

IN THE SUPREME COURT OF PENNSYLVANIA

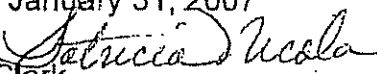
OFFICE OF DISCIPLINARY COUNSEL, : No. 1100 Disciplinary Docket No. 3
Petitioner :
v. : No. 94 DB 2005
DANIEL H. GLAMMER, : Attorney Registration No. 56261
Respondent : (Montgomery County)

ORDER

PER CURIAM:

AND NOW, this 31st day of January, 2007, a Rule pursuant to Rule 208(h), Pa.R.D.E., having been entered upon respondent by this Court on January 9, 2007, to show cause why the Order of this Court dated January 24, 2006 should not be modified as set forth in the Petition to Revoke Probation, and no response having been filed, it is hereby

ORDERED that the Rule is made absolute; respondent is suspended from the Bar of this Commonwealth for a period of one year; and he shall comply with all the provisions of Rule 217, Pa.R.D.E. It is further ORDERED that respondent shall pay the expenses incurred as a result of the probation revocation proceedings pursuant to Rule 208(j), Pa.R.D.E.

A True Copy Patricia Nicola
As of: January 31, 2007
Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 1100 Disciplinary Docket
Petitioner	:	No. 3 - Supreme Court
	:	
v.	:	No. 94 DB 2005 - Disciplinary Board
	:	
DANIEL H. GLAMMER,	:	Attorney Registration No. 56261
Respondent	:	(Montgomery County)

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(h) 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 Petition to Revoke Probation filed by Petitioner, Office of Disciplinary Counsel.

I. HISTORY OF PROCEEDINGS

By Order of January 24, 2006, the Supreme Court of Pennsylvania granted a Joint Petition in Support of Discipline on Consent and directed that Respondent, Daniel H. Glammer, be suspended from the practice of law in Pennsylvania for a period of one year.

The Order further directed that the suspension be stayed in its entirety and that Respondent be placed on probation for a period of two years subject to conditions, which included selecting a practice monitor and treating with a psychologist.

Petitioner, Office of Disciplinary Counsel, filed a Petition to Revoke Probation on October 10, 2006, pursuant to Rule 208(h), Pa.R.D.E. The Petition alleged that Respondent failed to fulfill the terms and conditions of his probation and requested that a probation revocation hearing be held pursuant to the Rules. Petitioner further requested that the designated Board Member make a recommendation to the Supreme Court of Pennsylvania that Respondent's probation be revoked and that Respondent be ordered to serve immediately the one year suspension as set forth in the January 24, 2006 Supreme Court Order. Respondent did not file an Answer to the Petition to Revoke Probation.

A hearing on the Petition to Revoke Probation was held on October 17, 2006, before Disciplinary Board Member Robert E.J. Curran, Esquire. Petitioner offered the testimony of Daniel C. Richer, an investigator for the Office of Disciplinary Counsel, and Bonnie-Ann Brill Keagy, Esquire, Respondent's practice monitor. Respondent appeared pro se. He requested a continuance, stating that his counsel was out of the country. The record shows that Respondent received notice of the hearing on October 13, 2006. Respondent did not contact Office of Disciplinary Counsel or the Disciplinary Board to request a continuance until the morning of the hearing. The continuance was denied and the hearing proceeded. Respondent did not testify nor did he offer any witnesses or exhibits.

II. FINDINGS OF FACT

The undersigned Board Member makes the following findings of fact:

1. Petitioner is Office of Disciplinary Counsel, whose principal office is situated at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania 17101. Petitioner is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement, with the power and duty to investigate all matters involving alleged misconduct of any attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of said Rules.

2. Respondent is Daniel H. Glammer. He was admitted to the practice of law in the Commonwealth in 1989. His office address is 22 West Airy Street, Norristown PA 19401. Respondent is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. By Order dated January 24, 2006, the Supreme Court of Pennsylvania granted a Joint Petition in Support of Discipline on Consent and directed that Respondent be suspended from the practice of law in the Commonwealth of Pennsylvania for a period of one year.

4. The Order of January 24, 2006 further directed that the suspension be stayed in its entirety and that Respondent be placed on probation for a period of two years subject to the following conditions:

- a. Respondent shall select a practice monitor subject to the approval of Office of Disciplinary Counsel.

b. The practice monitor shall do the following during the period of Respondent's probation:

- i. Meet with Respondent at least monthly to examine his office and escrow accounts, client ledgers and other financial records to ensure that all such records are being properly maintained and that fiduciary and non-fiduciary funds are being properly segregated, handled and disbursed in accordance with Rule of Professional Conduct 1.15;
- ii. Meet with Respondent at least monthly to examine his progress towards satisfactory and timely completion of clients' legal matters and regular client contact;
- iii. Periodically examine Respondent's law office organization and procedures to ensure that Respondent is maintaining an acceptable tickler system, filing system, and other administrative aspects of Respondent's practice to ensure that scheduled court hearings are attended and filing deadlines are met;
- iv. File quarterly written reports on a Board-approved form with the Secretary of the Board; and
- v. Immediately report to the Secretary any violations by Respondent of the terms and conditions of probation.

c. Respondent shall comply with the recommendation of his psychologist, Dr. Bedrick, as to a continuing course of treatment, specifically:

- i. Respondent shall treat with Dr. Bedrick bi-weekly;
- ii. Respondent shall comply with any recommendations of Dr. Bedrick with respect to medication;
- iii. Dr. Bedrick shall file quarterly written reports on a Board-approved form with the Secretary of the Board; and
- iv. Dr. Bedrick shall immediately report to the Secretary any violations by Respondent of the terms and conditions of probation.

5. By letter dated January 25, 2006, Elaine M. Bixler, Secretary of the Disciplinary Board:

a. provided to Respondent and his counsel copies of the Supreme Court's Order and provided an agreement concerning the probation conditions for Respondent to review, sign, and return to her by February 23, 2006; and

b. advised that within thirty days he was to provide Chief Disciplinary Counsel with the name of his practice monitor for Chief Counsel's review and acceptance.

6. By letter dated February 22, 2006, Respondent advised Chief Disciplinary Counsel of his request to have Bonnie-Ann Brill Keagy, Esquire, appointed as his practice monitor.

7. By letter dated February 27, 2006, copied to Respondent, Chief Disciplinary Counsel advised that Office of Disciplinary Counsel did not object to the appointment of Ms. Keagy as Respondent's practice monitor.

8. On February 23, 2006, Respondent filed with the Disciplinary Board his executed Agreement to comply with the terms and conditions of the January 24, 2006 Order.

9. By letter dated March 14, 2006, the Board Secretary forwarded to Dr. Bedrick a copy of the January 24, 2006 Order and a Consent to Act as Monitor Form, as well as quarterly report forms, and advised Dr. Bedrick that the probation was to take effect on April 13, 2006, the first report would be due on or before July 13, 2006, and any problems should immediately be brought to the attention of the Board.

10. By letter dated March 14, 2006, the Board Secretary forwarded to Ms. Keagy a copy of the January 24, 2006 Order and a Consent to Act as Monitor Form, as well as quarterly report forms, and advised Ms .Keagy that the probation was to take effect on April 13, 2006, the first report would be due on or before July 13, 2006, and any problems should immediately be brought to the attention of the Board.

11. By letter dated March 14, 2006, the Board Secretary forwarded to Respondent quarterly reporting forms and advised that the probation was to take effect on April 13, 2006, and the first report would be due on or before July 13, 2006.

12. On June 15, 2006, Ms. Keagy filed with the Board her Consent to Act as Practice Monitor.

13. By letter to the Disciplinary Board dated July 9, 2006, Ms. Keagy forwarded her first Quarterly Report of Practice Monitor, and supplemented that report with a letter advising of Respondent's failure to take some necessary actions to correct the deficiencies which led to the initial order of discipline.

14. Respondent failed to file his first Quarterly Report.

15. Dr. Bedrick did not file a Quarterly Report.

16. By letter dated August 2, 2006, copied to Respondent and his counsel, the Board Secretary advised Dr. Bedrick of the necessity to file his report.

17. By letter dated August 2, 2006, the Board Secretary advised Respondent of the necessity to file his report.

18. By letter dated September 1, 2006, the Secretary advised Respondent of the requirement that he submit his Quarterly Report by September 12, 2006, or the matter would be referred to the Office of Disciplinary Counsel for institution of probation revocation proceedings.

19. By letter dated September 1, 2006, copied to Respondent and his counsel, the Board Secretary advised Dr. Bedrick of the requirement that he submit his Quarterly Report by September 12, 2006.

20. By letter dated September 7, 2006, Dr. Bedrick advised the Secretary that he did not start seeing Respondent until July 7, 2006, and had nothing to report as far as the period up to that time.

21. Respondent failed to file his Quarterly Report.

22. By letter to the Secretary dated September 14, 2006, Ms. Keagy reiterated and expanded on her concerns about Respondent's failure to carry out the terms of his probation, come into his office, open his mail and meet with her, and her belief that he failed to obtain malpractice coverage or notify new clients that he had not done so.

23. A Petition to Revoke Probation was filed by Petitioner on October 10, 2006.

24. The testimony of Investigator Daniel C. Richer confirms that Respondent received notice of the revocation hearing by personal service on the morning of October 13, 2006.

25. Respondent appeared at the revocation hearing.

26. Respondent did not testify on his own behalf and offered no exhibits.

27. Bonnie-Ann Brill Keagy offered credible testimony at the revocation hearing.

28. Ms. Keagy's law office is located in the same building as Respondent's law office, and both offices are on the first floor.

29. Ms. Keagy was in her law office five days a week and often on the weekends but only infrequently observed Respondent at his office, which space he began occupying in approximately the fall of 2005.

30. Respondent had no furniture in his office but for a desk chair, a Styrofoam cooler, and some boxes. There was no desk, computer or filing cabinets, or a telephone.

31. Ms. Keagy observed Respondent's mail piling up in front of his office, and further observed the mail stacked approximately one foot high inside his office, with most of it unopened.

32. Certified mail for Respondent arrived at the office building. Respondent was not present to sign for the mail, and at times Ms. Keagy and another attorney in the building would sign for the mail, but stopped doing so.

33. Ms. Keagy had difficulty arranging a meeting with Respondent after she was appointed as his practice monitor. She made her schedule available to him but he did not initially contact her.

34. Ms. Keagy and Respondent eventually met on June 9, 2006 at Ms. Keagy's office.

35. Respondent had no client files or list of clients with him. Ms. Keagy advised him of the necessity of having these items in order for her to help him, and she stressed the necessity of having a properly functioning office arrangement.

36. Ms. Keagy gave Respondent copies of her practice aids, such as fee agreements.

37. Ms. Keagy and Respondent met on June 13, 2006 and again Respondent's files were not complete. He had no client lists or fee agreements. He had no office furniture.

38. At the June 13th meeting Ms. Keagy talked to Respondent about calendaring and record keeping. She advised Respondent that he had to start getting his office together, otherwise she would have to report her observations to the Board.

39. Ms. Keagy and Respondent met for a final time on July 9, 2006.

40. Respondent was in the process of moving furniture into his office but still had no telephone or computer. Respondent made an attempt to pull his files together for Ms. Keagy's review, but he did not have all of his files at the office.

41. At the July 9th meeting Ms. Keagy made suggestions to Respondent regarding sending letters to clients and informed him of the new ethical rules regarding malpractice insurance. She further advised Respondent that at their next meeting she absolutely had to review his financial records as well as all of his client files.

42. Between the time of the July 9, 2006 meeting and Ms. Keagy's September 14, 2006 letter to the Disciplinary Board, wherein she set forth her concerns regarding Respondent's practice, Respondent did not contact Ms. Keagy to arrange a meeting and Ms. Keagy did not see Respondent at his office.

III. CONCLUSIONS OF LAW

By his conduct as set forth above, Respondent violated the conditions of his probation.

IV. DISCUSSION

Respondent has violated the terms of his probation. Respondent failed to file quarterly reports on his progress; has not met with Dr. Bedrick as directed; has not

maintained a functional office for the practice of law; has not regularly gone to his office during daytime hours since on or prior to July 9, 2006; has not opened mail which is delivered to his office; has not consulted with his practice monitor since July 9, 2006; has not maintained records of client matter; and is not available to clients. These specific acts violate the terms and conditions of his probation.

Bonnie-Ann Brill Keagy, Respondent's probation monitor, testified credibly as to her attempts to meet with Respondent and assist him in organizing his law practice. While Respondent stated to her his intentions to follow through on Ms. Keagy's advice, she did not observe any active effort on his part. Ms. Keagy took very seriously her responsibilities as a practice monitor and felt compelled as a licensed attorney and as a practice monitor to inform the Board of Respondent's violations.

Respondent chose not to testify, as was his right, and offered nothing of substance at the revocation proceeding.

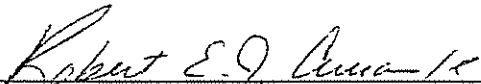
The evidence of record demonstrates that Respondent did not comply with the terms and conditions of his probation and at present poses a danger to the public by being allowed to continue to practice law under a stayed suspension. This Member of the Board recommends that the Court revoke the probation, lift the stay of suspension and impose a suspension of one year.

V. RECOMMENDATION

This Member respectfully recommends that the stay be lifted and Respondent, Daniel H. Glammer, be suspended from the practice of law in the Commonwealth of Pennsylvania for a period of one year.

It is further recommended that the additional expenses incurred in connection with the violation of probation proceeding should be paid by Respondent.

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA


Robert E. J. Curfan, Member

Date: October 20, 2006