

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2292 Disciplinary Docket No. 3  
: :  
Petitioner : No. 134 DB 2013  
: :  
: Attorney Registration No. 40760  
v. : :  
: (Out of State)  
MICHAEL D. BARTKO : :  
: :  
Respondent :

**ORDER**

**PER CURIAM**

AND NOW, this 6<sup>th</sup> day of October, 2016, upon consideration of the Recommendation for Public Censure Pursuant to Disciplinary Board Rule §89.205(e), Michael D. Bartko is subjected to public censure by the Supreme Court.

Additionally, Respondent is placed on administrative suspension, see Pa.R.D.E. 219(l), and he shall comply with the provisions of Pa.R.D.E. 217.

A True Copy Patricia Nicola  
As Of 10/6/2016

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 134 DB 2013
Petitioner	:	
v.	:	Attorney Registration No. 40760
MICHAEL D. BARTKO	:	
Respondent	:	(Out of State)

RECOMMENDATION FOR  
PUBLIC CENSURE PURSUANT TO  
DISCIPLINARY BOARD RULE §89.205(e)

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES  
OF THE SUPREME COURT OF PENNSYLVANIA:

This matter began with Office of Disciplinary Counsel's filing of a Petition for Discipline against Respondent on September 23, 2013. Respondent filed an Answer to the Petition for Discipline on October 17, 2013. A Joint Petition for Discipline on Consent was filed on May 14, 2014, recommending that Respondent receive a Private Reprimand with two years of probation, including a sobriety monitor. On May 27, 2014, the Joint Petition in Support of Discipline on Consent was approved by a three-member panel of the Disciplinary Board, and it was ordered that Respondent be subjected to a Private Reprimand and placed on Probation for a period of two years, subject to a sobriety monitor.

At the time the Board approved the Discipline on Consent, Respondent was an out-of-state attorney with a registered address in Cleveland, Ohio. Respondent continues to have a registered address in Ohio. Despite repeated efforts on the part of the Co-Chair of the Pennsylvania Bar Association's Lawyers' Assistance Committee, the

Disciplinary Board was unable to find an attorney who resided in Cleveland and was qualified to serve as a sobriety monitor.

A revised Joint Petition in Support of Discipline on Consent was filed on January 13, 2016. On February 2, 2016, the Joint Petition in Support of Discipline on Consent was approved by a three-member panel of the Board, who ordered that Respondent be subject to a Private Reprimand.

By Notice to Appear dated June 27, 2016, Respondent was directed to appear before the Board on July 14, 2016, at 9:30 a.m. at the District IV office in Pittsburgh, Pennsylvania, to receive the Private Reprimand. Although Respondent received the notice on June 29, 2016, he neither appeared for the Private Reprimand nor notified the Board that he would not be appearing.

On July 19, 2016, a Rule to Show Cause was issued by the Board upon Respondent to show cause why his neglect or refusal to appear for a Private Reprimand on July 14, 2016, should not be automatically converted into a recommendation to the Supreme Court for Public Censure pursuant to Disciplinary Board Rule §89.205(e), and why his failure to pay the costs assessed in these proceedings should not result in his being placed on administrative suspension in accordance with Rule 219(l), Pa.R.D.E. Respondent did not file a response to the Rule.

Respondent has not demonstrated good cause as to why he did not appear before the Board for the Private Reprimand scheduled for July 14, 2016. Having failed to provide good cause, the Board recommends that Public Censure be imposed by the Supreme Court. The Board further recommends that as Respondent has failed to pay his costs within 30 days of notification, Respondent be administratively suspended pursuant to Rule 219(l), Pa.R.D.E.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

By: 

Jane G. Penny, Board Chair

Date: 08.22.16