

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2690 Disciplinary Docket No. 3
: :
Petitioner : No. 225 DB 2018
: :
v. : Attorney Registration No. 90834
: :
ADAM LUKE BRENT, : (Out of State)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 13th day of February, 2020, upon consideration of the Report and Recommendations of the Disciplinary Board, Adam Luke Brent is suspended from the Bar of this Commonwealth for a period of one year and one day. Respondent shall comply with all the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 02/13/2020

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 225 DB 2018
Petitioner	:	
v.	:	Attorney Registration No. 90834
ADAM LUKE BRENT	:	
Respondent	:	(Out of State)

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

By Petition for Discipline filed on November 28, 2018, Petitioner, Office of Disciplinary Counsel, charged Respondent, Adam Luke Brent, with misconduct in three separate matters. Respondent was personally served with the Petition for Discipline on December 11, 2018, but failed to file an Answer within twenty days as required by Rule 208(b)(3), Pa.R.D.E.

On October 18, 2018, the Board referred the Petition to a District I Hearing Committee (“Committee”). Thereafter, a prehearing conference was scheduled for April

8, 2019. On or about March 30, 2019, Respondent forwarded to Petitioner an Answer to Petition. After the prehearing conference, at which Respondent appeared, the Committee determined that Respondent would be precluded from presenting evidence to rebut the factual allegations contained in the Petition because Respondent's Answer to Petition was untimely.

The Committee conducted a disciplinary hearing on May 22, 2019. Petitioner introduced into evidence Exhibits ODC-1 through ODC-9. Respondent appeared pro se and testified on his own behalf in mitigation.

On June 26, 2019, Petitioner filed a brief to the Committee and requested that the Committee recommend to the Board that Respondent be suspended for a period of one year and one day.

Respondent did not file a post-hearing brief.

By Report filed on September 6, 2019, the Committee concluded that Respondent violated the rules charged in the Petition for Discipline and recommended that Respondent be suspended for a period of one year and one day.

The parties did not take exception to the Committee's Report and recommendation.

The Board adjudicated this matter at the meeting on October 17, 2019.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania, is invested, pursuant to Pa.R.D.E. 207, 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 said Rules of Disciplinary Enforcement.

2. Respondent is Adam Luke Brent, born in 1976 and admitted to practice law in the Commonwealth in 2003. His registered mailing address is 120 N. Eighth Street, Vineland, NJ 08360 ("Eighth Street address"). However, Respondent's current mailing address is 798 Forsythia Drive, Vineland, NJ 08360-1805 ("Forsythia Drive address"), his home address. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

3. Petitioner personally served the Petition for Discipline on Respondent on December 11, 2018. ODC-1. Respondent failed to answer the Petition. The factual allegations are deemed admitted pursuant to Rule 208(b)(3), Pa.R.D.E., and are set forth below in Findings 4 through 61.

CHARGE I

4. In May 2015, Lena T. Lasher, a/k/a Lena T. Congtang, was found guilty of, *inter alia*, Conspiracy to Misbrand Prescription Drugs, in violation of 18 U.S.C. §

371, in the United States District Court for the Southern District of New York, case captioned ***United States v. Lena Lasher***, Case No. 1:12-cr-00868.

a. Ms. Lasher was a licensed Pennsylvania pharmacist.

5. In August 2015, Ms. Lasher retained Respondent to represent her in any defense of any potential action seeking the revocation of her Pennsylvania pharmacist license.

6. Thereafter, Respondent received a check dated August 20, 2015 from Helen H. Congtang in the amount of \$5,000 and made payable to "The Brent Law Firm PC."

a. In the memo section it read "For Lena T. Congtang."

b. On or about August 26, 2015, Respondent presented the check for payment.

7. On September 2, 2015, the Honorable Naomi Reice Buchwald sentenced Ms. Lasher to, *inter alia*, three years imprisonment.

a. Ms. Lasher was incarcerated at the Danbury Federal Correctional Institute in Danbury, Connecticut.

8. On September 24, 2015, the Commonwealth of Pennsylvania filed an Order to Show Cause to commence disciplinary action against Ms. Lasher in regard to her pharmacist license, case captioned ***Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Lena T. Congtang, R.Ph., a/k/a Lena T. Lasher, R.Ph.***, Docket No. 1692-54-15.

9. On October 19, 2015, Respondent filed an answer to the Order to Show Cause and requested a hearing on behalf of Ms. Lasher.

10. On November 5, 2015, the Prothonotary:

- a. appointed Hearing Examiner, Christopher K. McNally, to conduct a formal hearing and issue a proposed order;
 - b. issued a hearing notice scheduling the hearing for January 8, 2016; and
 - c. mailed a copy of the hearing notice to Respondent.
11. Respondent received a copy of the notice.
 - a. Respondent failed to advise Ms. Lasher of the date of the hearing.
12. On January 8, 2016, Respondent failed to appear at the hearing.
 - a. At the time of the hearing, Ms. Lasher was incarcerated at Danbury and also did not appear at the hearing.
13. Prior to the hearing, Respondent failed to contact Mr. McNally in order to request a continuance or request that Ms. Lasher be allowed to testify electronically.
14. Respondent failed to advise Ms. Lasher that he had not planned on appearing at the hearing.
15. At the January 8, 2016 hearing, presided over by Mr. McNally, the Commonwealth presented its case through documentary evidence.
16. By Proposed Adjudication and Order dated March 29, 2016, Mr. McNally recommended:
 - a. the revocation of Ms. Lasher's pharmacy license; and
 - b. the imposition of a civil penalty of \$3,000.
17. On March 29, 2016, Mr. McNally mailed to Respondent at his address of record:

- a. a copy of the Proposed Adjudication and Order; and
 - b. a copy of a Notice advising Respondent that Respondent could file exceptions to his recommendation within 30 days after the date of the mailing.
18. Respondent received a copy of the Order.
19. Respondent failed to inform Ms. Lasher of the Proposed Adjudication and Order.
20. Respondent failed to file exceptions to the Proposed Adjudication and Order within 30 days.
21. By Final Order Adopting Proposed Adjudication dated June 3, 2016, the State Board of Pharmacy (“the Pharmacy Board”) ordered that:
 - a. the March 29, 2016 Proposed Adjudication and Order, including findings of fact, proposed conclusions of law, discussion, and proposed order be adopted as the Final Order;
 - b. the Final Order would be effective immediately; and
 - c. the sanction of \$3000 would be effective 30 days from the mailing of the order.
22. Respondent received a copy of the Final Order.
23. Respondent failed to notify Ms. Lasher of the Final Order.
24. On July 7, 2016, thirty days after the Final Order, Ms. Lasher’s Pennsylvania pharmacist license was revoked.

25. Throughout the representation, Ms. Lasher sent requests to Respondent through the Trust Fund Limited Inmate Computer System (“TRULINCS”) to obtain a status update of her Pennsylvania pharmacist license.

- a. TRULINCS was created to provide inmates limited computer access including the capability to receive and send electronic messages without having access to the internet.
- b. As part of TRULINCS’ requirements, an inmate must make a request to be able to exchange emails with a person in the community and that person has to accept the request to receive the inmates’ emails.

26. Respondent failed to accept Ms. Lasher’s requests to communicate with him electronically.

27. By certified letter dated October 28, 2016, addressed to Respondent and sent to Suite 820, 1500 JFK Blvd, Philadelphia, PA 19102, Ms. Lasher, *inter alia*:

- a. attached a copy of a letter that she wrote to the Pharmacy Board concerning her pharmacist license wherein she stated that, *inter alia*:
 - i. she was shocked and disturbed when she received a letter from her “NE licensing defense attorney” informing her that her Pennsylvania pharmacist license had been revoked on June 3, 2016;
 - ii. she had retained Respondent to represent her before the Pharmacy Board and had informed Respondent

that she wanted to have a hearing to defend her pharmacist license; and

iii. she attempted to contact Respondent but he failed to respond.

b. stated that she was shocked that Respondent had not communicated with her concerning her pharmacist license;

c. requested a refund of the \$5,000 retainer within 14 days; and

d. stated if she did not receive a refund, she would file a grievance against Respondent.

28. Respondent received Ms. Lasher's certified letter.

29. Respondent failed to respond.

30. Respondent failed to refund the unearned fee.

CHARGE II

32. By Supreme Court Order dated July 26, 2017, effective August 25, 2017, Respondent was administratively suspended from the practice of law in the Commonwealth of Pennsylvania for failure to comply with Pa.R.C.L.E. 111(b).

33. By certified letter dated July 26, 2017, Suzanne Price, Attorney Registrar, *inter alia*, advised Respondent of his administrative suspension and the requirements of Rule 217 of Pa.R.D.E.

a. The letter was sent to Respondent's Eighth Street address.

34. On August 22, 2017, the certified letter was returned to Ms. Price and marked "RETURN TO SENDER," "UNCLAIMED" and "UNABLE TO FORWARD."

35. On August 22, 2017, Ms. Price or her agent resent the letter by first class mail to Respondent's Forsythia Drive address.

36. The first class mailing was not returned.

37. Respondent received Ms. Price's letter.

38. Respondent failed to file a statement of compliance within 10 days after the effective date of the administrative suspension Order, as required by Pa.R.D.E. 217(e).

39. At the time Respondent was placed on administrative suspension, Respondent was attorney of record in a case captioned ***Commonwealth v. Jerry Jones, Jr.***, CP-48-CR-0003638-2016 in the Court of Common Pleas of Northampton County.

a. In May 2017, Mr. Jones pled guilty to one count of aggravated indecent assault.

b. Mr. Jones's sentencing was scheduled for September 29, 2017.

40. Respondent failed to promptly withdraw from the *Jones* matter, as required by Pa.R.D.E. 217(b).

41. Respondent failed to advise the court, opposing counsel and his client that he had been placed on administrative suspension and, therefore, was ineligible to practice law in the Commonwealth.

42. On September 29, 2017, Respondent failed to appear for Mr. Jones' sentencing.

43. By Order dated September 29, 2017, the Honorable Michael J. Koury, Jr., issued a Rule to Show Cause ("RTSC"), returnable on October 6, 2017, as to

why Respondent should not be held in contempt of court for failing to appear as directed for Mr. Jones' sentencing.

a. On September 29, 2017, Judge Koury withdrew Mr. Jones' guilty plea for legal issues, and ordered that the matter proceed to trial.

b. The RTSC was subsequently continued to October 13, 2017.

44. Respondent received a copy of the Court's Order.

45. On October 13, 2017, Respondent appeared at the RTSC hearing before Judge Koury.

46. At the hearing, Judge Koury informed Respondent that one week prior to the October 13, 2017 hearing, he had learned that in August 2017, Respondent had been placed on administrative suspension.

47. In response, Respondent told Judge Koury that he:

a. was separated from his wife; and

b. was not aware of his administrative suspension until September 30, 2017 when he picked up his mail from his estranged wife.

48. Upon learning of his administrative suspension, Respondent failed to withdraw from Mr. Jones' matter as required by Rule 217.

49. After the hearing, by Order dated October 13, 2017, Judge Koury:

a. found Respondent in civil contempt of court;

b. ordered that Respondent was no longer permitted to represent Mr. Jones in his matter;

- c. ordered that Respondent pay a \$500 fine to Northampton County Court within 30 days; and
 - d. continued Mr. Jones' trial.
50. By Order dated October 16, 2017, Judge Koury:
- a. found Respondent in civil contempt of court for his failure to timely appear for court hearings on February 21, 2017, May 1, 2017 and September 29, 2017;
 - b. ordered that Respondent pay a \$500 fine to Northampton County Court within 30 days;
 - c. ordered, after receiving notice that Respondent had been administratively suspended from the practice of law, that Respondent's appearance be withdrawn.

CHARGE III

51. A DB-7 Request for Statement of Respondent's Position ("DB-7 Letter") dated October 20, 2017, was forwarded to Respondent's Eighth Street address, via certified mail return receipt requested, setting forth the above allegations.

53. The certified mail was returned with the notations "RETURN TO SENDER," "UNCLAIMED," and "UNABLE TO FORWARD."

54. On January 30, 2018, Petitioner's Investigator hand-delivered the DB-7 Letter to Respondent's Forsythia Drive address.

55. Respondent received the DB-7 Letter.

56. Thereafter, Respondent, without good cause, failed to respond to the DB-7 Letter, as required by Pa.R.D.E. 203(b)(7).

57. DB-7 Letters dated June 5, 2018 and June 19, 2018 were forwarded to Respondent's Eighth Street address, via certified mail return receipt requested, setting forth the allegations in ¶¶ 32 through 52, *supra*.

58. The certified mailings were returned with the notations "RETURN TO SENDER," "UNCLAIMED," and "UNABLE TO FORWARD."

59. On August 1, 2018, Petitioner's Investigator hand-delivered the DB-7 Letters to Respondent's Forsythia Drive address.

60. Respondent received the DB-7 Letters.

61. Thereafter, Respondent, without good cause, failed to respond to the DB-7 Letters, as required by Pa.R.D.E. 203(b)(7).

ADDITIONAL FINDINGS

62. By Order of the Supreme Court of New Jersey dated March 6, 2019, Respondent was temporarily suspended from the practice of law in the State of New Jersey. ODC-3.

63. The Affidavit in Support of Petition for Temporary Suspension indicated, *inter alia*, that:

- a. Respondent was retained by Benjamin Gropper to form an Irrevocable Trust with Mr. Gropper's son, Jonathan Gropper, as the beneficiary of the Trust;
- b. in April 2012, the Brent Law Firm formed the Gropper Trust with Respondent as Trustee;
- c. in May 2016, Respondent was removed as Trustee for the Gropper Trust'

- d. after a review by the Office of Attorney Ethics of New Jersey (“OAE”) of the financial records of the Gropper Trust, OAE requested that Respondent provide a comprehensive accounting of the Gropper Trust, which Respondent did not fully satisfy;
- e. the Gropper Trust bank records showed that Respondent made disbursements totaling \$20,673.37 from the Trust, including disbursements of \$3,612.38 for Respondent’s January 2015 vacation and \$15,402 to Respondent’s personal account;
- f. during Respondent’s tenure as Trustee, there were 53 unexplained cash withdrawals and disbursements totaling \$157,495.95 between June 3, 2014 and April 2016; and
- g. Respondent did not cooperate with OAE in its investigation of the Gropper Trust funds.

Id.

64. Respondent is a defendant in a professional malpractice action filed in Gloucester County, New Jersey, case captioned ***Shulman v. Brent***, No. L-001201-17. ODC-5.

65. Respondent is a defendant in a civil rights action filed by his former client, Lena Lasher, in the United States District Court for the Eastern District of Pennsylvania, case captioned ***Lasher v. Brent***, No. 2:17-cv-04117. ODC-6.

66. Respondent has no history of professional discipline in Pennsylvania.

67. Respondent testified that in 2017 his seventeen-year marriage dissolved, which caused instability and problems with his law practice, as he and his ex-wife had a law practice together, which also dissolved. N.T. 22-24.

68. Respondent testified that he had a problem with alcohol consumption related to his divorce, which problem has been resolved. N.T. 23, 36-40.

69. Respondent has numerous open judgments and has filed for bankruptcy. N.T. 21-22; ODC-4; ODC-7.

70. Respondent testified he has “gotten back on my feet” and has resolved his issues, but provided no evidence to corroborate his testimony. N.T. 24.

71. Respondent testified that he offered his marital and business woes as an explanation for his misconduct, not as a defense. N.T. 24-25.

72. Respondent admitted that he received the Petition for Discipline but did not respond as he “was just not in a place to be able to do that at that time.” N.T. 25.

73. Respondent did not demonstrate acceptance of responsibility for his misconduct or express sincere remorse for his actions.

III. CONCLUSIONS OF LAW

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

Charge I

1. RPC 1.3, which states that a lawyer shall act with reasonable diligence and promptness in representing a client;

2. RPC 1.4(a)(3), which states that a lawyer shall keep the client reasonably informed about the status of the matter;

3. RPC 1.4(a)(4), which states that a lawyer shall promptly comply with reasonable requests for information;

4. RPC 1.4(b), which states that a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation; and

5. RPC 1.16(d) which states, in pertinent part, “upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred.”

Charge II

1. RPC 1.3, which states that a lawyer shall act with reasonable diligence and promptness in representing a client;

2. RPC 1.4(b), which states that a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation;

3. RPC 1.16(a), which states, in pertinent part, that “a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if the representation will result in violation of the Rules of Professional Conduct or other law”;

4. RPC 3.2, which states that a lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client;

5. RPC 5.5(a), which states that a lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so;

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

7. 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;

8. Pa.R.D.E. 203(b)(3) via Pa.R.D.E 217(b), which states, in pertinent part, “a formerly admitted attorney shall promptly notify, or cause to be promptly notified, all clients who are involved in pending litigation or administrative proceedings, and the attorney or attorneys for each adverse party in such matter or proceeding, of the disbarment, suspension, administrative suspension or transfer to inactive status and consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status”;

9. Pa.R.D.E 217(c)(1), which states, a formerly admitted attorney shall promptly notify, or cause to be promptly notified, of the disbarment, suspension, administrative suspension or transfer to inactive status all persons or their agents or guardians, including but not limited to wards, heirs and beneficiaries, to whom a fiduciary duty is or may be owed at any time after the disbarment, suspension, administrative suspension or transfer to inactive status;

10. Pa.R.D.E. 217(c)(2), which states, in pertinent part, that “a formerly admitted attorney shall promptly notify, or cause to be notified, of the disbarment, suspension, administrative suspension or transfer to inactive status, by registered

or certified mail, return receipt requested: all other persons with whom the formerly admitted attorney may at any time expect to have professional contacts under circumstances where there is a reasonable probability that they may infer that he or she continues as an attorney in good standing”;

11. Pa.R.D.E. 217(j)(1), which states, in pertinent part, that “a formerly admitted attorney may not engage in any form of law-related activities in this Commonwealth except ... law-related activities of the formerly admitted attorney shall be conducted under the supervision of a member in good standing of the Bar of this Commonwealth who shall be responsible for ensuring that the formerly admitted attorney complies with the requirements of this subdivision”;

12. Pa.R.D.E. 217(j)(2), in pertinent part, “the only law-related activities that may be conducted by a formerly admitted attorney are the following:

- i. legal work of a preparatory nature, such as legal research, assembly of data and other necessary information, and drafting of transactional documents, pleadings, briefs, and other similar documents;
- ii. direct communication with the client or third parties to the extent permitted by paragraph (3); and
- iii. accompanying a member in good standing of the Bar of this Commonwealth to a deposition or other discovery matter or to a meeting regarding a matter that is not currently in litigation, for the limited purpose of providing clerical assistance to the member in good standing who appears as the representative of the client”; and

13. Pa.R.D.E 217(j)(4)(iv), which states, in pertinent part, that “a formerly admitted attorney is specifically prohibited from representing himself or herself as a lawyer or person of similar status”; and

14. Pa.R.D.E. 217(e), which states, in pertinent part, that “within ten days after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status order, the formerly admitted attorney shall file with the Secretary of the Board a verified statement and serve a copy on Disciplinary Counsel.”

Charge III

1. Pa.R.D.E. 203(b)(7), which states that failure by a respondent-attorney without good cause to respond to Disciplinary Counsel’s request or supplemental request under Disciplinary Board Rules, § 87.7(b) for a statement of the respondent-attorney’s position, shall be grounds for discipline.

IV. DISCUSSION

Herein, the Board considers the allegations of misconduct in three separate matters: Respondent’s representation of Lena Lasher; Respondent’s transfer to administrative suspension during his representation of Jerry Jones; and Respondent’s failure to file a response to DB-7 letters. Petitioner bears the burden of proving ethical misconduct by a preponderance of clear and satisfactory evidence. ***Office of Disciplinary Counsel v. John T. Grigsby, III***, 425 A.2d 730, 732 (Pa. 1981). Petitioner personally served Respondent with the Petition for Discipline; however, Respondent

failed to file an Answer to the Petition for Discipline and failed to establish good cause for his failure to do so. Factual allegations in the Petition are deemed admitted if an answer to the Petition is not timely filed, pursuant to Pa.R.D.E. 208(b)(3). The factual allegations and Petitioner's Exhibits prove that Respondent engaged in professional misconduct. Following our review of this matter, we recommend that Respondent be suspended for a period of one year and one day.

As to Charge I, in May 2015, Lena T. Lasher, a licensed Pennsylvania pharmacist, was found guilty of Conspiracy to Misbrand Prescription Drugs in the United States District Court for the Southern District of New York. In August 2015, Ms. Lasher retained Respondent and paid him \$5,000 to represent her in a defense of any potential action seeking the revocation of her Pennsylvania pharmacist license.

In September 2015, the Commonwealth of Pennsylvania filed an Order to Show Cause to commence disciplinary action against Ms. Lasher as to her pharmacist license. In October 2015, Respondent filed an answer to the Order to Show Cause and requested a hearing on his client's behalf. Thereafter, a formal hearing was scheduled for January 8, 2016, and a copy of the hearing notice was mailed to and received by Respondent. Respondent failed to advise Ms. Lasher, who was incarcerated in Connecticut, of the date of the hearing, and he further failed to appear for the January 8, 2016 hearing.

Following the hearing, a proposed Adjudication and Order recommended the revocation of Ms. Lasher's license and the imposition of a \$3,000 civil penalty. Respondent received a copy of the Proposed Adjudication and Order and a copy of a Notice advising that exceptions could be filed within thirty days after the date of the mailing. Respondent failed to inform Ms. Lasher of the proposed Adjudication and Order

and failed to file exceptions within thirty days. In June 2016, a final Order was entered revoking Ms. Lasher's Pennsylvania pharmacist license and imposing the civil penalty of \$3,000. Although Respondent received a copy the Final Order, he failed to notify his client. On July 7, 2016, Ms. Lasher's Pennsylvania pharmacist license was revoked.

Throughout the representation, Ms. Lasher attempted fruitlessly to communicate with Respondent to obtain a status update of her matter. Respondent failed to communicate, failed to respond to Ms. Lasher's October 28, 2016 certified letter requesting a refund of the unearned portion of the \$5,000 fee, and failed to return any fee.

As to Charge II, in July 2017, Respondent was administratively suspended from the practice of law for failing to comply with Continuing Legal Education requirements. Respondent received notice of his administrative suspension, which was sent by first class mail to his home address on August 22, 2017, and was not returned as undeliverable. Thereafter, Respondent failed to file a statement of compliance.

At the time of his administrative suspension, Respondent was the attorney of record for Jerry Jones in a criminal matter in the Court of Common Pleas of Northampton County. Mr. Jones' sentencing was scheduled for September 29, 2017. Respondent failed to promptly withdraw from the matter, as required by Rule 217(b), Pa.R.D.E. Respondent also failed to advise Mr. Jones, the court, and opposing counsel that he had been placed on administrative suspension and was ineligible to practice law.

On September 29, 2017, Respondent failed to appear for his client's sentencing, which resulted in the court issuing a Rule to Show Cause ("RTSC") why Respondent should not be held in contempt of court for failing to appear. On that date,

the court also withdrew Mr. Jones' guilty plea for legal issues and ordered that the matter proceed to trial.

On October 13, 2017, Respondent appeared at the RTSC hearing. The court informed Respondent that it had learned just one week before the hearing that Respondent had been placed on administrative suspension. Respondent claimed that he was not aware of the suspension, as he was separated from his wife and did not learn of the suspension until September 30, 2017 (more than one month after the first class letter was sent to Respondent's home address), when he picked up his mail from his estranged wife. After the hearing the court, *inter alia*, found Respondent in civil contempt and continued Mr. Jones' trial. The court also found Respondent in civil contempt for his failure to timely appear for court hearings on three occasions.

As to Charge III, Respondent, without good cause, failed to respond to three DB-7 Letter Requests for Statements of Respondent's Position dated October 20, 2017, June 5, 2018, and June 29, 2018.

Respondent testified at the disciplinary hearing and acknowledged that he accepted personal service of the Petition for Discipline and did not respond, and therefore understood that he could not contest the facts of the three matters. At the hearing, Respondent testified that he had "a lot of issues with what was present" in the Petition and "there were potential issues with each one of the presentations by the Commonwealth" but he was "not at liberty" to speak about those issues at the hearing. N.T. 25-26. Respondent appeared to shift blame to the disciplinary system when he stated that he had to "acquiesce to all of the statements" that were made about him, appearing to ignore the fact that he chose not to answer the Petition. We find that Respondent failed to appreciate the significance of the charges against him and did not

educate himself concerning the applicable disciplinary hearing procedures in Pennsylvania, failing to comprehend, even though the prehearing order explicitly set forth the pertinent information, that he had the opportunity to present witnesses and documents in mitigation, which he did not do. Respondent failed to credibly recognize and take responsibility for his wrongdoing, and made no apologies for his actions, which factors aggravate this matter. See *Office of Disciplinary Counsel v. Joseph Q. Mirarchi*, No. 56 DB 2016 (D. Bd. Rpt. 5/21/2018) (S. Ct. Order 3/18/2019).

Respondent, who has been licensed in Pennsylvania since 2003 with no history of discipline, testified that he experienced personal and professional difficulties as a result of the break-up of his seventeen year marriage to his spouse, with whom he had practiced law. Respondent also indicated he had problems with alcohol consumption and financial issues. Respondent claimed that these issues prevented him from responding to the disciplinary charges against him. Respondent further testified that he has moved past his divorce, developed his own practice separate from his former wife, and has recovered from his self-admitted alcohol problem, yet the record provides no evidence other than Respondent's own testimony that he has remedied the underlying issues. In actuality, the record belies the fact that Respondent is "back on his feet" in a professional capacity, as in addition to the instant proceedings, he is temporarily suspended in New Jersey and facing proceedings before the New Jersey Office of Attorney Ethics based on allegations that he misappropriated entrusted funds.

In determining the appropriate level of discipline, the Court will consider applicable precedent, "being mindful of the need for consistency in the results reached in disciplinary cases so that similar misconduct is not punished in radically different ways." *Office of Disciplinary Counsel v. Robert Lucarini*, 427 A.2d 190 (Pa. 1983). Precedent

provides a benchmark to determine the severity of the misconduct in relation to the discipline, which must then be tailored after consideration of any aggravating and mitigating circumstances.

Respondent's neglect, lack of communication, failure to take steps to protect his client's interest by failing to refund unearned fees, conduct prejudicial to the administration of justice as a result of his failure to abide by the terms of his administrative suspension order, and failure to cooperate with Petitioner by neglecting to respond to Petitioner's three DB-7 requests warrant a one year and one day suspension, in light of the aggravating factors that demonstrate Respondent's lack of fitness to practice law and the paucity of mitigating factors.

Such a sanction has been imposed in similar matters. In the recent matter of ***Office of Disciplinary Counsel v. Douglas Andrew Grannan***, No. 197 DB 2016 (D. Bd. Rpt. 4/3/2019) (S. Ct. Order 7/9/2019), Grannan, who had no prior history of discipline, engaged in misconduct in seven client matters during a two and a half year period that included lack of competence, lack of diligence and lack of communication, failure to return client files, and conduct prejudicial to the administration of justice. Grannan's attempt to defend himself by claiming his clients did not provide documents to him was found to be not credible. Similar to the instant Respondent, Grannan failed to show remorse, failed to demonstrate remedial measures that would prevent his misconduct in the future, and presented no character evidence to mitigate the discipline. The Court suspended Grannan for a period of one year and one day.

In ***Office of Disciplinary Counsel v. Michael Elias Stosic***, No. 65 DB 2016 (D. Bd. Rpt. 6/23/2016) (S. Ct. Order 9/14/2016), Stosic, who had no prior history of discipline, was found in contempt of court in one matter and criminal contempt in two

matters, engaged in a lack of communication in five client matters, and provided false and misleading information on his annual attorney registration form. Similar to the instant Respondent, Stosic did not exhibit remorse, which indicated that the Board found Stosic had not accepted responsibility for his unprofessional actions. The Board determined that Stosic could not remain in practice until he demonstrated that he understood the impact of his misconduct and had taken appropriate steps to change his behavior. The Court suspended Stosic for one year and one day. *See also, Office of Disciplinary Counsel v. Kevin Mark Wray*, No. 19 DB 2017 (S. Ct. Order 7/6/2017) (suspended for one year and one day on consent for neglect, failure to communicate and retention of unearned fees in six matters; criminal contempt in one client matter; prior Informal Admonition).

The primary purpose of the disciplinary system is to protect the public from unfit attorneys and to maintain the integrity of the legal system. *Office of Disciplinary Counsel v. Peter M. Stern*, 526 A.2d 1180, 1186 (Pa. 1987). Herein, Respondent essentially abandoned Ms. Lasher, which resulted in her pharmacist license being revoked and a \$3,000 civil penalty imposed on her without Ms. Lasher having the opportunity to defend herself. Respondent further harmed his client when he failed to return the unearned portion of the fee to her. Respondent harmed Mr. Jones when he failed to promptly withdraw from Mr. Jones' criminal matter after Respondent was transferred to administrative suspension, which ultimately delayed Mr. Jones' trial. Respondent's misconduct in the Jones matter necessitated the expenditure of court resources to issue a rule to show cause and convene a hearing. Respondent failed to appreciate the gravity of his disciplinary proceedings when he failed to respond to Petitioner's DB-7s, failed to respond to the Petition for Discipline, and failed to file a post-hearing brief. Upon this record, the public and the legal system must be protected from

such misconduct; a suspension of one year and one day will fulfill the goals of the disciplinary system by requiring Respondent to undergo the reinstatement process and prove his fitness before he is permitted to resume practice.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Respondent, Adam Luke Brent, be Suspended for one year and one day from the practice of law in this Commonwealth.

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:



P. Brennan Hart, Member

Date: _____