

[J-21-2007]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

JANICE IANNECE BEYERS	:	No. 38 EAP 2006
	:	
v.	:	Appeal from the Judgment of Superior
	:	Court entered on June 27, 2005,
DONALD RICHMOND, FORCENO &	:	(reargument/reconsideration denied
ARANGIO, P.C., ROBERT ARANGIO	:	August 26, 2005) at No. 1162 EDA 2004,
AND RAYMOND P. FORCENO	:	affirming the Judgment entered on May
	:	19, 2004 in the Court of Common Pleas,
	:	Philadelphia County, Civil Division at No.
	:	3278 January Term, 2002.
APPEAL OF: FORCENO & ARANGIO,	:	
P.C., ROBERT ARANGIO AND	:	
RAYMOND P. FORCENO	:	
	:	ARGUED: April 16, 2007

DISSENTING OPINION

MR. JUSTICE SAYLOR

DECIDED: December 28, 2007

I Join Mr. Justice Eakin's dissenting opinion and additionally note that core functions of legal representation were not implicated by Appellant's ancillary activity regarding the handling of the settlement proceeds. As this conduct does not involve the exercise of legal judgment, see generally Dauphin County Bar Ass'n v. Mazzacaro, 465 Pa. 545, 553, 351 A.2d 229, 233 (1976) (discussing the boundaries of the "practice of law" in terms of understanding and applying legal principles and judgment), it falls more comfortably within the business aspects of the activities of a law firm, a distinction recognized by other courts. See, e.g., Short v. Demopolis, 691 P.2d 163, 168 (Wash. 1984) (ruling that the Washington consumer protection statute applied to "certain entrepreneurial aspects of the practice of law," including "how the price of legal services

is determined, billed, and collected”); Daniels v. Baritz, 2003 WL 21027238, at *6 (E.D. Pa. Apr. 30, 2003) (distinguishing between a lawyer’s actions “arising out of the actual practice of law” and his debt-collection practices, and holding that a claim that the latter activities violated the UTPCPL survived preliminary objections); cf. Goldfarb v. Virginia State Bar, 421 U.S. 773, 787-88, 95 S. Ct. 2004, 2013-14 (1975) (observing that the exchange of an attorney’s services in examining a land title for money constitutes “commerce” for purposes of the Sherman Act and, as such, is a “business aspect” of the legal profession). But cf. Cripe v. Leiter, 703 N.E.2d 100, 102 (Ill. 1998) (holding that the Illinois Consumer Fraud Act did not apply to a plaintiff’s claim that her attorney charged excessive fees).