

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1660 Disciplinary Docket No. 3
Petitioner :
 : No. 43 DB 2012
v. :
 : Attorney Registration No. 88151
SCOTT PHILIP SIGMAN, :
Respondent : (Philadelphia)

ORDER

PER CURIAM:

AND NOW, this 28th day of February, 2013, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated December 7, 2012, 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 Scott Philip Sigman is suspended on consent from the Bar of this Commonwealth for a period of thirty months and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

A True Copy Patricia Nicola
As Of 2/28/2013

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
: No. 43 DB 2012
v. :
: Atty. Reg. No. 88151
SCOTT PHILIP SIGMAN, :
Respondent : (Philadelphia)

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

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Esquire, Chief Disciplinary Counsel, and by Richard Hernandez, Esquire, Disciplinary Counsel, and Respondent, Scott Philip Sigman, who is represented by Barbara S. Rosenberg, Esquire, and Martin L. Trichon, Esquire, file this Joint Petition In Support Of Discipline On Consent Under Pennsylvania Rule of Disciplinary Enforcement 215(d) ("the Joint Petition"), and respectfully represent that:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter "Pa.R.D.E."), with

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

the power and duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.

2. Respondent, Scott Philip Sigman, was born on September 27, 1974, and was admitted to practice law in the Commonwealth on December 3, 2001. According to attorney registration records, Respondent's office is located at 1515 Market Street, Suite 1360, Philadelphia, PA 19102-1934.

3. Pursuant to Pa.R.D.E. 201(a)(1), Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

4. On March 15, 2012, Petitioner filed a Petition for Discipline against Respondent with the Secretary of the Disciplinary Board ("the Secretary").

5. On April 30, 2012, Respondent, through his counsel, filed an Answer to the Petition for Discipline with the Secretary.

SPECIFIC FACTUAL ADMISSIONS AND
RULES OF PROFESSIONAL CONDUCT VIOLATED

6. Respondent hereby stipulates that the following factual allegations, which incorporate almost all of the factual allegations set forth in the Petition for Discipline, are true and correct and that he violated the Rules of Professional Conduct as set forth herein.

CHARGE

7. From July 5, 2005 through March 6, 2009, Respondent was employed as an associate in the law office of Bochetto & Lentz, P.C. ("B&L"), located at 1524 Locust Street, Philadelphia, PA 19102.

8. During Respondent's employment with B&L, Respondent knew that:

- a. Respondent was prohibited from handling any client matters independent of his employment with B&L.
- b. Respondent was prohibited from handling any client matters that were not approved by George Bochetto, Esquire.
- c. Respondent was prohibited from referring client matters or prospective client matters to another attorney or law firm unless approved by Mr. Bochetto.

- d. Respondent was required to pay to B&L any referral fees he received for any client or prospective client matters that were referred to other counsel.
- e. Respondent was prohibited from declining to accept a client matter that would be handled by B&L without the approval of Mr. Bochetto.
- f. Respondent was prohibited from charging a retainer or fee to a client or prospective client without the approval of Mr. Bochetto.
- g. For cases that Respondent originated, he was to receive 20% of the fees received by B&L for criminal cases and hourly paid cases, and 33 and 1/3% of the fees received by B&L for contingent fee cases.
- h. At all times Respondent was to conduct himself with honesty and transparency and to exhibit absolute loyalty to B&L.
- i. Respondent was required to record the time he spent on client files, as well as time he spent on non-client matters that were related to his employment at B&L.

1. THE FURMAN CASE

9. In early February 2007, Ms. Rachel Furman retained Daniel Louis Cevallos, Esquire, to represent her in an appeal of the suspension of her license ("the Furman case").

a. Mr. Cevallos's fee for the representation was \$1,250.00.

10. Respondent and Mr. Cevallos knew one another from Mr. Cevallos's prior employment with B&L.

11. Mr. Cevallos had a conflict in his schedule that prevented him from appearing on behalf of Ms. Furman at the February 7, 2007 hearing for the Furman case.

12. Mr. Cevallos contacted Respondent to inquire if Respondent could appear in his stead at the hearing for the Furman case.

13. Respondent agreed to represent Ms. Furman at the February 7, 2007 hearing for the Furman case.

14. Respondent appeared at the February 7, 2007 hearing of the Furman case and was successful in obtaining a favorable result on behalf of Ms. Furman.

15. By e-mail dated February 7, 2007, sent to Respondent and copied to Mr. Cevallos, Ms. Furman, *inter alia*, thanked Respondent for his service and inquired if

she should contact Mr. Cevallos regarding payment or provide Respondent with her credit card information.

16. Respondent received this e-mail.

17. On the "Daily Time Log" Respondent maintained during his employment at B&L, Respondent listed "1.4" as time spent on the Furman case for February 7, 2007.

18. Respondent did not obtain approval from Mr. Bochetto to provide legal services to Ms. Furman in connection with the Furman case.

19. Respondent failed to advise Mr. Bochetto that he had agreed to provide legal services to Ms. Furman in connection with the Furman case.

20. By check dated May 18, 2007, Mr. Cevallos paid to Respondent the sum of \$600.00 for his representation of Ms. Furman at the hearing for the Furman case.

a. Mr. Cevallos mailed this check to Respondent at Respondent's then residence located at 117 N. 15th Street, Apt. 1005, Philadelphia, PA 19102.

21. Respondent received this check.

22. Respondent negotiated this check and used the funds.

23. Respondent failed to:

- a. notify Mr. Bochetto that he had received from Mr. Cevallos a \$600.00 payment for services Respondent rendered to Ms. Furman; and
- b. present the \$600.00 check he received from Mr. Cevallos to Mr. Bochetto or Mr. Lentz for deposit into B&L's operating account.

24. B&L was entitled to \$480.00 from the \$600.00 payment that Respondent received for services rendered to Ms. Furman, after deducting Respondent's share of the fee, which was \$120.00, or 20% of the \$600.00 payment.

25. By his conduct as alleged in Paragraphs 7 through 24 above, Respondent violated the following Rules of Professional Conduct:

- a. RPC 1.15(a) (effective 4/23/05, superseded effective 9/20/08), which states that a lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a client-lawyer relationship separate from the lawyer's own property. Such property shall be identified and appropriately safeguarded. Complete records of the receipt, maintenance

and disposition of such property shall be preserved for a period of five years after termination of the client-lawyer relationship or after distribution or disposition of the property, whichever is later;

- b. RPC 1.15(b) (effective 4/23/05, superseded effective 9/20/08), which states that upon receiving property of a client or third person in connection with a client-lawyer relationship, a lawyer shall promptly notify the client or third person. 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 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 such property; and
- c. RPC 8.4(c), which states that it is professional misconduct for a lawyer to

engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

2. THE WOOD CASE

26. On September 17, 24, and 25, 2007, Respondent met with Mr. Kris Wood, a prospective client.

27. The time records Respondent kept during his employment at B&L show that Respondent met with Mr. Wood on September 17, 24, and 25, 2007.

28. Mr. Wood needed legal assistance in forming a company.

29. Respondent referred Mr. Wood's case to Mr. Cevallos.

30. Respondent failed to obtain the approval of Mr. Bochetto to refer Mr. Wood's case to Mr. Cevallos.

31. Respondent failed to advise Mr. Bochetto that he had referred Mr. Wood's case to Mr. Cevallos.

32. By check dated October 3, 2007, Mr. Cevallos paid to Respondent the sum of \$1,500.00 as a referral fee for Mr. Wood's case.

33. Respondent negotiated this check and used the funds.

34. Respondent failed to:

- a. notify Mr. Bochetto that he had received from Mr. Cevallos a \$1,500.00 referral fee for Mr. Wood's case; and
- b. present the \$1,500.00 check he received from Mr. Cevallos to Mr. Bochetto for deposit into B&L's operating account.

35. B&L was entitled to \$1,000.00 from the \$1,500.00 referral fee that Respondent received from Mr. Cevallos.

36. By his conduct as alleged in Paragraphs 7 through 8 and 26 through 35, above, Respondent violated the following Rules of Professional Conduct:

- a. RPC 1.15(a)(effective 4/23/05, superseded effective 9/20/08), which states that a lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a client-lawyer relationship separate from the lawyer's own property. Such property shall be identified and appropriately safeguarded. Complete records of the receipt, maintenance and disposition of such property shall be preserved for a period of five years after termination of the client-lawyer

relationship or after distribution or disposition of the property, whichever is later;

- b. RPC 1.15(b) (effective 4/23/05, superseded effective 9/20/08), which states that upon receiving property of a client or third person in connection with a client-lawyer relationship, a lawyer shall promptly notify the client or third person. 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 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 such property; and
- c. RPC 8.4(c), which states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

3. THE NORCROSS CASE

37. In November 2007, Mr. Howard Norcross ("Mr. Norcross") retained Respondent and B&L to represent his son, Carmen Norcross ("Mr. Carmen Norcross"), in criminal cases filed in the Philadelphia Municipal Court, said cases captioned *Commonwealth of Pennsylvania v. Carmen Norcross*, Docket Nos. MC 51-CR-0040108-2007 and 51-CR-0040109-2007 ("the Norcross case").

- a. Mr. Bochetto approved of Mr. Sigman's handling of the Norcross case.
- b. Mr. Norcross paid a \$2,500.00 flat fee for the representation of Carmen Norcross at the preliminary hearing.
- c. Respondent received \$500.00 from B&L because he originated the Norcross case.

38. On January 17, 2008, a preliminary hearing was held on the Norcross case at docket number 51-CR-0040108-2007.

- a. Carmen Norcross was held for court on the charges of aggravated assault, simple assault, recklessly endangering another person, and criminal conspiracy.
- b. A Common Pleas case was created and docketed

at CP-51-CR-0000700-2008.

39. On January 30, 2008, the Norcross case at docket number 51-CR-0040109-2007 was withdrawn.

40. Sometime in May 2008, Respondent told Mr. Norcross that B&L required an additional payment of \$10,000.00 in order to continue to represent Mr. Carmen Norcross.

41. On or about May 27, 2008, Mr. Norcross presented to Respondent bank check number 036-41480, in the amount of \$5,000.00, drawn on Commerce Bank, made payable to B&L.

a. Respondent told Mr. Norcross that the bank check should have been made payable to Respondent and requested that he obtain another bank check.

42. Mr. Norcross followed Respondent's directions and obtained bank check number 036-41491, in the amount of \$5,000.00, drawn on Commerce Bank, made payable to "Scott Sigman, Esquire."

43. On or about May 28, 2008, Mr. Norcross presented to Respondent bank check number 036-41491.

a. In the "RE:" portion of the check, Mr. Norcross hand wrote the words "Attorney Fees."

44. On June 2, 2008, Respondent deposited bank check number 036-41491 into a personal bank account he maintained with a financial institution.

45. Respondent used the \$5,000.00 he received from Mr. Norcross.

46. Respondent failed to:

- a. notify Mr. Bochetto that he had received from Mr. Norcross an additional payment of \$5,000.00; and
- b. present the \$5,000.00 check he received from Mr. Norcross to Mr. Bochetto for deposit into B&L's operating account or trust account.

47. From November 8, 2007 through December 16, 2008, Respondent recorded time he spent on the Norcross case while employed at B&L.

- a. Respondent did not record that he had received an additional \$5,000.00 payment from Mr. Norcross.

48. On August 12, 2008, Mr. Carmen Norcross pled guilty to the charges of aggravated assault and criminal conspiracy.

49. Based on the negotiated guilty plea, Mr. Carmen Norcross was sentenced by the Honorable Michael Erdos to a period of incarceration of six months to twenty-three months, to be followed by a probationary term of four years.

50. Sometime in late March 2009, after Respondent's employment at B&L ceased, Mr. Norcross spoke on the telephone with Mr. Bochetto.

- a. Mr. Norcross requested a refund of the \$5,000.00 payment.
- b. Mr. Bochetto told Mr. Norcross that he was unaware of a \$5,000.00 payment having been made by Mr. Norcross to B&L, which was in fact the case.
- c. Mr. Norcross related to Mr. Bochetto the events surrounding the \$5,000.00 payment received by Respondent from Mr. Norcross.

51. Following Mr. Norcross and Mr. Bochetto's telephone conversation, Mr. Bochetto spoke with the bookkeeper for B&L and confirmed that the firm had not received a \$5,000.00 payment from Mr. Norcross.

52. Thereafter, Mr. Bochetto sent to Respondent an e-mail regarding his telephone conversation with Mr. Norcross

and requested an explanation.

53. Mr. Bochetto received a telephone call from Respondent, during which call Respondent stated that Mr. Norcross "is crazy, he never paid \$5,000."

54. Immediately thereafter, Respondent contacted Mr. Norcross by telephone.

- a. Respondent asked Mr. Norcross why he had contacted his former employer.
- b. Mr. Norcross answered that he was unaware that Respondent was no longer employed at B&L, and explained that he was seeking a refund.
- c. Respondent directed Mr. Norcross not to contact B&L.
- d. Respondent told Mr. Norcross that he would provide Mr. Norcross with a refund.

55. After Mr. Bochetto received Respondent's reply to Mr. Bochetto's e-mail, Mr. Bochetto decided to contact Mr. Norcross by telephone.

- a. Mr. Norcross conveyed to Mr. Bochetto the recent telephone conversation between Respondent and Mr. Norcross, including Respondent's directive that Mr. Norcross

refrain from contacting B&L.

- b. Mr. Norcross reiterated to Mr. Bochetto the events surrounding Respondent's receipt of the \$5,000.00 payment, including Respondent's instruction to Mr. Norcross to secure a second \$5,000.00 bank check made payable to Respondent.

56. On March 27, 2009, Respondent met with Mr. Norcross.

- a. Respondent told Mr. Norcross that he would refund the sum of \$2,500.00.
- b. Respondent presented Mr. Norcross with a letter that he had prepared, dated March 27, 2009, which memorialized an agreement between Respondent and Mr. Norcross that Mr. Norcross would receive a refund from Respondent in the amount of \$2,500.00.
- c. Mr. Norcross was dissatisfied with the \$2,500.00 refund; therefore, Respondent hand-wrote on the March 27, 2009 letter that by June 30, 2009, he would refund to Mr. Norcross the additional amount of \$1,500.00.
- d. Respondent and Mr. Norcross signed the March

27, 2009 letter.

- e. Respondent refunded to Mr. Norcross the sum of \$2,500.00.

57. In July 2009, Respondent paid Mr. Norcross the additional sum of \$1,500.00.

58. B&L was entitled to \$800.00 from the \$1,000 fee payment that Respondent received from Mr. Norcross, after deducting the \$4,000.00 refund that Respondent provided to Mr. Norcross; Respondent's share of the fee was \$200.00, or 20% of the \$1,000.00 fee payment.

59. By his conduct as alleged in Paragraphs 7 through 8 and 37 through 58, above, Respondent violated the following Rules of Professional Conduct:

- a. RPC 1.15(a)(effective 4/23/05, superseded effective 9/20/08), which states that a lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a client-lawyer relationship separate from the lawyer's own property. Such property shall be identified and appropriately safeguarded. Complete records of the receipt, maintenance and disposition of such property shall be

preserved for a period of five years after termination of the client-lawyer relationship or after distribution or disposition of the property, whichever is later;

b. RPC 1.15(b) (effective 4/23/05, superseded effective 9/20/08), which states that upon receiving property of a client or third person in connection with a client-lawyer relationship, a lawyer shall promptly notify the client or third person. 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 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 such property; and

c. RPC 8.4(c), which states that it is professional misconduct for a lawyer to

engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

4. THE RAYZ REFERRAL

60. During Respondent's employment with B&L, Respondent knew that for cases that an associate attorney originated that were referred by another attorney, the associate attorney typically would receive 8% of the fees received by B&L and the referring attorney would receive 20% of the fees received by B&L, with the client's approval.

61. By e-mail dated April 6, 2007, sent to Respondent, Arkady (Eric) Rayz, Esquire, *inter alia*:

- a. advised Respondent that he had referred to Respondent a potential client by the name of Anthony Barg; and
- b. explained that he had a conflict that prevented him from handling Mr. Barg's legal matter.

62. By e-mail dated April 6, 2007, sent to Mr. Rayz, Respondent, *inter alia*:

- a. thanked him for the referral;
- b. advised him that Respondent would pay "a referral fee on the case if we get

retained"; and

- c. mentioned that Respondent had met with Mr. Barg at noon that day and intended to send Mr. Barg a retainer agreement.

63. Respondent obtained Mr. Bochetto's approval to have B&L represent Mr. Barg.

64. Respondent failed to disclose to Mr. Bochetto that:

- a. Mr. Barg had been referred to Respondent by Mr. Rayz; and
- b. Respondent had promised Mr. Rayz a referral fee.

65. By e-mail dated April 9, 2007, with a subject heading of "New File Open requests - Anthony Barg," sent to Barbara Stewart, the bookkeeper for B&L, Respondent, *inter alia*:

- a. provided Mr. Barg's address, telephone, and credit card information;
- b. designated himself as the attorney responsible for originating the file; and
- c. indicated the firm's receipt of a \$5,000.00 retainer through a credit card payment.

66. Respondent failed to disclose to Ms. Stewart

that:

- a. Mr. Barg had been referred to Respondent by Mr. Rayz; and
- b. Respondent had promised Mr. Rayz a referral fee.

67. By e-mail dated August 8, 2007, sent to Ms. Stewart, Respondent, *inter alia*:

- a. requested that she open a new file to be titled "Tony Barg - Partnership";
- b. advised her that the contact information for Mr. Barg remained the same; and
- c. designated himself as the attorney responsible for originating the file.

68. By e-mail dated January 28, 2008, with a subject heading of "Re: Barg/Allied Credit Cards," sent to Ms. Stewart, Respondent, *inter alia*:

- a. provided the B&L account number, statement number, balance figure, and adjusted balance figure;
- b. requested that Ms. Stewart charge Mr. Barg's credit card \$3,893.16, which was the adjusted balance figure, and mark the file as "Paid in Full"; and

c. reminded her that he was to receive a 20% origination payment.

69. During the period that B&L represented Mr. Barg in his legal matter, Mr. Barg paid B&L attorney fees and costs in the amount of \$34,397.14.

a. Exclusive of costs, B&L was paid \$32,409.67 as attorney fees.

70. Respondent received \$6,580.95 as origination compensation in connection with Mr. Barg's legal matter.

a. Due to an error made by B&L, Respondent received from B&L \$99.02 more in origination compensation based on a 20% calculation figure.

71. Respondent should have received origination compensation in the amount of \$2,592.77, which equals 8% of the attorney fees paid by Mr. Barg to B&L.

72. Respondent converted to his own use the sum of \$3,988.18, which is the difference between the origination compensation he was paid in connection with Mr. Barg's legal matter and the origination compensation he should have received.

73. By failing to disclose to Mr. Bochetto and Ms. Stewart that Respondent had promised Mr. Rayz a referral

fee in connection with Mr. Barg's legal matter, Respondent deprived Mr. Rayz of payment of a \$6,481.93 referral fee from B&L.

74. Respondent failed to promptly notify Mr. Rayz when Respondent was paid attorney fees from Mr. Barg during the course of B&L's representation of Mr. Barg.

75. Respondent failed to take action to ensure that prompt distribution was made to Mr. Rayz of that portion of the attorney fees B&L received from Mr. Barg during the course of B&L's representation of Mr. Barg.

76. By his conduct as alleged in Paragraphs 7 through 8 and 60 through 75, above, Respondent violated the following Rules of Professional Conduct:

- a. RPC 1.15(a) (effective 4/23/05, superseded effective 9/20/08), which states that a lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a client-lawyer relationship separate from the lawyer's own property. Such property shall be identified and appropriately safeguarded. Complete records of the receipt, maintenance and disposition of such property shall be

preserved for a period of five years after termination of the client-lawyer relationship or after distribution or disposition of the property, whichever is later;

b. RPC 1.15(b) (effective 4/23/05, superseded effective 9/20/08), which states that upon receiving property of a client or third person in connection with a client-lawyer relationship, a lawyer shall promptly notify the client or third person. 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 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 such property; and

c. RPC 8.4(c), which states that it is professional misconduct for a lawyer to

engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

5. THE DATZ REFERRAL

77. During Respondent's employment with B&L, Respondent knew that for client matters or prospective client matters that an associate attorney originated that were referred to another attorney or law firm with the approval of Mr. Bochetto, the associate attorney would receive 33% of the referral fee received by B&L for contingent fee cases.

78. On June 26, 2007, Respondent had a conference call with Ms. Jillene Pasternak and her daughter, Amy Hendry.

79. During the conference call:

- a. Ms. Pasternak described to Respondent a slip and fall accident she had on June 20, 2007, which occurred on the sidewalk outside a Sheraton Hotel located on Dock Street in Philadelphia, Pennsylvania.
- b. Ms. Pasternak expressed to Respondent her need to retain counsel to represent her for any claims she had arising from the slip and fall accident.

- c. Respondent referred Ms. Pasternak to A. Harold Datz, Esquire, and provided Ms. Pasternak with Mr. Datz's telephone number.

80. Respondent failed to obtain the approval of Mr. Bochetto to refer Ms. Pasternak's slip and fall accident case to Mr. Datz.

81. By e-mail dated June 27, 2007, sent to Respondent, Ms. Hendry, *inter alia*:

- a. expressed her thanks for the "patience and knowledge" Respondent exhibited during the June 26, 2007 conference call;
- b. stated that her mother, Ms. Pasternak, was relieved to have spoken with Respondent;
- c. advised that Ms. Pasternak had yet to speak to "[Respondent's] recommendation - Harold Datz"; and
- d. asked if Respondent could alert Mr. Datz that Ms. Pasternak was trying to reach him.

82. By e-mail dated June 27, 2007, sent to Mr. Datz, and with the subject heading of "New Case," Respondent forwarded to Mr. Datz Ms. Hendry's June 27, 2007 e-mail.

83. By e-mail dated June 27, 2007, sent to Mr. Datz, and with the subject heading of "Jill Pasternak,"

Respondent, *inter alia*:

- a. provided Mr. Datz with Ms. Pasternak's telephone number;
- b. advised Mr. Datz that Ms. Pasternak left Mr. Datz a message and was waiting for a return telephone call; and
- c. requested that Mr. Datz contact Ms. Pasternak.

84. By e-mail dated June 27, 2007, sent to

Respondent, Mr. Datz, *inter alia*:

- a. advised Respondent that he had just spoken with Ms. Pasternak and that he was "on the case";
- b. thanked Respondent for the referral;
- c. informed Respondent that he would "keep [him] posted"; and
- d. stated that "[i]t goes without saying that [Respondent] will receive a referral fee upon the successful conclusion of the case."

85. By e-mail dated June 28, 2007, sent to

Respondent, Ms. Hendry, *inter alia*:

- a. advised Respondent that she had spoken to Ms. Pasternak the previous evening and had

learned that Ms. Pasternak had spoken with Mr. Datz, who was planning to meet with Ms. Pasternak at her home that day; and

- b. thanked Respondent for speaking with Ms. Pasternak the previous day and answering Ms. Pasternak's questions.

86. By e-mail dated June 28, 2007, sent to Mr. Datz, and with the subject heading of "Re: Info," Respondent provided Mr. Datz with Respondent's home address and personal cell phone number.

87. Ms. Pasternak retained Mr. Datz to represent her for any claims she had arising from the June 20, 2007 slip and fall accident.

88. As of March 2009, Respondent's employment with B&L ceased.

89. In or about April 2009, Mr. Datz settled Ms. Pasternak's slip and fall accident case for the sum of \$216,000.00.

90. By e-mail dated April 10, 2009, sent to Mr. Datz, Respondent, *inter alia*:

- a. attached an unidentified pdf file for Mr. Datz;
- b. provided Mr. Datz with tax identification

number "26 4402924"; and

c. thanked Mr. Datz.

91. Sometime in late April 2009, Mr. Datz received the \$216,000.00 settlement check.

a. Mr. Datz, pursuant to a fee agreement signed by Ms. Pasternak, received a 40% contingent fee, resulting in a fee of \$86,400.00.

92. By check number 4040, dated April 30, 2009, drawn on Mr. Datz's IOLTA account with Wachovia Bank, Mr. Datz paid to Respondent a referral fee in the amount of \$28,800.00, which amount represented one-third of the legal fee that Mr. Datz received for representing Ms. Pasternak.

a. The "Memo" portion of this check stated the following: "PASTERNAK, JILLENE v STARWOOD HOTELS ET AL RE."

93. Respondent failed to:

a. advise Mr. Bochetto that he had received a \$28,800.00 referral fee from Mr. Datz that was generated from a personal injury case Respondent referred during the period he was employed at B&L; and

b. pay to B&L the sum of \$19,200.00, which represented the portion of the \$28,800.00

referral fee that B&L was entitled to receive.

94. Respondent failed to hold in a trust account for the benefit of B&L \$19,200.00 from the \$28,800.00 referral fee.

95. Respondent used all of the proceeds from the \$28,800.00 referral fee that he received from Mr. Datz.

96. Respondent converted to his own use the sum of \$19,200.00, which is the amount that B&L was entitled to receive from the \$28,800.00 referral fee.

97. By his conduct as alleged in Paragraphs 7 through 8 and 77 through 96, above, Respondent violated the following Rules of Professional Conduct:

- a. RPC 1.15(b), which states that a lawyer shall hold all Rule 1.15 Funds and property separate from the lawyer's own property. Such property shall be identified and appropriately safeguarded;
- b. RPC 1.15(d), which states that upon receiving Rule 1.15 Funds or property which are not Fiduciary Funds or property, a lawyer shall promptly notify the client or third person, consistent with the

requirements of applicable law. Notification of receipt of Fiduciary Funds or property to clients or other persons with a beneficial interest in such Fiduciary Funds or property shall continue to be governed by the law, procedure and rules governing the requirements of confidentiality and notice applicable to the Fiduciary entrustment;

- c. RPC 1.15(e), which states 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; Provided, however, that the delivery, accounting and disclosure of Fiduciary Funds or property shall continue to be governed by the law, procedure and

rules governing the requirements of Fiduciary administration, confidentiality, notice and accounting applicable to the Fiduciary entrustment; and

- d. RPC 8.4(c), which states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

6. THE BOERNER MATTER

98. On or about October 5, 2005, Mr. James Boerner's residence located at 200 North Pine Avenue, Maple Shade Township, Burlington County, New Jersey ("the property"), was destroyed by a fire.

- a. Prior to this incident, Mr. Boerner's mortgage company, National City Mortgage Company ("National City"), had instituted foreclosure proceedings against the property in the Superior Court of New Jersey, Chancery Division, Burlington County.
- b. Richard P. Haber, Esquire, and Leonard B. Zucker, Esquire, represented National City in the foreclosure proceedings.

99. On December 16, 2005, Mr. Boerner retained B&L to

represent him in connection with an arson investigation conducted by State Farm Fire & Casualty Company ("State Farm") or any law enforcement authority ("the Boerner matter").

- a. Mr. Bochetto approved of Respondent's representation of Mr. Boerner prior to any criminal indictment in connection with a criminal investigation.
- b. Mr. Bochetto approved a fee of \$5,000.00 non-refundable retainer for representation prior to any potential criminal indictment for arson in connection with a criminal investigation.
- c. Respondent received \$750.00 from B&L because he originated the Boerner matter.
- d. Respondent was assigned to handle the Boerner matter.

100. Respondent provided Mr. Boerner with a letter prepared on B&L letterhead dated December 16, 2005, which set forth the terms of the representation by B&L.

101. On or about December 19, 2005, B&L received payment of the \$5,000.00 retainer from Mr. Boerner.

102. Commencing sometime in September 2005, Mr.

Boerner had discussions with Herbert Donald McCulloch, a potential co-buyer, concerning the sale of the property to Mr. McCulloch and to Mr. Hollis Hames.

- a. Mr. McCulloch was represented by the law firm of Prochniak, Weisberg, P.C., for the purpose of providing him with counsel and advice in acquiring the property and for the purpose of drafting the documents to consummate Mr. McCulloch's acquisition of the property.
- b. Following Mr. Boerner's retention of B&L, Respondent provided legal counsel and advice to Mr. Boerner regarding the documents that were drafted to consummate the sale of the property.
- c. In connection with Respondent's representation of Mr. Boerner concerning the sale of the property, Respondent had contact with Matthew B. Weisberg, Esquire, counsel for Mr. McCulloch.

103. From January 3, 2006 through February 8, 2006, twenty-two e-mails were sent to Respondent either by Mr. Weisberg or Mr. Haber, and dealt with efforts to delay the

sheriff's sale of the property and to effectuate the sale of the property from Mr. Boerner to Mr. McCulloch and Mr. Hames.

104. Respondent received the aforementioned e-mails.

105. By e-mail dated January 26, 2006, sent to Mr. Weisberg and Mr. Haber, Respondent responded to Mr. Weisberg's initial e-mail of January 26, 2006, by stating that he would check with Mr. Boerner and his father regarding the proposal set forth in Mr. Weisberg's e-mail.

106. By e-mail dated February 17, 2006, sent to Respondent by Evan D. Prochniak, Esquire, Mr. Weisberg's law partner, and copied to Mr. McCulloch, Mr. Hames, and Mr. Weisberg, Mr. Prochniak, *inter alia*:

- a. attached for Respondent's review the documents that Mr. Boerner had to sign to transfer title to the property;
- b. requested that Respondent let him know immediately if Respondent wanted any changes to the documents; and
- c. stated that he could have a "closer" deliver the attached documents to Mr. Boerner that day for his signature.

107. By e-mail dated February 17, 2006, sent to Mr.

Prochniak, Respondent replied that the "docs are fine for him [Mr. Boerner] to sign."

108. On February 17, 2006, Mr. Boerner, Mr. McCulloch, and Mr. Hames executed a document entitled "Agreement for Purchase and Sale of Real Estate" ("the Agreement").

109. Mr. McCulloch and Mr. Hames paid to National City the amount that was due and owing to National City under the mortgage it held on the property.

110. For the months of January and February 2006, the time records Respondent kept for the Boerner matter during his employment at B&L reflect that Respondent received and reviewed e-mails from Mr. Weisberg, Mr. Haber, and Mr. Prochniak; Respondent sent e-mails to Mr. Weisberg; Respondent had telephone conversations with Mr. Boerner, Mr. Weisberg, Mr. Haber, and Mr. Prochniak regarding the sale of the property; and Respondent reviewed the Agreement.

111. By e-mail dated February 21, 2006, sent to Respondent by Mr. Weisberg, and which had a subject description of "Boerner: Fire Ins.," Mr. Weisberg, *inter alia*:

- a. asked Respondent to forward the homeowner's insurance policy and policy information for

the property; and

- b. inquired when Mr. Boerner's examination under oath and trial would take place.

112. By e-mail dated February 26, 2006, which Respondent sent to Mr. Weisberg and copied to Lynne Nucci, Respondent's paralegal during Respondent's employment at B&L, and which e-mail had a subject description of "Boerner: Fire Ins.," Respondent, *inter alia*:

- a. requested that Ms. Nucci provide Mr. Weisberg with the information regarding Mr. Boerner's homeowner's policy as requested in Mr. Weisberg's February 21, 2006 e-mail;
- b. stated that Mr. Boerner's examination under oath would take place on March 7, 2006; and
- c. advised that no criminal case had been filed against Mr. Boerner.

113. By e-mail dated February 28, 2006, sent by Mr. Weisberg to Respondent and copied to Ms. Nucci, and which had a subject description of "Boerner: Fire Ins.," Mr. Weisberg requested a response from Ms. Nucci.

114. By e-mail dated February 28, 2006, which Respondent sent to Mr. Weisberg and copied to Ms. Nucci, and which had a subject description of "Boerner: Fire

Ins.," Respondent again requested that Ms. Nucci provide Mr. Weisberg with the information regarding Mr. Boerner's homeowner's policy.

115. On March 27, 2006, Respondent represented Mr. Boerner while he was examined under oath by Mark S. Hochman, Esquire, an attorney representing State Farm, concerning claim number 30-P140-317.

- a. Mr. Hochman wanted to question Mr. Boerner regarding a claim that Mr. Boerner submitted to State Farm arising from the fire that destroyed the property.
- b. During the examination, Mr. Boerner asserted his Fifth Amendment right against self-incrimination to the majority of the questions posed to him by Mr. Hochman.
- c. Towards the close of the examination, Respondent stated that after an off-the-record conversation with Mr. Boerner, Mr. Boerner agreed to "forego any claims he submitted to State Farm Insurance Company. He's not interested in pursuing any insurance claim with State Farm."
- d. Mr. Hochman told Respondent that he would

discuss the matter with representatives of State Farm and advise Respondent if State Farm would close its investigation based on Mr. Boerner's willingness to withdraw his claim.

116. By letter dated March 31, 2006, sent to Mr. Boerner and copied to Respondent, State Farm informed Mr. Boerner that no coverage existed for the fire that destroyed the property because Mr. Boerner failed to answer questions during the March 27, 2006 examination.

a. Respondent received this letter.

117. On June 30, 2006, State Farm issued a check ("the State Farm check") in the amount of \$130,727.45, made payable to "National City Mortgage Co. its succ. and/or assigns: ATIMA."

a. The State Farm check had typed on it a "loss date" of "10/05/2006."

b. The State Farm check had typed on it "CLAIM NO 30-P140-317."

118. National City, having received payment of its mortgage on the property from Mr. McCulloch, endorsed the State Farm check and forwarded it to Mr. Boerner.

119. On July 17, 2006, Respondent had a conference

call with Mr. Boerner regarding the State Farm check.

120. On July 24, 2006, Respondent had a second conference call with Mr. Boerner regarding the State Farm check.

121. On July 25, 2006, Respondent had a third conference call with Mr. Boerner regarding the State Farm check.

a. After Respondent's conference call with Mr. Boerner, Respondent placed a telephone call to State Farm.

122. On July 26, 2006, Respondent had a fourth conference call with Mr. Boerner regarding the State Farm check.

123. On July 27, 2006, Respondent had a fifth conference call with Mr. Boerner regarding the State Farm check.

124. On July 28, 2006, Respondent had a sixth conference call with Mr. Boerner regarding, *inter alia*, the State Farm check.

125. Respondent knew that Mr. Boerner had received from National City a check issued on account of the obligation of State Farm to make payment to a mortgagee on an insurance contract when the collateral securing the

obligation (*i.e.*, the improvements to the property) was destroyed.

126. Sometime in August 2006, arrangements were made between Respondent and Mr. Boerner for Mr. Boerner to deposit the State Farm check into B&L's escrow account.

127. On August 11, 2006, Mr. Boerner met with Respondent at the office of B&L and presented to Respondent the State Farm check for deposit into B&L's escrow account.

128. On August 11, 2006, the State Farm check was deposited into B&L's escrow account.

129. By letter dated August 11, 2006, sent by Respondent to Mr. Boerner, Respondent, *inter alia*:

- a. confirmed that Mr. Boerner requested that B&L hold his "mortgage proceeds in the amount of \$130,727.45 in escrow pending the outcome of the arson investigation"; and
- b. informed Mr. Boerner that the "mortgage proceeds" would be held in escrow until Mr. Boerner requested the release of the funds.

130. In December 2006, after request of Mr. Boerner, the B&L bookkeeper distributed the proceeds from the State Farm check as set forth below:

- a. pursuant to Respondent's letter to Mr.

Boerner dated December 4, 2006, \$30,000.00 was paid to B&L as a fee for representation of Mr. Boerner in a Driving Under the Influence case;

- b. \$13,498.83 was paid to the United States Treasury to satisfy Mr. Boerner's federal tax debt, which was memorialized in letters Respondent sent to Mr. Boerner dated December 4, 2006 and December 11, 2006;
- c. pursuant to the December 11, 2006 letter, \$30,000.00 was paid to B&L for representation of Mr. Boerner in a second Driving Under the Influence case; and
- d. the remainder of the funds was disbursed to Mr. Boerner, which disbursement was memorialized in the December 11, 2006 letter.

131. Based on the two \$30,000.00 payments received by B&L as legal fees from Mr. Boerner, B&L received \$48,000.00 in fees, and Respondent received two separate payments from B&L, each in the amount of \$6,000.00, because Respondent originated the additional representation of Mr. Boerner in his criminal matters.

132. By e-mail dated May 2, 2007, sent to Respondent by Mr. Weisberg, and which had a subject description of "Boerner: Fire Ins.," Mr. Weisberg, *inter alia*:

- a. stated that he was advised that Respondent had received the insurance proceeds arising from the fire to the property and that Respondent had taken a fee and distributed the remaining proceeds to Mr. Boerner;
- b. pointed out that the Agreement made Mr. Weisberg's client the beneficiary of any insurance payout arising from the fire to the property; and
- c. "suggested" that Respondent retrieve the insurance proceeds from Mr. Boerner "before this blows up...."

133. Respondent received this e-mail.

134. By letter dated May 3, 2007, sent to Respondent by Alan H. Ettenson, Esquire, counsel for Mr. McCulloch, Mr. Ettenson, *inter alia*:

- a. advised Respondent that he represented Mr. McCulloch "with regard to insurance proceeds that are due him arising out of the sale" of the property;

- b. stated that Respondent had told Mr. Ettenson that B&L had received funds from National City "in the approximate amount of \$136,000 (in or about July, 2006) and that [Respondent] disbursed those funds in December, 2006";
- c. advised that Mr. McCulloch, not Mr. Boerner, was entitled to the funds that Mr. Boerner had received; and
- d. stated that although Respondent had contended that he was not involved in the sale of the property, Mr. Ettenson had documents that showed Respondent's involvement in the transaction.

135. Respondent received this letter and reviewed it with Mr. Bochetto.

136. On or about May 8, 2007, Respondent had a meeting with Mr. Bochetto and others regarding Mr. Ettenson's May 3, 2007 letter.

- a. Respondent claimed that he had not reviewed the Agreement and that he did not know whether Mr. Boerner was entitled to the

proceeds from the State Farm check that had been held in the B&L escrow account.

- b. In Respondent's presence, Mr. Bochetto called Mr. Ettenson regarding his letter.

137. Based on the discussion between Respondent and Mr. Bochetto during the meeting and the conference call, a decision was reached that Mr. Bochetto would send Mr. Ettenson a letter.

- a. Respondent prepared a draft of this letter.

138. By letter dated May 9, 2007, which was sent to Mr. Ettenson, Mr. Bochetto, *inter alia*:

- a. stated that the letter was a follow-up to their prior telephone conversation and was responsive to certain issues raised in Mr. Ettenson's May 3, 2007 letter;
- b. discussed how, and under what circumstances, the proceeds from the State Farm check had been distributed;
- c. represented that Respondent was unaware of a dispute regarding entitlement to the proceeds from the State Farm check until Respondent received Mr. Ettenson's letter; and

d. stated that after speaking with Respondent, he learned that, *inter alia*, Respondent had not reviewed the Agreement and that the only advice Respondent gave to Mr. Boerner was that the pending criminal investigations would not prevent Mr. Boerner from selling the property.

139. Respondent was copied on this letter.

140. Unbeknownst to Mr. Bochetto, his May 9, 2007 letter contained several misrepresentations, in that Respondent:

- a. had received and reviewed the Agreement; and
- b. had some involvement in the sale of the property.

141. In April 2008, Mr. McCulloch filed a lawsuit in the Superior Court of New Jersey, Law Division, Burlington County, captioned **Albert Donald "Tripp" McCulloch vs. Matthew B. Weisberg, Evan D. Prochniak, Prochniak, Weisberg, P.C. f/k/a Prochniak, Poet & Weisberg, P.C., John Does and Jane Does, 1-10, and Richard Roe, Inc. 1-10, jointly, severally and in the alternative** ("the McCulloch lawsuit"), docketed at BUR-L-1188-08.

142. In January 2009, Mr. Weisberg, Mr. Prochniak, and

their firm filed in connection with the McCulloch lawsuit a Third Party Complaint against Mr. Sigman, B&L, and Mr. Boerner.

143. In January 2009, Mr. Weisberg, Mr. Prochniak, and their firm filed in connection with the McCulloch lawsuit a Third Party Complaint against Respondent, B&L, and Mr. Boerner.

- a. The Third Party Complaint alleged that Respondent and B&L knew or should have known that the proceeds from the State Farm check belonged to Mr. McCulloch and not Mr. Boerner.

144. On or about February 23, 2009, Respondent prepared an Affidavit for his signature ("the Sigman Affidavit").

145. In the Sigman Affidavit, which stated that Respondent was "duly sworn according to law," Respondent claimed, *inter alia*, that:

As far as I knew, State Farm declined to pay Mr. Boerner's fire insurance claim based on his failure to cooperate and answer questions at the deposition. This understanding was confirmed in a letter from State Farm dated March 31, 2006. The letter stated that Mr. Boerner would not be covered

for the fire related loss that occurred on October 5, 2005.

On August 11, 2006, Mr. Boerner did give me a check from his mortgage company to hold in escrow, so that he would have adequate resources to pay his defense fees and to pay off money he owed to the IRS.

146. Respondent signed the Sigman Affidavit, which was notarized by Ms. Parisano and witnessed by a third party.

147. On March 3, 2009, Respondent was deposed by Mr. Ettenson and by Barry Brownstein, Esquire, counsel for Mr. Weisberg, Mr. Prochniak, and their law firm.

148. During the deposition, Respondent provided Mr. Ettenson and Mr. Brownstein with, *inter alia*, the Sigman Affidavits.

149. During the deposition, Respondent falsely testified that:

- a. he did not review the Agreement before the property was sold;
- b. he was not involved in the sale of the property;
- c. he did not keep time records for the legal services he rendered to Mr. Boerner;
- d. he was unaware that State Farm issued a check;

- e. he was unaware that State Farm issued a check for the fire that destroyed the property;
- f. he did not know that Mr. Boerner received a check from State Farm;
- g. he did not question Mr. Boerner about the "mortgage company" (in actuality, the State Farm) check;
- h. he did not contact State Farm regarding the State Farm check;
- i. he did not know that Mr. Boerner was presenting to Respondent the State Farm check for deposit into the B&L escrow account; and
- j. he did not take a fee from fire insurance proceeds.

150. Respondent kept track of the time he spent on Mr. Boerner's matters while he was employed at B&L.

151. The Sigman Affidavit, in conjunction with Respondent's false testimony at the deposition, was misleading, in that Respondent created the false impression that he was unaware that the "mortgage company" check he

received from Mr. Boerner for deposit into B&L's escrow account was issued by State Farm.

152. Respondent, through his attorney, David F. Michelman, Esquire, sent a May 7, 2009 letter to Mr. Ettenson and Mr. Brownstein in which Mr. Ettenson and Mr. Brownstein were advised that Respondent wanted to "correct" "certain mistakes" Respondent made during his deposition and requested that Respondent be re-deposed, specifically, the fact that time records were kept, the nature of the \$130,000.00 check, the nature of the Boerner representation, and the fees paid to B&L.

- a. This letter was sent after Mr. Michelman and Respondent reviewed Respondent's billing records, and payment records, maintained by B&L for the Boerner matter.

153. By his conduct as alleged in Paragraphs 7 through 8 and 98 through 152, above, Respondent violated the following Rules of Professional Conduct:

- a. RPC 3.4(a), which states that a lawyer shall not unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other

material having potential evidentiary value or assist another person to do any such act;

- b. RPC 8.4(c), which states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation; and
- c. 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.

7. THE WESTLAW ACCOUNT

154. During the course of Respondent's employment at B&L, Respondent received a Westlaw password for the Westlaw account maintained by B&L.

155. B&L's Westlaw account was to be used exclusively in connection with the representation of B&L clients or on behalf of B&L.

156. At no time did Mr. Bochetto authorize Respondent to disseminate to anyone not employed by B&L the Westlaw password Respondent received for B&L's Westlaw account.

157. By e-mail dated June 13, 2007, which was sent to Respondent by Ms. Tara D'Lutz, Esquire, an attorney with whom Respondent was acquainted, Ms. D'Lutz stated the

following:

That wonderful Lexis ID you gave me is defunct-do you have an ID-broad-spectrum, that I could use to run one background check on this slimebag "Irving Friend"-a minister of all things involved in this sexual harassment/defamation case I have?

158. Respondent received this e-mail.

159. In response to this e-mail, Respondent sent an e-mail to Ms. Tara D'Lutz that had the Westlaw password for B&L's Westlaw account.

- a. Ms. Tara D'Lutz was not employed by B&L.
- b. Ms. Tara D'Lutz was employed as an attorney with the law firm of William G. Shields & Associates, which is located in the Commonwealth of Virginia.

160. Respondent did not advise Ms. Tara D'Lutz that the Westlaw password she received from him was for B&L's Westlaw account.

161. During the months of July and August 2007, Ms. Tara D'Lutz used the Westlaw password for B&L's Westlaw account for searches related to Alaska and Virginia case law.

162. B&L received invoices for the months of July and August 2007 from Westlaw for B&L's Westlaw account which

reflected charges related to searches of Alaska and Virginia case law.

163. By two e-mails dated August 14, 2007, Ms. Barbara Stewart questioned the employees of B&L about charges made to B&L's Westlaw account.

164. By an e-mail dated August 21, 2007, Ms. Barbara Stewart questioned the employees of B&L about charges relating to Virginia or Alaska law made to B&L's Westlaw account.

165. Respondent denied having any information about the unauthorized charges relating to Alaska or Virginia law made to B&L's Westlaw account.

166. Respondent did not have any information about unauthorized charges relating to Alaska law made to B&L's Westlaw account.

167. B&L paid Westlaw \$3,662.80 for the usage.

168. B&L learned that Ms. Tara D'Lutz had received the Westlaw password for B&L's Westlaw account from Respondent and that she had used that password to conduct research relating to Alaska and Virginia case law.

169. By check dated November 16, 2009, William G. Shields, Esquire, paid to B&L the sum of \$3,662.80.

170. By his conduct as alleged in Paragraphs 154

through 169 above, Respondent violated the following Rule of Professional Conduct:

- a. RPC 8.4(c), which states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

171. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension from the practice of law for a period of thirty months.

172. 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 acknowledgements contained in Rule 215(d)(1) through (4), Pa.R.D.E.

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

- a. Respondent has admitted engaging in misconduct and violating the charged Rules

of Professional Conduct;

- b. Respondent has cooperated with Petitioner, as is evidenced by Respondent's admissions herein and his consent to receiving a suspension of thirty months;
- c. Respondent is remorseful for his misconduct and understands he should be disciplined, as is evidenced by his consent to receiving a suspension of thirty months;
- d. Respondent has no record of discipline in the Commonwealth; and
- e. Respondent has been actively involved with the Philadelphia Bar Association, the North Philadelphia Weed and Seed Program (aims are to eliminate drug-related crime and improve the social and economic conditions of the community), and other legal and non-legal organizations, as more fully set forth in the attached document designated as "Exhibit A."

174. Respondent has filed a lawsuit in the Philadelphia Court of Common Pleas against B&L alleging that he is owed referral fees for cases that he originated

that remained at B&L after Respondent's employment at B&L terminated. B&L has deposited into an escrow account Respondent's share of referral fees for cases he originated. B&L claims that it is entitled to a set-off against Respondent's share of the referral fees because, *inter alia*, Respondent converted client fees and referral fees that belonged to B&L. Respondent has agreed to notify B&L in writing that it is authorized to withdraw and receive the sum of \$25,468.18 from the aforementioned escrow account. This amount equals the amount of monies that ODC has determined that Respondent converted from B&L in the matters that are referenced in the Joint Petition.

175. Respondent, through his attorneys, desires to bring to the attention of the three-member panel of the Disciplinary Board and the Supreme Court of Pennsylvania that if the within disciplinary matter had proceeded to a disciplinary hearing, Respondent would have presented letters discussing Respondent's character and involvement in legal and non-legal organizations from the following members of the legal and non-legal community in the Philadelphia region: Lynne M. Abraham, former District Attorney of Philadelphia; JoAnne Epps, Dean of Temple University Beasley School of Law; Natalie Klyashtorny,

Esquire; Richard Agins, Esquire; Evan S. Shingles, Esquire; Mitchell H. Klevan, Esquire; Senior Deputy Attorney General Nancy S. Hartsough; Gregory Cirillo, Esquire; Philadelphia Police Captain Joseph Bologna; Philadelphia Police Officer Tina Willis; and Jason Reiver. These letters are attached collectively as "Exhibit B."

176. Precedent suggests that Respondent's misconduct warrants a suspension of thirty months.

Respondent's matter is somewhat similar to, albeit distinguishable from, two cases, *Office of Disciplinary Counsel v. Steven Robert Grayson*, No. 95 DB 2007 (Recommendation of Three-Member Panel 11/14/07) (S.Ct. Order 3/20/08) (two-year suspension for converting over \$35,000.00 in fees and costs belonging to Respondent's former employer over a thirty-three month period; in mitigation, Respondent Grayson had no record of discipline, cooperated, was remorseful, and made restitution) and *Office of Disciplinary Counsel v. Joan Gaughan Atlas*, No. 171 DB 2001 (D.Bd. Rpt. 3/24/04) (S.Ct. Order 6/29/04) (three-year suspension for: converting approximately \$35,000.00 in fees belonging to Respondent's former employer; commingling personal funds with fiduciary funds; failing, over a period of 44 months, to hold in trust client funds in several

matters; making misrepresentations to her former employer; and filing false certifications with the Secretary's Office regarding her compliance with RPC 1.15; in mitigation, Respondent Atlas had no record of discipline and achieved and maintained sobriety in her recovery from alcoholism).

A comparison of these cases to Respondent's matter indicates that a thirty-month suspension is an appropriate sanction for Respondent's misconduct.

Like Respondent Grayson, Respondent Sigman has: converted a substantial amount of fees from his employer (over \$25,000.00); engaged in misconduct over a lengthy period of time (twenty-four months); has no record of discipline; made restitution; and cooperated by admitting his misconduct.

However, there is an important distinguishing factor that suggests that a two-year suspension, as imposed in *Grayson*, would be too lenient. Respondent Sigman's misconduct is more egregious than Respondent Grayson's misconduct. Respondent Sigman's misconduct went beyond mere conversion of fees belonging to B&L. Respondent's misconduct also involved offering false testimony during a deposition (although two months after the deposition Respondent advised Mr. Ettenson and Mr. Brownstein that he

made "certain mistakes" during the deposition), failing to disclose that Mr. Rayz had referred the Barg matter to B&L (thereby depriving Mr. Rayz of a referral fee of several thousand dollars from B&L), and providing the Westlaw password for B&L's Westlaw account to Ms. Tara D'Lutz, who used the account to accrue almost \$3,700.00 of unauthorized charges (Ms. Tara D'Lutz's employer reimbursed B&L for her unauthorized charges).

Atlas and Respondent Sigman's matter resemble one another in that both matters involve not only conversion of substantial fees from their former employers, but other species of misconduct.

Yet, there are several significant dissimilarities between the matter at bar and the **Atlas** case that would warrant a modest downward departure from **Atlas's** three-year suspension. First, Respondent Sigman's misconduct is not quite as egregious as Respondent **Atlas's** misconduct. Respondent **Atlas's** misconduct occurred over forty-four months, while Respondent Sigman's misconduct occurred over twenty-four months. Although both Respondent **Atlas** and Respondent Sigman converted fees from their employers and made misrepresentations, Respondent **Atlas** also commingled her funds with fiduciary funds and failed to hold inviolate

client funds. Second, Respondent Atlas did not offer in mitigation of discipline restitution, cooperation, remorse, and extensive contributions to a local bar association, as does Respondent Sigman.

In sum, the disciplinary cases of **Grayson** and **Atlas** support Petitioner and Respondent's joint recommendation for a thirty-month suspension.

177. After considering precedent and weighing the mitigating factors, Petitioner and Respondent submit that a thirty-month suspension is appropriate discipline for Respondent's misconduct.

WHEREFORE, Petitioner and Respondent respectfully request that:

- a. 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 that the Supreme Court enter an Order:

(i) suspending Respondent from the practice of law for a period of thirty months; and

(ii) directing Respondent to comply with all of the provisions of Rule 217, Pa.R.D.E.

b. Pursuant to Rule 215(i), the three-member panel of the Disciplinary Board order Respondent to pay the necessary expenses incurred in the investigation of this matter as a condition to the grant of the Petition and that all expenses be paid by Respondent before the imposition of discipline under Rule 215(g), Pa.R.D.E.

Respectfully submitted,


OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION

CHIEF DISCIPLINARY COUNSEL

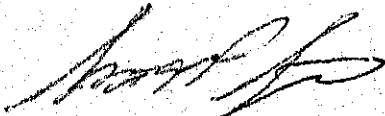
November 13, 2012
Date

BY

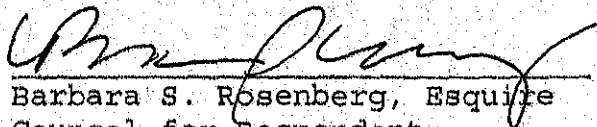


Richard Hernandez
Disciplinary Counsel

11/13/12
Date

By 
Scott Philip Sigman, Esquire
Respondent

11/13/2012
Date

By 
Barbara S. Rosenberg, Esquire
Counsel for Respondent

11/13/2012
Date

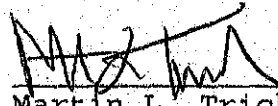
By 
Martin L. Trichon, Esquire
Counsel for Respondent

EXHIBIT A

Scott P. Sigman, Esquire

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(<http://www.scottsigman.com/pdfs/ai04-ultimate.pdf>)
- Weapons of Mass Destruction*, At Issue, Pennsylvania Bar Association Young Lawyers Division, Winter 2005. (<http://www.scottsigman.com/pdfs/ai05-wmd.pdf>)
- Asset Forfeiture Takes a Front Seat in Philly*, Weed & Seed Insights, United States Department of Justice Executive Office of Weed & Seed, 2005.
(<http://www.scottsigman.com/pdfs/insights.pdf>)
- The War on Drugs Faces a Budget Crunch*, At Issue, Pennsylvania Bar Association Young Lawyers Division, Fall 2005. (<http://www.scottsigman.com/pdfs/ai05-ward.pdf>)
- Social Promotton*, ABA Journal, American Bar Association, 2008.
(http://www.abajournal.com/magazine/article/social_promotion/)
- Accreditation of Law School Proposal: A Hot Topic at the ABA Midyear Meeting*, At Issue, Pennsylvania Bar Association Young Lawyers Division, Summer 2008.
(<http://www.scottsigman.com/pdfs/ai08-accred.pdf>)
- Casting A Wider 'Net' Why Young Lawyers Are Embracing Social Networking Sites Like Never Before*, At Issue, Pennsylvania Bar Association Young Lawyers Division, Spring 2009. (<http://www.scottsigman.com/pdfs/ai09-social.pdf>)
- Temple American Inn of Court Celebrates Twenty Years*, Inn the News, The Bench, Sept/Oct 2011. (<http://www.scottsigman.com/pdfs/taic%20bencher.pdf>)
- Philadelphia's Ambassadors to Italy*, The Philadelphia Lawyer, Philadelphia Bar Association Magazine, Fall 2011.
(<http://www.scottsigman.com/pdfs/taic%20rome.pdf>)

Trial of Amanda Knox Highlights the Differences Between the United States and Italian Legal Systems, The Benchers, March/April 2012.
(<http://www.scottsigman.com/pdfs/taic%20benchers2.pdf>)

CLE COURSES

Using Trial Technology in a Jury Trial, Philadelphia Bar Association Bench-Bar Conference, November 6, 2004. Course Planner and Instructor

Using Trial Technology in a Criminal Jury Trial, Philadelphia District Attorney's Office, 2003, 2004, and 2005. Course Planner and Instructor

Criminal Law & Criminal Procedure, Philadelphia Bar Association Young Lawyers Division "The People's Law School," 2002 - 2007. Course Planner and Instructor

Direct & Cross Examination with Technology, Pennsylvania District Attorneys Institute "Top Gun Drug Prosecution Course," November 15, 2004. Course Co-Planner and Instructor

Drug Diversionary Programs in the U.S., National Black Prosecutors Association 2005 Annual Conference, August 18, 2005. Course Planner and Instructor

Don't Forget Your Ethics, Personal Injury Potpourri presented by the Dispute Resolution Institute, April 10, 2007

My First Federal Jury Trial, Philadelphia Bar Association, May 3, 2007. Course Co-Planner and Instructor

The Ins and Outs of Election Law, Philadelphia Bar Association. 2007. Course Co-Planner and Instructor

Criminal Case Preparation, Philadelphia Bar Association, November 7, 2008. Course Planner and Instructor

Contract Negotiations, American College of Osteopathic Physicians – 46th Annual Convention, Washington, D.C., March 6, 2009. Course Planner and Instructor

Prosecuting a Drug Case, Top Gun: Undercover Drug Law Enforcement Training, Ft. Indiantown Gap, PA, October 31, 2009. Course Planner and Instructor

Contract Negotiations II, American College of Osteopathic Physicians – 47th Annual Convention, Las Vegas, Nevada, March 19, 2010. Course Co-Planner and Instructor

Contract Negotiations III, American College of Osteopathic Physicians – 48th Annual Convention, San Antonio, Texas, March 18, 2011. Course Co-Planner and Instructor

Little Jury Room of Horrors - PTSD, Temple American Inn of Court, April 13, 2011. Co-Writer

Lifestyles of the Rich and Sentenced, Philadelphia Criminal Inn of Court, April 19, 2011.
Co-Writer

Case of Vixen Loveless v. Hands Grabsky, Temple American Inn of Court, February 8, 2012. Co-Writer

Inferno: The Dalia Vargas Story, Philadelphia Criminal Inn of Court, October 1, 2012.
Co-Writer

CERTIFICATIONS

Top Gun: Undercover Drug Law Enforcement Training, Ft. Indiantown Gap, PA
October 20, 2002 through October 26, 2002, Presented by Pennsylvania Office of
Attorney General Bureau of Narcotics Investigation, Pennsylvania State Police, and
Pennsylvania National Guard North East Counter Drug Training Center

Basic Clandestine Laboratory Safety, Philadelphia, PA (July 26, 2004 through July 29,
2004), Presented by Network Environmental Services

Booby Traps in Drug Houses, Philadelphia, PA July 30, 2004
Presented by Philadelphia Police Bomb Disposal Unit

AWARDS

1 st Judicial District Pro Bono Publico Award	1 st Judicial District of Pennsylvania	2012
Pennsylvania Rising Star Super Lawyer	Philadelphia Magazine Law & Politics	2012
Pennsylvania Rising Star Super Lawyer	Philadelphia Magazine Law & Politics	2011
Pennsylvania Rising Star Super Lawyer	Philadelphia Magazine Law & Politics	2010
Pennsylvania Rising Star Super Lawyer	Philadelphia Magazine Law & Politics	2008
Pennsylvania Rising Star Super Lawyer	Philadelphia Magazine Law & Politics	2007
Pennsylvania Rising Star Super Lawyer	Philadelphia Magazine Law & Politics	2006
2006 Lawyer on the Fast Track	The Legal Intelligencer	2006
Pennsylvania Rising Star Super Lawyer	Philadelphia Magazine Law & Politics	2005
Pennsylvania Senate Citation	Pennsylvania Senate	2005
Pennsylvania House of Representatives Citation	Pennsylvania House of Representatives	2005
City of Philadelphia City Council Citation	Philadelphia City Council	2005
Outstanding Service in Public Safety	Mariane Bracetti Charter School Police Department	2004
Outstanding Service	Philadelphia District Attorney's Office	2001
Wapner, Newman & Wigrizer, P.C. Award in Trial Advocacy	Temple University - James E. Beasley School of Law	2001
Barrister's Award in Trial Advocacy II	Temple University - James E. Beasley	2000

	School of Law	
Outstanding Achievement	Philadelphia District Attorney's Office	1999
Barrister's Award in Trial Advocacy I	Temple University - James E. Beasley School of Law	1999

PROFESSIONAL ORGANIZATIONS

American Bar Association, *Member (2002-2011)*
Bar Association of the Third Federal Circuit, *Member (2007-2010)*
Criminal Justice Act (CJA) Attorney for the United States District Court for the Eastern District of Pennsylvania *(2011-present)*
District Attorneys' Alumni Association, *Member (2005-present)*
National District Attorneys Association, *Associate Member (2001-2005)*
Pennsylvania Bar Association, *Young Lawyers Division (Zone Chair for Philadelphia 2002-2008) and House of Delegates (Zone 1 Delegate 2007-2008)*
United States Department of Justice North Philadelphia Weed & Seed Program, *Steering Committee (1998-2005), Board of Directors (Vice President 2005 – present)*
Pennsylvania District Attorneys Association, *Member (2001-2005)*
Pennsylvania Trial Lawyers Association, *Member (2005-present)*
Philadelphia Bar Association: *Young Lawyers Division (Immediate Past Chair 2009, Chair 2008, Chair-Elect 2007, Vice Chair 2005-2006, Financial Secretary 2004, and Executive Board Member 2001-2009); Criminal Justice Section (Executive Board Member), Professional Responsibility Committee; Federal Courts Committee; Municipal Courts Committee; Commission on Judicial Selection and Retention, Investigative Division (2006-2008); Delegate to the Pennsylvania Bar Association (2007-2009), Bench Bar Conference Committee (2007), Board of Governors (2007-2008, 2010-2012), Bar Association Nominating Committee (2006-2008), and the Bar Academy Board of Directors (2010-2012)*
Philadelphia Criminal Inn of Court, *Member (2011-present), (Executive Committee, Web Administrator 2012-present)*
Philadelphia Trial Lawyers Association, *Member (2005-present) (President's Select & Future Leaders Committee 2007-present)*
Temple American Inn of Court, *Member (2005-present), (Executive Committee 2011-present, Public Relations/Communications and Co-Web Administrator 2011-present)*
Temple Law Alumni Association, *Member (2001-present), Member of the Executive Board (Annual Meeting Committee Co-Chair 2007-2012, Bar Admission Ceremony Committee Co-Chair 2010-2012, Community Outreach Committee Co-Chair 2002-2011, Recent Graduate Division Co-Chair 2002-2007, and Law Day Committee 2002-2011)*
The Justinian Society, *Member (2001-present)*
The Lawyers Club of Philadelphia, *Member (2001-present), Board of Directors (Treasurer 2006-present, Nominating Committee 2008-2011, By-Laws Committee 2010-2011, Membership Committee 2006-2011, Sub-Committee on Membership and Finance 2010-2011, Brochure Committee 2009-2011)*
The Louis Brandeis Law Society, *Member of the Executive Board (2004-present)*
Pennsylvania Narcotic Officers Association, *Associate Member (2001-2005)*
Preservation Alliance for Greater Philadelphia, *Member (2008-present)*
Pyramid Club, *Member (2005-present)*

The Pennsylvania Society, *Member (2006-present)*

The Union League of Philadelphia, *Member (Armed Services Committee 2008-present,
Stein Club 2010 - present, Scotch Club 2010-present)*

The World Affairs Council of Philadelphia, *Member (2005-2009)*

Variety Club, *Member (2005-2008)*

Vesper Club, *Member (2005-2009)*

EXHIBIT B

November 12, 2012

VIA EMAIL

Barbara S. Rosenberg, Esquire
Law Office of Barbara S. Rosenberg
1060 First Avenue ~ Suite 400
King of Prussia, PA 19406

Re: **Petition For Discipline**
Filed against Scott Philip Sigman, Esquire

Dear: Disciplinary Board Members and Barbara Rosenberg, Disciplinary Counsel:

I am writing this letter to attest to the good character of Scott Sigman during the time he worked for me in the District Attorney's Office of Philadelphia. As you already know, I am the former District Attorney of Philadelphia having served almost 19 years in that capacity commencing in May of 1991. Sometime during the year 1999, Scott Sigman came to work for me as a Legal Intern. Thereafter, he became a full time Assistant District Attorney. Scott and his fellow classmates worked their way through the introductory units of the office until he and they were sufficiently well trained to be assigned to a specialized unit of a particular division. Because of Scott's great interest in narcotics prosecution, it was a natural fit for us and him that he be assigned to that high volume Division. He was assigned to the wide array of cases that find their way into that Division. Scott tried a number of high profile narcotics cases, both bench and jury trials, and then he was assigned to a more specialized unit, the Public Nuisance Task Force (PNTF). The PNTF seeks to identify high volume and dangerous criminals in a given community, then working with local police assigned to that neighborhood, identify and prosecute the worst offenders. The offenders are not innocent peddlers of a baggie of marijuana but are, instead, gun wielding members of large groups of organized criminal gangs. The dollar volume of these large groups is staggering and the path of death and injury they inflicted on the people of any given community in which they operate is incalculable. Narcotics traffickers who embed themselves in occupied or abandoned/vacant homes, buildings, and other outposts normally used for clandestine drug operations, are specifically targeted because they essentially occupy the neighborhood, terrorize the community, recruit local youngsters to work for them with offerings of cash and promises of an "easy life," and put lives at risk solely to benefit the criminal enterprise.

PNTF has two purposes; the prosecution of those most violent and feared drug dealers and traffickers; then the civil asset forfeiture of the proceeds gained from dealing drugs, *i.e.* the confiscation of homes, cars, jewelry, cash and other valuables. Because we had geographical prosecution of many types of crimes, including narcotics, Scott and his partner, Clarence Dupree, became well known to the members of various communities to which they were assigned. Scott met with them on a regular basis and at all hours of the day and evening. Scott and Clarence worked closely with these wonderful people as they were most directly impacted by the violence that drugs carries with it. Making connections and being an honest, trusted law enforcement officer tends to get the neighbors to eventually trust us with invaluable information which otherwise would be withheld because of the high risk of death for being a "snitch." It is essential that no informant source information ever be revealed and to my knowledge, none ever was. Scott and Clarence always protected the community while, at the same time, being very capable and honorable prosecutors.

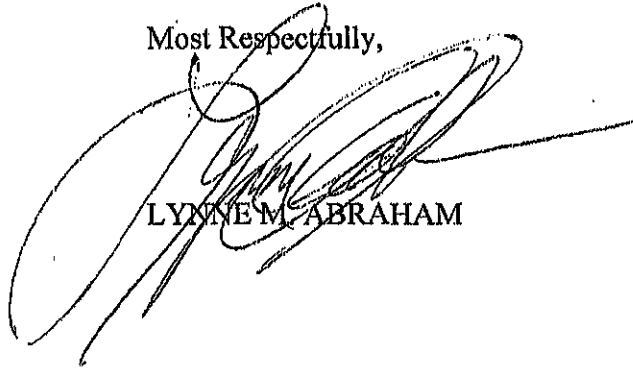
The other part of Scott's work was closing what is euphemistically called "nuisance bars." These are neighborhood drinking establishments, sometimes bars, clubs, or speakeasies, where shootings, killings, fights, prostitution and violent confrontations are routine. These kinds of places are not a "nuisance" in the ordinary sense of that word. Instead, these places ruin the fabric of a community and are the source of innumerable calls to the police usually in the hours supposed to be when most people in the community are asleep. The number of violent disputes, shootings and killings in and just outside of these establishments is truly astounding. To abate the nuisance, Scott was assigned to a given geographical location where, working with the local police and undercover law enforcement, State, local and/or Federal, he would coordinate the investigation and then prosecute the owners and the criminals responsible for the illegal activities. If appropriate, Scott would then seek to permanently abate the "nuisance" by having the Court forfeit the liquor license of the establishment in question, shuttering the building permanently, or for a period of years, or take other corrective actions.

In addition to the many cases Scott prosecuted, he was a frequent visitor to the various communities we served. He photographed and documented the kinds of activities and products related to his work to better inform the audience. He instructed people on crime prevention programs, went to many public schools and community meetings to speak about crime and drugs, and informed the audience how we and they, working as a team, could help our neighbors. In all of these activities, as well as in his trial work I always was pleased by the maximum enthusiasm and effort Scott put into his cases and the sensitivity he displayed toward the people who were suffering because of crime. I was also impressed how many neighbors took the time to call or speak with me in person about how much their lives had changed for the better because of Scott's deep involvement in them and their neighborhood. Until Scott left the office in 2005, this was the kind of regard in which he was held.

Barbara S. Rosenberg, Esquire
November 12, 2012
Page 3

I sincerely hope that this letter will act as an aide to you as you consider and decide the cases presently pending before the Board. If for any reason you or any member or counsel need to speak with me personally, I can be reached at the e-mail address contained herein, or my direct phone line is 215-246-3113.

Most Respectfully,

A handwritten signature in black ink, appearing to read 'Lynne M. Abraham', is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

LYNNE M. ABRAHAM

LMA:ab

9071256v1

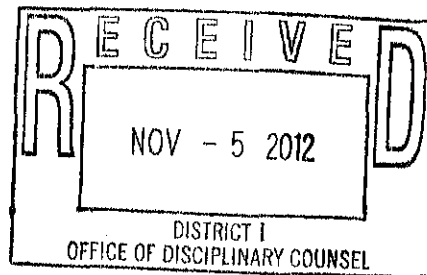
JoAnne A. Epps
Dean and Professor of Law

Office of the Dean
1719 N. Broad Street
Philadelphia, PA 19122 (USA)

phone 215-204-7863
fax 215-204-5480
web www.law.temple.edu

October 29, 2012

Disciplinary Board
Supreme Court of Pennsylvania
c/o Office of Disciplinary Counsel
1635 Market Street, 16th Floor
Philadelphia, PA 19107



Re: Scott Sigman

Dear Members of the Disciplinary Board of the Supreme Court of Pennsylvania:

I write in support of Scott Sigman. My name is JoAnne Epps, and I have the honor of serving as Dean of Temple University Beasley School of Law. I have known Scott since his first week of law school, when he made it his business to meet as many members of the Law School community as possible. My memory is that Scott was an active and engaged student, who worked hard to support the institution through service to student organizations.


Following his graduation, I had occasional contact with Scott at bar and Temple Law School alumni events. We are professional colleagues and friends. I have not been to his home, nor has he been to mine, and we do not socialize together. Upon assuming the role of Dean in 2008, my contact with Scott increased in two settings, one more consistent than the other. Scott is a very active member of the Temple Law Alumni Association, serving currently as a member of its Executive Committee. The Law Alumni Executive Committee meets on a monthly basis, and as Dean I attend most meetings. Scott is also a member of the Temple American Inn of Court, and although I am not a member, the Inn maintains a strong relationship with Temple Law School, and I am an occasional guest at their events. In both of these settings, I have found Scott to be honest, honorable and to act professionally. I can speak most directly about his work on the Law Alumni Association Executive Committee. There, he has continued his commitment to serve the Law School. He is always the first to volunteer, and the last to bring events to conclusion. He is a reliable, engaged and supportive alumnus, and has worked tirelessly to ensure that many Law Alumni events are successful. My knowledge of his work as a member of

the Temple Inn of Court is less direct, but I do know that he was instrumental in the Inn's successful trip to Rome, perhaps two years ago, and that on that trip he made great efforts to ensure that the group's connection to Temple Law School was regularly featured. I say this not to highlight Temple Law School, but to say that from my perspective, Scott has been an extraordinarily loyal and devoted alumnus, and it would be wrong not to acknowledge that the Law School has benefitted from his service.

As the Dean of a Law School, I seek to solidify in our students an ethic of integrity. So it pains me to write this letter. I do not condone lawyer misbehavior, by Scott or anyone else. But I also understand that people make mistakes, and their mistake must be judged in the context of the person. My interactions with Scott have never given me reason to doubt his integrity. And he has given much of himself to the bar, the Inn of Court and to Temple Law School. So as you evaluate his conduct, I ask you to be merciful, as I believe Scott has much left to contribute to the bar of the Commonwealth of Pennsylvania.

Thank you for considering my comments.

Sincerely,


JoAnne A. Epps
Dean and Professor of Law

1616 Walnut Street
Suite 1819
Philadelphia, PA 19103

November 1, 2012

Hearing Committee
Disciplinary Board of the Supreme Court of Pennsylvania
16th Floor, Seven Penn Center
1635 Market Street
Philadelphia, PA 19103

RE: Scott P. Sigman

Dear Madam or Sir:

My name is Natalie Klyashtorny and I have been a member of the Pennsylvania Bar since 1997. I am happy to send this correspondence in support of Scott P. Sigman.

I have known Mr. Sigman close to a decade. We met through our mutual involvement in the Young Lawyers Division of the Philadelphia Bar Association and immediately bonded over our mutual alma matters, American University and Temple University School of Law. I now consider Mr. Sigman one of my closest friends and confidants.

At the time that Mr. Sigman and I first met, he worked as an Assistant District Attorney with the Philadelphia District Attorney's Office. I can honestly say that I have never met any other individual with such passion and zeal for his job. He tirelessly worked long hours to serve the citizens of Philadelphia and make Philadelphia a safer place. His many commendations for his work at the DA's Office are evidence of that dedication. Subsequently, Mr. Sigman entered civil practice at Bochetto & Lentz. Mr. Sigman brought a similar commitment to his work at Bochetto & Lentz, working extremely long hours and weekends and regularly foregoing his own social and family life to socialize with Mr. Bochetto and their clients, such as the Electricians Union Local 98 and John Greene, the former Sheriff of Philadelphia County. After his departure from Bochetto & Lentz, he started a multi-state law firm with his college best friend and is now a partner in Sigman & Zimolong, LLC. I have the utmost confidence in his legal ability and advocacy skills and have regularly referred him clients, including the brother of a close friend recently accused of homicide in a case which was prominently featured in the news. I have and would always highly recommend Mr. Sigman as an advocate.

Mr. Sigman has an excellent reputation, both for his professional skills and his involvement in the Philadelphia Bar Association and other groups. I have personally worked with Mr. Sigman on the Executive Committee of the Young Lawyers Division of the Philadelphia Bar Association, the Temple Law Alumni Association Executive Committee, the Louis D. Brandeis Law Society Executive Committee and the Temple American Inn of Court.

The extent of his involvement in these groups is unparalleled and, through those groups and his practice, he has developed close relationships with many judges, including the Honorable Sandra Mazer Moss, the Honorable Annette Rizzo, Philadelphia Court of Common Pleas President Judge Pamela Pryor Dembe and the Honorable Anne Lazarus of the Pennsylvania Superior Court, just to name a few. In fact, he recently traveled to Italy to teach a class with Judge Rizzo through the JAMS Mediation Group and also accompanied Judge Moss to a dinner in Washington, D.C., honoring Chief Justice John Roberts of the United States Supreme Court. Mr. Sigman's reputation for professionalism, honesty and integrity is beyond reproach.

Thank you for your attention. If I can be of further assistance, please do not hesitate to contact me.

Respectfully submitted,



NATALIE KLYASHTORNY

RICHARD H. AGINS

**312 MONTGOMERY AVENUE, C2 • HAVERFORD, PA 19041-1521
(860) 593-7478**

November 1, 2012

**Disciplinary Board of the
Supreme Court of Pennsylvania**

Re: Scott P. Sigman

Gentlemen:

I have known Scott P. Sigman since 2007 and have been his law partner since 2009. I originally met Mr. Sigman through a mutual acquaintance who was his college roommate and a colleague of mine at the law firm by which we both were formerly employed.

Although I knew Mr. Sigman while I was still practicing law in Connecticut, it was only after I moved to Philadelphia that I truly became able to appreciate his unique and stellar qualities. When I first arrived in Philadelphia, Mr. Sigman and I would walk down Market Street, but our progress would be interrupted every few steps by individuals stopping to greet him and wish him well, share a story about a mutual acquaintance, or seek his advice. I soon learned that although Philadelphia may have an elected mayor, Scott Sigman holds that office in the minds of many citizens.

Mr. Sigman is tireless in the pursuit of justice for his clients and often undertakes difficult criminal defense cases because he believes in his clients' innocence, or at least in their right to a fair trial. He is extremely skilled as an attorney, having learned and honed his craft while an Assistant District Attorney with the Philadelphia District Attorney's Office, where he was specially assigned to prosecute serious drug offense cases for the Narcotics Division. He was also the Weed and Seed Prosecutor for North Philadelphia and has maintained his ties with that program since leaving the D.A.'s Office. During his tenure with the District Attorney's Office, Mr. Sigman prosecuted literally hundreds of cases in the Philadelphia Court of Common Pleas and became well known to many of the judges as a skilled and honest attorney.

Mr. Sigman regularly provides training sessions for the Philadelphia Police Department and is often called upon by the Fraternal Order of Police when legal assistance is required. He has served as a CLE lecturer on the use of technology in the courtroom, criminal law and procedure, election law, and prosecuting felony drug cases for the Pennsylvania Bar Institute, Philadelphia Bar Association, Pennsylvania Bar Association, Pennsylvania District Attorneys Association, Pennsylvania District Attorneys Institute and the National Black Prosecutors Association. Currently, Mr. Sigman serves on the Board of Governors of the Philadelphia Bar Association, as Treasurer of the Lawyers Club of Philadelphia, as a past chair of the Philadelphia Bar Association Young Lawyers Division, as Vice President of the Philadelphia Weed & Seed Board, and as an Executive Board Member of the Temple Law Alumni Association

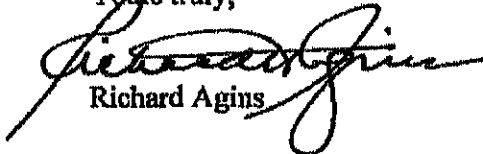
and Temple American Inn of Court. Most recently, he was awarded the *Pro Bono Publico* Award by the judges of the First Judicial District, having been selected from the Criminal Division of the Philadelphia Municipal Court.

As in a marriage, a small firm law partnership allows the partners to see each other at their best and worst moments. I am glad to say that I have yet to see Scott Sigman at his worst, but regularly and continuously see him at his best, whether it is managing internal firm operations, dealing with clients, or on a personal level, partner-to-partner and friend-to-friend.

At a recent induction ceremony, when Mr. Sigman stood to speak for his proposed inductee, the presiding judge said to the onlookers, "Ladies and Gentlemen, we will now hear from the future solicitor general of the United States." I cannot imagine a more fitting vote of confidence.

Please feel free to contact me if you require further information.

Yours truly,

A handwritten signature in black ink, appearing to read "Richard Agins", written in a cursive style. The signature is positioned above the printed name "Richard Agins".

Richard Agins

SHINGLES & SHINGLES, LLP

ATTORNEYS AT LAW

STANLEY M. SHINGLES
EVAN S. SHINGLES

THE BENJAMIN FRANKLIN
834 CHESTNUT ST., SUITE 206
PHILADELPHIA, PA 19107

TEL: (215) 925-2915
FAX: (215) 574-6699
SHINGLES@COMCAST.NET

November 2, 2012

Disciplinary Board of the Supreme Court of Pennsylvania
7 Penn Center, 16th Floor
1635 Market St.
Philadelphia, PA 19103

Re: **Scott Sigman**

To whom it may concern:

My name is Evan Shingles. I am an attorney in the City of Philadelphia. I have known Scott Sigman from our very first day of law school over thirteen years ago. I am proud to say that since that day, Scott has been one of my closest friends and confidants. And I would like to stress the fact that he has been my confidant because I trust Scott implicitly. I cannot think of an individual whom I trust more. Indeed, if I had a bag with a million dollars in it I would have no hesitation asking him to hold onto it for me, knowing full well that each dollar of it would be accounted for. If I had a safe where I kept my life savings, I would entrust him with the key. I apologize for the hyperbole but I feel it important to highlight his trustworthiness in the strongest way possible.

And I am not alone in my feelings of trust for Scott. I cannot think of a colleague of ours whom I know personally that does not feel similarly. He is as openly honest and genuine as they come.

With respect to Scott's performance as an attorney, he is incredibly capable, motivated and conscientious. He cares about each and every one of his clients and puts his heart and soul into every case whether it is a court appointment or private matter. He is not greedy and money-grubbing like so many of our colleagues who engage in practices that line their pockets at the expense of their clients. Indeed I am personally aware of situations where Scott has returned fees to clients when he has felt that they would be wasting their money. Other attorneys would do whatever necessary to avoid returning fees to their client but not Scott. Knowing him as I do it is clear that Scott wants to help people, not enrich himself at their expense.

This care and concern for others is evident in everything Scott does. Just look at his history since law school. He is or has been a member of over 30 associations and boards including Friends of the Red Cross, The National Multiple Sclerosis Society and the Variety Club. When in the District Attorney's office Scott was a hero to so many of our citizens through his quest to help rid the city of drugs as part of the DA's Special Narcotics Prosecution Office and Public Nuisance Task Force Unit. I dare say there isn't a police officer, detective, prosecutor or defense attorney who isn't aware of Scott's unyielding work in that role.

Scott is precisely the type of man and attorney that should make us all proud to be part of our much-maligned profession. I know this is certainly the case for me and our mutual friends and colleagues. He is a true man of the people and I am incredibly proud to call him my friend.

Very truly yours,

Evan S. Spingles

A handwritten signature in black ink, appearing to read "Evan S. Spingles". The signature is written in a cursive style with a long, sweeping horizontal stroke that extends to the right.



October 26, 2012

Disciplinary Board of the Supreme Court of Pennsylvania
Office of Disciplinary Counsel
Seven Penn Center
16th Floor
1635 Market Street
Philadelphia, PA 19103

RE: Scott Sigman

Dear Sir/Madam:

My name is Mitchell Klevan and I am a proud member of the bar of the State of Pennsylvania since 1976. It is my honor and pleasure to send this letter in support of Scott Sigman. I have known Mr. Sigman for over 10 years and have shared office space with him for the past four years. My wife and I have invited Mr. Sigman and his lovely wife, Pamela, to our home on numerous occasions and we share their joy in their soon to be role as parents of twins.

During the time I have known Mr. Sigman I have been witness to his performance as a lawyer, his contributions to the bar association and the broader legal community and can attest to his fine character and the excellent reputation he shares among his colleagues and the members of the Bench. I first met Mr. Sigman when he was a young lawyer working in the Philadelphia District Attorney's Office.

At the time I was, and continue to be, an officer of the Louis D. Brandeis Law Society and Mr. Sigman expressed an interest in becoming involved in our organization. Even though he was devoting tremendous energy to establishing himself in the profession and honing his craft, it was not enough for him to just work for his own benefit. He had a drive and determination to give of himself for the betterment of our legal community. Since then and up to the present time, I have seen Mr. Sigman dedicate his boundless enthusiasm and energy to serving on the Executive Committee of the Brandeis Law Society, taking multiple leadership positions in the

Office of Disciplinary Counsel
October 26, 2012
Page 2

Philadelphia Bar Association, the Temple American Inn of Court, the Temple Law Alumni Association and the Lawyers Club of Philadelphia, just to name a few. He is also a sought after lecturer and course planner in his field.

I got to know Mr. Sigman more closely when I began sharing office space with him four years ago. I see how dedicated he is to his clients and the long hours he devotes to being the most effective advocate possible on their behalf. I have observed Mr. Sigman in meetings with his clients and witnessed how they place their complete trust in him to protect their rights even though many of them know they may ultimately go to prison. These past four years Mr. Sigman has worked tirelessly to build his own law firm. Despite the endless hours he pours into his practice, he still makes the time to give back to the community in providing leadership in the many organizations that he is dedicated to serving and in promoting pro bono services to those in need. Only yesterday, Mr. Sigman was honored by the judges of the First Judicial District with their Pro Bono Publico Award for his commitment to Pro Bono. Mr. Sigman is held in high esteem by members of the Bench and the Bar because he is a man of principle and is willing to turn those principles into action. He has my support and respect.

Sincerely,



Mitchell H. Klevan

MHK/gg

268 E. Heron Road
Holland, PA 18966

November 5, 2012

Hearing Committee
Disciplinary Board of the Supreme Court of Pennsylvania
16th Floor, Seven Penn Center
1635 Market Street
Philadelphia, PA 19103

Re: Scott Sigman, Attorney ID# 88151

Dear Sir/Madam:

Please accept this letter as my endorsement of Scott Sigman, Esq. both personally and professionally. Scott and I first met in 1999 when I was a veteran Assistant District Attorney (hereinafter "DA") in the Philadelphia DA's Office and Scott was a second-year Temple Law School student assigned to serve as my intern. Scott and I shared an office, and together we literally rid many of Philadelphia's neighborhoods of crack houses, weed stores, nuisance bars and bordellos. Despite his young age, Scott Sigman had the drive, the ambition and the work ethic of a seasoned prosecutor.

Eventually, I left the DA's Office to work as the Integrity Officer for a large Police Department and later became a state prosecutor, a job I have enjoyed for the past eleven (11) years. After graduating law school, Scott became an Assistant District Attorney at the Philadelphia DA's Office, and I watched as his career soared. I like to think that the time I spent mentoring Scott had something to do with the success he enjoyed as a prosecutor, but I know that it was Scott's passion for justice and his sincere desire to help others that motivated him to work tirelessly, often times thinking "outside of the box", when necessary to get the job done.

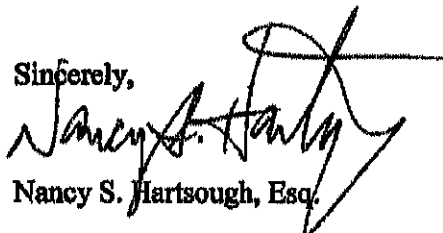
Because I am essentially a career prosecutor, I know many law enforcement officers. I have yet to meet one familiar with Scott who would ever question his integrity. Scott is known for defending a criminal case fairly; using skill and not slime.

Scott has been named a "Rising Star" in *Super Lawyers* multiple times as a result of his hard work and talent, and I would recommend him (when appropriate, given my employment), whenever asked. In fact, I have so much trust in Scott's abilities that I have currently retained his services for a family matter.

Finally, Scott and I have maintained a friendship throughout the years. He has watched my children grow up before his eyes, and I would trust him with their lives, if necessary. My family thinks of Scott as an extension of our family, and we are saddened to see him have to endure this process.

If you have any questions or require any additional information, please do not hesitate to call me. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy S. Hartsough". The signature is stylized with a large, sweeping flourish at the end.

Nancy S. Hartsough, Esq.

Dilworth
Paxson^{llp}

DIRECT DIAL NUMBER:
(215) 575-7122

Gregory F. Cirillo
gcirillo@dilworthlaw.com

November 5, 2012

The Disciplinary Board of the Supreme Court of PA
16th Floor
Seven Penn Center
1635 Market Street
Philadelphia, PA 19103

Re: Scott Sigman

To Whom It May Concern:

I am an attorney at the Dilworth Paxson LLP ("Dilworth") law firm. I began my legal career at Dilworth in 1986 after my graduation from Villanova Law School. I have worked continuously at Dilworth for over 26 years. I am a partner and a member of the firm Executive Committee.

During the course of my career, I got to know Scott Sigman through the Philadelphia Bar Association. I first encountered Scott when he served as a panelist at a CLE seminar at the Philadelphia Bench Bar Conference in Atlantic City, New Jersey. I have known him approximately 10 years. I currently sit on the Lawyers Club Board with Scott and he serves as the Treasurer. He is both an energetic and dedicated trial attorney. Prior to private practice, he was an Assistant District Attorney in Philadelphia County for many years where he prosecuted numerous criminal cases. After leaving the District Attorney's Office, he became employed with the law offices of Bochetto & Lentz.

I had one legal dealing with Scott. In 2007, I was a candidate for the Lower Merion Board of Commissioners in Montgomery County, Pennsylvania. I lost the election by 6 votes and there was a court ordered recount. I knew Scott was involved in election law recounts while working with George Bochetto at Bochetto & Lentz. I called upon Scott to assist me in the recount. Scott took a day out of his busy schedule, diligently represented me pro bono in that matter, and was enthusiastic in so doing. I was very gracious for that representation and expressed my appreciation to both Scott and George.

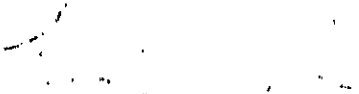
After that time, my wife and I got to know Scott and his wife, Pam. I subsequently came to learn through Scott that he and George had some type of "falling out," although I do not know the details of that situation. I felt bad after learning of that situation. I knew that Scott and George had become very close. Although I knew George previously, I got to know George better through Scott and to this day consider George a friend also. As such, I offered to help in any way possible, including mediating a resolution between them but was never called upon to

The Disciplinary Board of the Supreme Court of PA
November 5, 2012
Page 2

do so by either Scott or George. I know that George is an established and successful attorney and Scott is just in the beginning stages of his career. I was hopeful that an amicable resolution could have been reached so that Scott could move forward and utilize his talents and gifts on behalf of his clients.

I hope this information proves helpful and if you need anything else from me at this time, please let me know.

Very truly yours,



Gregory F. Cirillo

GFC:def

Joseph Bologna
7512 Battersby Street
Philadelphia Pa 19152

November 7, 2012

To: The Disciplinary Board of the Supreme Court of Pennsylvania

My name is Joseph Bologna I am a Captain with the Philadelphia Police Department.

I have known Mr. Scott P. Sigman since 2003; we began our relationship when he was an Assistant District Attorney for Philadelphia District Attorney's Office.

I have grown to have the utmost respect for him as a person and lawyer. His performance as a District Attorney has been outstanding, and his work ethic is unparalleled. I have personal knowledge of his work when he was a member with both the Public Nuisance Task Force and the Dangerous Offender Narcotics Unit. He has conducted himself in an utmost professional manner, and his character is unwavering. If I could be of further assistance or answer any questions please feel free to contact me at 267-207-1433.

Sincerely,

Joseph Bologna

Tina Willis



November 1, 2012

Disciplinary Board of the Supreme Court of Pennsylvania,

My name is Tina Willis and I am a Philadelphia Police Officer. I have known Scott Sigman for approximately 10 years. My professional friendship with Scott began when he was an Assistance District Attorney working for the Philadelphia District Attorney's Office. Since then, I have known him well and gained a personal friendship with him. Scott has always been consummate, professional and his integrity is beyond approach.

While an Assistant District Attorney, Mr. Sigman served the community in North Philadelphia where I am assigned (24th Police District, East Police Division). He regularly attended community meeting after work and made an active effort to keep our neighborhood safe by prosecuting some of the worst drug dealers and violent offenders in our area. Scott served on the Weed & Seed Board with me in a Police/Community effort to clean up selected areas of North Philadelphia. He spent many hours, often in a volunteer capacity to assist our community. He often joined me, our Captain, and the community on weekends and at night.

After leaving the District Attorney's Office in July of 2005, Scott stayed active in helping our community by taking a civilian position with the North Philadelphia Weed & Seed where he currently serves as its Vice President. Scott volunteers many hours at night and on weekends to help fight crime and make our community a safer place working with the Weed & Seed and with Anthony Murphy, the Executive Director of Operation Town Watch.

In addition to knowing Scott through work, I also know him and his pregnant wife Pamela. I know Scott as a good friend and a person of high integrity who will put himself before others. I know myself, the officers I work with, and the community has a high regard for Scott and his work in the East Police Division and with the Police Department's Narcotics Bureau.

I would happily discuss Scott's work in our community and his integrity with anyone on the Board. If you should have any questions, contact me at 267-249-5338

Sincerely,

Tina Willis

To whom it may concern,

I am writing this letter on behalf of my best and closest friend since we were in the 4th grade, Scott Sigman.

Scott and I met in 4th grade, at Pine Road elementary school in 1985 and we have been friends ever since. From the first day I met him as 9 year olds, Scott has always told me he wanted to be a lawyer, and he will not stop until he becomes one. I have followed Scott since then, and he has always amazed me with the love that he has for being a lawyer. While most kids were playing sports, and video games, Scott was always reading books, newspapers, magazines, and whatever he could get his hands on to further educate himself. He was always ahead of the curve as to what was going on in community politics. I remember him dressing up as Ronald Reagan for Halloween one year. Scott was destined to become a lawyer and a politician to serve people. I will never forget his love for elections. When there was an election of any kind, you could always find Scott working the polls as a young kid, whether it be shaking people's hands or handing out flyers, Scott was just always around that stuff.

As time went on, and we got older, Scott's dream of being a lawyer only got bigger and bigger and he worked harder and harder. His first license plate as a 16 year old kid was "SPS ESQ". Again, while other kids dreamed of meeting Michael Jordan or tried to emulate Dr. J or Mike Schmidt, Scott has his focus on current events, lawyers, and politicians. I remember his childhood bedroom covered in pictures and posters of Scott meeting different people from John Fox, Ed Rendell, Bill Clinton, and the list goes on and on. Scott would keep me for hours telling me stories on how he met the people he dreamt of meeting. He is very proud of the thousands of relationships that he has forged since he was a little kid, and to this day displays his pictures on the walls of his office, his phone, and his website.

The one constant thing in Scott's life that I wanted to share with you is his work ethic. I have never met another person in our age group with a stronger work ethic. When we were in High School, Scott worked for both my brother Adam at his gas station and he also worked at my Uncle Alan's business, Karl's Children's Store in Philadelphia. He would go to school and then drive in to center city to work a few hours at Karl's, and then he would drive back to the Northeast to work a shift at my brother's gas station. As time went on, he became both my Uncle and brothers right hand man. If there was a tough job that needed to be done, Scott was their man. If my uncle needed a crib delivered in the middle of the night, he'd call Scott. If he needed someone to meet with a great customer, he would always send Scott. It didn't matter when or what it was, Scott devoted his life to his work. My Uncle, who has passed away, considered Scott family. Scott and I would often have celebrations together so that my uncle and my entire family could celebrate with both of us. Scott would wear a suit and tie whenever he would be around my uncle. When Scott attended American University in Washington DC, he would often take a train up to help my uncle at the store on a weekend. He had the keys and alarm codes to my uncle's store as a 16 year old kid.

Scott always does things one way, and that is the right way. Scott never takes short cuts. He works harder than anyone I know. He is devoted to his clients, colleagues, friends, and family. He is a one of a kind person, and in my opinion, he is such an asset to this community both professionally and personally. He would do anything in his power to help the City of Philadelphia, as he just has a love for the city. He helps people in need. I was very proud of him for winning an award for doing the most Pro Bono work in the Philadelphia Courts. I am proud of all of the charitable groups that he is involved with.

The awards, accolades, accomplishments will and should continue to follow Scott and his career as a lawyer. He worked very hard to be where he is today and I know that for a fact. I have followed Scott's career since 4th grade, and was at his elementary, middle, and high school graduations. I attended his graduation from American University with my entire family, and I also was at his law school graduation from Temple. I'll never forget waking up early on Saturday mornings to watch his mock trials at school. I was so proud of him when I'd come to Philadelphia and watch him work as an Assistant D.A. under Lynne Abraham. And to this day, I will go down to watch him defend cases in court and I just sit there amazed that this person has been my best and closest friend since 4th grade.

I will close my letter now, and I appreciate you taking the time to read it. Scott is a true gem in this world in every aspect.

Sincerely,

Jason Reiver

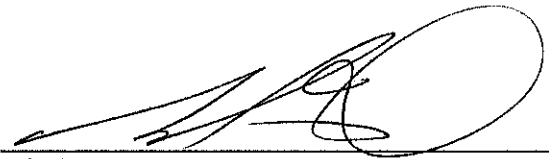
BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
: No. 43 DB 2012
v. :
: Atty. Reg. No. 88151
SCOTT PHILIP SIGMAN, :
Respondent : (Philadelphia)

VERIFICATION

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

November 13, 2012
Date

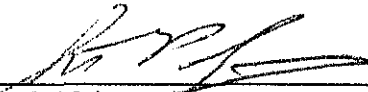

Richard Hernandez
Disciplinary Counsel

11/13/12
Date


Scott Philip Sigman, Esquire
Respondent

3. He acknowledges that the material facts set forth in the Joint Petition are true; and

4. He consents because he knows that if the charges pending at No. 43 DB 2012 continued to be prosecuted, he could not successfully defend against them.



Scott Philip Sigman, Esquire
Respondent

Sworn to and subscribed
before me this 13th
day of November, 2012.



Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notary Seal
Anna Maria Ciccarone, Notary Public
City of Philadelphia, Philadelphia County
My Commission Expires March 3, 2015
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Anna Maria Ciccarone, Notary Public
City of Philadelphia, Philadelphia County
My Commission Expires March 3, 2015
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES