

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

<b>In the Matter of</b>	<b>:</b>	<b>No. CV-2025-00955</b>
<b>MALCOLM S. MUSSINA,</b>	<b>:</b>	
<b>a temporarily suspended attorney</b>	<b>:</b>	
	<b>:</b>	
<b>PETITIONER: Journey Bank</b>	<b>:</b>	

**OPINION AND ORDER**

This matter came before the court on July 7, 2025 for a hearing and argument on the Application for Appointment of Conservator Pursuant to Pennsylvania Rule of Disciplinary Enforcement 321 (“Application”) filed by Journey Bank (“Petitioner”) on June 27, 2025. Petitioner was represented by Clifford A. Rieders, Esquire and Sean Gingerich, Esquire. Malcolm S. Mussina (Respondent) was unrepresented.

Petitioner argued that pursuant to the Rules of Disciplinary Enforcement, a Conservator had to be appointed to “wind up” Respondent’s law practice, as Respondent’s ability and authority to do so ceased on February 14, 2025. Petitioner holds accounts related to Respondent’s law practice including one or more IOLTA or Trust accounts and an operating account.

Respondent did not object to the appointment of a Conservator to handle the IOLTA account(s). However, he was opposed to the Conservator taking possession of the files from his law practice.

At the hearing, Petitioner presented testimony from Andrea Bower, Esquire, an attorney with whom Respondent shared office space; Anthony Paul Sodroski, Esquire, an attorney with the Office of Disciplinary Counsel (ODC); and Julieanne Steinbacher, Esquire, the proposed Conservator. Respondent testified on his own behalf.

Andrea Bower testified that she rented office space to Respondent. They shared office space and a copy machine, but each had their own business. In mid-January 2025, Ms.

Bower received a phone call from her paralegal, who informed her that Respondent's law license had been suspended. Ms. Bower checked the website of the Disciplinary Board ("Board") and confirmed Respondent's suspension. She had not seen any of the paperwork relating to the suspension such as the petition filed by the Board. She was very surprised that Respondent was suspended. She noted that Respondent's paralegal, Amber, had control over things, and Respondent did not know what was happening. Respondent was not ignoring the Board; Amber was hiding it from him. In mid-March 2025, Amber left the office to take a position with a local school district. Ms. Bower indicated that Amber sabotaged Respondent but she had no idea why or what happened.

Ms. Bower had a discussion with Respondent and encouraged him to get reinstated. Respondent was trying to obtain an affidavit from Amber attesting to the fact that he was unaware of the proceedings before the Board. Respondent continued to pay rent and his portion of the office expenses to Ms. Bower. Ms. Bower testified that there were times that she answered the phone. People would call and did not realize that Respondent was retired or they would have questions or issues. Ms. Bower would funnel any client messages to Respondent, who was not seeing clients but he was in the office in the late afternoon going through his files. In the last few weeks, Amber would join him for a few hours per week. Until last week, Ms. Bower was under the impression that Respondent intended to get his license back.

On cross-examination, Ms. Bower testified that Amber was in the office last Thursday and signed an affidavit but it was not in Ms. Bower's presence. Ms. Bower met with Amber at lunch time on the day of the hearing. She asked Amber if she signed the affidavit and had her produce her license. After that, Ms. Bower notarized the affidavit.

Anthony Paul Sodroski testified that he did not personally serve Respondent with notice of his suspension. He noted that an individual from District 3 attempted to serve the notice but the person who was served did not match the description of Respondent. However, by January 30, 2025, Respondent was aware of the suspension because he called the District 3 Office to inquire about the suspension. Respondent indicated that he was not aware of the suspension or the proceedings leading up to it until he received a call from a friend who advised or inquired about it. The next day, Respondent called Nick Weiss, another attorney with the ODC, and asked for copies of the paperwork that led to the suspension. Mr. Weiss emailed those documents to Respondent.

Mr. Sodroski testified that he was not aware of any attempts by Respondent to have his license reinstated. Respondent may have spoken to two attorneys but there was no formal filing and no attorney entered an appearance on Respondent's behalf.

Mr. Sodroski also testified about the limitations the suspension placed on Respondent. Mr. Sodroski's interpretation of the Disciplinary Rules, Respondent is no longer permitted to practice law. Rule 217(a) and (b) required Respondent to promptly notify clients in pending matters of his suspension. Rule 217(d)(3)(ii) requires a formerly admitted attorney such as Respondent to promptly close any IOLTA, trust, client and fiduciary accounts. Under Rule 217(j), Respondent was also specifically precluded from may activities including but not limited to rendering legal consultation or advice to a client; having contact with clients either in person, by telephone, or in writing except as provided in paragraph (3);<sup>1</sup> and receiving, dispersing or handling client funds. Respondent had a 30-day

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<sup>1</sup> Paragraph (3) states: "A formerly admitted attorney may have direct communication with a client or third party regarding a matter being handled by the attorney, organization or firm for which the formerly admitted attorney works only if the communication is limited to ministerial matters such as scheduling, billing, updates, confirmation of receipt or sending of correspondence and messages. The formerly admitted attorney shall

period from the date of the suspension order to “wind up” his practice.

Mr. Sodroski testified that the Office of Disciplinary Counsel concurred in the application for a conservator and the appointment of Ms. Steinbacher as Conservator. He indicated that the Conservator may need the files to assist in the auditing process. For example, she may need to look at the files to determine the amount of funds to be returned to a client or to determine the length and depth of the proceedings in determining the charges. The files complement the financial records. The Conservator would also ensure that the files are kept confidential by either returning the file to the client or properly disposing of it. He also noted that Mr. Weiss requested Respondent to produce financial records but the records were never produced.

On cross-examination, Mr. Sodroski admitted that he did not have any personal knowledge that Respondent had violated any prohibitions on performing law-related activities other than the rules prohibit handling client funds and Respondent wanted to do that. He acknowledged that Respondent inquired whether his IOLTA accounts were frozen and the response was that there was no order freezing the account. He noted that Respondent may have filed a tax return, which in his opinion amounted to the practice of law. He also believed that during a phone call with Ms. Steinbacher on the Wednesday before the hearing, he was told that Respondent was still practicing law.

On re-direct examination, Mr. Sodroski testified that in his interpretation of the rules Respondent was no longer permitted to access the IOLTA accounts when he wished or attempted to do so on February 24, 2025.

Julianne Steinbacher testified that she agreed to act as Conservator. After she signed

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clearly indicate in any such communication that he or she is a legal assistant and identify the supervising attorney.” Pa.R.D.E. 217(j)(3).

her consent to do so, Respondent called her. She was not available to speak to him at that time but she returned his call. They discussed Respondent's cases and what he was doing to wrap up his practice. She had two concerns: (1) Amber was still working for him; and (2) Respondent said he filed two tax returns. In light of the circumstances, Ms. Steinbacher did not deem Amber trustworthy and she did not want Amber involved going forward. With respect to the tax returns, Respondent thought that he was cleaning things up, but she considered it the practice of law.

Respondent testified that the first he knew about the suspension was in the latter part of January, perhaps January 29<sup>th</sup>, when a client saw the suspension in the paper. Respondent called the Board the next day. Nick Weiss said "you got everything." Respondent replied that he had nothing. Mr. Weiss sent Respondent a copy of the file, which was the first that Respondent knew anything was going on. In the next 30 days, Respondent concentrated on resolving the matters that he could.

Respondent explained some of the circumstances surrounding his disciplinary proceedings. He indicated that there was an IOLTA matter where they miswrote a check. There were two IOLTA accounts – one with approximately \$49,000 and another with over \$100,000. They were making a \$100,000 disbursement check, but inadvertently wrote the check on the \$49,000 account. Within 24 hours, he learned of the mistake and immediately corrected it. He also explained that there were two executrixes who complained to the Board that he had not wrapped up the estates. Respondent went to Amber and asked why they were not done. Amber told him that the one executrix refused to inventory a safety deposit box and the other executrix emailed a completed tax return but there was "no live signature." Amber was trying to reach the executrix to obtain an original signature but hadn't been able

to reach her. The executrix had been mistakenly told by Amber that the return had been filed when it hadn't because they needed an original signature. They got in touch with that executrix, who made a copy of the return for herself and returned the one with the original signature to Respondent, who filed it. Respondent indicated that since anyone could file a return with the State, he did not believe he was practicing law or engaging in law-related activities.

With respect to the safety deposit box, Respondent contacted the executrix, who wanted a deed. Respondent explained that he could not provide her with the deed until the estate was done and the estate could not be completed until the safety deposit box was inventoried. She asked him to go with her. He just sat there while she and bank personnel opened the box. The box mostly contained personal papers such as a marriage license, for example. There was, however, a 1927 gold piece in the box, which Respondent took to Cillo's to be appraised. Respondent added the value of the gold piece to the tax return and filed the tax return. He again indicated that anyone can file a return and he did so, not as an attorney, but merely as a convenience. He testified that the deeds had already been prepared but even that does not require an attorney license. He testified that he is a title insurance agent and he had prepared deeds in that capacity.

When asked by the court whether he had read the disciplinary rules about the limitations on a temporarily suspended or formerly admitted attorney, Respondent candidly admitted he had not. Respondent stated he asked but they wouldn't tell him. He again reiterated that he only did what any layperson could do and that he could have filed the documents as a runner for a law office.

Respondent admitted in his testimony and his statements to the court prior to the

hearing that his operating account and his IOLTA accounts were at Journey Bank.

Respondent again argued that he did not know why Journey Bank had “an oar in the water” for anything other than the IOLTA accounts.

On cross-examination, Respondent stated that Amber had been back helping him a few hours per week during the last six weeks to two months and he had not paid her for that. He did not file anything with the Board or the Supreme Court to seek reinstatement and he did not have an attorney. He also admitted that there was not an attorney in good standing overseeing his activities to “wrap up” his practice. He indicated that he wrote checks from the operating account to pay rent and his portion of the expenses.

At the close of the hearing, Petitioner waived any issue regarding the whether the hearing was held within seven days. Respondent, however, objected for the record.

## **DISCUSSION**

### **1. *Timeliness of the Hearing***

Petitioner filed the Application for Appointment of a Conservator on June 27 2025. The rules require the president judge of the court of common pleas to “conduct a hearing on the application no later than seven days after the filing of the application.” Pa. R.D.E. 321(c). Seven days from June 27, 2025 was July 4, 2025. The courthouse was closed on July 4, 2025 as it is a legal holiday. Additionally, the president judge was on vacation from June 30, 2025 until July 7, 2025, the date that the hearing was held.

The court finds that the hearing was timely held. Under the rules of statutory construction, “[w]henver the last day of any such period shall fall on Saturday or Sunday, or on any day made a legal holiday by the laws of this Commonwealth or of the United States, such day shall be omitted from the computation.” 1 Pa. C.S.A. §1908. Here, the last day fell

on a legal holiday. Therefore, July 4<sup>th</sup> should be omitted from the computation. July 5<sup>th</sup> and 6<sup>th</sup> were Saturday and Sunday, respectively, and also should be omitted from the computation. Thus, the hearing held on July 7, 2025 was held on the seventh day.<sup>2</sup>

**2. *Whether Petitioner has satisfied its burden for the appointment of a Conservator***

The court notes that the only issue for it to decide in this proceeding is whether Petitioner has met its burden for the appointment of a conservator. The court does not have the authority to litigate or modify Respondent's temporary suspension nor does it have the authority or responsibility to determine whether his activities following his suspension amounted to the practice of law or whether he engaged in law-related activities after the effective date of the suspension. Those matters are within the purview of the Disciplinary Board and the Pennsylvania Supreme Court.

Rule 321(a) of the Pennsylvania Rules of Disciplinary Enforcement states:

Upon application of Disciplinary Counsel or any other interested person with the written concurrence of Disciplinary Counsel, the president judge of a court of common pleas shall have the power to appoint one or more eligible persons to act as conservators of the affairs of an attorney or formerly admitted attorney if:

(1) the attorney maintains or has maintained an office for the practice of law within the judicial district; and

(2) any of the following applies:

(i) the attorney is made the subject of an order under Enforcement Rule 208(f) (relating to emergency interim suspension orders and related matters); or

(ii) the president judge of the court of common pleas pursuant to Enforcement Rule 217(g) (relating to formerly admitted attorneys) by order directs Disciplinary Counsel to file an application under this rule; or

(iii) the attorney abandons his or her practice, disappears, dies or is transferred to disability inactive status; and

(3) no partner or other responsible successor to the practice of the attorney is known to exist.

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<sup>2</sup> The court recognizes that section 1908 refers to periods of time in a statute and this period was prescribed by a rule. However, the statute has been applied to rules such as the speedy trial rule contained in the Pennsylvania Rules of Criminal Procedure. *See Commonwealth v. Sanford*, 497 Pa. 442, 441 A.2d 1220, 1221-22 (1982).

Pa. R.D.E. 321(a). The applicant has both the burden of production and the burden of persuading the court by a preponderance of the evidence that grounds exist for the appointment of a conservator. Pa. R. D. E. 321(c).

Petitioner is “an interested person.” Respondent’s IOLTA accounts and operating account are with Petitioner, Journey Bank. Disciplinary Counsel, Anthony Paul Sodroski, concurred in the Application and the appointment of Ms. Steinbacher as Conservator both in his testimony and in the written concurrence attached to the Application.

Respondent is a “formerly admitted attorney.” The rules define this term as a “disbarred, suspended, temporarily suspended, administratively suspended, permanently resigned, retired, inactive, or disability inactive attorney.” Pa. R.D.E. 102. By Order of the Pennsylvania Supreme Court dated January 15, 2025, Respondent was temporarily suspended pursuant to Pa. R.D.E. 208(f)(5). *See* Application, Exhibit B. This Order became effective 30 days after it was issued. *See* Pa. R.D.E. 217(d)(1). Therefore, the temporary suspension took effect on February 14, 2025.

Respondent maintained an office on Broad Street in Montoursville Pennsylvania in Lycoming County, which is in the 29<sup>th</sup> Judicial District. As previously stated, he was temporarily suspended pursuant to Rule 208(f)(5). He rented office space from and shared a copy machine with Ms. Bower, but their businesses were separate. Therefore, there is no partner or responsible successor to Respondent’s practice. As all the requirements of Rule 321(a) have been met, the court has the power to appoint a conservator.

A conservator is needed in this case because Respondent no longer has the ability to wind down his practice without a supervising attorney. Rule 217 describes the limitations on and the responsibilities of formerly admitted attorneys. For example, the formerly admitted

attorney must notify, or cause to be notified, the following of his suspension: (1) clients in pending matters or pending litigation or administrative proceedings; (2) all persons or their agents or guardians, including but not limited to wards, heirs and beneficiaries, to whom a fiduciary duty is or may be owed at any time after the disbarment, suspension, temporary suspension, administrative suspension or transfer to disability inactive status; (3) all other persons with whom the formerly admitted attorney may at any time expect to have professional contacts under circumstances where there is a reasonable probability that they may infer that he or she continues as an attorney in good standing; and (4) any other tribunal, court, agency or jurisdiction in which the attorney is admitted to practice. *See* Pa. R.D.E. 217 (a) through (c). It also requires the formerly admitted attorney, among other things, to promptly close every IOLTA, Trust, client and fiduciary account and properly disburse or otherwise transfer all client and fiduciary funds in his or her possession, custody or control. *See* Pa. R.D.E. 217(d)(3)(ii), (iii). Given the 30-day time limit between the entry of the suspension order and the order's effective date to wind up and complete any matters pending on behalf of a client (*see* Pa.R.D.E. 217(d)(1)) and the ten-day limit after the effective date of the order for the formerly admitted attorney to file with the Board a verified statement that the provisions of the order and the rules have been complied with (*see* Pa.R.D.E. 217(e)(1)), the court agrees with Petitioner and Disciplinary Counsel that term "promptly" means within 30 days of the entry of the order. Reading the other subdivisions of Pa.R.D.E. 217(d) in conjunction with the time limits of Pa.R.D.E. 217(d)(1), leads the court to the conclusion that the term "promptly" means within the 30 days from the entry of the Order until the effective date of the Order. The rule gives the formerly admitted attorney an additional ten days within which to certify his compliance with the rules to the Board. The court finds that this

additional time period was to give time to complete the certification and submit it to the Board, not to continue law-related activities after the effective day of the suspension.

Respondent did not attempt to disburse funds to a client or clients from the IOLTA accounts with Petitioner until February 24, 2025. By that date, however, his suspension was in effect and he was precluded from doing so by Pa.R.D.E. 217(j)(4)(x).

The court is sympathetic to the fact that Respondent may not have received notice of his suspension until January 29, 2025. The court, however, does not have the ability to modify or amend the suspension order or its effective date. If Respondent desired that type of relief, he should have read the rules, particularly the ones cited in the suspension order.

The second paragraph of the Order specifically stated:

Respondent's rights to petition for dissolution or amendment of this Order and to request accelerated disposition of charges underlying this Order are specifically preserved. *See* Pa.R.D.E. 208(f)(4) and (f)(8).

Rule 208(f)(4) indicates that the formerly admitted attorney may at any time petition the Court of for dissolution or amendment of an order of temporary suspension. The "Court" is the Supreme Court of Pennsylvania. *See* Pa.R.D.E. 102. Rule 208(f)(8) is not applicable because it has not been more than two years since the suspension without commencement of formal proceedings. However, it would be in Respondent's best interest to read this provision because it sets forth the circumstances (which include but are not limited to his failure to comply with Rule 217) under which his temporary suspension could lead to disbarment.

The court also does not attribute any mean-spiritedness or ill-will to any of the parties' actions. The court finds that everyone is just trying to do their jobs in accordance the rules. Nevertheless, it has been nearly five months since the effective date of the order and

the practice needs wrapped up including, but not limited to, the IOLTA, trust, client and fiduciary accounts, particularly since Respondent has neither made any efforts to have the suspension dissolved or amended and has indicated his intent to not resume the practice of law.

### **3. *Scope of the Conservator's Duties***

The parties agreed to the appointment of Ms. Steinbacher as Conservator. The only dispute is over the scope of the Conservator's duties. Respondent asserts that the Conservator may only handle the IOLTA accounts because Petitioner is only an interested person with respect to those accounts. Specifically, Respondent is opposed to the Conservator taking possession of his files.

Petitioner asserts that the rules require the Conservator to take possession of the files. Furthermore, the files are relevant to the Conservator's audit of the accounts, as information from the files will aid the Conservator in determining to whom and in what amounts funds from the accounts should be returned or distributed to Respondent's clients.

The Conservator's duties are set forth in Rule 322. With respect to files, the Rule states:

- (a) **The conservator shall take immediate possession of all files of the absent attorney.** If such possession cannot be obtained peaceably, the conservator shall apply to the appointing court for issuance of a warrant authorizing seizure of the files. Probable cause for issuance of such a warrant shall be an affidavit executed by the conservator reciting the existence of the conservatorship and the fact that the persons in control of the premises where the files are or may be located will not consent to a search for them or their removal or other facts showing that the files cannot be obtained without the use of the process of the court.
- (b) The conservator shall make a written inventory of all files taken into his or her possession.
- (c)(1) The conservator shall make a reasonable effort to identify all clients of the absent attorney whose files were opened within five (5) years of the appointment of the conservator, regardless of whether the case is active or

not, and a reasonable effort to identify all clients whose cases are active, regardless of the age of the file. The conservator shall send all such clients, and former clients, written notice of the appointment of a conservator, the grounds which required such appointment, and the possible need of the clients to obtain substitute counsel. All such notices shall include the name, address and telephone number of any lawyer referral service or similar agency available to assist in the location of substitute counsel. The conservator shall, if necessary, send a second written notice to all clients of the absent attorney whose files appear to be active.

(2) All clients whose files are identified by the conservator as both inactive and older than five (5) years shall be given notice by publication of the appointment of a conservator, the grounds which required such appointment, and the possible need of the clients to obtain substitute counsel. All such notices shall include the name, address and telephone number of any lawyer referral service or similar agency available to assist in the location of substitute counsel. The specific method of publication shall be approved by the appointing court, as to both the method, and duration, of publication. The conservator shall deliver proofs of publication to the appointing court at the time of filing the application for discharge.

(3) A file may be returned to a client upon the execution of a written receipt, or released to substitute counsel upon the request of the client and execution of a written receipt by such counsel. The conservator shall deliver all such receipts to the appointing court at the time of filing the application for discharge. On approval by the appointing court of the application for discharge, all files remaining in the possession of the conservator shall be destroyed by the conservator in a secure manner which protects the confidentiality of the files.

Pa. R.D.E. 322(a) through (c)(emphasis added). An “absent attorney” is an attorney or formerly admitted attorney for whom a conservator has been sought or appointed under the rules. *See* Pa. R.D.E. 102. Therefore, Respondent meets the definition of an absent attorney, and the Conservator has the duty to take possession of Respondent’s files.

### ***Conclusion***

Based in the Statutory Construction Act, specifically 1 Pa.C.S.A. §1908, the hearing was held in a timely manner. As the seventh day fell on July 4<sup>th</sup>, a legal holiday, and July 5<sup>th</sup> and 6<sup>th</sup> were a Saturday and Sunday, respectively, these dates

are omitted from the calculation and the seventh day was Monday, July 7, 2025, the day that the hearing was held.

Petitioner met its burden to establish by a preponderance of the evidence the requirements of Pa.R.D.E. 321(a). The appointment of a conservator is needed to close the Journey Bank accounts, wind up Respondent's law practice and properly notify his clients, as well as return the files to the client or properly dispose of them to ensure client confidentiality. The parties agreed to Julieanne E. Steinbacher serving as Conservator.

Accordingly, the following order is entered.

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

<b>In the Matter of</b>	<b>: No. CV-2025-00955</b>
<b>MALCOLM S. MUSSINA,</b>	<b>:</b>
<b>a temporarily suspended attorney</b>	<b>:</b>
	<b>:</b>

**ORDER**

**AND NOW**, this 10<sup>th</sup> day of July 2025, in accordance with Pa.D.R.E. 321(d), the court makes the following findings of fact, and states the grounds upon which this Order is based:

1. Malcolm S. Mussina (“Respondent”) has a law office on Broad Street in Montoursville, Pennsylvania, Lycoming County, which is in the 29<sup>th</sup> Judicial District.
2. The Supreme Court issued an Order on January 15, 2025, which temporarily suspended Respondent.
3. Pursuant to Pa.R.D.E. 217(d)(1), the effective date of the suspension was 30 days after its entry, i.e., February 14, 2025.
4. Respondent has not sought reinstatement, or the dissolution or amendment of the Order temporarily suspending him.
5. Respondent has IOLTA, trust, client or fiduciary accounts with Journey Bank (“Petitioner”).
6. Pursuant to Pa.R.D.E. 217(d)(1), between the entry of the Order on January 15, 2025 and the effective date of February 14, 2025, Respondent was required to wind up and complete, on behalf of any client, all matters that were pending as of January 15, 2025.

7. Pursuant to Pa.R.D.E., 217(d)(3), Respondent was required to promptly close every IOLTA, Trust, client and fiduciary account and to properly disburse or transfer all client funds in his possession, custody or control.
8. Respondent did not close these accounts and disperse or transfer all client funds by February 14, 2025 or certify to the Board that he had done so by February 24, 2025.
9. While Respondent may not have been aware of the disciplinary proceedings or the Order until January 29, 2025, he did not take any steps to seek dissolution or amendment of the Order or the issuance of any other order from the Supreme Court to give him more time to do so.
10. Respondent does not have a partner or other responsible successor for his practice.
11. Pursuant to Pa.R.D.E. 217(j)(1), Respondent is currently precluded from engaging in law-related activities except under the supervision of a member in good standing of the Bar of this Commonwealth.
12. Respondent does not have a member in good standing to supervise any law-related activities.
13. Pursuant to Pa.R.D.E. 217(j)(4), Respondent is specifically precluded from many activities, including but not limited to having any contact with clients either in person, by telephone, or in writing, except as provided in Pa.R.D.E. 217(j)(3); and receiving, disbursing or otherwise handling client funds. *See* Pa.R.D.E. 217(j)(4)(v) and (j)(4)(x).
14. Therefore, as of this date, Respondent is precluded from closing the Journey

Bank accounts or disbursing the funds contained therein.

15. After the effective date of the Order, clients have called the office to speak with and ask questions of Respondent as they were unaware of the suspension Order.
16. Appointment of a conservator is needed to close the Journey Bank accounts, handle client funds, notify clients of Respondent's suspension and otherwise wind up Respondent's practice.
17. Although Respondent disputed the scope of a conservator's duties and access to his files, Pa.R.D.E. 322(a) requires the Conservator to take possession of Respondent's files.
18. The parties agreed to the appointment of Julieanne E. Steinbacher as Conservator.

Accordingly, it is ORDERED and DECREED that the Application is GRANTED.

The court appoints **Julieanne Steinbacher, Esquire, Attorney Registration Number 85617 (hereinafter Conservator) as Conservator.** In accordance with Pa.R.D.E. 328(a), the Conservator shall be paid at the rate of \$90 per hour.

Conservator shall notify all parties of said appointment in accordance with Pa.R.D.E. 322(c)(1)(regarding sending written notice to clients whose files were opened within the last five years regardless of whether the case is active or not and clients with active case regardless of when the file was opened) and (c)(2)(regarding notice by publication to clients whose files are both inactive and older than five years). The specific method of publication approved by the court, for purposes of Pa.R.D.E. (c)(2), shall be once in both the *Williamsport Sun-Gazette* and the *Lycoming Reporter*.

It is further ORDERED and DECREED that Conservator shall take immediate possession of all files, electronically stored data and media, computers, cellular telephones, recorded voice messages, financial records of Attorney Malcolm S. Mussina, bank and other financial institution records, mail or other material relating to Attorney Malcolm S. Mussina's clients, or which may contain client information, located at Attorney Malcolm S. Mussina's former office and his residence at 2416 N. Hills Drive, Williamsport PA 17701, or at any other place discovered by Conservator during the execution of her duties as Conservator. Conservator shall distribute (or attempt to distribute) the files to Respondent's clients, and take such other action as is required by Pa.R.D.E. 321 through 329.

It is further ORDERED and DECREED that Conservator shall, pursuant to Pa.R.D.E. 324, be the sole signatory on all professional or trustee accounts maintained by Attorney Malcolm S. Mussina, including but not limited to, Attorney Malcolm S. Mussina's IOLTA account at Journey Bank, his IOLTA/Trust Account at Journey Bank, and his operating account at Journey Bank. Except for checks and other negotiable instruments that are stale-dated, Conservator shall have authority to endorse and/or deposit checks and other negotiable instruments—including those made payable to Malcolm S. Mussina, Esquire, to the Law Office of Malcolm S. Mussina, and to any similar designation of payee—to Malcolm S. Mussina's professional or trustee accounts and to manage and administer the funds in those accounts.

It is further ORDERED and DECREED that Conservator shall have the sole authority to receive, open and read mail addressed to Attorney Malcolm S. Mussina from January 15, 2025, and on, for the duration of the conservatorship. Conservator is authorized to place or cause to be placed a forwarding order with the United States Postal Service.

It is further ORDERED and DECREED that all of Attorney Malcolm S. Mussina's legal and administrative proceedings pending in the Commonwealth of Pennsylvania as of January 15, 2025, are hereby STAYED, said STAY to continue, pursuant to Pa.R.D.E. 321(g), until the earliest of such time as: 1) the Conservator is discharged; 2) the court, tribunal, magisterial district court, or other government unit in which a matter is pending orders that the stay be lifted; or 3) 30 days after the court, tribunal, magisterial district court, or other government unit in which a matter is pending is notified that substitute counsel has been retained. To the extent that Conservator becomes aware through her review of Attorney Malcolm S. Mussina's files that Attorney Malcolm S. Mussina is attorney of record in active cases pending in other counties, Conservator shall notify the courts in the other counties of the entry of this Order and Stay.

It is further ORDERED and DECREED that the fee for filing this Application and costs are waived. All costs, including filing fees and certified copies, for the duration of this conservatorship, are waived. The Office of Prothonotary shall provide the Conservator with certified copies of this Order, upon request, to enable her to carry out her duties as Conservator.

In accordance with Pa.R.D.E. 322(e), Conservator shall file a written report with the appointing court and the Board no later than 30 days after the date of appointment covering the matters specified in Subdivisions (a) through (c) of this rule. If those duties have not been accomplished, then Conservator shall state what progress has been made in that regard. Thereafter, Conservator shall file a similar written report every 60 days until discharge.

In accordance with Pa.R.D.E. 323, Respondent shall cooperate with Conservator.

In accordance with Pa.R.D.E. 321(b) and (d), as no appearance has been entered on

behalf of Respondent, this order shall be personally served by the Sheriff or his designee on Respondent at 2415 N. Hills Drive, Williamsport PA 17701. The Prothonotary is directed to correct Respondent's address in its computer system as the return of service for the Application indicated that the address on file of 2416 N. Hills Drive does not exist and Respondent was located and served at 2415 N. Hills Drive.

The parties are notified that this order is reviewable by the Pennsylvania Supreme Court "within the time and in the manner prescribed by the Pennsylvania Rules of Appellate Procedure for review of orders relating to the supervision of investigating grand juries." Pa.R.D.E. 329(a); *see also* Pa.R.A.P 1611(a)(3).<sup>3</sup> However, review in the Supreme Court does not act as a stay unless the court of common pleas or the Supreme Court or a justice thereof shall so order. *See* Pa.R.D.E. 329(b).

By The Court,

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Nancy L. Butts, President Judge

cc: Clifford A. Rieders, Esquire (for Petitioner)  
Malcolm S. Mussina, Esquire (Respondent)(personal service by Sheriff's Office)  
Julianne E. Steinbacher, Esquire (Conservator)  
Anthony Paul Sodroski, Esquire, Office of Disciplinary Counsel  
1601 Market St, Suite 3320, Philadelphia PA 19103  
Prothonotary

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<sup>3</sup> Rule 1611(a)(3) states: "Within ten days after the entry of the order sought to be reviewed, a petition for specialized review may be filed in the Supreme Court seeking review of the following orders: ... (3) An order entered in connection with the supervision, administration, or operation of an investigating grand jury or otherwise directly affecting an investigating grand jury or any investigation conducted by it.