

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2423 Disciplinary Docket No. 3
: :
Petitioner : No. 93 DB 2020
: :
v. : Attorney Registration No. 307526
: :
: (Philadelphia)
: :
FREDERICK SETH LOWENBERG, :
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 16th day of December, 2020, 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, and Frederick Seth Lowenberg is suspended on consent from the Bar of this Commonwealth for a period of three years, consecutive to the effective date of the one-year and one-day suspension ordered by this Court on December 26, 2017. 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 12/16/2020

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL : No. 93 DB 2020
Petitioner :
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 :
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v. : Attorney Registration No. 307526
 :
 :
FREDRICK SETH LOWENBERG :
Respondent : (Philadelphia)

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 Dion G. Rassias, Esq., Hon. Robert L. Repard and Hon. Eugene F. Scanlon, Jr., has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on November 16, 2020.

The Panel approves the Joint Petition consenting to a three year suspension to run consecutively to the one-year-and-one-day suspension ordered by the Court on December 26, 2017, 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.

/s/ Dion G. Rassias
Dion G. Rassias, Esq., Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: 11/23/2020

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
: No. 93 DB 2020
v. :
: Atty. Reg. No. 307526
FREDERICK SETH LOWENBERG, :
Respondent : (Out of State)

JOINT PETITION IN SUPPORT OF DISCIPLINE
ON CONSENT UNDER Pa.R.D.E. 215(d)

Petitioner, Office of Disciplinary Counsel ("ODC"), by Thomas J. Farrell, Chief Disciplinary Counsel, and Harriet R. Brumberg, Disciplinary Counsel, and Respondent, Frederick Seth Lowenberg, and his attorney, Ellen C. Brotman, Esquire, file this Joint Petition In Support of Discipline on Consent under Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 215(d), and respectfully represent that:

I. PARTIES TO DISCIPLINE ON CONSENT

1. ODC, whose principal office is located at PA Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62625, Harrisburg, PA 17106-2625, 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, Frederick Seth Lowenberg, was born in 1979 and admitted to practice law in the Commonwealth on November 30, 2009.

3. Respondent's current attorney registration status is "suspended," as Respondent was suspended for one year and one day by Order dated December 26, 2017. **Office of Disciplinary Counsel v. Frederick Seth Lowenberg**, No. 9 DB 2017, No. 2423 Disciplinary Docket No. 3 (Pa. Supreme Court).

4. Respondent previously maintained an office at 1518 Walnut Street, Suite 1100, Philadelphia, PA 19102; Respondent currently maintains a mailing address in East Meadow, NY 11554.

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.

II. FACTUAL ADMISSIONS AND VIOLATIONS OF RULES OF PROFESSIONAL CONDUCT AND RULES OF DISCIPLINARY ENFORCEMENT.

6. Respondent specifically admits to the truth of the factual allegations and conclusions of law contained in paragraphs 1 through 43 herein.

7. On January 14, 2014, Israel Lebron entered a non-negotiated guilty plea before the Honorable Robert P. Coleman to charges of aggravated assault, graded as a felony of the first degree. **Commonwealth v. Israel Lebron**, No. CP-51-CR-0014447-2012 (Phila. County).

8. On March 13, 2014, Judge Coleman sentenced Lebron to nine to eighteen years of imprisonment, with credit for time served.

9. On February 12, 2015, Lebron retained Respondent to file a direct appeal to the Superior Court for a flat fee of \$2,500.

a. Respondent received \$2,500 for the representation.

10. On February 24, 2015, Respondent filed a Notice of Appeal to the Superior Court, which was docketed by the Superior Court on March 10, 2015. (No. 606 EDA 2015)

11. On June 1, 2015, Respondent filed a Statement of Matters Complained of on Appeal with the Court of Common Pleas.

12. On September 22, 2015, Judge Coleman filed his Opinion.

13. On November 12, 2015, Respondent filed an Application for Extension of Time to File Appellant Brief.

14. By *Per Curiam* Order dated November 13, 2015, the Superior Court granted Respondent's extension request and ordered that Lebron's brief would be due by January 11, 2016.

15. On January 11, 2016, Respondent filed Respondent's second request for an extension of time to file Lebron's brief.

16. By *Per Curiam* Order dated January 12, 2016, the Superior Court:

a. granted Respondent's extension request;

b. ordered that Lebron's brief would be due by February 10, 2016;

- c. ordered that no further extensions would be granted absent extraordinary circumstances; and
- d. warned that counsel's busy schedule would not be considered an extraordinary circumstance.

17. Respondent received the Superior Court's Order.

18. Respondent failed to act with competence and diligence and file Lebron's brief by February 1, 2016.

19. By Order dated March 2, 2016, the Superior Court dismissed Lebron's appeal as a result of Respondent's failure to file a brief.

20. On May 10, 2016, Respondent filed a PCRA Petition and a memorandum of law in support thereof with the Court of Common Pleas of Philadelphia County.

21. In Respondent's Memorandum of Law, Respondent:

- a. admitted he provided ineffective assistance when he failed to file a timely brief with the Superior Court;
- b. stated there was no reasonable basis for his failure to file an appellate brief;
- c. alleged his ineffective assistance of counsel deprived Lebron of his constitutional right to direct appeal; and
- d. requested reinstatement of Lebron's appellate rights.

22. On September 22, 2016, Judge Coleman entered an Order granting Lebron's PCRA petition and reinstating Lebron's direct appeal rights *nunc pro tunc*.

23. Respondent received Judge Coleman's Order.

24. After Judge Coleman reinstated Lebron's appellate rights, Respondent failed to act with competence and diligence and file an appellate brief on behalf of Lebron.

25. Respondent failed to keep Lebron informed of the status of his case and inform Lebron that Respondent failed to file an appellate brief.

26. Respondent engaged in deceit and misrepresentation by omission when Respondent failed to inform Lebron that Respondent had failed to file an appeal from the reinstatement of his appellate rights.

27. From time to time, Lebron and his wife, Rosangelina Palacio Lebron, would contact Respondent requesting court records and legal pleadings regarding Lebron's Superior Court appeal.

28. Respondent failed to provide Lebron or his wife with copies of any court records and legal pleadings.

29. By text messages dated April 10, May 15, June 5, June 6, July 13, August 21, and September 25, 2017, and February 20, 2018, Mrs. Lebron attempted to contact Respondent about the status of her husband's appellate matter.

30. After February 24, 2017, Respondent failed to answer Lebron and his wife's reasonable requests for information.

31. By Supreme Court Order dated December 26, 2017, Respondent was suspended from the practice of law for one year and one day. See ¶ 3, *supra*.

32. Respondent failed to inform Lebron of Respondent's suspension from the practice of law so that Lebron could make an informed decision regarding the representation.

33. Respondent failed to file a Verified Statement of Compliance (DB-25) as mandated by Pa.R.D.E. 217(e)(1).

34. Respondent failed to refund his unearned fee at the termination of the representation.

35. Respondent's misconduct in his handling of Lebron's appellate matter was prejudicial to the administration of justice in that it deprived Lebron of his appellate rights and needlessly expended the limited resources of the criminal justice system.

36. On June 5, 2019, ODC sent to Respondent, via certified mail to Respondent's Attorney Registration address, a DB-7 Request for Statement of Respondent's Position and request for Respondent's client files and financial records in the Israel Lebron matter.

37. On June 24, 2019, ODC received an unsigned certified mail receipt card from the post office, which indicated that the DB-7 Request had been delivered successfully.

38. Respondent failed to submit an Answer to the DB-7 Request.

39. On February 19, 2020, ODC sent to Respondent a DB-7 Request to the East Meadow, New York address that Respondent had provided to the Pennsylvania Lawyers Fund for Client Security Fund.

40. On February 25, 2020, ODC received a certified mail return receipt card signed by "Albert J. Lowenberg," Respondent's father.

41. Respondent received the DB-7 Request.

42. Respondent failed to submit an Answer to the DB-7 Request.

43. By his conduct as alleged in paragraphs 6 through 42 above, Respondent violated the following Rules:

- a. RPC 1.1, which states that a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation;
- b. RPC 1.3, which states that a lawyer shall act with reasonable diligence and promptness in representing a client;
- c. RPC 1.4(a)(3), which states that a lawyer shall keep the client reasonably informed about the status of the matter;
- d. RPC 1.4(a)(4), which states that a lawyer shall promptly comply with reasonable requests for information;
- e. 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;
- f. RPC 1.16(d), which states that 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. The lawyer may retain papers relating to the client to the extent permitted by other law;

- 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;
- 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;
- i. Pa.R.D.E. 203(b)(3), which states that wilful violation of any other provision of the Enforcement Rules shall be grounds for discipline, via:
 - a. Pa.R.D.E. 217(b), which states that 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. The notice to be given to the client shall advise the prompt substitution of another attorney or attorneys in place of the formerly admitted attorney. In the event the client does not obtain substitute counsel before the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status, it shall be the responsibility of the formerly admitted attorney to move in the court or agency in which the proceeding is pending for leave to withdraw. The notice to be given to the attorney or attorneys for an adverse party shall state the place of residence of the client of the formerly admitted attorney. The notice required by this subdivision (b) may be delivered by the most efficient method possible as long as the chosen method is

successful and provides proof of receipt. See Note after subdivision (a) [of Rule 217]. At the time of the filing of the verified statement of compliance required by subdivision (e)(1) of this Rule, the formerly admitted attorney shall file copies of the notices required by this subdivision and proofs of receipt with the Board and shall serve a conforming copy on the Office of Disciplinary Counsel. See D.Bd. Rules § 91.92(b) (relating to filing of copies of notices); and

- b. Pa.R.D.E. 217(e)(1), which states that (1) 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 Board a verified statement and serve a copy on Disciplinary Counsel. In the verified statement, the formerly admitted attorney shall: (i) aver that the provisions of the order and these rules have been fully complied with; (ii) list all other state, federal and administrative jurisdictions to which the formerly admitted attorney is admitted to practice, aver that he or she has fully complied with the notice requirements of paragraph (3) of subdivision (c) of this Rule, and aver that he or she has attached copies of the notices and proofs of receipt required by (c)(3); or, in the alternative, aver that he or she was not admitted to practice in any other tribunal, court, agency or jurisdiction; (iii) aver that he or she has attached copies of the notices required by subdivisions (a), (b), and (c)(1) and (c)(2) of this Rule and proofs of receipt, or, in the alternative, aver that he or she has no clients, third persons to whom a fiduciary duty is owed, or persons with whom the formerly admitted attorney has professional contacts, to so notify; (iv) in cases of disbarment or suspension for a period exceeding one year, aver that he or she has attached his or her attorney registration certificate for the current year, certificate of admission, any

certificate of good standing issued by the Court Prothonotary, and any other certificate required by subdivision (h) of this Rule to be surrendered; or, in the alternative, aver that he or she has attached all such documents within his or her possession, or that he or she is not in possession of any of the certificates required to be surrendered; (v) aver that he or she has complied with the requirements of paragraph (2) of subdivision (d) of this Rule, and aver that he or she has, to the extent practicable, attached proof of compliance, including evidence of the destruction, removal, or abandonment of indicia of Pennsylvania practice; or, in the alternative, aver that he or she neither had nor employed any indicia of Pennsylvania practice; (vi) in cases of disbarment, suspension for a period exceeding one year, temporary suspension under Enforcement Rule 208(f) or 213(g), or disability inactive status under Enforcement Rule 216 or 301, aver that he or she has complied with the requirements of paragraph (3) of subdivision (d) of this Rule, and aver that he or she has attached proof of compliance, including resignation notices, evidence of the closing of accounts, copies of cancelled checks and other instruments demonstrating the proper distribution of client and fiduciary funds, and requests to cancel advertisements and telecommunication listings; or, in the alternative, aver that he or she has no applicable appointments, accounts, funds, advertisements, or telecommunication listings; (vii) aver that he or she has served a copy of the verified statement and its attachments on Disciplinary Counsel; (viii) set forth the residence or other address where communications to such person may thereafter be directed; and (ix) sign the statement. The statement shall contain an averment that all statements contained therein are true and correct to the best of the formerly admitted attorney's knowledge, information and belief, and are made subject to the penalties of 18

Pa.C.S. § 4904 relating to unsworn falsification to authorities; and

- j. 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 the Disciplinary Board Rules, § 87.7(b) for a statement of respondent-attorney's position, shall be grounds for discipline.

III. JOINT RECOMMENDATION FOR DISCIPLINE

44. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a three-year suspension to run consecutively to the one-year-and-one-day suspension ordered by the Court on December 26, 2017. See *Office of Disciplinary Counsel v. Frederick Seth Lowenberg*, No. 9 DB 2017, No. 2423 Disciplinary Docket No. 3.

45. Petitioner and Respondent agree that since Respondent's one-year-and-one-day suspension was imposed by Order dated December 26, 2017, Respondent's suspension commenced on January 25, 2018, and Respondent's consecutive suspension of three years requested herein would commence on January 26, 2019. (December 26, 2017 + 30 days under Pa.R.D.E. 217(d) + one year and one day = January 26, 2019) The additional three-year suspension imposed pursuant to this Joint Petition would run at least until January 26, 2022, at which time Respondent will become eligible for reinstatement pursuant to the provisions of Pa.R.D.E. 218(a) and (c).

46. Respondent hereby consents to the recommended discipline to be imposed by the Supreme Court of Pennsylvania. Attached to this Petition is Respondent's executed Affidavit required by Pa.R.D.E. 215(d), which states that he consents to the recommended discipline and the mandatory acknowledgements contained in Pa.R.D.E. 215(d)(1) through (4).

47. Respondent and ODC respectfully submit that there are the following weighty aggravating factors:

- a. Respondent has a record of discipline for engaging in similar misconduct. Respondent's previous suspension from the practice of law for one year and one day (***Office of Disciplinary Counsel v. Frederick Seth Lowenberg***, No. 9 DB 2017, *supra*) resulted from his engaging in neglect and misrepresentations in one client matter, failing to appear at his Informal Admonition on that matter, and then failing to appear for the resulting disciplinary hearing;
- b. Respondent has a history of not cooperating with ODC and complying with Supreme Court and Disciplinary Board rules;
- c. The Pennsylvania Lawyers Fund for Client Security paid Lebron \$2,500 to reimburse Lebron for Respondent's unearned legal fee;
- d. Respondent has a record of public discipline in New Jersey, where Respondent received: (1) reciprocal discipline of a Public Censure on July 12, 2019; and (2) administrative revocation of his law license for non-payment of fees on August 28, 2017; and
- e. Respondent's misconduct hurt his client, in that it deprived Lebron of his right to direct appeal and delayed the resolution of Lebron's criminal case.

48. Respondent and ODC respectfully submit that there are the following mitigating factors:

- a. Respondent has an opioid addiction, and despite efforts to address his addiction, including inpatient and intensive outpatient programs, had not been able to sustain a solid recovery until the summer of 2020;
- b. Respondent had devoted his legal career to representing underserved and indigent clients, including working at the Defender Association of Philadelphia and Pennsylvania Institutional Law Project; and
- c. by virtue of Respondent's entering into this Joint Petition for Discipline on Consent, Respondent recognizes his wrongdoing.

49. Attorneys who have a record of discipline and subsequently engage in similar misconduct receive substantial public discipline. See, e.g., *Office of Disciplinary Counsel v. Donald L. Vittorelli*, No. 174 DB 2019 (S.Ct. Order 2/28/2020) (on consent) (Vittorelli, who had received an Informal Admonition for his mishandling of one client matter, received an eighteen-month suspension for his subsequent neglect, failure to communicate, failure to refund his unearned fee, and misrepresentations in four unrelated client matters).

50. The Supreme Court often imposes greater public discipline on the recidivist attorney when the attorney also fails to cooperate with ODC's investigation. In *Office of Disciplinary Counsel v. Anthony J. Crane*, No. 85 DB 2013 (S.Ct. Order 1/29/2015) (on consent), the Supreme Court imposed a three-year suspension on

Crane, who had received an Informal Admonition and then failed to: comply with the condition of his Informal Admonition; answer ODC's DB-7 Requests; and provide ODC with requested financial records and client files. The Joint Petition for Discipline on Consent explained that a three-year suspension was necessary to "serve the twin purposes of continuing to protect the unsuspecting public from an attorney who accepts legal fees and then fails to provide legal services, as well as providing Respondent with the opportunity to continue his recovery from Major Depression without the pressures of practicing law." Joint Petition at p. 43. See also *Office of Disciplinary Counsel v. James F. Detwiler*, No. 149 DB 2010, D.Bd. Rpt. 9/16/2011 (S.Ct. Order 1/25/2012) (Supreme Court imposed a three-year suspension on Detwiler, who in addition to engaging in multiple instances of neglect, had received an Informal Admonition, failed to appear for a second Informal Admonition, and failed to appear for his disciplinary hearing). In *Office of Disciplinary Counsel v. Frank J. Lanuti, Jr.*, 19 Pa. D.&C.4th 114 (1993), the Supreme Court imposed a three-year suspension on an attorney with no record of discipline when the attorney, who neglected clients matters, failed to answer the Petition for Discipline (PFD) and failed to participate at his disciplinary hearing. The Disciplinary Board reasoned that Lanuti's "violations of the Rules of Professional Conduct coupled

with his cavalier attitude toward the discipline system mandated a three-year suspension." *Id.* at p. 129.¹

51. Respondent is a recidivist. Respondent engaged in the same pattern of misconduct in the **Lebron** matter as he did in his prior disciplinary matter, which involved Respondent's neglect, failure to communicate, and misrepresentations to his client to conceal the neglect. The **Lebron** matter, however, is more serious in that Respondent engaged in the misconduct during the course of his disciplinary proceeding in the prior disciplinary matter and then Respondent failed to inform Lebron that Respondent had been suspended from the practice of law. It was not until Lebron filed a complaint with ODC about Respondent's lack of communication that Lebron learned that Respondent's attorney's license had been suspended and the Superior Court had dismissed Lebron's direct appeal.

52. Respondent, like attorneys Crane, Detwiler, and Lanuti, has engaged in neglectful conduct and conduct demonstrating disrespect for the attorney disciplinary system. In this matter,

¹ See also *Office of Disciplinary Counsel v. Mario Sausville-Macias*, No. 113 DB 2016, D.Bd. Rpt. 5/24/2019 (S.Ct. Order 7/25/2019). Sausville-Macias, who had received an indefinite suspension from the Board of Immigration Appeals, subsequently neglected one immigration court matter and then failed to: answer ODC's DB-7 Request; appear for his Public Reprimand on the neglect matter; and answer the PFD. The Disciplinary Board rejected the Hearing Committee's recommendation of a one-year-and-one day suspension and recommended a two-year suspension, finding Sausville-Macias's conduct demonstrated a "categorical disregard for his clients and lack of respect of the courts and disciplinary system." (D.Bd. Rpt. at p. 18). The Supreme Court agreed with the Disciplinary Board's recommendation and entered an order suspending Sausville-Macias for two years.

Respondent failed to: answer the DB-7 Request, as required by Pa.R.D.E. 203(b)(7) and D.Bd. Rules § 87.7(b)(2); answer the petition for discipline, as required by Pa.R.D.E. 208(b)(3) and D.Bd. Rules § 89.54(a); and file a Statement of Compliance after he was suspended, as required by Pa.R.D.E. 217(e)(1) and D.Bd. Rules § 91.96. As was the case with attorney Crane, Respondent also continues to suffer from a serious mental health condition. Sadly, Respondent has a long-standing opioid addiction, and until very recently, was not able to sustain continuous sobriety. As was also the case with attorney Crane, Respondent's receipt of a three-year suspension would be appropriate because a suspension of that length would "serve the twin purposes of continuing to protect the unsuspecting public from an attorney who accepts legal fees and then fails to provide legal services, as well as providing Respondent with the opportunity to continue his recovery" without the additional pressures of practicing law. See **Crane**, *supra*, Joint Petition at p. 43.

53. Accordingly, Disciplinary Counsel and Respondent agree to Respondent's receipt of a three-year suspension to run consecutively to the one-year-and-one-day suspension ordered by the Court on December 26, 2017.

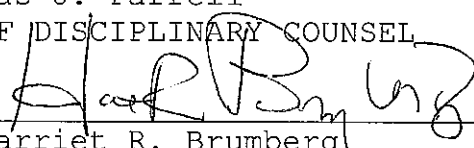
WHEREFORE, Petitioner and Respondent respectfully request that:

- a. Pursuant to Pa.R.D.E. 215(e) and 215(g), the three-member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and recommend to the Court that the Court enter an Order that Respondent receive a three-year suspension, to run consecutive to the one-year-and-one-day suspension imposed by the Court by Order dated December 26, 2017, at No. 2423 Disciplinary Docket No. 3, said three-year suspension to commence on January 26, 2019; and
- b. Pursuant to Pa.R.D.E. 215(i), the three-member panel of the Disciplinary Board enter an Order for Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter, and that under Pa.R.D.E. 208(g)(1), all expenses be paid by Respondent within 30 days after notice transmitted to the Respondent of taxed expenses.

Respectfully and jointly submitted,
OFFICE OF DISCIPLINARY COUNSEL

Thomas J. Farrell
CHIEF DISCIPLINARY COUNSEL

By


Harriet R. Brumberg
Disciplinary Counsel

11/13/2020

Date

suspension, to run consecutive to the one-year-and-one-day suspension imposed by the Court by Order dated December 26, 2017, at No. 2423 Disciplinary Docket No. 3, said three-year suspension to commence on January 26, 2019; and

- b. Pursuant to Pa.R.D.E. 215(i), the three-member panel of the Disciplinary Board enter an Order for Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter, and that under Pa.R.D.E. 208(g)(1), all expenses be paid by Respondent within 30 days after notice transmitted to the Respondent of taxed expenses.

Respectfully and jointly submitted,
OFFICE OF DISCIPLINARY COUNSEL

Thomas J. Farrell
CHIEF DISCIPLINARY COUNSEL

11/13/2020
Date

By Harriet R. Brumberg
Harriet R. Brumberg
Disciplinary Counsel

11/13/20
Date

By Frederick Seth Lowenberg
Frederick Seth Lowenberg
Respondent

11/13/20
Date

By Ellen C. Brotman
Ellen C. Brotman, Esquire
Attorney for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
: No. 93 DB 2020
v. :
: Atty. Reg. No. 307526
FREDERICK SETH LOWENBERG, :
Respondent : (Out of State)

VERIFICATION

The statements contained in the foregoing Joint Petition
In Support Of Discipline On Consent Under Pa.R.D.E. 215(d)
are true and correct to the best of our knowledge or
information and belief and are made subject to the penalties
of 18 Pa.C.S. § 4904, relating to unsworn falsification to
authorities.

11/13/2020
Date

Harriet R. Brumberg
Harriet R. Brumberg
Disciplinary Counsel

11/13/20
Date

Frederick Seth Lowenberg
Frederick Seth Lowenberg
Respondent

11/13/20
Date

Ellen C. Brotman
Ellen C. Brotman, Esquire
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
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: Atty. Reg. No. 307526
FREDERICK SETH LOWENBERG, :
Respondent : (Out of State)

AFFIDAVIT UNDER RULE 215(d), Pa.R.D.E.


Respondent, Frederick Seth Lowenberg, hereby states that he consents to the imposition of a three-year suspension, to run consecutive to the one-year-and-one-day suspension imposed by Order dated December 26, 2017 and docketed at No. 2423 Disciplinary Docket No. 3, said three-year suspension to commence on January 26, 2019, and further states that:

1. His consent is freely and voluntarily rendered; 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 Ellen C. Brotman, Esquire, 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; and

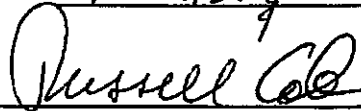
4. He knows that if the charges continued to be prosecuted in the pending proceeding, he could not successfully defend against them.



Frederick Seth Lowenberg
Respondent

Sworn to and subscribed

before me this 13
day of November, 2020.



Notary Public

RUSSELL D. COHEN
Notary Public, State of New York
Qualified in Nassau County
No. 01CO8249590
Commission Expires October 11, 2023