

IN THE SUPREME COURT OF PENNSYLVANIA

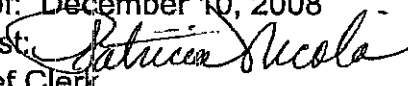
OFFICE OF DISCIPLINARY COUNSEL, : No. 1429 Disciplinary Docket No. 3
Petitioner :
v. : No. 139 DB 2008
: Attorney Registration No. 30841
JAMES S. BRUNO, :
Respondent : (Philadelphia)

ORDER

PER CURIAM:

AND NOW, this 10th day of December, 2008, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated September 26, 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 James S. Bruno be subjected to public censure by the Supreme Court .

A True Copy Patricia Nicola
As of: December 10, 2008
Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA


OFFICE OF DISCIPLINARY COUNSEL	:	No. 139 DB 2008
Petitioner	:	
v.	:	Attorney Registration No. 30841
JAMES S. BRUNO	:	
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 Gary G. Gentile, William A. Pietragallo and Mark S. Baer, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on September 10, 2008.

The Panel approves the Joint Petition consenting to a Public Censure 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.



Gary G. Gentile, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: September 26, 2008

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. **BA** DB 2008
Petitioner :
:
: (Complaint File C1-08-477)
:
v. :
: Attorney Registration No. 30841
JAMES S. BRUNO, :
Respondent : (Philadelphia)

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

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

Donna M. Snyder
Disciplinary Counsel
Seven Penn Center
1635 Market Street
16th Floor
Philadelphia, PA 19103
(215) 560-6296

and

Samuel C. Stretton, Esquire
Counsel for Respondent
301 South High Street
P.O. Box 3231
West Chester, PA 19381
(610) 696-4243

FILED

SEP 10 2008

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

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. DB 2008
Petitioner :
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: (Complaint File C1-08-477)
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v. :
: Attorney Registration No. 30841
JAMES S. BRUNO, :
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 Donna M. Snyder, Disciplinary Counsel, and Respondent, James S. Bruno, represented by counsel, file this Joint Petition In Support Of Discipline On Consent Under Rule 215(d), Pennsylvania Rules of Disciplinary Enforcement and respectfully represent that:

1. Respondent, James S. Bruno, Esquire, was born on January 20, 1954 and was admitted to practice law in the Commonwealth of Pennsylvania on October 30, 1979.

2. Respondent's present attorney registration address is 1530 Locust Street, #34, Philadelphia, PA 19102.

3. Petitioner put Respondent on notice of the allegations of complaint by DB-7 Letter Request for Respondent's Position dated June 30, 2008. Respondent, represented by counsel, answered by letter dated July 21, 2008.

SPECIFIC FACTUAL ADMISSIONS AND
RULES OF PROFESSIONAL CONDUCT VIOLATED

4. Respondent stipulates that the following factual allegations are true and correct and that he violated the charged Rules of Professional Conduct.

CHARGE

5. By letter dated February 25, 2004, the Court of Common Pleas, Philadelphia County, appointed Respondent as counsel to Tyree Wells in his Post Conviction Relief Act matter, Docket No. CP-51-CR-0408372-1998.

6. On or about October 16, 2006, Respondent filed in the Court of Common Pleas an amended PCRA petition.

7. By Order dated August 15, 2007, the court denied the request for post-conviction relief and dismissed the petition as lacking merit.

8. Respondent failed to file a Notice of Appeal of the August 15, 2007 Order.

9. Mr. Wells and his family attempted to reach Respondent by telephone on numerous occasions.

10. Respondent never responded to any of the calls.

11. Respondent failed to keep Mr. Wells reasonably informed about the status of his case.

12. By letter to Respondent, dated April 1, 2008, Mr. Wells:

a. complained of Respondent's failure to respond to requests for information on the status of his case; and

b. requested that Respondent send his files to Jules Epstein, Esq., whom Mr. Wells wanted to hire as new counsel in his matter.

13. Respondent failed to provide Mr. Epstein with Mr. Wells' files.

14. Respondent failed to act with reasonable diligence and promptness in representing Mr. Wells.

15. Respondent admits that by his conduct as described in paragraphs 5 through 14 above, he violated the following Rules of Professional Conduct:

a. RPC 1.3, which states that a lawyer shall act with reasonable diligence and promptness in representing a client;

b. RPC 1.4(a)(3), which states that a lawyer shall keep a client reasonably informed

about the status of the matter;

- c. RPC 1.4(a)(4), which states that a lawyer shall promptly comply with reasonable requests for information; and
- d. RPC 1.16(d), which states that upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

16. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a Public Censure.

17. 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.

18. In support of Petitioner and Respondent's joint recommendation, it is respectfully submitted that as an aggravating factor Respondent has prior discipline.

- a. In October 1998, Respondent received two Informal Admonitions (C2-97-881 & C2-98-193) for failure to communicate with his clients.
- b. In March 2004, Respondent received a Private Reprimand for his violation of Rules of Professional Conduct 1.2(a), 1.3, 1.4(a), and 1.4(b); Respondent, who was court-appointed in a criminal case, failed to consult with his client as to the means by which the objectives of Respondent's representation were to be pursued and failed to communicate with his client.
- c. In October 2005, Respondent received a Private Reprimand and was placed on probation for a period of one year with a practice monitor for his violation of RPC 1.2(a), 1.4(a) and RPC 1.4(b), for the same

type of misconduct that resulted in the first Private Reprimand. Respondent was also court-appointed counsel in this criminal case.

19. By way of mitigation, Respondent has had health problems relating to a bilateral hip replacement in March 2007, which allowed him to work part time.

20. Although there are no *per se* rules for discipline in this jurisdiction, Respondent has received a private reprimand, followed by a second Private Reprimand with one year of probation and a practice monitor. Respondent obviously did not take his past disciplinary history seriously. Respondent should receive a public censure in order to reinforce the fact that he cannot take court appointments and not follow through for his clients.

21. A public censure is within the range of discipline imposed on attorneys who engage in neglect and have a record of discipline. *E.g., Office of Disciplinary Counsel v. Neil Jokelson*, Nos. 58 DB 1998 and 102 DB 1998, D.Bd. Rpt. 12/22/2000 (S.Ct. Order 2/26/2001) (attorney who neglected two client matters and had a history of private discipline for similar types of neglect received a public censure and probation with a practice monitor). In a recent consent discipline matter, the Court approved and

imposed a public censure on a respondent who had neglected two criminal appellate matters and had a record of private discipline in the nature of an informal admonition on two complaint matters and a private reprimand. *Office of Disciplinary Counsel v. Edward C. Meehan, Jr.*, No. 26 DB 2006 (S.Ct. Order 9/18/06).

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 whereby Respondent receive a Public Censure for his neglect and lack of communication in another criminal matter; and

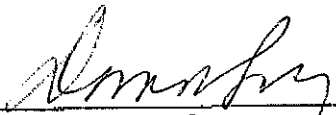
(b) Pursuant to Rule 215(i), the three-member panel of the Disciplinary Board order Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter as a condition to the grant of the Petition and that all


expenses be paid by Respondent before the imposition
of discipline under Rule 215(g), Fa.R.D.E.

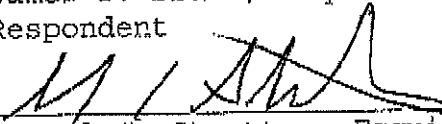
Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

By 
Donna M. Snyder
Disciplinary Counsel

By James Bruno / by Sam 
James S. Bruno, Esquire
Respondent

By 
Samuel C. Stretton, Esquire
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. DB 2008
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Respondent : (Philadelphia)

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

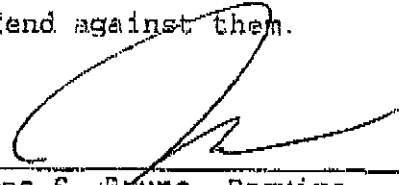
Respondent, James S. Bruno, hereby states that he consents to the imposition of a Public Censure as jointly recommended by Petitioner, Office of Disciplinary Counsel, and Respondent in the Joint Petition In Support Of Discipline On Consent and further states that:

1. His consent is freely and voluntarily rendered; he is not being subjected to coercion or duress; he is fully aware of the implications of submitting the consent; and he has consulted with counsel in connection with the decision to consent to discipline;

2. 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;

3. He acknowledges that the material facts set forth in the Joint Petition are true; and

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



James S. Bruno, Esquire
Respondent

Sworn to and subscribed
before me this 5th
day of September, 2008.


Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Kimberly I. Tobin, Notary Public
City Of Philadelphia, Philadelphia County
My Commission Expires Nov. 4, 2011
Member, Pennsylvania Association of Notaries

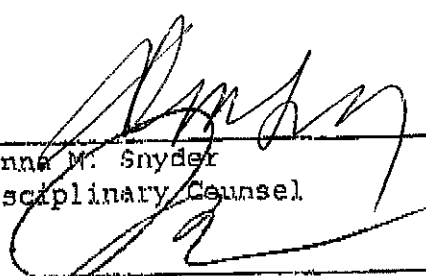
BEFORE THE DISCIPLINARY BOARD OF THE
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OFFICE OF DISCIPLINARY COUNSEL, : No. DB 2008
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: (Complaint File C1-08-477)
: v.
: Attorney Registration No. 30841
JAMES S. BRUNO, :
Respondent : (Philadelphia)

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.

September 8, 2008
Date



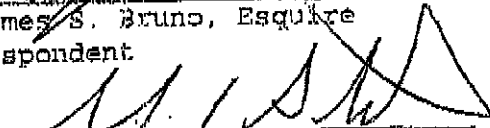
Donna M. Snyder
Disciplinary Counsel

4 Sept 08
Date



James S. Bruno, Esquire
Respondent

September 6, 2008
Date



Samuel C. Stretton, Esquire
Counsel for Respondent