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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE RESOLUTION

No. 231 Session of  
2022

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INTRODUCED BY O'NEAL, MALONEY, MILLARD, RYAN, ROSSI, OWLETT AND  
GILLEN, SEPTEMBER 21, 2022

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REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 21, 2022

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A CONCURRENT RESOLUTION

1 Encouraging the Pennsylvania Supreme Court to make the  
2 investigation and disciplinary process of lawyers more  
3 transparent.

4 WHEREAS, Section 10 of Article V of the Constitution of  
5 Pennsylvania gives authority to regulate the practice of law and  
6 lawyers to the Supreme Court of Pennsylvania; and

7 WHEREAS, By court order dated March 21, 1972, the Supreme  
8 Court established the Disciplinary Board of the Supreme Court of  
9 Pennsylvania to regulate attorney conduct; and

10 WHEREAS, The Disciplinary Board consists of 12 members who  
11 are appointed by the Supreme Court; and

12 WHEREAS, The Disciplinary Board's mission is to protect the  
13 public, maintain the integrity of the legal profession and  
14 safeguard the reputation of the courts; and

15 WHEREAS, The Supreme Court established, through the Rules of  
16 Professional Conduct, minimum ethical standards for the practice  
17 of law that all attorneys must follow; and

18 WHEREAS, The Disciplinary Board is empowered to enforce and

1 investigate actions of lawyers for failure to abide by the Rules  
2 of Professional Conduct; and

3 WHEREAS, The disciplinary process begins when a formal  
4 complaint is filed with the Office of Disciplinary Counsel  
5 (ODC), which initiate an investigation; and

6 WHEREAS, The ODC sends a notice of the complaint to the  
7 respondent and requests a formal statement of the respondent's  
8 position; and

9 WHEREAS, The ODC prepares a document which provides  
10 justification and a recommended resolution which is provided to  
11 a review hearing committee member; and

12 WHEREAS, The review hearing committee member reviews the  
13 document and approves or modifies the ODC's recommendation or  
14 directly dismisses the complaint; and

15 WHEREAS, If the initiation of formal charges is approved, the  
16 ODC prepares a Petition for Discipline, which specifies the  
17 charges of misconduct, and the respondent is given 20 days to  
18 file a response; and

19 WHEREAS, A hearing is conducted in front of a three-member  
20 hearing committee where the ODC presents evidence of the alleged  
21 misconduct, the respondent presents any necessary defense and  
22 briefs from both sides are filed; and

23 WHEREAS, The hearing committee issues a report and  
24 recommendation, which includes findings of fact, conclusions of  
25 law and a recommended disposition; and

26 WHEREAS, Either party may file a Brief of Exceptions to the  
27 hearing committee's report with the Disciplinary Board and  
28 request oral argument, which, if granted, is held before a panel  
29 of three board members; and

30 WHEREAS, The Disciplinary Board adjudicates the matter either

1 by issuing an order concluding the matter through dismissal,  
2 informal admonition, private reprimand or public reprimand; and

3 WHEREAS, The Disciplinary Board may also file the report with  
4 the Supreme Court of Pennsylvania recommending probation, public  
5 censure, suspension or disbarment; and

6 WHEREAS, If the report is filed with the Supreme Court,  
7 either party may request oral argument and the Supreme Court  
8 shall adjudicate the matter and issue an order; and

9 WHEREAS, Recent concerns have arisen regarding the level of  
10 public transparency utilized by the Disciplinary Board  
11 throughout its investigation and discipline of lawyers;  
12 therefore be it

13 RESOLVED (the Senate concurring), That the General Assembly  
14 encourage the Pennsylvania Supreme Court to make the  
15 investigation and disciplinary process of lawyers more  
16 transparent; and be it further

17 RESOLVED, That the General Assembly encourage the  
18 Disciplinary Board of the Supreme Court of Pennsylvania to  
19 provide greater transparency when investigating, adjudicating  
20 and disciplining lawyers.