

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1346 Disciplinary Docket No. 3
Petitioner :
 : No. 175 DB 2007
v. :
 : Attorney Registration No. 32353
JOHN F. EGAN, :
Respondent : (Philadelphia)

ORDER

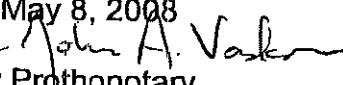
PER CURIAM:

AND NOW, this 8th day of May, 2008, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated January 11, 2008, the Joint Petition in Support of Discipline on Consent is hereby granted pursuant to Rule 215(g), Pa.R.D.E., and it is

ORDERED that John F. Egan is suspended on consent from the Bar of this Commonwealth for a period of eighteen months and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

A True Copy John A. Vaskov

As of: May 8, 2008

Attest: 
Deputy Prothonotary
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA


OFFICE OF DISCIPLINARY COUNSEL : No. 175 DB 2007
Petitioner :
v. : Attorney Registration No. 32353
JOHN F. EGAN :
Respondent : (Philadelphia)

RECOMMENDATION OF THREE-MEMBER PANEL
OF THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

The Three-Member Panel of the Disciplinary Board of the Supreme Court of Pennsylvania, consisting of Board Members Robert C. Saidis, Donald E. Wright, Jr., and Sal Cagnetti, Jr., has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on December 3, 2007.

The Panel approves the Joint Petition consenting to an 18 Month Suspension and recommends to the Supreme Court of Pennsylvania that the attached Petition be Granted.

The Panel further recommends that any necessary expenses incurred in the investigation and prosecution of this matter shall be paid by the respondent-attorney as a condition to the grant of the Petition.



Robert C. Saidis, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: January 11, 2008

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 175 DB 2007
Petitioner :
: ODC File No. C1-06-1143
v. :
: Atty. Reg. No. 32353
JOHN F. EGAN, :
Respondent : (Philadelphia)

JOINT PETITION IN SUPPORT OF DISCIPLINE
ON CONSENT UNDER RULE 215(d), Pa.R.D.E.

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Robert P. Fulton, Esquire, Disciplinary Counsel, and Respondent, John F. Egan, by Lawrence F. Meehan, Jr., Esquire, file this Joint Petition In Support Of Discipline On Consent Under Rule 215(d) of the Pennsylvania Rules of Disciplinary Enforcement ("Pa.R.D.E.") and respectfully represent that:

1. Petitioner, whose principal office is located at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania 17101, is vested, pursuant to Pa.R.D.E. 207 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.

FILED

DEC 03 2007

Office of the Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

2. Respondent, John F. Egan, was born on October 19, 1946, and was admitted to practice law in the Commonwealth on December 1, 1980. Respondent's mailing address is 232 South 4th Street, Suite 200, Philadelphia, PA 19106. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. Petitioner served upon Respondent a DB-7 Request for Statement of Respondent's Position ("DB-7 letter") dated September 18, 2007.

4. Respondent, through his attorney, sent to Petitioner a letter acknowledging that "if charges predicated upon the matters under investigation were filed, [Respondent] could not likely successfully defend against them and is prepared to submit his affidavit to that effect."

**SPECIFIC FACTUAL ADMISSIONS AND
RULES OF PROFESSIONAL CONDUCT VIOLATED**

5. Respondent stipulates that the following factual allegations are true and correct and that he violated the Rules of Professional Conduct and Rules of Disciplinary Enforcement set forth in paragraph 21, *infra*.

6. By Order dated July 20, 2000, effective August 19, 2000, the Supreme Court of Pennsylvania, pursuant to

Pa.R.C.L.E. 111(b), transferred Respondent to inactive status for failure to comply with CLE requirements (hereinafter "transfer to inactive status").

7. In and under cover of a letter dated July 20, 2000, which was sent by certified mail, return receipt requested, Ms. Elaine Bixler, then Executive Director and Board Secretary:

- a. forwarded to Respondent a copy of the Supreme Court Order;
- b. forwarded to Respondent copies of Pa.R.D.E. 217 and 219;
- c. forwarded to Respondent Forms DB-23(i) and DB-24(i) Nonlitigation and Litigation Notices of Transfer to Inactive Status;
- d. forwarded to Respondent Form DB-25(i), Statement of Compliance; and
- e. advised Respondent that he was required to comply with Pa.R.D.E. 217.

8. Respondent received the July 20, 2000 letter, with enclosures, on July 24, 2000.

- a. Respondent failed to comply with the July 20, 2000 Supreme Court Order.

9. Respondent failed to promptly notify clients with pending matters of his transfer to inactive status and

consequent inability to represent them after the effective date of his transfer to inactive status.

10. Respondent failed to file a verified Statement of Compliance, Form DB-25(i), with the Board Secretary within ten days after the effective date of his transfer to inactive status, as required by Pa.R.D.E. 217(e), or at any time thereafter.

11. Respondent failed to file the Pennsylvania Attorneys' Annual Fee Form from 2000-2001 to present.

a. Respondent failed to remit the requisite fees.

12. Respondent has been on inactive status since the Court Order dated July 20, 2000.

13. After Respondent's transfer to inactive status, Respondent engaged in the unauthorized practice of law as follows:

The Procaccino Matter

a. On November 10, 2000, Respondent entered his appearance on behalf of the defendant, Virgil Procaccino ("Procaccino"), in the matter of **Toscano Partners LLP v. Procaccino**, in the Philadelphia Court of Common Pleas at docket number 1999 DECEMBER TERM 03012.

- b. On December 21, 2000, Respondent attended a settlement conference on behalf of Procaccino.
- c. On January 19, 2001, Respondent notified the court that the case was settled.

The Kline Matter

- a. On January 16, 2001, Respondent entered his appearance and filed a civil complaint on behalf of the plaintiff, Marlyn Cramer Kline ("Kline"), in the matter of **Kline v. Sinni**, in the Philadelphia Court of Common Pleas at docket number 2001 JANUARY TERM 02117.
- b. On April 20, 2001, Respondent filed a Reply to New Matter to the defendant's Answer with New Matter.
- c. On April 24, 2001, Respondent attended a status hearing.
- d. On October 17, 2001, Respondent filed Plaintiff's Proposed Findings of Fact and Conclusions of Law.
- e. On October 25, 2001, Respondent filed Joint Stipulations of Uncontested Facts.
- f. On November 13, 2001, the Philadelphia Court of Common Pleas entered a Rule to Show Cause

because of Respondent's failure to appear at mandatory pre-trial settlement conference.

- 1) On November 20, 2001, the Rule to Show Cause was dissolved.
- g. On December 28, 2001, Respondent notified the court of the settlement of the matter.
- h. On April 9, 2002, Respondent filed a Praecipe to Settle, Discontinue & End the matter.

The Carlson Matter

- a. On May 16, 2001, Respondent entered his appearance on behalf of the defendants in the matter of **Clark v. Carlson et al.** ("Carlson") in the Philadelphia Court of Common Pleas at docket number 2001 MARCH TERM 00784.
- b. On May 21, 2001, Respondent filed Preliminary Objections with Motion to Determine Preliminary Objections on behalf of the Estate of Arthur G. Carlson.
- c. On May 21, 2001, Respondent filed Preliminary Objections with Motion to Determine Preliminary Objections on behalf of Laird Carlson.

- d. On May 22, 2001, Respondent filed a Praecipe to Substitute Party on behalf of the Estate of Arthur G. Carlson.
- e. On May 24, 2001, Respondent filed Preliminary Objections on behalf of Robert Carlson and Franklin Associates.
- f. On June 11, 2001, plaintiff filed a second Amended Complaint in response to the Preliminary Objections Respondent filed on behalf of the defendants.
- g. On June 11, 2001, plaintiff filed an Answer to the Preliminary Objections Respondent filed on behalf of the defendants.
- h. On July 10, 2001, Respondent attended a status hearing.
- i. On July 13, 2001, Respondent filed an Answer to plaintiff's Motion to Join Additional Defendant.
- j. On July 20, 2001, Respondent filed Preliminary Objections to the second Amended Complaint on behalf of the defendants.
- k. On August 29, 2001, plaintiff filed a third Amended Complaint in response to the

Preliminary Objections Respondent filed on behalf of the defendants.

- l. On January 8, 2002, Respondent agreed to extend the time provisions contained in the Court Order dated December 17, 2001.
- m. On January 31, 2002, the Court approved an agreed-upon extension of the time provisions contained in the Court's Order dated January 8, 2002.
- n. On April 1, 2002, the Court approved an agreed-upon extension of the time provisions contained in the Court's Order dated January 31, 2002.
- o. On May 10, 2002, Respondent filed an Answer with New Matter to the third Amended Complaint on behalf of Robert Carlson and Franklin Associates.

The Reisman Matter

- a. On August 21, 2001, Respondent entered his appearance on behalf of the defendant, Lura Reisman ("Reisman"), in the matter of **Shegda Construction Company v. Reisman et al.**, in the Philadelphia Court of Common Pleas at docket number 1995 JUNE TERM 03190.

- b. On June 7, 2002, Respondent filed a Petition to Strike Judgment on behalf of Reisman.
- c. On June 13, 2002, the Petition to Strike was denied following a hearing on said Petition.
- d. On June 19, 2002, Respondent filed a Claim for Exemption with the Philadelphia Sheriff's Office on behalf of Reisman.
- e. On June 21, 2002, Respondent caused to be sent, via facsimile transmission, a letter on his letterhead requesting the Philadelphia Court of Common Pleas Motion Court to cancel the hearing on the Claim for Exemption, indicating that the case had been settled.

The Printers, Inc. Matter

- a. On August 21, 2002, Respondent entered his appearance for the defendant, Printers, Inc. ("Printers"), in the matter of **Pacifico Ford, Inc. v. Printers, Inc.**, in the Philadelphia Court of Common Pleas at docket number 2002 FEBRUARY TERM 00823.
- b. On August 21, 2002, Respondent filed an Answer with New Matter to plaintiff's Complaint.

c. On November 18, 2002, the Court entered an Order in which it issued a Rule to Show Cause on all parties for their failure to comply with the provisions of the Court's pre-trial Order.

1) On December 4, 2002, the Rule to Show Cause was dissolved.

d. On December 16, 2002, the Court entered an Order in which it issued a Rule to Show Cause upon Printers for its failure to comply with the Court's pre-trial Order.

e. On December 20, 2002, Respondent notified the Court that the matter had settled.

The Lombardi Matter

a. On February 24, 2003, Respondent filed a statutory appeal on behalf of Oliva C. Lombardi ("Lombardi") in the matter of **Lombardi v. Pennsylvania Department of Transportation**, in the Philadelphia Court of Common Pleas at docket number 2003 FEBRUARY TERM 03129.

b. On May 23, 2003, Respondent obtained a court order rescheduling the hearing by agreement until September 26, 2003.

- c. On September 26, 2003, Respondent obtained a court order rescheduling the hearing by agreement until January 23, 2004.
- d. On January 23, 2004, Respondent obtained a court order remanding the matter to the Pennsylvania Department of Transportation for correction and updating of Lombardi's record.

The Luxury Condo Matter

- a. On June 6, 2003, Respondent commenced a civil action by Complaint on behalf of the plaintiff, Luxury Condo Realty Services, Ltd. ("Luxury Condo"), in the matter of ***Luxury Condo Realty Services, Ltd. v. Rojo***, in the Philadelphia Court of Common Pleas at docket number 2003 JUNE TERM 00792.
- b. On July 8, 2003, the defendants filed an Answer with New Matter to the Complaint.
- c. On August 6, 2003, Respondent filed a Reply to New Matter.
- d. On January 23, 2004, Respondent filed an application for continuance of the arbitration date, which was denied.

- e. On January 30, 2004, Respondent attended the arbitration hearing and obtained an award for Luxury Condo.
- f. On March 19, 2004, Respondent filed a Praecipe to Enter Judgment on Arbitration Award.

The Escobedo Matter

- a. On or about December 8, 2003, Respondent received a Notice of Appeal from the defendant from the money judgment entered in the Philadelphia Municipal Court under docket number SC-030923-2331.
- b. On December 26, 2003, Respondent entered his appearance and filed a civil complaint on behalf of Lester D. Escobedo ("Escobedo"), in the matter of ***Escobedo v. Rosenberg***, in the Philadelphia Court of Common Pleas at docket number 2003 DECEMBER TERM 01045.
- c. On December 31, 2003, Respondent filed an Affidavit of Service of the complaint on defendant.
- d. On April 12, 2004, the defendant filed an Answer with New Matter.

- e. On April 12, 2004, Respondent filed an application for the continuance of the arbitration hearing, which was granted.
- f. On April 21, 2004, Respondent filed Preliminary Objections to the Answer with New Matter that had been filed by defendant.
- g. On April 28, 2004, Respondent filed Consolidated Motions to Determine the Preliminary Objections and for Judgment on the Pleadings with the Motion Court.
- h. On May 17, 2004, the defendant filed an Answer to the Preliminary Objections.
- i. On May 24, 2004, Respondent filed Preliminary Objections to the defendant's Answer to Plaintiff's Preliminary Objections.
- j. On June 7, 2004, the defendant filed an Answer to the Preliminary Objections filed May 24, 2004.
- k. On June 9, 2004, Respondent filed a Motion to Determine the Preliminary Objections.
- l. On July 7, 2004, Respondent filed an application to continue the arbitration hearing which was granted.

- m. On July 12, 2004, the Preliminary Objections were overruled and Escobedo permitted twenty days within which to file a Reply to New Matter.
- n. On July 29, 2004, Respondent filed a Reply to New Matter on behalf of Escobedo.
- o. On August 11, 2004, Respondent attended the arbitration hearing and obtained an award in favor of Escobedo.
- p. On September 13, 2004, the defendant filed an appeal from the award of arbitrators.
- q. On October 26, 2004, a status conference was concluded and the matter listed for pre-trial conference.
- r. On February 22, 2005, the pre-trial conference was concluded.
- s. On March 16, 2005, Respondent notified the court that the case had been settled.
- t. On March 31, 2005, Respondent filed a Praecipe to Settle, Discontinue and End and to enter an Order to satisfy the award of arbitrators.

The Mackrides Estate

- a. Respondent was engaged by William Mackrides ("W.M.") to advise W.M. as the personal representative of the Pennsylvania ancillary estate of the **Estate of Despina Mackrides**, Circuit Court for Palm Beach County, Florida, Probate Division, file No. 502005CP002657XXXXSB.
- 1) The ancillary estate in Pennsylvania consisted of real property and the income therefrom situated at 8636 Germantown Avenue, Philadelphia, Pennsylvania ("8636").
- b. Respondent was actively engaged in negotiations and communications with the Florida estate attorney, Fred Weinstein, Esquire ("Weinstein"), who represented the Florida executor, Trefon Mackrides ("T.M.").
- c. On May 16, 2005, Respondent received a facsimile letter from Weinstein regarding, *inter alia*, the receipt of consent forms from the heirs (except W.M.) to the appointment of T.M. in Florida (principal

estate) and W.M. in Pennsylvania (ancillary estate).

- 1) Weinstein asked Respondent if there was a problem with W.M. providing consent to T.M. in Florida;
- 2) Weinstein indicated that the failure of W.M. consenting to the Florida appointment of T.M. was preventing Weinstein from opening the principal estate in Florida and consequently the ancillary estate in Pennsylvania.

d. By letter dated May 16, 2005, on Respondent's letterhead, Respondent provided to T.M. an affirmation of debt executed by W.M.

e. By letter dated June 15, 2005, and addressed to Respondent at Respondent's registered office address, Weinstein forwarded to Respondent:

- 1) a letter he had sent to the Florida Clerk of Circuit Court, Probate Division requesting the clerk to forward "an authenticated copy of the Last Will and Testament of Despina

Mackrides to John F. Egan, Esquire,
...";

- 2) authenticated copies of the Petition for Administration, Death Certificate, Order Admitting Will to Probate and Letters of Administration; and
- 3) "consents from Trefon, Mary and Sue to William acting as executor of the Pennsylvania estate."

f. By letter dated January 13, 2006, and addressed to Respondent at Respondent's registered office address, Weinstein made inquiries regarding, *inter alia*, the sale of 8636, the attendant costs and problems with the ancillary estate, and a demand for an accounting by W.M.

g. By letter dated January 24, 2006, on Respondent's letterhead, Respondent acknowledged Weinstein's January 13, 2006 letter and partially responded to the inquiries contained therein.

h. By facsimile to Weinstein dated February 27, 2006, on Respondent's letterhead, Respondent

enclosed a copy of the deed for 8636 to the buyer, Thomas Emery ("Emery").

- i. By facsimile to Weinstein dated February 27, 2006, on Respondent's letterhead, Respondent enclosed a "pro-forma HUD-1" with Respondent's own comments and requested Weinstein's comments.
- j. By facsimile to T.M. dated February 27, 2006, on Respondent's letterhead, Respondent enclosed a "pro-forma Settlement Sheet & copy of Deed" with Respondent's own comments.
- k. By facsimile, on Respondent's letterhead, dated February 28, 2006, to Weinstein, Respondent enclosed an acknowledgement from W.M. to T.M. dated February 28, 2006.
- l. By letter dated August 4, 2006, and addressed to Respondent's registered office address, Weinstein indicated, *inter alia*, that Respondent is to receive a fee of \$4,000 and recommended that Respondent assist him in closing the principal estate.
 - 1) Respondent received the \$4,000.

The Meltzer Matter

- a. On July 21, 2005, Respondent filed a Complaint in Equity on behalf of the plaintiff, Allan Meltzer ("Meltzer"), in the matter of **Meltzer v. Kelly**, in the Philadelphia Court of Common Pleas at docket number 2005 JULY TERM 02247.
- b. On July 22, 2005, Respondent filed a Motion for Preliminary Objection on behalf of Meltzer.
- c. On July 29, 2005, the Motion Court entered an Order in which it issued a Rule to Show Cause upon defendant to show cause why an injunction should not issue.
- d. On August 9, 2005, the defendant filed an Answer to the Motion for Preliminary Injunction.
- e. On August 16, 2005, before the Honorable C. Darnell Jones, Respondent and counsel for the defendant entered into a Stipulation and Order, wherein a putative settlement was reached.
- f. On November 28, 2005, Respondent notified the court that the matter had settled.

- g. On November 30, 2005, Respondent and counsel for the defendant caused to be filed a Praecipe to Settle, Discontinue and End.

The Simoes Matter

- a. On July 20, 2006, Respondent entered his appearance on behalf of Simoes LLP, Use Plaintiff, in the matter of **Robert J. Delacour et al. v. Dennis Simoes and Gary Simoes**, in the Philadelphia Court of Common Pleas at docket number 2005 JULY TERM 00095.
- b. On July 20, 2006, Respondent filed a Praecipe to Mark Judgements [sic] Satisfied with the Court.

14. Respondent failed to notify the courts, his party-opponents, his party-opponents' counsel, and/or parties represented by counsel, that he was ineligible to practice law due to his inactive status.

The Philadelphia Zoning Board of Adjustment

15. Before the Philadelphia Zoning Board of Adjustment ("ZBA"), after Respondent's transfer to inactive status, Respondent engaged in the unauthorized practice of law as follows:

- a. On or about August 11, 2004, Respondent filed an appeal and appeared on behalf of

the owner and/or applicant, Winifred Harris and/or Rachel Cohen, of 327 North Holly Street, Philadelphia, Pennsylvania.

b. On or about June 7, 2006, Respondent filed an appeal and appeared on behalf of the owner and/or applicant, B & B Property Management LLC, of 2024 Kimball Street, Philadelphia, Pennsylvania.

c. On or about September 19, 2006, Respondent filed an appeal and appeared on behalf of the owner and/or applicant, Thomas Emery, of 8636 Germantown Avenue.

1) Respondent was copied on a letter dated August 18, 2006 from the Chestnut Hill Community Association supporting the zoning variance for 8636 Germantown Avenue.

d. On or about November 21, 2006, Respondent filed an appeal and appeared on behalf of the owner and/or applicant, Mark Bojanowski, of 232 South 4th Street, Philadelphia, Pennsylvania.

16. Respondent failed to notify the ZBA, the Philadelphia Department of Licenses & Inspections ("L &

I"), and or the attorneys for ZBA and/or L & I, that Respondent was ineligible to practice law due to his inactive status.

Failure to Notify Federal Authorities

17. On and after February 4, 2002, the effective date of the amendments to L.R.Civ.P. 83.6(II)(A) of the Local Rules of Civil Procedure for the United States District Court for the Eastern District of Pennsylvania, Respondent failed to comply with that Local Rule, in that:

- a. E.D.Pa.L.R.Civ.P. 83.6(II)(A) requires that "Any attorney admitted to practice before this Court, ..., upon being prohibited from the practice of law for failure to fulfill any continuing legal education requirement, for voluntarily entering into inactive status, or for any other reason, shall promptly notify the Clerk of this court of such action";
- b. Respondent failed to promptly notify the Clerk of Court that he had been transferred to inactive status effective August 19, 2000 and the reason therefor; and

c. Respondent failed to notify the Clerk of Court that he had failed to renew his license since July 2000.

18. On December 22, 2005, Respondent filed a civil complaint on behalf of Joseph F. Schultice in the matter of **Schultice v. United States of America**, in the United States District Court for the Eastern District of Pennsylvania at docket number 2:05-cv-06704-TON.

19. On September 13, 2006, Respondent filed an Answer to civil complaint on behalf of the defendant, Printers, Inc., in the matter of **Warehouse Employees Local 169 and Employers Joint Pension Fund v. Printers, Inc.**, in the United States District Court for the Eastern District of Pennsylvania at docket number 2:06-cv-03056-RK.

The Telephone Directories

20. After Respondent's transfer to inactive status, Respondent maintained and/or failed to remove or to take appropriate steps to remove improper telephone directory entries, which held Respondent out to the public as an attorney eligible to practice law, as follows:

a. In "The Legal Directory" for the years 2001 through 2006, at "The Bourse" Suite 966, 21 South 5th Street, Philadelphia, PA 19106, (215) 592-8141.

- b. In "The Legal Directory" for the year 2007 at 232 South 4th Street, Philadelphia, PA 19106, (215) 592-8141.
- c. In the Verizon Yellow Pages (March 2001-February 2002) and the Verizon Super Yellow Pages (March 2002)(April 2003-2004) under the listings "Lawyers" at Bourse Building, (215) 592-8141.
- d. In the Verizon Yellow Pages (June 2006) under the listings for "Lawyers" at 242 S. 4th St., (215) 592-8141.
- e. In the Verizon White Pages (March 2001-February 2002) and the Verizon Super White Pages (March 2002 and March 2003-2004), Respondent's listing appears as "Egan, John F. atty," Bourse Bldg. (215) 592-8141.
- f. In the Verizon White Pages (June 2006) Respondent's listing appears as "Egan, John F. atty, 232 S 4th St. (215) 592-8141."

21. Respondent admits that by his conduct as described in paragraphs 8 through 20 above, he violated the following Rules of Professional Conduct and Rules of Disciplinary Enforcement:

- a. RPC 1.16(a)(1), which states that a lawyer shall not commence or, when representation has commenced, shall withdraw where continuing the representation will result in a violation of the rules of professional conduct or other law;
- b. RPC 5.5(a)(effective May 15, 2004), which states that a lawyer shall not practice in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction;
- c. RPC 5.5(b)(effective April 1, 1988), which states that a lawyer shall not practice in a jurisdiction where to do so would be in violation of regulations of the profession in that jurisdiction;
- d. RPC 3.3(a)(1), which states that a lawyer shall not knowingly make a false statement of material fact or law to a tribunal;
- e. RPC 4.1(a), which states that a lawyer shall not knowingly make a false statement of material fact or law to a third person during the course of the lawyer's representation of a client;

- f. RPC 7.1(effective January 1, 2005), which states that a lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;
- g. RPC 7.1(a)(effective May 7, 1994), which states that a lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it: (a) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;
- h. RPC 7.5(a), which states that a lawyer shall not use a letterhead or other professional designation that violates RPC 7.1;
- i. RPC 8.4(c), which states that it is professional misconduct for a lawyer to

engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

j. RPC 8.4(d), which states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice;

k. Pa.R.D.E. 203(b)(3), which states that it is grounds for discipline for a lawyer to willfully violate any other provision of the Enforcement Rules, via the Enforcement Rules charged in subsections l-u, *infra*;

l. Pa.R.D.E. 217(a), which states that a formerly admitted attorney shall promptly notify, or cause to be notified, by registered or certified mail, return receipt requested, all clients being represented in pending matters, other than litigation or administrative proceedings, of the disbarment, suspension or transfer to inactive status and the consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension or transfer to

inactive status and shall advise said clients to seek legal advice elsewhere;

- m. Pa.R.D.E. 217(b), which states that a formerly admitted attorney shall promptly notify, or cause to be notified, by registered or certified mail, return receipt requested, all clients who are involved in pending litigation ... and the attorney or attorneys for each adverse party in such matter or proceeding ... of the transfer to inactive status and consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the ... transfer to inactive status;
- n. Pa.R.D.E. 217(c)(1), which states a formerly admitted attorney shall promptly notify, or cause to be notified ... of the transfer to inactive status, by registered or certified mail, return receipt requested, all persons or their agents or guardians to whom a fiduciary duty is or may be owed at any time after the transfer to inactive status;
- o. Pa.R.D.E. 217(c)(2), which states that a formerly admitted attorney shall promptly

notify, or cause to be notified, of the ... transfer to inactive status, by registered or certified mail, return receipt requested, all other persons with whom the formerly admitted attorney may at any time expect to have professional contacts under circumstances where there is a reasonable probability that they may infer that he or she continues as an attorney in good standing;

- p. Pa.R.D.E. 217(d), which states a formerly admitted attorney, after the entry of ... the transfer to inactive status Order, shall not accept any new retainer or engage as attorney for another in any new case or legal matter of any nature;
- q. Pa.R.D.E. 217(e), which states that within ten days after the effective date of the ... transfer to inactive status Order, the formerly admitted attorney shall file with the Board a verified statement showing that the provisions of the Order and these Rules have been fully complied with;
- r. Pa.R.D.E. 217(j)(1), which states, in pertinent part, that a formerly admitted

attorney may not engage in any form of law-related activities in this Commonwealth except under the direct supervision of a member in good standing of the Bar of this Commonwealth who shall be responsible for ensuring that the formerly admitted attorney complies with the requirements of this subdivision;

s. Pa.R.D.E. 217(j)(2), which states that the only law-related activities that a formerly admitted attorney may engage in is: (i) legal work of a preparatory nature; (ii) limited direct communication with a client or third party; and (iii) accompanying a member of the bar in good standing to a deposition or other discovery matter;

t. Pa.R.D.E. 217(j)(3), which states that a formerly admitted attorney's communication with a client or third party is limited to ministerial matters and that the formerly admitted attorney shall make it clear as part of the communication that he or she is acting only as a legal assistant and identify the supervising attorney; and

u. Pa.R.D.E. 217(j)(4)(ii) and 217(j)(iv-x), which state that without limiting the other restrictions in this subdivision (j), a formerly admitted attorney is specifically prohibited from engaging in any of the following activities: (ii) performing any law-related services from an office that is not staffed by a supervising attorney on a full time basis; (iv) representing himself or herself as a lawyer or person of similar status; (v) having any contact with clients either in person, by telephone, or in writing, except as provided in paragraph (3); (vi) rendering legal consultation or advice to a client; (vii) appearing on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, hearing officer or any other adjudicative person or body; (viii) appearing as a representative of the client at a deposition or other discovery matter; (ix) negotiating or transacting any matter for or on behalf of a client with third

parties or having any contact with third parties regarding such a negotiation or transaction; and (x) receiving, disbursing or otherwise handling client funds.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

22. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension from the practice of law for a period of eighteen months.

23. Respondent hereby consents to that discipline being imposed upon him by the Supreme Court of Pennsylvania. Attached to this Petition is Respondent's executed Affidavit required by Rule 215(d), Pa.R.D.E., stating that he consents to the recommended discipline and including the mandatory acknowledgements contained in Rule 215(d) (1) through (4), Pa.R.D.E.

24. In support of Petitioner and Respondent's joint recommendation, it is respectfully submitted that:

a. There are several mitigating circumstances:

(i) Respondent has admitted engaging in misconduct and violating the charged Rules of Professional Conduct;

(ii) Respondent has cooperated with Petitioner immediately after

Respondent received the DB-7 letter, as is evidenced by Respondent's admissions herein, and his consent to receiving an eighteen month suspension; and

(iii) Respondent has no record of discipline.

b. In addition, there is an aggravating factor: Respondent failed to file an annual attorney registration statement from 2000-2001 to present as well as pay the appropriate attorney registration fee for those eight registration years.

25. Although there are no *per se* rules of discipline, a review of recent case law establishes that the range of discipline for practicing law while on inactive status is a suspension of three months to two years. The Supreme Court takes seriously the unauthorized practice of law, and depending on the presence of aggravating and mitigating factors and the degree of willfulness exhibited, suspensions ranging from three months to two years have been imposed. *Office of Disciplinary Counsel v. David Ferleger*, No. 51 and 104 DB 2004, 78 Pa. D.&C.4th 437, 446 (2005). The extent of the unauthorized practice is a

relevant factor. See, e.g., *Office of Disciplinary Counsel v. Gustee Brown*, No. 64 DB 2003, 71 Pa. D.&C.4th 99 (2004) (public defender who represented 120 defendants after transfer to inactive status received a suspension of one year and one day); *Office of Disciplinary Counsel v. Stephen W. Simpson*, No. 6 DB 2004, 74 Pa. D.&C.4th 206 (2005) (a respondent who handled over 100 matters for over 3½ years while on inactive status and also commingled personal and client funds received a two-year suspension). In *Office of Disciplinary Counsel v. Janeane Michelle James*, 120 DB 2005, 1088 Disciplinary Docket No. 3 (2006), the respondent engaged in the representation of four clients but failed to complete the services for which she was hired. The Court entered an Order suspending James for eighteen months on consent. In this matter, Respondent's unauthorized practice while on CLE inactive status and related misconduct spanned over seven years, and during this time period, Respondent litigated to conclusion at least eleven civil cases in the Court of Common Pleas of Philadelphia County, at least four zoning matters before the Philadelphia Zoning Board of Adjustment (all on behalf of a variety of clients), and wholly failed to comply with the provisions of Pa.R.D.E. 217.

In short, the jointly proposed discipline of an eighteen-month suspension is appropriate because the discipline for Respondent's extensive unauthorized practice falls within the range of a one-year-and-one-day suspension and a two-year suspension.

WHEREFORE, Petitioner and Respondent respectfully request that:

- a. Pursuant to Rule 215(e) and 215(g), Pa.R.D.E., the three-member panel of the Disciplinary Board review and approve the above Joint Petition In Support Of Discipline On Consent and file its recommendation with the Supreme Court of Pennsylvania in which it is recommended the Supreme Court enter an Order:
 - i. suspending Respondent from the practice of law for a period of eighteen months;
and
 - ii. directing Respondent to comply with all of the provisions of Rule 217, Pa.R.D.E.
- b. Pursuant to Rule 215(i), the three-member panel of the Disciplinary Board order Respondent to pay the necessary expenses


incurred in the investigation of this matter as a condition to the grant of the Petition and that all expenses be paid by Respondent before the imposition of discipline under Rule 215(g), Pa.R.D.E.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION, ESQUIRE
CHIEF DISCIPLINARY COUNSEL

11/30/2007
Date

By: 
Robert P. Fulton, Esquire
Disciplinary Counsel
Attorney Registration No. 37935
Seven Penn Center, 16th Floor
1635 Market Street
Philadelphia, PA 19103
(215) 560-6296

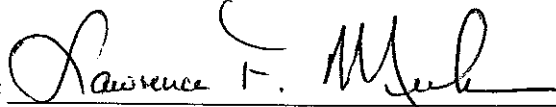
and

11/29/07
Date

By: 
John F. Egan
Attorney Registration No. 32353
Respondent

and

11/29/07
Date

By: 
Lawrence F. Meehan, Jr., Esquire
Counsel for Respondent
4025 Chestnut Street
Fifth Floor
Philadelphia, PA 19104


BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. DB 2007
Petitioner :
: ODC File No. C1-06-1143
v. :
: Atty. Reg. No. 32353
JOHN F. EGAN, :
Respondent : (Philadelphia)

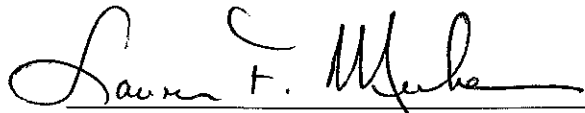
VERIFICATION

The statements contained in the foregoing Joint
Petition in Support of Discipline On Consent Under Rule
215(d), Pa.R.D.E., are true and correct to the best of our
knowledge or information and belief and are made subject to
the penalties of 18 Pa.C.S. §4904, relating to unsworn
falsification to authorities.

11/30/2007
Date


Robert P. Fulton, Esquire
Disciplinary Counsel

11/29/07
Date


Lawrence F. Meehan, Jr., Esquire
Counsel for Respondent

11/29/07
Date


John F. Egan
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. DB 2007
Petitioner :
: ODC File No. C1-06-1143
v. :
: Atty. Reg. No. 32353
JOHN F. EGAN, :
Respondent : (Philadelphia)

AFFIDAVIT UNDER RULE 215(d), Pa.R.D.E.

Respondent, JOHN F. EGAN, hereby states that he consents to the discipline of an eighteen-month suspension, as jointly recommended by Petitioner, Office of Disciplinary Counsel, and Respondent in the Joint Petition in Support of Discipline On Consent Under Rule 215(d), Pa.R.D.E and further states that:

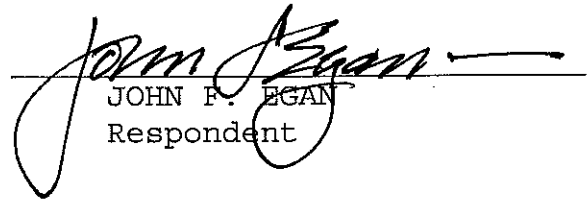
1. His consent is freely and voluntarily rendered; he is not being subjected to coercion or duress; and he is fully aware of the implications of submitting the consent.

2. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has retained, consulted with and acted upon the advice of counsel in connection with his decision to consent to discipline. Counsel for Respondent is Lawrence F. Meehan, Jr., Esquire, 4025 Chestnut Street, Philadelphia, PA 19104.

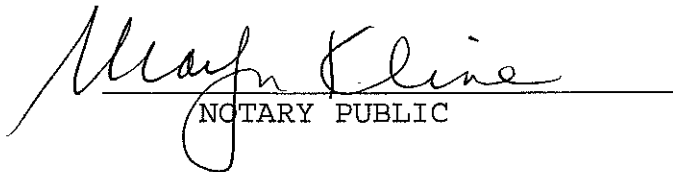
3. He is aware that there is presently pending an investigation into allegations that he has been guilty of misconduct as set forth in the Joint Petition.

4. He acknowledges that the material facts set forth in the Joint Petition are true.

5. He consents because he knows that if charges predicated upon the matter under investigation were filed, he could not successfully defend against them.


JOHN F. EGAN
Respondent

Sworn to and subscribed
before me on this 29th day
of November, 2007.


NOTARY PUBLIC

