

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 884 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 144 DB 2001
v.	:	
	:	Attorney Registration No. 21416
MICHAEL MAYRO	:	
Respondent	:	(Berks 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 October 17, 2001, Office of Disciplinary Counsel, Petitioner, filed a Petition for Discipline against Michael Mayro, Respondent in these proceedings. The

Petition charged Respondent with violations of the Rules of Professional Conduct in connection with his representation of four separate clients.

Disciplinary hearings were held on July 16, 2002 and November 5, 2002 before Hearing Committee 2.09 comprised of Chair James J. Greenfield, Esquire, Member Robert F. Morris, Esquire, and Alternate Member Jerry R. Knafo, Esquire. Respondent was represented by James C. Schwartzman, Esquire.

Following briefing by the parties, the Hearing Committee filed a Report on May 20, 2003 and recommended that Respondent be suspended from the practice of law for a period of two years.

Respondent filed a Brief on Exceptions on June 6, 2003. Petitioner filed a Brief Opposing Exceptions on June 30, 2003.

This matter was adjudicated by the Disciplinary Board at the meeting of July 16, 2003.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner, whose principal office is situated at Suite 1400, 200 North Third Street, Harrisburg PA 17101, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement, 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 the aforesaid Rules.

2. Respondent was born in 1950 and was admitted to practice law in the Commonwealth in 1975. He maintains his office for the practice of law at 601 Penn Street, Suite 1005, P.O.Box 8152, Reading PA 19603. Respondent is subject to the jurisdiction of the Disciplinary Board of the Supreme Court.

CHARGE I (TRUBILLA)

3. In or about 1996 and 1997, Ms. Sherry A. Trubilla suffered injuries and damages from vaginal surgery and subsequent surgeries to repair her vagina and rectum.

4. In or about 1997, Respondent met with Ms. Trubilla and agreed to represent her in seeking redress for the injuries she received during her surgeries.

5. Respondent agreed to represent Ms. Trubilla on a contingency fee basis whereby Respondent would receive 40% of any recovery.

6. This was the first time Respondent had represented Ms. Trubilla in a legal matter.

7. Respondent failed to provide Ms. Trubilla with a copy of the contingent fee agreement or any other statement in writing setting forth the rate or basis of the fees to be charged in her matter.

8. In or about September 1998, Respondent commenced a civil action on behalf of Ms. Trubilla by filing a Writ of Summons on the Court of Common Pleas of Berks County, to *Sherry A. Trubilla vs. Fredericka S. Heller, M.D.*, Civil Action No. 98-10469.

9. On or about October 9, 1998, John R. Sparks, Esquire, entered his appearance on behalf of the defendant and filed a Rule to File Complaint.

10. On or about October 14, 1998, Attorney Sparks served a copy of the Rule to File Complaint upon Respondent.

11. Thereafter, Respondent failed to file a complaint in Ms. Trubilla's action.

12. Between in or about October 1998 through January 1999, Respondent failed to communicate with Ms. Trubilla concerning the status of her case and the Rule to File a Complaint.

13. On or about December 14, 1998, the Court sent Respondent notice that he had ten days to file a complaint or be in default.

14. Respondent did not discuss receiving and/or responding to the notice referenced in the preceding paragraph with Ms. Trubilla.

15. On or about December 28, 1998, Attorney Sparks filed a Praecipe for Judgment of Non Pros.

16. Respondent did not discuss receiving and/or responding to the praecipe referenced in the preceding paragraph with Ms. Trubilla.

17. On or about January 6, 1999, the Court entered a Judgment of Non Pros against Ms. Trubilla because of Respondent's failure to file a complaint.

18. Respondent did not advise Ms. Trubilla that her case had been nonprossed.

19. Between in or about January 1999 through April 2000, Respondent spoke with Ms. Trubilla on the phone several times but failed to advise her that her case had been nonprossed.

20. From in or about April 2000 through April 2001, Ms. Trubilla called Respondent's office numerous times and left messages for him to return her calls concerning the status of her case.

22. Respondent failed to return Ms. Trubilla's calls concerning the status of her case.

CHARGE II (BARNETT)

23. On or about April 24, 1994, Gloria Barnett was involved in a slip and fall accident at the Berkshire Mall, Wyomissing, PA.

24. In or about May 1994, Ms. Barnett met with Respondent and he agreed to represent her in her case against the Berkshire Mall and other responsible parties.

25. Respondent entered a written contingent fee agreement with Ms. Barnett.

26. Thereafter, Respondent failed to give Ms. Barnett a copy of the written fee agreement.

27. On or about April 19, 1996, Respondent filed a complaint on behalf of Ms. Barnett and her husband in the matter of *Gloria Barnett and Elliott vs. Berkshire Mall Associates, Equitable Life Assurance Society, and Kravco, Inc.*, in the Court of Common Pleas in Berks County, Pennsylvania, at Civil Action No. 96-4443.

28. On or about November 12, 1998, the defendants sent Respondent a Request for Admissions.

29. Respondent failed to communicate with Ms. Barnett concerning the Request for Admissions.

30. Respondent failed to respond to the Request for Admissions.

31. On or about December 24, 1998, the defendants filed a Motion to Deem Their Request for Admissions Admitted because of Respondent's failure to respond to the request.

32. Respondent failed to communicate with Ms. Barnett concerning the Request for Admissions and the Motion to Deem Their Request for Admissions Admitted.

33. Respondent failed to respond to the Motion To Deem Their Request for Admissions Admitted.

34. Respondent failed to tell Ms. Barnett that he was not going to respond to the Motion to Deem Their Request for Admissions Admitted.

35. Respondent failed to explain the consequences of not responding to the Motion to Deem Their Request for Admissions Admitted.

36. On or about February 8, 1999, the Court granted the defendants' Motion and deemed the statements in the Request for Admissions admitted.

37. Respondent failed to communicate with Ms. Barnett concerning the Court's ruling.

38. Between February 8, 1999 and March 25, 1999, Respondent failed to take action to further Ms. Barnett's case on the docket.

39. On or about March 25, 1999, the defendants filed a Motion for Summary Judgment against plaintiffs, Mr. and Mrs. Barnett.

40. Respondent failed to communicate with Ms. Barnett concerning the Motion for Summary Judgment.

41. Respondent failed to respond to the Motion for Summary Judgment.

42. Respondent failed to tell Ms. Barnett that he was not going to respond to the Motion for Summary Judgment.

43. Respondent failed to tell Ms. Barnett the consequences of not responding to the Motion for Summary Judgment.

44. On or about June 3, 1999, the Court granted the Motion for Summary Judgment and entered judgment for defendants and against Mr. and Mrs. Barnett.

45. Respondent failed to advise Ms. Barnett that her case had been dismissed.

46. Respondent failed to take action to try to strike off, open or remove the Summary Judgment.

47. In or about August 1999, Respondent spoke with Ms. Barnett on the phone and told Ms. Barnett that her case was not dismissed and that her case was still pending.

48. This was a misrepresentation because in August 1999, Respondent knew or should have known that Ms. Barnett's case was dismissed.

49. In or about January, 2000, Ms. Barnett retained new counsel, Robert J. Dougher, Esquire, to represent her in her case against Berkshire Mall.

50. Between in or about January 2000 and in or about April 2001, Ms. Barnett and Mr. Dougher requested Respondent forward a copy of the written fee agreement Respondent had entered with Ms. Barnett and Ms. Barnett's file to Ms. Barnett or to Mr. Dougher.

51. Between in or about August 1999, and in or about April 2001, Respondent failed to forward a copy of the written fee agreement and Ms. Barnett's file to Ms. Barnett or to Mr. Dougher.

CHARGE III (BEATON)

52. In or about February 1994, Alexander Beaton was involved in and received injuries in a slip and fall accident in the driveway of his brother Philip C. Beaton's home at 814 N. 10th Street, Reading, PA.

53. In or about June 1994, Philip Beaton reported the incident to his insurance company, Nationwide Insurance, Claim No. 5837HO25633802-20-1994 01.

54. Between in or about June 1994 and in or about November 1994, Nationwide Insurance Company dealt directly with Mr. Beaton to settle the claim.

55. In or about November 1994, Mr. Beaton met with Respondent and Respondent agreed to represent him in regard to injuries he received from the slip and fall accident referenced above.

56. In or about November 1994, Respondent entered a fee agreement with Mr. Beaton whereby Respondent was to receive 37.5% of monies recovered as his fee.

57. By letter dated November 15, 1994, Respondent advised Nationwide Insurance that he represented Mr. Beaton.

58. Between in or about November 1994 and in or about February 1996, Respondent failed to communicate with Nationwide Insurance concerning Mr. Beaton's case.

59. On or about February 12, 1996, Respondent filed a Writ of Summons in the Court of Common Pleas of Berks County, Pennsylvania, to Civil Action No. 96-1540 under the caption: *Alexander Beaton vs. Philip Beaton*.

60. Thereafter, Respondent failed to take appropriate steps to have the Writ of Summons served on Philip Beaton.

61. Between in or about February 1996 and in or about July 1996, Respondent failed to communicate with Mr. Beaton concerning the case.

62. In or about July 1996, Respondent communicated with Nationwide Insurance and advised them that he was going to take steps to ascertain Phillip Beaton's address and/or his whereabouts.

63. Between in or about July 1996 and in or about December 1997, Respondent failed to initiate or respond to communication from Mr. Beaton concerning the status of his case.

64. Between in or about July 1996 and in or about December 1997, Respondent failed to take the appropriate steps to effectuate service of the Writ of Summons on Philip Beaton.

65. In or about December 1997, the Court terminated the action because of Respondent's failure to effectuate service and proceed.

66. In or about December 1997, the Court sent the notice of termination to Respondent and published the notice of termination in the Berks County Law Journal pursuant to Berks County Local Rule 1901.

67. Thereafter, Respondent failed to advise Mr. Beaton that the Court had terminated his case.

68. In or about June 1998, Respondent met with Mr. Beaton in his office and Mr. Beaton advised Respondent that he wanted to transfer his case to another attorney.

69. In or about June 1998, Respondent advised Mr. Beaton that he could not transfer his case and that Respondent was involved in ongoing negotiations with Nationwide concerning the case.

70. This was a false statement and Respondent knew it was false when he made it because, as of June 1998, Respondent was not in negotiations with Nationwide Insurance and the Court had terminated the civil action he had filed for Mr. Beaton.

71. When he spoke with Mr. Beaton, in or about June 1998, Respondent failed to advise Mr. Beaton that the Court had terminated Mr. Beaton's case.

72. Thereafter, Respondent failed to communicate with Mr. Beaton concerning his case.

CHARGE IV (CUNNIUS)

73. In or about April 1993, Gussie Cunnius was involved in a car accident.

74. Thereafter, Gussie Cunnius retained the services of Justin McCarthy, Esquire, for representation in regard to injuries sustained in the accident.

75. In or about December 1993, Respondent met with Gussie Cunnius and she requested Respondent take over her case.

76. In the December 1993 meeting, Respondent entered a written contingent fee agreement with Gussie Cunnius whereby Respondent was to receive 35% of any recovery in Gussie Cunnius' case.

77. By letter dated December 29, 1993, Respondent advised Attorney McCarthy of Respondent's representation of Gussie Cunnius and requested Attorney McCarthy to forward her file to him.

78. Under cover letter dated January 5, 1994, Attorney McCarthy forwarded Gussie Cunnius' file to Respondent and requested reimbursement of costs expended.

79. Respondent did not reimburse Attorney McCarthy for costs expended.

80. Thereafter, Respondent failed to take steps to represent Gussie Cunnius in her case.

81. By letter dated February 14, 1994, Attorney McCarthy asked Respondent to advise if he was planning to actively represent Gussie Cunnius in her case.

82. Respondent failed to respond to Attorney McCarthy's letter dated February 14, 1994.

83. By letter dated March 14, 1994, Attorney McCarthy advised Respondent that he would file suit against Gussie Cunnius to recover costs expended in the case if Respondent did not communicate with him concerning his outstanding request for reimbursement.

84. Respondent never responded to Attorney McCarthy's letter dated March 14, 1994.

85. Under cover of letter dated March 31, 1994, Attorney McCarthy sent a copy of the civil complaint he planned to file against Gussie Cunnius with a copy to Respondent.

86. Thereafter, Respondent communicated with Attorney McCarthy concerning the costs.

87. Under cover of letter dated June 2, 1994, Attorney McCarthy forwarded Respondent additional materials and requested reimbursement.

88. Under cover of letter dated June 27, 1994, Respondent forwarded a check in the amount of \$302.21 to Attorney McCarthy for reimbursement of costs expended in obtaining medical records in Gussie Cunnius's case.

89. In or about June 1994, opposing counsel, James R. Forry, Esquire, sent Respondent a letter and asked him to advise whether he was representing Gussie Cunnius.

90. In or about July 1994, Respondent called Brian K. Estep, Esquire, an associate in Attorney Forry's firm assigned to the case, and advised him that Respondent was representing Gussie Cunnius and agreed to send him a letter of representation and an outline of Respondent's position in the case.

91. Respondent never sent a letter of representation and outline of his position to Attorney Estep, and he never otherwise communicated that information.

92. Between in or about August 1994 and on or about March 29, 1995, Attorney Estep sent Respondent several letters requesting the above referenced information.

93. Between in or about August 1994 and on or about March 29, 1995, Respondent failed to communicate with Attorney Estep.

94. On or about March 29, 1995, Gussie Cunnius died.

95. By letter dated March 30, 1995, Respondent forwarded requests for doctors' reports, medical records, a gross bill to Saint Joseph's Hospital, and a request for a gross bill to Patrick A. Mazza, M.D.

96. Respondent forwarded Authorization for Release of records and information signed by Gussie Cunnius and dated March 30, 1995, with the above referenced correspondence.

97. This was a misrepresentation and Respondent knew it was a misrepresentation when he made it because Gussie Cunnius could not have signed the authorization on March 30, 1995.

98. Thereafter, Nancy Cunnius, Gussie Cunnius' daughter, sent Respondent a letter advising him of the date of Gussie Cunnius' death and asked Respondent to keep her informed of the status of her mother's case.

99. Thereafter, Respondent failed to communicate the status of the case to Ms. Cunnius.

100. Respondent never told Attorney Estep of Gussie Cunnius' death.

101. Between on or about March 29, 1995 and in or about August 1995, Respondent failed to provide Attorney Estep with information to further Gussie Cunnius' claim.

102. By letter dated August 4, 1995, Attorney Estep requested Respondent advise him of whether Respondent was going to represent the Estate of Gussie Cunnius and advised him that if Respondent did not respond they would close their file.

103. Thereafter, Respondent called Attorney Estep and told him that he was representing the Estate and further advised him that Respondent would forward information regarding the Estate and a settlement proposal.

104. Respondent never sent any information or any settlement proposal to Attorney Estep.

105. By letters dated September 26, 1995 and October 30, 1995, Attorney Estep again informed Respondent that he had not heard from Respondent and that he had not received the information Respondent had agreed to supply.

106. By letter dated November 16, 1995, Attorney Forry noted that Respondent had failed to provide proof of Respondent's representation of Gussie Cunnius and her Estate despite numerous statements by Respondent that he would be sending same and advised of an open offer of \$5,000.

107. Thereafter, Respondent failed to advise Nancy Cunnius of the offer in the case.

108. Respondent did not respond to Attorney Forry's letter dated November 16, 1995.

109. Between in or about November 1995 and in or about December 1998, Respondent failed to communicate with Attorney Forry or Nationwide Insurance Company concerning resolution of the Cunnius' claim.

110. Between in or about November 1995 and in or about December 1998, Respondent failed to communicate with Nancy Cunnius concerning the status of her late mother's claim.

111. By letter dated December 8 1998, to Stephen E. Burris, District Claims Manager, Nationwide Insurance Company, Respondent requested a meeting to move Gussie Cunnius' case forward.

112. Between December 1998 and April 2001, Respondent failed to take action to resolve the Cunnius matter with Nationwide Insurance Company.

113. Respondent has a prior history of discipline consisting of two Informal Admonitions in 1995 and two Private Reprimands in 1999. The Private Reprimands included Probation with a practice monitor.

114. The underlying misconduct giving rise to the private discipline is similar in nature to the instant misconduct.

115. Respondent testified on his own behalf. He described an interest in horse racing that began in his teen years. As a young man, he spent time working at a racetrack. Respondent owned some horses in the early to mid 1990's.

Respondent began betting on horses in the late 1960's. He had a specific methodology for placing bets and at times did not place bets while at the track because certain criteria were not met.

Respondent pursued horse racing by choice because he found it enjoyable, "pleasurable and actually profitable."

Respondent believes that his misconduct was due primarily to his failure to adequately manage his law office. He had a great amount of difficulty in retaining employees to help run his office, which was crucial to him as a sole practitioner.

Respondent presented the expert testimony of Dr. Richard F. Limoges, a Board certified psychiatrist.

Dr. Limoges described Respondent's commitment to horse racing as an obsessional defense against depression and loneliness.

Dr. Limoges opined that Respondent's horse racing avocation was not gambling, but was an interest verging on obsession. Respondent took a great interest in analyzing, assembling and collating details of what was happening in racetracks around the country. Dr. Limoges did not characterize Respondent's interest in horse racing as a mental or emotional disorder.

Dr. Limoges did not make a causal link between Respondent's interest in horse racing and his professional misconduct.

LISTNUM 1 \ 10 CONCLUSIONS OF LAW

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

1. RPC 1.1 – A lawyer shall provide competent representation to a client.
2. RPC 1.2(a) – A lawyer shall abide by a client’s decisions concerning the objectives of representation, and shall consult with the client as to the means by which they are to be pursued. A lawyer shall abide by client’s decision whether to accept an offer of settlement of a matter.
3. RPC 1.3 – A lawyer shall act with reasonable diligence in representing a client.
4. RPC 1.4(a) – A lawyer shall keep a client informed about the status of a matter and promptly comply with reasonable requests for information.
5. RPC 1.4(b) – A lawyer shall explain a matter to the extent necessary to permit the client to make informed decisions regarding the representation.
6. RPC 1.16(d) – Upon termination of representation, a lawyer shall take interests. steps to the extent reasonably practicable to protect a client’s interests.
7. RPC 3.2 – A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.
8. RPC 8.4(c) – It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud deceit or misrepresentation.

IV. DISCUSSION

This matter is before the Disciplinary Board on a Petition for Discipline charging Respondent with violations of the Rules of Professional Conduct arising from his neglect of client matters in four separate cases. Petitioner and Respondent reached an extensive Stipulation of facts.

Petitioner has the burden to prove by clear and satisfactory evidence that Respondent violated the Rules as charged in the Petition for Discipline. *Office of Disciplinary Counsel v. Surrick*, 749 A.2d 441 (Pa. 2000). The record demonstrates that Petitioner met its burden by proving that in four separate matters, Respondent failed to expedite litigation, failed to respond to dispositive motions and discovery, and failed to communicate with his clients.

In the Trubilla matter, Respondent failed to respond to a Rule to File Complaint, resulting in a Judgment of Non Pros against his client. Respondent also failed to respond to the client's telephone calls and failed to communicate the status of the case to her.

In the Barnett matter, Respondent failed to respond to Requests for Admissions, a Motion to deem the Requests for Admissions Admitted, and a Motion for Summary Judgment, resulting in entry of judgment against his client. Respondent also failed to communicate with his client about any of these matters, and when his client learned of the dismissal of her case and confronted Respondent with this information, Respondent misrepresented to his client that her case was still pending.

In the Beaton matter, Respondent failed to expeditiously pursue the client's claim against an insurance company, failed to effectuate service of a Writ of Summons, resulting in termination of the client's case, and failed to communicate the status of the case to the client. After termination of the case, when the client indicated a desire to transfer the case to another lawyer, Respondent misrepresented to the client the status of Respondent's negotiations with the insurance company, creating the impression that the case was still pending.

In the Cunniss matter, Respondent failed to timely respond to correspondence or make timely reimbursement of expenses to the client's former counsel. Respondent also failed to respond to communications from opposing counsel, failed to pursue the client's claim, failed to convey a settlement offer to the client's family after the client's death, and otherwise failed to communicate with the client's family regarding the case.

The Board must now consider the appropriate discipline to address Respondent's misconduct. The appropriate sanction is based on the nature and gravity of the misconduct, and the aggravating and mitigating factors present. *In re Anonymous No. 85 DB 97*, 44 Pa. D. & C. 4th 299 (1999).

Respondent contends that due to a psychiatric disorder he is entitled to mitigation pursuant to *Office of Disciplinary Counsel v. Braun*, 553 A.2d 894 (Pa. 1989). In order for a psychiatric infirmity to be considered in mitigation in a disciplinary proceeding, the respondent must establish by clear and convincing evidence that the disorder was a causal factor in producing the misconduct. *Braun*, 553 A.2d at 895.

Respondent presented evidence of his mental and psychological condition. Dr. Richard F. Limoges characterized Respondent's commitment to horse racing as an obsessional defense against depression and loneliness, but stopped short of labeling this interest as a gambling addiction. Dr. Limoges did not diagnose Respondent with a psychiatric disorder that inhibited Respondent's ability to practice law. Respondent himself described horse racing as an enjoyable, pleasurable, and profitable activity. Respondent's interest in horse racing goes back to his teen years and has

encompassed employment at racetracks and ownership in horses, as well as placing bets on horse races. Review of this evidence indicates that Respondent has not met his burden pursuant to Braun, as he did not establish that he has a psychiatric condition which caused his professional misconduct.

The record does not reveal any other mitigating factors for the Board to consider. Conversely, aggravating factors exist which the Board must analyze. Respondent has a prior history of discipline. He received two Informal Admonitions in 1995 and two Private Reprimands in 1999. In conjunction with the Private Reprimands, Respondent was placed on Probation under supervision by a practice monitor. The underlying misconduct leading to the private discipline was very similar to the instant misconduct. Respondent's latest encounter with the disciplinary system shows that he did not heed the seriousness of the private discipline and failed once again to conduct his law practice in conformance with ethical procedures.

Respondent's multiple violations of his professional duties warrant public discipline. His history of discipline underscores the need for a suspension, as Respondent clearly has not learned any lessons from the imposition of previous private discipline.

In the matter of *In re Anonymous Nos. 523, 79 & 116 DB 92 and 30 DB 93, 24 Pa. D. & C. 4th 447* (1994), an attorney with a history of discipline for similar violations relating primarily to neglect was suspended for two years. In the case of *In re Anonymous Nos. 25 DB 89 and 71 DB 89, 12 Pa. D. & C. 4th 80* (1991), an attorney with a history of discipline was suspended for two years for numerous acts of procrastination, neglect, delay and misrepresentation.

Review of the record and the pertinent cases persuades the Board that a suspension of two years is appropriate. It takes into account the seriousness of the misconduct and Respondent's history of discipline.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania recommends that the Respondent, Michael Mayro, be Suspended from the practice of law for a period of two years.

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: _____

Jonathan H. Newman, Member

Date: October 27, 2003

Board Member Rudnitsky dissented and would recommend a one year and one day suspension.

PER CURIAM:

AND NOW, this 3rd day of February, 2004, upon consideration of the Report and Recommendations of the Disciplinary Board dated October 27, 2003, it is hereby

ORDERED that MICHAEL MAYRO be and he is SUSPENDED from the Bar of this Commonwealth for a period of two years, and he shall comply with all the provisions of Rule 217 Pa.R.D.E.

It is further ORDERED that respondent shall pay costs to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.