

CHAPTER 95. STATEMENTS OF POLICY

- Sec.
95.1. Effect of chapter.
95.2. Investigation of the conversion of funds.
95.3. Monitoring of notices to be sent by formerly admitted attorneys.

Source

The provisions of this Chapter 95 adopted November 4, 1988, effective November 5, 1988, 18 Pa.B. 4938, unless otherwise noted.

§ 95.1. Effect of chapter.

The provisions of this chapter are intended to constitute “statements of policy” within the meaning of that term as defined in 1 Pa. Code § 1.4 (relating to definitions).

Official Note: As to the effect of this chapter generally, see 16 Pa.B. 4648.

§ 95.2. Investigation of the conversion of funds.

Where the Office of Disciplinary Counsel receives evidence of the conversion of entrusted funds by a respondent-attorney, it is the policy of the Board that Disciplinary Counsel shall seek the issuance of a subpoena duces tecum to the respondent-attorney and any relevant financial institution for at least the following records:

- (1) all accounts into which the respondent-attorney may have deposited or otherwise transferred entrusted funds during a period reasonably related to that during which the conversion occurred; and
- (2) those records which are required to be maintained under the Disciplinary Rules relating to the handling or holding of funds or other property.

Official Note: The records referred to in paragraph (2) include those maintained under former DR 9-102 of the Code of Professional Responsibility and Rules 1.5(c) and 1.15 of the Rules of Professional Conduct.

§ 95.3. Monitoring of notices to be sent by formerly admitted attorneys.

It is the practice of the Office of the Secretary to monitor the filing by formerly admitted attorneys of the verified statement of compliance required under § 91.95 (relating to proof of compliance) and, if the statement is not filed within the prescribed period, the Office of the Secretary will mail to the formerly admitted attorney a reminder of the obligation under § 91.95 to file the statement. Failure by the Office of the Secretary to mail the reminder, or failure by the formerly admitted attorney to receive the reminder, shall not relieve the formerly admitted attorney of the obligation to file the verified statement of compliance. As required by § 91.98 (relating to maintenance of records), the Office of the Secretary will not accept for filing a petition for reinstatement until the formerly

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admitted attorney has filed the verified statement of compliance or obtained a waiver from the Board of the requirement to file the statement.

Source

The provisions of this § 95.3 adopted September 1, 1989, effective September 2, 1989, 19 Pa.B. 3758.

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