

Discipline

PUBLIC DISCIPLINE

April 20 THROUGH June 30, 2005

Allegheny County

The Supreme Court on June 16 ordered **Paul Robert Giba** suspended for two years, as recommended by the Disciplinary Board. According to the disciplinary report, Giba engaged in the “systematic misappropriation of entrusted funds” that led to a deficiency in his IOLTA account as high as \$175,000 at one point.

Berks County

The Supreme Court on June 16 ordered **Michael Keith Hollinger** suspended for one year and one day, retroactive to July 20, 2004, as recommended by the Disciplinary Board. Five members of the board dissented in favor of a one-year suspension; two members dissented in favor of a suspension of less than one year. The disciplinary report said Hollinger engaged in a “pattern of conduct which included billing clients for work he had either not actually performed or significantly exaggerating the amount of time spent for services actually performed.”

Chester County

The Supreme Court on May 13 ordered **Mark Eugene Johnston** suspended for three years. The majority of the Disciplinary Board recommended a two-year suspension. Three members dissented in favor of a three-year suspension. According to the disciplinary report, Johnston was “convicted of one count of knowing or intentional possession of a controlled substance, three separate driving-under-the-influence offenses over a three-year period from 1997 through 2000, filing false alarms to public agencies in 1997, driving under a suspended operator’s license in 1999 and 2000, defiant trespass in 1997, disorderly conduct in 1997 and 2002, and harassment in 2002. Furthermore, respondent was found in violation of parole in 2001 and in violation of probation in 1997. Respondent failed to report his conviction in 1997 to the Disciplinary Board and failed to report his arrest and subsequent conviction in Delaware County in 2000 to the Montgomery County Probation Department. Respondent was the subject of two bench warrants for failure to report to prison in 2002. Respondent filed a false application for the ARD program and lied to his probation officer.” The report added, “Respondent’s multiple convictions and related actions can only be described as egregious in quantity and quality.”

The court on May 27 ordered **James Martin Fogerty** suspended for three years, retroactive to April 8, 2004, the date of his temporary suspension, as recommended by the Disciplinary Board. According to the disciplinary report, Fogerty was convicted of criminal trespass, possession of an interception device and interception of oral communications. The report said, “Respondent engaged in a prolonged and egregious intrusion into the private life of his victim and subjected her to a physical invasion of her residence.”

Delaware County

The Supreme Court on April 27 ordered **H. Beatty Chadwick** suspended for five years, as recommended by the Disciplinary Board. Two members of the board dissented in favor of disbarment. According to the disciplinary report, Chadwick was involved in acrimonious divorce proceedings and failed to comply with a court order that prohibited him from assigning, concealing, secreting or dissipating marital assets. Ordered to pay \$2.5 million he had transferred out of the country, he refused, was held in contempt and a warrant was issued for his arrest. When he was arrested at a dental appointment, he “provoked a physical altercation” that resulted in a conviction on two counts of simple assault. The report added that “10 years and numerous appeals later ... [the] respondent chooses to stay in prison and asserts he has no control over the assets.”

Erie County

The Supreme Court on April 27 ordered **Barry Franklin Levine** suspended for five years, as recommended by the Disciplinary Board. Justice Ronald D. Castille did not participate. Chief Justice Ralph J. Cappy and Justice Thomas G. Saylor dissented in favor of disbarment. Four members of the Disciplinary Board dissented from its recommendation, in favor of disbarment. According to the disciplinary report, the case involved an “egregious instance of forgery” in which Levine forged a judge’s name on a settlement order and then attempted to conceal the forgery.

Fayette County

The Supreme Court on May 11 ordered **Paula M. Lappe** suspended for two years, as recommended by the Disciplinary Board. One member of the board dissented in favor of a suspension of one year and one day. According to the disciplinary report, Lappe “engaged in neglect of her clients’ cases, failed to keep her clients informed about their cases, failed to provide her clients with a written document evidencing the basis and rate of her fee, and failed to return client papers and unearned fees to the clients when the representation was terminated.”

Northampton County

The Supreme Court on May 27 ordered **Carol J. Weaver** suspended for four years. Justice Russell M. Nigro dissented in favor of a five-year suspension. The majority of the Disciplinary Board recommended suspension for three years; one member dissented in favor of disbarment. The disciplinary report said Weaver failed to respond to a request from a client to return documents and failed to provide an accounting of the client’s monies she was holding in her escrow account. The report said she also converted \$21,000 in client funds for personal expenses.

Out of State

The Supreme Court on May 11 ordered **Kirk Allen McDaniel** suspended for one year and one day, as recommended by the Disciplinary Board. According to the disciplinary report, McDaniel, while serving as a senior trial counsel in the Marine Corps, was convicted of unauthorized absence from his base, lying under oath during a military proceeding and using cocaine.

Temporary Suspension — Rule 214(d)

The following attorneys have been placed on temporary suspension under a rule of disciplinary enforcement pertaining to attorneys convicted of serious crimes: **Reed James Davis**, Allegheny County, on May 13, and **George Kotsopoulos**, Chester County, on June 6.

Temporary Suspension — Rule 208(f)(5)

The following attorney has been placed on emergency temporary suspension under a rule of disciplinary enforcement pertaining to attorneys who appear to have disregarded enforcement rules, refused to comply with a valid subpoena or engaged in conduct that obstructs or delays a disciplinary proceeding: **James G. Wiles**, Bucks County, on June 16.

Disbarments on Consent

The following attorneys have been disbarred on consent under a rule of disciplinary enforcement pertaining to resignations by attorneys under disciplinary investigation: **Joseph Anthony Dente**, Luzerne County, on May 13, and **Joseph Cletus Hollywood**, Northampton County, on June 16.

Reciprocal Discipline

The Pennsylvania Supreme Court has imposed reciprocal discipline on the following attorneys: **Richard R. Thomas II**, out of state, suspended on April 27 “consistent” with a one-year suspension ordered by the Supreme Court of New Jersey; **Francis X. Gavin**, out of state, disbarred, on April 27, for like discipline ordered by the Supreme Court of New Jersey; **John Martin DeLaurentis**, out of state, suspended on May 11 “consistent” with and consecutive to a one-year suspension ordered by the Supreme Court of New Jersey; **Frank Martino III**, out of state, disbarred, on May 11, for like discipline imposed by the Supreme Court of New Jersey; **Peter A. Wood**, out of state, suspended on June 6 “consistent” with a one-year suspension ordered by the Supreme Court of New Jersey; and **Vanessa Elaine B. Celler**, aka **Vanessa Smith**, out of state, disbarred, on June 16, for like discipline imposed by the Supreme Court of Illinois.

TRANSFER TO INACTIVE STATUS

April 20 THROUGH June 30, 2005

The following attorney has been transferred to inactive status in connection with a rule of disciplinary enforcement pertaining to respondents in disciplinary proceedings who are suffering from a disability and are unable to prepare an adequate defense: **Frederick T. Haase Jr.**, out of state, on June 6.

REINSTATEMENTS

April 20 THROUGH June 30, 2005

The Supreme Court has approved petitions for reinstatement filed by the following individuals: **P. Jules Patt**, Blair County, from a two-year suspension, as recommended by the Disciplinary Board, on April 27; **John A. Evans**, out of state, from a three-month suspension, on May 4; **Robert H. Obringer**, out of state, from disbarment, as recommended by the Disciplinary Board, on June 24; and **Charles Ellis Steele**, Armstrong County, from disbarment, as recommended by the Disciplinary Board, with four members dissenting, on June 24.