

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 21 DB 2016
Petitioner	:	
v.	:	Attorney Registration No. 1207
GORDON D. FISHER	:	
Respondent	:	(Allegheny County)

ORDER

AND NOW, this 19th day of January, 2017, upon consideration of the Report and Recommendation of the Hearing Committee filed on October 18, 2016; it is


ORDERED that GORDON D. FISHER, of Allegheny County, shall receive a **PUBLIC REPRIMAND** administered by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rules 204(a)(5) and 205(c)(11) of the Pennsylvania Rules of Disciplinary Enforcement. Costs shall be paid by Respondent Fisher.

BY THE BOARD:



Jane G. Penny, Board Chair

TRUE COPY FROM RECORD
Attest:



Marcee D. Sloan
Asst. Secretary of the Board
The Disciplinary Board of the
Supreme Court of Pennsylvania

**BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL	:	No. 21 DB 2016
Petitioner	:	
	:	
v.	:	
	:	Attorney Registration No. 1207
GORDON D. FISHER	:	
Respondent	:	(Allegheny County)

PUBLIC REPRIMAND

Gordon D. Fisher, you stand before the Disciplinary Board, your professional peers and members of the public for the imposition of a Public Reprimand. It is an unpleasant task to publicly reprimand one who has been granted the privilege of membership in the bar of this Commonwealth. Yet as repugnant as this task may be, it has been deemed necessary that you receive this public discipline.

Mr. Fisher, you are being reprimanded today in connection with your misconduct arising from your failure to hold entrusted funds separate from your own.

From November 28, 2009, to May 24, 2011, your IOLTA Account was deficient for periods of time with regard to the funds entrusted to you on behalf of the Kubiak Estate. This was due to numerous, repeated distributions of such funds by you to yourself, in small amounts, by wire transfer. These wire transfers were as small as \$250.00 and as large as \$5,400.00. Your fee agreement was for five percent of the Estate assets. Over the course of handling the Estate, you distributed fees to yourself in small amounts, as opposed to taking the fees in a lump sum. You did not maintain proper bookkeeping methods to account for your fees and continued to pay yourself fees, even after you had been paid all the fees to which you were entitled. You admitted that your

failure to hold entrusted funds separate from your own violated Rule of Professional Conduct 1.15(b).

You explained that your deficiencies were unintentional and not the product of dishonest or deceitful actions. At the time of the misconduct, you were a sole practitioner who found himself overburdened with legal and charitable activities, and you did not exercise the appropriate financial controls for the IOLTA account. These actions began seven years ago and ended approximately five years ago. The Kubiak Estate did not lose any money as a result of your actions and was made whole. Upon being made aware of your record-keeping deficiencies in 2012, you immediately took curative action and, since 2012, have maintained your accounts in conformity with the Rules of Professional Conduct.

You took full responsibility for your actions and expressed sincere remorse. You fully cooperated with Office of Disciplinary Counsel during its investigation of this matter.

Your conduct in this matter has violated the following Rule of Professional Conduct ("RPC"):

1. RPC 1.15(b) – 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 safeguarded.

We note that you were admitted to the practice of law in the Commonwealth in 1971 and have a history of professional discipline in Pennsylvania consisting of an Informal Admonition administered on February 17, 2010. The misconduct in this previous matter involved violations of RPC 1.3 and 1.15(a), wherein you failed to take action on

behalf of your client concerning a pending civil judgment and failed to keep \$1,600.00 of your client's entrusted funds separate from your own.

Mr. Fisher, your conduct in this matter is now fully public. This Public Reprimand is a matter of public record. As you stand before the Board today, we remind you that you have a continuing obligation to abide by the Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement. Pennsylvania lawyers will not be permitted to engage in conduct that falls below professional standards. Be mindful that any future dereliction will subject you to disciplinary action.

This Public Reprimand shall be posted on the Disciplinary Board's website at www.padisciplinaryboard.org.


Designated Member
The Disciplinary Board of the
Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania, at Pittsburgh, Pennsylvania, on April 7, 2017.

ACKNOWLEDGMENT

The undersigned, Respondent in the above proceeding, herewith acknowledges that the above Public Reprimand was administered in his presence and in the presence of the designated panel of The Disciplinary Board at 437 Grant Street, Frick Building, Suite 1300, Pittsburgh, Pennsylvania, on April 7, 2017.



Gordon D. Fisher