After Mr. Yesser gained admission into Cumberland County's Accelerated Rehabilitative Disposition ("ARD") Program, the Court scheduled an ARD hearing for October 2, 2019.

56. Respondent failed to place the ARD hearing on the shared calendar at the Coover Firm.

57. Respondent failed to appear for Mr. Yesser's ARD hearing.

The Edita Jurisic Matter

58. Respondent was Ms. Jurisic's counsel in a DUI matter in the Cumberland County Court of Common Pleas.

59. On November 29, 2018, Ms. Jurisic pled guilty to DUI: Highest Rate of Alcohol – Third Offense.

60. Pursuant to the guilty plea, the remaining charges against Ms. Jurisic were dismissed.

61. On February 5, 2019, the Court sentenced Ms. Jurisic to, *inter alia*, 370 days in Restrictive Intermediate Punishment, which consisted of house arrest and electronic monitoring.

62. After sentencing, Ms. Jurisic asked Respondent to file a Motion to modify her sentence ("Modification Motion").

63. Respondent failed to draft the Modification Motion.

64. On October 2, 2019, Attorney Coover contacted Respondent *via* text message, and asked him to provide the draft Modification Motion she believed Respondent had prepared.

65. In response, Respondent asserted that the requested materials constituted “work product” and refused to forward anything to Attorney Coover.

66. Attorney Coover then asked Respondent to forward the payment she believed Respondent had received from Ms. Jurisic to the Coover Firm because Attorney Coover would have to perform all the work to prepare the Modification Motion.

67. In reply, Respondent told Attorney Coover to ask Ms. Jurisic for additional funds regarding the Modification Motion, and asserted that Attorney Coover had chosen to “handle things” that way when she terminated Respondent’s employment at the Coover Firm.

68. On October 8, 2019, Attorney Coover filed the Modification Motion on Ms. Jurisic’s behalf.

The Tessa Bower Matter

69. On or around July 23, 2019, Respondent entered his appearance as Ms. Bower’s counsel in a civil matter in the Dauphin County Court of Common Pleas captioned *John Traynor v. State of Pennsylvania Young Constituents, et al.*

70. At the time of Respondent’s appearance, a Motion to Compel Ms. Bower to respond to interrogatories and requests for production of documents (“Motion to Compel”) was pending with the Court.

71. Respondent failed to file any response to the Motion to Compel.

72. By Order dated August 1, 2019, the Court granted the Motion to Compel, and directed Ms. Bower to provide answers to the interrogatories and requests for production of documents (collectively, “Discovery Requests”) within ten days.

73. Ms. Bower’s response to the Discovery Requests was due on or before August 12, 2019.

74. Respondent did not request an extension of time to respond to the Discovery Requests.

75. Respondent failed to provide any response to the Discovery Requests on or before August 12, 2019.

76. By email to Respondent dated August 14, 2019, opposing counsel, Glenn Parno, Esquire:

- a. noted that Ms. Bower's responses to the Discovery Requests remained outstanding;
- b. asked for full and complete answers by Friday, August 16, 2019; and
- c. stated that he would file a Motion for Sanctions if Ms. Bower failed to respond by that date.

77. Respondent failed to respond to Attorney Parno's correspondence or provide any answers to the Discovery Requests on or before August 16, 2019.

78. On August 26, 2019, Attorney Parno sent Respondent a second email noting that Attorney Parno still had not received any response to the Discovery Requests, and cautioned that he would file a Motion for Sanctions if the answers remained outstanding at the close of business on Wednesday, August 28, 2019.

79. Respondent failed to respond to Attorney Parno's email or provide any answers to the Discovery Requests.

80. On or around September 3, 2019, Attorney Parno filed a Motion for Sanctions against Ms. Bower ("Sanction Motion").

81. The Sanction Motion outlined Respondent's repeated failure to respond to the Discovery Requests and Attorney Parno's communications.

82. By Order dated September 5, 2019, the Court:

- a. commanded Ms. Bower to pay the opposing party's legal fees relative to the Sanction Motion;
- b. directed Ms. Bower to respond to the Discovery Requests within 30 days; and
- c. warned that failure to respond by that date would result in the entry of a default judgment against Ms. Bower.

83. Ms. Bower's responses to the Discovery Requests were due on or before October 7, 2019.

84. Respondent failed to submit any response to the Discovery Requests on or before October 7, 2019.

85. On or around October 8, 2019, Attorney Parno filed a Motion for Entry of Default Judgment and Additional Sanctions ("Default Motion").

86. By Order dated October 11, 2019, the Court directed the Dauphin County Prothonotary to enter default judgment against Ms. Bower, and commanded Ms. Bower to pay the opposing party's legal fees relative to the Default Motion.

87. On November 26, 2019, Attorney Coover contacted Respondent *via* text message, inquiring if he knew about the default judgment against Ms. Bower.

88. In response, Respondent acknowledged that he was unaware of the default judgment.

89. While the Coover Firm successfully petitioned the Court to lift the default judgment against Ms. Bower, the Court ordered her to pay Attorney Parno \$750.00 in sanctions.

90. The Coover Firm paid the monetary sanction on behalf of Ms. Bower.

The Christopher Moore Matter

91. On or around September 3, 2019, Moore retained Respondent for a DUI matter, then docketed at MJ-09201-CR-200-2019.

92. At the time of Respondent's retention, Mr. Moore's preliminary hearing was scheduled for September 6, 2019, at 10:15 a.m.

93. Respondent failed to appear for Mr. Moore's preliminary hearing.

94. When Attorney Coover called Respondent to note his absence at the preliminary hearing, Respondent replied by saying "that sucks."

95. Attorney Coover traveled to the Magisterial District Court and handled Mr. Moore's preliminary hearing.

The Brian Depew Matter

96. In or around August 2019, Attorney Coover assigned primary responsibility to Respondent for Mr. Depew's custody matter in the Cumberland County Court of Common Pleas.

97. The Court thereafter scheduled a Pre-Trial Conference before Judge Albert Masland for September 23, 2019, and directed Respondent to file a Pre-Trial Statement on Mr. Depew's behalf before that date.

98. Mr. Depew subsequently scheduled with Respondent to meet one hour before the Pre-Trial Conference.

99. Respondent failed to file Mr. Depew's Pre-Trial Statement on or before September 23, 2019.

100. Respondent appeared for Mr. Depew's Pre-Trial Conference, but failed to meet with Mr. Depew prior to the start of the Conference.

101. At the Pre-Trial Conference:

- a. Respondent failed to provide coherent responses to Judge Masland's questions;
- b. Judge Masland admonished Respondent for failing to file Mr. Depew's Pre-Trial Statement; and
- c. Judge Masland noted that Respondent's conduct deprived Mr. Depew of the guidance he needed.

102. After the Pre-Trial Conference, Mr. Depew terminated Respondent's representation and retained other counsel.

The Brandon Smith Matter

103. In 2019, Mr. Smith retained the Coover Firm for a criminal matter in the Cumberland County Court of Common Pleas.

104. On August 22, 2019, Respondent appeared as Mr. Smith's counsel and waived the preliminary hearing.

105. After Respondent's dismissal from the Coover Firm on September 23, 2019, Attorney Coover contacted the clients Respondent had been representing, informed them of Respondent's departure, and advised that they could continue with Respondent's representation if they so desired.

106. Mr. Smith informed Attorney Coover that he wanted to continue with Respondent as his counsel.

107. Attorney Coover had Mr. Smith's file hand-delivered to Respondent's home address.

108. On October 18, 2019, Attorney Coover entered her appearance as Mr. Smith's counsel to address a pressing matter.

109. Attorney Coover thereafter asked Respondent to file an Entry to Substitute Appearance to remove her as Mr. Smith's counsel of record.

110. On October 24, 2019, Respondent filed an Entry of Appearance with the Court.

111. The Court did not remove Attorney Coover as Mr. Smith's counsel because Respondent did not file an Entry to Substitute Appearance.

112. The Court subsequently scheduled a Pre-Trial Conference for January 16, 2020, at 9:00 a.m. before Judge Jessica Brewbaker.

113. On or around January 12, 2020, Respondent met with Mr. Smith at Boomerang's Bar in New Cumberland, Pennsylvania to discuss Mr. Smith's criminal matters.

114. At that time, Mr. Smith paid Respondent \$600.00 to appear at the Pre-Trial Conference.

115. Respondent failed to appear for Mr. Smith's Pre-Trial Conference without prior notice to Mr. Smith or the Court.

116. Mr. Smith attempted to call Respondent, but was unable to speak with him.

117. Mr. Smith later retained another attorney to represent him.

RULES OF PROFESSIONAL CONDUCT AND

DISCIPLINARY ENFORCEMENT RULES VIOLATED

118. Respondent admits to violating the following Rules of Professional Conduct and Rule of Disciplinary Enforcement in this matter:

- a. RPC 1.1 – "A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation;"
- b. RPC 1.3 – "A lawyer shall act with reasonable diligence and promptness in representing a client;"

- c. RPC 1.4(a)(2) – “A lawyer shall ... reasonably consult with the client about he means by which the client’s objectives are to be accomplished;”
- d. RPC 1.4(a)(3) – “A lawyer shall ... keep the client reasonably informed about the status of the matter;”
- e. RPC 1.4(a)(4) – “A lawyer shall ... promptly comply with reasonable requests for information;”
- f. RPC 1.4(b) – “A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation;”
- g. RPC 3.2 – “A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client;”
- h. RPC 4.4(a) – “In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person;”
- i. RPC 8.4(d) – “It is professional misconduct for a lawyer to ... engage in conduct that is prejudicial to the administration of justice;” and
- j. Pa. R.D.E. 219(d)(3) – “Every attorney who has filed the [Annual Fee Form] shall notify the Attorney Registration Office in writing of any change in the information previously submitted, including e-mail address, within 30 days after such change[.]”

JOINT RECOMMENDATION FOR DISCIPLINE

119. ODC and Respondent jointly recommend that the appropriate discipline for Respondent’s admitted misconduct is a suspension of one-year and one-day.

120. Respondent hereby consents to a suspension of one-year and one-day being imposed upon him 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 including the mandatory acknowledgements contained in Pa.R.D.E. 215(d)(1) through (4).

121. In support of the Joint Recommendation, it is respectfully submitted that the

following mitigating circumstances are present:

- a. Respondent does not have a history of discipline;
- b. Respondent is remorseful and has admitted engaging in misconduct and violating the charged Rules of Professional Conduct and Disciplinary Enforcement;
- c. Respondent has cooperated with ODC's investigation; and
- d. Respondent consents to a suspension of one-year and one-day, which saves the resources of the attorney discipline system.

There is no *per se* discipline for certain misconduct, *see Office of Disciplinary Counsel v. Robert S. Lucarini*, 472 A.2d 186, 190 (Pa. 1983), rather, each case is considered based on the facts and circumstances presented. Previous disciplinary case law establishes that a suspension of one-year and one-day is frequently imposed for matters involving multiple instances of client neglect. *See, e.g. Office of Disciplinary Counsel v. Tangie Marie Boston*, No. 99 DB 2018 (D. Bd. Rpt. 12/10/2019) (S. Ct. Order 2/12/2020) (one-year and one-day suspension for neglecting four client matters over eight years; no prior discipline); *Office of Disciplinary Counsel v. Michael Elias Stosic*, No. 65 DB 2015 (D. Bd. Rpt. 6/23/2016) (S. Ct. Order 9/14/2016) (one-year and one-day suspension for, *inter alia*, neglecting two client matters over approximately two years and nine months; no prior discipline); *Office of Disciplinary Counsel v. Howard Goldman*, No. 157 DB 2003 (D. Bd. Rpt. 5/20/2005) (S. Ct. Order 8/30/2005) (one-year and one-day suspension for neglecting four client matters over four years; no prior discipline). Such an outcome is no less appropriate when, as in the present case, an attorney's misconduct occurs in an elevated number of client matters. *See Office of Disciplinary Counsel v. Douglas Andrew Grannan*, No. 197 DB 2016 (D. Bd. Rpt. 4/3/2019) (S. Ct. Order 7/9/2019) (one-year and one-day suspension for

neglecting seven client matters over two and one-half years; no prior discipline) and *Office of Disciplinary Counsel v. Ephraim Tahir R. Mella*, No. 96 DB 2019 (D. Bd. Rpt. 10/7/2020) (S. Ct. Order 2/12/2021) (one-year and one-day suspension for, *inter alia*, incompetence, lack of communication, and conduct prejudicial to the administration of justice in eight immigration matters). By following the recommendations of the Disciplinary Board and imposing suspensions of one-year and one-day in the cases cited above, the Pennsylvania Supreme Court has indicated that attorneys who repeatedly ignore client matters must lose the privilege of practicing law to protect the public. *See also Office of Disciplinary Counsel v. Peter Jude Caroff*, No. 42 DB 2019 (D. Bd. Rpt. 2/25/2020) (S. Ct. Order 6/5/2020) (where the Disciplinary Board stated that suspension of one-year and one-day protects the public from “substandard representation by an attorney not able to meet the requirements of the profession.”).

In the present case, Respondent exhibited a lack of competence and diligence in a total of ten client matters over approximately seven months. In his correspondence with ODC, Respondent has stated that his misconduct coincided with a period when he was struggling with severe anxiety and depression. Respondent has provided ODC with materials evidencing that he has received treatment for anxiety since May 2019. However, those materials do not identify a causal connection between his mental health issues and his misconduct. Accordingly, Respondent is not entitled to mitigation pursuant to *Office of Disciplinary Counsel v. Seymour H. Braun*, 553 A.2d 394 (Pa. 1989). Based on the foregoing, a suspension of one-year and one-day is an appropriate disposition of this matter. This is particularly true given that Respondent, in contrast to Mella, is consenting to discipline and thereby conserving the disciplinary system’s resources. Moreover, a suspension of one-year and one-day advances the primary purpose of the disciplinary system to protect the public by requiring Respondent to prove his fitness to resume the practice of law at a

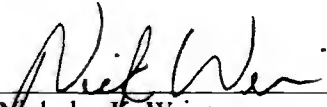
reinstatement hearing, at which time any issues regarding his anxiety and depression can be fully explored.

WHEREFORE, ODC and Respondent respectfully request that your Honorable Board:

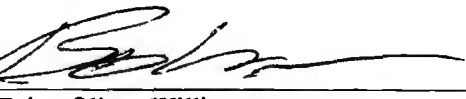
- (a) Approve this Petition and recommend that the Supreme Court of Pennsylvania enter an Order imposing a suspension of one-year and one-day; and
- (b) Pursuant to Pa.R.D.E. 215(i), enter an order for Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter.

Respectfully submitted,

Date: March 10, 2022

By: 
Nicholas K. Weiss
Disciplinary Counsel
Attorney Registration No. 324774
601 Commonwealth Avenue, Suite 5800
P.O. Box 62675
Harrisburg, PA 17106-2675
Telephone (717) 772-8572

Date: 2/21/22

By: 
Brian Oliver Williams
Respondent
Attorney Registration No. 209610
10972 SW Winding Lakes Circle
Port St. Lucie, Florida 34987
Telephone (772) 877-1643

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,
Petitioner,

v.

BRIAN OLIVER WILLIAMS,
Respondent

No. ___ DB 2022

Attorney Reg. No. 209610

(Out of State)


VERIFICATION

The statements made in the foregoing Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d) are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Respectfully submitted,

Date: MARCH 10, 2022

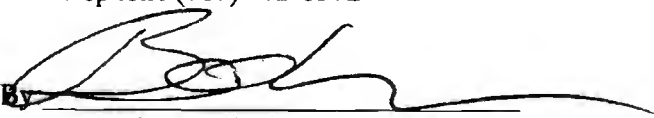
By:


Nicholas K. Weiss
Disciplinary Counsel
Attorney Registration No. 324774
601 Commonwealth Avenue, Suite 5800
P.O. Box 62675
Harrisburg, PA 17106-2675
Telephone (717) 772-8572

Date:

2/21/22

By:


Brian Oliver Williams
Respondent
Attorney Registration No. 209610
10972 SW Winding Lakes Circle
Port St. Lucie, Florida 34987
Telephone (772) 877-1643

BEFORE THE DISCIPLINARY BOARD OF THE
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OFFICE OF DISCIPLINARY COUNSEL,
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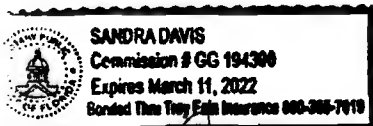
RESPONDENT'S AFFIDAVIT UNDER RULE 215(d) OF THE
PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

I, Brian Oliver Williams, Respondent in the above-captioned matter, hereby consent to the imposition of a one-year and one-day suspension, as jointly recommended by the Petitioner, Office of Disciplinary Counsel, and myself, in a Joint Petition in Support of Discipline on Consent and further state:

1. My consent is freely and voluntarily rendered; I am not being subjected to coercion or duress; I am fully aware of the implications of submitting the consent;
2. I acknowledge that I am entitled to employ and consult with counsel in connection with this matter and have chosen not to do so;
3. I am aware there is presently pending a proceeding involving allegations that I have been guilty of misconduct as set forth in the Joint Petition,
4. I acknowledge that the material facts set forth in the Joint Petition are true; and
5. I consent because I know that if the charges continued to be prosecuted in the pending proceeding, I could not successfully defend against them.

Subscribed and sworn to this 3rd day of
March 2022, before Sandra
Davis, Notary Public

By 
Brian Oliver Williams
Respondent



BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	
Petitioner,	:	No. ___ DB 2022
	:	
v.	:	Attorney Reg. No. 209610
	:	
BRIAN OLIVER WILLIAMS,	:	
Respondent	:	(Out of State)
	:	

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 Pa.R.A.P. 121.

First Class Mail and electronic mail as follows:

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Date: MARCH 10, 2022

By: 
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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: _____

Name: Nicholas K. Weiss, Esq.

Attorney No. (if applicable): 324774