

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2340 Disciplinary Docket No. 3
: :
Petitioner : No. 90 DB 2015
: :
v. : Attorney Registration No. 34695
: :
JOHN ANDREW KLAMO, : (Philadelphia)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 13th day of March, 2017, upon consideration of the Report and Recommendations of the Disciplinary Board, John Andrew Klamo is suspended from the Bar of this Commonwealth for a period of six months, retroactive to October 12, 2013, and he shall comply with all the provisions of Pa.R.D.E. 217.

As an order of suspension has been in effect for more than three years, any reinstatement will require the filing of a petition to this effect with the board in accordance with Rule of Disciplinary Enforcement 218(c). See Pa.R.D.E. 218(g)(2)(iv).

Respondent shall pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 3/13/2017

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 90 DB 2015
Petitioner	:	
v.	:	Attorney Registration No. 34695
JOHN ANDREW KLAMO	:	
Respondent	:	(Philadelphia)

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 July 22, 2015, Office of Disciplinary Counsel charged John Andrew Klamo, Respondent, with professional misconduct in violation of the Rules of Professional Conduct ("RPC") and Pennsylvania Rules of Disciplinary Enforcement ("Pa.R.D.E."). Respondent filed an Answer to Petition for Discipline on September 15, 2015.

A prehearing conference was held on December 16, 2015. A disciplinary hearing was held on February 22, 2016, before a District I Hearing Committee comprised

of Chair Steven J. Cooperstein, Esquire, and Members Gregory F. Cirello, Esquire and Katherine E. Missimer, Esquire. Respondent was represented by Daniel J. Siegel, Esquire.

Following the submission of briefs by the parties, the Hearing Committee filed a Report on June 17, 2016, concluding that Respondent violated the Rules as charged in the Petition for Discipline and recommending that Respondent be suspended for a period of six months.

Petitioner filed a Brief on Exceptions on July 8, 2016.

Respondent filed a Brief on Exceptions on July 11, 2016.

Respondent filed a Brief Opposing Exceptions on July 27, 2016.

Petitioner filed a Brief Opposing Exceptions on July 29, 2016.

The Disciplinary Board adjudicated this matter at the meeting on October 13, 2016.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner, Office of Disciplinary Counsel, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania, 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 disciplinary proceedings brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.

2. Respondent is John Andrew Klamo. He was born in 1955 and was

admitted to practice law in the Commonwealth of Pennsylvania in 1981. His attorney registration address is 8 Harvest Lane, Medford NJ 08055. Respondent is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. Respondent has a prior record of discipline in Pennsylvania consisting of an Informal Admonition administered in 2009.

4. By Order dated April 26, 2013, effective May 27, 2013, the Supreme Court of New Jersey suspended Respondent from the practice of law in the State of New Jersey for three months. ODC-1; Joint Stipulation No. 7.

5. The New Jersey suspension was based on Respondent's charging improper expenses in contingent fee matters, failing to promptly deliver funds belonging to clients and third parties, recordkeeping violations, conduct involving dishonesty, fraud, deceit or misrepresentation, and making material misstatements of fact to the New Jersey ethics authorities. ODC-1.

6. At the time of Respondent's suspension, he had, among other client files, a file that involved Whadeha Allen, a Camden, New Jersey resident who was injured in a motor vehicle accident involving a Southeastern Pennsylvania Transportation Authority ("SEPTA") vehicle. Joint Stipulation No. 9.

7. After Respondent's suspension, Mitchell Goldfield, Esquire, a lawyer admitted in New Jersey and Pennsylvania, assumed the handling of Respondent's client files, including Ms. Allen's SEPTA matter. Joint Stipulations Nos. 9 and 10.

8. On June 28, 2013, Mr. Goldfield instituted a civil action on behalf of Ms. Allen in the Court of Common Pleas of Philadelphia County, in a case docketed as **Whadeha Allen v. Southeastern Pennsylvania Transportation Authority**, June Term 2013, No. 03825. ODC-2; Joint Stipulation No. 11.

9. By Order dated September 12, 2013, effective October 12, 2013, the Supreme Court of Pennsylvania reciprocally suspended Respondent from the practice of law in the Commonwealth of Pennsylvania for a period of three months consistent with the Order of the Supreme Court of New Jersey. ODC-3; Joint Stipulation No. 13.

10. Pursuant to the September 12, 2013 Order, Respondent was required to comply with all provisions of Pa.R.D.E. 217. Joint Stipulation No. 15.

11. Under cover of a letter dated September 13, 2013, the Secretary of the Board forwarded to Respondent, *inter alia*, a copy of Pa.R.D.E. 217 and Form DB-25, Statement of Compliance, which required Respondent to file a verified statement of compliance within ten days from the effective date of the Order signifying that he fulfilled the terms of the Order and the rules and notified all clients being represented in pending matters of Respondent's suspension. ODC-4; Joint Stipulation No. 16.

12. On or about September 25, 2013, Respondent was reinstated to the practice of law in New Jersey. Joint Stipulation No. 18.

13. By letter dated September 27, 2013, to Mr. Goldfield, Ms. Allen:

a. demanded the return of "[her] physical file" referenced as "accident dated 6/28/11";

b. demanded that Mr. Goldfield "cease and desist any and all representation in regard to any of [her] matters"; and

c. directed that all future correspondence "be forwarded to [Respondent]."

ODC-5; N.T. 22, 104; Joint Stipulation No. 19.

14. The file referred to was Ms. Allen's Pennsylvania legal matter involving SEPTA. N.T. 22.

15. As of September 12, 2013, Respondent was not representing any clients in Pennsylvania, including Ms. Allen. N.T. 138, 158-159, 160, 173.

16. By letter dated October 7, 2013, to Mr. Goldfield, Respondent requested, *inter alia*, Ms. Allen's file in the Pennsylvania matter. ODC-6; Joint Stipulation No. 21; N.T. 22, 104.

17. On or before October 22, 2013, (ten days after the effective date of the Pennsylvania Supreme Court's September 12, 2013 Order), Respondent failed to file a Statement of Compliance with the Secretary of the Disciplinary Board. N.T. 138-139, 144; Joint Stipulation No. 26.

18. At present, Respondent remains on suspension in Pennsylvania and continues to be ineligible to practice law in the Commonwealth.

19. By letter dated October 15, 2013, to Respondent, Mr. Goldfield, *inter alia*, informed Respondent that he would not comply with Respondent's request to forward the Allen file because it was a Pennsylvania case and Respondent was suspended in Pennsylvania. ODC-7; N.T. 25.

20. By letter dated February 21, 2014, Petitioner forwarded to Respondent a DB-7 Letter Request for Statement of Respondent's Position ("DB-7 Letter") in regard to a complaint which involved the *Allen* matter and alleged that Respondent requested Ms. Allen's Pennsylvania file even though Respondent was ineligible to practice law in Pennsylvania. ODC-8; Joint Stipulation No. 28.

21. Under cover of a letter to Petitioner dated June 25, 2014, in response to the DB-7, Respondent:

a. provided a witness statement signed by Ms. Allen and dated June 6, 2014;

b. explained that in her statement, Ms. Allen "states that she asked [Respondent] to get her file in the matter of Marcus Ford v. Whadeha Allen, a New Jersey matter"; and

c. represented that he "will file the appropriate paperwork regarding compliance with Pa.R.D.E. 217."

ODC-9; Joint Stipulation No. 30.

22. In Ms. Allen's June 6, 2014 statement, Ms. Allen stated that, *inter alia*:

a. Mr. Goldfield had represented her in a June 2011 SEPTA accident case that occurred in Philadelphia, Pennsylvania; and

b. the file that she had requested that Respondent obtain for her from Mr. Goldfield was a New Jersey matter captioned **Marcus Ford v. Whadeha Allen** ("the Ford matter").

ODC-10; Joint Stipulation No. 32.

23. Ms. Allen's statement was false as Mr. Goldfield had never represented Ms. Allen in the **Ford** matter (N.T. 29), and Ms. Allen's September 27, 2013 letter to Mr. Goldfield specifically requested that Mr. Goldfield forward to Respondent the file related to the Pennsylvania SEPTA matter. ODC-5; N.T. 22, 104.

24. Respondent knew Ms. Allen's statements contained in the June 6, 2014 witness statement were false when he forwarded the statement to Petitioner, as his office prepared the September 27, 2013 letter containing Ms. Allen's request for transfer of her SEPTA matter to Respondent. N.T. 112; 161-162.

25. By letter dated September 11, 2014, Petitioner forwarded to Respondent a DB-7A Supplemental Request for Statement of Respondent's Position ("DB-7A letter").

26. The DB-7A letter informed Respondent that if he failed to respond within thirty days to the alleged additional facts and rule violations, he would be in violation of Pa.R.D.E. 203(b)(7). ODC-11; Joint Stipulation No. 36.

27. On February 5, 2015, Respondent was personally served with the DB-7A letter by an investigator of the Office of Disciplinary Counsel, at Respondent's address at 811 Church Road, Suite 115, Cherry Hill, NJ 08002. ODC-12; Joint Stipulation No. 38.

28. Respondent failed to respond to the DB-7A letter within thirty days or anytime thereafter. Joint Stipulation No. 40.

29. After receiving the DB-7A letter, Respondent did not demonstrate good cause for his failure to respond.

30. Mr. Goldfield's testimony at the disciplinary hearing was credible.

31. Ms. Allen's testimony at the disciplinary hearing was not credible.

32. Respondent acknowledged his failure to file a compliance statement pursuant to Pa.R.D.E. 217 and his failure to respond to the DB-7A letter. N.T. 138-139, 144.

33. Respondent did not demonstrate remorse for his dishonest actions.

III. CONCLUSIONS OF LAW

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

1. RPC 8.1(a) – An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter shall not knowingly make a false statement of material fact.
2. 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.
3. RPC 8.4(c) - It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.
4. Pa.R.D.E. 203(b)(7) – Failure by a respondent-attorney without good cause to respond to Disciplinary Counsel's request or supplemental request under Disciplinary Board Rule § 87.7(b) for a statement of the respondent-attorney's position shall be grounds for discipline; and
5. Former Pa.R.D.E. 217(e) [superseded effective 2/28/15] – 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 Board a verified statement showing: (i) that the provisions of the order and these rules have been fully complied with; and (ii) all other state, federal and administrative jurisdictions to which such person is admitted to practice. Such statement shall also set forth the residence or other address of the formerly admitted attorney where communications to such person may thereafter be directed.

IV. DISCUSSION

This matter is before the Board for consideration of the Petition for Discipline charging that Respondent engaged in misconduct following his reciprocal suspension from the practice of law in the Commonwealth of Pennsylvania. Petitioner bears the burden of proving, by a preponderance of clear and satisfactory evidence, that Respondent's actions constituted professional misconduct. ***Office of Disciplinary Counsel v. Robert Surrick***, 749 A.2d 441 (Pa. 2000). Petitioner's evidence in the nature of Mr. Goldfield's testimony, and joint stipulations and exhibits prove the essential facts and circumstances of the violations. In addition, Respondent admitted in the Joint Stipulations (¶ 42(e)) that he violated Pa.R.D.E. 217(e).

Respondent was suspended from the practice of law in the State of New Jersey for three months, by Order of the New Jersey Supreme Court, effective May 27, 2013. Mitchell Goldfield, Esquire, assumed the handling of Respondent's client files, one of which involved Whadeha Allen, who was injured in a motor vehicle accident involving a SEPTA vehicle. On June 28, 2013, Mr. Goldfield instituted a civil action on behalf of Ms. Allen in the Court of Common Pleas of Philadelphia County.

By Order dated September 12, 2013, effective October 12, 2013, the Supreme Court of Pennsylvania reciprocally suspended Respondent from the practice of law in Pennsylvania for a period of three months consistent with the New Jersey suspension order. Respondent was ordered to comply with all provisions of Pa.R.D.E. 217, which required Respondent to file a verified statement of compliance within ten

days from the effective date of the Order, and notify all clients being represented in pending matters of Respondent's suspension.

On or about September 25, 2013, Respondent was reinstated to the practice of law in New Jersey. By letter dated September 27, 2013, to Mr. Goldfield, Ms. Allen requested the return of her file, referenced as "accident dated 6/28/11", which was her SEPTA matter, and further demanded that Mr. Goldfield cease his representation of her and forward all correspondence to Respondent.

By letter dated October 7, 2013, to Mr. Goldfield, Respondent requested, among other files, Ms. Allen's file in her Pennsylvania matter. Mr. Goldfield informed Respondent that he would not comply with the request because it was a Pennsylvania case and Respondent was under a suspension order in Pennsylvania. At that time, Respondent was not permitted to take on any new clients, which included Ms. Allen's matter, as she was being represented by Mr. Goldfield in the Pennsylvania SEPTA matter.

On or before October 22, 2013, which was ten days after the effective date of the Pennsylvania Supreme Court's Order, Respondent failed to file a compliance statement with the Disciplinary Board. He remains a suspended lawyer ineligible to practice law in Pennsylvania.

By letter dated February 21, 2014, Petitioner forwarded to Respondent a DB-7 Letter in regard to a complaint that had been filed, which involved the Allen matter and alleged that Respondent had requested Ms. Allen's Pennsylvania file even though he was not permitted to practice law in Pennsylvania. Respondent responded to the DB-7 letter and enclosed a witness statement signed by Ms. Allen. Respondent explained

that in her statement, Ms. Allen “states that she asked [Respondent] to get her file in the matter of Marcus Ford v. Whadeha Allen, a New Jersey matter.” In Ms. Allen’s June 6, 2014 statement, she stated, *inter alia*, that Mr. Goldfield had represented her in a June 2011 SEPTA accident case that occurred in Philadelphia and that the file she asked Respondent to obtain for her from Mr. Goldfield was a New Jersey matter captioned as ***Marcus Ford v. Whadeha Allen***.

Respondent’s response to the DB-7 letter and Ms. Allen’s statement enclosed therein were false. Mr. Goldfield had never represented Ms. Allen in the *Ford* matter, and Ms. Allen’s September 27, 2013 letter to Mr. Goldfield, which was prepared by Respondent’s office, specifically requested that Mr. Goldfield forward to Respondent the SEPTA case file, which was a Pennsylvania legal matter. Ms. Allen admitted at the disciplinary hearing that the letter had to do with her SEPTA case. N.T. 110, 112, 161-162. Respondent was aware that Ms. Allen’s witness statement was false when he forwarded it to Petitioner.

Thereafter, Petitioner sent to Respondent a DB-7A letter requesting supplemental information. Respondent was personally served with the DB-7A letter, but failed to respond within thirty days or at any time thereafter. His failure to respond was without good cause.

Respondent admitted that Ms. Allen was not his client at the time the Pennsylvania suspension order was entered. His attempt to obtain Ms. Allen’s Pennsylvania file from Mr. Goldfield was a violation of RPC 8.4(a), and was prohibited because Respondent was not permitted to undertake Ms. Allen’s matter or any new matters during the thirty days following the entry of the Pennsylvania suspension order.

Respondent violated RPC 8.1(a) and 8.4(c) by knowingly presenting the false statement of Ms. Allen in response to Petitioner's DB-7 request. Respondent knew Ms. Allen's statement was false because Ms. Allen's September 27, 2013 letter to Mr. Goldfield, prepared by Respondent's office, specifically requested that Mr. Goldfield forward to Respondent the file pertaining to the Pennsylvania legal matter. Instead of acknowledging his initial misconduct, which was his attempt to obtain Ms. Allen's file, Respondent exacerbated the situation by providing false information to Petitioner.

Respondent's failure to respond without good cause to Petitioner's supplemental request for his position and his failure to file a compliance statement with the Disciplinary Board violated Pa.R.D.E. 203(b)(7) and Pa.R.D.E. 217(e) [superseded effective 2/28/15].

Having concluded that Respondent violated the Rules, this matter is ripe for the determination of discipline. The Hearing Committee recommended a suspension of six months. Petitioner opposes this recommendation and requests that the Board recommend to the Supreme Court a suspension of one year and one day. Respondent requests that the recommended six month suspension be applied retroactively.

After reviewing the Hearing Committee's report and recommendation and the parties' respective recommendations, 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 suspended for a period of six months.

Respondent's prior record of discipline consisting of an informal admonition in 2009 and the reciprocal three month suspension, his lack of remorse,

failure to accept responsibility for his dishonest conduct, and lack of candor and credibility are aggravating factors. In mitigation, Respondent admitted responsibility for his failure to respond to the DB-7A and stated that his failure to file his statement of compliance was a "mistake on [his] part." N.T. 139. He cooperated with Petitioner by entering into Joint Stipulations of Fact, Law and Exhibits.

Respondent's misconduct cannot be appropriately addressed without an additional period of suspension. While there is no *per se* discipline in Pennsylvania, a suspension of six months is consistent with discipline imposed on attorneys who have engaged in deceptive behavior similar to that of Respondent. ***Office of Disciplinary Counsel v. Robert S. Lucarini***, 472 A.2d 186 (Pa. 1983). Dishonesty by an attorney directly implicates the attorney's privilege to continue to practice law. ***Office of Disciplinary Counsel v. John T. Grigsby, III***, 425 A.2d 730, 732 (Pa. 1981).

Two recent matters resulted in suspensions for six months. In ***Office of Disciplinary Counsel v. Norman Orville Scott***, No. 99 DB 2015 (D. Bd. Rpt. 6/22/2016) (S. Ct. Order 8/17/2016), the respondent-attorney failed to diligently represent, consult and communicate with his clients and knowingly made a false statement of material fact to the court in an application to withdraw as counsel. Mr. Scott had a prior record of discipline consisting of an informal admonition and a public reprimand with probation. In mitigation, the Board found that Mr. Scott cooperated with Office of Disciplinary Counsel by signing Joint Stipulations and demonstrating that he had serious health issues. The Board recommended a six month suspension, which was imposed by the Supreme Court.

In the matter of **Office of Disciplinary Counsel v. Ronald James Gross**, No. 174 DB 2014 (S. Ct. Order 4/10/2015) (consent discipline), the respondent-attorney, among other things, failed to diligently represent his client and made misrepresentations to the client. Office of Disciplinary Counsel sent a DB-7 Request to Mr. Gross, in response to which he claimed that his paralegal was to blame for certain issues. Following conversation with the paralegal, Office of Disciplinary Counsel sent a DB-7A Supplemental Request alleging that Mr. Gross made false statements concerning the paralegal; however, Mr. Gross failed to respond to the DB-7A. Mr. Gross later cooperated with Office of Disciplinary Counsel, admitted his misconduct, and showed remorse. Mr. Gross consented to a suspension for a period of six months, which was imposed by the Court. The instant matter is similar to the cited cases, particularly **Gross**, because Respondent engaged in dishonest conduct in connection with his response to Petitioner's requests for information, yet the underlying misconduct is not extremely serious in nature.

As authority for its argument that a suspension of one year and one day is warranted, Petitioner cited to cases concerning attorneys who made misrepresentations or engaged in deceptive behavior towards Office of Disciplinary Counsel, as did the instant Respondent. See **Office of Disciplinary Counsel v. Mary Louise Johnson**, No. 154 DB 2008 (D. Bd. Rpt. 12/30/2009) (S. Ct. Order 4/16/2010) (respondent – attorney misrepresented to Office of Disciplinary Counsel that she complied with a condition attached to an informal admonition by reimbursing \$2,000 to a former client; expressed remorse; no prior discipline; suspension of one year); **Office of Disciplinary Counsel v. Edward T. Rowe, Jr.**, No. 97 DB 2007 (D. Bd. Rpt. 7/12/2007) (S. Ct. Order 10/30/2007) (respondent-attorney, in response to a DB-7, misrepresented that

funds he was required to hold in his escrow account to satisfy a lien on behalf of his client were in his escrow account when in fact he had converted the funds; expressed remorse; no prior discipline; suspension of one year and one day); **Office of Disciplinary Counsel v. Grace Smith Folz**, No. 97 DB 2007 (S. Ct. Order 5/8/2009) (consent discipline) (respondent-attorney, who commingled fiduciary funds and was repeatedly out of trust in her IOLTA account, provided Disciplinary Counsel with a number of false and fraudulent documents and made numerous false statements; two year suspension).

Our review of the above cases leads us to conclude, as did the Hearing Committee, that a one year and one day suspension is not warranted in the instant matter. The prevailing similarity in Petitioner's cited cases is that in each, the respondent-attorney made misrepresentations to Office of Disciplinary Counsel regarding the handling of funds belonging to clients. The underlying misconduct involved the respondent-attorneys' breach of duty to their clients to hold entrusted funds inviolate and to return unearned fees. We find no such fact pattern in the instant matter. Respondent's underlying misconduct was his attempt to obtain the file of a new client after his suspension was ordered by the Supreme Court. Respondent did not in fact obtain the file, nor is there any evidence to suggest that he engaged in the unauthorized practice of law. His misconduct was not as serious as that engaged in by the respondent-attorneys in **Johnson, Rowe and Folz**. The steps Respondent took to disguise his actions from Petitioner resulted in additional and troubling violations of the conduct rules, for which a six month period of suspension will serve as an appropriate sanction.

We have considered Respondent's request for retroactivity of the recommended period of suspension. Our review of prior cases indicates that retroactivity is not automatic and may be granted at the Supreme Court's discretion. See *Office of Disciplinary Counsel v. Anthony C. Cappuccio*, 48 A.3d 1231 (Pa. 2012) (respondent-attorney disbarred retroactive to the date of the temporary suspension); *Office of Disciplinary Counsel v. Adam O. Renfroe, Jr.*, 695 A.2d 401 (Pa. 1997) (respondent-attorney disbarred retroactive to the date he was free of drug addiction, which had substantially contributed to his misconduct); *Office of Disciplinary Counsel v. Donald Albert Young*, No. 56 DB 1999 (D. Bd. Rpt. 2/20/2009) (S. Ct. Order 5/8/2009)(respondent-attorney convicted of rape, sexual assault, and related charges and placed on temporary suspension; Disciplinary Board recommended a prospective disbarment based on the facts that Mr. Young was incarcerated from 1999 until 2008 and was unable to practice law, rendering the temporary suspension meaningless until he was released from prison, and that Mr. Young's correspondence to Office of Disciplinary Counsel suggested that he remained unrepentant for his crimes; Court imposed a prospective disbarment).

The decisional law cited above involved attorneys who were placed on temporary suspension pending the outcome of the disciplinary proceedings against them. In a case similar to the procedural history of the instant matter, the Court approved a consent suspension retroactive to the effective date of a previously imposed suspension. *Office of Disciplinary Counsel v. Glenn Randall*, No. 129 DB 2010 (S. Ct. Order 10/4/2010) (consent discipline). Mr. Randall was serving a suspension of one year and one day, effective March 28, 2008, when he consented to additional discipline in the form of a three-year period of suspension for acts that occurred in 2005 and 2006

concerning misrepresentations he made on applications for insurance in connection with business ventures and unrelated to his practice of law. The three year suspension was made retroactive to March 28, 2008, in consideration of the facts that the misconduct occurred nearly five years before the imposition of discipline, Mr. Randall acknowledged his misconduct, and he cooperated with Office of Disciplinary Counsel.

We conclude, after review of the pertinent case law, that a retroactive application of the recommended six month suspension to the effective date of the previously imposed suspension on October 12, 2013, is appropriate and logical, in consideration of the fact that the misconduct occurred around the time of the previously imposed three month suspension and is based on actions taken by Respondent regarding that suspension.

Respondent is currently a suspended attorney, having been reciprocally suspended for three months on September 12, 2013, and having never certified to the Disciplinary Board through a verified statement his compliance with all the terms and conditions of the order of suspension and of Pa.R.D.E. 217. Respondent's suspension order has been in effect for more than three years. Pursuant to Pa.R.D.E. 218(g)(iv), Respondent cannot resume his legal practice until he petitions for reinstatement and proves to the Supreme Court by clear and convincing evidence that he is fit to practice law. The recommended discipline will fulfill the primary purpose of the disciplinary system in Pennsylvania of protecting the public and preserving confidence in the integrity of the legal system. *Office of Disciplinary Counsel v. John J. Keller*, 506 A.2d 872, 875 (Pa. 1986).

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, John Andrew Klamo, be Suspended from the practice of law for six months, retroactive to October 12, 2013.

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: 

James C. Haggerty, Board Member

Date: 12/23/14

Board Members Lewis and Fitzsimons recused.
Board Members Leonard and Goodrich did not participate.