

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 1227, Disciplinary Docket No. 3
Petitioner	:	
	:	No. 159 DB 2005
v.	:	
	:	Attorney Registration No. 17826
THEODORE Q. THOMPSON	:	
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(d)(2)(iii) of the Pennsylvania Rules of Disciplinary Enforcement, the Disciplinary Board of the Supreme Court of Pennsylvania (“Board”) herewith submits its findings and recommendations to your Honorable Court with respect to the above-captioned Petition for Discipline.

I. HISTORY OF PROCEEDINGS

On October 21, 2005, Office of Disciplinary Counsel filed a Petition for Discipline against Theodore Q. Thompson, Respondent. The Petition charged Respondent with professional misconduct in two separate instances. The first charge involves allegations that Respondent filed a false certification with the court. The second charge involves allegations that Respondent practiced law while on inactive status. Respondent filed an Answer to Petition for Discipline on November 28, 2005,

contesting the first charge and admitting to the violations contained in the second charge.

A disciplinary hearing was held on February 28, 2006, before a District II Hearing Committee comprised of Chair James K. Fetter, Esquire, and Members Christine Fizzano Cannon, Esquire, and Daniel B. Huyett, Esquire. Respondent appeared pro se.

Following the submission of briefs by the parties, the Hearing Committee filed a Report on June 7, 2006, finding that Respondent engaged in professional misconduct and recommending that he be suspended for a period of one year.

Respondent filed a Brief on Exceptions to the Report of the Hearing Committee on June 27, 2006. Respondent requested oral argument before the Disciplinary Board.

Petitioner filed a Brief Opposing Exceptions on July 12, 2006.

Oral argument was held on August 28, 2006 before a three member panel of the Disciplinary Board chaired by Robert E.J. Curran, Esquire, with Members Louis N. Teti, Esquire, and Robert L. Storey.

This matter was adjudicated by the Disciplinary Board at the meeting on September 20, 2006.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner, whose principal office is located at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania 17101, 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 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.

2. Respondent, Theodore Q. Thompson, was born in 1947 and was admitted to practice law in the Commonwealth in 1973. He maintains his office at Suite 1, 650 Sentry Parkway, Blue Bell, PA 19422.

3. Respondent is subject to the jurisdiction of the Disciplinary Board of the Supreme Court.

4. Respondent has no prior history of discipline.

Charge I – The Leggette Matter

5. In or about 2000, Elbert Leggette was referred to Respondent for representation in claims for false arrest for alleged shoplifting at a Genuardi's Market in West Norriton, Pennsylvania, on February 18, 1999, which charges had been nolle prossed on November 3, 1999.

6. By letter dated August 16, 2000, Respondent notified Genuardi's of the claim.

7. On February 12, 2001, Respondent filed a Summons in an action captioned Elbert Leggette v. Genuardi's Market, Montgomery County CCP No. 01-03158.

8. By letter dated February 21, 2001, to Frederic M. Wentz, Esquire, local counsel for Genuardi's Market, Respondent sent a copy of the Summons and stated his intention to serve Genuardi's.

9. Thereafter, Mr. Wentz advised Respondent that he did not believe that the claim had merit.

10. Respondent did not serve Genuardi's with the Summons or file a Complaint.

11. On February 20, 2003, the Montgomery County Court of Common Pleas issued a Notice to Terminate the civil action pursuant to Local Rule of Civil Procedure 406.

12. On March 19, 2003 Respondent filed an Active Status Certification which stated, "The parties are actively engaged in discussions to settle the case without the expenses of costly litigation." Respondent believed he had talked to Mr. Wentz regarding the case, but later realized it may have been someone else at Mr. Wentz's law firm.

13. Between 2001 and 2005, Mr. Leggette attempted to contact Respondent by telephone or by mail to learn of the status of his matter.

a. Initially, when Mr. Leggette was able to reach Respondent, Respondent advised him that Genuardi's had to refer the matter to its insurance carrier which caused a delay in the case.

b. On later occasions, Mr. Leggette left messages on Respondent's voicemail requesting a return call, but Respondent did not call back promptly or return all of the calls.

14. Respondent did not advise Mr. Leggette that he would no longer pursue the case.

15. Respondent did not file a petition to withdraw as Mr. Leggette's counsel.

16. By certified letter dated March 16, 2005, signed for in Respondent's office, Mr. Leggette asked that Respondent advise of the status of his case and provide a copy of his fee agreement.

17. Respondent sent a letter to Mr. Leggette on his attorney letterhead dated April 5, 2005, in which Respondent:

a. Released to Mr. Leggette what purported to be his file, which included only his criminal file and did not contain any documents reflecting communications with Genuardi's or its counsel;

b. Stated that he had told both Mr. Leggette and Mr. Farrell (the referring attorney) that Mr. Leggette's case was very weak and was not worth the effort to pursue if it could not be settled "without the necessity of a lawsuit", and

c. Did not reveal that he was on inactive status and ineligible to practice.

Charge II – Inactive Status Violations

18. By Preliminary Annual CLE Report dated January 30, 2004, the Pennsylvania Continuing Legal Education Board (PACLEB) advised Respondent that he had not yet completed his requirements for the compliance year ending April 30, 2004.

19. By Annual CLE Report dated June 25, 2004, the PACLEB advised Respondent that he was non-compliant for the compliance year ending April 30, 2004, and that a late fee in the amount of \$100 would be due if he chose to comply.

20. By notice dated September 29, 2004, the PACLEB advised Respondent that if he did not comply by October 29, 2004, his name would be submitted to the Supreme Court for entry of an order transferring him to inactive status and that a second late fee in the amount of \$100 would be due if he chose to comply.

21. Respondent failed to timely complete his requirements, in that he was deficient .5 substantive credits and 1 ethics credits, and he failed to pay all of the late fees due.

22. By Order of the Supreme Court of Pennsylvania dated November 29, 2004, Respondent was transferred to inactive status for failure to comply with his Continuing Legal Education requirements.

23. By certified letter dated November 29, 2004, signed for in Respondent's office on December 2, 2004, the Secretary of the Disciplinary Board advised Respondent of the transfer and provided Respondent with copies of Pennsylvania Rules of Disciplinary Enforcement, Disciplinary Board Rules and forms relating to compliance with the Order.

24. Respondent failed to comply with the requirements of Pa.R.D.E. 217 with respect to formerly admitted attorneys, specifically that he failed to notify clients, courts, and third parties with whom he came into contact in his capacity as an attorney of the fact of his transfer, failed to file with the Disciplinary Board a certification of compliance with Rule 217, accepted new representations, and continued to practice law without supervision, appear in court, meet with clients, and hold himself out as an attorney.

25. Respondent was advised of the fact that he was on inactive status by, inter alia:

- a. Notice dated February 4, 2005 from the PACLEB;
- b. Letter Request for Statement of Respondent's Position (Form DB-7), dated May 19, 2005, from Disciplinary Counsel;
- c. Telephone conversation on June 9, 2005, with Petitioner's Investigator;

d. Letter from Disciplinary Counsel dated June 13, 2005;

e. Supplemental Letter Request for Statement of Respondent's Position (Form DB-7A), dated August 2, 2005, received in Respondent's office on August 3, 2005; and

f. Letters from Disciplinary Counsel dated August 24, and September 20, 2005.

26. Between June and September 2005, Respondent advised Disciplinary Counsel of his position concerning his inactive status and the allegations against him as contained in the DB-7 and DB-7A.

27. In June 2005, Respondent registered or attempted to register on the PACLEB website and sent an e-mail concerning his status; no response was received.

28. On September 15, 2005, Respondent sent an e-mail to the PACLEB concerning his status.

29. By letter dated September 22, 2005, the PACLEB advised Respondent of the specific credits and payments needed to complete his requirements.

30. After his transfer to inactive status, Respondent did not withdraw his appearance in pending cases or notify his clients and opposing counsel of his ineligibility to practice, and he accepted new representations and continued to practice law.

31. Examples of cases in which Respondent participated notwithstanding his inactive status include:

a. Pennsylvania Department of Transportation v. James Tracy and Gerald L. Chapman v. Tierre Coker Chapman in which Respondent failed to withdraw his appearance.

b. Estate of Mabel Jackson, in which Respondent filed a petition for appointment of guardian in the Montgomery County Orphans Court, appeared at a hearing, and failed to advise his client that he was ineligible to practice.

c. Worldwide Asset Purchasing LLC v. Mabel Jackson, in which Respondent entered his appearance, filed an answer, and corresponded with opposing counsel.

d. Commonwealth of Pennsylvania v. Raymond Leight, III, in which Respondent filed a Notice of Appeal from a summary criminal conviction in Montgomery County, represented the defendant at a guilty plea on January 31, 2005, and represented the defendant at a sentencing on April 15, 2005.

e. In four cases captioned Commonwealth of Pennsylvania v. Raymond Leight, III, Respondent appeared in the Court of Common Pleas of Berks County on January 12, March 8, and May 3, 2005 to request continuances and to represent the defendant at a guilty plea and sentencing on January 14, 2005.

32. Following the completion of CLE credits to satisfy the requirements of his deficient year, the subsequent compliance year, and the current compliance year, on October 3, 2005, Respondent filed a Statement of Compliance with the Disciplinary Board, paid all outstanding fees, and was reinstated to active status.

Mitigation

33. Respondent has an extensive history of public service to his community.

34. Respondent was the elected president of the Undergraduate Student Government in his senior year at the Pennsylvania State University and founded the Martin Luther King Scholarship Fund, which continues to this day.

35. Respondent was elected to the Wissahickon School Board in 1973 and served until 1981.

36. Respondent has participated in a variety of community activities, such as organizing fund raisers to aid a child from South America suffering from eye cancer; sponsoring high school students in social lab programs; working with the Womens' Center for battered women.

37. Respondent has participated in a variety of professional activities, such as being a member and serving as President of the Board of Directors of the Montgomery County Legal Aid Services from 1980 to 2000; serving as the President of the Board of Directors of Legal Aid of Southwestern Pennsylvania from 2000 to 2002; and serving as a board member of the Senior Adult Activities Center of Montgomery County since 1998.

38. Respondent received the Pro Bono Award from the Pennsylvania Bar Association in May of 2002. He received the Dorothy M. Yeager Award from the Montgomery Bar Association in January of 2003.

39. Respondent is well-respected by his peers, who have the highest regard for his character.

40. Ten character witnesses offered credible testimony on behalf of Respondent at his disciplinary hearing, to the effect that Respondent's reputation in the community is one of honesty and competence and that he is a man of good character.

41. Numerous letters in support of Respondent's good character were submitted on Respondent's behalf from attorneys and members of Respondent's community.

42. Respondent testified credibly on his own behalf.

43. Respondent acknowledged his mistakes and assured the Committee that he would not repeat them in the future.

44. Respondent is embarrassed and ashamed for his misconduct and believes that he has disappointed people by his actions.

45. Respondent demonstrated true contrition and remorse.

III. CONCLUSIONS OF LAW

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

1. RPC 1.1 – A lawyer shall provide competent representation to a client.
2. RPC 1.3 – A lawyer shall act with reasonable diligence and promptness in representing a client.
3. Former RPC 1.4(a) (as to conduct prior to 1/1/05) – A lawyer shall keep a client informed about the status of a matter and promptly comply with reasonable requests for information.
4. RPC 1.4(a)(3) (as to conduct after 1/1/05) – A lawyer shall keep the client reasonably informed about the status of the matter.
5. RPC 1.4(b) – A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.
6. RPC 1.16(d) – 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.
7. RPC 3.2 – A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

8. RPC 5.5(a) (as to conduct after 12/31/04) – A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

9. Former RPC 5.5(b) (as to conduct prior to 1/1/05) – A lawyer shall not practice law in a jurisdiction where to do so would be in violation of regulations of the profession in that jurisdiction.

10. RPC 5.5(b)(2) – A lawyer who is not admitted 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.

11. RPC 7.1 – A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services.

12. RPC 7.5(a) – A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1.

13. RPC 8.4(c) – It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

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

15. Pa.R.D.E. 217(a) – A formerly admitted attorney shall promptly notify, or cause to be notified, by registered or certified mail, return receipt requested, all clients being represented in pending matters, other than litigation or administrative proceedings, of the ...transfer to inactive status and the consequent inability of the formerly admitted

attorney to act as an attorney after the effective date of the ...transfer to inactive status and shall advise said clients to seek legal advise elsewhere.

16. Pa.R.D.E. 217(b) – A formerly admitted attorney shall promptly notify, or cause to be notified, by registered or certified mail, return receipt requested, 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 ...transfer to inactive status and consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the ...transfer to inactive status.

17. Pa.R.D.E. 217(c) – A formerly admitted attorney shall promptly notify, or cause to be notified, of the ...transfer to inactive status, by registered or certified mail, return receipt requested:

a. All persons or their agents or guardians to whom a fiduciary duty is or may be owed at any time after the ...transfer to inactive status; and

b. All other persons with whom the formerly admitted attorney may at any time expect to have professional contacts under circumstances where there is a reasonable probability that they may infer that he or she continues as an attorney is good standing.

The responsibility of the formerly admitted attorney to provide the notice required by this subdivision shall continue for as long as the formerly admitted attorney is...on inactive status.

18. Pa.R.D.E. 217(d) – Orders imposing...transfer to inactive status shall be effective 30 days after entry. The formerly admitted attorney, after entry of the...transfer to inactive status order, shall not accept any new retainer or engage as attorney for another in any new case or legal matter of any nature. However, during the period from the entry date of the order and its effective date the formerly admitted attorney may wind up and complete, on behalf of any client, all matters which were pending on the entry date.

19. Pa.R.D.E. 217(j) – A formerly admitted attorney may not engage in any form of law-related activities in this Commonwealth except in accordance with the requirements of this subdivision.

20. Pa.R.D.E. 203(b)(3) – Willful violation of any other provisions of the Enforcement Rules shall be grounds for discipline.

The Board concludes that Respondent did not violate RPC 3.3(a)(1), which states a lawyer shall not knowingly make a false statement of material fact or law to a tribunal.

IV. DISCUSSION

This matter is before the Disciplinary Board on a Petition for Discipline charging Respondent with violation of the Rules of Professional Conduct and Rules of Disciplinary Enforcement arising out of allegations that he failed to properly represent his client and submitted a false certification of active status to the court; and that he engaged in the practice of law while on inactive status during the time frame November 2004 to October 2005.

The Leggette matter involves Respondent's representation of his client in a claim of false arrest. The most serious charge against Respondent is that he violated RPC 3.3(a)(1) by filing an active status certification with the Montgomery County Court of Common Pleas in which he falsely asserted that the parties were involved in ongoing settlement discussions. Frederic Wentz, Esquire, testified on behalf of Petitioner as to his conversations with Respondent. Mr. Wentz recalled that he had no conversations with Respondent during the two years prior to the filing of the active status certification. Respondent believed that he talked to Mr. Wentz regarding the case but realized that he may have talked to another attorney at Mr. Wentz's firm and got confused. Respondent does not dispute that he filed the active status certification with the court. The Board finds that Respondent did not intend to deceive or mislead the tribunal and was not acting with dishonest motives when he filed the active status certification. Therefore, the Board concludes that Respondent did not violate RPC 3.3(a)(1).

The second charge against Respondent is that he engaged in the unauthorized practice of law while he was on inactive status. Respondent acknowledged

these infractions and stipulated to them. Respondent was transferred to inactive status for failing to comply with CLE requirements by Order of the Supreme Court dated November 29, 2004. On October 3, 2005, Respondent filed a Statement of Compliance with the Disciplinary Board, paid outstanding fees and was reinstated to active status. During the time frame of his inactive status Respondent failed to comply with notification provisions of the Enforcement Rules and continued to participate in cases, notwithstanding his inactive status. Respondent was aware that he had a credit deficiency and basically stated that he made mistakes in handling his CLE requirements. He compounded his situation by failing to fulfill the notice requirements of the Rules and, importantly, by not ceasing the practice of law. Respondent accepted full responsibility and acknowledged shame and remorse for his actions. He demonstrated an awareness of the necessity of fulfilling CLE requirements and is fully compliant at this time with an intent to remain that way in the future.

Respondent provided significant evidence in mitigation, in addition to his absence of a prior record of discipline. Ten witnesses testified at the hearing. They offered credible testimony as to Respondent's reputation in the community as an honest person of good character. Numerous letters from persons involved in different aspects of the community resoundingly supported the evidence of Respondent's excellent character. Letters were offered by a former Chair of the Disciplinary Board, Respondent's former teacher, former clients, and fellow attorneys.

Respondent's commitment to the institutional provision of legal aid and to public service in his community is exemplary. Respondent has served his community in

different capacities: as an organizer of fund raising events for children, as a member and President of the Board of Directors of Legal Aid of Southeastern Pennsylvania, as a board member of a senior citizens center, and as a member of the Wissahickon School Board, among other pursuits.

Respondent's pro bono activities have been lauded by the legal profession. He received the Pro Bono Award from the Pennsylvania Bar Association in 2002 and the Dorothy M. Yeager Award from the Montgomery County Bar Association in 2003. Seldom has the Board seen such an extensive and impressive history of service from a respondent.

This extensive mitigation was recognized by Petitioner and the Hearing Committee. Petitioner would have recommended a suspension of one year and one day, but for the mitigation. The Hearing Committee was similarly swayed, noting that although precedent suggested that a one year and one day suspension would be appropriate, the significant mitigation warranted a one year suspension.¹

The Board has carefully considered this matter. In addition to the history of community service, the Board was impressed by Respondent's sincere contrition and remorse. The three member Board panel had the opportunity to observe Respondent at oral argument and concluded that Respondent handled himself very well before the Board. The panel was able to observe true contrition and felt that Respondent had been changed

¹ The Hearing Committee concluded that Respondent violated RPC 3.3(a)(1) in that he filed a false active case certification with the Court, and its recommendation for a one year suspension was partly based on this conclusion. The Board concluded that Respondent did not violate RPC 3.3(a)(1).

and motivated by the disciplinary proceedings to become a better lawyer. There is no compelling evidence to suggest that Respondent is a danger to the public; the contrary is true in that the public would lose an energetic advocate if Respondent lost his license to practice law.

The disciplinary system in Pennsylvania is predicated on the idea that each case is unique and must be considered on its own particular fact situation. Office of Disciplinary Counsel v. Lucarini, 472 A.2d 186 (Pa. 1983). The gravity of any disciplinary proceeding requires not only the presentation of all relevant facts, but also the retention of the discretion necessary to evaluate those facts. The Board has the discretion to weigh aggravating or mitigating facts in the fashioning of the ultimate sanction. In re Anonymous No. 67 DB 92, 27 Pa. D. & C. 4th 202 (1994). While case law in the recent past has suggested that a one year and one day suspension is appropriate punishment for the unauthorized practice of law and neglect of client matters, it is not a per se discipline for cases of this nature. Office of Disciplinary Counsel v. Forrest, 72 Pa. D. & C. 4th 339 (2004). Mr. Forrest was suspended for one year and one day, as were the respondents in the following cases: Office of Disciplinary Counsel v. Harris, 69 Pa. D. & C. 4th 440 (2004); Office of Disciplinary Counsel v. Brown, 71 Pa. D. & C. 4th 99 (2004). Downward deviations were made in cases involving brief periods of inactive practice or mitigating evidence. In re Anonymous No. 123 DB 1996, 41 Pa. D. & C. 4th 290 (1998); Office of Disciplinary Counsel v. John V. Buffington, 45 DB 2004, 1050 Disciplinary Docket No. 3 (Pa. Sept. 20, 2006); Office of Disciplinary Counsel v. Perrella, 66 Pa. D. & C. 4th 119 (2003).

The mitigating evidence and demonstration of remorse in this particular matter is so compelling that the Board is persuaded that a one year suspension, stayed in its entirety, is appropriate, with the additional provisions that Respondent take six extra hours of CLE and the Bridge the Gap course.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania recommends that the Respondent, Theodore Q. Thompson, be suspended from the practice of law for a period of one year, the suspension be stayed in its entirety, and that he be placed on Probation for a period of one year.

During the period of probation, Respondent shall do the following:

1. Take the Bridge the Gap Course through an Accredited PA CLE Bridge the Gap Provider; and
2. Take six (6.00) hours of CLE credits in the area of Ethics; and
3. At least ten (10) days prior to the expiration of the period of Probation, provide his Certificate of Attendance for the Bridge the Gap Course to the Board.

It is further recommended that the expenses incurred in the investigation and prosecution of this matter are to be paid by the Respondent.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: _____
Robert E. J. Curran, Board Member

Date: December 28, 2006

Board Members Newman and Baer did not participate in the adjudication.

Board Members Brown, Suh and O'Connor dissented and would recommend six month suspension

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	:	
v.	:	Attorney Registration No. 17826
	:	
THEODORE Q. THOMPSON	:	
Respondent	:	(Montgomery County)

DISSENTING OPINION

DISCUSSION

The recommendation of the Disciplinary Board is that Respondent be suspended for one year, with the suspension stayed and one year of probation with educational conditions. I respectfully dissent.

Respondent engaged in the unauthorized practice of law while on inactive status for nearly one year. He was aware that he had a credit deficiency but did not take immediate remedial action, nor did he stop practicing law. Public discipline is required. Respondent ignored a Supreme Court Order and failed to comply with professional regulations. This Court in the past has imposed suspensions of at least one year and one day to address such misconduct. Office of Disciplinary Counsel v. Jeffrey S. Smith, 1 DB 2005, 1078 Disciplinary Docket No. 3 (Pa. Dec. 29, 2005); Office of Disciplinary Counsel v.

John Enright, 136 DB 2002, 890 Disciplinary Docket No. 3 (Pa. March 15, 2004); Office of Disciplinary Counsel v. G. Jeffrey Moeller, 53 DB 2000, 753 Disciplinary Docket No. 3 (Pa. July 10, 2002).

Respondent offered impressive mitigating evidence which persuaded the majority of the Board to impose a stayed suspension. I agree with the majority that such evidence is compelling and deserves considerable weight. It is my opinion that the mitigating evidence acts to lower the sanction from a one year and one day suspension to a six month suspension. Respondent must be answerable for his unauthorized practice of law.

Respectfully submitted,

By: _____
Francis X. O'Connor, Board Member

Date: December 28, 2006

O R D E R

PER CURIAM:

AND NOW, this 23rd day of March, 2007, upon consideration of the Report and Recommendations of the Disciplinary Board and Dissenting Opinion dated December 28, 2006, it is hereby

ORDERED that Theodore Q. Thompson is suspended from the Bar of this Commonwealth for a period of six months; he shall comply with all the provisions of Rule 217, Pa.R.D.E.; and he shall pay costs to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.

Messrs. Justice Saylor and Baer dissent from this Order and would have adopted the recommendation of the majority of the Disciplinary Board and entered a one-year suspension, stayed in its entirety, with direction that respondent attend six hours of CLE ethics credits and the Bridge the Gap Course.