

IN THE SUPREME COURT OF PENNSYLVANIA

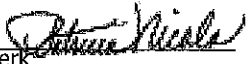
OFFICE OF DISCIPLINARY COUNSEL, : No. 2204 Disciplinary Docket No. 3  
Petitioner :  
 : No. 34 DB 2015  
v. :  
 : Attorney Registration No. 17900  
BARRY PAUL GINSBERG, :  
Respondent : (Montgomery County)

ORDER

PER CURIAM

AND NOW, this 21<sup>st</sup> day of September, 2015, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board, the Joint Petition in Support of Discipline on Consent is granted, see Pa.R.D.E. 215(g), and Barry Paul Ginsberg is suspended on consent from the Bar of this Commonwealth for a period of three years retroactive to July 22, 2013, and he shall comply with all the provisions of Pa.R.D.E. 217.

A True Copy Patricia Nicola  
As Of 9/21/2015

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA


OFFICE OF DISCIPLINARY COUNSEL	:	No. 34 DB 2015
Petitioner	:	
v.	:	Attorney Registration No. 17900
BARRY PAUL GINSBERG	:	
Respondent	:	(Montgomery County)

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 Lawrence M. Kelly, Jane G. Penny and David E. Schwager, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on July 21, 2015.

The Panel approves the Joint Petition consenting to a three year suspension retroactive to July 22, 2013 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.

  
\_\_\_\_\_  
Lawrence M. Kelly, Panel Chair  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

Date: 8/26/2015

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 34 DB 2015  
Petitioner :  
 : ODC File No. C2-11-1057  
 :  
v. : Attorney Reg. No. 17900  
 :  
BARRY PAUL GINSBERG, :  
Respondent : (Montgomery County)

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 Patricia A. Dugan, Disciplinary Counsel, and Respondent, Barry Paul Ginsberg, file this Joint Petition In Support Of Discipline on Consent under Rule 215(d), Pa.R.D.E., and respectfully represent that:

1. Petitioner, whose principal office is situated at the Pennsylvania Judicial Center, 601 Commonwealth Avenue Suite 2700, P.O. Box 62485, Harrisburg, Pennsylvania 17106, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter "Pa.R.D.E."), with the power and duty to investigate all matters involving alleged misconduct of any attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings

FILED 07/21/2015 The Disciplinary Board of the Supreme Court of Pennsylvania
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brought in accordance with the various provisions of said Rules.

2. Respondent, Barry Paul Ginsberg, was born in 1948 and was admitted to practice law in the Commonwealth on October 17, 1973.

3. Respondent's public access address is 185 Gleneagles Court, Blue Bell, Pennsylvania 19422-3246.

4. On July 22, 2013, Respondent had his registration status changed to voluntary inactive.

5. Pursuant to Pa.R.D.E. 201(a)(1), Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

6. Respondent's affidavit stating, *inter alia*, his consent to the recommended discipline is attached hereto as Exhibit A.

SPECIFIC FACTUAL ADMISSIONS AND RULES OF  
PROFESSIONAL CONDUCT VIOLATED

Misuse of IOLTA

7. Respondent maintained a PNC Bank Interest on Lawyers Trust Account, in the name of *Law Offices of Barry P. Ginsberg*, account no. XXXXXX9084 ("IOLTA").

8. On July 11, 2011, Respondent made the following payments from his IOLTA:

a. a \$25.00 e-check payment to Macy's; and

b. a \$20.00 e-check payment to Discover Card.

9. On July 12, 2011, Respondent made the following payments from his IOLTA:

a. a \$110.85 web-single payment to Vonage America;

b. a \$57.00 debit payment to Citgo;

c. a \$54.00 e-check payment to HSBC Credit;

d. a \$30.00 e-check payment to Bloomingdale's;  
and

e. a \$20.00 e-check payment to Capital One.

10. On July 13, 2011, Respondent made the following payments from his IOLTA:

a. a \$65.71 e-check payment to Sunoco; and

b. a \$50.00 e-check payment to Gap, Inc.

11. On July 27, 2011, Respondent's daily balance in his IOLTA was \$8,615.26.

12. On July 28, 2011, Respondent made a \$250.00 debit phone payment to Capitol One from his IOLTA and a July 25, 2011 deposited item of \$9,000.00 was removed from his account and returned, which caused an overdraft in his IOLTA in the amount of -\$634.74.

13. On July 29, 2011, Respondent made the following transactions in his IOLTA:

- a. two deposits (\$1,200.00 and \$900.00) totaling \$2,100.00 into his IOLTA; and
- b. a \$480.75 e-check payment to PECO.

14. On August 1, 2011, Respondent made a \$25.00 e-check payment to RadioShack from his IOLTA.

15. On August 2, 2011, Respondent made the following payments from his IOLTA:

- a. a \$200.00 debit phone payment to Capital One; and
- b. a \$150.00 payment to Verizon Wireless.

16. On August 4, 2011, Respondent made the following payments from his IOLTA:

- a. a \$250.00 telephone payment to Capital One; and
- b. a \$19.00 e-check payment to Discover.

17. On August 5, 2011, Respondent made a \$25.00 e-check payment to Exxon Mobil from his IOLTA.

18. On August 8, 2011, check #1931, in the amount of \$100.00, posted to Respondent's IOLTA.

19. On August 8, 2011, Respondent made the following payments from his IOLTA:

- a. a \$300.00 e-check payment to Capital One;
- b. a \$150.00 telephone payment to Capitol One; and

c. a \$50.00 e-check payment to Neiman Marcus Group.

20. The transactions listed in paragraph 19 caused an overdraft in Respondent's IOLTA in the amount of -\$363.45. The previous balance in Respondent's IOLTA was \$236.55.

21. On August 9, 2011, Respondent deposited \$425.00 of personal funds into his IOLTA.

22. On August 15, 2011, Respondent made a \$200.00 debit phone payment to Capital One from his IOLTA.

23. On August 16, 2011, Respondent made the following payments from his IOLTA:

- a. a \$165.00 debit phone payment to Capital One; and
- b. a \$52.25 telephone payment to Capital One.

24. On August 17, 2011, Respondent made a \$100.00 debit phone payment to Capital One from his IOLTA.

25. On August 19, 2011, Respondent made a \$150.00 debit phone payment to Capital One from his IOLTA.

26. On August 23, 2011, Respondent made a \$200.00 telephone payment to Capital One from his IOLTA.

27. On August 26, 2011, Respondent made a \$200.00 telephone payment to Capital One from his IOLTA.

28. On September 1, 2011, Respondent made a \$100.00 debit phone payment to Capital One from his IOLTA.

29. On September 2, 2011, Respondent made a \$110.00 debit phone payment to Capital One from his IOLTA.

30. On September 22, 2011, Respondent made a \$25.00 e-check payment to Macy's from his IOLTA.

31. On September 26, 2011:

- a. Respondent made a \$54.00 e-check payment to Gap, Inc.;
- b. Respondent made a \$42.00 e-check payment to RadioShack; and
- c. withdrew \$750.00 from his IOLTA.

32. The transaction listed in paragraph 31(c) caused an overdraft in Respondent's IOLTA in the amount of - \$36.99.

33. On September 27, 2011:

- a. Respondent made a \$100.00 e-check payment to Capital One from his IOLTA;
- b. Respondent issued check #1622 to Comcast for \$175.00;
- c. Respondent issued check #1759 to Joel Lee for \$97.18; and
- d. Respondent received an automatic deposit of \$42.00 for reversed e-check, #1627 from September 26, 2011.



34. The transactions listed in paragraph 33a-c caused overdrafts in Respondent's IOLTA totaling -\$367.17.

35. On September 27, 2011, Respondent deposited \$240.00 of his own funds into his IOLTA, which posted on September 28, 2011, leaving a balance of -\$127.17.

36. On September 28, 2011:

a. Respondent received an automatic deposit of \$100.00 for reversed e-check, #1623 from September 27, 2011, leaving a balance of -\$27.17 in his IOLTA; and

b. Respondent received an automatic deposit of \$97.18 from reversed check, #1759 from September 27, 2011, leaving a balance of \$70.01 in his IOLTA.

37. On September 29, 2011, Respondent made a \$42.00 e-check payment to RadioShack from his IOLTA.

38. On September 30, 2011, Respondent issued check #1872 for \$15.00 from his IOLTA, which caused an overdraft in his IOLTA in the amount of -\$11.99.

39. On October 1, 2011, there were no client funds in Respondent's IOLTA.

40. On October 3, 2011, the Pennsylvania Lawyers Fund for Client Security ("the Fund") received the following Dishonored Escrow/Trust Check notifications from PNC Bank:

- a. one check (#1627) in the amount of \$42.00 had been presented against Respondent's IOLTA on September 26, 2011, which caused an overdraft in the amount of -\$36.00; and
- b. two checks (#1623 and #1759) totaling \$197.18 had been presented against Respondent's IOLTA on September 27, 2011, which caused an overdraft in the amount of -\$367.17.

41. On or about October 5, 2011, the Fund sent Respondent an inquiry letter and requested an explanation regarding the PNC Bank Dishonored Escrow/Trust Check Reporting Forms and any appropriate documentation.

42. On or about October 14, 2011, Respondent responded to the Fund's October 5, 2011 inquiry and stated that he had an agreement with PNC Bank wherein PNC Bank would not pay any overage on the IOLTA and would notify Respondent of any overdrafts so that Respondent could immediately deposit funds.

43. On or about October 17, 2011, the Fund notified Respondent by letter to request an explanation as to why items were presented against insufficient funds in his IOLTA and to request specific documentation.

44. On October 27, 2011, Respondent responded to the Fund's October 17, 2011 inquiry and:

- a. admitted that the funds expended from his IOLTA were personal funds;
- b. stated that the Internal Revenue Service ("IRS") levied upon his personal account; and
- c. stated that he intended to open a new checking account once an agreement was worked out with the IRS.

45. Respondent provided the Fund with copies of his July, August, and September 2011 PNC Bank IOLTA statements.

46. According to Respondent's PNC Bank IOLTA statements, from July 11, 2011 to September 29, 2011, Respondent expended \$3,872.56 from his IOLTA in electronic payments to pay personal expenses to Bloomingdale's, Capital One, Citgo, Discover Card, Exxon Mobil, Gap Inc., HSBC Credit, Macy's, Neiman Marcus Group, PECO, RadioShack, Sunoco, Verizon Wireless, and Vonage America.

47. On or about October 27, 2011, Respondent received a letter from PNC Bank that his IOLTA was overdrawn in the amount of -\$97.81.

48. On or about November 9, 2011, Respondent sent the Fund a letter to notify them:

- a. of the -\$97.81 shortage in his IOLTA;
- b. that he "took care of [it] immediately"; and
- c. that his "client gave [him] a bad check" which caused the overdraft in his IOLTA.

49. From October 1, 2011 through June 30, 2013, there were approximately 620 transactions in Respondent's IOLTA, not including IOLTA interest earnings and payments.

50. Approximately 570 transactions out of the approximate 620 total transactions in Respondent's IOLTA were payments Respondent made to creditors for personal expenditures.

51. Respondent failed to maintain a separate account for holding non-Rule 1.15 Funds.

52. Respondent knew that his IOLTA was to be used solely for purposes of holding funds on behalf of clients or third persons.

#### B.D. Client Funds

53. On October 1, 2011, Respondent was representing a client (hereinafter "B.D.").

54. On or about October 17, 2011, Respondent deposited a Tudor Insurance Company settlement check into his IOLTA, made payable to Respondent and B.D., in the amount of \$4,500.00 for Claim No. XXX823T.

55. On or about October 20, 2011, Respondent issued to B.D. IOLTA check #1829, annotated "partial settlement," in the amount of \$1,400.00.

56. Respondent kept the remaining \$3,100.00 of the Tudor Insurance Company settlement as fees and failed to transfer those fees out of his IOLTA.

57. On or about October 28, 2011, Respondent deposited a United Financial Casualty Company check into his IOLTA, made payable to Respondent and B.D., in the amount of \$4,000.00 for "full and final payment of all injury claims."

58. Respondent kept \$300.00 of the United Financial Casualty Company settlement as fees and/or costs and failed to transfer those fees out of his IOLTA.

59. On or about November 1, 2011, Respondent issued IOLTA check #1945 to B.D. in the amount of \$1,200.00 and indicated "1/2" on the memo line of the check.

60. Respondent still owed B.D. \$2,500.00.

61. From November 2, 2011 through November 4, 2011, Respondent's IOLTA balance fell below \$2,500.00; Respondent invaded B.D.'s funds in 5 transactions, in amounts ranging from \$42.78 to \$1,468.63.

62. On November 7, 2011, Respondent deposited \$2,650.00 of his own personal funds into his IOLTA to bring the balance to \$3,681.47.

63. On or about November 14, 2011, Respondent issued IOLTA check #1946 to B.D. in the amount of \$1,200.00.

64. Respondent still owed B.D. \$1,300.00.

65. From November 14, 2011 through March 28, 2012, Respondent invaded B.D.'s funds in amounts ranging from \$24.62 to \$1,300.00.

66. William E. Averona, Esquire, represented Respondent and Respondent's wife in a personal injury lawsuit.

67. On or about March 29, 2012, Mr. Averona sent Respondent and Respondent's wife a settlement check, drawn on Mr. Averona's IOLTA, for \$139,018.00 in settlement of their personal injury matter.

68. On or about March 29, 2012, Respondent deposited the settlement check into his IOLTA instead of a personal account.

69. The settlement money belonging to Respondent and Respondent's wife was not connected to a client and could not be lawfully deposited into Respondent's IOLTA.

70. Respondent commingled Respondent's funds with those of his clients.

71. Respondent admitted that he deposited and maintained his and his wife's personal settlement funds in his IOLTA to shield those personal funds from levy by the IRS, which had previously levied Respondent's personal and operating accounts.

72. On or about April 4, 2012, approximately 5 months after Respondent received the second settlement check, as described in paragraph 57, *supra*, Respondent issued IOLTA check #2114 to B.D. in the amount of \$1,300.00.

73. Respondent failed to make timely distribution of B.D.'s settlement funds.

Minor Kim, Client Funds

74. In February of 2012, Respondent represented a minor with the last name of Kim.

75. On or about February 10, 2012, Respondent deposited two American General Life Insurance Company checks into his IOLTA, made payable to Respondent and Minor Kim, one in the amount of \$69,669.00 for Policy No. SXXX9160, and one in the amount of \$50,000.00 for Policy No. SXXX6690, totaling \$119,669.00.

76. On February 10, 2012, Respondent's IOLTA should have contained \$119,669.00 in funds belonging to Minor Kim

and \$1,300.00 in funds belonging to B.D. for a total of \$120,969.00.

77. On February 14, 2012, Respondent's IOLTA balance fell below \$120,969.00 to \$119,077.38; therefore, Respondent invaded funds belonging to Minor Kim and B.D.

78. From February 14, 2012 to March 29, 2012, Respondent invaded funds belonging to Minor Kim in amounts ranging from \$591.62 to \$10,187.75, until Respondent received the funds from his personal injury settlement. (See ¶67, *supra*)

79. After repeated requests from Petitioner, Respondent, on or about February 28, 2013, opened an operating account at TD Bank.

80. By his conduct as alleged in Paragraphs 7 through 79 *supra*, Respondent has 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 1.15(b), which states that a lawyer shall hold all Rule 1.15 Funds and property separate from the lawyer's own property. Such property shall be identified and appropriately safeguard;



- c. RPC 1.15(e), which states, in pertinent part, that a lawyer shall promptly deliver to the client or third person any property, including but not limited to Rule 1.15 Funds, that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding the property;
- d. RPC 1.15(h), which states that a lawyer shall not deposit the lawyer's own funds in a Trust Account except for the sole purpose of paying service charges on that account, and only in an amount necessary for that purpose;
- e. RPC 1.15(j), which states that at all times while a lawyer holds Rule 1.15 Funds, the lawyer shall also maintain another account that is not used to hold such funds;
- f. RPC 8.4(a), which states that it is professional misconduct for a lawyer to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

- g. RPC 8.4(c), which states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation; and
- h. 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.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

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 three years.

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, Pa.R.D.E., stating that he consents to the recommended discipline and which includes the mandatory acknowledgements required by Rule 215(d)(1) through (4), Pa.R.D.E.

In Pennsylvania, there is no *per se* discipline for a particular type of misconduct, but instead each case is reviewed individually as established in the case of *Office*

*of Disciplinary Counsel v. Lucarini*, 504 Pa. 271, 472 A.2d 186 (1983). The appropriate disciplinary 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.4<sup>th</sup> 299 (1999).

In support of Petitioner's and Respondent's joint recommendation, it is respectfully submitted that the following mitigating circumstances are present:

- a. Respondent has admitted engaging in misconduct and violating the charged Rules of Professional Conduct;
- b. Respondent has cooperated with Petitioner, as evidenced by Respondent's admissions herein and his consent to receiving a suspension of three years;
- c. Respondent has no prior history of discipline; and
- d. Respondent is remorseful for his misconduct and understands he should be disciplined, as evidenced by his consent to receiving a suspension of three years.

There is no *per se* rule for discipline in misappropriation cases, *Office of Disciplinary Counsel v. Lucarini*, 504 Pa. at 280, 472 A.2d at 190, and every case

has its own nuances. The discipline for knowing misappropriation of client funds has ranged from a three-month suspension to disbarment. Compare, e.g., *Office of Disciplinary Counsel v. Kochel*, 515 Pa. 449, 529 A.2d 1075 (1987) (three-month suspension) with *Office of Disciplinary Counsel v. Knepp*, 497 Pa. 396, 441 A.2d 1197 (1982) (disbarment). "Precedent has established that unauthorized dealings with client money requires some form of public discipline due to the breach of trust involved." *Office of Disciplinary Counsel v. John T. Olshock*, No. 28 DB 2002, D.Bd. Rpt., p. 10 (S.Ct. Order 10/24/03), citing *In re Anonymous No. 124 DB 1997*, 47 Pa. D.&C.4<sup>th</sup> 338 (1998). In *Office of Disciplinary Counsel v. Marvin F. Galfand*, No. 25 DB 2004, D.Bd. Rpt. 10/19/05 (S.Ct. Order 2/7/06), the Disciplinary Board stated that a review of recent case law established that the range of discipline in misappropriation cases is a suspension of not less than one year and one day to disbarment, which sanctions require a reinstatement hearing and future proof of fitness. D.Bd. Rpt. p. 12. Although each of the following precedents could be distinguished from Respondent Ginsberg's matter for one or more reasons, these precedents provide some insight into the appropriate length of suspension. "As is often the case with attorney disciplinary matters, there is no case

precedent that is precisely on all fours..." *Office of Disciplinary Counsel v. Anthony C. Cappuccio*, 616 Pa. 439, 454, 48 A.3d 1231, 1240 (Pa. 2012).

In *Office of Disciplinary Counsel v. Lawrence T. Foti*, 89 DB 2001, 69 Pa. D.&C.4<sup>th</sup> 278 (2003), Respondent Foti was suspended for three years for having knowingly misappropriated \$33,000.00 in fiduciary funds and for failing to make prompt distribution of \$2,700.00 in an unrelated matter. Foti used the client funds for office-related expenses and costs that arose due to his disorganization and inability to prioritize obligations. Foti suffered from depression and established entitlement to mitigation under *Office of Disciplinary Counsel v. Braun*, 520 Pa. 157, 553 A.2d 894 (1989). Additionally, Foti made restitution after ODC commenced its investigation, took steps to rearrange his practice and to better manage it, had no prior history of discipline, expressed remorse, and presented evidence of good character and of being a very skilled and competent lawyer.

In *Olshock, supra*, the Supreme Court suspended Respondent Olshock for three years for misappropriating \$22,093 from an estate. In mitigation, Olshock had no prior history of discipline, made prompt restitution in full to the estate prior to ODC's investigation, presented

evidence of good character, and expressed sincere remorse. Olshock also made changes to his office by employing a full-time staff and an accountant, and having at least two employees regularly checking the estate work that needed to be done. In aggravation, Olshock was a First Assistant District Attorney at the time in the county in which he practiced.

In *Office of Disciplinary Counsel v. Gwendolyn N. Harmon, a/k/a Gwen Norman*, 72 Pa. D.&C.4<sup>th</sup> 115 (2004), the Supreme Court suspended Respondent Harmon for three years for being out of trust, in the aggregate, in the amount of \$26,516.08 over the course of three years. Harmon had no prior history of discipline. Harmon's discipline was aggravated by her inattentiveness to the disciplinary proceedings; *inter alia*, Harmon resided in Las Vegas at the time of the disciplinary hearing and failed to appear for the hearing but was contacted by telephone during the hearing and permitted to place a statement on the record.

In *Office of Disciplinary Counsel v. Robert L. Federline*, Nos. 9 DB 2007 & 92 DB 2008, D.Bd. Rpt. 3/5/10 (S.Ct. Order 6/2/10), Respondent Federline was temporarily suspended for failing to comply with a subpoena for financial records. The Supreme Court subsequently suspended Respondent Federline for three years, retroactive to the

effective date of the temporary suspension, for misappropriating a total of \$18,309.43 in two client matters. In mitigation, Federline had no prior history of discipline apart from the temporary suspension, and presented evidence of financial difficulties for many years and of depression that made the demands of his law practice debilitating. Federline also reimbursed the Client Security Fund and otherwise made restitution.

Respondent, while knowing it was wrong to do, paid for hundreds of personal expenses out of his IOLTA, using it as a personal account for approximately one year and nine months. Respondent made an untimely distribution of settlement funds to a client. He caused many overdrafts in his IOLTA, and deposited his own money into his IOLTA to make his clients, including a minor, whole. Respondent did not have permission to use his client's funds. By doing this he commingled his own funds with client funds and misappropriated client funds, even if the misappropriation was in small amounts and only for a short time. Respondent has no prior history of discipline; expressed remorse; and admitted his wrongdoing, as evidenced by his agreement to enter into a joint petition for discipline on consent.

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 Joint Petition in Support of Discipline on Consent and file its recommendation with the Supreme Court of Pennsylvania in which it is recommended that the Supreme Court enter an Order:

1. suspending Respondent from the practice of law for a period of three years, retroactive to July 22, 2013, the date Respondent transferred to voluntary inactive status; and
2. 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,  
CHIEF DISCIPLINARY COUNSEL

July 20, 2015

BY: Patricia A. Dugan  
Disciplinary Counsel  
Attorney Registration No. 87147  
1601 Market Street  
Suite 3320  
Philadelphia, PA 19103-2337

BY:

BY:

By PK  
Respondent  
Attorney Registration No. 17900  
185 Gleneagles Court  
Blue Bell, PA 19422-3246

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 34 DB 2015  
Petitioner :  
: ODC File No. C2-11-1057  
: v. : Attorney Reg. No. 17900  
: BARRY PAUL GINSBERG, :  
Respondent : (Montgomery County)

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 my knowledge or  
information and belief and are made subject to the penalties of  
18 Pa.C.S.A. §4904, relating to unsworn falsification to  
authorities.

7/16/15  
Date

By Paul Ginsberg  
Barry Paul Ginsberg  
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 34 DB 2015  
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18 Pa.C.S.A. §4904, relating to unsworn falsification to  
authorities.

July 20, 2015  
Date

Patricia A. Dugan  
Patricia A. Dugan,  
Disciplinary Counsel

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 34 DB 2015  
Petitioner :  
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v. : Attorney Reg. No. 17900  
 :  
BARRY PAUL GINSBERG, :  
Respondent : (Montgomery County)

AFFIDAVIT

Barry Paul Ginsberg, hereby tenders this affidavit in support of the Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d), and further states as follows:

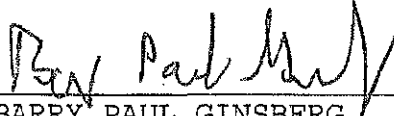
1. He freely and voluntarily consents to the proposed discipline; he is not being subjected to coercion or duress; he is fully aware of the implications of submitting the consent; and he has consulted with counsel in connection with the decision to consent to discipline.

2. He is aware that there is presently pending a proceeding involving allegations that he has been guilty of misconduct as set forth in the Joint Petition.

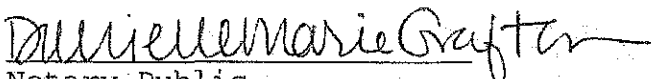
3. He acknowledges that the material facts set forth in the Joint Petition are true.

4. He consents because he knows that if charges continued to be prosecuted in the pending proceeding, he could not successfully defend against them.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

  
\_\_\_\_\_  
BARRY PAUL GINSBERG  
Attorney Registration No. 17900

Sworn to and subscribed  
Before me this 16<sup>th</sup> day  
of July, 2015.

  
\_\_\_\_\_  
Notary Public

