

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2712 Disciplinary Docket No. 3
 :
 Petitioner : No. 3 DB 2020
 :
 : Attorney Registration No. 85846
 v. :
 : (Philadelphia)
 :
 JOHN LOUIS KLEBER, III, :
 :
 Respondent :

ORDER

PER CURIAM

AND NOW, this 2nd day of April, 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 John Louis Kleber, III, is suspended on consent 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. See Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 04/02/2020


Attest:
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

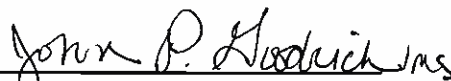
OFFICE OF DISCIPLINARY COUNSEL :
Petitioner :
v. : No. 3 DB 2020
JOHN LOUIS KLEBER, III : Attorney Registration No. 85846
Respondent : (Philadelphia)

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 John P. Goodrich, Dion G. Rassias, and Robert L. Repard, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on March 4, 2020.

The Panel approves the Joint Petition consenting to a suspension for a period of one year and one day, 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.


John P. Goodrich, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: 3/13/2020

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 3 DB 2020
Petitioner :
 :
v. : Attorney Reg. No. 85846
 :
JOHN LOUIS KLEBER, III :
Respondent : (Philadelphia)

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

Petitioner, the Office of Disciplinary Counsel (hereinafter, "ODC") by Thomas J. Farrell, Chief Disciplinary Counsel, and Mark Gilson, Disciplinary Counsel and John Louis Kleber, III, (hereinafter "Respondent"), respectfully petition the Disciplinary Board in support of discipline on consent, pursuant to Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 215(d), and in support thereof state:

1. Petitioner, whose principal office is situated at Office of Chief Disciplinary Counsel, Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania 17106, 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 the aforesaid Enforcement Rules.

FILED
03/04/2020
The Disciplinary Board of the
Supreme Court of Pennsylvania

2. Respondent was born on September 18, 1970, and was admitted to practice law in the Commonwealth of Pennsylvania on October 23, 2000.

3. Respondent's registration address is 9231 Frankford Avenue, Philadelphia, PA 19114. Respondent's current mailing address is 609 Crescent Street, Langhorne, PA 19047.

4. By Order dated September 17, 2018, effective October 17, 2018, the Pennsylvania Supreme Court administratively suspended Respondent for failing to pay his annual attorney registration fee.

5. Respondent remains administratively suspended.

6. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

SPECIFIC FACTUAL ALLEGATIONS ADMITTED

I. The Berger Estate (ODC No. C1-19-740)

7. On August 28, 2015, Mr. Henry Eugene Berger died in Philadelphia intestate and without a will.

8. On or about September 16, 2015, Mr. Berger's son, Mr. Leonard R. Pryor, and daughter, Ms. Tyra Moore, consulted Respondent for assistance in opening and administrating their father's estate ("the Berger Estate").

9. On or about November 6, 2015, Mr. Pryor and Ms. Moore retained Respondent, signed a written fee agreement, and agreed to pay him either "a commission of roughly five percent (5%) of the gross estate," or a minimum commission of \$4,000.

10. Under the terms of the fee agreement, Respondent expressly agreed to: probate the estate; file a petition with the Register of Wills; advertise the estate; collect, appraise and disburse estate assets; pay estate expenses; file an inheritance tax return; prepare an informal accounting for the heirs; and reimburse Mr. Pryor for "initial attorney's fees if I am appointed administrator."

11. Mr. Pryor paid Respondent's \$4,000 fee in full.

12. Respondent failed to open an estate with the Philadelphia Register of Wills Office ("Register's Office") for nearly two years from the date he was initially retained.

13. On or about October 27, 2017, Respondent filed a Petition for Grant of Letters with the Register's Office and obtained Letters of Administration authorizing him to act as the personal representative for the Berger Estate.

14. Thereafter, Respondent failed to: advertise the estate; notify the beneficiaries; file an inheritance tax return; pay the inheritance tax; prepare an informal accounting for the heirs; file an inventory of estate assets or status of estate administration with the Register's Office; and complete the administration of the Berger Estate.

15. Respondent's failure to timely pay the estate inheritance tax caused the Berger Estate to forfeit an entitlement to claim a

pre-payment discount of 5% on the tax due, and will require payment of additional interest charges upon the filing of the tax return.

16. By letter dated September 24, 2019, addressed to Respondent and mailed to his home address, 609 Crescent Street, Langhorne, Pa 19047, Mr. Pryor requested information regarding the status of Respondent's administration of the Berger Estate, and a detailed accounting for the work performed and attorney's fees.

17. Respondent failed to respond to Mr. Pryor's request for information or provide an accounting.

II. The Wojciechowski Estate (ODC No. C1-19-844)

18. On March 30, 2014, Mr. Peter Wojciechowski died in Philadelphia intestate and without a will.

19. On May 14, 2014, Mr. Wojciechowski's son, Mr. Peter Wojciechowski, and daughter, Ms. Dana Wojciechowski (hereinafter, collectively referred to as "the clients"), retained Respondent to assist them in administering their father's estate ("the Wojciechowski Estate"), signed a written fee agreement, and agreed to pay Respondent a fee of \$2,600.

20. On October 10, 2014, Respondent filed a Petition for Grant of Letters with the Register's Office and obtained Letters of Administration authorizing him to act as the personal representative for the Wojciechowski Estate.

21. Respondent did not file the inheritance tax return or pay the inheritance tax for the Wojciechowski Estate until October 19, 2018, over 53 months after the date he was retained.

22. Respondent's failure to timely pay the inheritance tax caused the Wojciechowski Estate to forfeit an entitlement to claim a pre-payment discount of 5% on the tax due, and pay interest in the amount of \$403.

23. In the inheritance tax return, Respondent identified two separate payments to himself of: 1) \$2,599 for "Personal Representative Commission"; and 2) \$5,700 for "Attorney's Fees."

24. Respondent charged, collected and paid himself a total of \$8,299 in fees from the assets of the Wojciechowski Estate.

25. The \$8,299 in total fees Respondent charged, collected and paid himself was more than the \$2,600 fee Respondent agreed to charge the clients in the fee agreement.

26. The total fee Respondent charged, collected and paid himself was taken without the knowledge, agreement, authorization, consent or approval of the clients.

27. During the course of administering the Wojciechowski Estate, Respondent filed and successfully litigated a motion to enforce a 2009 court order awarding \$32,000 to Mr. Wojciechowski from his ex-wife in settlement of a divorce action.

28. Respondent maintains the additional fees he charged the clients were related to litigation required to recover estate assets, and are reasonable.

29. By emails dated December 5 and December 7, 2018, and March 12, 2019, sent to Respondent's email address, johnkleeber2003@yahoo.com, the clients requested Respondent provide an explanation and accounting for the fees he charged and collected from the Wojciechowski Estate.

30. Respondent failed to provide an explanation, invoice, billing statement, or accounting for the fees he charged, collected and paid himself.

31. On February 12, 2015, Respondent:

- a. opened a business checking account for the Wojciechowski Estate with Citizens Bank, account no. xxxxxx-307-5 ("estate checking account"); and
- b. deposited \$24,344.93 in estate funds into the account.

32. It was Citizens Bank's policy to charge a monthly account maintenance fee of \$9.99 if the average daily balance in the estate checking account fell below \$2,000 for a statement period.

33. After distributing the bulk of the Wojciechowski Estate assets to the beneficiaries, Respondent failed to maintain an average daily balance of \$2,000 in the estate checking account for

at least 23 separate statement periods causing the Wojciechowski Estate to incur and pay over \$230 in account maintenance fees.

34. By email dated December 1, 2018, sent by Respondent to Ms. Wojciechowski's email, dwojciechowski@holts.com, Respondent identified a "Balance for Distribution" of \$115 remaining in the estate checking account, and promised to distribute the remaining funds to the clients.

35. Respondent failed to make final distribution of the remaining funds in the estate checking account to the clients, and instead, allowed the funds to become fully depleted by the bank's monthly maintenance fee charges.

36. Respondent neglected his fiduciary duty to preserve and protect the Wojciechowski Estate assets.

III. The O'Connell Estate (ODC No. C1-19-1045)

37. On March 27, 1977, Mr. John D. O'Connell died in Philadelphia with a last will and testament.

38. The *Last Will and Testament of John D. O'Connell* ("the O'Connell Will"):

a. bequeathed his house located at 2306 Amber Street, Philadelphia, PA 19125 ("the Amber Street house") to his two youngest children, Mr. Daniel and Ms. Cynthia O'Connell, in equal shares to be used as their home until Ms. O'Connell reached age 18, at which time "disposition of the house shall be in accordance with the wishes of Daniel and Cindy"; and

b. appointed his daughter, Ms. Linda Conway, to serve as executrix for his estate ("the O'Connell Estate").

39. Shortly after her father's death, Ms. Conway retained John J. Poserina, Esquire, to assist her in administering the O'Connell Estate.

40. On or about December 2, 1977, Mr. Poserina submitted the O'Connell's Will and a Petition for Probate and Letters Testamentary to the Register's Office.

41. On or about December 8, 1977, the O'Connell Will was accepted for probate by the Register's Office, and Letters Testamentary were issued to Ms. Conway.

42. On or about September 14, 2015, Ms. Conway and Ms. O'Connell (hereinafter referred to as "the clients") retained Respondent to assist Ms. O'Connell in obtaining her share of her father's estate, consisting of her interest in the Amber Street house, as provided for in the O'Connell will.

43. Respondent charged the clients a retainer of \$1,000.

44. Respondent failed to provide the clients a written fee agreement.

45. Respondent instructed Ms. Conway to pay his fee by providing him with a check for \$1,000 made payable to Respondent's wife, Ms. Patricia Kleber.

46. Ms. Conway provided Respondent with check no. 231, drawn on her account with Mauch Chunk Trust Company in the amount of

\$1,000, made payable to "Patricia Kleber," as payment for Respondent's attorney's fee.

47. Respondent failed to obtain Ms. Conway's informed consent, confirmed in writing, to deposit her funds into an account that was not a trust account.

48. Between February 25, 2016, and November 4, 2019, Ms. Conway made repeated, multiple attempts to contact Respondent by telephone and email requesting information regarding the status of her legal matter.

49. Respondent failed to respond to many, if not most, of Ms. Conway's requests for information.

50. In or about June 2019, Respondent attempted to open an estate with the Register's Office and have himself appointed administrator for the O'Connell Estate.

51. When she retained Respondent in 2015, Ms. Conway provided Respondent a copy of the O'Connell Will and informed him that Mr. Poserina submitted her father's will for probate, opened an estate, and obtained Letters Testamentary for Ms. Conway from the Register's Office in 1977.

52. Respondent failed to exercise reasonably necessary thoroughness, preparation, diligence or competence to represent his clients in this matter.

53. By letter dated January 6, 2020, addressed to Respondent and sent to his home address as noted above, Ms. Conway discharged

Respondent and requested that he return all documents she provided him and refund the \$1,000 she paid him in attorney's fees.

54. Respondent failed to respond, return any documents, or issue a refund to Ms. Conway.

IV. Respondent's failure to comply with Pa.R.D.E. 217 & 219 and unauthorized practice of law

55. By Order dated September 17, 2018, effective October 17, 2018, the Pennsylvania Supreme Court administratively suspended Respondent for failing to file the 2018-2019 PA ATTORNEY'S ANNUAL FEE FORM ("fee form") and pay the annual fee.

56. By letter dated September 17, 2018, Suzanne E. Price, Attorney Registrar for the Attorney Registration Office of the Disciplinary Board, served Respondent with a copy of the administrative suspension Order and informed Respondent of his obligation to file a Statement of Compliance as required by Pa.R.D.E. 217(e)(1).

57. Respondent failed to file a Statement of Compliance.

58. Following the date of the suspension Order, and during the period of his administrative suspension, Respondent repeatedly engaged in the unauthorized practice of law, to wit:

a. On October 11, 2018, Respondent initiated new litigation related to his administration of the Berger Estate by filing and litigating an action to quiet title in the Philadelphia Court of Common Pleas under caption: *Estate of*

Henry Berger by Administrator John L. Kleber, Esq. v. Greene Investment Management, LLC, case no. 181001430;

b. On December 11, 2018, Respondent filed and litigated another action to quiet title in the Berger Estate matter by filing a complaint in the Philadelphia Court of Common Pleas under caption: *Estate of Henry Berger by Administrator John L. Kleber, Esq. v. Montgomery Street Realty, LLC*, case no. 181201107; and

c. On October 19, 2018, Respondent filed the inheritance tax return for the Wojciechowski Estate with the Register's Office, and identified himself on the tax return as "John L. Kleber, Esq., Admin. Of Estate," and provided his law firm's address.

59. During the period of his administrative suspension, Respondent continued to engage with his clients and third parties as counsel representing the Berger, Wojciechowski and O'Connell Estates.

60. Respondent failed to notify or inform the courts, opposing counsel, third parties, and his clients of his administrative suspension status.

61. On his fee form, Respondent listed his office and mailing address as 9231 Frankford Avenue, Philadelphia PA 19114.

62. At some point in 2018, Respondent closed his law office and failed to notify the Attorney Registration Office of the change

in information previously provided on his fee form as required by Pa.R.D.E. 219(d)(3).

63. Respondent failed to notify his clients that he had closed his law office, and continued to use stationery identifying his office address in correspondence; to wit, "Law Office of John L. Kleber, 9231 Frankford Avenue, Philadelphia PA 19114" was the letterhead used on correspondence dated February 4, 2020, addressed to Mr. Pryor and provided by Respondent.

V. Respondent's failure to respond to ODC's DB-7 Request for Statement of Respondent's Position Letters and Petition for Discipline

A. The Berger Estate (ODC No. C1-19-740)

64. On September 26, 2019, ODC sent Respondent, via certified mail, return receipt requested, a DB-7 Request for Statement of Respondent's Position Letter ("DB-7 letter") in regards to ODC complaint no. C1-19-740 to Respondent's home address.

65. On October 23, 2019, the DB-7 letter was returned to ODC by the United States Postal Service ("USPS") marked "unclaimed."

66. On September 27, 2019, ODC emailed a copy of the DB-7 letter to Respondent's email as noted above, and received internal confirmation of email delivery.

67. On October 28, 2019, ODC mailed a copy of the DB-7 letter via regular mail to Respondent's home address.

68. Respondent received the DB-7 letter.

69. Respondent failed to provide a response as required by D.Bd. Rule § 87.2(b)(2).

B. The Wojciechowski Estate (ODC No. C1-19-844)

70. On October 29, 2019, ODC sent Respondent, via certified mail, return receipt requested, and regular mail a DB-7 letter in regards to ODC complaint no. C1-19-844 to Respondent's home address.

71. On December 2, 2019, the DB-7 letter sent via certified mail was returned to ODC by USPS marked "unclaimed."

72. On December 3, 2019, ODC emailed a copy of the DB-7 letter to Respondent's email address.

73. By email dated December 7, 2019, Respondent replied to ODC's email and requested an additional period of time to respond to the DB-7 letter.

74. By email dated December 9, 2019, ODC replied to Respondent and granted him an additional 10 days to provide a response to the DB-7 letter.

75. Respondent failed to provide a response as required by D.Bd. Rule § 87.2(b)(2).

C. The O'Connell Estate (ODC No. C1-19-1045)

76. On January 10, 2020, ODC sent Respondent via certified mail, return receipt requested, and regular mail a DB-7 letter in regards to ODC complaint no. C1-19-1045 to Respondent's home address.

77. On January 14, 2020, ODC received from USPS a green, return receipt card signed by Respondent confirming delivery of the DB-7.

78. Respondent failed to provide a response as required by D.Bd. Rule § 87.2(b) (2).

D. Petition for Discipline

79. On January 6, 2020, ODC filed a Petition for Discipline with The Disciplinary Board of the Supreme Court of Pennsylvania.

80. On January 13, 2020, ODC Investigator Ted A. Bugda personally served Respondent with a copy of the Petition for Discipline.

81. Respondent failed to file an Answer as required by Pa.R.D.E. 208(b) (3).

VIOLATIONS OF THE RULES OF PROFESSIONAL CONDUCT
AND THE RULES OF DISCIPLINARY ENFORCEMENT

82. By his conduct as set forth in paragraphs 7 through 81, 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)(1), which states that a lawyer shall promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined by Rule 1.0(e), is required by these Rules;
- d. RPC 1.4(a)(3), which states that a lawyer shall keep the client reasonably informed about the status of the matter;
- e. RPC 1.4(a)(4), which requires a lawyer to promptly comply with reasonable requests for information from the client;
- f. RPC 1.5(b), which states that when the lawyer has not regularly represented the client, the basis or rate of the legal fee shall be communicated to the client, in writing, before or within a reasonable time after commencing representation;
- g. RPC 1.15(b), which states, in pertinent part, that a lawyer shall hold and appropriately safeguard all Rule 1.15 Funds;
- h. RPC 1.15(e), which states, in pertinent part, that except as stated in this Rule or otherwise

permitted by law or by agreement with the client or third person, 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;

- i. RPC 1.15(i), which states that a lawyer shall deposit into a Trust Account legal fees and expenses that have not been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred, unless the client gives informed consent, confirmed in writing, to the handling of fees and expenses in a different manner;
- j. RPC 1.16(a)(2), which states that a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if the lawyer's physical or mental condition materially impairs the lawyers ability to represent the client;
- k. RPC 1.16(d), which states, in pertinent part, that upon termination of representation, a lawyer shall take steps necessary to the extent reasonably

practicable to protect a client's interests, such as 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;

- l. 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;
- m. RPC 5.5(b)(2), which states that a lawyer who is not permitted to practice in this jurisdiction shall not hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction;
- n. RPC 8.4(c), which states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- o. 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;
- p. Pa.R.D.E. 217(a); 217(b); 217(c)(1), (c)(2), (c)(3); 217(d)(1), (d)(2); and 217(e)(1) which collectively state that a "formerly admitted attorney" is required to promptly notify all

clients, heirs, beneficiaries, courts, opposing counsel and other persons with whom he may have professional contacts of their administrative suspension status; disengage from the practice of law; refrain from engaging as an attorney for another in any new case or legal matter; cease and desist from using all forms of communication that expressly or impliedly convey eligibility to practice law; and file with the Secretary of the Board a verified statement of compliance with all of the enumerated requirements of Rule 217 within 10 days of the administrative suspension;

- q. Pa.R.D.E. 219(d)(3), which requires, in pertinent part, every attorney who has filed a fee form to notify the Attorney Registration Office in writing of any change in information previously submitted within 30 days after such change;
- r. Pa.R.D.E. 203(b)(7), which states that the failure by a respondent-attorney without good cause shown to respond to a DB-7 Request for Statement of Respondent's Position under Disciplinary Rule § 87.7(b) shall be grounds for discipline.

JOINT RECOMMENDATION FOR DISCIPLINE OF
A ONE YEAR AND ONE DAY SUSPENSION

Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent is a suspension of one year and one day. Respondent asserts that he suffers from alcoholism, morbid obesity causing him various health and physical problems, and other undiagnosed mental and emotional issues that impacted his ability to practice law. Although he has not produced an expert report or evidence meeting the standard of *Braun* mitigation, ODC has confirmed Respondent's representations through other sources.¹ Respondent's alcoholism, other personal issues and fitness to practice can be fully explored by another hearing committee in the event Respondent files a petition for reinstatement from a suspension of one year and one day.

Respondent consents to the discipline being imposed upon him by the Supreme Court of Pennsylvania. Attached to this Petition as Exhibit A is Respondent's executed Affidavit required by Pa.R.D.E. 215(d)(1) through (4). In support of the Joint Petition, the parties respectfully submit the following mitigating circumstances are present:

- a) Respondent acknowledges, admits, and accepts responsibility for his wrongdoing and is remorseful;

¹ See *Office of Disciplinary Counsel v. Braun*, 520 PA. 157, 553 A2d 894 (1989).

- b) During the relevant time period, Respondent suffered from alcoholism, poor health, and mental, emotional and personal issues; and
- c) Respondent has no history of discipline.

The parties believe, and therefore aver, that their recommendation for a suspension of one year and one day is consistent with the range of sanctions imposed in similar cases involving the unauthorized practice of law while on administrative suspension status; lack of diligence, competence and communication in the representation of clients; and failure to respond to ODC's inquiries or cooperate with a disciplinary investigation.

Disciplinary case law in similar matters shows that attorneys who engage in the unauthorized practice of law generally receive a suspension of at least one year and one day. The Supreme Court has considered several instances of lawyers practicing while on inactive status, and has established a line of cases indicating that the appropriate sanction for such conduct is a suspension for one year and one day. **Office of Disciplinary Counsel v. Sharon Goldin-Didinsky**, 87 DB 2003, D.Bd. Rpt. 8/27/04 (S.Ct. Order 12/13/04) (respondent suspended for one year and one day for engaging in unauthorized practice of law while on inactive status); **Office of Disciplinary Counsel v. Harry Curtis Forrest, Jr.**, 134 DB 2003, D.Bd. Rpt. 12/30/04 (S.Ct. Order 3/24/05) (one year and one day suspension for respondent's unauthorized practice while on

inactive status); **Office of Disciplinary Counsel v. Nathaniel M. Davis**, 71 DB 2005, D.Bd. Rpt. 5/11/06 (S.Ct. Order 8/22/06) (one year and one day suspension for respondent's unauthorized practice while on inactive status); **Accord Office of Disciplinary Counsel v. Joel H. Cavadel**, 176 DB 2006 and 5 DB 2007, D.Bd. Rpt. 8/30/07 at p. 15 (S.Ct. Order 3/12/08) ("In numerous cases of the unauthorized practice of law, a suspension of one year and one day has been handed down, reflecting the Court's position that practicing law without a license is a serious act of professional misconduct." (citing cases)).

Likewise, attorneys who demonstrate incompetence, lack of diligence, and neglect in multiple client matters, or fail to cooperate in disciplinary investigations often face serious disciplinary consequences. **Office of Disciplinary Counsel v. Michael Elias Stosic**, 65 DB 2015, D.Bd. Rpt. 6/23/16 (S.Ct. Order 9/14/16) (respondent suspended for one year and one day for failing to provide competent representation and communicate in five client matters); **Office of Disciplinary Counsel v. Kevin Mark Wray**, 19 DB 2017 (S.Ct. Order 7/6/17) (Supreme Court accepted the joint petition for respondent's one year and one day suspension on consent for failing to provide competent representation and communicate in six client matters); **Office of Disciplinary Counsel v. Robert B. MacIntyre**, 104 DB 2018 (S.Ct. Order 11/2/18) (Supreme Court granted

the joint consent petition for respondent's one year and one day suspension for failing to communicate and act with diligence in two client matters; and failing to respond to a DB-7 letter); **Office of Disciplinary Counsel v. Michael P. Halcovage**, 93 DB 2017 (S.Ct. Order 1/5/18) (Supreme Court accepted the joint petition for respondent's one year and one day suspension on consent for neglect of a client matter; and failure to respond to ODC's inquiries); **Office of Disciplinary Counsel v. Michael J. Viscuso**, 108 DB 2016 (S.Ct. Order 4/27/17) (Supreme Court granted joint consent petition for respondent's one year and one day suspension for failing to satisfy a client's settlement obligation; failing to communicate; and failing to respond to DB-7 letter); and **Office of Disciplinary Counsel v. Perry Lynn Flaugh**, 112 DB 2015 (D. Bd. Rpt. 6/15/16) (S.Ct. Order 8/12/16) (respondent suspended one year and one day for lack of diligence and communication in representing client over a period of eight years; abandonment of client; mishandling of client's funds; and misrepresentation to ODC).

A suspension of one year and one day requires Respondent to prove his fitness at a reinstatement hearing to return to the practice of law, addresses the seriousness of the misconduct, protects the public, meets the goals of the disciplinary system, and should deter Respondent from the commission of future misconduct.

WHEREFORE, Petitioner and Respondent respectfully request,

conform to Rules 215(e) and 215(g)(2), that a three-member panel of the Disciplinary Board:

- a) Review and approve this Joint Petition in Support of Discipline; and
- b) File a recommendation for a suspension of one year and one day and this Petition with the Supreme Court of Pennsylvania.

Respectfully submitted,


OFFICE OF DISCIPLINARY COUNSEL

Thomas J. Farrell
Chief Disciplinary Counsel
Attorney Reg. No. 48976

3/2/20

Date

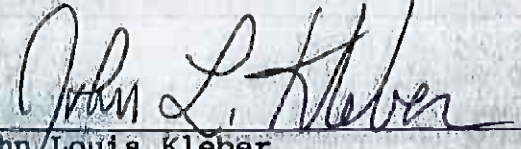
By:


Mark Gilson, Esquire
Disciplinary Counsel
Attorney Reg. No. 46400
District I Office
1601 Market Street, Suite 3320
Philadelphia, PA 19103
(215) 560-6296

3/4/20

Date

By:


John Louis Kleber
Respondent
Attorney Reg. No. 85846

EXHIBIT

A

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 3 DB 2020
Petitioner	:	
	:	
v.	:	Attorney Reg. No. 85846
	:	
JOHN LOUIS KLEBER, III	:	
Respondent	:	(Philadelphia)

RESPONDENT'S AFFIDAVIT UNDER RULE 215(d) OF THE
PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

I, John Louis Kleber, III, Respondent in the above-captioned matter, hereby consent to the imposition of a suspension of one year and one day, as jointly recommended by the Petitioner, Office of Disciplinary Counsel, and myself, in a Joint Petition in Support of Discipline on Consent, and further state:

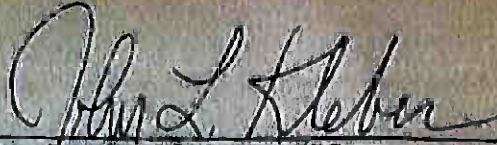
1. My consent is freely and voluntarily rendered; I am not being subjected to coercion or duress; I am fully aware of the implications of submitting the consent;

2. I am aware there is presently an investigation into allegations that I have been guilty of misconduct as set forth in the Joint Petition;

3. I acknowledge that the material facts set forth in the Joint Petition are true;

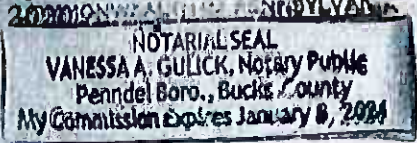
4. I consent because I know that if the charges against me were prosecuted I could not successfully defend against them; and

5. I acknowledge that I am fully aware of my right to consult and employ counsel to represent me in the instant proceeding. I have not retained, consulted and acted upon the advice of counsel in connection with this decision to execute the within Joint Petition.



John Louis Kleber, III
Respondent
Attorney Reg. No. 85846

Sworn to and Subscribed
before me this 04 day
of March, 2020




Notary Public

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

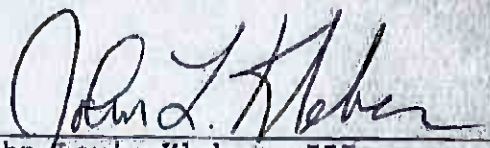
3/2/20

Date


Mark Gilson, Esquire
Disciplinary Counsel
Attorney Reg. No. 46400
District I Office
1601 Market Street, Suite 3320
Philadelphia, PA 19103
(215) 560-6296

3/4/20

Date


John Louis Kleber, III
Respondent
Attorney Reg. No. 85846

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 3 DB 2020
Petitioner :
 :
v. : Attorney Reg. No. 85846
 :
JOHN LOUIS KLEBER, III :
Respondent : (Philadelphia)

ORDER

PER CURIAM:

AND NOW, this _____ day of _____, 2020, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated _____, 2020, the Joint Petition in Support of Discipline on Consent is hereby granted pursuant to Rule 215(g), and it is

ORDERED that John Louis Kleber, III, is suspended on consent from the Bar of this Commonwealth for a period of one year and one day, and he shall comply with all the provisions of Pa.R.D.E. 217.

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 3 DB 2020
Petitioner :
 :
v. : Attorney Reg. No. 85846
 :
JOHN LOUIS KLEBER, III :
Respondent : (Philadelphia)

CERTIFICATE OF SERVICE

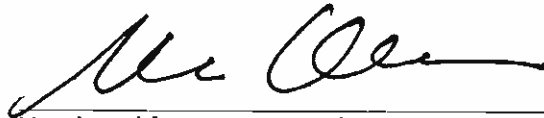
I hereby certify that I am this day serving the foregoing documents upon the persons and in the manner indicated below which service satisfied the requirements of Pa.R.A.P. 121 as follows:

Service by First-Class Mail

John Louis Kleber, III
609 Crescent Street
Langhorne, PA 19047

3/4/20

Date



Mark Gilson, Esquire
Disciplinary Counsel
Attorney Reg. No. 46400
District I Office
1601 Market Street, Suite 3320
Philadelphia, PA 19103
(215) 560-6296

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Office of Disciplinary Counsel

Signature:  _____

Name: Mark F. Gilson, Disciplinary Counsel

Attorney No.: 46400