

SUPREME COURT OF PENNSYLVANIA

Office of Disciplinary Counsel v. Coleman

78 Pa. D. & C.4th 104 (Pa. 2005) · Decided January 24, 2005

SUMMARY

The Disciplinary Board of the Supreme Court of Pennsylvania found that Thomas Joseph Coleman III engaged in the unauthorized practice of law while on inactive status by signing and permitting the filing of numerous Pennsylvania pleadings. The Board concluded that he violated multiple Rules of Professional Conduct and Rules of Disciplinary Enforcement and recommended a suspension of one year and one day, with payment of disciplinary expenses.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Pietragallo, Member
JURISDICTION	Pennsylvania
DECIDED	January 24, 2005
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding arising from a petition charging unauthorized practice of law while respondent was on inactive status. The Disciplinary Board recommended a suspension of one year and one day; the Supreme Court of Pennsylvania ordered a two-year suspension.
PRECEDENTIAL VALUE	Published disciplinary decision
PARTIES	Office of Disciplinary Counsel v. Thomas Joseph Coleman III

TOPICS

administrative law

agency adjudication

PRACTICE AREAS

Attorney discipline

Professional responsibility

Unauthorized practice of law

QUESTIONS PRESENTED

1. Whether respondent violated the Pennsylvania Rules of Professional Conduct and Rules of Disciplinary Enforcement by practicing law and representing himself as a Pennsylvania lawyer while on inactive

status.

2. What discipline was appropriate for respondent's unauthorized practice, misleading representations, and related misconduct.

HOLDINGS

1. Respondent violated the Rules of Professional Conduct and Rules of Disciplinary Enforcement by signing and causing the filing of Pennsylvania pleadings as an attorney while on inactive status and not reinstated to active practice.
2. A two-year suspension from the bar of Pennsylvania was appropriate, together with compliance with Pa.R.D.E. 217 and payment of disciplinary costs.

KEY QUOTATIONS

“There is no question that respondent engaged in serious misconduct by signing hundreds of pleadings in knowing violation of a Supreme Court order prohibiting him from the practice of law.” (at 123)

“Considering the length of time involved, the number of violations, the acknowledgement that he knew he was on inactive status and his lack of candor with the Hearing Committee, it is respectfully recommended the suspension be for two years.” (at 128)

“And now, April 19, 2005, upon consideration of the report and recommendations of the Disciplinary Board and dissent to the majority report and recommendations of the Disciplinary Board dated January 24, 2005, it is hereby ordered that Thomas Joseph Coleman III, be and he is suspended from the bar of this Commonwealth for a period of two years, and he shall comply with all the provisions of Rule 217, Pa.R.D.E.” (at 128)

FACTUAL BACKGROUND

Thomas Joseph Coleman had been transferred to inactive status in Pennsylvania and had not been reinstated or brought his continuing-legal-education requirements into compliance. From January through October 2002, he signed numerous Pennsylvania pleadings as attorney of record in mortgage-foreclosure and related matters handled by another law office, despite lacking authority to practice. He continued signing pleadings after learning in June 2002 that his Pennsylvania license status was in question and did not withdraw from the matters until September 2002.

PROCEDURAL HISTORY

Office of Disciplinary Counsel filed a petition for discipline on July 24, 2003. After a disciplinary hearing, the Hearing Committee found violations and recommended a one-year-and-one-day suspension. The Disciplinary Board adopted that recommendation by majority, with members Sheerer, O'Connor, and Suh dissenting in favor of a two-year suspension. On April 19, 2005, the Supreme Court of Pennsylvania ordered a two-year suspension and required compliance with Pa.R.D.E. 217.

DISPOSITION

other

CASES CITED

- Office of Disciplinary Counsel v. Costigan, 526 Pa. 16, 584 A.2d 296 (1990)
- Office of Disciplinary Counsel v. Lucarini, 504 Pa. 271, 472 A.2d 186 (1983)
- In re Anonymous No. 123 D.B. 96, 41 D. & C.4th 290 (1998)
- Office of Disciplinary Counsel v. Harris, 150 D.B. 2002, 930 disciplinary docket no. 3 (Pa. July 15, 2004)
- Office of Disciplinary Counsel v. Enright, No. 136 D.B. 2002, 890 disciplinary docket no. 3 (Pa. Mar. 14, 2004)
- Office of Disciplinary Counsel v. Forman, No. 70 D.B. 2001, 799 disciplinary docket no. 3 (Pa. Jan. 31, 2003)
- Office of Disciplinary Counsel v. Holder, No. 131 D.B. 1999, 660 disciplinary docket no. 3 (Pa. Mar. 23, 2001)

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