

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1165 Disciplinary Docket No. 3
Petitioner :
 : No. 47 DB 2006
v. :
 : Attorney Registration No. 72891
KARLYN L. RAMSAY, :
Respondent : (Fayette County)

ORDER

PER CURIAM:

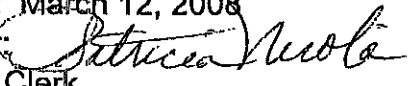
AND NOW, this 12th day of March, 2008, upon consideration of the Report and Recommendations of the Disciplinary Board and Dissenting Opinion dated August 30, 2007, it is hereby

ORDERED that Karlyn L. Ramsay is suspended from the Bar of this Commonwealth for a period of two years and she shall make restitution to her clients prior to filing any petition for reinstatement under Rule 218, Pa.R.D.E.

It is further ORDERED that respondent shall comply with all the provisions of Rule 217, Pa.R.D.E., and shall pay costs to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.

A True Copy Patricia Nicola

As of: March 12, 2008

Attest: 
Chief Clerk

Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 1165 Disciplinary Docket
Petitioner	:	No. 3
	:	
	:	No. 47 DB 2006
v.	:	
	:	Attorney Registration No. 72891
KARLYN L. RAMSAY	:	
Respondent	:	(Fayette 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

On March 13, 2006, Office of Disciplinary Counsel filed a Contempt Petition for Rule to Show Cause with the Disciplinary Board seeking the temporary suspension of Respondent, Karlyn L. Ramsay, due to her failure to comply with a subpoena. The Board recommended that Respondent be placed on temporary suspension and forwarded its

recommendation to the Supreme Court of Pennsylvania on May 12, 2006. By Order of June 29, 2006, the Court entered an order placing Respondent on temporary suspension.

Office of Disciplinary Counsel filed a Petition for Discipline against Respondent on December 18, 2006. The Petition charged Respondent with professional misconduct arising out of her representation in the administration of an estate and her failure to properly disburse entrusted funds. Respondent failed to file an Answer to Petition for Discipline.

A disciplinary hearing was held on April 2, 2007, before a District IV Hearing Committee comprised of Chair Walter F. Wall, Esquire, and Members Laura A. Ditka, Esquire, and Mark E. Mioduszewski, Esquire. Respondent did not appear at the hearing.

The Hearing Committee filed a Report on June 12, 2007, finding that Respondent engaged in professional misconduct and recommending that she be suspended for one year and one day.

This matter was adjudicated by the Disciplinary Board at the meeting on July 21, 2007.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner, whose principal office is located at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania 17101, 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.

2. Respondent, Karlyn L. Ramsay, was born in 1969 and was admitted to the practice of law in the Commonwealth of Pennsylvania in 1994. Her attorney registration mailing address is 787 Smithfield-New Geneva Road, Fayette County, Pennsylvania 15478. Respondent is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. Respondent has no prior history of discipline.

4. By Order of Court dated October 27, 2005, Respondent was transferred to inactive status pursuant to Rule 219, Pa.R.D.E., effective November 26, 2005, for failure to pay her annual assessment.

5. Pursuant to an Order dated June 29, 2006, the Supreme Court of Pennsylvania placed Respondent on temporary suspension pursuant to Rule 208(f)(5), Pa.R.D.E.

6. Respondent was engaged to represent Todd E. Jackson, Administrator of the Estate of his mother Helen Gaines.

7. Respondent was engaged to conclude the Estate matters including the sale of real property located at 134 South Grant Street, Uniontown, PA 15401, jointly owned by the Decedent and her ex-husband Nelson Jackson.

8. Respondent undertook negotiations with the Uniontown School District in the sale of the real property and in doing so undertook representation of Nelson Jackson and his wife Mary.

9. Nelson and Mary Jackson paid Respondent a fee in the amount of \$490.50 by check dated March 19, 2003, pursuant to Respondent's agreement to represent them in the sale of the real estate.

10. On March 19, 2003, Respondent prepared a deed by which Nelson and Mary Jackson and Todd Jackson transferred the said real property to the grantee, Uniontown School District.

11. In accordance with the settlement statement, \$3,000 of the purchase price was withheld and maintained by the settlement agent, the law firm of Maiello, Brungo & Maiello, LLP, pending determination of whether further payment would be due under the Pennsylvania Inheritance Tax.

12. Thereafter, on July 1, 2003, Respondent filed a Supplemental Pennsylvania Inheritance Tax Return for the Estate which set forth among other statements:

- a. Respondent's attorney's fees for \$1,250; and
- b. Inheritance Taxes were due and owing in the amount of

\$1,276.11

13. Respondent, on March 17, 2005, faxed to the law firm of Maiello, Brungo & Maiello, LLP, a copy of the Inheritance Tax Statement of Account dated August 30, 2004 confirming all inheritance taxes due had been paid. Respondent further requested the law firm to release the monies held in escrow and Respondent indicated that she would accept the funds and "make payment of half of the funds to Nelson and Mary Jackson."

14. By letter dated March 17, 2005, the settlement agent forwarded to Respondent a check in the amount of \$3,000 further noting in said correspondence "please disburse one half or \$1,500 to Nelson and Mary Jackson and inform your client, Todd Jackson, that you have received his one half of the escrow monies."

15. By March 23, 2005, Respondent endorsed the aforesaid check and negotiated it at Smithfield State Bank by cashing the said check.

16. At no time did Respondent distribute the \$1,500 to Nelson and Mary Jackson.

17. On two or three occasions Mary Jackson telephoned Respondent leaving voice messages requesting reimbursement of her share of the escrow funds.

18. Respondent did not return the telephone calls.

19. In July of 2005 Mary Jackson went to Respondent's house and questioned Respondent as to why she had not received the \$1,500.

20. Respondent indicated to Mrs. Jackson that Respondent had mailed the check to her but it came back in the mail. This statement was false. Respondent also

advised Mrs. Jackson that she had been temporarily busy taking care of her aunt's estate and she would forward the payment to Mrs. Jackson in a couple of days.

21. After three days passed without receipt of the payment Mrs. Jackson again went to Respondent's residence. Respondent at first advised Mary Jackson that she had mailed the check to her, and then finally agreed to send \$1,500 to Mary Jackson.

22. Nelson and Mary Jackson have not received payment of the \$1,500.

23. On July 15, 2005, Mary Jackson filed a civil complaint before District Justice Brenda Cavalcante of Fayette County seeking judgment in the amount of \$1,500 from Respondent.

24. A hearing was held before District Justice Cavalcante on August 16, 2005 resulting in a default judgment against Respondent. Said judgment was neither appealed nor satisfied by Respondent.

25. On January 5, 2006 a subpoena was issued by Petitioner to Smithfield State Bank for evidence of the disposition of the \$3,000 check and simultaneously a subpoena was issued by Petitioner to Respondent regarding documents relevant to the proceeds. Respondent was personally served with the subpoena duces tecum on January 17, 2006.

26. Although records obtained from Smithfield State Bank reflect that the check was cashed in the amount of \$3,000, the proceeds were neither deposited and/or maintained in a separate and/or segregated account by Respondent.

27. Respondent has not responded to the subpoena duces tecum nor has she accounted for the funds totaling \$3,000.

28. Respondent did not file an Answer to Petition for Discipline; did not appear at the pre-hearing conference; and did not appear at the disciplinary hearing on April 2, 2007.

29. Respondent was personally served with the Petition for Discipline and received personal service of notice of the hearings before the Hearing Committee.

III. CONCLUSIONS OF LAW

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

1. RPC 1.15(a) – on or before April 23, 2005 – A lawyer shall hold property of clients or third persons that is in a lawyer’s possession in connection with a representation separate from the lawyer’s own property. Funds shall be kept in a separate account maintained in the state where the lawyer’s office is situated, or elsewhere with the consent of the client or third person. Other property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be preserved for a period of five years after termination of representation.

2. RPC 1.15(b) – on or before April 23, 2005 – Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this Rule or otherwise permitted by law

or by agreement with the client, the lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding the property.

3. RPC 8.1(b) – 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 fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information for an admission or a disciplinary authority.

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

IV. DISCUSSION

Respondent has been charged with violations of the Rules of Professional Conduct based on allegations that she mishandled client funds. Respondent failed to comply with a subpoena issued by Petitioner regarding the disbursement of the funds; she failed to file an Answer to Petition for Discipline; she failed to attend both the pre-hearing and disciplinary hearing in this matter. The evidence of record is clear that Respondent received proper notice of all facets of her disciplinary matter.

Petitioner has met its burden by clear and satisfactory evidence that Respondent engaged in unethical misconduct toward her clients. She converted their

monies; made false statements; and acted dishonestly. Respondent compounded the seriousness of her actions by ignoring all communications from Petitioner and the Disciplinary Board. Respondent's failure throughout these proceedings to acknowledge her acts and avail herself of the opportunity to respond and offer explanation is disturbing and reflects negatively on Respondent's fitness to practice law. Respondent's underlying misconduct and her subsequent handling of her disciplinary action offer more than sufficient support for suspending Respondent for one year and one day and requiring her to petition for reinstatement should she wish to practice law in the future. A requirement of reinstatement is that Respondent shall make restitution to her clients prior to any request for reinstatement.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania recommends that the Respondent, Karlyn L. Ramsay, be suspended from the practice of law for a period of one year and one day. A requirement of reinstatement is that Respondent shall make restitution to her clients prior to any request for reinstatement.

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: 
Donald E. Wright, Jr., Board Member

Date: August 30, 2007

Board members Newman and Raspanti did not participate in the adjudication.

Board Members Saidis, Brown and O'Connor dissented and would recommend a two year suspension.

BEFORE THE DISCIPLINARY BOARD OF THE
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: Attorney Registration No. 72891
KARLYN L. RAMSAY :
Respondent : (Fayette County)

DISSENTING OPINION TO THE 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:

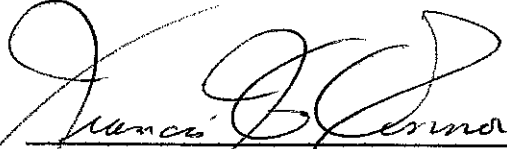
I agree with the Findings of Fact and Conclusions of Law of the majority
but disagree as to the recommendations.

The Respondent, while inactive, took \$3,000.00 that did not belong to her.
She did not cooperate with the investigation, appear at the hearings or give any
reason for us to find even the slightest mitigation.

I recommend the Honorable Court suspend her license to practice law for
two years.

Respectfully submitted,

Date: August 30, 2007


Francis X. O'Connor, Board Member

Board Members Saidis and Brown join in this dissent.