

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 3069 Disciplinary Docket No. 3
	:	
Petitioner	:	No. 112 DB 2023
	:	
v.	:	Attorney Registration No. 49055
	:	
	:	(Allegheny)
MILTON E. RAIFORD,	:	
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 6th day of November, 2024, upon consideration of the Report and Recommendations of the Disciplinary Board and Respondent’s Petition for Review, Milton E. Raiford is suspended from the Bar of this Commonwealth for a period of one year and one day. Respondent shall comply with the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board. See Pa.R.D.E. 208(g).

Counsels’ Applications for Leave to Withdraw are granted.

A True Copy Nicole Traini
As Of 11/06/2024

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 112 DB 2023
Petitioner	:	
	:	
v.	:	Attorney Registration No. 49055
	:	
MILTON E. RAIFORD,	:	
Respondent	:	(Allegheny 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

By Petition for Discipline filed on August 3, 2023, Petitioner, Office of Disciplinary Counsel, charged Respondent, Milton E. Raiford, with violations of the Rules of Professional Conduct based on allegations of professional misconduct in one client matter. Respondent, through counsel, accepted service of the Petition for Discipline but failed to file an Answer.

Following a prehearing conference on January 8, 2024, a District IV Hearing Committee held a disciplinary hearing on February 26, 2024. Petitioner did not present

any witnesses and moved for the admission of its exhibits without objection. Respondent testified on his own behalf and offered three character witnesses.

On April 12, 2024, Petitioner filed a post-hearing brief to the Committee and requested that the Committee recommend to the Board that Respondent be suspended for a period of one year and one day. Respondent filed a post-hearing brief on May 2, 2024, and requested that the Committee recommend to the Board that he be suspended for no more than 30 days, and further requested that the Committee consider staying the suspension with a period of probation.

By Report filed on June 11, 2024, the Committee concluded that Respondent engaged in professional misconduct and violated the ethical rules as charged in the Petition for Discipline, and recommended that he be suspended for a period of nine months. The parties did not take exception to the Committee's Report. The Board adjudicated this matter at the meeting on July 23, 2024.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, PA 17106-2485, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement, 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. Pet. for Disc. at ¶ 1.

2. Respondent was born in 1955 and was admitted to practice law in the Commonwealth of Pennsylvania in 1987. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

David Walker Matter

3. On or about July 1, 2019, David Walker, Jr., was arrested and charged with, *inter alia*, manufacture, delivery, or possession with intent to manufacture or deliver controlled substances. This matter was thereafter docketed in the Court of Common Pleas of Indiana County at CP-32-CR-0000007-2020 (hereinafter the “Criminal Proceedings”). Pet. for Disc. at ¶4; ODC-2 at 000005.
4. In or before May of 2021, Mr. Walker engaged Respondent to represent him in the Criminal Proceedings in exchange for \$8,000.00. Pet. for Disc. at ¶ 5.
5. In or about May of 2021, Mr. Walker’s mother paid Respondent \$9,250.00 in cash. Pet. for Disc. at ¶ 6; ODC-12 at 000060-0000061 (“Despite the agreement being in the amount of \$8,000.00, Mr. Walker actually paid beyond the agreed amount due to his request for additional services outside what was initially agreed upon by both parties.”).
6. Respondent previously represented Mr. Walker “on traffic stuff.” N.T. 51. In the instant criminal case Respondent failed to maintain advanced payments in a trust account or IOLTA until earned, and failed to obtain Mr. Walker’s informed consent, confirmed in writing, or the informed consent of Mr. Walker’s mother, for permission

to not maintain any monies advanced to him in a trust account or IOLTA until earned. Pet. for Disc. at ¶ 7; ODC-12 at 000060 (“We do not deny the failure to deposit the payments in a trust account or IOLTA account.”); Pet. for Disc. at ¶ 8.

7. On January 4, 2022, Mr. Walker entered a plea of guilty to manufacture, delivery or possession with intent to manufacture or deliver controlled substances. {et. for Disc. at ¶ 9; ODC-2 at 000006, 000018.
8. On April 25, 2022, Mr. Walker was sentenced to confinement for a period of no less than two years and no more than four years. Pet. for Disc. at ¶ 10; ODC-2 at 000006, 000019.
9. Any appeal of this sentence was required to be filed on or before May 25, 2022. Pa.R.Crim.P. § 903(a). Pet. for Disc. at ¶ 11.
10. By text message to Respondent dated April 26, 2022, Noel Miller, Mr. Walker’s fiancée, said, *inter alia*, “David also wanted me to ask you about an appeal he said he only has 30 days to do that.” *Id.* at ¶ 12; ODC-4 at 000040.
11. Respondent failed to respond to this text message. Pet. for Disc. at ¶ 13.
12. By text message to Respondent dated May 23, 2022, Ms. Miller said, *inter alia*, “he wants to appeal the suppression hearing.” *Id.* at ¶ 14; ODC-4 at 000041.
13. By text message to Ms. Miller dated May 23, 2022, Respondent said, *inter alia*, “[i]f David appeals, he will lose and be exposed to 7 1/2 years in prison from the door. David is a child spoiled by his mom who lives a child’s life who always latches on to someone like you.” Pet. for Disc. at ¶ 15; ODC-4 at 000041.
14. By letter to the judge filed in the Criminal Proceedings on May 2, 2022, Mr. Walker said, *inter alia*,

I wanted to inform you that I have made several attempts to [sic] my attorney Mr. Milton Rayford [sic] that I wanted to appeal and withdraw my plea. I have been trying to contact him, my mother, and my fiancé [sic] have made several attempts to [sic] him there are numerous things on appeal I would like to address.

Pet. for Disc. at ¶ 16; ODC-5.

15. Respondent failed to file an appeal on Mr. Walker's behalf on or before May 25, 2022. Pet. for Disc. at ¶ 17; ODC-2 at 000019-000020.
16. Respondent failed to consult with Mr. Walker regarding the possibility of filing an appeal, or otherwise address the means by which Mr. Walker's objectives could be accomplished. Pet. For Disc at ¶ 18; ODC-5.
17. Respondent believed it would have been unproductive to have engaged in a discussion with Mr. Walker. N.T. 100-101.
18. Respondent did not seek leave to withdraw his appearance in the Criminal Proceedings. *Compare* Pa.R.Crim.P. §120(A)(4) ("An attorney who has been retained...shall continue such representation *through direct appeal* or until granted leave to withdraw by the court pursuant to paragraph(B)") (emphasis supplied). N. T. 81-82.
19. On May 27, 2022, two days after the 30-day appeal period closed, Mr. Walker filed a *pro se* "Motion to Appeal" in the Criminal Proceedings. This appeal was thereafter docketed in the Superior Court at 694 WDA 2022. Pet. for Disc. at ¶ 19; ODC-6.
20. By Order dated June 28, 2022, the Superior Court, *inter alia*:
 - (a) noted that Respondent had not been permitted to withdraw;
 - (b) directed the Superior Court Prothonotary to enter Respondent's appearance as Mr. Walker's counsel; and

- (c) directed Respondent to show cause within ten (10) days why Mr. Walker's appeal should not be quashed as untimely.

Pet. for Disc. at ¶ 20; ODC-7.

- 21. Respondent failed to respond to the Order to Show Cause. Pet. for Disc. at ¶¶ 21, 22; ODC-3.
- 22. Respondent explained that he and his wife were out of the area on vacation and he only learned about the Order to Show Cause when he received a telephone call from a clerk at the Superior Court. N.T. 58-59.
- 23. By Order dated July 26, 2022, the Superior Court, *inter alia*:
 - (a) noted that no response had been received to the rule to show cause set forth above; and
 - (b) directed Respondent to show cause within ten (10) days why Mr. Walker's appeal should not be quashed as untimely.

Pet. for Disc. at ¶ 23; ODC-8.

- 24. By letter to the Superior Court dated August 2, 2022, Respondent wrote:

I was retained by David Lee Walker to represent him in his case in Indiana County. Mr. Walker, Jr. was sentenced on April 25, 2022 to a period of incarceration of not less than 2, nor more than 4 years. Defendant was given credit for time served as allowed by law. This sentence was beneath the guideline range based on the plea agreement entered into between myself and the Assistant District Attorney in Indiana County.

Several days after the sentencing, I was contacted by the defendant's mother and she, not he, indicated that Mr. Walker, Jr. wanted to appeal. I informed her of the substantial break that her son received, and I informed her that I am not an appellate lawyer, nor do I believe it was wisdom [sic] to appeal. I have never heard from Mr. Walker directly in regards to filing an appeal. At the sentencing, the Court informed my client after the imposition of sentence of his appeal rights, as per custom. I considered then and consider now my representation for Mr. Walker, Jr. completed.

Nevertheless I, by this letter in response to the Order from the

Superior Court filed July 26, 2022, do affirm the truth that I have not been retained to represent Mr. Walker, Jr. on appeal and was not appointed to represent Mr. Walker on appeal and would not have accepted said appointment had it been offered; so I see no reason why the instant appeal should not be quashed as untimely.

Pet. for Disc. at ¶ 24; ODC-9.

25. On August 15, 2022, the Superior Court remanded the Criminal Proceedings to the Court of Common Pleas of Indiana County to, *inter alia*, determine if Respondent had abandoned Mr. Walker. Pet. for Disc. at ¶ 25; ODC-3 at 000037 (“On August 3, 2022, Counsel filed a response wherein Counsel stated that he believed that his representation ended when judgment of sentence was entered against Appellant and that he was no longer Appellant’s attorney. *But see* Pa.R.Crim.P. §120(A)(4), which provides, “*An attorney who has been retained or appointed by the court shall continue such representation through direct appeal or until granted leave to withdraw by the court.*”) (emphasis supplied).
26. On August 29, 2022, the Court of Common Pleas of Indiana County conducted a hearing at which Respondent appeared and at which time Respondent made an oral motion to withdraw as counsel and the court advised that, due to Mr. Walker’s pending appeal, it lacked jurisdiction to rule on his motion. Pet. for Disc. at ¶ 26; ODC-10 at 000051 (¶ 3).
27. By Order in the Criminal Proceedings dated August 31, 2022, the Court of Common Pleas of Indiana County, *inter alia*, noted that, “Milton E. Raiford clearly expressed that he does not intend to remain as counsel for Appellant. Therefore, the Court finds that Attorney Raiford has abandoned Appellant.” Pet. for Disc. at ¶ 27; ODC-10 at 000051 (¶ 4)
28. By the same Order of August 31, 2022, the court appointed Mark D. Bolkovac, Esquire to represent Mr. Walker. Pet. for Disc. at ¶ 28; ODC-10 at 000051.

29. On September 20, 2022, Mr. Bolkovac, on Mr. Walker's behalf, filed a Praecipe to Discontinue Appeal. Pet. for Disc. at ¶¶ 29; ODC-3 at 000039. 29.

Petitioner's Request for Statement of Respondent's Position (DB-7 letter)

30. By DB-7 letter dated December 7, 2022, Disciplinary Counsel requested Respondent's Statement of Position regarding allegations in the Walker matter. Pet. for Disc. at ¶¶ 30; ODC-11.

31. By letter dated February 6, 2023, Respondent, through counsel, provided his Statement of Position. Pet. for Disc. at ¶¶ 31; ODC-12.

32. This Statement of Position failed to address each allegation of misconduct contained in the DB-7 letter. Specifically, the Statement of Position failed to address Respondent's disregard of the Superior Court's June 28, 2022 Order or the August 2022 finding that Respondent had "abandoned" Mr. Walker. Pet. for Disc. at ¶¶ 32.

33. Respondent also failed to provide Petitioner the verification of the Statement of Position required by D. Bd. Rules § 85.13. Pet. for Disc. at ¶¶ 33; ODC- 12.

34. By letter dated March 20, 2023, Disciplinary Counsel contacted Respondent through his counsel and requested that he, *inter alia*:

- (a) address each allegation of misconduct contained in the DB-7 letter;
- (b) provide the verification required by D. Bd. Rules § 85.13; and
- (c) provide the requested records.

Pet. for Disc. at ¶¶ 34; ODC-13.

35. Respondent failed to comply with Petitioner's requests. Pet. for Disc. at ¶¶ 35; ODC-14.

36. By letter to Respondent dated June 1, 2023, Disciplinary Counsel:

(a) enclosed a copy of the March 20, 2023 letter; and

(b) advised that the failure to comply with the requests violated RPC 8.1(b).

Pet. for Disc. at ¶ 36; ODC-14.

37. Respondent failed to comply with Petitioner's requests. Pet. for Disc. at ¶ 37.

38. Petitioner served a Petition for Discipline on Respondent. The Acceptance of Service executed by Respondent's counsel on August 31, 2023 reflects service of the Petition on August 18, 2023. (ODC-1) Respondent failed to file an Answer. All factual allegations in the Petition for Discipline are deemed admitted under Pa.R.D.E. 208(b)(3).

Additional Findings

39. With regard to his failure to respond to the Superior Court's first order to show cause, Respondent apologized and explained that he was not "an intentional rule-breaking person" and he could "do better in paying attention." N.T. 58, 59, 61.

40. Respondent testified at the hearing as to his experience with local custom in Allegheny County, which according to Respondent does not require a motion to withdraw his appearance in a matter like Mr. Walker's, contrary to the requirement of Pa. R. Crim. P. § 120(A)(4). Respondent explained that his experience informed his actions in Indiana County. N.T. 90-91.

41. Respondent offered the credible testimony of three character witnesses.

- a. Leo Wisniewski has known Respondent for 20 years and described him as having a reputation for being a "very caring leader" and "one with a real

pastor's heart." N.T. 104. Mr. Wisniewski through his men's ministry work has connected individuals with Respondent for the purpose of legal defense work, as well as for spiritual guidance. N.T. 104, 108.

b. Abigail Heit has attended Respondent's church for the past two years and described Respondent's reputation as being one who is "always welcoming everyone" and "always giving everything he can" to people in need. N.T. 113-114.

c. William Krahe, Esquire, is an attorney and real-estate developer who has known Respondent for five to six years as part of a men's ministry. Mr. Krahe described Respondent as "[o]ne of the most outstanding men in your community." N.T. 116-117, 122. Mr. Krahe shared anecdotes pertaining to Respondent's meaningful service to others, particularly in the legal field. N.T. 119-122.

42. Mr. Wisniewski and Ms. Heit had not reviewed the Petition for Discipline in the instant matter and were unaware of the allegations against Respondent. N.T. 109, 115. Ms. Heit was not fully aware of Respondent's criminal history. N.T. 115. Mr. Krahe had not reviewed the Petition for Discipline but was aware of the allegations against Respondent and his criminal history. N.T. 123.

43. Respondent has a record of professional discipline:

(a) Respondent was disbarred in 1997 retroactive to 1994 for "engag[ing] in a series of flagrant deceptions that were designed to undermine the proper functioning of the criminal justice system," which ultimately resulted in Respondent's criminal conviction for "obstructing the administration of law or other governmental function, unsworn

falsification to authorities and tampering with public records or information.” ODC-15 at 000074-000075 (internal citations omitted).¹

(b) On June 17, 2022, the Board imposed a public reprimand upon Respondent for his misconduct in two matters. In the first matter, Respondent sought to withdraw from representing his client in a criminal matter and had an exchange with the judge where he expressed his personal opinion as to his client’s guilt and credibility. In the second matter, Respondent abandoned his client on the day of her criminal trial. ODC-16 at 000079.

44. Respondent’s recollection at the disciplinary hearing regarding the circumstances of his disbarment in 1997 was confused, but not intentionally misleading, when he testified on direct examination, “I handed in my license to practice law, and they took it, and I was disbarred” (N.T. 34) and later clarified on cross-examination that his disbarment proceedings were litigated. N.T.78.

III. CONCLUSIONS OF LAW

By his conduct as set forth above, Respondent violated the following Rules of Professional Conduct (“RPC”):

1. RPC 1.2(a) – A lawyer shall abide by a client’s decisions concerning the objectives of representation and as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued.
2. RPC 1.3 – A lawyer shall act with reasonable diligence and promptness in representing a client.

¹ Respondent was reinstated to practice law by Order of the Supreme Court dated April 16, 2010. See *In the Matter of Milton E. Raiford*, 50 DB 1994 (D. Bd. Rpt. 2/16/2010) (S. Ct. Order 4/16/2010).

3. RPC 1.4(a)(2) – A lawyer shall reasonably consult with the client about the means by which the client's objectives are to be accomplished.
4. 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.
5. RPC 1.15(b) – A lawyer shall hold all Rule 1.15 Funds and property separate from the lawyer's own property. Such property shall be identified and appropriately safeguarded.
6. RPC 1.15(i) – A lawyer shall deposit into a trust account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred, unless the client gives informed consent, confirmed in writing, to the handling of fees and expenses in a different manner.
7. RPC 8.1(b) – A lawyer in connection with a disciplinary matter shall not knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority.
8. RPC 8.4(d) – It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

IV. DISCUSSION

In this disciplinary matter, the Board considers the Committee's Report and unanimous recommendation to suspend Respondent for a period of nine months for his ethical breaches in one client matter. The parties do not object to the recommended discipline.²

² In its post-hearing brief to the Committee, Petitioner recommended a one year and one day suspension; in its post-hearing brief, Respondent recommended a 30 day suspension.

Petitioner bears the burden of proving ethical misconduct by a preponderance of the evidence that is clear and satisfactory. *Office of Disciplinary Counsel v. John T. Grigsby, III*, 425 A.2d 730, 732 (Pa. 1981). In the instant matter, Respondent failed to answer the Petition for Discipline and accordingly, all factual allegations contained therein are deemed admitted under Pa.R.D.E. 208(b)(3). Given these admissions, the Board concludes that Petitioner satisfied its burden of proof that Respondent violated the Rules of Professional Conduct, leaving the sole issue to be decided in this matter the extent of discipline to address Respondent's misconduct. Upon our independent review and for the following reasons, we agree with the Committee that a suspension for a period of nine months is warranted.

The uncontroverted facts establish Respondent's misconduct stemming from his representation of Mr. Walker in a criminal proceeding in the Indiana County Court of Common Pleas. As to the retainer, Respondent received \$9,250.00 for his fee and failed to keep unearned monies advanced to him in a trust or IOLTA, nor did he seek or obtain the informed consent of his client, confirmed in writing, to do so. Respondent's conduct violated RPC 1.15(b) and 1.15(l). Although the handling of Mr. Walker's fee was improper, we note that this is not a situation of Respondent taking money from a client and performing little or no work. During the representation in the criminal matter, Respondent negotiated a guilty plea to a single felony count with a sentence below the guideline range.

Immediately following the imposition of sentence, Respondent was repeatedly contacted by both Mr. Walker's fiancée and Mr. Walker's mother as to Mr. Walker's request that Respondent file an appeal, but Respondent refused to directly communicate with his client. At the very least, Respondent had an obligation to consult

with Mr. Walker and discuss the possibility of pursuing an appeal, but he inexplicably failed to contact his client during the appeal period and instead separately informed the fiancée and the mother that he refused to take any action. It is apparent from the record that Respondent regarded an appeal as a poor decision and not “wisdom,” but that stance did not permit him to ignore his client. And in fact, Respondent did not file an appeal, and also failed to withdraw his appearance as required by Pa. R. Crim. P. §120(A)(4).

Because Respondent failed to contact him or take any action on his behalf, Mr. Walker filed a pro se untimely direct appeal in the Superior Court. The Superior Court, noting that Respondent never sought nor was given permission to withdraw from representation of Mr. Walker, issued an order to show cause which required a response from Respondent. Although Respondent initially failed to respond, testifying that he was on vacation and unaware of the order to show cause, he responded to the Court’s second order to show cause by submitting a letter response. Therein, Respondent stated that his representation of Mr. Walker was completed following sentencing and that he had not been retained to represent his client on appeal. This response resulted in the Superior Court remanding the matter to the Indiana Court of Common Pleas to determine if Respondent abandoned his client. Following the remand hearing in which Respondent participated, the trial court determined that Respondent abandoned Mr. Walker. The court appointed new counsel to represent Mr. Walker’s interests. Respondent’s conduct in abandoning his client on appeal and disregarding the Superior Court’s first order to show cause violated RPC 1.2(a), 1.3, 1.4(a)(2), 1.4(b), and 8.4(d).

Lastly, the record demonstrates Respondent’s failure to respond to Petitioner’s Request for Statement of Position. In response to the letter which communicated in separately numbered paragraphs the allegations under investigation,

Respondent through counsel provided an eight-page narrative, which failed to respond to the numbered allegations, was unverified as required, failed to respond to several areas of inquiry entirely, and failed to supply requested financial records. Petitioner issued two separate written follow-up requests to Respondent, through his counsel, between March and June of 2023, which were disregarded.³ Respondent's conduct violated RPC 8.1(b), in that he knowingly failed to respond to a lawful demand for information from disciplinary authority.

Having determined that Respondent committed misconduct by his actions in the Walker matter and his failure to respond to disciplinary authorities, this matter is ripe for the determination of discipline. Disciplinary sanctions serve the dual role of protecting the interests of the public while maintaining the integrity of the bar. *Office of Disciplinary Counsel v. John J. Keller*, 506 A.2d 872, 875 (Pa. 1986). There is no per se discipline for attorney misconduct in the Commonwealth of Pennsylvania; each disciplinary matter is evaluated on its own unique facts and circumstances. *Office of Disciplinary Counsel v. Robert S. Lucarini*, 472 A.2d 186, 190 (Pa. 1983). In assessing appropriate discipline, the Board must weigh any aggravating and mitigating circumstances. *Office of Disciplinary Counsel v. Brian J. Preski*, 134 A.3d 1027, 1031 (Pa. 2016). Nonetheless, in order to “strive for consistency so that similar misconduct is not punished in radically different ways,” *Office of Disciplinary Counsel v. Anthony C. Cappuccio*, 48 A.3d 1231, 1238 (Pa. 2012) (quoting *Lucarini*, 472 A.2d at 190), the Board is guided by precedent for the purpose of measuring “the respondent’s conduct against

³ Respondent's counsel, Mr. Jenkins, accepted responsibility for the inadequate response to the DB-7 and the failure to correct deficiencies despite several prompts from Petitioner, as well as the failure to answer the Petition for Discipline. N.T. 131. It is unclear the extent of Respondent's knowledge of these lapses, but in any event, Respondent cannot shift blame to his counsel.

other similar transgressions.” *In re Anonymous (Linda Gertrude Roback)*, 28 Pa. D. & C. 4th 398, 406 (1995).

In assessing appropriate discipline, we accord weight in aggravation to Respondent’s record of discipline consisting of a disbarment imposed by the Court in 1997, retroactive to 1994, and a public reprimand imposed by the Board in 2022. Precedent establishes that recidivist offenders receive more severe disciplinary sanctions. See *Office of Disciplinary Counsel v. William D. Hobson*, No. 154 DB 2019 & 3 DB 2020 (D. Bd. Rpt. 11/24/2021) (S. Ct. Order 2/11/2022); *Office of Disciplinary Counsel v. William James Helzlsouer*, No. 197 DB 2018 (D. Bd. Rpt. 11/18/2019) (S. Ct. Order 1/23/2020); *Office of Disciplinary Counsel v. Frank C. Arcuri*, No. 147 DB 2019 (D. Bd. Rpt. 8/20/2020) (S. Ct. Order 10/6/2020).

We recognize that while Respondent’s disbarment occurred approximately 30 years ago for criminal misconduct that bears no relation to the instant misconduct, nevertheless, the disbarment remains a part of Respondent’s disciplinary record that the Board must consider in this matter. In our view, however, the recent public reprimand is more compelling as an aggravating factor in our analysis of discipline here, due to similarities between the circumstances underlying the public reprimand and the events of the instant matter. The 2022 misconduct involved two matters. In one of the matters, on the day of his client’s non-jury criminal trial, Respondent appeared before the judge and asserted that he would not represent his client due to an on-going and well-publicized feud with the Allegheny County District Attorney. Despite efforts by the judge to persuade Respondent to honor his obligation to his client, Respondent improperly and inappropriately refused to proceed with the trial. In the other matter, Respondent sought to withdraw as counsel and made statements in open court that were adverse to his

client's interests. The similarities we draw between Respondent's misconduct in the 2022 matter and the instant matter lie in Respondent's disregard of his criminal clients' interests and his actions, including abandoning his client at trial, that wasted judicial resources.

The record establishes mitigating circumstances pertaining to Respondent's role in community activities and delivering legal services to the underprivileged. We afford some weight in mitigation to Respondent's character testimony on these points. Even though only one witness of the three who testified was aware of the nature of Respondent's disciplinary misconduct at issue here, each witness credibly characterized Respondent as someone with a reputation in the community for helping and serving others. We also credit in mitigation Respondent's credible apology for ignoring the Superior Court's first order to show cause.

Turning to relevant case precedent, we find no prior cases on point with the unique facts and circumstances of the instant matter. However, the precedent provides a framework to guide our evaluation of an appropriate sanction here and informs our conclusion that the Committee's recommendation for a nine month period of suspension is well-considered.

For example, in the recent matter of *Office of Disciplinary Counsel v. Michael Eric Adler*, No. 88 DB 2022 (D. Bd. Rpt. 11/16/2023) (S. Ct. Order 1/23/2024), Adler received a one year and one day suspension for misconduct in five client matters involving incompetence, lack of diligence, communication deficiencies, and misrepresentation. The Board found in aggravation that Adler had a prior private reprimand for similar misconduct involving neglect and lack of communication with clients imposed a few years before his current discipline. In mitigation, the Board found that Adler demonstrated some acceptance of responsibility for his actions and was very involved in

civic activities. In another matter, *Office of Disciplinary Counsel v. Frank C. Arcuri*, No. 147 DB 2019 (D. Bd. Rpt. 8/20/2020) (S. Ct. Order 10/6/2020), the Court imposed a one year and one day suspension for misconduct consisting of incompetence, lack of diligence and actions prejudicial to the administration of justice in six client matters. Arcuri had a long history of discipline of a one year suspension on consent and three private reprimands for similar misconduct. In mitigation, Arcuri cooperated with Office of Disciplinary Counsel, accepted responsibility for his actions and expressed remorse.

In comparing the instant matter with the cited matters, we conclude that Respondent's abandonment of one client on appeal, while serious and unacceptable, is not as widespread as the multiple client misconduct matters in *Adler* and *Arcuri* and therefore does not compel a quantum of discipline as severe as the one year and one day suspensions imposed in those matters. We also find significant to our determination of discipline that Respondent's misconduct did not involve dishonesty or personal financial gain. The recommended nine month suspension is an appropriate sanction that is commensurate with the totality of the circumstances by reflecting the nature of the misconduct and the balance of the aggravating and mitigating factors of record.

Upon this record, a nine month period of suspension will meet the goals of our system of discipline to protect the public and maintain the integrity of the bar, and by extension will impress upon Respondent the gravity of his misconduct and serve as a deterrent to future unethical behavior.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Respondent, Milton E. Raiford, be Suspended for nine months from the practice of law in this Commonwealth.

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

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: 
Joshua F. Wilson, Member

Date: 7/31/24