

**IN THE SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2388 Disciplinary Docket No. 3
	:	
Petitioner	:	No. 152 DB 2015
	:	
v.	:	Attorney Registration No. 79423
	:	
JAMES E. TONE,	:	(Montgomery County)
	:	
Respondent	:	

**ORDER**

**PER CURIAM**

**AND NOW**, this 26<sup>th</sup> day of June, 2017, upon consideration of the Disciplinary Board's Recommendation for Public Censure, the Prothonotary is directed to schedule a public censure in the above-captioned matter. See Disciplinary Board Rule §89.205(e).

A True Copy Patricia Nicola  
As Of 6/26/2017

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 152 DB 2015
Petitioner	:	
	:	
v.	:	Attorney Registration No. 79423
	:	
JAMES E. TONE	:	
Respondent	:	(Montgomery County)

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 commenced with the filing of a Petition for Discipline against Respondent by Office of Disciplinary Counsel on December 1, 2015. The Petition alleged that Respondent engaged in professional misconduct in his representation of two clients. Respondent filed an Answer to Petition for Discipline on January 22, 2016.

A disciplinary hearing was held on March 31, 2016, before a District II Hearing Committee. On July 28, 2016, the Committee filed a Report and recommended that Respondent receive a Public Reprimand.

The Board adjudicated the matter at the meeting on October 13, 2016, and directed that Respondent receive a Public Reprimand with the condition that he refund monies to his client.

On October 18, 2016, the Board Order imposing a Public Reprimand with condition to reimburse a client was mailed to Respondent. On October 19, 2016, the Board mailed a notification letter to Respondent informing him that he owed \$551.50 for

expenses incurred in the investigation and prosecution of the matter. By Notice dated December 8, 2016, Respondent was directed to appear before the Board on January 4, 2017, at 9:30 a.m., at the District I Office in Philadelphia, Pennsylvania, to receive the Public Reprimand. Respondent appeared on that date with a copy of a check to his client and receipt for mailing but no proof that the client had received the check. In addition, Respondent had not paid the costs in the amount of \$551.50. The Public Reprimand was not administered.

By Notice dated February 21, 2017, Respondent was directed to appear before the Board on March 15, 2017, at 10:00 a.m., at the District I Office in Philadelphia, Pennsylvania, to receive the Public Reprimand. On February 27, 2017, a second notice of costs was sent informing Respondent that he owed \$551.50. By notice dated March 15, 2017, the Public Reprimand scheduled for that date was continued until April 5, 2017, due to a snow storm. Respondent was directed to appear on April 5, 2017 at 10:00 a.m. at the District I Office in Philadelphia.

On April 5, 2017, Respondent failed to appear on time for the scheduled 10:00 a.m. Public Reprimand. By the time Respondent appeared at the District I office, approximately forty minutes late, the Board panel had concluded business some fifteen minutes earlier and had left. When Respondent tardily appeared on April 5, 2017, he had not paid his costs. Respondent paid the costs in full on April 18, 2017. By letter of April 20, 2017, Office of Disciplinary Counsel requested that the Public Reprimand be rescheduled.

On May 4, 2017, the Board issued a Rule to Show Cause on Respondent, returnable within thirty days, why his neglect or refusal to to appear for a Public Reprimand on April 5, 2017, should not be automatically be converted into a

recommendation to the Supreme Court of Pennsylvania for Public Censure in accordance with Disciplinary Board Rule §89.205(e). Respondent signed for the certified mail on May 17, 2017. Respondent failed to respond to the Rule.

Respondent has not demonstrated good cause as to why he did not timely appear before the Board for the Public Reprimand scheduled for April 5, 2017. Having failed to provide good cause, the Board recommends that Respondent be subjected to a Public Censure by the Supreme Court.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

By:   
David E. Schwager, Board Chair

Date: June 12, 2017

OFFICE OF DISCIPLINARY COUNSEL :  
Petitioner :  
No. 152 DB 2015  
V. :  
Attorney Registration No. 79423  
JAMES E. TONE :  
Respondent : (Montgomery County)

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Re: Office of Disciplinary Counsel  
v. JAMES E. TONE  
No. 152 DB 2015  
Attorney Registration No. 79423  
(Montgomery County)

RECORD OF PRIOR DISCIPLINE

Private Reprimand – Administered February 15, 2013

Administered for violations of RPC 8.1(b), 8.4(c), 8.4(d) and Pa.R.D.E. 203(b)(3). It had been determined that Respondent receive an Informal Admonition in connection with a complaint filed against him. A condition was attached which required Respondent to provide proof to ODC that he had refunded \$1,000 to his clients. Respondent engaged in numerous misrepresentations to Chief Disciplinary Counsel concerning compliance with the condition which resulted in the eventual filing of formal charges against him. Respondent eventually complied with the condition and consented to the imposition of a Private Reprimand.

Opened	Respondent / Petitioner	Counsel for Respondent /Petitioner
09/17/2015	JAMES E. TONE (79423) PO BOX 43 LAFAYETTE HILL PA 194441427 COUNTY: MONTGOMERY (484) 437-4801	

DB NO	Counsel	District	Final Disp	Date Closed	Sup Ct #
152 DB 2015	RM	3			

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Docket Entries

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Date	Description	
09/25/2015	ASSIGNMENT TO BOARD PANEL	(HAGGERTY), TREVELISE, KELLY
11/05/2015	DEMAND FOR FORMAL CHARGES BY RESPONDENT NOTICE SENT TO ODC 11/6/2015	
12/01/2015	PETITION FOR DISCIPLINE FILED	
12/10/2015	AFFIDAVIT OF SERVICE OF PETITION FOR DISCIPLINE	
01/22/2016	ANSWER TO PETITION FILED BY RESPONDENT	
02/02/2016	PETITION REFERRED TO HEARING COMMITTEE	ZEMLOCK, MCLEMORE, DATORRE
02/26/2016	PREHEARING CONFERENCE HELD	ZEMLOCK
03/31/2016	HEARING HELD	ZEMLOCK, MCLEMORE, DATORRE
04/18/2016	BRIEF FILED WITH HEARING COMMITTEE BY ODC	
06/01/2016	BRIEF FILED WITH HEARING COMMITTEE BY RESPONDENT	
07/28/2016	HC REPORT FILED	PUBLIC REPRIMAND
08/03/2016	LETTER ADVISING NO BRIEF TO BE FILED BY ODC	
09/01/2016	ASSIGNMENT TO REVIEWING BOARD MEMBER	JOHN P. GOODRICH
09/01/2016	LISTED FOR ADJUDICATION	10/13/2016 - HERSHEY

10/13/2016	ADJUDICATED BY THE BOARD	PUBLIC REPRIMAND WITH CONDITION
10/18/2016	PUBLIC REPRIMAND ORDERED WITH CONDITION	
10/19/2016	COSTS ASSESSED BY ORDER	\$551.50
12/08/2016	NOTICE TO APPEAR FOR PUBLIC REPRIMAND	01/04/2017, 9:30 A.M., D1
01/04/2017	REPRIMAND NOT ADMINISTERED	COSTS NOT PAID/NO PROOF OF COMPLIANCE
02/17/2017	NOTICE TO APPEAR FOR PUBLIC REPRIMAND	03/15/2017, 10:00 A.M., D1
03/16/2017	NOTICE TO APPEAR FOR PUBLIC REPRIMAND (CONTINUED – SNOW STORM)	04/05/2017, 10:00 AM, D1
04/05/2017	FAILED TO APPEAR FOR REPRIMAND	
04/21/2017	COSTS PAID BY RESPONDENT	\$551.50
05/04/2017	BOARD RULE TO SHOW CAUSE ISSUED	WHY NOT REFER TO SC FOR PUBLIC CENSURE?



BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 152 DB 2015
Petitioner	:	
v.	:	Attorney Registration No. 79423
JAMES E. TONE	:	
Respondent	:	(Montgomery County)

**ORDER**

AND NOW, this 18<sup>th</sup> day of October, 2016, upon consideration of the Report and Recommendation of the Hearing Committee filed on July 28, 2016; it is

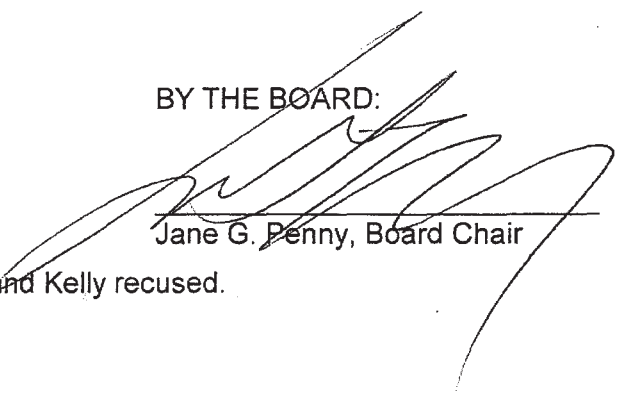
ORDERED that JAMES E. TONE of Montgomery County shall be subjected to a **PUBLIC REPRIMAND WITH CONDITION** imposed by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(a)(5) and (b) of the Pennsylvania Rules of Disciplinary Enforcement.

Within thirty (30) days from the date of this Order, Respondent shall submit to the Secretary of the Board and Disciplinary Counsel proof that he has:

1. Paid the Court-ordered costs of \$813.00 to Raquel Childs in the Childs/Ashford matter.

Failure to comply with the above Condition shall be grounds for further action in accordance with the provisions of Enforcement Rule 208(f)(5). Costs shall be paid by the Respondent.


BY THE BOARD:

  
Jane G. Penny, Board Chair

Board Members Haggerty, Trevelise and Kelly recused.

TRUE COPY FROM RECORD

Attest:

  
Elaine M. Bixler, Secretary Emerita  
The Disciplinary Board of the  
Supreme Court of Pennsylvania



THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA  
601 Commonwealth Avenue, Suite 5600  
PO Box 62625  
Harrisburg, PA 17106-2625

---

NOTICE TO APPEAR FOR PUBLIC REPRIMAND  
FOLLOWING FORMAL PROCEEDINGS

---

Date: December 8, 2016

OFFICE OF DISCIPLINARY COUNSEL  
Petitioner

v.

JAMES E. TONE

Respondent

No. 152 DB 2015

Attorney Registration No. 79423

(Montgomery County)


To: James E. Tone  
PO Box 43  
Lafayette Hill, PA 19444-1427

By this notice issued pursuant to Rule 208(d)(2)(ii) of the Pennsylvania Rules of Disciplinary Enforcement and Board Rule § 89.205(c)(1), you are directed to appear before a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania on **Wednesday, January 4, 2017** at **9:30 a.m.** in the **Hearing Room** of the **District I Office** of Disciplinary Counsel, **Suite 3320, 1601 Market Street, Philadelphia, PA 19103**, for the purpose of receiving a public reprimand, which has been determined to be the appropriate discipline in this matter.

Enforcement Rule 203(b)(2) and (c) expressly provides that willful failure to appear before the Board for public reprimand shall be an independent ground for discipline and that the Board is a "tribunal" within the meaning of the Disciplinary Rules (see, e.g. RPC 3.3, 3.4(c) and 3.5). Board Rule § 89.205(e) further provides that failure to appear as directed, without good cause, shall automatically convert the decision of the Board on Public Reprimand into a recommendation to the Supreme Court for Public Censure.

Board Rule 89.205(f) provides that a respondent-attorney who is unwilling to have the matter concluded by public reprimand may demand Supreme Court consideration of the matter. An intention on your part to demand Supreme Court consideration was not submitted to the Office of the Secretary **within 30 days after notice of the determination of the Board** as provided in Rule 208(d)(2)(iii), Pa.R.D.E. A copy of the Disciplinary Board Order is enclosed.

REGULAR MAIL & CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

  
Office of the Secretary

cc: Paul J. Killion, Chief Disciplinary Counsel

7196 9008 9111 6865 3925

TO:

James E. Tone  
PO Box 43  
Lafayette Hill, PA 19444-1427

SENDER:

REFERENCE: Appear Notice -PUR

PS Form 3800, January 2005

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**PENNSYLVANIA JUDICIAL CENTER**

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1st NOTICE  
2nd NOTICE 12/23  
RETURNED 12/17



James E. Tone  
PO Box 43  
Lafayette Hill, PA 19444

NTYTF

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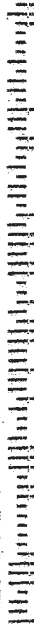
0001/16/17

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171062625

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\*0419-01298-08-42





THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA  
601 Commonwealth Avenue, Suite 5600  
PO Box 62625  
Harrisburg, PA 17106-2625

---

**NOTICE TO APPEAR FOR PUBLIC REPRIMAND  
FOLLOWING FORMAL PROCEEDINGS**

---

Date: February 21, 2017

OFFICE OF DISCIPLINARY COUNSEL  
Petitioner

v.

JAMES E. TONE

Respondent

No. 152 DB 2015

Attorney Registration No. 79423

(Montgomery County)

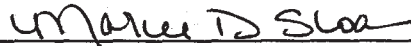
To: James E. Tone  
PO Box 43  
Lafayette Hill, PA 19444-1427

By this notice issued pursuant to Rule 208(d)(2)(ii) of the Pennsylvania Rules of Disciplinary Enforcement and Board Rule § 89.205(c)(1), you are directed to appear before a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania on **Wednesday, March 15, 2017** at **10:00 a.m.** in the **Hearing Room** of the **District I Office** of Disciplinary Counsel, **Suite 3320, 1601 Market Street, Philadelphia, PA 19103**, for the purpose of receiving a public reprimand, which has been determined to be the appropriate discipline in this matter.

Enforcement Rule 203(b)(2) and (c) expressly provides that willful failure to appear before the Board for public reprimand shall be an independent ground for discipline and that the Board is a "tribunal" within the meaning of the Disciplinary Rules (see, e.g. RPC 3.3, 3.4(c) and 3.5). Board Rule § 89.205(e) further provides that failure to appear as directed, without good cause, shall automatically convert the decision of the Board on Public Reprimand into a recommendation to the Supreme Court for Public Censure.

Board Rule 89.205(f) provides that a respondent-attorney who is unwilling to have the matter concluded by public reprimand may demand Supreme Court consideration of the matter. An intention on your part to demand Supreme Court consideration was not submitted to the Office of the Secretary **within 30 days after notice of the determination of the Board** as provided in Rule 208(d)(2)(iii), Pa.R.D.E. A copy of the Disciplinary Board Order is enclosed.

**REGULAR MAIL & CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

  
Office of the Secretary

cc: Paul J. Killion, Chief Disciplinary Counsel

7196 9008 9111 6865 5271

TO:

JAMES E. TONE

PO BOX 43

LAFAYETTE HILL, PA 19444-1427

SENDER:

REFERENCE: 152 DB 2015 - Notice to Appear

PS Form 3800, January 2005

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1. Article Addressed to:

JAMES E. TONE

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LAFAYETTE HILL, PA 19444-1427

Reference Information

152 DB 2015 - Notice to Appear

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C. Signature

☐ Agent

☒ Addressee

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If YES, enter delivery address below:

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☒ No

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THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA  
601 Commonwealth Avenue, Suite 5600  
PO Box 62625  
Harrisburg, PA 17106-2625

---

NOTICE TO APPEAR FOR PUBLIC REPRIMAND  
FOLLOWING FORMAL PROCEEDINGS

---

Date: March 15, 2017

OFFICE OF DISCIPLINARY COUNSEL  
Petitioner

No. 152 DB 2015

v.

Attorney Registration No. 79423

JAMES E. TONE

Respondent

(Montgomery County)

To: James E. Tone  
PO Box 43  
Lafayette Hill, PA 19444-1427

By this notice issued pursuant to Rule 208(d)(2)(ii) of the Pennsylvania Rules of Disciplinary Enforcement and Board Rule § 89.205(c)(1), you are directed to appear before a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania on **Wednesday, April 5, 2017** at **10:00 a.m.** in the **Hearing Room** of the **District I Office** of Disciplinary Counsel, **Suite 3320, 1601 Market Street, Philadelphia, PA 19103**, for the purpose of receiving a public reprimand, which has been determined to be the appropriate discipline in this matter.

Enforcement Rule 203(b)(2) and (c) expressly provides that willful failure to appear before the Board for public reprimand shall be an independent ground for discipline and that the Board is a "tribunal" within the meaning of the Disciplinary Rules (see, e.g. RPC 3.3, 3.4(c) and 3.5). Board Rule § 89.205(e) further provides that failure to appear as directed, without good cause, shall automatically convert the decision of the Board on Public Reprimand into a recommendation to the Supreme Court for Public Censure.

Board Rule 89.205(f) provides that a respondent-attorney who is unwilling to have the matter concluded by public reprimand may demand Supreme Court consideration of the matter. An intention on your part to demand Supreme Court consideration was not submitted to the Office of the Secretary **within 30 days after notice of the determination of the Board** as provided in Rule 208(d)(2)(iii), Pa.R.D.E. A copy of the Disciplinary Board Order is enclosed.

REGULAR MAIL & CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

  
Office of the Secretary

cc: Paul J. Killion, Chief Disciplinary Counsel

**DISCIPLINARY BOARD  
EXECUTIVE OFFICE**



PENNSYLVANIA JUDICIAL CENTER  
601 COMMONWEALTH AVENUE, SUITE 5600  
PO BOX 62625  
HARRISBURG, PA 17106-2625

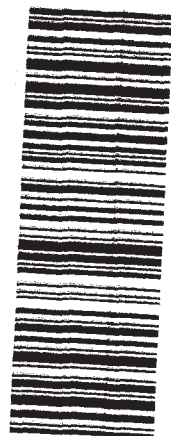
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PO Box 43  
Lafayette Hill, PA

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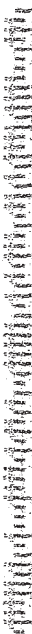
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1st NOTICE  
2nd NOTICE 4/6  
RETURNED 9/14

Q 3/18

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171062625

BC 17106262525 90113-00933-16-41



9414 7266 9904 2068 1249 83

**TO:** James E. Tone  
PO Box 43  
Lafayette Hill, PA 19444-1427

**SENDER:**

**REFERENCE:** APPEAR NOTICE -152 DB 2015

PS Form 3800, January 2005

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	Restricted Delivery	0.00
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BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL : No. 152 DB 2015  
Petitioner :  
v. :  
JAMES E. TONE : Attorney Registration No. 79423  
Respondent : (Montgomery County)

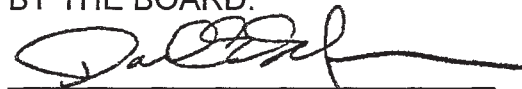
ORDER AND RULE TO SHOW CAUSE

AND NOW, this 4<sup>th</sup> day of May, 2017, a Rule is hereby issued upon Respondent, James E. Tone, to show cause why his neglect or refusal to appear for a Public Reprimand on April 5, 2017, should not be automatically converted into a recommendation to the Supreme Court for Public Censure in accordance with Disciplinary Board Rule 89.205(e).

Respondent is further directed to show cause why his failure to provide proof of compliance with the condition attached to the Order of this Board dated October 18, 2016 should not be grounds for reconsideration of the matter and prosecution of additional formal charges against the Respondent.


The Rule to show cause is returnable within thirty (30) days from service of notice of this Order.

BY THE BOARD:



Chair

TRUE COPY FROM RECORD  
Attest:

  
Marcee D. Sloan, Prothonotary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania



7196 9008 9111 6865 5288

TO:

JAMES E. TONE

PO BOX 43

LAFAYETTE HILL, PA 19444-1427

SENDER:

REFERENCE: 152 DB 2015 - Notice to Appear

RTSC

PS Form 3800, January 2005

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JAMES E. TONE

PO BOX 43

LAFAYETTE HILL, PA 19444-1427

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

JAMES E. TONE

☐ Agent

☐ Addressee

☐ Yes

☐ No

D. Is delivery restricted? (Form 1?)

If YES, enter delivery address below:

MAY 17 2017

Reference Information

USPS

152 DB 2015

RTSC

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