

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

| | | |
|---------------------------------|---|---------------------------------|
| OFFICE OF DISCIPLINARY COUNSEL, | : | No. 55 DB 2022 |
| Petitioner | : | |
| | : | File No. C1-19-1070 |
| v. | : | |
| | : | Attorney Registration No. 54513 |
| ROBERT M. TOBIA | : | |
| Respondent | : | (Philadelphia) |

ORDER

AND NOW, this 3rd day of May, 2022, in accordance with Rule 208(a)(5), Pa.R.D.E., the determination by a Review Panel of the Disciplinary Board of the Supreme Court of Pennsylvania, in the above captioned matter is accepted; and it is

ORDERED that the said ROBERT M. TOBIA of Philadelphia, be subjected to a **PUBLIC REPRIMAND WITH CONDITION** by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(b) and Rule 205(c)(8) of the Pennsylvania Rules of Disciplinary Enforcement.

At least ten (10) days prior to the imposition of the Public Reprimand, Respondent shall submit to the Prothonotary of the Board and Disciplinary Counsel the past three months of reconciliations and underlying documents including the regular trial balances of the individual client ledgers, prepared by a certified public accountant.

Failure to comply with the above Condition shall be grounds for reconsideration of this matter and prosecution of formal charges against Respondent under the specific provision of Enforcement Rule 204(b). 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

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

| | | |
|---------------------------------|---|---------------------------------|
| OFFICE OF DISCIPLINARY COUNSEL, | : | No. 55 DB 2022 |
| Petitioner | : | |
| | : | File No. C1-19-1070 |
| | : | |
| v. | : | |
| | : | Attorney Registration No. 54513 |
| ROBERT M. TOBIA, | : | |
| Respondent | : | (Philadelphia) |

PUBLIC REPRIMAND

Robert M. Tobia, you appear before the Disciplinary Board for the imposition of a Public Reprimand ordered by the Board on May 3, 2022. It is an unpleasant task to publicly reprimand one who has been granted the privilege of membership in the bar of the Commonwealth. Yet as repugnant as this task may be, it has been determined necessary that you receive this public discipline.

Mr. Tobia, the misconduct at the heart of this matter involves your improper handling of your IOLTA account. Throughout 2019, on several occasions you transferred funds from the IOLTA to your firm's business account, causing the IOLTA to be out of trust. On one occasion, you borrowed funds from the IOLTA to make payroll, causing a "bounced check" deficiency that the bank reported to the Pennsylvania Lawyers Fund for Client Security. On several occasions, you commingled funds by depositing your own funds into the IOLTA to cover the deficiency and out-of-trust situations. You failed to maintain a regular trial balance or individual client ledgers, or perform monthly reconciliations, and you left outstanding, uncashed checks to languish without making adequate efforts to determine why such checks had not been cashed.

By your conduct, you violated the following Rules of Professional Conduct (“RPC”):

1. RPC 1.15(b) – 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.
2. RPC 1.15(c)(2) – A lawyer is required to maintain a check register or separately maintained ledgers, which shall include the payee, date, purpose and amount of each check, withdrawal and transfer, the payor, date, and amount of each deposit, and the matter involved for each transaction.
3. RPC 1.15(c)(4) – A regular trial balance of the individual client trust ledgers shall be maintained by the lawyer. On a monthly basis, a lawyer shall conduct a reconciliation for each fiduciary account.
4. RPC 1.15(h) – A lawyer shall not deposit the lawyer’s own funds in a Trust Account except for the sole purpose of paying service charges on that account, and only in an amount necessary for that purpose.

In addition to this reprimand, the Board imposed a condition that you submit to the Board Prothonotary and Disciplinary Counsel the past three months of reconciliations and underlying documents including the regular trial balances of the individual client ledgers, prepared by a certified public accountant. The record indicates that you complied with this condition.

In mitigation, you are remorseful, have no history of discipline, cooperated with Office of Disciplinary Counsel, and took measures to assure that your IOLTA will be handled properly.

Mr. Tobia, your conduct in this matter is public. This Public Reprimand is a matter of public record and shall be posted on the Disciplinary Board's website at www.padisciplinaryboard.org

It is the Board's duty to reprimand you for your misconduct. Please be advised 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.

Board Chair

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania on June 17, 2022.