

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 3104 Disciplinary Docket No. 3
	:	
	:	No. 103 DB 2024
Petitioner	:	
	:	Attorney Registration No. 28529
v.	:	
	:	(Montgomery County)
	:	
GARY P. LIGHTMAN,	:	
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 23rd day of April, 2025, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board, the Joint Petition in Support of Discipline on Consent is granted, and Gary P. Lightman is suspended on consent from the Bar of this Commonwealth for a period of six months, with the suspension stayed in favor of a six-month probation. 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).

A True Copy Nicole Traini
As Of 04/23/2025

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of said Rules.

2. Respondent, Gary P. Lightman, was born in 1955, and was admitted to practice law in the Commonwealth of Pennsylvania on October 20, 1978.

3. Respondent is currently on active status and has an office address of 600 W. Germantown Pike, Suite 400, Plymouth Meeting, PA 19462.

4. Pursuant to Pa.R.D.E. 201(a)(1), Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

II. FACTUAL ADMISSIONS AND VIOLATIONS OF RULES OF PROFESSIONAL CONDUCT

5. Respondent specifically admits to the truth of the factual allegations and conclusions of law contained in paragraphs 6 through 39 herein.

CHARGE

6. On or before October 26, 2018, Michele Lanham contacted Respondent about representing her in a sexual harassment, gender

discrimination, and hostile work environment matter against Lumenis Inc. (Lumenis), in the state of New York.

7. After Respondent reviewed Ms. Lanham's legal matter, Respondent referred her to Yale Brett Pollack, Esquire, for a legal consultation.

8. On November 20, 2018, Ms. Lanham signed a fee agreement retaining the Law Offices of Yale Pollack, P.C., to represent her in claims under the "New York State Human Rights Law and New York City Human Rights Law only."

- a. Paragraph 8 of the fee agreement provided that Ms. Lanham consented to Respondent's performing work to assist the Firm and receiving 20% of the fee earned by the Firm.

9. Prior to being retained by Ms. Lanham, Respondent:

- a. did not know Ms. Lanham;
- b. did not have a relationship with Ms. Lanham; and
- c. did not have sexual relations with Ms. Lanham.

10. On November 29, 2018, Mr. Pollack filed Ms. Lanham's verified complaint against Lumenis in the Supreme Court of New York, County of New York.

- a. Paragraph 90 of the verified complaint stated that "[b]ased on what she was enduring at work, [Ms. Lanham's] health began to seriously suffer."

- b. Paragraph 91 of the verified complaint stated that “[a]s a result, on July 18, 2018, [Ms. Lanham] began treating with her doctors in New York City to try and help with the effects of the work environment on her health.”
- c. Paragraph 92 of the verified complaint stated: “[t]he medical treatment [Ms. Lanham] receives continues to this day.”

11. The issues in Ms. Lanham’s lawsuit against Lumenis involved explicit sexual content including a “sext,” a picture of genitalia, contentions of sexually-explicit discussions, and allegations of invitations for oral and anal sexual relations.

12. Ms. Lanham owns a condominium in Broward County, Florida.

13. Prior to December 8, 2018, Respondent and Ms. Lanham made plans to meet for lunch to discuss Ms. Lanham’s case while Respondent was in Broward County, Florida.

14. Prior to December 8, 2018, communications between Respondent and Ms. Lanham involved discussions about sexually oriented and/or sexually-explicit content that was specifically related to Ms. Lanham’s lawsuit and claims against Lumenis.

15. On December 8, 2018, Respondent went to Ms. Lanham’s Florida condominium to pick up Ms. Lanham for the lunch meeting regarding Ms. Lanham’s case.

16. Respondent asked to use Ms. Lanham's bathroom.

17. Ms. Lanham showed Respondent to the bathroom, which Respondent entered by going through Ms. Lanham's bedroom.

18. While in Ms. Lanham's bedroom, Respondent made an unwelcome verbal sexual advance.

19. When Lanham became upset with Respondent's harassing conduct, Respondent told Ms. Lanham to "lighten up" and Ms. Lanham thereafter went to lunch to discuss Ms. Lanham's lawsuit against Lumenis.

20. Following lunch, Respondent drove Ms. Lanham back to her condominium.

21. Ms. Lanham asked Respondent how to access the docket entries for her New York lawsuit from her computer.

22. Respondent again entered Ms. Lanham's condominium and used Ms. Lanham's computer to show her how to access docket entries for her New York lawsuit.

23. While in Ms. Lanham's condominium the second time, Respondent made an unwelcome verbal sexual advance.

24. On January 1, 2019, Lumenis filed a Notice of Removal to remove Ms. Lanham's case from New York State Court to the United States District Court for the Southern District of New York.

25. On February 8, 2019, at Ms. Lanham's request, Respondent entered his appearance on behalf of Ms. Lanham as co-counsel in her case against Lumenis in the United States District Court for the Southern District of New York.

26. From time to time after December 8, 2018, Respondent would call Ms. Lanham late at night and early in the morning.

27. During some telephone discussions with Ms. Lanham, Respondent made unwelcome sexually-explicit statements that did not pertain to the content of Ms. Lanham's claims against Lumenis.

28. If Ms. Lanham would testify, she would state that during telephone conversations between Respondent and Ms. Lanham, Respondent would ask Ms. Lanham about giving him "a blow job."

29. During a telephone call with Ms. Lanham on April 15, 2019, about the upcoming mediation, Respondent made unwelcome sexually oriented and offensive comments, such as:

- a. Respondent "liked" Ms. Lanham;
- b. bantering with Ms. Lanham about whether one of them had "jumped" the other one in Ms. Lanham's condominium on December 8, 2018;
- c. Respondent stating he "was just playing with you, but I would have consummated it. I wouldn't have just played around" and it was "wishful thinking";

- d. calling Ms. Lanham “my sweetie”;
- e. asking Ms. Lanham, “[w]hen I’m prepping you, do you think you’ll work well under me?”; and
- f. telling Ms. Lanham, “[y]ou used to have much more of a sense of humor,” in reply to Ms. Lanham’s statement that Respondent’s comments were disrespectful and unwelcome.

30. During an April 25, 2019 telephone discussion with Ms. Lanham to prepare for an upcoming mediation, Respondent made unwelcome sexually oriented and offensive comments, such as:

- a. stating Ms. Lanham “looked so hot” when he met Ms. Lanham for the first time at her Florida condominium;
- b. telling Ms. Lanham she wore a “come fuck me” outfit when they first met in Florida;
- c. asking Ms. Lanham who was her “favorite lawyer” and suggesting Ms. Lanham should respond, “you, my master”;
- d. calling Ms. Lanham “sweetie”; and
- e. claiming Ms. Lanham could not be joked with and was too serious when Ms. Lanham replied that Respondent’s comments were unwelcome and unprofessional.

31. Respondent had a personal interest in continuing to represent Ms. Lanham.

32. Respondent knowingly engaged in a course of conduct intended to harass, burden, and intimidate Ms. Lanham to continue the attorney-client relationship.

33. In reply to Respondent's repeated sexually oriented and offensive comments, Ms. Lanham advised Respondent that:

- a. he was being threatening and disrespectful; and
- b. she did not like how Respondent treated her when he was at her Florida condominium.

34. At the April 30, 2019 mediation of Ms. Lanham's Lumenis case, Respondent and Ms. Lanham terminated their attorney-client relationship.

35. On May 1, 2019, Respondent withdrew his appearance as co-counsel in Ms. Lanham's case pending in the Southern District of New York.

36. Respondent's repeated sexually oriented remarks, unsolicited statements about Ms. Lanham's appearance, innuendos about sexual relations between Respondent and Ms. Lanham, and offensive comments harassed, burdened, and intimidated Ms. Lanham.

37. Respondent knew or should have known that his conduct was unprofessional.

38. Respondent failed to correct his misconduct even after Ms. Lanham complained to Respondent that his conduct was unwelcome and that Ms. Lanham felt harassed, burdened, and intimidated by Respondent's conduct.

39. By his conduct as alleged in Paragraphs 6 through 38 above, Respondent violated the following New York Rule of Professional Conduct (NY RPC) *via* Pa. RPC 8.5(b)(1)(choice of law):

1. 1.7(a)(2), Except as provided in paragraph (b), a lawyer shall not represent a client if a reasonable lawyer would conclude that either: there is a significant risk that the lawyer's professional judgment on behalf of a client will be adversely affected by the lawyer's own financial, business, property or other personal interests.

II. JOINT RECOMMENDATION FOR DISCIPLINE

40. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a six-month suspension, stayed in its entirety, and a consecutive six-month period of probation.

41. Respondent hereby consents to the discipline being imposed by the Supreme Court of Pennsylvania. Attached to this Petition is Respondent's executed Affidavit required by Pa.R.D.E. 215(d), which states that he consents to the recommended discipline and the mandatory acknowledgements contained in Pa.R.D.E. 215(d)(1) through (4).

42. Petitioner and Respondent respectfully submit that there are the following mitigating factors:

- a. Respondent has been practicing law for over 46 years and has no record of public discipline;

- b. by virtue of Respondent's entering into a Joint Petition for Discipline on Consent (DOC), Respondent has recognized his wrongdoing;
- c. a DOC would spare Ms. Lanham the emotional distress and embarrassment of testifying publicly against Respondent;
- d. Respondent apologizes to Ms. Lanham for his conduct;
- e. a DOC will save the attorney discipline system substantial time and resources in prosecuting this protracted and evidentiary complex case;
- f. a DOC will expedite the resolution of this long-outstanding matter;¹
- g. Respondent has been involved in extensive community service activities, including: managing a Little League baseball team; dressing up as Santa Claus on Christmas morning and distributing gifts to children at Children's Hospital of Philadelphia and St. Christopher's Hospital for Children; and volunteering with Alex's Lemonade Stand Foundation's Great Chef's event; and
- h. For over 15 years, Respondent has been providing *pro bono* legal representation to the staff at his golf club, including helping a: single mother fight DUI charges; widow receive her deceased husband's funds from a bank; and an estranged husband obtain visitation rights with his daughters.

43. Petitioner and Respondent respectfully submit that there is the

¹ In May 2019, Ms. Lanham filed a complaint with ODC. On September 27, 2019, Ms. Lanham filed a civil complaint against Respondent in the Court of Common Pleas of Philadelphia County. The Disciplinary Board deferred ODC's investigation pending the completion of Ms. Lanham's civil lawsuit. See D.Bd. Rule §87.72. Following extensive discovery, on or about March 24, 2023, the lawsuit was settled and Respondent "denied and disclaimed all liability" in the Settlement Agreement.

following aggravating factor: Respondent's conduct caused Ms. Lanham to suffer additional emotional distress.

44. Since Respondent's misconduct occurred in connection with a civil complaint commenced in the Supreme Court of New York and prosecuted before the United States District Court for the Southern District of New York, the RPCs of New York apply herein. See PA RPC 8.5(b)(1). New York has addressed sexually oriented or offensive comments under the conflict of interest rules relating to a personal interest of the lawyer.

NY RPC 1.7(a)(2) prohibits a lawyer from representing a client when "there is a significant risk that the lawyer's professional judgment on behalf of a client will be adversely affected by the lawyer's own . . . personal interests." Comment [10] explains that a lawyer's own personal interest should not be permitted to have an adverse effect on representation of a client. Comment [12] clarifies that NY RPC 1.7 prohibits a lawyer in a domestic relations matter from engaging in sexual relations² with the client, and in all other matters, NY RPC 1.8(j) circumscribes a lawyer's sexual relations with a client.

In New York, generally:

² NY RPC 1.0 (u) defines sexual relations as "sexual intercourse or the touching of an intimate part of the lawyer or another person for the purpose of sexual arousal, sexual gratification, or sexual abuse."

in disciplinary proceedings involving sexual misconduct, two-year suspensions have been imposed where the attorneys had sexual relations with their clients. Shorter periods of suspension are appropriate where an attorney has made sexually oriented or offensive comments.

In the Matter of Steven S. Greenberg, 94 A.D.3d 152, 155, 941 N.Y.S. 2d 86 (S.Ct., App. Div., 1st Dept., NY 2012)(citations omitted).

For example, ***In the Matter of Burton Rudnick***, 177 A.D.2d 121, 581 N.Y.S. 2d 206 (S.Ct., App. Div., 2nd Dept. NY 1992), the Appellate Division imposed a two-year suspension on Rudnick, who coerced his client into having sexual relations and threatened to abandon his client's child custody case if his client terminated their relationship. The Appellate Division found Rudnick had "allowed his professional judgment to be impaired by his own . . . personal interest" and Rudnick's conduct "caused the complainant emotional distress at a time when she was already under intense pressure." (*Id.*, 123)

A lesser term of suspension was imposed on Greenberg, who engaged in nonconsensual groping of a client during a consultation and then instructed his client not to tell anyone about his misconduct. ***In the Matter of Steven S. Greenberg***, *supra*. Greenberg received a nine-month suspension.

The Appellate Division has imposed six-month suspensions when

attorneys engaged in verbal sexual harassment of clients and third parties. In *In the Matter of Allen H. Isaac*, 76 A.D. 3d 48, 903 N.Y.S. 2d 349 (S.Ct., App. Div., 1st Dept., NY 2010), the Appellate Division imposed a six-month suspension on Isaac, who made unwelcome verbal sexual advances to his client and asked his client for oral sex incident to his representation. Isaac also made inappropriate statements about the judiciary and sexually suggestive comments to his secretary, who he inappropriately touched. The Appellate Division also imposed a six-month suspension on Robert Kahn, who engaged in a pattern of making sexually oriented and offensive comments about female attorneys and his clients. *In the Matter of Robert Kahn*, 16 A.D.3d 7, 791 N.Y.S. 2d 36 (S.Ct., App. Div., 1st Dept., NY 2005). The “persistent nature of his behavior” was considered in issuing a suspension. rather than a public censure, on Kahn.³

45. Here, Respondent had a personal interest in continuing the attorney-client relationship with Ms. Lanham and made repeated sexually suggestive and offensive comments to Ms. Lanham demonstrating his personal interest. Respondent’s conduct in making sexually oriented and

³ The NY cases cited were decided prior to the adoption of the RPCs in their current form. Nonetheless under predecessor rules, the misconduct in the form of sexually oriented or offensive speech violated the conflict rules and warranted discipline in the form of suspension when combined with other violations and/or was persistent and/or against numerous clients and/or professionals.

offensive comments caused Ms. Lanham to suffer emotional distress at a time when she was already under intense pressure in prosecuting a sexual harassment lawsuit based on similar verbal conduct.

46. Respondent, however, did not have sexual relations with Ms. Lanham. (NY RPC 1.0(u)) Thus, Respondent's discipline should be a lesser term of suspension than that imposed in New York on attorneys who have consummated their personal interests. (*See Rudnick, Greenberg, supra*) Under prior New York precedent, Respondent should receive a six-month suspension for the totality of his misconduct.

In light of the unique facts and circumstances of this case, Respondent's six-month suspension should be stayed in its entirety, to be followed by a period of six-months probation. Respondent plans to retire within the next two years and close his law firm upon retirement. Respondent has wound down his law practice and is handling only two cases without his law partner, both of which are imminently approaching trial absent dispositive relief or settlement. Neither of the cases involve sexual harassment or vulnerable clients. Respondent has also volunteered to take a class on prohibited sexual harassment to ensure that his misconduct does not recur. A stayed suspension will enable Respondent to complete his open cases and close his practice in an orderly fashion; a consecutive six-month term of

probation will ensure the public, profession, and courts are protected from any further instances of Respondent's misconduct.

Weighty mitigating facts support a six-month stayed suspension followed by a six-month period of probation. Respondent has no record of public discipline and recognized his wrongdoing in this matter. In addition, a DOC would have the practical benefit of sparing Ms. Lanham any further emotional distress⁴ and saving the attorney disciplinary system substantial resources inherent in litigating this complex case. Expediting the resolution of this previously deferred disciplinary case would benefit the public as well as the parties. Finally, Respondent's extensive history of *pro bono* representation and public service reflect Respondent's commitment to community betterment.

47. ODC and Respondent agree that application of the foregoing precedent to the totality of Respondent's misconduct and mitigating factors supports Respondent's receipt of a suspension of six months, stayed in its entirety, and a consecutive period of six-months probation.

48. WHEREFORE, Petitioner and Respondent respectfully request

⁴ See *Office of Disciplinary Counsel v. Charles Shainberg*, No. 41 DB 2022, p. 12 (S.Ct. Order 11/30/2023)(on consent) (Shainberg's agreement to enter into a DOC, which spared the complainant the stress and embarrassment of testifying at a public disciplinary hearing, was a mitigating factor.).

that:

- a. Pursuant to Pa.R.D.E. 215(e) and 215(g), the three-member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and recommend to the Pennsylvania Supreme Court that the Court enter an Order that Respondent receive a six-month suspension, stayed in its entirety, and a consecutive six months of probation;
 1. As a condition of Respondent's probation, Respondent shall:
 - a. not violate any Rules of Professional Conduct or Rules of Disciplinary Enforcement; and
 - b. Upon completion of probation, submit a sworn certification to the Disciplinary Board that he has complied with all conditions of probation.
- b. Pursuant to Pa.R.D.E. 215(i), the three-member panel of the Disciplinary Board recommend to the Pennsylvania Supreme Court that the Court enter an Order for Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter, and that under Pa.R.D.E. 208(g)(1), all expenses be paid by Respondent within 30 days after notice transmitted to the Respondent of taxed expenses.

Respectfully and jointly submitted,
OFFICE OF DISCIPLINARY COUNSEL
Thomas J. Farrell
CHIEF DISCIPLINARY COUNSEL

2/25/2025

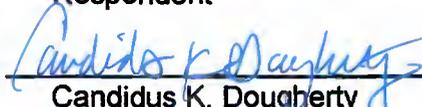
Date

By Harriet R. Brumberg
Harriet R. Brumberg
Disciplinary Counsel

2/26/25
Date

By 
Gary P. Lightman
Respondent

2/27/2025
Date

By 
Candidus K. Dougherty
Counsel for Respondent

2/27/25
Date

By 
Jeffrey B. McCarron
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. Disciplinary Docket
Petitioner : No.
 : No. 103 DB 2024
v. :
 : Attorney Reg. No. 28529
GARY P. LIGHTMAN, :
Respondent : (Montgomery County)

VERIFICATION

The statements contained in the foregoing Joint Petition In Support Of Discipline On Consent Under Pa.R.D.E. 215(d) are true and correct to the best of our knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

2/25/2025
Date

By Harriet R. Brumberg
Harriet R. Brumberg
Disciplinary Counsel

2/26/25
Date

By Gary P. Lightman
Gary P. Lightman
Respondent

2/27/2025
Date

By Candidus K. Dougherty
Candidus K. Dougherty
Counsel for Respondent

2/27/25
Date

By Jeffrey B. McCarron
Jeffrey B. McCarron
Counsel for Respondent

4. He consents because he knows that if the charges continue to be prosecuted in the pending proceeding, he could not successfully defend against the charges.

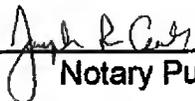


Gary R. Lightman
Respondent

Sworn to and subscribed

before me this 27

day of February, 2025.



Notary Public

Commonwealth of Pennsylvania - Notary Seal
JOSEPH R CECCOLA - Notary Public
Montgomery County
My Commission Expires March 31, 2027
Commission Number 1261539

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Office of Disciplinary Counsel

Signature: Harriet R. Brumberg

Name: Harriet R. Brumberg, Disciplinary Counsel

Attorney No.: 31032