

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2876 Disciplinary Docket No. 3
	:	
Petitioner	:	
	:	No. 49 DB 2022
v.	:	
	:	
	:	Attorney Registration No. 209046
JOHN WILLIAM EDDY,	:	
	:	
Respondent	:	(Fayette County)

ORDER

PER CURIAM

AND NOW, this 12th day of September, 2023, 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 John William Eddy is suspended from the Bar of this Commonwealth for three years. Respondent shall comply with 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 09/12/2023

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

2. Respondent, John William Eddy, was born in 1982. He was admitted to practice law in the Commonwealth of Pennsylvania on October 24, 2008.

3. Respondent's attorney registration mailing address is 80 E. Main Street, Uniontown, PA 15401.

4. Respondent is presently suspended pursuant to an Order of the Supreme Court of Pennsylvania dated June 4, 2021, imposing a three (3) year suspension, retroactive to September 6, 2019.

5. Respondent has not sought reinstatement from the imposed suspension.

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

SPECIFIC FACTUAL ADMISSIONS

The Kelly Matter

7. On or about April 21, 2021, Tracy L. Kelly (hereinafter "Ms. Kelly") contacted Respondent via text message seeking legal assistance regarding

her son's inability to appear at a preliminary court hearing in Pittsburgh. Ms. Kelly's son, Cameron Jonathan Kelly (hereinafter "Cameron") was a friend of Respondent.

8. Respondent did not advise Ms. Kelly that he was suspended from the practice of law. Instead, he told Ms. Kelly that he would work with his partner, Attorney Mike Ford (hereinafter Attorney Ford), to get Cameron's preliminary hearing scheduled. Respondent and Attorney Ford were not at that time, or any time thereafter, partners.

9. Respondent asked Ms. Kelly to send him \$400 for Attorney Ford, via Venmo, a mobile payment application, after advising her that Attorney Ford's credit card system was down. Attorney Ford's credit card system was fully functional at the time. Ms. Kelly sent \$400 to Respondent via Venmo, as requested.

10. Respondent had informed Attorney Ford of Cameron's need for counsel; however, Attorney Ford never assumed representation of Cameron and he never requested money from Ms. Kelly through Respondent. Respondent did not forward the \$400 to Attorney Ford.

11. On April 22, 2021, Respondent requested, and received from Ms. Kelly, \$100 in fees associated with his travel to Pittsburgh for representation of Cameron. Respondent never traveled to Pittsburgh on behalf of Cameron.

12. Additional charges were filed against Cameron in Fayette County. A preliminary hearing was scheduled for May 11, 2021. Respondent requested \$200 from Ms. Kelly to seek a continuance of Cameron's preliminary hearing. Respondent received \$200 from Ms. Kelly, but he did not seek a continuance on Cameron's behalf.

13. Between May 10, 2021 and May 23, 2021, Respondent requested payment for fees, allegedly associated with Cameron's representation. On May 10, 2021, Respondent requested \$200 to represent Cameron on his Fayette County criminal case. On May 17, Respondent requested \$60 for a filing fee associated with a motion. On May 19, 2021, Respondent requested \$50 for service of the motion. Respondent had not filed or served any motion on behalf of Cameron.

14. On May 20, 2021, Respondent requested \$250 to represent Cameron in a second case in Allegheny County. On May 21, 2021, Respondent requested \$100 to travel to Allegheny County to request a

postponement. On May 23, 2021, Respondent requested \$92.50 for a filing fee.

15. Ms. Kelly complied with each request for payment by sending the money to Respondent via Venmo.

16. On May 24, 2021, Respondent drafted a continuance request for Cameron's case before Magisterial District Judge Ralph E. Kaiser in Allegheny County, signed Attorney Ford's name and submitted it to Judge Kaiser. The continuance request was received, and Attorney Ford's appearance was entered on the matter. Attorney Ford did not authorize Respondent to draft, sign, or send the continuance request on his behalf.

17. On or around May 26, 2021, Ms. Kelly informed Respondent that she saw on a docket app that a bench warrant had been issued for Cameron in Fayette County because he failed to appear at the May 11, 2021 preliminary hearing. Respondent advised Ms. Kelly that the information on the app was inaccurate when in fact he had not requested a postponement on Cameron's behalf.

18. On or about June 5, 2021, Respondent advised Cameron and Ms. Kelly that an e-docket system glitch resulted in the issuance of warrants

against Cameron when he knew of the likelihood of the issuance of the warrant because Respondent had not requested a continuance for Cameron.

19. Between June 4, 2021 and June 26, 2021, Respondent continued to request money from Ms. Kelly under the guise that he was providing legal representation on behalf of Cameron.

20. On June 7, 2021, Respondent requested \$200 from Ms. Kelly to travel to Pittsburgh to attempt to consolidate Cameron's criminal cases. On June 9, 2021, Respondent requested \$95 from Ms. Kelly for a filing fee to consolidate Cameron's case. On June 11, 2021, Respondent requested \$65 from Ms. Kelly to "deputize" the Allegheny County sheriff. On June 12, 2021, Respondent requested \$100 for Attorney Ford to attend a "transfer hearing. On June 13, 2021, Respondent requested \$80 to cover Attorney Ford's hourly rate. On June 14, 2021, Respondent requested \$62 to cover the cost of a certified docket requested by a judge.

21. On June 16, 2021, Respondent requested \$100 from Ms. Kelly for Attorney Ford. On June 17, 2021, Respondent requested \$100 from Ms. Kelly for a "supersedes motion" (sic). On June 17, 2021, Respondent requested \$92 from Ms. Kelly for the filing fee associated with the filing of a motion. On June 18, 2021, Respondent requested \$100 from Ms. Kelly for

a trip to visit Cameron in the jail. On June 19, 2021, Respondent requested \$150 from Ms. Kelly to pay Attorney Vince Tiberi (hereinafter "Attorney Tiberi"). On June 20, 2021, Respondent requested \$92 from Ms. Kelly as a fee to undo a transfer and consolidation. On June 20, 2021, Respondent requested \$85 from Ms. Kelly for a service fee. On June 21, 2021, Respondent requested \$92 from Ms. Kelly for a filing fee to consolidate Cameron's Allegheny County cases. On June 21, 2021, Respondent requested \$109 from Ms. Kelly for a filing fee to get Cameron released to a drug and alcohol treatment facility.

22. On June 22, 2021, Respondent requested \$92 from Ms. Kelly for a filing fee to file a motion to lift a detainer. On June 22, 2021, Respondent requested \$65 from Ms. Kelly for a service fee. On June 25, 2021, Respondent requested \$193 from Ms. Kelly for a rule to show cause needed regarding some of Cameron's personal property. On June 26, 2021, Respondent requested \$92 from Ms. Kelly for a fee to consolidate Cameron's third case with his other cases.

23. Respondent ceased communications with Ms. Kelly after June 26, 2021.

24. After each request for payment from Respondent, Ms. Kelly paid money to Respondent, via Venmo. Ms. Kelly paid a total amount of \$3,418.50.

25. Respondent never informed Ms. Kelly, or Cameron, that he was suspended from the practice of law in the Commonwealth. Respondent never informed Attorney Ford or Attorney Tiberi that he was using their names to request money from Ms. Kelly on behalf of Cameron. Respondent never forwarded any money to Attorney Ford or Attorney Tiberi.

26. Respondent's deception resulted in the issuance of bench warrants against Cameron for his failure to appear at court hearings.

27. On July 26, 2021, after discovering that Respondent had not performed any services on Cameron's behalf, Ms. Kelly requested a refund of the money she had paid Respondent between April and June 2021.

28. The Pennsylvania Lawyers Fund for Client Security (the Fund) paid the claim made by Ms. Kelly for the return of the money paid to Respondent. On March 29, 2023, Respondent, through counsel, reimbursed the Fund the \$3418.50 awarded to Ms. Kelly.

29. On September 16, 2021, Office of Disciplinary Counsel (ODC) sent a DB-7 in this matter. Respondent submitted a counselled Statement of Position on October 15, 2021. Respondent admits to requesting two retainer payments, one of \$400 and one of \$250, for Attorney Ford. Respondent never gave Attorney Ford either payment. Respondent denies having any memory or recollection of requesting any other money from Ms. Kelly, however he acknowledges seeing some deposits into his Venmo account. Respondent stated that the funds were transferred by his live-in girlfriend to an account belonging to her and for which he has no access or control. Respondent stated that he did not receive the benefit of the funds.

30. ODC conducted an investigation of Respondent's financial records and confirmed transactions between Ms. Kelly's VENMO account and a bank account co-owned by Respondent, for which he has access or control. The total amount of the transactions is at least \$3,418.50.

31. Respondent charged Ms. Kelly fees for legal services that he did not provide and for which he was not licensed.

32. Respondent used the names of Attorney Ford and Attorney Tiberi in furtherance of his deception to obtain money from Ms. Kelly.

33. Respondent admits to a relapse of his drug and alcohol addiction during the period of his communications with Ms. Kelly.

Criminal Conviction

34. On July 23, 2019, ODC filed a Petition for Emergency Temporary Suspension pursuant to Rule 208(f)(1) Pa.R.D.E. alleging Respondent's misappropriation of at least \$89,551.55 in entrusted client funds and an arrest while driving under the influence of a controlled substance, possession of a controlled substance, and use or possession of drug paraphernalia.

35. On July 29, 2019, the Pennsylvania Supreme Court issued an Order and Rule to Show Cause why Respondent should not be placed on temporary suspension.

36. By Order of the Supreme Court dated September 6, 2019, Respondent was placed on temporary suspension until further definitive action by the Court.

37. By Order of the Supreme Court dated June 4, 2021, Respondent was suspended from the Bar of the Commonwealth for a period of three years, retroactive to September 6, 2019.

38. As a result of the underlying disciplinary matter involving the theft of client funds, the Federal Bureau of Investigation conducted an investigation regarding Respondent's conduct.

39. On January 10, 2022, Respondent was charged by indictment in the United States District Court in the Middle District of Pennsylvania with one count of Wire Fraud.

40. On February 9, 2022, Respondent entered a guilty plea to one count of Wire Fraud.

41. On November 16, 2022, he was sentenced to a five-year term of probation with twenty-one months to be served on home electronic monitoring. Respondent is required to participate in mental health and drug and alcohol treatment as a condition of his federal probation.

42. ODC filed a Notice of Conviction with the Pennsylvania Supreme Court on February 2, 2022.

SPECIFIC RULE VIOLATIONS

43. By his conduct, as set forth in paragraphs 6 through 42, Respondent admits that he violated the following Rules of Professional

Conduct and Rules of Disciplinary Enforcement:

(a) Rule of Professional Conduct 1.15(b), which provides that a lawyer shall hold all Rule 1.15 Funds and property separate from the lawyer's own property. Such property shall be identified and appropriately safeguarded.

(b) Rule of Professional Conduct 1.16(a)(1), which provides that a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if the representation will result in violation of the Rules of Professional Conduct or other law.

(c) Rule of Professional Conduct 4.1(a), which provides 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.

(d) Rule of Professional Conduct 5.5(a), which provides that a lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(e) Rule of Professional Conduct 5.5(b)(2), which provides that a lawyer who is not admitted to practice in this jurisdiction shall not hold out to the public or otherwise represent that the

lawyer is admitted to practice law in this jurisdiction.

(f) Rule of Professional Conduct 7.1, which provides that a lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services.

(g) Rule of Professional Conduct 8.4(a), which provides 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.

(h) Rule of Professional Conduct 8.4(b), which states that it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects.

(i) Rule of Professional Conduct 8.4(c), which states that it is professional misconduct for a lawyer to engage in conduct that involving dishonesty, fraud, deceit, or misrepresentation.

(j) Rule of Professional Conduct 8.4(d), which provides that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

(k) Rule of Disciplinary Enforcement 203(b)(1), which provides that "[c]onviction of a crime" is a ground for discipline.

(l) Rule of Disciplinary Enforcement 217(d)(1), which provides, in part, that for a formerly admitted attorney, after entry of the disbarment, suspension, administrative suspension or transfer to inactive status order, shall not accept any new retainer or engage as attorney for another in any new case or legal matter of any nature.

(m) Rule of Disciplinary Enforcement 217(j), which provides that a formerly admitted attorney may not engage in any form of law-related activities in this Commonwealth, except in accordance with the specified requirements set for in the subsection of this Rule.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

44. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a three-year suspension.

45. Respondent consents to the discipline imposed upon him. Attached hereto as Exhibit A is Respondent's executed Affidavit, as required by Rule 215(d), Pa.R.D.E. stating that he consents to the recommended discipline and including the mandatory acknowledgements contained in Rule 215(d)(1)-(4), Pa.R.D.E.

46. In mitigation, during the period of misconduct involving the Kelly matter, Respondent experienced a relapse in his substance abuse dependency. As a condition of the 5-year probation imposed on November 17, 2022, by the Honorable Sylvia H. Rambo, United States District Judge for the Middle District of Pennsylvania, Respondent will be monitored on home detention for a period of 21 months. He must submit to substance abuse testing and participate in a substance abuse treatment program and follow the rules and regulations of the program. Further, he must participate in a mental health treatment program and follow the rules and regulations of the program.

47. If this matter were to proceed to a disciplinary hearing, Respondent would submit the following evidence in support of mitigation pursuant to *Office of Disciplinary Counsel v. Braun*, 553 A.2d 894 (Pa. 1989):

(a) In *Office of Disciplinary Counsel v. John William Eddy*, No. 143 DB 2019, the Disciplinary Board of the Supreme Court of Pennsylvania found that Respondent established a causal connection between his mental illness and misconduct by clear and convincing evidence. Further, the Board found that Respondent suffered from an opioid addiction.

(b) At Respondent's federal sentencing hearing on November 17, 2022, Bruce Wright, MD, Respondent's treating psychiatrist, testified regarding Respondent's ongoing treatment for his mental illness and polysubstance disorder.

(c) Dr. Wright testified that Respondent suffers from "generalized anxiety disorder, a long-term psychiatric illness for Mr. Eddy" and "a history of polysubstance abuse disorder, including opiates and cocaine".

48. Respondent is currently serving a suspension for similar misconduct involving misappropriation of funds.

49. Absent any mitigation, precedent would support suspension based on Respondent's unauthorized practice of law while suspended.

50. In *Office of Disciplinary Counsel v. Peter P. Barnett*, No. 175 DB 2018, (S.Ct. Order May 20, 2019), Barnett engaged in the practice of law after having been transferred to disability inactive status pursuant to Rule 301, Pa.R.D.E. While inactive, Barnett was employed by a law firm as a litigation manager. On the law firm's website, Barnett's credentials referred to his status as an attorney. Barnett met with clients and negotiated legal matters on behalf of multiple clients through the law firm. Barnett never disclosed to the clients that he was ineligible to practice law. The Supreme

Court approved consent discipline for a two-year suspension.

51. In *Office of Disciplinary Counsel v. Malcolm P. Rosenberg*, No. 156 DB 2014 (S.Ct. Order March 17, 2016), Rosenberg engaged in the unauthorized practice of law while suspended from the practice of law for one year and one day. Rosenberg had been suspended for 16 years when he held himself out as an attorney while representing a client in a dispute involving proceeds from the sale of property. Rosenberg negotiated with the opposing party in the transaction, who was not initially represented by counsel. When the opposing party retained counsel, Rosenberg continued to act on behalf of his client. He never advised opposing counsel that he was not authorized to practice law. When Rosenberg was confronted by opposing counsel about his suspension, he did not immediately admit to the suspension. Rosenberg was holding money in escrow but failed to immediately release the funds at the request of opposing counsel upon the discovery that Rosenberg was suspended. Rosenberg engaged in the unauthorized practice of law for approximately four months. Rosenberg was suspended for a period of three years. Like Rosenberg, Respondent engaged in the authorized practice of law for a short period of time.

52. The parties submit that the proposed suspension for three (3) years is both justified and not unduly lenient considering Respondent's

current suspension.

53. The parties agree that if the proposed consent discipline is approved by the Board and the Court, the three (3) year suspension will commence upon entry of an Order by the Court. The three (3) year suspension will not be retroactive or concurrent to Respondent's current suspension.

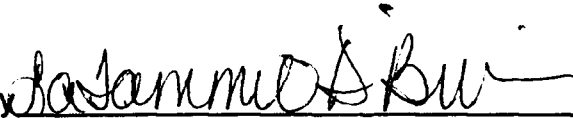
WHEREFORE, Petitioner and Respondent respectfully request that:

- (a) Pursuant to Rule 215(e) and 215(g), Pa.R.D.E., a three-member Panel of the Disciplinary Board review and approve the above Joint Petition in Support of Discipline on Consent and file its recommendation with the Supreme Court of Pennsylvania in which it recommends that the Supreme Court enter an Order that Respondent receive a three (3) year suspension; and
- (b) Pursuant to Rule 215(i) Pa.R.D.E. a three-member Panel of the Disciplinary Board enter an order for Respondent to pay the necessary expenses incurred in the investigation and prosecution this matter, and that all expenses be paid by Respondent within thirty (30) days after the notice of taxed expenses is sent to Respondent.

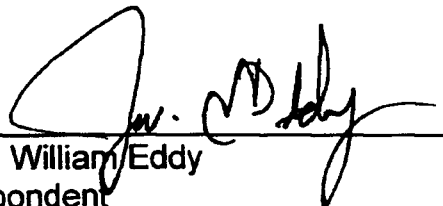
Respectfully and jointly submitted,

OFFICE OF DISCIPLINARY COUNSEL

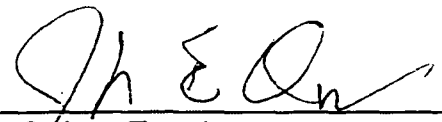
THOMAS J. FARRELL
CHIEF DISCIPLINARY COUNSEL

By 

LaTammie D. Bivins
Disciplinary Counsel

By 

John William Eddy
Respondent

By 

John E. Quinn, Esquire
Counsel for Respondent

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

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2876 Disciplinary Docket
	:	No. 3 – Supreme Court
Petitioner	:	
	:	No. 49 DB 2022 – Disciplinary
v.	:	Board
	:	
JOHN WILLIAM EDDY,	:	Attorney Registration No. 209046
	:	
Respondent	:	(Fayette County)

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

Respondent, John William Eddy, hereby states that he consents to a suspension of three years, as jointly recommended by Petitioner, Office of Disciplinary Counsel, and Respondent, in the Joint Petition In Support Of Discipline On Consent, and further states that:

- 1. 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 the consent; and, he has consulted with counsel in connection with the decision to consent to the imposition of discipline;**

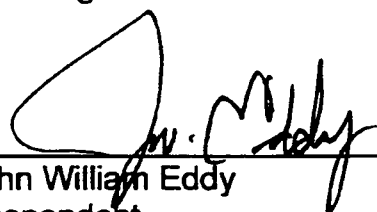
2. He is aware that there is a pending proceeding involving allegations that he has been guilty of misconduct as set forth in the Joint Petition;

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

4. He consents because he knows that if the matter pending against him is prosecuted, he could not successfully defend against the charges; and

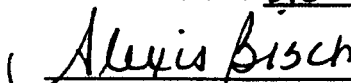
5. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has retained, consulted or acted upon the advice of counsel in connection with his decision to execute the within Joint Petition.

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).

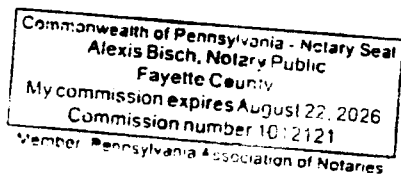


John William Eddy
Respondent

Sworn to and subscribed
before me this 26th day of July, 2023.



Notary Public



BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2876 Disciplinary Docket
: No. 3 – Supreme Court
Petitioner :
: No. 49 DB 2022 – Disciplinary
v. : Board
: Attorney Registration No. 209046
JOHN WILLIAM EDDY, :
Respondent : (Fayette County)

VERIFICATION

The statements contained in the foregoing Joint Petition in Support of Discipline on Consent Under Rule 215(d), Pa.R.D.E. 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. §4904, relating to unsworn falsification to authorities.

7/26/23
Date

7/26/23
Date

7/27/23
Date


LaTammie D. Bivins
LaTammie D. Bivins
Disciplinary Counsel

John William Eddy
John William Eddy
Respondent

John E. Quinn
John E. Quinn, Esquire
Counsel for Respondent

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: LaTammie D. Bivins
Signature: 
Name: LaTammie D. Bivins
Attorney No. (if applicable): 79599