

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1856 Disciplinary Docket No. 3  
Petitioner :  
 : No. 111 DB 2011  
v. :  
 : Attorney Registration No. 55679  
JOHN FRANCIS LICARI, :  
Respondent : (Philadelphia)

ORDER

PER CURIAM:

AND NOW, this 20<sup>th</sup> day of September, 2012, upon consideration of the Report and Recommendations of the Disciplinary Board dated June 21, 2012, it is hereby

ORDERED that John Francis Licari is disbarred from the Bar of this Commonwealth and he shall comply with all the provisions of Rule 217, Pa. R.D.E.

It is further ORDERED that respondent shall pay costs to the Disciplinary Board pursuant to Rule 208(g), Pa. R.D.E.

A True Copy Patricia Nicola  
As Of 9/20/2012

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 111 DB 2011
Petitioner	:	
	:	
v.	:	Attorney Registration No. 55679
	:	
JOHN FRANCIS LICARI	:	
Respondent	:	(Philadelphia)

REPORT AND RECOMMENDATIONS OF  
THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES  
OF THE SUPREME COURT OF PENNSYLVANIA:

Pursuant to Rule 208(d)(2)(iii) of the Pennsylvania Rules of Disciplinary Enforcement, the Disciplinary Board of the Supreme Court of Pennsylvania ("Board") herewith submits its findings and recommendations to your Honorable Court with respect to the above-captioned Petition for Discipline.

I. HISTORY OF PROCEEDINGS

On July 7, 2011, Office of Disciplinary Counsel filed a Petition for Discipline against John Francis Licari. The Petition charged Respondent with violations of the Rules of Professional Conduct and Rules of Disciplinary Enforcement arising out of his unauthorized practice of law while on administrative suspension and his impersonation of another attorney by forging the latter's signature on several court documents and identifying himself in court as the other attorney. Respondent did not file an Answer to the Petition for Discipline.

A disciplinary hearing was held on December 19, 2011, before a District I Hearing Committee comprised of Chair Christopher N. Santoro, Esquire, and Members Kevin Raphael, Jr., Esquire, and Steven J. Cooperstein, Esquire. Respondent failed to appear at the hearing.

Following the submission of a brief by Petitioner, the Hearing Committee filed a Report on March 29, 2012, concluding that Respondent violated the Rules as contained in the Petition and recommending that he be disbarred.

No Briefs on Exception were filed by the parties.

This matter was adjudicated by the Disciplinary Board at the meeting on May 23, 2012.

## II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner, whose principal office is located at 601 Commonwealth Avenue, Suite 2700, Harrisburg, Pennsylvania, is invested, pursuant to Pa.R.D.E. 207, with the power and the duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

2. Respondent is John Francis Licari. He was born in 1964 and was admitted to practice law in the Commonwealth in 1989. At all relevant times, Respondent maintained office addresses at Suite A-2, 1226 West Chester Pike, Havertown PA 19083, and 6214 Woodbine Avenue, Philadelphia PA 19151. Respondent is subject to the

disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania. Respondent has no history of discipline in Pennsylvania.

3. By Order dated March 3, 2010, effective April 2, 2010, the Supreme Court of Pennsylvania placed Respondent on administrative suspension for failure to comply with Pa.R.D.E. 219.

4. Respondent received notice of the Supreme Court Order and the requirements of Pa.R.D.E. 217 in a letter dated March 3, 2010, signed by Suzanne Price, Attorney Registrar, and sent by first class and certified mail, return receipt requested.

5. From April 2, 2010 to October 19, 2010, Respondent was continuously suspended from the bar of the Commonwealth.

6. Respondent was returned to active status on October 19, 2010.

7. During the suspension, Respondent did not file with the Disciplinary Board Secretary the verified statement of compliance required by Pa.R.D.E. 217(e).

#### **The Payton Matter**

8. On or about May 14, 2010, Respondent met with Alton Payton for Mr. Payton to retain him as his attorney.

9. On May 14, 2010, Mr. Payton issued to Respondent a check in the amount of \$500, in the memorandum line of which was written "Attorney Fee."

10. On May 14, 2010, Respondent signed and gave to Mr. Payton a receipt on Respondent's letterhead "Law Offices of John F. Licari, 6214 Woodbine Avenue, Philadelphia, Pennsylvania 19151," which receipt stated: "This acknowledges receipt by the Law Office of John F. Licari of a payment from Alton L. Payton of the sum of \$500 on 5-14-2010, 2010 [sic] for legal services."

11. Mr. Payton telephoned Respondent on June 4, 7 and 8, but Respondent did not return his calls.

12. Respondent was supposed to appear in court on behalf of Mr. Payton on June 9, 2010, but Respondent failed to appear.

13. Respondent agreed to reimburse Mr. Payton on June 14, 2010, but Respondent failed to do so.

### **The Duvernay Matter**

14. Prior to April 2, 2010, Respondent represented Larry Duvernay before Magisterial District Justice Harry J. Karapalides in a Delaware County matter.

15. On April 26, 2010, Respondent appeared before Judge Karapalides with Mr. Duvernay, at which time Mr. Duvernay waived his right to a preliminary hearing.

16. On April 26, 2010, Respondent did not tell his client or the judge that Respondent was on administrative suspension.

17. On May 27, 2010, Respondent completed and signed an entry of appearance for Mr. Duvernay in the Delaware County Court of Common Pleas as "Timothy J. Campbell, Attorney I.D. Number 55872" (Campbell I") with contact information at 6214 Woodbine Avenue, Philadelphia, Pennsylvania 19151, 601-864-0859. The contact information was Respondent's, not Mr. Campbell's.

18. Respondent has known Timothy J. Campbell, Esquire, Pennsylvania attorney I.D. 55872, since the time that Respondent and Mr. Campbell were students at Villanova Law School, where they had been close friends.

19. At all times relevant hereto, Mr. Campbell worked for the law firm of Christie, Pabarue, Mortensen and Young in Philadelphia. Mr. Campbell has never engaged in the practice of criminal law.

20. On May 27, 2010, Respondent signed a "Notice of Hearing" as Mr. Campbell in the second Duvernay matter, which notice scheduled a pre-hearing conference for June 28, 2010.

21. On June 28, 2010, Respondent signed a "Notice of Hearing" as Mr. Campbell in the second Duvernay matter, which notice scheduled the matter for trial on July 21, 2010, before the Honorable James P. Bradley.

22. On July 21, 2010, Respondent appeared before Judge Bradley and falsely identified himself to Judge Bradley and the assistant district attorney as Mr. Campbell, representing Mr. Duvernay.

23. At the time of the July 21, 2010 listing, Respondent informed the court that Respondent was requesting that the matter be continued for consideration by Mr. Duvernay of a plea offer made by the assistant district attorney.

24. On July 21, 2010, Respondent signed a "Notice of Hearing" as Mr. Campbell, which notice scheduled the second Duvernay matter for trial on August 12, 2010.

25. On August 12, 2010, Respondent appeared before Judge Bradley and falsely identified himself to the Judge and the assistant district attorney as Mr. Campbell, representing Mr. Duvernay.

26. On August 12, 2010, Mr. Duvernay failed to appear for trial and Respondent represented to Judge Bradley that he did not know the whereabouts of his client. Judge Bradley issued a bench warrant as a result.

27. On October 20, 2010, Respondent appeared before Judge Bradley and falsely identified himself to the Judge and the assistant district attorney as Mr. Campbell, representing Mr. Duvernay.

28. On October 20, 2010, Respondent advised Mr. Duvernay to enter a guilty plea in the second Duvernay matter. Mr. Duvernay executed a written guilty plea colloquy on which Respondent entered Mr. Campbell's attorney identification number, and initialed and signed as Mr. Campbell.

29. On or about August 5, 2011, the Delaware County Criminal Court Administrator sent notice of a hearing for revocation of probation/parole to Mr. Campbell, as counsel for Mr. Duvernay.

30. At no time during these proceedings was Respondent ever authorized to sign Mr. Campbell's name, to use his attorney identification number, or to enter Mr. Campbell's appearance.

31. Respondent knew he was not authorized to sign Mr. Campbell's name or use his attorney identification number.

32. At no time during the representation did Respondent notify Mr. Duvernay that Respondent had been placed on administrative suspension.

33. Respondent used Mr. Campbell's name and misrepresented his true identity for the purpose of avoiding the administrative suspension and for deceiving the Delaware County Court of Common Pleas.

34. Mr. Campbell never represented Mr. Duvernay and does not know him.

#### **The Edmister Matter**

35. On June 26, 2009, Respondent entered his appearance on behalf of Jeffrey Tyler Edmister in a matter in the Delaware County Court of Common Pleas.

36. On July 27, 2009, Mr. Edmister was admitted into the Accelerated Rehabilitative Disposition program (A.R.D.).

37. On or about August 5, 2010, the Delaware County District Attorney's Office filed with the court a "Petition for Rule to Show Cause Why Defendant Should Not be Removed From the A.R.D. Program and Stand Trial."

38. On August 5, 2010, Judge Joseph P. Cronin issued a Rule to Show Cause Order directing that, on or before August 30, 2010, Mr. Edmister provide a reason why he should not be removed from the A.R.D. program.

39. Respondent received the Rule to Show Cause Order but did not notify Mr. Edmister. Further Respondent did not notify Mr. Edmister that Respondent was on administrative suspension.

40. On August 30, 2010, after Mr. Edmister failed to appear, Judge Cronin directed the entry of an Order granting the district attorney's petition removing Mr. Edmister from the A.R.D. program, and directing the case be listed for trial.

41. On October 4, 2010, Respondent completed and signed an entry of appearance as "T. John Campbell, Attorney I.D. Number 55872" with contact information at 6214 Woodbine Avenue in Philadelphia.

42. On October 4, 2010, Respondent appeared in the Edmister Matter and falsely identified himself to Judge Bradley and the assistant district attorney as Mr. Campbell, representing Mr. Edmister.

43. On October 4, 2010, Respondent requested that Judge Bradley continue the Edmister matter so that his client could complete the terms of a program. Judge Bradley granted the request and the matter was continued to December 6, 2010.

44. On October 4, 2010, Respondent signed a "Notice of Hearing" as Mr. Campbell, scheduling the Edmister Matter for trial on December 6, 2010.



45. On October 4, 2010, Respondent advised Mr. Edmister to waive his Rule 600 and speedy trial rights. Mr. Edmister executed the necessary forms, with Respondent signing Mr. Campbell's name.

46. At the time Respondent signed Mr. Campbell's name on various documents in the Edmister matter, he knew he was not authorized to sign Mr. Campbell's name or use Mr. Campbell's attorney identification number.

47. By letter dated October 21, 2010, Judge Bradley notified Attorney Campbell of a pre-trial/trial in the Edmister matter that was scheduled for December 6, 2010.

48. By letter dated October 25, 2010, Mr. Campbell acknowledged Judge Bradley's letter of October 21, 2010 and notified the Judge that Mr. Campbell had "no knowledge whatsoever of [the Edmister] case. [Mr. Campbell does] not know, nor [has Mr. Campbell] ever practiced criminal law. [Mr. Campbell] did not enter [his] appearance in [the Edmister] case."

49. On October 26, 2010, Respondent entered his appearance under his own name on behalf of Mr. Edmister in the Edmister matter.

50. Respondent used Mr. Campbell's name and misrepresented Respondent's true identity for the purposes of avoiding the administrative suspension imposed upon Respondent and of deceiving the Delaware County Court of Common Pleas.

51. Mr. Campbell never represented Mr. Edmister and does not know him.

#### **The Reed Matter**

52. On or about September 1, 2010, Respondent was retained by Rashad Reed to represent him in the Philadelphia Municipal Court.

53. On September 1, 2010, Respondent completed and signed an entry of appearance for Mr. Reed as "T. John Campbell, Attorney ID Number 55872" with contact information at 6214 Woodbine Avenue in Philadelphia.

54. On September 1, 2010, Respondent appeared before the Honorable David C. Shuter in the Reed matter and falsely identified himself to Judge Shuter and the assistance district attorney as Mr. Campbell, on behalf of Mr. Reed.

55. On September 27, 2010, Respondent completed and signed an entry of appearance for Mr. Reed as "T. John Campbell, Attorney I.D. Number 55872" with contact information at 6214 Woodbine Avenue in Philadelphia.

56. On September 27, 2010, Respondent appeared before the Honorable Nazario Jimenez, Jr., in the Reed matter and falsely identified himself to Judge Jimenez and the assistant district attorney as Mr. Campbell, on behalf of Mr. Reed.

57. On September 27, 2010, Respondent argued a motion for modification of bail on behalf of Mr. Reed before Judge Jimenez, which motion was granted.

58. On October 20, 2010, Respondent appeared before the Honorable Jacquelyn Frazier-Lyde in the Reed matter and falsely identified himself to the Judge and the assistant district attorney as Mr. Campbell on behalf of Mr. Reed.

59. On October 20, 2010, Respondent litigated a preliminary hearing on behalf of Mr. Reed before Judge Frazier-Lyde, following which Mr. Reed was held for court on all charges.

60. Respondent did not notify Mr. Reed that Respondent had been placed on administrative suspension.

61. At the time Respondent signed Mr. Campbell's name, Respondent knew he was not authorized to sign Mr. Campbell's name or use Mr. Campbell's attorney identification number.

62. Respondent utilized Mr. Campbell's name and misrepresented his true identify for the express purpose of avoiding the administrative suspension imposed upon Respondent by the Supreme Court and of deceiving the Philadelphia Municipal Court.

63. Mr. Campbell never represented Mr. Reed and does not know Mr. Reed.

#### **The Wade Matter**

64. On December 29, 2009, Respondent completed and signed an entry of appearance on behalf of James Wade in a matter in the Philadelphia Municipal Court.

65. The Wade matter was scheduled for trial on June 9, 2010, before the Honorable Wendy L. Pew.

66. On June 9, 2010, Respondent contacted Judge Pew's courtroom to request a continuance on the ground that he had been involved in an automobile accident.

67. Based upon Respondent's representations to court personnel, the Wade matter was continued to September 14, 2010.

68. At the time Respondent made his representations to court personnel on June 9, 2010, Respondent knew the representations were not true because Respondent had not been involved in an accident.

69. On June 9, 2010, the Commonwealth was ready to proceed to trial.

70. On September 14, 2010, the Wade matter was scheduled for trial before Judge Pew.

71. On or about September 14, 2010, Respondent contacted Judge Pew's courtroom to request a continuance on the ground that Respondent needed a witness to proceed to trial.

72. Based upon Respondent's representations to court personnel, the Wade matter was continued to October 20, 2010.

73. On September 14, 2010, the Commonwealth was ready to proceed to trial.

74. Prior to October 20, 2010, Respondent made an advance request for a continuance of the Wade trial.

75. Respondent knew that he was under administrative suspension when he made the representations and continuance requests to the court.

76. Respondent did not inform the court, the District Attorney's office or Mr. Wade that he was on administrative suspension.

#### **The Weeks Matter**

77. On or about March 10, 2010, Respondent was retained by Charles Weeks to represent Mr. Weeks in a matter in the Philadelphia Municipal Court.

78. On or about April 28, 2010, Respondent completed and signed an entry of appearance to represent Mr. Weeks in the Philadelphia Court of Common Pleas.

79. On May 12, 2010, Respondent appeared before the Honorable Lillian Ransom for a pre-trial conference, at which time Respondent received discovery and another pre-trial conference date.

80. On June 3, 2010, Respondent appeared before the Honorable Karen Shreeves-Johns for a pre-trial conference, at which time Respondent informed the Judge that he required additional time for further investigation until June 17, 2010.

81. On or about June 17, 2010, Respondent made an advance defense request to relist the Weeks matter for further pre-trial conference until July 8, 2010.

82. On July 8, 2010, the Weeks matter was relisted for waiver trial for September 7, 2010.

83. On or before September 7, 2010, Respondent made a request for a continuance in the Weeks matter for further investigation of possible witnesses to the Honorable Daniel J. Anders, which request the Judge granted.

84. Respondent knew that he was under administrative suspension when he made the representations and continuance requests to the court.

85. Respondent did not inform the court, the District Attorney's Office or Mr. Weeks that Respondent was on administrative suspension.

#### **Other Findings**

86. Timothy J. Campbell, Esquire, appeared at the disciplinary hearing and testified credibly.

87. Mr. Campbell met Respondent in September 1986 when they started law school together at Villanova University. They became friends and later colleagues at the law firm of Stradley Ronan, where they worked together very closely and tried a number of civil rights cases.

88. After Mr. Campbell left the Stradley Ronan law firm in December 1997, he saw relatively little of Respondent.

89. Mr. Campbell had occasion to talk to Respondent about Respondent's impersonation of Mr. Campbell. Respondent admitted to Mr. Campbell that he did it because he couldn't afford to pay his annual licensing fee.

90. Respondent did not file an Answer to Petition for Discipline, and did not appear at the pre-hearing conference or disciplinary hearing in this matter.

III. CONCLUSIONS OF LAW

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

1. RPC 1.3 – A lawyer shall act with reasonable diligence and promptness in representing a client.

2. RPC 1.4(a)(4) – A lawyer shall promptly comply with reasonable requests for information.

3. RPC 1.4(b) – A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

4. RPC 1.16(d) – Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law.

5. RPC 3.3(a)(1) – A lawyer shall not knowingly make a false statement of material fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer.

6. RPC 4.1(a) – In the course of representing a client a lawyer shall not knowingly make a false statement of material fact or law to a third person.

7. RPC 5.5(a) – A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal professional in that jurisdiction, or assist another in doing so.

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

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

10. RPC 8.4(b) – It is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.

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

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

13. Pa.R.D.E. 203(b)(3) – It is grounds for discipline for a lawyer to willfully violate any other provision of the Enforcement Rules, via the Enforcement Rules set forth below:

a. Pa.R.D.E. 217(b) - Failing to notify, or cause to be notified, by registered or certified mail, clients and the attorney or attorneys for the adverse parties in each matter of Respondent's administrative suspension;

b. Pa.R.D.E. 217(d) – Accepting a new retainer or engaging as an attorney in a new case or legal matter of any nature after the entry of the order of administrative suspension;

c. Pa.R.D.E. 217(e) – Failing to comply with the requirements to file with the Board Secretary, within ten days after the effective date of the

order of administrative suspension, a verified statement of compliance with the provisions of Rule 217;

d. Pa.R.D.E. 217(j)(1) – Engaging in law-related activities without the supervision of a member in good standing of the Bar of the Commonwealth;

e. Pa.R.D.E. 217(j)(2) – Engaging in law-related activities outside of the limitations of 217(j)(2);

f. Pa.R.D.E. 217(j)(3) – Having direct communications with clients and third persons, which communications were more than ministerial and included, *inter alia*, the providing of legal advice to clients, and representations that Respondent was eligible to represent the client to third person including the courts;

g. Pa.R.D.E. 217(j)(4)(ii) – Performing legal services from an office not staffed by a supervising attorney on a full-time basis;

h. Pa.R.D.E. 217(j)(4)(iv) – Representing himself as a lawyer;

i. Pa.R.D.E. 217(j)(4)(v) – Having direct contact with clients by telephone, in person, or in writing, which contacts were outside the limitations of 217(j)(3);

j. Pa.R.D.E. 217(j)(4)(vi) – Rendering legal advice to clients;

k. Pa.R.D.E. 217(j)(4)(vii) – Appearing on behalf of clients in hearings or other proceedings before a judicial officer in the Delaware County and Philadelphia County courts;



I. Pa.R.D.E. 217(j)(4)(ix) – Negotiating with third persons for continuances, plea negotiations, and bail applications, on behalf of clients in the Delaware County and Philadelphia County courts; and

m. Pa.R.D.E. 217(j)(4)(x) – Receiving a cash retainer from a client.

#### IV. DISCUSSION

This matter is before the Disciplinary Board on a Petition for Discipline charging Respondent with numerous violations of the Rules of Professional Conduct and Rules of Disciplinary Enforcement arising out of charges that he engaged in the unauthorized practice of law and impersonated another attorney, while on administrative suspension. Respondent failed to respond to the charges, failed to appear at the pre-hearing conference and disciplinary hearing, and otherwise failed to participate in these proceedings. The factual allegations in the Petition are deemed admitted due to Respondent's failure to timely file an Answer. Pa.R.D.E. 208(b)(3). Based upon the admitted factual allegations, admitted exhibits, and the testimony of Timothy J. Campbell, Esquire at the disciplinary hearing Petitioner has established by clear and convincing evidence that Respondent violated all of the charged Rules of Professional Conduct and Rules of Disciplinary Enforcement. Office of Disciplinary Counsel v. Surrick, 749 A.2d 441 (Pa. 2000).

Respondent was placed on administrative suspension pursuant to a Supreme Court Order dated March 2, 2010, based upon his failure to file an annual registration statement and to pay the annual license fee. In accordance with that Order, Respondent

was required, within ten days, to file with the Board Secretary a statement of compliance pursuant to Pa.R.D.E. 217(e). Respondent did not file the requisite statement.

During the period of his administrative suspension, Respondent engaged in the unauthorized practice of law. In the Wade matter, Respondent entered his appearance prior to his administrative suspension and then while suspended, sought continuances without revealing his suspended status. In the Weeks matter, Respondent entered his appearance while suspended and sought continuances without advising the court or personnel that he was under administrative suspension. In the Payton matter, Respondent met with his client while administratively suspended, accepted money as a retainer for his services, and then failed to appear in court to represent the client. Respondent failed to refund the retainer.

Most egregiously, in each of three matters, Respondent impersonated Timothy J. Campbell, a licensed Pennsylvania attorney, in order to avoid the suspension imposed by the Court. Mr. Campbell was in the past a classmate, friend and colleague of Respondent. In order to accomplish the impersonation, Respondent forged Mr. Campbell's signature and used Mr. Campbell's attorney license number. Respondent identified himself orally as Mr. Campbell to the court, court personnel and opposing counsel.

Respondent committed multiple acts of forgery and deception in order to circumvent the fact that he was unauthorized to practice law. Even in the cases where he used his own identity, his deceptions continued as he took steps directly contrary to the ethical rules in order to maintain his representation of several clients.

Respondent's misconduct is aggravated by many factors. At no time did Respondent attempt to comply with the Rules of Disciplinary Enforcement in regard to his administrative suspension; he failed to answer the Petition for Discipline; failed to attend

the pre-hearing conference and disciplinary hearing; and failed to show an iota of remorse for his actions and omissions.

The disciplinary system in Pennsylvania was established to protect the public from unfit lawyers and to maintain the integrity of the legal system. Office of Disciplinary Counsel v. Costigan, 584 A.2d 296 (Pa. 1990); Office of Disciplinary Counsel v. Keller, 506 A.2d 872 (Pa. 1986). Determining the appropriate sanction involves not only considering prior cases, but analyzing and weighing the aggravating and mitigating factors. Office of Disciplinary Counsel v. Foti, 69 Pa. D. & C. 4<sup>th</sup> 278 (2003). A perusal of cases involving acts of dishonesty reveals that the Supreme Court has not hesitated to disbar an attorney where the attorney's conduct demonstrates a disregard for the integrity of the judicial process. Office of Disciplinary Counsel v. Holston, 619 A.2d 1054 (Pa. 1993) (act of forging a court document coupled with misrepresentation of actions warrants disbarment). Dishonesty on the part of an attorney establishes unfitness to continue practicing law. Office of Disciplinary Counsel v. Grigsby, 425 A.2d 730 (Pa. 1981) (attorney filed a sworn pleading which he knew was false).

Viewed collectively, Respondent's reprehensible actions establish that he is unfit to practice law. The record contains serious aggravating factors that further indicate Respondent's lack of fitness. A significant factor is Respondent's failure to appear at the disciplinary hearing or participate in any manner in the proceedings against him. In re Anonymous No. 101 DB 92, 23 Pa. D. & C. 4<sup>th</sup> 168 (1994). It may be inferred from the failure to participate that Respondent has no interest in preserving his license to practice law. Analysis of the record leaves little doubt that, in order to fulfill the goal of the disciplinary system to protect the public and maintain the integrity of the legal profession, Respondent must be disbarred.

Disbarment is an extreme sanction which must be imposed only in the most egregious cases, as it represents a termination of the license to practice law without a promise of its restoration at any future time. Office of Disciplinary Counsel v. Keller, supra. Respondent has absolutely failed to conform to the ethics of his profession. The Board recommends that Respondent be disbarred.

V. RECOMMENDATION

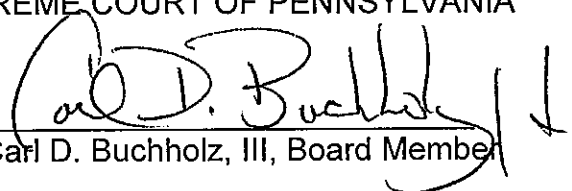
The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, John Francis Licari, be Disbarred from the practice of law.

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

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

By:

  
Carl D. Buchholz, III, Board Member

Date: June 21, 2012