

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1223 Disciplinary Docket No. 3
Petitioner :
 : No. 155 DB 2006
v. :
 : Attorney Registration No. 40685
RALPH W. THORNE, :
Respondent : (Lycoming County)

ORDER

PER CURIAM:

AND NOW, this 2nd day of March, 2007, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated December 15, 2006, the Joint Petition in Support of Discipline on Consent is hereby granted pursuant to Rule 215(g), Pa.R.D.E., and it is

ORDERED that Ralph W. Thorne 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 Rule 217, Pa.R.D.E.

A True Copy Patricia Nicola

As of: March 2, 2007

Attest:

Chief Clerk

Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

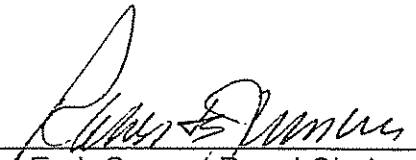
OFFICE OF DISCIPLINARY COUNSEL : No. 155 DB 2006
Petitioner :
v. : Attorney Registration No. 40685
RALPH W. THORNE :
Respondent : (Lycoming County)

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 Robert E. J. Curran, Jonathan H. Newman and Robert L. Storey, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on November 2, 2006.

The Panel approves the Joint Petition consenting to a one year and one day suspension 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 as a condition to the grant of the Petition.


Robert E. J. Curran, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: DECEMBER 15, 2006

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

Office of Disciplinary Counsel,	:	
	:	
Petitioner	:	
	:	No. 155 DB 2006
v.	:	
	:	
Ralph W. Thorne,	:	Attorney Registration No. 40685
	:	
Respondent	:	(Lycoming County)

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

The Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Edwin W. Frese, Jr., Disciplinary Counsel, and Respondent, Ralph W. Thorne, by his counsel, Michael E. Groulx, Esquire, file this Joint Petition in Support of Discipline on Consent under Rule 215(d) of the Pennsylvania Rules of Disciplinary Enforcement ("Pa.R.D.E.") and respectfully represent that:

1. The Petitioner, whose principal office is located at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania 17101, is invested, under Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereafter "Pa.R.D.E."), with the power and the 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 that rule.

FILED

NOV 02 2006

Office of the Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

2. The Respondent, Ralph W. Thorne, was born on November 23, 1935, was admitted to the practice of law in the Commonwealth of Pennsylvania on June 4, 1984, and registered voluntarily inactive July 1, 2006, with a residence address of 162 White Pine Drive, Montoursville, PA 17734-9393, and is subject to the jurisdiction of the Disciplinary Board.

**SPECIFIC FACTUAL ADMISSIONS AND
RULES OF PROFESSIONAL CONDUCT VIOLATED**

3. Respondent hereby stipulates that the following factual allegations are true and correct and that he violated the Rules of Professional Conduct as set forth herein.

4. On or about April 4, 2005, Attorney Steven Eisenberg filed a Complaint in Mortgage Foreclosure in Mercer County on behalf of Wells Fargo Bank against Kenneth & Cynthia Cramer, docketed to No. 2005-1007.

5. On May 6, 2005, the Cramers contracted with Foreclosure Solutions, LLC, to act as their agent in an attempt to help them solve their mortgage foreclosure problem. Foreclosure Solutions is an Ohio corporation which is not a law firm, nor is it staffed by lawyers admitted to practice law in Pennsylvania.

6. Foreclosure Solutions, LLC, works in conjunction with Mortgage Helpers Inc., another Ohio corporation which is not a law firm or staffed by lawyers admitted to practice law in Pennsylvania. The Cramers' case was referred to Mortgage Helpers, who referred it to Respondent as its Pennsylvania attorney.

7. On May 10, 2005, Mortgage Helpers faxed Respondent a packet of materials, including the following: (1) Application by Cynthia and Kenneth Cramer to Foreclosure Solutions for assistance; (2) Lead Report; (3) copy of Wells Fargo's Complaint in Mortgage Foreclosure against the Cramers; and, (4) Work Agreement executed by the Cramers with Foreclosure Solutions.

8. It was Respondent's job to delay the foreclosure proceedings as long as possible to afford Foreclosure Solutions an opportunity to try to negotiate a settlement with Wells Fargo.

9. By standard letter dated May 16, 2005, to Attorney Eisenberg, Respondent requested information related to the Cramers' mortgage, including reinstatement figures, payment history, and an accounting of monies paid. Respondent indicated that if the information was not provided within 30 days, he would assume that Mr. Eisenberg's client would not produce the information without formal discovery requests. Respondent further indicated his assumption that Mr. Eisenberg's client would not file any dispositive motions during that period of time.

10. Respondent's letter was intended to delay the foreclosure as he had no intention of pursuing formal discovery in the Cramers' case.

11. Also by letter to Attorney Eisenberg dated May 16, 2005, Respondent served him with a copy of the Answer to Complaint in Mortgage Foreclosure which Respondent had filed in Mercer County.

12. The Answer Respondent filed was not verified by his clients, the Cramers, and contained denials "for want of knowledge sufficient to form a belief

as to the allegations” that Respondent’s clients had or should have had knowledge of, had Respondent made inquiry of them, including that they were the owners of the property being foreclosed upon.

13. Before filing the Answer, Respondent had had no contact with the Cramers and his Answer, filed of record on May 19, 2005, was intended solely to delay the proceedings.

14. On June 22, 2005, Attorney Eisenberg filed the following documents on behalf of Wells Fargo: (1) Plaintiff’s Motion for Summary Judgment; (2) Memorandum in Support of Motion for Summary Judgment; (3) Praecipe to place the case on the argument list; and (4) Affidavit of Service. The Motion for Summary Judgment was based upon Respondent’s inadequate Answer to the Complaint.

15. Argument on the Motion was scheduled for August 1, 2005.

16. By letter to the Cramers dated July 8, 2005, wherein Respondent identified himself as counsel for Mortgage Helpers, Respondent notified them that a Motion for Summary Judgment had been filed and a hearing was scheduled for August 1, 2005. Further, Respondent advised them to take the following steps: (1) to first contact Foreclosure Solutions to see if they could renegotiate their mortgage with Wells Fargo; (2) if they could not renegotiate their mortgage, then they should contact Respondent so he could either put them in contact with Robert Bellmore, who might be able to refinance their home, or as a last resort, they could file a Chapter 13 bankruptcy through an attorney in their

area who practices bankruptcy law. Respondent asked that the Cramers let him know as soon as possible what their intentions were.

17. On or about July 27, 2005, Respondent filed Defendants' Brief, which merely indicated that he represented the Cramers, that he received the case on May 10, 2005, and filed an Answer on May 19, 2005, that he sent a request for information from Wells Fargo, but that he had not received that information. Respondent's Brief did not discuss any of the issues raised in the Motion for Summary Judgment.

18. On July 27, 2005, Attorney P. Raymond Bartholomew entered his appearance for the Plaintiff, Wells Fargo.

19. Respondent failed to appear in Mercer County Court on August 1, 2005, and judgment in mortgage foreclosure was entered on that date in favor of the Plaintiff against Respondent's client for \$58,193.72, plus interest, late charges, escrow advances, attorney's fees, and costs.

20. By Order dated August 2, 2005, Respondent was directed to appear before the Court on August 29, 2005, to explain why he failed to appear for the August 1, 2005, oral argument.

21. On August 3, 2005, judgment was entered of record against Respondent's clients.

22. By letter to Judge Thomas R. Dobson dated August 22, 2005, Respondent advised him of the following: (1) that Respondent represented Mortgage Helpers Inc. for the State of Pennsylvania; (2) that Foreclosure Solutions gave the Cramers' case to Mortgage Helpers; (3) that he had not

received any funds to be able to represent the Cramers in court; (4) that he lives and practices in Lycoming County and surrounding counties and would be unable to drive to Mercer County or any of the western Pennsylvania courts; (5) that some judges hear the cases on briefs; (6) that he apologized for being unable to appear for the August 29th hearing; (7) that the Cramers had been advised of steps they could take to refinance or file a Chapter 13 bankruptcy; and (8) that he had a conflict as he was scheduled to appear for a morning hearing in Clinton County and an afternoon hearing in Lycoming County on August 29th.

23. On August 29, 2005, Attorney Eisenberg filed a praecipe for entry of judgment and assessment of damages in the amount of \$75,003.78 in favor of Wells Fargo and against Respondent's clients. He also filed a Writ of Execution.

24. On August 30, 2005, upon consideration of Respondent's Application for Continuance, an Order dated August 29, 2005, was filed continuing the hearing scheduled for that date to September 29, 2005, and directing Respondent to provide the Court with a list of all of his cases in Mercer County within ten days and not to accept any new cases in Mercer County without prior approval of the Court.

25. On September 29, 2005, Respondent appeared before Judge Dobson and acknowledged that he filed the Answer to the Complaint in Mortgage Foreclosure simply to delay the foreclosure. Respondent stated, "My job was to only postpone the actual foreclosure as long as possible by interrogatories." Transcript page 3 line 18.

26. Respondent additionally tried to explain his relationship with Mortgage Helpers, Inc. and Foreclosure Solutions LLC and that the clients would pay Foreclosure Solutions \$995, \$150 of which would go to Mortgage Helpers, and \$100 of which would go to Respondent to file Answers; and, Respondent falsely advised Judge Dobson that Respondent had 900 cases from Mortgage Helpers.

27. Respondent did not have the Cramers' informed consent to being paid by Mortgage Helpers Inc., who directed Respondent's representation of the Cramers.

28. Judge Dobson expressed his concerns to Respondent that he had been aiding in the unauthorized practice of law and strongly suggested that Respondent consult with criminal defense counsel.

29. On September 29, 2005, Judge Dobson issued an Order directing: (1) that the Notes of Testimony of the hearing be transcribed and copies sent to the Disciplinary Board and the Mercer County District Attorney's Office; and (2) that Respondent take no further cases in the Mercer County Court of Common Pleas without the President Judge's prior approval.

30. On October 14, 2005, the Cramers filed a Chapter 7 bankruptcy through their new counsel, Ronald Heilman.

31. By letter to the Cramers dated October 21, 2005, Respondent notified them that a judgment had been entered against them on August 29, 2005, in the amount of \$75,003.78. Other than that, Respondent's letter was identical to the one he had sent on July 8, 2005.

32. On October 28, the Mercer County Sheriff filed a return indicating that the Sheriff's sale in the Cramers' mortgage foreclosure action was cancelled as they had filed for bankruptcy.

33. In addition to the Cramers' mortgage foreclosure case, with the sole intent to delay the proceedings, Respondent also filed Answers in at least 87 other mortgage foreclosure cases referred to him by Mortgage Helpers Inc. wherein he failed to discuss or verify the Answers with his clients. Those 87 cases are as follows:

1. Wells Fargo Bank v. Robert Bouch, No. GD-05-010877 (Allegheny Co.)
2. Citifinancial Services v. Phyllis Bigg, No. 2005-C-1218 (Lehigh Co.)
3. JP Morgan Chase Bank v. John Bauman, No. 766 of 2005 (Westmoreland Co.)
4. Beneficial Consumer Discount Co. v. Debra Barilla, No. GD-05-2669 (Allegheny Co.)
5. Countrywide Home Loans v. Jeremy Ader, No. 10 1 5 3 -05 (Lawrence Co.)
6. Deutsche Bank National Bank v. David Donaldson, No. 150 of 2005-GD (Fayette Co.)
7. Mercer Co. State Bank v. Mark Bradick, No. AS-2005-53 (Crawford Co.)
8. Farmers Building and Savings Bank v. Elizabeth Bishop, No 10383 of 2005 (Beaver Co.)
9. Monument Street Funding v. Ronald Braho, No. 2005-1444 (Mercer Co.)
10. Bank of New York v. Janice Carroll, No. 10294/05 CA (Lawrence Co.)

11. PHH Mortgage Corp. v. Sharon Craner, No. 2005-1340 (Mercer Co.)
12. Citifinancial Mortgage v. Kelly & William Castner, No. 2005-1590 (Washington Co.)
13. CMAC Mortgage Corp. v. Edward Carothers, No. 10552-05 (Erie Co.)
14. Ameriquest Mortgage v. Dawn Bronski, No. AD-04-11439 (Butler Co.)
15. Washington Mutual Bank v. Tywanda Zeigler, No GD-05-2202 (Allegheny Co.)
16. Chase Home Finance v. Donald & Karen Temler, No. 00 1 964 (Philadelphia Co.)
17. Mortgage Electronic Registration Systems v. Robert Stewart, No. 2005-0141-Civil (Armstrong Co.)
18. Beneficial Consumer Discount Co. v. Janice & Gary Sutherland, No. 2005-2119 (Washington Co.)
19. U.S Bank National Assoc. v. James Smith, Jr., No 883 of 2005 GD (Fayette Co.)
20. JP Morgan Chase Bank v. William Sarsfield, No. 2519 of 2005 (Westmoreland Co.)
21. Mortgage Electronic Registration Systems v. Justin & Valerie Renda, No.GD-05-1246 (Allegheny Co.)
22. Wells Fargo Bank v. Donna Reed, No. 3869 of 2005 (Westmoreland Co.)
23. U.S. Bank National Assoc. v. Steven Bobbert, No. AD-05-10523 (Butler Co.)

24. Wells Fargo Bank v. Tina Clawson & Christine Armstrong, No. 759 of 2005 (Westmoreland Co.)
25. Dollar Bank Federal Savings Bank v. Frank Craker, No. 10286 of 2005 (Beaver Co.)
26. Washington Mutual Bank v. James & Tammy Cumberledge, No. GD-05-010561 (Allegheny Co.)
27. Manufacturers and Traders Trust Co. v. Ronald & Holly Cuspard, No. 10509 of 2005 (Beaver Co.)
28. Mortgage Electronic Registration v. Jeffrey & Pamela Deiseroth, No. 9602 of 2004 (Westmoreland Co.)
29. Novastar Mortgage v. David & Tricia Derry, No. GD-0500-2279 (Allegheny Co.)
30. Mortgage Electronic Registration Systems v. Cathy Mancine, No. GD-05-6490 (Allegheny Co.)
31. National City Mortgage v. Marjorie Gaffey, No 573 of 2005 (Westmoreland Co.)
32. Franklin Credit Management Corp. v. George Fry, Jr., and Tammy Eakin, No. CIV-310-2005 (Venango Co.)
33. Deutsche Bank National Trust Co. v. Margaret Rankin, No. 1083 of 2005 GD (Fayette Co.)
34. Deutsche Bank National Trust Co. v. Darlene and Clifford Pinno, 111, No. GD 05-11723 (Allegheny Co.)

35. Mortgage Electronic Registration Systems v. Cassandra & Zack Pettis, No. 2005-2021 (Washington Co.)
36. CIT Group/Consumer Finance v. Christine & Richard Paulus, No. 1622 of 2005 (Westmoreland Co.)
37. Mortgage Electronic Registration Systems v. John Novak, No. 11005-2005 (Beaver Co.)
38. Wells Fargo Bank v. Tyrone Campbell & Janice Moody, No. GD-04-028576 (Allegheny Co.)
39. Mortgage Electronic Registration Systems v. Leland Canady, No. 2755 of 2005 (Westmoreland Co.)
40. Mortgage Electronic Registration Systems v. Christopher Sperl, No GD-05-11612 (Allegheny Co.)
41. LaSalle Bank National Assoc., v. Timothy & Tonya Hall, No. GD-05-8679 (Allegheny Co.)
42. Dollar Bank v. Nadine Lesko, No. GD-05-5895 (Allegheny Co.)
43. Citimortgage v. Richard & Linda Landers, No. GD-05-8540 (Allegheny Co.)
44. WM Specialty Mortgage v. Glenn & Lori Kowalski, No. 11374-05 (Erie Co.)
45. Mortgage Electronic Registration Systems v. Richard & Tammi Kovacs, No. 2770 of 2005 (Westmoreland Co.)
46. Wells Fargo Bank v. John Kelley, No. GD-05-3241 (Allegheny Co.)
47. WM Specialty Mortgage v. Mary Jones, No. GD-05-10995 (Allegheny Co.)
48. Wells Fargo Bank v. Lawrence Jones, No. 2666 of 2004 (Fayette Co.)

49. Mortgage Electronic Registration Systems v. Timothy Bold, No 3865 of 2005 (Westmoreland Co.)
50. Mortgage Electronic Registration Systems v. Paul & Darlene Bames, Jr., No. 2004-4017 (Mercer Co.)
51. National City Mortgage Co. v. Lisa Bandi, No. GD-05-3975 (Allegheny Co.)
52. Wells Fargo Bank v. John Aukstakalnis, No. GD-05-6006 (Berks Co.)
53. Mortgage Electronic Registration Systems v. Anthony & Melissa Mega, No. 2005-256 (Washington Co.)
54. Mortgage Electronic Registration Systems v. Clifford Jones, No 2004-3087 (Washington Co.)
55. Homecomings Financial v. Duane Hough, Sr., No. GD-05-010563 Allegheny Co.)
56. Ameriquest Funding 11 Reo Subsidiary v. Thomas Handford, No. 2005-0434-Civil (Armstrong Co.)
57. Mortgage Electronic Registration Systems v. Gina Grubbs, No. 1317 of 2005-GD (Fayette Co.)
58. Mortgage Electronic Registration Systems v. Jo Ann Liggitt, No. 2004-7519 (Washington Co.)
59. National City Mortgage Co. v. Karen Duranko, No. GD-05-011434 (Allegheny Co.)
60. Mortgage Electronic Registration Systems v. Stephen Dankesreiter, No. 2475 of 2005 (Westmoreland Co.)

61. U.S. Bank National Assoc. v. Samuel & Susie Geary, No. 933 of 2005 GD (Fayette Co.)
62. U.S. Bank v. John & Alma Goveia, No 2757 of 2005 (Westmoreland Co.)
63. U.S. Bank v. Carolyn & Rutherford Jones, No. GD-05-12030 (Allegheny Co.)
64. Mortgage Electronic Registration Systems v. Jennifer & Stephen Crowe, No. GD-05-05-0549 (Allegheny Co.)
65. Wells Fargo Bank v. Michael & Tammy Lasher, No. 12712-05 (Erie Co.)
66. Mortgage Electronic Registration Systems v Cliff & Karen Wexler, No. 050462026-1 (Bucks Co.)
67. Wachovia Bank v. Bonnie & Stephen Weir, No. 10145-05 CA (Lawrence Co.)
68. Monument Street Funding v. Gifford & Elizabeth Moore, No. 537 of 2005 (Fayette Co.)
69. Sovereign Bank v. Carl & Lori Morber, No. C-48CV2005-3093, (Northampton Co.)
70. Deutsche Bank National Trust Co. v. Alice Moffitt, No. GD-04-28378 (Allegheny Co.)
71. ABN AMRO Mortgage Group v. Harry & Gina Maxwell, No. GD-05-803 (Allegheny Co.)
72. Mortgage Electronic Registration Systems v. Sharmaine Mickens, No. 001099 (Philadelphia Co.)
73. Beal Bank v. Rowayda Nastah v. No. 2005C894 (Lehigh Co.)

74. Deutsche Bank National Trust Co. v. Sherry & Daniel Nardo, No. GD-05-11 106 (Allegheny Co.)
75. Mortgage Electronic Registration Systems v. Carolyn & Charles Cox, No. 11222-05 (Erie Co.)
76. Centex Home Equity Co. v. Cass Wright, No. 14283-04 (Erie Co.)
77. US Bank National Assoc. v. Brian & Denise Walzer, No. GD 04-28506 (Allegheny Co.)
78. Mortgage Electronic Registration Systems v. Earl Jenkins, No. 11003-2005 (Beaver Co.)
79. Mortgage Electronic Registration Systems v. Mildred & Dennis Meyers, No. GD-05-11109 (Allegheny Co.)
80. Deutsche Bank National Trust Co. v. Albert & Robyn Walters, No. 0503297-31-1 (Bucks Co.)
81. Mortgage Electronic Registration Systems v. James Bellish & Deena McKeel, No. 2282 of 2005 (Westmoreland Co.)
82. Citifinancial Mortgage Co. v. Kimberly Holzer, No. GD-05-11111 (Allegheny Co.)
83. Mortgage Electronic Registration Systems v. David & Jonalyn Brickner, No. 10566-2005 (Beaver Co.)
84. Merrill Lynch Mortgage Capital v. Kasey Greco, No. 10528-05 (Lawrence Co.)
85. Deutsche Bank National Trust Co. v. Scott & Ora Entwisle, No. GD-05-10489 (Allegheny Co.)

86. Deutsche Bank National Trust Co. v. Beth Cronin, No. GD-05-012530
(Allegheny Co.)

87. Beneficial Consumer Discount Co. v. Norman & Roberta Shook 111, No.
GD-05-8077 (Allegheny Co.)

34. By his conduct as set forth in paragraphs 3 through 33 inclusive, the
Respondent repeatedly violated the following Rules of Professional Conduct:

A. RPC 1.1 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 1.8(f) A lawyer shall not accept compensation for
representing a client from one other than the client unless: (1)
the client gives informed consent; (2) there is no interference
with the lawyer's independence of professional judgment or
with the client-lawyer relationship; and (3) information relating to
representation of a client is protected as required by Rule
1.6.

C. RPC 3.1 A lawyer shall not bring or defend a proceeding, or assert or
controvert an issue therein, unless there is a basis in law and fact for
doing so that is not frivolous, which includes a good faith argument
for an extension, modification or reversal of existing law.

D. RPC 3.2 A lawyer shall make reasonable efforts to expedite
litigation consistent with the interests of the client.

E. RPC 8.4(d) It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

35. Petitioner and Respondent jointly recommend that the appropriate discipline for the Respondent's admitted misconduct is a suspension from the practice of law for a period of one year and one day.

36. Respondent hereby consents to that discipline being imposed upon him by the Supreme Court of Pennsylvania. Attached to this Petition is Respondent's executed Affidavit required by Rule 215(d), Pa.R.D.E., stating that he consents to the recommended discipline, including the mandatory acknowledgments contained in Rule 215(d)(1) through (4), Pa.R.D.E.

37. In support of Petitioner and Respondent's joint recommendation, it is respectfully submitted that there are several mitigating circumstances:

a. Respondent has cooperated with the Petitioner throughout its investigation;

b. Respondent has admitted engaging in misconduct and violating the cited Rules of Professional Conduct;

c. Respondent is 71 years of age, has retired from the practice of law and voluntarily registered inactive as of July 1, 2006; and,

d. At the times of his misconduct, Respondent did not fully realize he was engaging in misconduct.

38. Aggravating the Respondent's misconduct is the fact that he has a prior disciplinary record:

a. On May 23, 2001, Respondent was administered a private reprimand for violations of Rules of Professional Conduct 1.1, 1.2(a), 3.3(a)(1), 8.4(c) and (d) for misrepresenting to a judge that Respondent's client was a trucker and on the road and not then available for trial when the client had been there but was told to leave by the Respondent. Disciplinary Board File No. 84 DB 2000 (C3-99-277); and,

b. An informal admonition was imposed upon the Respondent on September 5, 2003 for violations of Rules of Professional Conduct 1.5(b), 1.15(a)(b), and 1.16(d) for being paid \$2,500 in advance to file an appeal in a custody case, but failing for 18 months to account for or refund \$2,187 in unearned fees after the client decided not to pursue an appeal. There was no written fee communication and repayment of the \$2,187 to the client was a condition of the informal admonition.

39. The gravamen of this matter is the Respondent's admitted filing of Answers to Complaints in Mortgage Foreclosure solely for the purpose of delaying the foreclosure actions so that the mortgagors could attempt to negotiate with the mortgagees, obtain alternate financing, or seek the protection of bankruptcy actions through other counsel. For his minimal services, Respondent was to receive a fee of \$100 per case. Research has failed to reveal a similar disciplinary case. Most cases involving a violation of Rule 3.2 primarily involve lack of diligence in pursuing a client's matter in violation of Rule 1.3 and

lack of communication with the client in violation of Rule 1.4. However, consideration of a few of those cases supports the suspension recommended in this case.

40. In the case of *In re Anonymous No. 85 D.B. 1997* (Alan S. Fellheimer), 44 Pa. D.&C.4th 299 (1999), the respondent-attorney was publicly censured for engaging in a conflict of interest by advocating on behalf of the principal of the debtor, rather than for the corporate debtor, for filing or authorizing the filing of frivolous and false pleadings in furtherance of the interests of the principal, for delaying an adversary proceeding in order to gain an advantage for the principal, and for failing to correct a material misrepresentation made to a tribunal. The instant case is somewhat similar in that it involves the conflict of interest that the Respondent was being paid by and receiving direction from Mortgage Helpers, not his actual clients. Additionally, this Respondent intentionally delayed the foreclosure actions in attempts to buy his clients time to seek alternative remedies. However, considering this Respondent's prior disciplinary history and the number of foreclosure actions involved, more than a public censure is warranted here.

41. In the case of *In re Anonymous No. 91 D.B. 90* (Walter David Deliman), 14 Pa. D.&C.4th 597 (1992), the respondent-attorney was suspended for a period of one year and one day primarily for his neglect, failure to communicate and incompetence in representing separate clients in two matters – a no fault divorce and a license suspension – in violation of Rules 1.1, 1.3, and 1.4. However, he also misrepresented the status of the matters to his clients and

altered a consent affidavit in violation of Rules 8.4(c) and (d). Unlike this Respondent, he had no prior record.

42. The case of *In re Anonymous Nos. 52 , 79 and 116 D.B. 92, and 30 D.B. 93* (Bernard Turner), 24 Pa. D.&C.4th 447 (1994), is seemingly much more serious, but resulted in only a two year suspension. Therein, the respondent-attorney, over a period in excess of five and one half years, neglected the cases of and failed to adequately communicate with the clients in eleven different matters, resulting in prejudice to the clients. He also failed to return files or refund unearned fees upon termination of representation and failed to comply with the orders and directives of courts. For similar misconduct in the past, the respondent-attorney had been privately reprimanded, been suspended for three months, then given a twenty-one month consecutive suspension. This Respondent's prior record is not nearly so extended.

43. In both the *Turner* and *Deliman* cases, the respondent-attorneys had an inability to acknowledge their errors and accept responsibility for their misconduct. Here, the Respondent has admitted his misconduct and accepted responsibility for it.


44. While none of the above cases involve the same misconduct as is involved here, it is submitted that they support the joint recommendation for a suspension for a period of one year and one day in this case. Further, such a suspension will require this 71 year old Respondent to go through a formal reinstatement proceeding should he seek to come out of retirement and resume the practice of law.

WHEREFORE, Petitioner and Respondent respectfully request that, pursuant to Rule 215(e) and 215(g), Pa.R.D.E., the three-member panel of the Disciplinary Board review and approve the above Joint Petition In Support of Discipline On Consent and file its recommendation with the Supreme Court of Pennsylvania in which it is recommended the Supreme Court enter an Order suspending Respondent from the practice of law for a period of one year and one day and directing him to comply with all of the provisions or Rule 217, Pa.R.D.E.


Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

Paul J. Killion
Chief Disciplinary Counsel

By 
Edwin W. Frese, Jr.
Disciplinary Counsel
Attorney Reg. No. 09828
Two Lemoyne Drive – Second Floor
Lemoyne, PA 17043-1226
717-731-7083

And
Ralph W. Thorne, Respondent

By 
Michael E. Groulx, Esquire
Attorney Registration No. 40401
339 Market Street
Williamsport, PA 17701-6329
570-326-2607

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

Office of Disciplinary Counsel,	:	
	:	
Petitioner	:	
	:	No. 155 DB 2006
v.	:	
	:	
Ralph W. Thorne,	:	Attorney Registration No. 40685
	:	
Respondent	:	(Lycoming County)

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

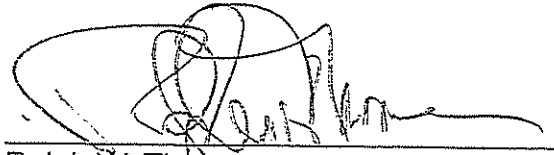
Respondent, Ralph W. Thorne, hereby states that he consents to the imposition of a suspension from the practice of law for a period of one year and one day as jointly recommended by Petitioner, Office of Disciplinary Counsel, and Respondent, in the Joint Petition in Support of Discipline on Consent pursuant to Rule 215(d), Pennsylvania Rules of Disciplinary Enforcement, 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 counsel in connection with the decision to consent to discipline;

2. He is aware that there are presently pending proceedings involving allegations that he is 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 consents because he knows that if charges against him continue to be prosecuted in the pending proceedings he could not successfully defend against them.

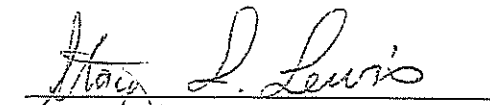


Ralph W. Thorne

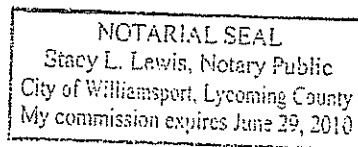
Sworn to and subscribed

Before me this 31st

Day of October, 2006.



Notary Public



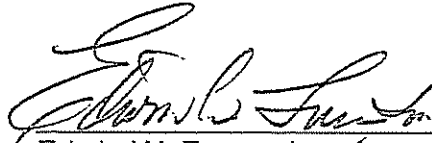
BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

Office of Disciplinary Counsel,	:	
	:	
Petitioner	:	
	:	No. 155 DB 2006
v.	:	
	:	
Ralph W. Thorne,	:	Attorney Registration No. 40685
	:	
Respondent	:	(Lycoming County)


VERIFICATION

The statements contained in the foregoing Joint Petition in Support of Discipline on Consent Pursuant to Rule 215(d), Pa.R.D.E. 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.

Date: Oct. 30, 2006


Edwin W. Frese, Jr.
Disciplinary Counsel

Date: 10/31/06


Michael E. Groulx
Counsel for Respondent