

**IN THE SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2008 Disciplinary Docket No. 3
	:	
Petitioner	:	
	:	No. 97 DB 2012
v.	:	
	:	
	:	Attorney Registration No. 36542
THOMAS RUSSELL QUINN,	:	
	:	
Respondent	:	(Philadelphia)

**DISSENTING STATEMENT**

**MR. JUSTICE BAER**

I respectfully dissent from the Court’s imposition of a suspension for a period of one year and one day in this attorney disciplinary matter. I acknowledge that the sanction imposed by the Court is consistent with the recommendations of the Hearing Committee and the Disciplinary Board, and is arguably consistent with disciplinary sanctions imposed in previous cases under similar facts.<sup>1</sup> However, I am bothered by Respondent’s extensive recidivist history of disciplinary infractions, and believe that a suspension of one year and one day is inadequate to protect the public and ensure that this Court and its Disciplinary Board is doing enough to maintain the public’s confidence in our profession. Accordingly, I respectfully call for the adoption of a more severe

---

<sup>1</sup> This type of generalization is difficult to assert in disciplinary matters given that they are all factually unique, and every distinct matrix can precipitate a different reaction, resulting in a different disciplinary consequence.

approach to sanctioning attorneys who have failed repeatedly to conform their conduct to the governing standards of the legal profession, and I would begin by imposing a suspension for three years in this case.

The instant disciplinary case constitutes Respondent's fourth disciplinary matter in slightly over ten years. Respondent received an informal admonition in 2002 for failing to file a memorandum of law in support of a Petition for Habeas Corpus, despite receiving an extension to do so, failing to respond to client inquiries regarding the status of the case, and failing to withdraw from the client's case when Respondent was suffering from a medical condition that impaired his ability to represent his client. Three years later, in 2005, Respondent received a private reprimand and eighteen months of probation for failing to provide a written fee agreement, failing to communicate with a client regarding the status of his case, and failing to respond to client inquiries. Thereafter, in 2008, Respondent received a six-month stayed suspension with probation for failing to take action on a client's behalf. Further, the Office of Disciplinary Counsel presented evidence of four civil cases filed against Respondent, resulting in judgments that remained outstanding at the time of the disciplinary proceeding.

In the aggregate, Respondent's recurrent disregard for his professional obligations has placed members of the public at risk of substandard representation, prejudicing their rights, and causing those with knowledge of the misconduct to question legitimately our system of justice. While I recognize that the sanction of suspension for a period of one year and one day requires Respondent to petition for reinstatement, allowing for full scrutiny of his character, I do not believe the one year period before that occurs is sufficient either as punishment or to ensure that we see a changed person at that juncture. Accordingly, I respectfully dissent from the Court's decision. Left to my own devices, I would suspend Respondent for three years in recognition of his

substantial and consistent disciplinary history. It would be my hope that, after such period of time, Respondent would mature and recognize that this behavior must stop if he is readmitted. There should be no doubt that if Respondent would again appear before this Court for disciplinary enforcement after being readmitted to practice law, I would disbar him.

Mr. Justice Stevens joins this Dissenting Statement.