

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA


OFFICE OF DISCIPLINARY COUNSEL : No. 5 DB 2024  
Petitioner :  
v. : File Nos. C2-22-501 & C2-23-83  
: Attorney Registration No. 38438  
GORDON SANDER BROWN :  
Respondent : (Delaware County)

**ORDER**

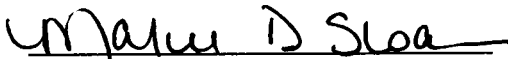
AND NOW, this 25<sup>th</sup> day of January, 2024, in accordance with Rule 208(a)(5), Pa.R.D.E., the determination by a Review Panel of the Disciplinary Board of the above captioned matter is accepted; and it is

ORDERED that the said GORDON SANDER BROWN be subjected to a PUBLIC REPRIMAND by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(a) and Rule 205(c)(8) of the Pennsylvania Rules of Disciplinary Enforcement. Costs shall be paid by the Respondent.

BY THE BOARD:

  
Board Chair

TRUE COPY FROM RECORD  
Attest:

  
Marcee D. Sloan  
Board Prothonotary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

**BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 5 DB 2024
Petitioner	:	
	:	
	:	
v.	:	
	:	Attorney Reg. No. 38438
GORDON SANDER BROWN,	:	
Respondent	:	(Delaware County)

**PUBLIC REPRIMAND**

Gordon Sander Brown, you appear before the Disciplinary Board for the imposition of a Public Reprimand ordered by the Board on January 25, 2024. By letter of that same date, the Board notified you of the disposition of this matter and further notified you of your opportunity to demand as of right the institution of formal charges within twenty days of the date of notification. By letter dated February 9, 2024, you demanded the institution of formal charges. However, on May 15, 2024, through counsel, you advised the Board that you wished to withdraw your request for a formal hearing and were willing to accept the public reprimand. Your withdrawal request was granted.

It is an unpleasant task to publicly reprimand one who has been granted the privilege of membership in the bar of the Commonwealth. Yet as repugnant as this task may be, it has been found necessary that you receive this public discipline.

Attorney Brown, the record demonstrates that you were admitted to the bar in 1983 and have no history of discipline. In the instant matter, you engaged in misconduct in two separate client matters. In the Lewis matter, in March 2022, you were retained for representation in a divorce and custody dispute. You failed to calendar a custody

hearing date or notify your client of the hearing date and as a result, neither of you appeared at the July 1, 2022 hearing. The court entered a new custody order in favor of the opposing party that reduced your client's custody time from every weekend to every other weekend. Several days after the missed hearing, you contacted your client and claimed you did not receive notice, which was untrue. You did not offer to take corrective action and told your client you could no longer represent her because of a death in the family. Ms. Lewis subsequently retained new counsel and filed a fee dispute claim against you through the Chester County Bar Association. You failed to respond to the bar association's letter regarding the matter. In April 2023, after the Pennsylvania Lawyers Fund for Client Security began an investigation, you reimbursed your client the entire fee she had paid to you.

In the Marable matter, Ms. Marable was involved in a Protection From Abuse matter filed against her by her spouse and an emergency custody dispute with her spouse. On September 1, 2021, Ms. Marable retained you to represent her in the PFA action. You advised her that you would charge \$1,250 to handle the matter in its entirety. You did not use an IOLTA to deposit the funds Ms. Marable paid; instead, the funds were transferred to your wife's account. Although you had not previously represented your client, you failed to provide a written fee agreement and failed to obtain Ms. Marable's permission to deposit the advanced legal fees in a non-trust account. You appeared at the PFA hearing on September 2, 2021, and entered your appearance; however, the matter was continued. By order dated September 2, 2021, the emergency custody matter was scheduled for an expedited hearing the next day, September 3, 2021. You received notice as counsel of record. You advised Ms. Marable that you would represent her in the matter for an additional fee of \$1,250. Later that

night, you advised your client that you would not appear in court unless she paid your fee in full. You did not advise her that as attorney of record, you were required to file a motion to withdraw and could not simply fail to appear in court. On September 3, 2021, Ms. Marable paid the additional fee and you appeared at the hearing, but the matter was continued at that time.

On September 8, 2021, opposing counsel contacted you to work out some of the issues by sending you a proposed interim custody order and inquiring about Ms. Marable withdrawing the PFA that she cross-filed against her spouse so that the spouse would also withdraw the PFA filed against Ms. Marable. You failed to consult with your client on these matters. Ms. Marable attempted on numerous occasions to communicate with you, with no success. Due to the communication failure, Ms. Marable retained new counsel. In October 2023, after Office of Disciplinary Counsel began its investigation, you returned the entire legal fee to Ms. Marable.

By your conduct, you violated the following Rules of Professional Conduct (“RPC”):

1. RPC 1.1 – A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.
2. RPC 1.3 – A lawyer shall act with reasonable diligence and promptness in representing a client.
3. RPC 1.4(a)(3) - A lawyer shall keep the client reasonably informed about the status of the matter.

4. RPC 1.4(a)(4) – A lawyer shall promptly comply with reasonable requests for information.
5. RPC 1.5(b) – When the 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.
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 are incurred, unless the client gives informed consent, confirmed in writing, to the handling of fees and expenses in a different manner.
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 refunding any advance payment of fee or expense that has not been earned or incurred.
8. RPC 3.2 – A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

Attorney Brown, your conduct in this matter is public. This Public Reprimand is a matter of public record and shall be posted on the Disciplinary Board's website at [www.padisciplinaryboard.org](http://www.padisciplinaryboard.org).

It is the Board's duty to reprimand you for your misconduct. Please be aware that any subsequent violations on your part can only result in further discipline and more severe sanctions. We sincerely hope that you will conduct yourself in such a manner that future disciplinary action will be unnecessary.

*/s/David S. Senoff*

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Designated Member  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania on July 18, 2024.