

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

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 93 DB 2019
Petitioner	:	
	:	File Nos. C1-17-577
v.	:	
	:	Attorney Registration No. 2560
JOSHUA M. BRISKIN	:	
Respondent	:	(Philadelphia)

O R D E R

AND NOW, this 16th day of May, 2019, in accordance with Rule 208(a)(5), Pa.R.D.E., the determination by a Review Panel of the Disciplinary Board of the above captioned matter is accepted; and it is

ORDERED that Joshua M. Briskin, of Philadelphia be subjected to a **PUBLIC REPRIMAND** 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.

IT IS FURTHER ORDERED that Respondent shall be placed on probation for a period of one year, subject to the following Conditions:

Conditions of Probation:

1. Respondent shall not commit any violations of the Rules; and
2. To the extent that Ms. Semler seeks relief either in Small Claims Court or with the Philadelphia Bar Association's Fee Disputes Committee, Respondent shall participate and honor any award.
3. Upon completion of the Probation, Respondent shall submit a sworn certification to the Board that he has complied with the above conditions.

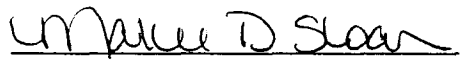
Failure to abide with the terms of the probation shall be grounds for further action pursuant to Enforcement Rule 208(h).

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. 93 DB 2019
Petitioner	:	
	:	File No. C1-17-577
v.	:	
	:	Attorney Registration No. 2560
JOSHUA M. BRISKIN	:	
Respondent	:	(Philadelphia)

PUBLIC REPRIMAND

Joshua M. Briskin, you stand before the Disciplinary Board, your professional peers and members of the public for the imposition of a Public Reprimand. It is an unpleasant task to publicly reprimand one who has been granted the privilege of membership in the bar of this Commonwealth. Yet as repugnant as this task may be, it has been deemed necessary that you receive this public discipline.

Mr. Briskin, you are being reprimanded for your conduct during your representation of E.S. in a criminal matter in the United States District Court for the Eastern District of Pennsylvania. In October 2016, you consulted with Ms. S and received a check in the amount of \$5,000 as a retainer fee for your representation. At the time, Ms. S was twenty-one years of age. Although you had not previously represented Ms. S on any legal matters and had no previous relationship with her, you did not provide Ms. S with a written fee agreement and did not notify Ms. S in writing that you did not have professional liability insurance.

Beginning in or about October 22, 2016 through March 18, 2017, you sent a series of text messages to Ms. S, some of which were sexually explicit, in an attempt to have sexual relations with her. In addition to your text messages to Ms. S, you verbally

made sexually-oriented comments to her, in an attempt to have sexual relations with her. On at least five occasions when meeting Ms. S to discuss her case, you attempted to kiss her on the lips

On March 23, 2017, Ms. S was arrested on a sealed federal indictment. By approximately April 2017, Ms. S had paid you more than \$33,000 in legal fees. By letter dated May 5, 2017, Ms. S advised you that she wanted to terminate the representation, stated that your repeated contact of family and friends regarding her case was unacceptable and inappropriate, and asked you to no longer communicate with her and her family and friends through voicemails, and requested an accounting and a refund of \$25,000 for alleged unearned legal fees. You failed to provide Ms. S with a refund of any legal fees.

On May 15, 2017, you filed a motion to withdraw as counsel in the federal district court, averring that Ms. S had fired you as her attorney, that she “repeatedly makes falsehoods as to [your] representation of her” and that “there has been a complete breakdown” between you and Ms. S. You provided Ms. S with a copy of the motion to withdraw, and claimed you billed a total of 62 hours on her case. You further advised Ms. S that she owed you an additional \$16,500.

Following an exchange of emails between you and Ms. S, you each retained legal counsel to handle the dispute. On June 26, 2017, the federal district court granted your motion to withdraw. On July 6, 2017, Ms. S filed a complaint against you with Office of Disciplinary Counsel and filed a claim with the Pennsylvania Lawyers Fund for Client Security.

You retained counsel to represent you regarding Ms. S's Fund claim. By letter dated October 6, 2017, copied to you, your counsel advised the Fund, among other

things, that you tried to get Ms. S into your office to sign a fee agreement, but she failed to appear at two appointments, and you denied that you ever sent Ms. S “sexually charged text messages or emails.” After Ms. S responded to the Fund’s request to comment on your response, your counsel again advised the Fund by letter that you denied ever having sexual discussions with Ms. S and had never engaged in sexual talk with her, and claimed that Ms. S and her successor lawyer “hacked” into your old cell phone and that the messages that were sent were made to look like they came from you.

Your counsel made these statements to the Fund based on information received from you. Your counsel sent ODC a copy of the first letter to the Fund and copied you. At that point, you realized that your counsel had made false statements to the Fund and ODC, yet you took no remedial action to correct the false statements.

In response to ODC’s DB-7 request for your position, you denied that you sent sexual text messages to Ms. S and continued to assert that the messages were fabricated.

As a result of your conduct, you have violated the following Rules of Professional Conduct (“RPC”):

1. RPC 1.4(c) – A lawyer in private practice shall inform a new client in writing if the lawyer does not have professional liability insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate per year, subject to commercially reasonable deductibles, retention or co-insurance.

2. 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.
3. RPC 1.8(j) – A lawyer shall not have sexual relations with a client unless a consensual relationship existed between them when the client-lawyer relationship commenced.
4. RPC 8.1(a) – A lawyer in connection with a disciplinary matter shall not knowingly make a false statement of material fact.
5. RPC 8.4(a) – 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.
6. RPC 8.4(c) – It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.
7. RPC 8.4(d) – It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

In addition to this reprimand, you have been placed on probation for a period of one year with conditions. Failure to abide by the terms of the probation shall be grounds for further disciplinary action.

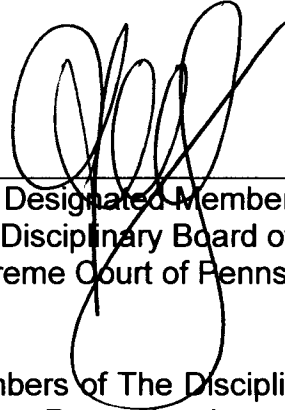
It is my duty to reprimand you for your misconduct. We sincerely hope that you will conduct yourself in such a manner that future disciplinary action will be unnecessary.

Mr. Briskin, your conduct in this matter is now fully public. This Public Reprimand is a matter of public record.

As you stand before the Board today, we remind you that you have a continuing

obligation to abide by the Rules of Professional Conduct and Rules of Disciplinary Enforcement. This Public Reprimand is proof that Pennsylvania lawyers will not be permitted to engage in conduct that falls below professional standards. Be mindful that any future dereliction will subject you to disciplinary action.

This Public Reprimand shall be posted on the Disciplinary Board's website at www.padisiplinaryboard.org



Designated Member
The Disciplinary Board of the
Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania, at Philadelphia, Pennsylvania, on September 10, 2019.

ACKNOWLEDGMENT

The undersigned, Respondent in the above proceeding, herewith acknowledges that the above Public Reprimand was administered in his presence and in the presence of the designated panel of The Disciplinary Board at the Board offices located at the 1601 Market Street, Suite 3320, Philadelphia, Pennsylvania, on September 10, 2019.



Joshua M. Briskin