

[J-2-2017]
IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2199 Disciplinary Docket No. 3
	:	
Petitioner	:	No. 44 DB 2015
	:	
v.	:	Attorney Registration No. 1863
	:	
	:	(Luzerne County)
JOSEPH R. REISINGER,	:	
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 31st day of March, 2017, having failed to appear for oral argument on March 7, 2017, and upon consideration of the Report and Recommendations of the Disciplinary Board, Respondent Joseph R. Reisinger is disbarred from the Bar of this Commonwealth. Respondent's Petition for Review is denied.

Respondent shall comply with all the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 3/31/2017

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 44 DB 2015
Petitioner	:	
	:	
v.	:	Attorney Registration No. 1863
	:	
JOSEPH R. REISINGER	:	
Respondent	:	(Luzerne County)

REPORT AND RECOMMENDATIONS OF
THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

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

Pursuant to Rule 208(d)(2)(iii) of the Pennsylvania Rules of Disciplinary Enforcement, the Disciplinary Board of the Supreme Court of Pennsylvania (“Board”) herewith submits its findings and recommendations to your Honorable Court with respect to the above-captioned Petition for Discipline.

I. HISTORY OF PROCEEDINGS

By Petition for Discipline filed on March 17, 2015, Office of Disciplinary Counsel charged Joseph R. Reisinger, Respondent, with violations of Pennsylvania Rules of Professional Conduct (“RPC”) 3.1, 8.2(a), 8.4(c) and 8.4(d). Respondent filed a Response to Petition on April 16, 2015.

A prehearing conference was held on June 1, 2015, before Chair Maria P. Cognetti, Esquire. Respondent appeared and, by Order dated June 2, 2015, deadlines

were set for the exchange of exhibits and witness lists. Respondent failed to comply with any of the ordered deadlines and failed to provide any of the requested documents or witness lists.

At the request of Respondent, the disciplinary hearing was continued from July 6, 2015 to July 28, 2015. Respondent was given an extended deadline within which to comply with the prehearing conference order. Respondent filed a second request for continuance, which was denied by the Board.

The disciplinary hearing was held as scheduled on July 28, 2015, before a District III Hearing Committee comprised of Chair Maria P. Cognetti, Esquire and Members Sandra L. Meilton, Esquire and Kathleen B. Murren, Esquire. Respondent failed to appear at the appointed time and place for the disciplinary hearing. He failed to notify Petitioner, the Hearing Committee, or the Disciplinary Board of the reason for his absence, prior to or following the hearing.

Respondent was placed on temporary suspension by Order of the Supreme Court dated September 11, 2015.

On September 8, 2015, Petitioner filed a Brief to the Hearing Committee recommending Respondent's disbarment. Respondent failed to file a Brief. The Hearing Committee filed a Report on November 6, 2015, concluding that Respondent violated the Rules as charged in the Petition for Discipline and recommending that he be disbarred from the practice of law.

Respondent filed a Brief on Exceptions on February 17, 2016, claiming he is incapacitated.

Petitioner filed a Brief Opposing Exceptions on March 3, 2016.

This matter was adjudicated by the Disciplinary Board at the meeting on April 21, 2016.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner, Office of Disciplinary Counsel, whose principal office is located at 601 Commonwealth Avenue, Suite 2700, Harrisburg, Pennsylvania, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement, with the power and the duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules. ODC-9 at 1-2 ¶1; ODC-10 at 1-2 ¶1.

2. Respondent is Joseph R. Reisinger. He was born in 1945, was admitted to practice law in Pennsylvania in 1971 and has a registered public address of 140 N. Dawes Avenue, Kingston, PA 18704. He is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania. ODC-9 at 2 ¶2; ODC-1- at 2 ¶2; Disciplinary Board records.

3. Respondent failed to appear at the disciplinary hearing on July 28, 2015.

4. On October 12, 2011, Respondent initiated a lawsuit against the Honorable Charles Brown (“Judge Charles Brown”) and Michael Shucosky (“Shucosky”), Luzerne County Court Administrator, by filing a pleading captioned,

“Complaint for Permanent Injunction Because of Judicial Corruption.” ODC-12; ODC-9 at 3 ¶8; OCD-10 at 6 ¶8.

5. At that time, Judge Charles Brown was assigned to handle multiple actions Respondent had filed concerning Respondent’s rental properties. ODC-9 at 3 ¶9; ODC-10 at 6 ¶9.

6. In the pleading, Respondent asserted that Shucosky influenced Judge Charles Brown and involved the Judge in a “conspiracy” against Respondent. ODC-12; ODC-9 at 3 ¶10; ODC-10 at 6 ¶10.

7. Respondent alleged that Shucosky and Judge Charles Brown were intentionally conspiring with many of the parties in opposition to Respondent in various pending lawsuits brought by Respondent involving his commercial properties and other personal matters, to “illegally” assist them in those causes. ODC-12; ODC-9 at 3 ¶11; ODC-9 at 6 ¶11.

8. According to Respondent, he filed a Petition for Judge Charles Brown to recuse himself because of the Judge’s “approval of scheduling orders then prepared by Shucosky that were most prejudicial to [Respondent],” but Judge Charles Brown refused to recuse. ODC-12 at 5; ODC-9 at 3-4 ¶12; ODC-10 at 6-7 ¶12.

9. Respondent stated that “Judge Brown, by his orders or lack of orders, [had] clearly intended to improperly injure [Respondent] and prejudice [Respondent’s] claims.” ODC 12 at 13; ODC-9 at 4 ¶13; ODC-10 at 31-33 ¶13.

10. Respondent questioned “whether Judge Brown is presently capable of properly serving as a jurist,” because “it appears that Shucosky is actually ‘calling the shots.’” ODC-12 at 14; ODC-9 at 4 ¶14; ODC-10 at 34-37 ¶14.

11. Respondent stated the Judge Charles Brown issued an order in a matter of Respondent’s, “adverse to [Respondent] and [Respondent’s] clients’ interests, without ever knowing any of the facts or applicable law, and therefore, the issuance of the Order was clearly in violation of [Respondent’s] legal rights and state constitutional rights to due process.” ODC-12 at 16; ODC-19 at 4 ¶15; ODC-11 at 34-37 ¶15.

12. Referencing a specific incident in the courtroom, Respondent stated, “Any lawyer or any judge reading the above statement, or hearing it in a courtroom, would clearly conclude that Judge Brown is obviously not fit to continue to serve as a jurist in any courtroom in this Commonwealth.” ODC-12 at 18; ODC-9 at 4 ¶16; ODC-10 at 37-38 ¶16.

13. Respondent averred that Judge Charles Brown’s delay in adjudicating Respondent’s various motions was unconscionable and in furtherance of the alleged conspiracy. ODC-12 at 23-26; ODC-9 at 5 ¶17; ODC-10 at 39-40 ¶17.

14. Respondent alleged that it is clear that he “suffered continuous discrimination by Judge Brown, in that [Respondent] had been repeatedly treated unfairly and differently from other individuals.” ODC-12 at 35; ODC-9 at 5 ¶18; ODC-10 at 40-46 ¶18.

15. On November 2, 2011, the Defendants filed Preliminary Objections and an accompanying Memorandum of Law. ODC-13; ODC-9 at 5 ¶23; ODC-10 at 47 ¶23.

16. By Order dated March 20, 2014, upon Respondent's agreement, the matter was dismissed in its entirety with prejudice. ODC-14; ODC-9 at 6 ¶24; ODC-10 at 47 ¶24.

17. On May 16, 2012, Respondent initiated a lawsuit against the Honorable Michael T. Vough ("Judge Vough") by filing a pleading captioned, "Complaint for Permanent Injunction Because of Judicial Corruption and Commission of Criminal Acts." ODC-15; ODC-9 at 6 ¶26; ODC-10 at 48 ¶26.

18. Judge Vough had been assigned to preside over several of the actions Respondent had filed before the Court of Common Pleas of Luzerne County. ODC-9 at 6-7 ¶27; ODC-10 at 48 ¶27.

19. In the pleading, Respondent alleged that Judge Vough participated in a "conspiracy" with Shucosky to terminate Respondent's matters before the Court. ODC-15; ODC-9 at 7 ¶28; ODC-10 at 48-57 ¶28.

20. In Respondent's complaint, he alleged that, in furtherance of the conspiracy, Shucosky would assign to Judge Vough the resolution of any preliminary objections filed in response to Respondent's complaints, with the understanding that Judge Vough would then "illegally" terminate Respondent's cases by issuing a Court Order and Memorandum that had "absolutely no conceivable legal authority or merit." ODC-15 at 5-6; ODC-9 at 7 ¶29; ODC-10 at 57-62 ¶29.

21. In his complaint, Respondent alleged that Judge Vough conspired with Shucosky to Respondent's detriment because Respondent filed a Judicial Corruption Complaint against Shucosky because of his prior "illegal rigging" of the outcomes of some of Respondent's cases. ODC-15 at 7.

22. Respondent alleged that after Shucosky was removed from having further direct involvement as the law clerk for Judge Charles Brown, Shucosky began to conspire with Judge Vough to advance his personal agenda of illegally terminating Respondent's lawsuits. ODC-15 at 7.

23. Respondent alleged that Judge Vough's decisions in Respondent's matters had absolutely no conceivable legal basis and therefore constituted "criminal" acts. ODC-15 at 51.

24. Respondent asserted that Judge Vough engaged in "criminal conspiracy," in that Shucosky referred the handling of the preliminary objections to Judge Vough "with the expectation and understanding that Judge Vough would then illegally 'sabotage' [Respondent's] rights in that case, by sustaining the preliminary objections advanced against [Respondent's] interests, without any conceivable authority to do so." ODC-15 at 50.

25. Respondent further asserted that Judge Vough abused his office in violation of §5301 of the Penal Code ("Official Corruption") in carrying out the conspiracy in that

Judge Vough clearly (i) was acting in an official capacity, (ii) knew that when he was issuing the above Court rulings, they were all illegal, because there was obviously no conceivable rational legal basis to support same, and (iii) obviously knew

that the results of the above illegal Court rulings would negatively impact on [Respondent's] legal rights, and property rights.

ODC-15 at 52.

26. Based on Judge Vough's granting of the preliminary objections as part of the "corrupt conspiracy," Respondent alleged that Judge Vough obstructed the administration of law in violation of §5101 of the Crimes Code ("Obstructing Administration of Law or other Governmental Function") and obstructed justice. ODC-15 at 53-54.

27. On July 12, 2012, the Defendants filed Preliminary Objections and an accompanying Memorandum of Law. ODC-16; ODC-9 at 10 ¶41; ODC-10 at 66 ¶41.

28. By Order dated March 20, 2014, upon Respondent's agreement, the Preliminary Objections were sustained and the matter was dismissed in its entirety with prejudice. ODC-18.

29. On September 13, 2013, Respondent initiated a lawsuit against Shucosky and Daniel Pillets ("Pillets"), Law Clerk to the Honorable Fred Pieratoni, by filing a pleading captioned, "Complaint for Permanent Injunction Because of Judicial Corruption by Shucosky, and Conflict of Interest with Pillets." ODC-19; ODC-9 at 11 ¶45; ODC-10 at 67 ¶45.

30. In that pleading, Respondent alleged that, to date, Shucosky has been successful in corrupting Judge Charles Brown, Judge Vough, and Judge Gelb in

Shucosky's "attempt, at whatever cost, to severely prejudice [Respondent's] constitutional rights to equal protection and to procedural and substantive due process." ODC-19 at 8.

31. Respondent continued that, based on this, it was "impossible to believe" that Shucosky did not recruit Pillets, Shucosky's "close personal friend" and "close personal friend of Judge Vough" to join the conspiracy to prejudice Respondent and his interests. ODC-19 at 8; ODC-9 at 11-12 ¶47; ODC-10 at 76 ¶47.

32. Additionally, Respondent alleged that Judge Vough, Shucosky, and Pillets conspired to preclude Respondent from obtaining certain information about their relationships with each other through Respondent's Right to Know request. ODC-19 at 9-10.

33. On March 27, 2013, Respondent initiated a lawsuit against the Honorable Lesa S. Gelb ("Judge Gelb") by a pleading captioned, "Complaint for Permanent Injunction Because of Judicial Corruption and Commission of Criminal Act." ODC-20; ODC-9 at 13 ¶54; ODC-10 at 79 ¶54.

34. In the complaint, Respondent sought to enjoin Judge Gelb from presiding over any of the actions Respondent had filed due to alleged judicial corruption resulting from an alleged criminal conspiracy entered into by Shucosky and Judge Gelb. ODC-20; ODC-9 at 13-14 ¶55; ODC-10 at 79 ¶55.

35. As part of the conspiracy, Respondent alleged that Shucosky and Judge Gelb agreed that Shucosky would assign the resolution of a dispositive motion to Judge Gelb and, in furtherance of the conspiracy, Judge Gelb would "illegally deny the

relief requested by [Respondent]" and thereafter issue an Order and Memorandum even though there was "absolutely no legal authority or merit to support her Order," evidencing that "Judge Gelb's role in the above criminal conspiracy was simply to make a decision adverse to [Respondent], irrespective of the merits." ODC-20 at 4-5; ODC-9 at 14 ¶56; ODC-10 at 79-80 ¶56.

36. In Respondent's pleading, he averred that Judge Gelb committed the following crimes: Criminal Conspiracy (18 Pa.C.S. §903) and Abuse of Office (18 Pa.C.S. §5301). ODC-20 at 8-9; ODC-9 at 14 ¶57(b); ODC-10 at 80 ¶57(b).

37. By Amended Complaint for a Permanent Injunction filed November 14, 2013, Respondent initiated a lawsuit against the Honorable John B. Leete ("Judge Leete") seeking to enjoin him from presiding over five cases involving Respondent due to an alleged conflict of interest. ODC-21; ODC-9 at 16 ¶63; ODC-10 at 100 ¶63.

38. Respondent's basis for the injunction was his ongoing litigation against Pillets and Pillets' status as Judge Leete's law clerk. ODC-9 at 16 ¶64; ODC-10 at 100 ¶64.

39. Respondent asserted that Judge Leete would be unable to handle Respondent's matters with the necessary impartiality due to Respondent's ongoing litigation against his law clerk, Pillets. ODC-9 at 16 ¶65; ODC-10 at 100 ¶65.

40. Specifically, Respondent state "[i]t was obvious Judge Leete accepted whatever information he received from Pillets as the truth," "completely discounting" any information provided by Respondent. ODC-21 at 9; ODC-9 at 16 ¶66; ODC-10 at 100-101 ¶66.

41. Additionally, Respondent stated that, to date, Shucosky had been successful in “corrupting” Judge Charles Brown, Judge Vough, and Judge Gelb, all in Shucosky’s “attempt, at whatever cost, to severely prejudice [Respondent’s] constitutional rights to equal protection and to procedural and substantive due process.” ODC-21 at 8.

42. In his complaint, Respondent alleged that Shucosky, Pillets, and Judge Leete conspired to preclude Respondent from receiving a response following a Right to Know Request regarding the relationship between those three individuals. ODC-21 at 9-10.

43. On March 24, 2014, Respondent filed a pleading captioned, “Application for the Exercise of the King’s Bench Power to Terminate, as Soon as Possible, Because of Other Pending Cases, the Order Issued by the AOPC [Administrative Office of the Pennsylvania Courts] that Assigned Senior Judge Kenneth Brown, and his law clerk, Daniel Pillets, to the Appellants’ Cases.” ODC-22; ODC-9 at 18 ¶74; ODC-10 at 112-113 ¶74.

44. In the pleading, Respondent alleged that Judge Kenneth Brown conducted himself improperly as follows: issued Orders that had no conceivable legal support; had not fairly or impartially applied the law to the facts of the case in Respondent’s matter; violated Canon 3 of the Rules of Judicial Conduct; and may have committed various crimes along with his law clerk. ODC-22 at 1-2; ODC-9 at 19 ¶75; ODC-10 at 113 ¶75.

45. In the pleading, Respondent further asserted that Judge Kenneth Brown intentionally violated Canon 3 of the Code of Judicial Conduct, which requires a

judge to perform his duties with impartiality, in that he “intentionally improperly misapplied the law to the facts of this case to cause an outcome that was adverse to the [Respondent’s] interests.” ODC-22 at 58; ODC-9 at 19 ¶76; ODC-10 at 113 ¶76.

46. Respondent further averred that Judge Kenneth Brown committed the following “crimes”: Criminal Conspiracy (Respondent alleged that Judge Kenneth Brown conspired with Pillets to sabotage Respondent’s rights in Respondent’s cases before him) (ODC-22 at 62); Abuse of Office (Since there was no conceivable proper rational legal basis to explain Judge Kenneth Brown’s Orders in Respondent’s matter and Judge Kenneth Brown was aware of the results of the Orders, his conduct was an abuse of his office) (ODC-22 at 63-64); and Obstructing Administration of Law (Judge Kenneth Brown issued two “clearly baseless Court Orders...intentionally pervert[ing] the administration of the law, by a breach of his official duties, while he was acting as a Judge.”) ODC-22 at 64-65; ODC-9 at 19-20 ¶77; ODC-10 at 113-114 ¶77.

47. By Order dated July 1, 2014, the Supreme Court denied Respondent’s Application for Exercise of King’s Bench Powers. ODC-23; ODC-9 at 20 ¶82; ODC-10 at 116 ¶82.

48. Additionally, the July 1, 2014 Order stated, “Petitioner, a member of the Bar of this Court, is cautioned regarding his use of vituperative, unprofessional language with regard to the trial court jurist.” ODC-23; ODC-9 at 20 ¶83; ODC-10 at 116 ¶83.

49. On July 27, 2015 (the afternoon prior to the Disciplinary Hearing), Respondent emailed to ODC and others a document entitled “Criminal Complaint,”

which Respondent indicated would be “filed” with the Office of Attorney General for the Commonwealth of Pennsylvania. ODC-24.

50. In this document, Respondent named the following “Judicial Defendants” and “Disciplinary Board Defendants”: Judge Charles Brown; Judge Michael T. Vough; Judge Lesa Gelb; Judge Kenneth Brown; Attorney Michael Shucosky; Attorney Daniel Pillets; Disciplinary Board Chair Howell Rosenberg; Hearing Committee Chair Maria Cognetti; Hearing Committee Member Sandra Meilton; Hearing Committee Member Kathleen Murren; Chief Disciplinary Counsel Paul Killion; and Disciplinary Counsel Julia Frankston-Morris.

51. In the Complaint, in which Respondent labeled himself as “Victim,” Respondent stated, *inter alia*, that the Disciplinary Board Defendants

have incredibly initiated the baseless disbarment proceedings against the Victim, also as described herein, in an attempt to discredit the Victim so as to attempt to protect the above Judicial Defendants being successfully prosecuted for all of their criminal actions.

ODC-24 at 3.

52. After reasonably diligent investigation, it does not appear that the complaint was docketed anywhere.

53. During the designated time for the Hearing, one of the Respondent’s employees dropped off three filings titled “Criminal Complaints” against Shucosky and Judges Gelb, Vough, and Kenneth Brown at the Luzerne County Courthouse. These complaints were also to be “filed” with the Office of the Attorney General for the Commonwealth of Pennsylvania. N.T. 27; ODC-25; ODC-26; ODC-27.

54. At the Hearing, Michael Shucosky ("Shucosky"), Court Administrator, Luzerne County, Pennsylvania, testified regarding his dealings with Respondent in Shucosky's capacity as court administrator. N.T. 11-29.

55. Shucosky explained:

It is very difficult to give an exact number [of Respondent's current pending cases]... [Respondent's] index in our county goes to 17 pages long in cases that are pending. In a pleading he had filed, he admitted that he had 45 active cases.

In general, his cases are repetitive, involving his claims on rental properties, actions brought against him for nonpayment of bills, and things of that nature. At one point, he became involved in dealings somehow with mortgage foreclosure properties. He formed other businesses to do those.

At some point he also began filing multiple litigations against Judges, lawyers, counties, and so forth. This has mushroomed. He has filed simply the same pleadings over and over again not just in our courts, many of the common pleas – well, he filed in the appellate courts and also has filed many of the same cases in federal court. None have ever reached a favorable conclusion to him.

So we have many cases. And frankly they are hard to keep track of because oftentimes the pleadings are filed of record, and they are never served or processed or moved forward by Respondent. So it's hard to get an exact number of what may be pending or not pending.

N.T. 15-16.

56. Shucosky acknowledged awareness of Respondent's allegations against him and denied any of the following actions: conspiring to prejudice

Respondent and/or his clients; recruiting Pillets to participate in the alleged conspiracy; recruiting Judge Kenneth Brown to participate in the alleged conspiracy; recruiting Judge Charles Brown to participate in the alleged conspiracy; recruiting Judge Michael Vough to participate in the alleged conspiracy; or recruiting Judge Lesa Gelb to participate in the alleged conspiracy. N.T. 17-18.

57. Shucosky stated unequivocally that, in his capacity as Court Administrator for Luzerne County, he did not treat Respondent and/or Respondent's clients differently from any other litigants. N.T. 19.

58. Shucosky further testified regarding the disposition of Respondent's conspiracy complaints against jurists:

[Respondent] has filed dozens of pleadings in Luzerne County, dozens of pleadings in the federal court system, he has raised the same claims twice. He has gone to the Third Circuit level. In our county, his claims have gone numerous times to Superior Court, petitioned the Supreme Court, many things, dozens upon dozens of cases.

Not a single case has resulted in any favor of [Respondent]. Most of the cases become abandoned by him and then just refiled at another time. So none of them have any traction in any location.

N.T. 19-20.

59. In response to a question concerning the effect of Respondent's conduct on the Court system, Shucosky stated:

It has caused great turmoil in that we are constantly inundated with pleadings, very often at the last moment, which results in Judges not having cases to hear, matters being filed and withdrawn at the last moment, attempts to obtain recusals. It becomes a tradition where at the last minute things occur. ...

Naturally, Judges are reluctant to take his cases. Out-of-town Judges are not willing to accept assignments. Just

normal scheduling becomes a real problem. ...

I must add it's not just that it affects the Judges. Whenever these things are filed, any lawyer that's ever involved in a case on either side of him eventually gets sued. So it causes great disruption amongst our process.

N.T. 21-22.

60. Finally, in discussing Respondent's tactics, Shucosky testified that Respondent's practice is to file a criminal complaint against a judge and then argue that the judge cannot preside because s/he will be biased due to the pending criminal complaint. Regarding this practice and the criminal complaints that were delivered to the Luzerne County Courthouse during the hearing, Shucosky testified:

I have seen these [criminal complaints delivered to the Courthouse on the day of the hearing – ODC-25; ODC-26; ODC-27] before, and it's always last-minute, the day before; and I think it's designed to intimidate not only myself, intimidate the other people involved in the proceedings because he also includes that he's contacting the media, so forth and so on. This has been done repetitively.

Not a single time that I'm aware of has any law enforcement office – and I believe he's contacted the FBI. He's contacted the Attorney General, the federal Attorney General. He has contacted District Attorneys' offices. Not once has [sic] any of these complaints proceeded more than a receipt from [Respondent]. So I received one [referring to ODC-24], you know, at four o'clock yesterday.

The other tactic that is done very often is on the eve of the proceeding either withdraw the proceeding or also maintain that he is too ill to attend and in some way try to prevent the hearing from proceeding.

N.T. 23-14.

61. Shucosky testified credibly.

62. At the Hearing, Daniel Pillets ("Pillets"), Law Clerk for the Honorable Fred Pieratoni, testified regarding his dealings with Respondent in Pillet's

capacity as law clerk to Judge Pieratoni. N.T. 30-39.

63. Attorney Daniel Pillets testified that, as a law clerk, he was asked to assist Senior Judges from other counties assigned to Luzerne County matters. N.T. 33-35.

64. In his capacity as a law clerk, Pillets was asked to assist Judge John Leete in handling one of Respondent's cases, to which Judge Leete had been assigned. N.T. 34.

65. Pillets acknowledged awareness of Respondent's allegations against him and denied any of the following actions: being recruited into the alleged conspiracy by Shucosky; participating in the alleged conspiracy; or affecting Judge Leete's impartiality as it related to Respondent's matter. N.T. 35-37.

66. Pillets testified unequivocally that, in his capacity as law clerk to Judge Leete, he did not treat Respondent and/or Respondent's clients any differently than any other litigants. N.T. 37-38.

67. Pillets testified credibly.

68. At the Hearing, the Honorable Charles Brown ("Judge Charles Brown") testified regarding his dealings with Respondent. N.T. 39-47.

69. The Honorable Charles Brown testified that he is currently a judge on senior status who originally sat on the Centre County Court of Common Pleas, and who has served as a judge for thirty-six years. N.T. 40, 42, 46.

70. Judge Charles Brown, in his capacity as a Senior Judge, presided over a matter of Respondent's in Luzerne County. N.T. 42-43.

71. Judge Charles Brown acknowledged awareness of Respondent's allegations against him and denied any of the following actions: engaging in a

conspiracy to prejudice Respondent and/or his clients; taking actions to Respondent's detriment in furtherance of the alleged conspiracy; and being recruited into an alleged conspiracy by Shucosky. N.T. 43-44.

72. Judge Charles Brown testified unequivocally that he did not treat Respondent or Respondent's clients differently from any other attorneys or litigants who have appeared before him. N.T. 45.

73. Judge Charles Brown testified credibly.

74. At the Hearing, the Honorable Kenneth Brown ("Judge Kenneth Brown") testified regarding his dealings with Respondent. N.T. 55-61.

75. Judge Brown testified that he is currently a judge on senior status who originally sat on the Lycoming County Court of Common Pleas, and who has served as a judge for twenty-seven years. N.T. 55.

76. Judge Kenneth Brown acknowledged awareness of Respondent's allegations against him and denied any of the following actions: participating in a conspiracy to prejudice Respondent and/or his clients; taking actions in violation of the Code of Judicial Conduct in furtherance of the alleged conspiracy; taking actions that constituted crimes in furtherance of the alleged conspiracy; and being recruited to participate in the alleged conspiracy by Shucosky. N.T. 57-59.

77. Judge Kenneth Brown testified credibly.

78. At the Hearing, the Honorable John B. Leete ("Judge Leete") testified regarding his dealings with Respondent. N.T. 62-68.

79. Judge Leete testified that he is currently a judge on senior status who originally sat on the Potter County Court of Common Pleas, and who has served as a judge for twenty-seven years. N.T. 63, 64.

80. In his capacity as a Senior Judge, Judge Leete was assigned a matter of Respondent's in or around 2013. N.T. 64.

81. Judge Leete acknowledged awareness of Respondent's allegations against him and denied any of the following actions: participating in a conspiracy to prejudice Respondent and/or his clients; being unable to handle Respondent's matter with the necessary impartiality due to his involvement with the alleged conspiracy; and being recruited by Pillets to participate in the conspiracy. N.T. 64-65.

82. Judge Leete testified unequivocally that he did not treat Respondent any differently than any other litigant before him. N.T. 66.

83. Judge Leete testified credibly.

84. Respondent failed to demonstrate remorse for his misconduct.

85. Respondent has no prior record of discipline in Pennsylvania.

III. CONCLUSIONS OF LAW

By his conduct as set forth above, Respondent violated the following Rules of Professional Conduct:

1. RPC 3.1 - A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law.

2. RPC 8.2(a) - A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer, or public legal officer, or of a candidate for election or appointment to judicial or legal office.

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

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

IV. DISCUSSION

Disciplinary proceedings against Respondent were instituted by Office of Disciplinary Counsel by way of a Petition for Discipline filed on March 17, 2015. The Petition charged Respondent with violating Rules of Professional Conduct (“RPC”) 3.1, 8.2(a), 8.4(c), and 8.4(d) in connection with pleadings Respondent filed, which Petitioner alleged contained extensive false and baseless allegations against sitting judges and court personnel. Respondent filed a Response to Petition for Discipline on April 16, 2015, and by his own admissions, acknowledged making the allegations. Petitioner must establish by a preponderance of clear and satisfactory evidence, that Respondent’s actions constitute professional misconduct. *Office of Disciplinary Counsel v. Surrick*, 749 A.2d 441, 444 (Pa. 2000).

Commencing in or around 2010, Respondent was involved in various lawsuits relating to his commercial business and personal interests. In all of these matters, Respondent either represented himself or was counsel of record on behalf of

corporations that were entities he owned. Thereafter, following adverse judicial determinations, in or around 2011, Respondent began filing pleadings alleging that the presiding jurists and court personnel were making determinations and taking actions contrary to his interests as part of a vast “conspiracy” aimed at injuring Respondent. When these cases were consistently dismissed with prejudice, Respondent perpetuated these false and frivolous allegations by filing private criminal complaints against multiple jurists and court personnel. Respondent’s allegations have been noticed by the Pennsylvania Supreme Court, which cautioned Respondent “regarding his use of vituperative, unprofessional language with regard to the trial court jurist.” ODC-23.

Respondent continued to bring his baseless complaints through the designated date of the disciplinary hearing on July 28, 2015. He expanded his targets by filing a criminal complaint on the eve of hearing against the members of the Hearing Committee, Chief Disciplinary Counsel and a former Disciplinary Board Chair. On the date of the hearing, which Respondent did not attend, he filed three more criminal complaints at the Luzerne County Courthouse against Judges Gelb, Vough and Kenneth Brown and Mr. Shucosky. (ODC-24, ODC-25, ODC-26, ODC-27) Although it appears that none of these complaints were docketed or properly served on the named defendants, they constitute additional evidence of Respondent’s ongoing attempts to intimidate through the abuse of the judicial process.

Our thorough review of the record leads the Board to conclude that Respondent violated the Rules as charged in the Petition. The record is replete with multiple instances to sustain each of the alleged violations.

Respondent violated RPC 3.1 by his persistent filing of baseless, frivolous actions in multiple Pennsylvania courts in response to court rulings contrary to his or his

clients' positions. Many of these lawsuits were initiated in an attempt to intimidate jurists and court employees or to initiate improper collateral attacks on valid judicial rulings. As Comment [1] to RPC 3.1 more fully explains, a lawyer has a duty to use legal procedure for the fullest benefit of the client's cause, but also a duty not to abuse the legal procedure. Without question, Respondent abused the legal process.

Respondent's disparaging and unfounded statements about jurists and court employees made in multiple pleadings violated RPC 8.2(a), which prohibits making false or reckless allegations against jurists and public judicial officers. Our Supreme Court provided the framework for demonstrating a violation of RPC 8.2(a) in *Office of Disciplinary Counsel v. Price*, 732 A.2d 559 (Pa. 1999). Petitioner may meet its burden of proof by presenting documentary evidence or testimony from the person accused that the statements made against him or her are false. The burden then shifts to the respondent-attorney to establish that the accusations are true or that following a reasonably diligent inquiry, he or she formed an objective, reasonable belief that the accusations are true. A determination of misconduct hinges upon whether the respondent-attorney acted recklessly or without the support of a reasonable factual basis.

Judge Charles Brown, Judge Kenneth Brown, Judge Leete, Mr. Shucosky and Mr. Pillets testified at the hearing and each vehemently and unequivocally denied any involvement in a conspiracy to prejudice Respondent or his clients. The testimony of each witness was credible. Respondent failed to appear at the hearing to refute this testimony through cross-examination or the introduction of his own witnesses or documentary evidence. In his response to the Petition for Discipline, it appears that Respondent's foundation for an alleged conspiracy is his belief that cases against him

were consistently dismissed with prejudice for lack of merit; therefore, according to Respondent, there could be no other explanation for the jurists' and court personnel's actions other than a concerted effort to harm Respondent.

Language from the *Price* decision is instructive. Therein, Mr. Price filed court documents that contained false allegations against two district judges and an assistant district attorney. The Court found that “[I]nstead of conducting a reasonably diligent inquiry into the accuracy of the statements, Respondent relied on rumors, innuendo and his own perceptions. Moreover, the vast amount of documentary evidence Respondent presented simply did not support his claims.” *Id.* at 605. Similarly, Respondent herein did not meet his burden of proving that the allegations were true or that he had engaged in a “reasonably diligent inquiry” to determine the truth of the allegations.

Finally, we analyze Respondent's actions in the context of RPC 8.4(c) and RPC 8.4(d). Pursuant to these Rules, Respondent commits professional misconduct if he engages in conduct that involves dishonesty, fraud, deceit or misrepresentation, and conduct that is prejudicial to the administration of justice. The record is replete with instances of Respondent's misconduct under these Rules. He repeatedly and consistently misstated and misrepresented the actions of jurists and court personnel as improper, unwarranted and illegal. He incessantly and redundantly filed pleadings which have caused a great deal of turmoil in Luzerne County, according to the credible testimony of Mr. Shucosky, the Court Administrator. The disruptions created by Respondent's conduct included: filing excessively long pleadings, many of which were repetitive and filed at the last minute (N.T. pp. 16, 19-20, 21-22, 23); Respondent's last-minute withdrawals from cases after a judge had been assigned to hear the case (N.T.

21-22); visiting judges being unwilling to take assignments involving Respondent (N.T. 22); Luzerne County judges being wary to take Respondent's cases for fear of being sued. (N.T. 21) In addition, Respondent had a penchant for filing criminal complaints against judges, with concurrent threats to notify the media, in his attempts to force the recusal of those judges. (N.T. 23-24) Plainly, Respondent's misconduct wasted the time and resources of the Luzerne County Court as it endeavored to docket Respondent's pleadings, assign judges, and defend itself against baseless allegations of conspiracy.

Having concluded that Respondent violated the Rules, this matter is ripe for the determination of discipline. Petitioner seeks disbarment. Respondent has not put forth a specific sanction.¹ The Hearing Committee recommends disbarment.

After reviewing the parties' recommendations as well as the Committee's Report and recommendation, and after considering the nature and gravity of the misconduct as well as the presence of aggravating or mitigating factors. *Office of Disciplinary Counsel v. Gwendolyn Harmon*, 72 Pa. D. & C. 4th 115 (2004), we recommend that Respondent be disbarred from the practice of law.

Respondent's actions constitute very serious ethical misconduct. While there is no *per se* discipline in Pennsylvania, prior similar cases are instructive and are suggestive of the ultimate sanction of disbarment when, as here, an attorney's pattern of persistently filing pleadings containing misrepresentations and false allegations against jurists and court personnel would likely pose a danger to the public and would

¹ In his Brief on Exceptions, Respondent alleges that throughout the pendency of the disciplinary proceeding, he has been incapacitated and therefore, a disciplinary hearing should not have taken place. We find this position to be meritless, as Respondent continued to file pleadings during the disciplinary proceeding, including on the very day of the hearing, thus negating his contention that he was unable to participate.

tarnish the reputation of the courts and the legal profession if he continued to practice. *Office of Disciplinary Counsel v. Lucarini*, 472 A.2d 186, 189-91 (Pa. 1983).

In *Office of Disciplinary Counsel v. Eugene Andrew Wrona*, 1148 D.D. No. 3 (Pa. 2006), Wrona was disbarred for falsely accusing a presiding judge and other court personnel of involvement in the criminal alteration of audio tapes of court proceedings. Wrona's accusations were contained in a succession of letters, pleadings, court filings, affidavits and internet postings. In that case, the Board concluded that,

This Respondent is truly unfit to practice law. He exhibited no awareness of his responsibilities and obligations to the court. He was prepared to fight his case in any way possible, including making false and injurious accusations against a judge in a persistent matter through a number of years and to a variety of audiences. This "zealous" representation goes far beyond that contemplated by the ethical rules governing this profession.

Board Report at 21.

Other cases that have analyzed similar misconduct are *Office of Disciplinary Counsel v. John J. Koresko, V*, 2175 D.D. No. 3 (Pa. 2015), *Office of Disciplinary Counsel v. Donald Bailey*, 1760 D.D. No. 3 (Pa. 2013), *Office of Disciplinary Counsel v. Price*, 732 A.2d 559 (Pa. 1999) and *Office of Disciplinary Counsel v. Surrick*, 749 A.2d 441 (Pa. 2000). Koresko engaged in a relentless misuse of civil proceedings and abusive litigation tactics designed to intimidate others. He made false assertions in pleadings and exhibited a callous disregard for the truth in affidavits and motions he filed. He further refused to acknowledge the harm he caused to his victims and the legal system. While the Board recommended suspension for a period of five years, the Supreme Court disbarred Koresko.

Bailey engaged in similar abuse of the legal system by making false accusations against federal judges in a Motion for Rehearing *En Banc*. Bailey accused

the judges of engaging in a continuing conspiracy against him that he claimed benefitted certain attorneys while hurting his clients and damaging his legal career. The Board found that Bailey refused to accept any rulings adverse to his clients and considered the rulings as additional evidence of the judicial conspiracy against him. The Board weighed Bailey's public service as Auditor General and his military service in Viet Nam along with his failure to demonstrate remorse and recommended a five year suspension, which the Court imposed.

In addition to filing false accusations against two district judges and a district attorney, Price made misrepresentations on Department of Public Welfare medical evaluation forms. The Court imposed a suspension of five years, emphasizing Price's failure to recognize the harm he caused to his victims' reputations and "to the functioning of our legal system, which is based upon good faith representations to the court." 732 A.2d at 606. The Court found that Price's misconduct was aggravated by his callous disregard for the truth.

Surrick was suspended for five years after he accused one judge of "fixing" a verdict in a civil matter and another judge of issuing orders and a decision against Surrick to gain favor with the Supreme Court.

We do not recommend disbarment lightly, as we are cognizant that disbarment is reserved for the most egregious matters of attorney misconduct, because it represent a termination of the privilege to practice law without any promise of ultimate reinstatement. *Office of Disciplinary Counsel v. Keller*, 506 A.2d 872, 879 (Pa. 1986). On this record and in accordance with decisional law, Respondent cannot be permitted to enjoy the privilege of practicing law while engaging in disruptive conduct highly prejudicial to the administration of justice, carried out without any regard for the truth of

the allegations contained in his pleadings. In addition to the egregious underlying misconduct, we recognize the aggravating factors relating to Respondent's failure to appear at his disciplinary hearing and failure to demonstrate genuine remorse. While we also recognize that Respondent has no prior discipline of record in a career spanning more than forty years, this mitigating factor is not sufficiently compelling in this particular instance to dissuade us from recommending disbarment.

The primary purpose of the disciplinary system in Pennsylvania is to protect the public from unfit attorneys and to preserve public confidence in the legal system. *Office of Disciplinary Counsel v. Stern*, 526 A.2d 1180 (Pa. 1987). The evidence produced by Petitioner convincingly proved that Respondent is a danger to the public and the profession itself and must be disbarred.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania recommends that the Respondent, Joseph R. Reisinger, be Disbarred from the practice of law.

It is further recommended that the expenses incurred in the investigation and prosecution of this matter are to be paid by the Respondent.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: 

Jane G. Penny, Board Chair

Date: 08.15.16

Vice Chair Schwager and Board Member Cordisco did not participate in the adjudication.