

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2314 Disciplinary Docket No. 3
	:	
Petitioner	:	No. 66 DB 2016
	:	
v.	:	Attorney Registration No. 67050
	:	
RICKI GOODSTEIN	:	(Montgomery County)
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 10th day of November, 2016, 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 Ricki Goodstein is suspended on consent from the Bar of this Commonwealth for a period of one year and one day. She shall comply with all the provisions of Pa.R.D.E. 217.

A True Copy Patricia Nicola
As Of 11/10/2016

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

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

OFFICE OF DISCIPLINARY COUNSEL, : No. 66 DB 2016
 Petitioner :
 v. :
 : Attorney Reg. No. 67050
RICKI GOODSTEIN, :
 Respondent : (Montgomery County)

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

Petitioner, the Office of Disciplinary Counsel (hereinafter, "ODC") by Paul J. Killion, Chief Disciplinary Counsel, and Julia M. Frankston-Morris, Disciplinary Counsel and Respondent, Ricki Goodstein, Esquire (hereinafter "Respondent"), 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 in support thereof state:

1. ODC, whose principal office is situated at Office of Chief Disciplinary Counsel, Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania 17106, is invested, pursuant to Pa.R.D.E. 207, with the power and duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all

FILED

JUL 26 2016

Office of the Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

disciplinary proceedings brought in accordance with the various provisions of the aforesaid Enforcement Rules.

2. Respondent, Ricki Goodstein, was born on December 6, 1957, and was admitted to practice law in the Commonwealth on December 8, 1992. Respondent is on active status and her last registered address is Goodstein Law Associates, 1150 First Avenue, STE 501, King of Prussia, PA 19406. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

3. Respondent has no prior record of discipline.

4. Respondent is represented by counsel, Alan B. Kane, Esquire, 1 Montgomery Plaza, STE 608, Norristown, PA 19401.

SPECIFIC FACTUAL ALLEGATIONS ADMITTED

UNAUTHORIZED PRACTICE OF LAW AND RELATED MISCONDUCT

**a. FAILURE TO COMPLY WITH ENFORCEMENT
RULES FOLLOWING ADMINISTRATIVE
SUSPENSION**

5. By letter dated September 21, 2015, Suzanne E. Price, Attorney Registrar, notified Respondent that she had failed to comply with Rule 219 of the Pennsylvania Rules of Disciplinary Enforcement (requiring annual submission of the Attorney Registration form and fee) and that her failure to submit her Attorney Registration Form and fee by October 21, 2015 would result in her administrative suspension on that date.

Enclosed with Ms. Price's letter were guidance materials for administratively suspended attorneys, including relevant Enforcement Rules, forms through which to notify clients of the administrative suspension, and a compliance form to be filled out and returned to the Office of the Secretary. Postal records confirmed receipt at Respondent's office. Respondent took no action to comply with Rule 219, and by Supreme Court Order dated October 21, 2015, was transferred to administrative suspension status.

6. Despite her administrative suspension, Respondent failed to submit her compliance form and fee, continued to practice law and hold herself out as an admitted attorney in good standing. Specifically, Respondent continued to: maintain a website for Goodstein Law Associates, www.goodsteinlawassociates.com, until January of 2016; maintain a Facebook account titled "Goodstein Law Associates - Estate Planning and Elder Law"; and practice law in her office, identified by signs reading "Goodstein Law Associates," with a receptionist who answered the phone stating, "Goodstein Law Associates." Additionally, during this period of administrative suspension, she offered two legal seminars open to the public on October 22, 2015, at Center on the Hill, 8855 Germantown Avenue

in Philadelphia and on November 18, 2015, at Har Zion Temple, 1500 Hagys Ford Road in Penn Valley.

b. CONSULTATION WITH A PROSPECTIVE
CLIENT DURING ADMINISTRATIVE
SUSPENSION AND RELATED MISCONDUCT

13. In or around the beginning of December of 2015, while Respondent was administratively suspended, Charles DeMutis ("DeMutis") contacted Respondent to discuss placing his parents in a nursing home facility. On December 8, 2015, Respondent met with DeMutis along with his three siblings in her law office. During the consultation, Respondent gave legal advice to DeMutis and his siblings and DeMutis provided Respondent with the original of his father's will and two copies of his parents' Powers of Attorney ("POAs").

Following the meeting, Respondent retained the will and POAs. Thereafter, however, DeMutis advised Respondent that he and his siblings decided not to engage Respondent in this matter and requested a return of their documents. In response, Respondent sent DeMutis an invoice totaling \$1,095 for the consultation. This fee of \$1,095 was an illegal fee, as she was prohibited from engaging in the practice of law or in law-related activities in violation of RPC 5.5 and Pa.R.D.E. 217(j)(4), and the criminal law. Prior to sending this invoice,

Respondent had not notified DeMutis of the basis or rate of her fee.

14. On December 20, 2015, DeMutis' father passed away and DeMutis informed Respondent of the death. Thereafter, DeMutis attempted on several occasions to contact Respondent via telephone and email to request a return of the documents and an adjustment of Respondent's fee. Respondent's delay prevented DeMutis and his family from being able to promptly submit the will to the Register of Wills. After continued calls, DeMutis was able to retrieve the documents at the end of February 2016.

c. FAILURE TO RESPOND TO ODC'S DB-7 AND
PETITION FOR DISCIPLINE AND
MISREPRESENTATION IN RETURNING
TO ACTIVE STATUS

15. By DB-7 Request for Statement of Respondent's Position dated January 20, 2016, ODC notified Respondent of the allegations against her. Respondent received the DB-7, yet she failed to timely respond to the DB-7. On March 16, 2016, Stephen Schmitt, Auditor/Investigator with ODC, travelled to Respondent's office, and observed that despite her administrative suspension, all of her signage remained in place and she was at her office along with a receptionist. At that time, Auditor/Investigator Schmitt met with Respondent briefly and discussed her administrative suspension. Within days, Respondent filed the necessary paperwork to return to active

status. Included in that paperwork was a Statement of Compliance, wherein Respondent noted that there were no clients, courts, interested third parties, or recipients of services, that she needed to notify of her administrative suspension. This statement was false in that, at a minimum, DeMutis was a client who Respondent failed to notify of her administrative suspension.

16. ODC filed its Petition for Discipline against Respondent with the Secretary of the Disciplinary Board on April 15, 2016 and Auditor Investigator Stephen J. Schmitt, personally served Respondent with the Petition for Discipline on April 25, 2016. Respondent failed to file an Answer to the Petition.

**SPECIFIC RULES OF PROFESSIONAL CONDUCT AND
RULES OF DISCIPLINARY ENFORCEMENT VIOLATED**

35. Respondent violated the following Rule of Professional Conduct and Rules of Disciplinary Enforcement:

a. RPC 1.5(a) - A lawyer shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee.

b. RPC 1.5(b) - When the lawyer has not regularly represented the client, the basis or rate of the fee shall be communicated to the client, in writing, before or within a reasonable time after commencing the representation.

c. RPC 1.15(e) - Except as stated in this Rule or otherwise permitted by law or by agreement with the client or third person, a lawyer shall promptly deliver to the client or third person any property, including but not limited to Rule 1.15 Funds, that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding the property;

d. RPC 1.16(d) - Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred.

e. RPC 5.5(a) - 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.

f. RPC 7.1 - A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

g. RPC 8.4(b) - 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.

h. RPC 8.4(c) - It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

i. RPC 8.4(d) - It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

j. Pa.R.D.E. 203(b)(7) - The following shall be grounds for discipline: 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.

k. Pa.R.D.E. 217(e) - Within ten days after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status order, the formerly admitted attorney shall file with the Secretary of the Board a verified statement and serve a copy on Disciplinary Counsel.

l. Pa.R.D.E. 217(j)(4)(i), (ii), (iv), and (vi) - Without limiting the other restrictions in this subdivision (j), a formerly admitted attorney is specifically prohibited from

engaging in any of the following activities: (i) performing any law-related activity for a law firm, organization or lawyer on or after the date on which the acts which resulted in the disbarment or suspension occurred through and including the effective date of disbarment or suspension; (ii) performing any law-related services from an office that is not staffed by a supervising attorney on a full time basis; (iv) representing him or herself as a lawyer or person of similar status.

m. Pa.R.D.E. 219(a) - Every attorney admitted to practice law in this Commonwealth shall pay an annual fee of \$125.00 and file the annual fee form provided for in this rule.

SPECIFIC RECOMMENDATION FOR DISCIPLINE

ODC and Respondent jointly recommend that the appropriate discipline for Respondent is a suspension for a period of one year and one day. Respondent hereby consents to the discipline being imposed upon her 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 she consents to the recommended discipline and including the mandatory acknowledgments contained in Pa.R.D.E. 215(d)(1) through (4).

In recent years, where an attorney practices law while on inactive status, the Board and the Supreme Court have most often seen fit to impose a suspension of one year and one day, as a

baseline minimum. The Board's decision in one case involving practicing while on inactive status for failure to pay the annual fee and failure to complete CLE requirements, illustrates this point:

In sum, the Supreme Court does not tolerate lawyers who take a lax approach to the administrative rules governing the practice of law. Respondent's argument that no client or member of the public was harmed appears immaterial in light of the Court's determinations in past discipline cases. Even in situations where lawyers lack disciplinary records and have otherwise good reputations, the Court has found their misconduct contemptuous and has suspended these lawyers for one year and one day, thus obligating the lawyers to petition for reinstatement in the future.

Office of Disciplinary Counsel v. Thomas Joseph Coleman, III, No. 98 DB 2003 (D.Bd. Rpt. 1/24/2005, p. 21) (S.Ct. Order 4/19/2005); ***Office of Disciplinary Counsel v. Harry Curtis Forrest, Jr.***, No. 134 DB 2003 (D.Bd. Rpt. 12/30/2004, p. 14) (S.Ct. Order 3/24/2005) (imposing discipline of one year and one day for unauthorized practice is supported by a "strong line of precedent"); ***Office of Disciplinary Counsel v. Peter William DiGiovanni***, No. 36 DB 2008 (D.Bd. Rpt. 2/27/2009, p. 12) (S.Ct. Order 5/28/2009) ("The disciplinary sanctions imposed in Pennsylvania regarding the unauthorized practice of law have been consistent through the recent years. Suspension of one

year and one day has been the primary sanction used to address this misconduct...."). Discipline for unauthorized practice is subject to be increased or decreased "[d]epending on the presence of aggravating and mitigating factors and the degree of willfulness exhibited...." **Office of Disciplinary Counsel v. Delancey W. Davis**, No. 17 DB 2004 (D.Bd. Rpt. 4/28/05 at p. 13) (S.Ct. Order 7/22/2005).

This discipline will also allow Respondent time to return to fitness and competency. Respondent acknowledges that she is suffering from personal health issues which have affected her ability to practice law. Respondent suffers from Attention Deficit Disorder, depression, and is bipolar. She "is on all kinds of medications," and often fails to recall facts or locate items, adding that "[she] probably should not even practice law." In addition, Respondent has been diagnosed with parasitic disease which has caused her to lose approximately 18 pounds in three months and has resulted in intense fatigue, inability to focus, concentrate, and attend to various day to day activities. Prior to onset of this disease, her medical history included, among other things, attention deficit disorder, depression, and migraine syndrome. Her current medications include Zoloft, Trazodone, and Lamictal.

36. For the sake of protection of the public, a

suspension of one year and one day is appropriate discipline. Requiring Respondent to petition for reinstatement will give her the opportunity to demonstrate that she is fit and competent to adequately represent clients. See **Office of Disciplinary Counsel v. Jonah Daniel Levin**, No. 124 DB 2004 (D.Bd. Rpt. 2/10/2006 p. 24) (5/5/2006) ("Requiring [r]espondent to go through a reinstatement proceeding to demonstrate his fitness and ability to practice is necessary to protect the public from future harm"); **Office of Disciplinary Counsel v. Eric B. Levande**, No. 72 DB 1999 (D.Bd. Rpt. 2/2/2001 p. 34) (4/2/2001) ("A suspension of one year and one day will serve to adequately protect the public from future misconduct and also require Respondent to petition for reinstatement and prove that he is competent to practice law").

Based on the above, Petitioner and Respondent believe that a suspension of one year and one day will serve to protect the public, which is an overriding goal of the disciplinary system.

WHEREFORE, the Petitioner and Respondent respectfully request that:

- a. Pursuant to Pa.R.D.E. 215, 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 is recommended that the Supreme Court of Pennsylvania enter an Order:

- i. suspending Respondent from the practice of law for one year and one day; and
- ii. directing Respondent to comply with all the provisions of Pa.R.D.E. 217.

Respectfully submitted,

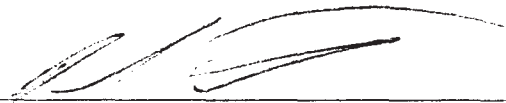
OFFICE OF DISCIPLINARY COUNSEL
PAUL J. KILLION,
Attorney Registration Number 20955,
Chief Disciplinary Counsel

7/20/16
DATE



Julia M. Frankston-Morris,
Disciplinary Counsel
Attorney Registration Number 308715
Office of Disciplinary Counsel
District II Office
820 Adams Avenue, Suite 170
Trooper, PA 19403
(610) 650-8210

7/20/16
DATE



Ricki Goodstein, Esquire
Respondent
Attorney Registration Number 67050

7/20/16
DATE

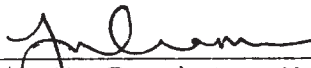


Alan B. Kane, Esquire
Respondent' Counsel
Attorney Registration Number 66379

VERIFICATION

The statements contained in the foregoing *Joint Petition In Support of Discipline on Consent Discipline* 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.A. §4904, relating to unsworn falsification to authorities.

7/26/16
DATE



Julia M. Frankston-Morris,
Disciplinary Counsel

7/20/16
DATE



Ricki Goodstein, Esquire
Respondent

7/20/16
DATE



Alan B. Kane, Esquire
Respondent's Counsel

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 66 DB 2016
Petitioner :
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: Attorney Reg. No. 67050
RICKI GOODSTEIN, :
Respondent : (Montgomery County)

CERTIFICATE OF SERVICE

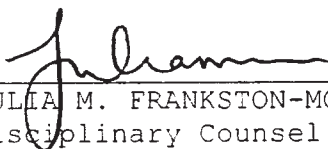
I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 204 Pa. Code §89.22 (relating to service by a participant).

First Class and Overnight Mail, as follows:

Alan B. Kane, Esquire
One Montgomery Plaza, STE 608
Norristown, PA 19401

Dated:

7/26/16


JULIA M. FRANKSTON-MORRIS,
Disciplinary Counsel
Attorney Registration No. 308715
Office of Disciplinary Counsel
District II Office
820 Adams Avenue, Suite 170
Trooper, PA 19403
(610) 650-8210

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 66 DB 2016
 Petitioner :
 v. :
 : Attorney Reg. No. 67050
RICKI GOODSTEIN, :
 Respondent : (Montgomery County)

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

Respondent, Ricki Goodstein, hereby states that she consents to the imposition of a suspension of one year and one day 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. Her consent is freely and voluntarily rendered; she is not being subjected to coercion or duress; and she is fully aware of the implications of submitting the consent;

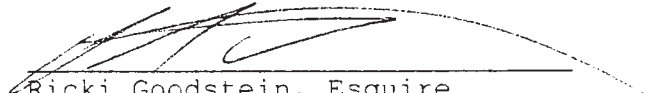
2. She has consulted or followed the advice of counsel in connection with the decision to consent to discipline;

3. She is aware that there are pending proceedings involving allegations that she has been guilty of misconduct as set forth in the Joint Petition;

4. She acknowledges that the material facts set forth

in the Joint Petition are true; and

5. She consents because she knows that if charges predicated upon the matter under investigation were filed, the attorney could not successfully defend against them.


Ricki Goodstein, Esquire
Respondent

Sworn to and subscribed
Before me on this 20th
Day of July, 2016


Notary Public

