

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 337, Disciplinary Docket  
Petitioner : No. 3 - Supreme Court  
:  
: Nos. 65 DB 1994 and 10 DB 1995  
v. :  
: Attorney Registration No. []  
[ANONYMOUS], :  
Respondent : ([] County)

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

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

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

I. HISTORY OF PROCEEDINGS

A Petition for Discipline was filed by Office of Disciplinary Counsel against Respondent, [], on June 24, 1994. A second Petition for Discipline was filed against Respondent on February 1, 1995. These Petitions were consolidated pursuant to Board Order dated February 22, 1995 which granted the Motion to

Consolidate filed by Petitioner on February 1, 1995. The Petitions charged numerous instances of professional misconduct in violation of the Rules of Professional Conduct. Respondent did not file an Answer.

Hearings were held on February 27 and April 18, 1995 before Hearing Committee [] comprised of Chair [], Esquire, and Members [], Esquire, and [], Esquire. Although proper service was effectuated to notify Respondent of the hearings, he did not appear nor was he represented by counsel. Petitioner was represented by [], Esquire. The Committee filed a Report on January 24, 1997 and recommended that Respondent be disbarred. No Briefs on Exceptions were filed by the parties.

This matter was adjudicated by the Disciplinary Board at the meeting of March 5, 1997.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner, whose principal office is now located at Suite 3710, One Oxford Centre, Pittsburgh, Pennsylvania, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereafter Pa.R.D.E.), with the power and the duty to investigate all matters involving alleged misconduct of

an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

2. Respondent, [], Esquire, is an attorney who was admitted to the practice of law on or about May 25, 1979. His last registered address was []. Respondent has abandoned his practice and his current whereabouts are unknown.

No. 65 DB 94

**CHARGE I - [A] MATTER ([ ])**

3. In or about January, 1993, Respondent met with [A] and [B] regarding representation in two divorce actions: [A] against [C] and [B] against [D].

4. In or about January, 1993, Respondent agreed to represent [A] and [B] in the above divorce actions.

5. This was the first time Respondent represented either [A] or [B]. Neither [A] nor [B] has any recollection of receiving a written statement of the basis or rate of Respondent.

6. In or about January, 1993, Respondent told [A] and [B] it would cost approximately \$675.00 to complete both divorce cases.

7. On or about January 28, 1993, Respondent accepted and thereafter negotiated a check in the amount of \$450.00 from [A] and [B] to obtain the divorces.

8. Between in or about January, 1993 and April, 1993, Respondent failed to initiate communication with [A] or [B] other than the receipt by them of a copy of their respective Divorce Complaints via UPS mail.

9. On or about April 23, 1993, Respondent caused a divorce complaint to be filed on behalf of [B] against [D] in the [] County Court of Common Pleas to Civil Action No. [].

10. On or about April 23, 1993, Respondent caused a divorce complaint to be filed on behalf of [A] v. [C] in the [] County Court of Common Pleas to Civil Action No. [].

11. From in or about January, 1993, until in or about August, 1993, Respondent failed to initiate communication with either [A] or [B].

12. Between in or about January, 1993, and in or about July, 1993, [A] and [B] called Respondent's office over thirty times and left messages either on Respondent's machine or with Respondent's receptionist for a return call.

13. Between in or about January, 1993 and in or about July, 1993, Respondent failed to return the above mentioned telephone calls and failed to communicate with [A] or [B] concerning the status of their divorce actions.

14. From in or about May, 1993, to in or about July, 1993, Respondent failed to take further steps in representing [A] and [B].

15. In or about July, 1993, [A] and [B] sought the services of another attorney, [E], Esquire of [], Pennsylvania.

16. In or about July, 1993, [A] paid [E] \$50.00 to obtain advice about his case.

17. On or about July 6, 1993, [E] called Respondent and Respondent discussed the status of the divorce actions. Respondent

told [E] Respondent had not served the divorce complaint filed on behalf of [B], because [B] kept changing her mind.

18. By letters dated July 6, 1993 and July 14, 1993, [E] requested that Respondent forward [A-s] and [B-s] file to her immediately.

19. Thereafter, Respondent failed to forward [A-s] and [B-s] files to [E].

20. Thereafter, Respondent failed to communicate with [E] in any fashion concerning [A-s] and [B-s] cases.

**COUNT II - [F] MATTER ([ ])**

21. In or about May, 1992, [F] consulted with Respondent concerning Respondent's representation of [F] in obtaining immigration papers to become a permanent resident of the United States of America ("U.S.A.").

22. In or about May, 1992, when [F] contacted Respondent he was unemployed.

23. In or about October, 1992, [F] secured a job.

24. In or about November, 1992, [F] retained Respondent's services to represent him in obtaining permanent papers for residence in the U.S.A.

25. This was the first time Respondent represented [F] in a legal matter.

26. After commencing representation, Respondent failed to give [F] a written statement of the basis or rate of Respondent's fee.

27. [F] made the following payments to Respondent:

<u>DATE</u>	<u>METHOD OF PAYMENT</u>	<u>AMOUNT</u>
11/6/92	Cash	\$ 20.00
11/11/92	Cash	\$120.00
11/18/92	Cash	\$ 70.00
12/9/92	Cash	\$ 50.00

28. In or about November, 1992, [F] gave Respondent the following documents:

- a) I.D. from Peru.
- b) [F's] passport.
- c) [F's] birth certificate.
- d) [F's] daughter's birth certificate.
- e) Copies of [F's] school transcripts, diplomas and degrees.
- f) [F's] divorce papers.
- g) Recommendation letters from [F's] church.
- h) Affidavits of witnesses giving reference regarding [F's] person.
- i) Voting card from Peru.

29. During the course of Respondent's representation of [F], [F] repeatedly requested Respondent to return the papers provided to him by [F]. Upon Respondent's return of said papers to [F], [F] was forced to sign a document which he did not understand because said document was in English.

30. In or about December, 1992, after Respondent received [F]'s \$50.00 payment on December 9, 1992, Respondent told [F] Respondent would not continue with his case.

31. Respondent told [F] that he could no longer represent [F] because his case was "too difficult."

32. From in or about December, 1992, until in or about January or February, 1993, Respondent failed to return [F]'s file materials to [F] despite numerous contacts and requests from [F].

33. To date, Respondent has failed to refund any advance payment of fee.

34. Because of Respondent's inattention and failure to take action, [F] hired Attorney [G] who handled [F]'s adjustment of status matter.



CHARGE III - [H] MATTER ([ ])

35. On or about June 29, 1993, the Commonwealth of Pennsylvania filed a criminal complaint in Magisterial District No. [ ] to Docket No. [ ] against [H] for two counts of robbery, criminal conspiracy, aggravated assault, recklessly endangering another person and receiving stolen property.

36. On or about July 7, 1993, the Commonwealth of Pennsylvania filed a criminal complaint against [H] in Magisterial District No. [ ] to Docket No. [ ] charging two counts of robbery, theft by unlawful taking, conspiracy and receiving stolen property.

37. On or about July 10, 1993, [I], [H]'s mother, contacted Respondent regarding representation of her son.

38. On or about July 10, 1993, [I] gave Respondent \$500.00 in cash for the release of [H].

39. This was the first time Respondent represented [I] and/or [H] in a legal proceeding.

40. After commencing representation, Respondent failed to give either [I] or [H] a written statement of the basis or rate of Respondent's fee.

41. On or about August 2, 1993, Respondent filed a Motion for Reduction of Bail with the Court.

42. On or about August 17, 1993, Respondent filed an Entry of Appearance for purposes of an application for reduction of bail only.

43. On or about August 17, 1993, the Court denied Respondent's Motion for Bail Reduction.

44. Thereafter, Respondent requested an additional \$1,300.00 from [I].

45. [I] did not have \$1,300.00 and did not pay this amount to Respondent.

46. Respondent requested several continuances of the preliminary hearings which were scheduled on August 2, 1993 and August 17, 1993.

47. Respondent did not take any further steps in representing [H].

**CHARGE IV - COURT OF COMMON PLEAS CONTEMPT MATTER ([ ])**

48. On or about October 25, 1993, the Respondent who had entered his appearance in the case of Commonwealth v. [J], No. [ ], failed to appear for trial before the Honorable [K], in the Court of Common Pleas of [ ] County.

49. On or about October 26, 1993, when Respondent was brought before Judge [K] by the [ ] County Sheriff's Department, Judge [K] scheduled a Criminal Contempt Hearing for October 28, 1993, which was subsequently held on October 29, 1993.

50. The Contempt Hearing, which was indexed at No. [ ], was heard before Judge [K] at which time the Court found Respondent in contempt of court.

51. By order entered October 29, 1993, the court ordered Respondent to perform thirty-five hours of community service in lieu of a \$500.00 fine.

**CHARGE V - [L] MATTER ([ ])**

52. In August of 1993, [L] and his wife, [], met with Respondent concerning a car loan which [L] had co-signed which, as a result of failure to make payments by the owner of the vehicle, had resulted in the vehicle being repossessed and a lien being placed on the property of Mr. and Mrs. [L].

53. During the August, 1993, meeting between the [L] and the Respondent, the [L] were informed that the Respondent would prepare an Affidavit for signature by the other party to the car loan. During the course of the August, 1993, meeting, Respondent indicated a fee of \$300.00 to handle this matter with the [L] and requested \$200.00 in advance which was given to him on August 30, 1993, in cash.

54. This was the first time Respondent represented Mr. [L] in a legal matter.

55. Respondent failed to give Mr. [L] a written statement of the basis or rate of Respondent's fee after commencing representation.

56. After the August 30, 1993 meeting between Respondent and Mr. and Mrs. [L], Respondent failed to appear for an appoint-

ment with Mr. [L] and also failed to return any of the [L] messages that were left on Respondent's answering machine for a return call.

57. By letter dated September 23, 1993, Mr. [L] requested a refund of the fee he paid Respondent because Respondent had not performed any services for him.

58. Thereafter, Respondent failed to respond to Mr. [L] September 23, 1993 letter.

59. By letter dated December 22, 1993, Mr. [L] requested Respondent return the \$200.00 given to Respondent for an affidavit and requested that Respondent contact Mr. [L].

60. Thereafter, Respondent failed to return Ms. [L] telephone calls. By letter dated December 22, 1993, Mr. [L] requested Respondent return the \$200.00 given to Respondent for an affidavit and requested that Respondent contact them, said address being supplied by the Office of Disciplinary Council in [].

61. The letter sent by certified mail as referenced above was returned to Mr. [L] marked "unclaimed".

62. To date, Respondent has failed to prepare an affidavit for Mr. [L].

63. To date, Respondent has failed to initiate communication with Mr. [L] concerning his legal case.

64. To date, Respondent has failed to respond to communications from Mr. [L] concerning his case.

**CHARGE VI - [M] MATTER ([ ])**

65. In or about May, 1993, [M] met with Respondent and requested that Respondent represent her in her divorce action.

66. Respondent told [M] it would cost \$300.00 to complete her divorce.

67. On or about May 12, 1993, [M] gave Respondent \$150.00 in cash and signed some papers.

68. By fee letter dated May 14, 1993, Respondent explained the structure of Respondent's fee to [M].

69. Thereafter, Respondent failed to file a divorce complaint with the court.

70. In or about July, 1993, [M] came to Respondent's office and paid Respondent an additional \$50.00 in cash.

71. During in or about July, 1993, and in or about August, 1993, [M] called Respondent's office on numerous occasions and left messages for Respondent to return her calls with no response.

72. Ultimately, [M] did speak telephonically with the Respondent who told her that her divorce would be final by November, 1993.

73. Additionally, [M] spoke to Respondent once in the Courthouse and once on the street. Both times [M] received no satisfaction as to the progress of her divorce.

74. Respondent failed to take steps to either begin or advance [M]'s divorce.

75. To date, Respondent has failed to take any action in [M]'s divorce case other than accept \$200.00.

CHARGE I - [N] ([1])

76. In or about October, 1992, [N] and her mother, [O], met with Respondent concerning adoption of [N's] daughter, [P], by [O].

77. Respondent agreed to represent the [N] in this adoption action.

78. This was the first time Respondent represented the [N] in a legal matter.

79. Respondent failed to provide the [N] with a written statement setting forth the basis or rate of his fee.

80. In or about October, 1992, Respondent told the [N] he would start adoption papers upon receipt of \$200.00 cash.

81. On or about October 29, 1992, [N] gave Respondent \$200.00, and Respondent gave her a receipt for the cash payment.

82. Thereafter, Respondent failed to take any action in the adoption case.



83. From in or about October, 1992, until in or about January, 1994, the [N] called Respondent regarding the status of their case and left messages asking Respondent to return their calls with no response thereto.

**CHARGE II - [Q] MATTER ([ ])**

84. In or about July 29, 1993, [Q] met with Respondent and requested that Respondent represent him in a divorce and custody action.

85. This was the first time [Q] met with Respondent regarding any legal matter.

86. Respondent agreed to represent [Q].

87. Respondent failed to give [Q] a written statement setting forth the basis or rate of his fee.

88. [Q] made the following payments to Respondent toward Respondent's fee:

- a) July 29, 1993 - \$200.00 in cash;
- b) July 30, 1993 - \$200.00 in cash; and
- c) August 31, 1993 - \$200.00 in cash.

89. Thereafter, Respondent failed to take any steps to represent [Q] in his divorce and custody action.

90. Since on or about August 3, 1993, Respondent has failed to initiate communication in any fashion with [Q] concerning his case.

91. [Q] ultimately sought representation in February of 1994 at the law offices of [R].

**CHARGE III - OIR MATTER ([ ])**

92. On or about July 6, 1992, the United States Department of Justice, Executive Office for Immigration and Review ("OIR"), filed an order to show cause against [S], a native of Ecuador, as to why [S] should not be deported based on two criminal convictions involving moral turpitude in violation of '241(a)(2)(A)(ii) of the Immigration and Nationality Act.

93. On or about April 23, 1993, Respondent communicated with the OIR on behalf of [S] concerning her deportation proceedings before the OIR.

94. Prior to Respondent's representation, the OIR scheduled [S]'s hearing for May 5, 1993.

95. On or about April 28, 1993, Respondent filed a motion for continuance of the May 5, 1993 hearing with the OIR.

96. By order entered May 3, 1993, Judge [T], the U.S. Immigration Judge assigned to this case, granted Respondent's motion for continuance and continued the hearing to June 23, 1993.

97. The matter was set down for hearing on July 23, 1993, at which time Respondent requested a continuance. However, on July 23, 1993, Respondent was given ten days within which to file, in writing, a written pleading answer.

98. Respondent never filed a written pleading answer on behalf of [S].

99. By order entered July 9, 1993, Judge [T] continued the hearing in this case to September 22, 1993.

100. The OIR served a copy of the continuance notice on Respondent.

101. Thereafter, Respondent failed to appear at the hearing scheduled for September 22, 1993 and failed to provide any

prior notice or subsequent explanation for Respondent's failure to appear.

102. On or about September 22, 1993, Judge [T] made a determination and ordered [S] be deported to Ecuador.

103. By letter dated September 28, 1993, Judge [T] sent Respondent an admonition letter for Respondent's failure to appear at a deportation hearing held on September 22, 1993 and requested Respondent file a written letter of explanation to the court within ten days.

104. Thereafter, Respondent failed to communicate with the court in any fashion.

105. On or about March 21, 1994, subsequent counsel, [U], Esquire filed a Motion to Reopen In Absentia Order on behalf of [S].

**CHARGE IV - [V] MATTER ([ ])**

106. On or about October 15, 1993, [V] telephoned Respondent and requested that Respondent represent her in an ongoing equitable distribution case filed to Civil Docket No. [ ] in the [ ] County Family Court Division under the caption [V] v. [W].

107. On or about October 26, 1993, the court entered an order granting a divorce between the parties and confirming equitable distribution.

108. Prior to this, on or about October 8, 1993, the equitable distribution master had filed the equitable distribution report with the court and had sent notice to [V]. [V] believed after making payments to Respondent as noted below on or about October 15, 1993 and October 25, 1993, that Respondent would represent [V] interests before the court entered its orders.

109. Notwithstanding Respondent's representations to [V] that he would intercede on her behalf with the court prior to the court entering its October 26, 1993 order, Respondent did not enter his appearance on the court docket until on or about December 3, 1993.

110. This was the first time Respondent represented [V] in a legal matter.

111. Respondent failed to give [V] a written statement setting forth the basis or rate of his fee after Respondent commenced representation.

112. In total, [V] made the following payments toward Respondent's fee:

- a) 10/15/93 - \$200.00 - cash
- b) 10/25/93 - \$800.00 - money order
- c) 11/9/93 - \$1,000.00 - cash
- d) 11/10/93 - \$200.00 - money order
- e) 12/7/93 - \$500.00 - money order
- f) 12/30/93 - \$200.00 - money order
- g) 1/10/94 - \$250.00 - cash
- h) 2/16/94 - \$30.00 - cash
- i) 3/17/94 - \$200.00 - money order

113. During the month of October, 1993, [V] called Respondent's office approximately nineteen times and left messages on Respondent's machine with no return calls from Respondent.

114. The only action Respondent took on [V] case was to write a letter to [V] former counsel, [X], Esquire, dated December 2, 1993 and to enter Respondent's appearance with the court on or about December 3, 1993.

115. On or about January 10, 1994, Respondent spoke with [V] and requested an additional \$250.00 toward Respondent's fee.

116. To date, Respondent has failed to file an appeal of the equitable distribution order entered in this matter on or about October 26, 1993.

CHARGE V - [Y] MATTER ([ ])

117. On April 18, 1994, [Y] met with Respondent regarding Respondent's representation of [Y] in a divorce action.

118. On or about April 18, 1994, Respondent agreed to represent [Y] and agreed to file a divorce complaint on his behalf.

119. Respondent told [Y] the total cost for representation in the divorce would be \$350.00 with possibly an additional \$100.00 in expenses.

120. Respondent requested \$250.00 in advance before beginning work on his case which was given to Respondent by [Y] on April 18, 1994.

121. By letter dated April 18, 1994, Respondent provided [Y] with a statement of the rate or basis of his fees.

122. Between on or about April 18, 1994 and the present [Y] called Respondent at the telephone number Respondent provided him, [ ], on numerous occasions and left messages for Respondent to return his call with no response from Respondent.

123. Between April 18, 1994 and the present, Respondent has failed to initiate communication with [Y] in any fashion.

124. By letter dated April 27, 1994, [Y] requested Respondent return the money he paid Respondent and noted Respondent's failure to communicate with him.

125. The letter dated April 27, 1994 was sent to Respondent at the address Respondent gave [Y]: [], by first class regular U.S. mail. The post office did not return the letter to [Y].

126. To date, Respondent has failed to respond to [Y]'s letter and has failed to refund the money paid in advance for services in this matter. Respondent has also failed to account to [Y] for services rendered for the fee paid.

127. Between in or about April 18, 1994 and the present, Respondent has failed to take any action in representing [Y] in his divorce case.

128. Thereafter, [Y] hired subsequent counsel, [Z], Esquire to complete his divorce. [Y] paid [Z] \$250.00.



III. CONCLUSIONS OF LAW

Respondent's conduct in the aforementioned matters constitutes violations of the following Rules of Professional Conduct:

1. RPC 1.1 - A lawyer shall provide competent representation to a client. This Rule was violated in 10 cases.
2. RPC 1.3 - A lawyer shall act with reasonable diligence and promptness in representing a client. This Rule was violated in 10 cases.
3. RPC 1.4(a) - A lawyer shall keep a client informed about the status of a matter and promptly comply with the reasonable requests for information. This Rule was violated in 10 cases.
4. Rule 1.4(b) - A lawyer shall explain a matter to the extent necessary to permit the client to make informed decisions regarding the representation. This Rule was violated in 10 cases.
5. RPC 1.5(b) - When a lawyer has not regularly represented the client, the basis or rate of the fee shall be communicated to the client, in writing, before or within a reasonable time after commencing the representation. This Rule was violated in 7 cases.
6. RPC 8.4(d) - It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice. This Rule was violated in 3 cases.
7. 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 that

has not been earned. This Rule was violated in 3 cases.

IV. DISCUSSION

This case is before the Disciplinary Board for determination on the charges alleged in the consolidated Petitions for Discipline and recommendation as to the appropriate sanction if such charges are proven by Petitioner. Respondent failed to Answer any of the charges nor did he appear at the hearings held on February 27, 1995 and April 18, 1995.

The record demonstrates that Petitioner attempted personal service and effectuated proper service by mail to give notice to Respondent. Petitioner's last contact with Respondent was on August 16, 1994, when Respondent left a message at Petitioner's office that he would call the next day. Respondent has not been in contact since that date. The hearings went forward and Petitioner presented evidence from former clients of Respondent, as well as the conservator appointed to oversee Respondent's cases and several attorneys who had dealings with Respondent in connection with his cases. The evidence of record is clear and satisfactory that Respondent neglected his clients and abandoned his practice, thus violating the above enumerated Rules of Professional Conduct in eleven cases. After making the determination that Respondent violated the Rules of Professional Conduct, the Board must examine the case and recommend appropriate discipline.

This case presents an extremely serious situation of widespread client neglect and subsequent abandonment of practice. In eleven separate matters Respondent took fees from clients and performed minimal, if any, legal services. He then abandoned his clients and never communicated with them or returned files. In one particular case, Respondent's abandonment nearly resulted in a client's deportation. Respondent had a pattern of agreeing to represent a client, accepting money, and informing the client that it would take a certain period of time to accomplish his or her goal. Respondent would either file a simple motion or other pleading or sometimes do nothing with the case. He would then fail to communicate with the client, forcing the client to call Respondent numerous times. Respondent also had a pattern of entering his appearance and requesting continuances in the cases, then failing to appear for the court cases without notifying the court or withdrawing his appearance. On one occasion, Respondent was held in direct criminal contempt by Judge [K] of the [] County Court of Common Pleas for his failure to appear on the day of a criminal trial. This type of behavior is not new for Respondent, based on his record of prior discipline. In 1986 Respondent received an Informal Admonition for accepting a fee and failing to pursue a case. In 1988, he received a Private Reprimand for his failure in seven separate cases to take action after accepting money. When Respondent abandoned his practice, a conservator was

appointed in February, 1995, by the [ ] County Court of Common Pleas to oversee the practice. The conservator, [R], Esquire, testified at the disciplinary hearing that 167 cases were left for disposition. Respondent even left his briefcase in the office. This is a particularly egregious matter of client neglect and subsequent abandonment. Respondent took advantage of his clients in every way he could. The majority of Respondent's clients were economically disadvantaged persons from the Hispanic community, to which Respondent catered. Most of these clients had difficulty raising the initial fees necessary to retain Respondent. He abused their trust by accepting the money with little if any intention of pursuing the cases.

Respondent compounded the underlying case against him by failing to respond to the charges in the Petitions for Discipline and failing to appear at the disciplinary hearings. His lack of cooperation belies a cavalier attitude towards the disciplinary process and the ethical Rules of this Commonwealth, which attitude appears to have permeated his concept of the practice of law. Respondent's behavior warrants the most severe discipline allowed pursuant to the Rules of Disciplinary Enforcement.

Disbarment must be imposed with caution as it effectuates the loss of professional livelihood for an attorney without

certainty of its restoration in the future. Office of Disciplinary Counsel v. Raiford, \_\_Pa \_\_, 687 A. 2d 1118 (1997), citing Office of Disciplinary Counsel v. Keller, 509 Pa. 573, 586-87, 506 A.2d 872, 879 (1986). Nevertheless, in spite of this grave consequence, certain cases are so egregious that disbarment is the only response. Respondent's pattern of misconduct, his recidivist history, which involves the same exact misconduct, and failure to respond or appear for disciplinary proceedings are aggravating factors that persuade the Board that disbarment is appropriate. The case law in Pennsylvania supports Respondent's disbarment. Other situations of client neglect and abandonment have resulted in disbarment. Office of Disciplinary Counsel v. Davis, 532 Pa. 22, 614 A.2d 1116 (1992); In re Anonymous Nos. 43 DB 91 & 20 DB 92 (1994); and In re Anonymous Nos. 75 DB 94 & 7 DB 95 (1996). The main focus of the Disciplinary Board, when recommending a sanction, is the extent to which the clients were aggrieved by Respondent's misconduct and the necessary precautions that must be taken to protect the public from future harm at the hands of such attorney. The Board is strongly persuaded by the evidence of record that Respondent would continue in the same vein of neglect if permitted to practice. Respondent's behavior displays a blatant disregard for his clients that cannot be tolerated.

V.           RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania recommends that the Respondent, [], be disbarred.

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: \_\_\_\_\_  
Alfred Marroletti, Member

Date: May 13, 1997

Board Members Carson and Caroselli did not participate in the March 5, 1997 adjudication.

O R D E R

PER CURIAM:

AND NOW, this 2nd day of July, 1997, upon consideration of the Report and Recommendations of the Disciplinary Board dated May 13, 1997, it is hereby

ORDERED that [RESPONDENT] be and he 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.