ABSOLUTE RESOLUTIONS INVESTMENTS, LLC, Plaintiff,	: IN THE COURT OF COMMON PLEAS : OF BERKS COUNTY, PENNSYLVANIA : CIVIL ACTION – LAW
v.	: No. 20-14479
ILKHAM SALAMOV, Defendant.	: Assigned to Judge J. Benjamin Nevius

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
ADJUDICATION OF CONTEMPT

NEVIUS, J., writing for the Court. GAVIN and FUDEMAN, JJ., join.

By this Adjudication of Contempt, supported by the following Findings of Fact and Conclusions of Law, the Court addresses multiple violations of a standing order by counsel of record in the above-captioned matter—Pressler, Felt & Warshaw, LLC ("Pressler") and Thomas J. Nolan Jr., Esquire ("Attorney Nolan") (together, "Respondents")—and imposes sanctions accordingly. The conduct at issue, however, is not an isolated failure of compliance; it reflects a broader and increasingly disruptive practice that has burdened the orderly administration of justice in this and other jurisdictions: the use of "appearance counsel."

For the uninitiated, appearance counsel—sometimes called "coverage counsel" or "limited-purpose counsel"—refers to the practice of engaging a per diem attorney to stand in for counsel of record at in-court proceedings such as pretrial conferences, motions court, and compulsory arbitration. Appearance counsel is a stranger to the matter. Unless otherwise ordered, appearance counsel does not enter a formal appearance, and they assume no ongoing responsibility for the case. This is by design, as appearance counsel has no intention of providing legal services beyond the specific proceeding for which they are engaged—retained not by the client, as it happens, but by the client's attorney of record, often through an out-of-state third-party corporate intermediary.

The practice has proliferated most visibly in consumer debt collection matters, where firms managing large dockets of routine, low-value cases seek to reduce the cost of court appearances. It is not confined to that context, however.[1] This Court has observed the use of appearance counsel in landlord-tenant disputes, appeals from magisterial district courts, and other matters where the economics of litigation prioritize cost containment. To date, the practice has gone largely unchecked by the courts, bar associations, and rules committees. Although no procedural rule explicitly prohibits the use of appearance counsel in Pennsylvania, the practice raises substantial ethical and professional concerns, and the absence of an express prohibition is not a license—silence in the rules reflects a gap to be addressed, not an imprimatur.

Ultimately, the administration of justice depends not on presence alone, but on preparation; not on attendance, but on accountability. The principles that govern attorney participation in civil proceedings—competence, diligence, communication, candor, and responsibility—are neither technical formalities nor aspirational ideals. As discussed below, the use of appearance counsel is fundamentally incompatible with the duties owed by counsel to both their clients and to this tribunal. Any remaining uncertainty about the propriety of the practice is resolved here.

Appearance without preparation is not appearance; it is presence alone. The Court will not accept one as a substitute for the other. Courts retain inherent authority to regulate the conduct of attorneys who appear before them, and the use of appearance counsel is ***explicitly prohibited*** in all proceedings before the Civil Division of the 23rd Judicial District.[2]

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[1] Bankruptcy courts across the nation have addressed the use of appearance counsel in decisions dating back more than a decade. *See, e.g., In re Schatz*, 601 B.R. 864, 869 (Bankr. D. Conn. 2019); *see also, e.g., In re D'Arata*, 587 B.R. 819, 825 (Bankr. S.D.N.Y. 2018); *In re Bradley*, 495 B.R. 747, 806 (Bankr. S.D. Tex. 2013).

[2] Absent prior leave of court, no attorney may appear for or on behalf of a party at any proceeding unless the attorney has satisfied all applicable admission requirements and entered their appearance. Further, every attorney appearing before this Court shall be sufficiently prepared to competently represent the client's interests—meaning, at minimum, that counsel is familiar with the procedural posture of the matter, informed as to the subject of the proceeding, aware of the client's objectives, and prepared to address legal issues and the opportunity for resolution.

FINDINGS OF FACT

1. On August 12, 2020, Plaintiff, Absolute Resolutions Investments, LLC ("Plaintiff"), initiated this consumer credit collection action against Defendant, Ilkham Salamov ("Defendant").

2. In its five-paragraph Complaint, Plaintiff sets forth what purports to be a single count sounding in assumpsit, demanding the sum of $18,558.08, plus costs. [*See* Complaint].

3. Plaintiff failed to obtain service for more than a year after filing the Complaint and, despite the straightforward nature of this matter, did little thereafter to advance the case.

4. In September 2023, the Prothonotary issued a termination notice under Pa.R.Civ.P. 230.2 advising Plaintiff that the matter would be dismissed for inactivity.

5. After receiving Plaintiff's Notice of Intent to Proceed, the Court marshaled the matter for action, imposing deadlines and scheduling appearances to advance the case.

The March 4 Order and Respondents' Use of Appearance Counsel

6. Between August 2020 and September 2025, three attorneys employed by or associated with Pressler—Ian Z. Winograd, Esq. ("Attorney Winograd"), Matthew C. Fallings, Esq. ("Attorney Fallings"), and Daniel J. Santucci, Esq. ("Attorney Santucci")—identified themselves as counsel for Plaintiff and endorsed filings on its behalf.

7. Relevant to these contempt proceedings, the Court entered a scheduling order on March 4, 2025, providing, in relevant part:

> Appearance counsel will not be permitted to address the Court without entering [an] appearance and assuming lead trial counsel duties. . . . Absent leave of court, any attorney attending … shall be responsible for all in-court appearances.

[*See* Order of March 4, 2025 (the "March 4 Order")].[3]

[3] The Court included this prohibition in response to the increased use of appearance counsel in similar matters.

8. At the very first event following the Court's March 4 Order (a status/case management conference on April 30, 2025), an attorney named Adam Witmer, Esq. ("Attorney Witmer") appeared on behalf of Plaintiff despite no apparent connection to Plaintiff or Pressler.

9. The Court confirmed that Attorney Witmer intended to appear only for that proceeding and informed him of the Court's prohibition against appearance counsel. The Court instructed Attorney Witmer that, should he wish to address the Court, he was required to enter his appearance and assume lead trial duties; he agreed.[4]

10. On July 7, 2025, Kenneth S. Moskowitz, Esq. ("Attorney Moskowitz") appeared on behalf of Plaintiff at a continued pretrial/case management conference, again without any apparent connection to the case. The Court adjourned the conference and entered an order scheduling the matter for a nonjury trial.

11. On September 15, 2025, Katherine A. Rightmyer O'Brien, Esq. ("Attorney Rightmyer O'Brien"), appeared for Plaintiff at a final pretrial conference. Like Attorneys Witmer and Moskowitz, she had not entered an appearance and had no apparent connection to the case.

Respondents Fail to Appear for Arbitration

12. On September 16, 2025, the Court released the parties from the nonjury trial attachment and, upon further review of the case posture, referred the matter to compulsory arbitration, advising the parties that failure to appear may result in an immediate trial on the merits and the loss of de novo appellate rights:

> Should one or more of the parties fail to appear for the [arbitration] hearing, the matter may be heard at the same time and date before a judge of the Court of Common Pleas without the absent party or parties. ***There shall be no right to a trial de novo on appeal from a decision entered by a judge***.

[*See* Order of September 16, 2025 (the "September 16 Order") (emphasis in original)].

[4] Although he immediately entered an appearance, Attorney Witmer would never appear before the Court again.

13. On September 18, 2025, the Office of the Court Administrator scheduled the matter for arbitration before a panel of three arbitrators, with a hearing date of November 18, 2025.

14. On November 14, 2025, Attorney Nolan filed an entry of appearance, becoming the fourth Pressler attorney to enter in the matter on behalf of Plaintiff. With his entry, Attorney Nolan submitted an Arbitration Memorandum, signaling his intention to appear for the hearing.

15. On November 18, 2025, Plaintiff failed to appear for arbitration—no authorized representative appeared, and no explanation was offered for the absence. Defendant and a panel of three arbitrators appeared, prepared to proceed.

16. Pursuant to its September 16 Order, the Court immediately convened a nonjury trial in Plaintiff's absence, resulting in a nonsuit in favor of Defendant without the right of de novo appeal.[5]

Rules to Show Cause and Return Hearings

17. Contemporaneously with the Court's Order for nonsuit, on November 19, 2025, the Court issued a Rule upon Plaintiff to Show Cause why the costs of arbitration ($650.00) should not be placed solely upon Plaintiff (the "November 19 Rule"). [*See* November 19 Rule].

18. Among other things, the November 19 Rule established a response date and set the matter for a return hearing on December 17, 2025.

19. On December 8, 2025, Attorney Nolan responded to the November 19 Rule, explaining that he had arranged for an attorney to appear on his behalf at arbitration, but that the attorney failed to appear. [*See* Reply to November 19 Rule (Dec. 8, 2025)].

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[5] Catherine Nadirov, Esq. ("Attorney Nadirov") represented Defendant from September 2021 through September 2025, when she was required to withdraw her appearance upon accepting a position as Family Court Administrator for the Berks County Court of Common Pleas. Defendant represented himself for the remainder of the case. Throughout this litigation, both Defendant and Attorney Nadirov appeared at each in-court appearance, as directed.

20. Attorney Nolan further alleged, among other things, that he identified this attorney—Brian G. Scott, Esq. ("Attorney Scott")—through a third-party appearance agency and that Attorney Scott failed to appear at arbitration "due to the error of the appearance counsel company," which "had marked the case as covered but had not actually scheduled an attorney to appear." [*Id.*].

21. Attorney Nolan's Reply raised substantial concerns, as it was, in substance, an admission that he had violated the March 4 Order. Consistent with Respondents' prior conduct, however, Attorney Nolan failed to appear for the December 17, 2025, return hearing (the "December 17 Hearing") and instead sent Jayden N. Peters, Esq. ("Attorney Peters")—***yet another*** attorney with no connection to the case—to appear in his stead.[6]

22. On December 30, 2025, the Court issued a Rule upon Respondents to Show Cause why they should not be held in contempt for (a) Respondents' repeated violations of the Court's standing prohibition against the use of appearance counsel, and (b) Attorney Nolan's decision to send a stranger to the December 17 Hearing (the "December 30 Rule"). [*See* December 30 Rule].

23. The Court identified Respondents' alleged contempt with particularity, explaining:

> Respondents' repeated use of appearance counsel in this case has frustrated the orderly administration of justice, and it has resulted in demonstrable harm to [Plaintiff's] legal interests. Moreover, Respondents' conduct appears to stand in open contempt of this Court's March 4 Order and many in-court admonitions. Respondents shall now answer before an en banc panel of the three judges of the Civil Division of the 23rd Judicial District. Respondents shall be prepared to address the events giving rise to the November 19 Rule, as well as Respondents' use of appearance counsel in the Berks County Court of Common Pleas as part of their regular practice. The only individual(s) who will be permitted to address the panel are Respondents and/or those retained to represent

[6] After receiving Attorney Nolan's Reply, the Court promptly entered an order canceling the December 17 Hearing with the intention of placing Respondents under rule to show cause why they should not be held in contempt. The order did not post to the docket in time, however, and Attorney Peters appeared on December 17, 2025. Accordingly, the Court called the matter as scheduled.

> them in these contempt proceedings—***the use of substitution and/or appearance counsel is strictly forbidden and shall be construed as contempt for this Court's standing orders***.

[*See* December 30 Rule (emphasis in original)].

24. The December 30 Rule required a response by January 12, 2026, and scheduled a hearing for January 21, 2026, before the three judges of the Civil Division of the Berks County Court of Common Pleas—the Honorable James E. Gavin, the Honorable Madelyn S. Fudeman, and the Honorable J. Benjamin Nevius (Chair).

25. The December 30 Rule provided that, "[s]hould Attorney Nolan fail to appear without leave of court upon good cause shown, a bench warrant may issue for his arrest." [*Id.*].

26. Respondents failed to respond by the Court's January 12 deadline; on January 21, 2026, the en banc panel called the matter for a hearing.

27. Attorney Nolan failed to appear for the en banc proceeding; he neither sought nor obtained leave of court, and he offered no explanation for his absence.

28. The panel adjourned and the Court immediately issued a bench warrant for Attorney Nolan's arrest, commanding law enforcement to take him into custody.

29. On January 22, 2026, Attorney Nolan voluntarily appeared before the panel for a reconvened hearing on the December 30 Rule (the "January 22 Hearing").

30. Attorney Nolan stated he did not receive the December 30 Rule prior to the Court's courtesy email notifying him of the Bench Warrant.[7] [*See* Notes of Testimony, Jan. 22, 2026 ("N.T."), 2:16–3:23].

[7] Attorney Nolan had not previously communicated with the Court by email and had not identified an email address in any filing. In the interest of providing advance notice before execution of the Bench Warrant, Court staff identified an email address registered with a creditors' rights practice group. Chambers confirmed the address and forwarded a copy of the Bench Warrant, offering Attorney Nolan the opportunity to appear on January 22, 2026, to seek a stay of the warrant and address the December 30 Rule; he agreed.

31. He admitted, however, that (a) Pressler maintains a business address at 400 Horsham Road, Ste. 110, Horsham, PA 19044 (Pressler's address of record), (b) Attorney Nolan receives mail at that address, and (c) he has received notice of other court papers at that address. [*Id.* at 3:8–14].

32. The docket reveals service of all documents most relevant to these proceedings—the March 4 Order, the November 19 Rule, and the December 30 Rule—to Attorney Nolan and all other Pressler-affiliated counsel of record at the 400 Horsham Road address in compliance with Pa.R.Civ.P. 236.[8] [*See* Docket generally (reflecting Rule 236 notices at various dates)].

33. Attorney Nolan identified himself as an associate employed by Pressler, expressly authorized to provide testimony on his own behalf, and on behalf of the firm. [*See* N.T., 7:3–8].

34. The managing members of Pressler—Gerard Felt, Esq. ("Attorney Felt") and David Warshaw, Esq. ("Attorney Warshaw")—did not attend on behalf of the firm, leaving Attorney Nolan to respond to Court inquiries. [*Id.* at 43:8–9].

35. Attorney Nolan further confirmed that his direct supervisor, Chris Odogbili, Esq. ("Attorney Odogbili"), knew of the December 30 Rule and Attorney Nolan's appearance in court at the January 22 Hearing. [*Id.* at 42:18–20].[9]

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[8] Each attorney associated with Pressler identified the 400 Horsham Road location as their business address in their entry of appearance or first submission. (Incidentally, this is the same address to which the Prothonotary sent notice of the November 19 Rule, prompting Attorney Nolan's response in which he blamed appearance counsel for Respondents' absence at arbitration.) Attorneys Winograd and Santucci are both identified on the Rule 236 notices issued in connection with the March 4 Order, the November 19 Rule, and the December 30 Rule, delivered to the 400 Horsham Road address, as well as another office address for Pressler located in Parsippany, New Jersey. Although Attorney Winograd is no longer employed by Pressler, Attorney Santucci, who is still entered in this matter, remains employed by Pressler. [*See* Docket generally; *see also N.T.*, 42:2–10].

[9] A review of attorney registration records reveals that neither Attorney Felt nor Attorney Warshaw is admitted to practice in Pennsylvania. Attorney Odogbili and Attorney Nolan are both licensed in Pennsylvania and in good standing.

Admissions and Factual Findings Relevant to Contempt

36. The record of the January 22 Hearing (the "Record") establishes notice of the March 4 Order and Respondents' noncompliance on multiple independent lines of proof.

37. Among other things, Attorney Nolan admitted that:

- Pressler arranged for appearance counsel (Attorney Witmer) to attend a pretrial status conference on April 30, 2025. [*Id.* at 12:8–14].
- Pressler arranged for appearance counsel (Attorney Rightmyer O'Brien) to attend a final pretrial conference on September 15, 2025. [*Id.* at 12:15–19].
- Attorney Nolan personally arranged for appearance counsel (Attorney Scott) to attend arbitration on November 18, 2025. [*Id.* at 19:14–17; *see also* Reply to November 19 Rule (Dec. 8, 2025)].
- Attorney Nolan personally arranged for appearance counsel (Attorney Peters) to attend the December 17 Hearing. [*See* N.T., 12:21–13:1].

38. Attorney Nolan confirmed that none of these individuals—Attorneys Witmer, Rightmyer O'Brien, Scott, or Peters—is an employee of Pressler or otherwise affiliated with the firm. [*Id.* at 13:2–8].

39. Respondents identified and arranged for these attorneys to attend court through an appearance agency called Court Appearance Professionals, Inc. ("CAP").[10] [*Id.*].

40. CAP has a services agreement with Pressler for the provision of coverage counsel, though Attorney Nolan is not familiar with its terms. [*Id.* at p. 27:24–28:6–7].

[10] CAP purports to be a California corporation describing itself as "The Nation's #1 Provider of Court Appearance Attorneys" and markets its services to firms ranging from "solo practitioner[s] with a last-minute conflict" to "large corporation[s] with multiple hearings on calendar." *Court Appearance Professionals, Inc.*, https://www.appearanywhere.com (last visited Mar. 11, 2026). The four-step process described on the site—request, coverage, appearance, results—contains no reference to client notification, entry of appearance, assumption of counsel duties, or any of the professional obligations that attach to counsel of record in Pennsylvania.

41. Respondents' use of CAP and appearance counsel is a deliberate, institutionalized, and firm-wide practice, adopted and employed entirely for the operational and financial convenience of the firm and its attorneys. [*Id.* at 16:22–25].

42. Pressler's use of CAP and appearance counsel predates Attorney Nolan's arrival at the firm in March 2023. [*Id.* at 31:15–23].

43. Respondents use appearance counsel for, among other proceedings, arbitrations, magisterial district court hearings, and what Attorney Nolan generally referred to as "standard [court] appearances." [*Id.* at 24:8–25:11; 29:14–17].

44. When Attorney Nolan has more than one matter on his calendar requiring his attendance in court, he reviews the complexity of the issues involved in the respective cases and decides where he will send appearance counsel for the day. Alternatively, he may simply choose to use appearance counsel if he is attached in a county that he cannot travel to "conveniently." [*Id.* at 24:8–25:11; 29:14–17].

45. When using CAP's services, Attorney Nolan uploads relevant portions of his file to a file share portal maintained by CAP, where the materials are then accessed and reviewed by appearance counsel. He did not address whether CAP's portal is secure, who may access materials once uploaded, or what security features, if any, exist to protect the confidentiality of client information. [*Id.* at 23:3–24:2].

46. When asked if he uploads privileged materials to the portal, Attorney Nolan did not offer an unqualified denial. Instead, he testified that he does not upload attorney-client communications "that he [is] aware of"—a qualification that raises more questions than it answers about what the portal may contain. [*Id.*].

47. Notably absent from Attorney Nolan's testimony was any description of a protocol, procedure, or safeguard by Respondents to prevent waiver of attorney-client privilege or work product protection arising from the disclosure of case materials to the CAP portal or the unrestricted use of such information by appearance counsel and other third-parties.

48. Neither Respondents nor CAP requires appearance counsel to enter into a fee agreement with the client on whose behalf they are appearing, leaving the scope of the engagement entirely undefined between the appearing attorney and the party whose interests they are purporting to advance in court.

49. The scope of appearance counsel's engagement—limited, by all indications, to attending the proceeding and reporting its outcome to CAP's website—is defined by private arrangements between Pressler and CAP, or between CAP and appearance counsel. The client is not a party to those agreements.[11] [*Id*. at 25:24–26-9].

50. Although Attorney Nolan states that Pressler's clients authorize the use of appearance counsel, the Record does not establish the source, scope, or specificity of that authorization. What is clear is that it is not obtained on a case-by-case basis. [*Id.* at 14:22–15].

51. It is also clear that Respondents do not specifically advise the client that appearance counsel will be appearing for them on any given occasion (such as the arbitration hearing in this matter), rather it is left to the client to discover this through their own investigation:

J. NEVIUS:	[I]n this instance, I think you said [Plaintiff] permits you to send appearance counsel. Do they know in every instance when you're sending them?
MR. NOLAN:	It will be in the system so I guess they would know if they checked and looked, yes.
J. NEVIUS:	[Did Plaintiff] know or did they know on the date of the

[11] Attorney Nolan does not know how CAP structures its employment arrangements with attorneys dispatched on behalf of Pressler's clients. [*See* N.T., 13:9–14].

arbitration that you were sending [Attorney] Scott or someone in your stead to arbitrate the case for them?

MR. NOLAN: It will be in the system so I guess they would know if they checked and looked, yes.

[*Id.* at 14:21–22; 30:16–31:3].

52. Attorney Nolan admitted that, prior to CAP dispatching attorneys to appear on behalf of Respondents' clients in Pennsylvania courts, neither he nor his firm independently investigates or verifies whether appearance counsel is licensed to practice law in the Commonwealth of Pennsylvania, is in good standing and free of disciplinary history, or maintains professional malpractice insurance. [*Id.* at 21:7–22:23; 31:18–23].

53. Respondents defer to CAP and/or its owner, Steve Levy ("Mr. Levy"), to investigate and confirm the licensure, standing, and insurances of CAP's appearance attorneys.[12] [*Id.*].

54. Incidentally, Attorney Nolan learned for the first time at the January 22 Hearing—not through any independent investigation of his own, but rather by the Court's own independent verification—that Attorney Scott does not carry professional malpractice insurance.[13] [*Id.* at 21:11–17].

55. Attorney Nolan defended Respondents' use of appearance counsel in the abstract, but he failed to explain how appearance counsel—having no familiarity with the case—could commit to deadlines, enter stipulations, or meaningfully participate in settlement discussions:

J. NEVIUS: Let's do a practical exercise because I think it plays into exactly what Judge Gavin is asking you. You're familiar with Pennsylvania Rule of Civil Procedure 212.3, Pretrial Conferences?

[12] Attorney Nolan does not know whether Mr. Levy is licensed to practice in Pennsylvania. [*See* N.T., 31:20–23]. It appears, however, that Mr. Levy is licensed only to practice law in California. State Bar of California, Attorney Detail, Steve Levy, Esq. https://apps.calbar.ca.gov/attorney/Licensee/Detail/180062 (last visited Mar. 24, 2026).

[13] Pennsylvania Disciplinary Board, Attorney Detail, Brian G. Scott, Esq. https://www.padisciplinaryboard.org/for-the-public/find-attorney/attorney-detail/328006 (last visited Mar. 11, 2026).

MR. NOLAN: Yes.

J. NEVIUS: **…** [T]he matters that are discussed in that [conference] pertain to the overall management of the case. It can include the simplification of issues for consideration, entry of scheduling orders, possibility of obtaining admissions of fact and documents which will avoid unnecessary proofs, limitation of the number of expert witnesses or witnesses that will be called, settlement, and mediation in the case. These are all things that are talked about pretty much at every conference. You can agree to that, correct?

MR. NOLAN: Yes, Your Honor.

J. NEVIUS: When you're sending someone who doesn't know anything about the case other than maybe a few documents that they received, with no permission from the clients to consent to the[] stipulation of facts, with no understanding as to the availability of the trial counsel for their attachment at trial, who can't testify as to what may have occurred during settlement and mediation in the case, who has no knowledge of how many witnesses are going to be called—how can I ask any of those questions of that person and why should I be okay with you sending someone who doesn't know the answers to any of those things? That doesn't make sense to me. Does it make sense to you?

MR. NOLAN: Well, Your Honor, they would be setting schedules and reporting back to us the scheduling. They would know—it's usually a credit card case or loan case which all these cases are. They would know what—the exhibits are always the same. They're loan agreements, credit card statements, bills; and settlement authority is if it's to be obtained, they can call for some authority and it's also in the file if the client has set number percentage or authority, whatever, it's all there and they report back to us, put it in our calendar and we appear at the trial if the case doesn't settle.

J. GAVIN: But the lawyer doesn't have the authority to settle.

MR. NOLAN: He would. He'd either have to follow the guidelines given or call the office and get permission from an attorney at Pressler and then settle it.

J. GAVIN: I've never had appearance counsel have the ability of settling any case.

J. FUDEMAN: For the record, neither have I.

[*Id.* at 39:7–41:7].

56. Importantly, Attorney Nolan failed to identify any rule, precedent, or any other source of legal authority at any level of the Pennsylvania court system or its rulemaking apparatus sanctioning the use of appearance counsel, offering only that the practice is industry custom:

J. GAVIN: I've been asking you since the beginning and you haven't given me a good answer. What's your authority to do what you're doing?

MR. NOLAN: We're just plaintiffs trying the case, Your Honor.

J. GAVIN: Has the Pennsylvania Supreme Court ever authorized it?

MR. NOLAN: I'm not sure, Your Honor.

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MR. NOLAN: [I]t's how these collection firms [such as Pressler] appear.[14]

[*Id.* at 16:14–17:16; 26:14–15; 33:18–23].

57. Regarding notice of the Court's orders, Attorney Nolan alleges: (a) he was assigned to the case in November 2025; (b) he filed the pre-arbitration documents; (c) he sent appearance counsel to arbitration; (d) he did not learn of the prohibition against appearance counsel until receiving the email from chambers the day before the January 22 Hearing—after numerous violations had already occurred. [*Id.* at 10:6–15].

58. When pressed on the matter, Attorney Nolan's responses reveal a deliberate, selective review of the docket, as he evidently chose to look only at those portions he considered operationally relevant, consciously bypassing the full history of the case:

[14] Attorney Nolan offered this unsatisfactory response numerous times during the January 22 Hearing.

MR. NOLAN:	I was assigned the case in November [2025]. I saw a pretrial was coming up and I—
J. GAVIN:	Did you look at the docket?
MR. NOLAN:	I did.
J. GAVIN:	Isn't that your responsibility to know everything about the case?
MR. NOLAN:	Yes, Your Honor.
J. NEVIUS:	Including all of the prior orders?
MR. NOLAN:	No, because I saw the order setting it for arbitration.
J. NEVIUS:	No, you didn't have to look at the prior orders?
MR. NOLAN:	I guess I should have but I did not review the order. I reviewed the orders that were coming to arbitration. I was looking at the most frequent thing. I was moving the case forward and—

[*Id.* at 33:25–35:5].

59. Attorney Nolan acknowledged the legal reality that, as attorney of record, he is charged with knowledge of every order in the file. Among other things, he expressly conceded that, at a minimum, he received constructive notice of the March 4 Order (among others entered in the case), and that Respondents violated its prohibitions. [*Id.* at p. 35:6–9].

60. Attorney Nolan further admitted that his professional duties include the obligation to follow court orders, comply with judicial directives, and try the case, acknowledging that he fulfilled none of those duties to the Court. [*Id.* at 13:23–14:4].

61. Separate from the prior appearance issues, Attorney Nolan filed a written response to the November 19 Rule in which he made direct representations to the Court requiring his personal knowledge; he then arranged for an unaffiliated attorney to appear and answer for those representations at the December 17 Hearing.

62. Regarding firm-level institutional involvement, four Pressler attorneys entered their appearance in this matter: Attorneys Winograd, Fallings, Santucci, and Nolan. None sought to withdraw, and none received leave to do so. Not one, it seems, appeared personally before the Court at any in-court proceeding prior to January 22, 2026.[15] Instead, in their place, a succession of strangers appeared, or did not appear at all.

DISCUSSION

The Record establishes a pattern of deliberate and repeated noncompliance with a standing order of this Court, driven not by any good-faith dispute as to validity or scope, nor by accident, but by the calculated pursuit of operational convenience and cost reduction at the direct expense of this Court's authority, the orderly administration of justice, and the interests of the very clients on whose behalf Respondents purport to appear. Sanctions are warranted on multiple independent grounds to vindicate the authority of this Court whose orders Respondents violated with impunity across at least four documented occasions.

Beyond these discrete violations, the use of appearance counsel in high-volume consumer debt collection matters—not as an emergency measure in isolated circumstances, but as a systematic, institutionalized business practice—has emerged as a cottage industry. The practice correlates with the incentive structure of volume collection litigation, where a firm handles hundreds of matters per month, each with a modest dollar value, likely for a contingent fee. The economics of these cases strongly favor minimizing attorney time at status conferences and other administrative appearances. Played out at scale, the practice produces the fiction that a client is adequately "represented" at a mandatory in-court proceeding. In reality, however, appearance

[15] This matter was initially assigned to the Hon. Timothy J. Rowley (Ret.). In January 2022, the matter was reassigned to the undersigned, J. Benjamin Nevius, following Judge Rowley's retirement.

counsel knows little about the case and cannot exercise the functions the law expects of professional representation. Functionally, appearance counsel is present only to take notes and avoid the consequences of nonappearance. This is not representation; it is theater.

The use of appearance counsel, as practiced by Respondents in this case and others, raises concerns that extend well beyond the violations established by the Record. If left unaddressed, it poses a threat to the integrity of judicial proceedings and the professional obligations that safeguard and give meaning to the attorney-client relationship.

A. Appearance Counsel Distinguished from Limited Purpose Representation

Appearance counsel appears before the Court, typically without any formal entry on the docket, any established supervisory relationship with the assigning firm, and often without any meaningful familiarity with the case file, the client's objectives, or the procedural posture of the matter. This practice must be distinguished from two related but different arrangements that the law recognizes as legitimate.

The first is formal limited-scope representation under Rule 1.2 of the Pennsylvania Rules of Professional Conduct, by which an attorney and the client may, upon informed consent, agree that the lawyer will handle only defined aspects of a matter. *See* Pa.R.P.C. 1.2(c). Under this Rule, a lawyer may ethically limit the scope of representation, provided the limitation is reasonable under the circumstances and the client gives informed consent. Where limited scope representation is properly constituted, the attorney is entered on the docket, takes formal responsibility within the defined scope, and is subject to the Court's jurisdiction. Appearance counsel, as practiced here by Respondents, does not come close to meeting this standard.

The second recognized arrangement is the use of outside or contract lawyers to assist with a client matter under proper supervision. The Rules of Professional Conduct contemplate that attorneys from different firms may provide services to a client, provided the involved lawyers "consult with each other and the client about the scope of their respective representations and the allocation of responsibility among them." Pa.R.P.C. 1.1, Comment [7]. Critically, under this framework, the supervisory attorney retains active professional responsibility for the work product and conduct of those assisting. Appearance counsel in the immediate context is generally designed to evade, not to satisfy, these requirements.

What this Court has observed—and what the Record in this matter confirms—is neither a legitimate limited-scope arrangement nor a properly supervised collaborative representation. It is an ad hoc substitution, with an unknown attorney dispatched to stand in for the attorney of record, with (a) no formal entry, (b) no established relationship, (c) no verified credentials, and (d) no real authority to do or agree to anything of consequence.

B. Structural Concerns Presented by Appearance Counsel

The use of appearance counsel raises substantial concerns, encompassing the adequacy of preparation, the accountability of counsel to both the client and the tribunal, the integrity of client communications, and the systematic erosion of professional obligations. The Court addresses these and other concerns below.

1. Preparation, Diligence, and the Limits of Surrogate Appearance

The central function of an attorney appearing before a court is not merely physical presence. An attorney appearing for a party is empowered to act as the legal voice of that client for all purposes arising at the proceeding. This encompasses the authority to make evidentiary concessions, stipulate to facts, narrow issues for trial, respond to Court inquiries about the status of the case, and, critically in consumer collection matters such as this, to engage in settlement discussions and either reach binding resolutions or maintain the client communication necessary to facilitate them. These are not unreasonable expectations; they are the baseline obligations of competent representation.

Rule 1.1 requires a lawyer to provide competent representation, defined as "the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation." Pa.R.P.C. 1.1. In the litigation context, Comment [5] to the Rule gives that obligation particular force, requiring "inquiry into and analysis of the factual and legal elements of the problem, and use of methods and procedures meeting the standards of competent practitioners." *Id.*, Comment [5]. An appearance attorney who has been dispatched from an outside service such as CAP, who has reviewed the file only minutes before the proceeding (if at all), and who has received instructions only to "appear and report" has no meaningful authority over an attorney's basic professional functions.

An attorney who does not know the facts cannot analyze them. An attorney who has not reviewed the file cannot inquire into it. The attorney cannot address Court inquiries about the status of a complaint or measures taken to obtain service because they were not involved in drafting the pleadings or arranging for service. They cannot commit to a discovery schedule because they do not know what has been produced, what is required, and what might be necessary to posture the matter for arbitration or trial. And they cannot meaningfully discuss settlement with any credibility because they know nothing of the creditor's authority to compromise, the debtor's circumstances, or the relative strengths of the underlying claims and defenses. Appearance counsel's inability to do any of these things is not a matter of inexperience or inadequate preparation on a given day—it is an inherent and inescapable feature of the arrangement itself. The threshold requirements of Rule 1.1 are unmet before appearance counsel even says a word.

Additionally, Rule 1.3 requires a lawyer to "act with reasonable diligence and promptness in representing a client." Pa.R.P.C. 1.3. "A lawyer should pursue a matter on behalf of a client despite opposition, obstruction, ***or personal inconvenience to the lawyer***, and take whatever lawful and ethical measures are required to vindicate a client's cause or endeavor." Pa.R.P.C. 1.3, Comment [1] (emphasis added). This obligation is particularly noteworthy here, where Attorney Nolan uses appearance counsel to attend proceedings in counties he cannot get to "conveniently." [*See* N.T., 25:7–11]. Indeed, Rule 1.3 does not recognize convenience as a substitute for diligence. An attorney who finds a jurisdiction inconvenient to travel to has options—withdrawal, association of local counsel (consistent with the requirements of Pa.R.Civ.P. 1.1), or a request for accommodation from the court. Dispatching a stranger through a commercial agency is not among those options.

The above concerns are not merely form over substance. Productive pretrial appearances are essential to the Court's management function under Pa.R.Civ.P. 212.3, enabling it to narrow issues, resolve disputes, and drive litigation toward conclusion, which is precisely why personal appearance is required. *See* Pa.R.Civ.P. 212.3(a) (enumerating the matters to be addressed at pretrial conference, including simplification of issues, scheduling, possibility of obtaining admissions, limitation of witnesses, settlement, and mediation). When appearance counsel arrives incapable of participating in a meaningful way, as is almost invariably the case, an opponent's participation in the proceeding is rendered pointless and judicial resources are wasted without advancing the matter at all. This is not a technical deficiency; it is a violation of a broader obligation under Rule 8.4 not to engage in conduct prejudicial to the administration of justice. *See* Pa.R.P.C. 8.4(d). Appearance counsel's attendance is, in substance, a non-appearance dressed in the clothing of compliance with a court order to appear.

2. Absence of a Defined Scope of Representation and Fee Concerns

Arrangements between counsel of record and outside appearance firms create an anomaly that undermines the core requirements of the attorney-client relationship: namely, the absence of an agreement between appearance counsel and the client defining the scope of representation, establishing the appearing attorney's obligations, and creating a direct line of communication between the attorney appearing in court and the client.

Here, the only agreements governing appearance counsel's involvement are: (1) an agreement between Pressler and CAP, the terms of which Attorney Nolan admitted he does not know; and (2) a fee agreement between CAP and the appearing attorney, running through a third-party commercial intermediary. [*See* N.T., 28:6–7; 30:4–5]. The client is not party to either agreement. The client does not know the identity of the attorney appearing on their behalf until, at best, they independently check an online system after the appearance (if they are advised of the in-court appearance at all). [*Id.* at 30:19–21]. The client has never been directly asked whether they consent to this arrangement in any specific instance. [*Id.* at 31:3–7]. And the appearing attorney has never communicated with the client whose interests they purport to represent in court. These are not technical deficiencies; they suggest a wholesale displacement of the attorney-client relationship, and the professional implications are substantial and independent of the discrete violations that are the primary subject of these contempt proceedings.

Rule 1.2(a) requires that a lawyer abide by the client's decisions concerning the objectives of the representation and, as required by Rule 1.4, consult with the client as to how those objectives are to be pursued. An attorney who has never spoken with the client, who receives their entire understanding of the matter through a commercial portal, and whose authority to act is defined not by the client's instructions, but rather by guidelines embedded in a private services agreement between a law firm and a foreign corporation, cannot meaningfully fulfill this obligation. The client's right under Rule 1.2(a) to make decisions about the means of the representation presupposes that the attorney representing them at a proceeding (a) knows what the client's objectives are, (b) has consulted with the client about how to pursue them after advising the client about the risks and strengths of the case, and (c) is acting on the client's instructions rather than on standing operational guidelines issued by an intermediary or statements of counsel of record in a file sharing portal. None of those presuppositions is satisfied here.

Again, Rule 1.2(c) permits a lawyer to limit the scope of representation, but only if the limitation is reasonable under the circumstances and the client gives informed consent. The scope of appearance counsel's engagement in this arrangement is not merely limited—it is entirely undefined (at least as it pertains to the client), established by agreements to which the client is not a party, and never specifically consented to by the client for any particular proceeding. Further, an alleged blanket approval by a client to permit appearance counsel cannot constitute the informed client consent that Rule 1.2(c) requires. Informed consent under Rule 1.0(e) requires that the client receive adequate information and explanation about the material risks of, and reasonably available alternatives to, the proposed course of conduct. The client authorization Attorney Nolan describes satisfies none of those requirements. More specifically, it is not case-specific, its source and scope are unknown, and there is no indication that the client was advised of the material risks of appearance counsel's involvement (or that alternatives were ever presented).

As to fee implications, Rule 1.5 requires that, where a fee is divided between lawyers not in the same firm, the client must be informed of and not object to the participation of all lawyers involved. *See* Pa.R.P.C. 1.5(e). To the extent any portion of the fee paid by Plaintiff to Pressler flows through CAP to appearance counsel—a structure the Record does not exclude, and the opacity of the arrangement, as presented at hearing, does nothing to dispel—that requirement is triggered and, on this Record, unmet.

Independently, Pa.R.P.C. 1.8(f) prohibits a lawyer from accepting compensation for representing a client from someone other than the client without the client's informed consent and without ensuring that information relating to the representation is protected as required by Rule 1.6. Both conditions are unmet here. Appearance counsel is ostensibly compensated by CAP, not by the client. [*See* N.T., 30:4–5]. The client has not specifically consented to that arrangement. [*Id.* at 31:3–7]. And the confidentiality concerns attendant to the transmission of case materials through the CAP portal, which the Court addresses at length below, confirm that Rule 1.6's protection condition is not satisfied. The fee structure of the CAP arrangement is therefore not merely undisclosed—it is structured in a manner that Pennsylvania Rule 1.8(f) almost certainly prohibits.

3. The Diligence Void

One of the most alarming features of informal appearance practice, as confirmed by the en banc proceeding in this matter, is that counsel of record does not know whether appearance counsel is licensed to practice in Pennsylvania, whether their license is in good standing, or whether appearance counsel carries professional liability insurance.

First, Rule 1.1, Comment [6] of the Pennsylvania Rules of Professional Conduct addresses the hiring of outside lawyers, providing that "[b]efore a lawyer retains or contracts with other lawyers outside the lawyer's own firm to provide or assist in the provision of legal services to a client, the lawyer must reasonably believe that the other lawyers' services will contribute to the competent and ethical representation of the client." Pa.R.P.C. 1.1, Comment [6] (citing Pa.R.P.C. 1.2, 1.4, 1.6, and 5.5(a)). "The reasonableness of the decision to retain or contract with other lawyers outside the lawyer's own firm will depend upon the circumstances, including the education, experience and reputation of the nonfirm lawyers; the nature of the services assigned to the nonfirm lawyers; and the legal protections, professional conduct rules, and ethical environments of the jurisdictions in which the services will be performed, particularly relating to confidential information." *Id.* Where, as here, an attorney of record cannot name the coverage attorney, does not know their experience level, has never worked with them before, and has made no inquiry into their credentials, counsel of record has plainly failed to meet the obligations of Rule 1.1.

Second, to the extent that any attorney dispatched to appear in this Court is unlicensed, not in good standing, or otherwise unauthorized to practice law in Pennsylvania—a circumstance Respondents admit they made no effort to verify—such a scenario implicates Rule 5.5(a), which prohibits a lawyer not only from practicing law in violation of applicable professional regulations but also from assisting another person in doing so. *See* Pa.R.P.C. 5.5(a). That concern is compounded by Rule 5.3, which requires a lawyer who retains or directs a nonlawyer to ensure that the nonlawyer's conduct is compatible with the lawyer's own professional obligations. *See* Pa.R.P.C. 5.3. It must also be recognized that both Rules 1.1 and 5.3 expressly identify the unauthorized practice of law as among the risks attendant to the use of outside counsel and nonlawyer service providers. *See* Pa.R.P.C. 1.1, Comment [6]; 5.3, Comment [3].

The risks associated with the unauthorized practice of law are necessarily implicated by Respondents' decision to delegate professional obligations to a commercial intermediary without independent verification of the credentials, licensure, or standing of the attorneys sent to appear before this Court. If appearance counsel is unlicensed or suspended, any act taken purportedly on the client's behalf may be void or voidable. This is not some remote possibility in an informal coverage arrangement; it is a common sense, predictable consequence of a practice designed to minimize costs and to benefit counsel of record rather than to protect the client.

In the context of these proceedings, CAP functions as more than a mere referral service; it operates as a commercial intermediary that receives case assignments from counsel of record, selects and dispatches attorneys to appear in Pennsylvania courts, and ostensibly defines the scope of the engagement through CAP's fee agreements with appearance counsel. CAP then presumably receives payment from Pressler in exchange for these services (although Attorney Nolan did not know the precise terms and amount of the compensation structure). [*See* N.T., 28:6–7; 30:4–5]. This arrangement—in which an entity of uncertain regulatory status, operating from California, exercises control over the selection, dispatch, and purported oversight of attorneys appearing before Pennsylvania courts on behalf of litigants unknown to CAP—raises substantial questions as to whether Mr. Levy and other owners or employees of CAP are engaged in the unauthorized practice of law.

Third, Rule 1.4(c) imposes an affirmative disclosure obligation upon attorneys who lack professional liability coverage at minimum threshold amounts, providing that "[a] lawyer in private practice shall inform a new client in writing if the lawyer does not have professional liability insurance of at least $100,000 per occurrence and $300,000 in the aggregate per year … and shall inform existing clients in writing at any time the lawyer's professional liability insurance drops below either of those amounts or the lawyer's professional liability insurance is terminated." Pa.R.P.C. 1.4(c).

An attorney who dispatches unvetted coverage counsel to court—much less through a third-party intermediary—has no way of knowing whether this obligation has been met. If appearance counsel commits an act of malpractice at the appearance—for example, by misstating the law, making an unauthorized concession, or suffering an adverse ruling for lack of preparation[16]—there is no professional liability coverage to protect the client. As the Record demonstrates, the consequences of failing to confirm insurance are not merely hypothetical—Attorney Scott's involvement in this matter illustrates the point.

Attorney Nolan admitted during the January 22 Hearing that Attorney Scott's failure to appear at arbitration resulted in prejudice to Pressler's client in the form of (a) a loss of a $18,558.08 claim, (b) the waiver of a de novo appeal, and (c) the imposition of a $650.00 fee that Plaintiff would not otherwise be obligated to pay alone. [*See* N.T., 19:18–20:21]. Setting aside the threshold questions of privity, duty, and scope of representation arising from the absence of any fee agreement between Plaintiff and Attorney Scott, he did not carry malpractice insurance. Pressler's client's exposure in the event of deficient representation was total and unprotected, and Respondents neither knew nor cared to inquire. [*See* N.T., 21:7–10].

4. Client Communication

Rule 1.4(a) requires a lawyer to promptly inform the client of any decision or circumstance requiring informed consent, to reasonably consult with the client about the means by which objectives are to be accomplished, to keep the client reasonably informed about the status of the

[16] For instance, Rule 218(a) provides that "[w]here a case is called for trial ... the court may enter a nonsuit on motion of the defendant or a non pros on the court's own motion." *See Kruis v. McKenna*, 790 A.2d 322, 325 (Pa. Super. Ct. 2001) (citing Pa.R.Civ.P. 218(a)). "The sanctions in Rule 218 have consistently been extended to cover a plaintiff's absence from a pretrial conference scheduled pursuant to Rule 212.3." *Kruis*, 790 A.2d at 325 (citing *Lee v. Cel–Pek Industries, Inc.*, 380 A.2d 1243 (Pa. Super. Ct. 1977)). "Reasoning that Rule 218 covers pretrial conferences, [the Superior Court] stated: '[i]ndeed, when applying court authority inherent in [Pa.R.Civ.P.] 212, we find that counsel is under the same duty to appear at conciliatory or pretrial conferences as he is to appear at trial. In such cases we believe that [Pennsylvania] Rule of Civil Procedure 218 applies.'" *Id.*

Against that backdrop, the consequences in cases such as this—where appearance counsel is routinely dispatched for pretrial conference matters—follow naturally from those settled principles. When counsel fails to appear, or appears but is wholly unprepared to address the matters enumerated in Pa.R.Civ.P. 212.3(a), a court acts well within its discretion to impose appropriate sanctions. Those sanctions include: (a) entering a nonsuit upon motion of the defendant; (b) entering a judgment of non pros on the court's own motion; (c) dismissing an appeal from an arbitration award; or (d) immediately calling the matter to trial on the merits.

matter, and to promptly comply with reasonable requests for information. Rule 1.4(b) requires a lawyer to explain matters to the extent reasonably necessary to permit the client to make informed decisions about the representation. An appearing attorney who has never communicated with the client cannot fulfill any of these obligations. They cannot inform the client of decisions requiring consent because they have no direct line of communication with the client. They cannot consult with the client about means because no such consultation has occurred or is possible within the structure of the CAP arrangement. They cannot keep the client informed because their only reporting obligation runs back through the CAP portal to Pressler—not to the client directly. [*See* N.T., 19:2–4; 40:13–15]. And they cannot explain anything to the client because, as the Record establishes, the client does not even know in most instances that a CAP attorney, rather than counsel of record, has appeared on their behalf. [*Id.* at 30:19–21].

Taken together, the Rules of Professional Conduct establish a framework of obligations ensuring a direct, informed, communicative relationship between the attorney appearing in court and the client whose interests that attorney is advancing. The CAP arrangement as implemented by Respondents here and in other matters eliminates that relationship entirely at the proceeding level, substituting in its place a series of commercial agreements to which the client is not a party, administered through a foreign intermediary, and executed by attorneys unknown to the client, unverified by counsel of record, and operating without the insurance coverage that Pennsylvania law treats as a fundamental protection of client interests.

5. Use of Confidential Information and Potential Waiver

For an appearance attorney to appear at all, the attorney of record ordinarily must transmit some portion of the case file to appearance counsel for review. These documents typically include the complaint, any responsive pleadings, scheduling order, and, presumably, enough background about the claim and the debtor to allow the appearance attorney to respond to basic questions from the Court—in practice, appearance counsel often cannot respond to even these basic questions. In matters such as this involving consumer debt, these materials may include detailed personal financial information about the defendant, including account histories, payment records, social security numbers, and communications that may have been produced in discovery or attached to the pleadings in compliance with the Pennsylvania Supreme Court's Case Records Public Access Policy ("CRPAP").

Pennsylvania Rule of Professional Conduct 1.6(d) requires that a lawyer "make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client." *See* Pa.R.P.C. 1.6. Comment [25] expressly incorporates the CRPAP into this obligation and extends the obligations of Rule 1.6 to "persons who are participating in the representation of the client or who are subject to the lawyer's supervision." Pa.R.P.C. 1.6, Comment [25]. Further, the rule requires reasonable precautions when transmitting information to prevent it from reaching unintended recipients:

> When transmitting a communication that includes information relating to the representation of a client, the lawyer must take reasonable precautions to prevent the information from coming into the hands of unintended recipients.

See Pa.R.P.C. 1.6, Comment [26].

Here, Attorney Nolan confirmed he shares information with appearance counsel by uploading documents to the CAP portal. These case materials are then available to attorneys unknown to both the client and counsel of record—recipients who, by any reasonable characterization, are outside the intended scope of the attorney-client relationship. An appearance attorney who has not entered an appearance, has no formal relationship with the client, no fee agreement, and no confidentiality obligation to either the client or counsel of record is not within the intended scope of the attorney-client relationship. Transmitting client documents to such a person raises serious concerns under Rule 1.6. The appearance model, in this context, creates a chain of document transmission from creditor to collection law firm to unknown appearance attorney that is untracked, unsupervised, and ungoverned by any formal professional obligation running from the person holding the information to any responsible attorney. This chain is then repeated where, as in this case, different appearance counsel is used for multiple in-court proceedings.

Finally, although Attorney Nolan denied uploading confidential materials to the CAP portal, the structure of the arrangement makes inadvertent disclosure an obvious and predictable risk. Case materials uploaded to a third-party commercial portal—potentially including attorney-client communications, litigation strategy, assessments of claim value, and counsel's mental impressions regarding the strengths and weaknesses of the case—may be accessible to CAP personnel, other appearance attorneys, or unidentified third parties. The Record establishes no meaningful protocol to prevent such disclosure, and the consequences are significant: inadvertent transmission of privileged materials through an unsecured or inadequately controlled channel may not only violate Rule 1.6, but may also operate as a waiver of attorney-client privilege and work product protections, neither of which can be easily undone.

6. Firm-Wide Responsibility and Supervisory Obligations

Rule 5.1(a) provides that "a partner in a law firm, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct." Pa.R.P.C. 5.1(a). Further, Rule 5.1(b) requires that "a lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct." Pa.R.P.C. 5.1(b).

Rule 5.1(c) provides that a supervising lawyer is responsible for another lawyer's violation of the Rules where the supervising lawyer "orders or, with knowledge of the specific conduct, ratifies the conduct involved," or where the supervising lawyer "is a partner or has comparable managerial authority in the law firm in which the other lawyer practices, or has direct supervisory authority over the other lawyer, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action." Pa.R.P.C. 5.1(c).

The systematic use of appearance counsel by a law firm—particularly where the practice is known to the firm's management and has been carried out repeatedly over time—is precisely the kind of firm-wide pattern that Rule 5.1(a) is designed to address. Where a firm has institutionalized the practice of dispatching coverage attorneys in defiance of court orders, and with disregard for the many ethical concerns raised by the practice, the partners and managing attorneys of the firm who know of and permit the practice bear direct ethical responsibility. They cannot shield themselves from accountability by pointing to the individual attorney who signed the notice of appearance and claiming that he or she alone made the decision to use coverage counsel in a particular case. Where, as here, the violations were repeated, the consequences were known, and no remedial action was taken, Rule 5.1(c) is satisfied. The attorneys responsible for firm management at Pressler who knew of this practice and failed to act bear independent professional responsibility for the violations that followed.[17]

[17] These supervisory concerns extend to intermediaries such as CAP and Mr. Levy. In his biography on the CAP website, Mr. Levy boasts that he "***manages over 15,000 attorneys*** and has been extremely successful in assisting his clients collect millions of dollars." Court Appearance Professionals, Inc., *https://www.appearanywhere.com/steve-levy-attorney-at-law* (last visited Mar. 11, 2026) (emphasis added). To the extent this representation reflects the exercise of supervisory authority over attorneys providing legal services—including the selection or assignment of attorneys appearing in Pennsylvania courts—it implicates the obligations imposed by Rules 5.1 and 5.3.

C. Broader Systemic Harm Requiring Judicial Response

The concerns outlined above are not confined to this case. The use of appearance counsel, as practiced here, produces systemic consequences that affect litigants, the courts, and the attorneys who participate in such arrangements.

First, the harm to litigants is immediate and concrete. A party appearing in court—often an unrepresented individual of limited means—is entitled to expect that the attorney seated across from them possesses authority over the matter, is familiar with the case, and can engage on the merits in good faith. Instead, that party is confronted with a placeholder who lacks authority to commit, cannot answer basic questions, and is unable to meaningfully participate in resolution. What should be a substantive proceeding then becomes a hollow exercise.

Second, the practice undermines the Court's ability to manage its docket. Proceedings that should advance toward resolution are delayed or rendered ineffective because the attorney with actual authority is not present. Matters are continued, opportunities for settlement are lost, and judicial resources are consumed without corresponding progress. Where repeated, as here, this dynamic only further impairs the orderly administration of justice.

Third, the risks are not borne solely by those who dispatch appearance counsel. Attorneys who accept such assignments must also confront the professional consequences inherent in the arrangement. An attorney who appears without a defined scope of representation, without direct client communication, and without full knowledge of the case assumes obligations that may far exceed both their authority and their preparation. The Record in this matter illustrates the danger: Attorney Scott was identified after the fact as responsible for a critical nonappearance resulting in a nonsuit, yet there is no indication that he was ever apprised of the obligations he was assuming, the limits of his authority, or the consequences of his failure to appear.[18] The prospect that an attorney may be placed in the position of answering for conduct orchestrated by others should be deeply concerning to any lawyer offering to stand in at a discrete court appearance.

Fourth, from an accountability standpoint, the fragmentation of responsibility creates a liability structure that is, at best, opaque and, at worst, unworkable. When representation is divided among counsel of record, a third-party intermediary, and an unaffiliated appearance attorney, accountability becomes diffuse. If a client suffers an adverse outcome, counsel of record may point to appearance counsel; appearance counsel may point to the intermediary; and the intermediary may disclaim any legal responsibility altogether. In the event of malpractice litigation, the appearing attorney—who may lack meaningful involvement in the case and, like Attorney Scott, may not carry professional liability coverage—may be left exposed, while those who designed and implemented the arrangement evade accountability. This diffusion of responsibility is not a mere theoretical concern; it is a predictable consequence.

Fifth, and finally, the impact on the Court's institutional authority cannot be ignored. In this matter, despite years of litigation and multiple scheduled proceedings in 2025 alone, ***not once*** did Pressler send an attorney associated with the firm to appear before the Court prior to January 22, 2026. Each unremedied violation diminishes the force of court orders and signals that compliance is optional. It is not. This Court owes a duty to all litigants—not only those in this case—to ensure that its orders are followed, that attorneys who enter appearances fulfill the obligations attendant to that role, and that the pursuit of efficiency does not come at the expense of the orderly administration of justice.

[18] It should be noted that Attorney Scott never entered an appearance in this case, never appeared before the Court in any scheduled proceeding related to this case, nor did he testify at the January 22 Hearing. The Court relies on Attorney Nolan's representation that Attorney Scott was, in fact, the appearance counsel engaged with and expected to appear in his stead at the arbitration hearing.

D. Respondents' Contempt

The Record establishes that Respondents, with reasonable notice, repeatedly and without excuse disobeyed a court order. Respondents received notice of their contempt and an opportunity to be heard, thereby satisfying all procedural requirements attendant to a finding of contempt and the imposition of sanctions under 42 Pa. C.S. § 4132(2). To the extent Respondents' conduct also implicates in-court misconduct or obstruction—i.e., direct criminal contempt—those considerations only reinforce that the Record would support a finding of contempt even under a direct contempt framework, regardless of the standard applied.

1. Contempt Under 42 Pa. C.S. § 4132(2)

The Court's contempt authority arises under Section 4132 of the Judicial Code. *See* 42 Pa. C.S. § 4132. Section 4132 authorizes punishment for "[d]isobedience or neglect by officers, parties, jurors or witnesses of or to the lawful process of the court." 42 Pa. C.S. § 4132(2). To sustain a finding of contempt under § 4132(2), the Court must find: (1) the contemnor had notice of the order or decree; (2) the act constituting the violation was volitional; and (3) the contemnor acted with wrongful intent. *Com. v. Garrison*, 386 A.2d 971, 977–78 (Pa. 1978). Each element is satisfied here.

As to notice, the March 4 Order plainly prohibited the use of appearance counsel at in-court proceedings in this matter—the language of the relevant prohibition could not have been stated more clearly. Respondents received notice of the March 4 Order pursuant to Pa.R.Civ.P. 236 and are charged with knowledge of its terms. *See* Pa.R.Civ.P. 236; *see also* Pa.R.Civ.P. 1012; 1025. At the en banc hearing, Attorney Nolan confirmed Respondents' address of record—400 Horsham Road, Ste. 110—and admitted he receives mail at this address. [*See* N.T., 3:8–14]. The Record further demonstrates that at least two other Pressler-affiliated attorneys entered in this matter—one of whom remains an employee—received notice of the March 4 Order and the subsequent

Rules to Show Cause. Attorney Nolan conceded that, as counsel of record, he is charged with knowledge of every order entered in the case, and that Respondents violated the March 4 Order's prohibitions. [*Id.* at 35:6–9]. He further admitted that his professional obligations include compliance with court orders, adherence to judicial directives, and readiness to proceed. [*Id.* at 13:23–14:4].

As to the volitional nature of the conduct, on each of four occasions—April 30, 2025, September 15, 2025, November 18, 2025, and December 17, 2025—Respondents made a conscious choice to send an unauthorized substitute attorney to appear in lieu of counsel of record. None of the substitute counsel entered an appearance in the matter prior to attending court. None was employed by or affiliated with Pressler. None intended to remain in the case—indeed, none appeared a second time. Respondents identified and retained each of these attorneys through a commercial appearance agency. [*Id.* at 12:8–19; 13:2–8]. These were deliberate business decisions made in the interest of operational convenience, not accidents of scheduling. To the extent Respondents might argue that other in-court commitments excuse their absence or justify the use of appearance counsel—or compliance with a valid court order more generally—they are mistaken.[19]

As to intent, the Record establishes this element sufficient for a contempt finding on multiple independent grounds. This element does not require proof that the contemnor intended to obstruct the administration of justice. It is established where the contemnor "knows ***or should***

[19] "Where counsel has entered an appearance and accepted the responsibility for the representation of the client, it is an essential part of that obligation to appear, prepared to proceed in all proceedings relating to the matter, for which he has received adequate notice." *Com. v. Marcone*, 410 A.2d 759, 765 (Pa. 1980). "[C]ounsel is prohibited from accepting a caseload beyond his ability to provide adequate management and supervision." *Id.* at 766 (citations omitted). "[J]ust as counsel can be found in contempt for being tardy or absent for a scheduled court proceeding, so too can he be found in contempt for appearing unprepared to proceed.… [P]ermitting counsel to appear in court without any preparation turns his 'compliance' with the court's order [directing attendance and trial attachment] into a 'meaningless charade.'" *Com. v. Zacher*, 689 A.2d 267, 271 (Pa. Super. Ct. 1997) (citations omitted). These attendance and preparation demands apply equally to pretrial appearances. *See Kruis*, 790 A.2d 322.

reasonably be aware that his conduct is wrongful." *Himes v. Himes*, 833 A.2d 1124, 1126 (Pa. Super. Ct. 2003) (emphasis added) (citing *Com. v. Washington*, 368 A.2d 263, 265 (Pa. 1977)). Acting in direct contravention of a court order, particularly by those with knowledge and experience in the legal system, is wrongful conduct sufficient to satisfy the intent element. *See, e.g., Com. v. Umoh*, 311 A.3d 24, 31 (Pa. Super. Ct. 2024) (citations omitted). In fact, Pennsylvania courts have long recognized that attorneys, as officers of the court, bear a heightened obligation to comply with a court's lawful directives and are held to a higher standard of courtroom conduct than laypersons. *Com. v. Stevenson*, 393 A.2d 386, 393 (Pa. 1978) (Pomeroy, J., two Justices concurring and one concurring in result).

First, Attorney Nolan unqualifiedly admitted that he personally arranged for Attorney Scott's appearance at arbitration on November 18, 2025, and personally arranged for Attorney Peters to appear at the December 17 Hearing. [*See* N.T., 19:14–17; 12:21–13:1]. Pressler likewise arranged for Attorney Witmer and Attorney Rightmyer O'Brien to appear at the April 30, 2025 and September 15, 2025 conferences. [*Id.* at 12:8–19]. These admissions reflect deliberate choices, not mistakes. For example, an attorney who verifies a response to a court order and then sends a stranger to answer for it does not err—he chooses. *See Marcone*, 410 A.2d at 766 (wrongful intent "clearly established" where contemnor "made a deliberate choice not to be present as ordered").

Second, the Court notes that Pressler failed to take remedial action after the first violation, in which Attorney Witmer was ordered to enter his appearance and assume lead counsel duties. After entering his appearance, Attorney Witmer never appeared again. Pressler then repeated the conduct, even after, on the third occasion, Attorney Scott's nonappearance at arbitration produced a nonsuit, the loss of de novo appellate rights, and fee shifting against the firm's own client. Inconceivably, Attorney Nolan then elected to send yet another stranger to the December 17

Hearing to answer for his own conduct—a fourth discrete violation—culminating in these contempt proceedings. This escalating pattern—violation, consequence, repeated violation, further consequence—is powerful evidence of intent. Each successive failure occurred with full knowledge of the consequences of the one before it. That is not inadvertence; it is institutional indifference to this Court's authority. Under any formulation of the wrongful intent standard, that conduct qualifies. By the fourth violation, inadvertence—and indeed ignorance of a court order—is no explanation at all.

Finally, it must be recognized that Respondents' disobedience was not only technical. An attorney appearing before this Court without having entered an appearance, possessing no authority to bind the client, and having no affiliation with counsel of record is not performing the role of legal counsel—that attorney is a surrogate whose presence is legally and functionally indistinguishable from an absence. Counsel of record was absent on each occasion, and the substitute lacked authority to make binding representations, enter stipulations, or answer basic questions, much less meaningfully advance the matter. The Court observed these violations directly at counsel table. No external investigation was required; the violation presented itself the moment the matter was called. The unnecessary consumption of judicial resources—the time of this Court, the private practice attorneys serving as arbitrators, and an opposing party who appeared as required—constitutes the obstruction of judicial proceedings.

2. Civil Contempt Is Unavailable

To the extent this Court's findings are characterized as civil contempt, the Record clearly satisfies that standard as well. Civil contempt requires proof by a preponderance of the evidence that: (1) the contemnor had notice of the order alleged to have been violated; (2) the act of non-compliance was volitional; and (3) the contemnor acted with wrongful intent. *Harcar v. Harcar*, 982 A.2d 1230, 1235 (Pa. Super. Ct. 2009). The standing order was "definite, clear and specific—leaving no doubt or uncertainty in the mind of the person to whom it was directed." *Lachat v. Hinchcliffe*, 769 A.2d 481 (Pa. Super. Ct. 2001). The docket reflected this Court's prohibition. The admissions at the January 22 Hearing established that each violation was volitional and deliberate. The mere showing of noncompliance is itself insufficient. *See Wetzel v. Suchanek*, 541 A.2d 761, 762 (Pa. Super. Ct. 1988). That bar is easily cleared here, however, as Respondents' own testimony establishes willful, repeated, commercially-motivated defiance of this Court's prohibition against appearance counsel.

Because the underlying matter is functionally concluded and there is nothing remaining that a purge condition could compel, a coercive civil contempt sanction is unavailable. Criminal contempt is appropriate precisely in this circumstance—where the contumacious conduct is complete, the violations cannot be undone, and the Court's aim is not to coerce future compliance but to vindicate its authority. *See In re November 1975 Special Investigating Grand Jury*, 379 A.2d 1313, 1319 (Pa. 1977) (Roberts, J., opinion in support of affirmance, joined by O'Brien, J., court equally divided, cited for persuasive value) (criminal contempt proper where civil contempt would be "wholly inappropriate" given that the court's aim is not to coerce but to vindicate its authority) (citing *In re Martorano*, 346 A.2d 22, 28 (Pa. 1975)).

3. Adequacy of Notice of Potential Sanctions

The Court finds that the process afforded Respondents in this proceeding satisfies any due process requirements applicable to the finding of contempt and imposition of sanctions. On December 30, 2025, this Court issued a Rule to Show Cause upon Respondents explicitly identifying the conduct at issue—namely, Respondents' repeated use of appearance counsel in violation of the March 4 Order and Attorney Nolan's failure to appear at the December 17

Hearing—and directing them to respond and appear before this en banc panel. [*See* December 30 Rule]. Respondents were thus on specific written notice that their conduct was under scrutiny and that sanctions were being considered. To emphasize the importance of Respondents' attendance, the Court explicitly stated that Attorney Nolan's failure to appear would result in a bench warrant for his arrest. The Rule was then followed by a full en banc hearing at which Respondents had the opportunity, with counsel of their choosing, to appear, respond, and present a defense.

This procedural posture is more than sufficient. As the Superior Court recognized in *Himes*, a contempt proceeding satisfies due process where the contemnor is advised that failure to comply with the court's directive could result in immediate contempt proceedings. *Himes*, 833 A.2d at 1127–28 (dismissing as "self-serving and denigrating as an officer of the court, not warranting reply" an attorney contemnor's argument that he should have been separately warned that his conduct could be contumacious). Here, Respondents received not merely a warning, but the full procedural protections of rule-to-show-cause practice—written notice, an opportunity to respond, and a hearing before an en banc panel. These procedural protections substantially exceed what was deemed sufficient in *Himes*. Further, unlike the summary proceedings in *Himes*, the Court did not act instantaneously upon discovering the violations. *See also Com. v. Marcone*, 410 A.2d 759, 763 (Pa. 1980) (summary action permits elimination of traditional adjudicative steps; a fortiori, where full process is provided, due process objections are unavailing). To the contrary, the Court afforded Respondents an opportunity to respond and prepare before convening the en banc hearing.[20] Having received constitutionally adequate notice and a full opportunity to be heard, Respondents may not now complain that the imposition of sanctions was procedurally deficient.

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[20] The opportunity to respond went ignored, notwithstanding service of the December 30 Rule as confirmed by the Prothonotary's Rule 236 notice.

4. Sanctions

Having found Respondents in contempt on four occasions,[21] the Court imposes sanctions pursuant to 42 Pa. C.S. § 4132 as follows:

- Attorney Nolan: $500.00 per occurrence × two occurrences (November 18, 2025; December 17, 2025) = **$1,000.00**.

- Pressler: $500.00 per occurrence × 2 occurrences (April 30, 2025; September 15, 2025) = **$1,000.00**.

Each sanction is payable to the County of Berks—Court of Common Pleas.

As discussed, the purpose of these sanctions is not merely punitive, but to vindicate the authority of the Court and deter continued noncompliance. The Court has considered lesser measures, including repeated on-the-record admonitions (notably, to appearance counsel who appeared in Respondents' stead), explicit directives, and rule-to-show-cause based practice, but those measures proved ineffective. Further, the sanctions imposed are modest and proportionate to the repeated nature of the violations and are calibrated to deter future noncompliance while vindicating the authority of the Court.

5. Counsel Fees Under 42 P. C.S.A. § 2503

The Court has also considered whether to award counsel fees to Defendant pursuant to 42 Pa. C.S. § 2503, which authorizes such an award where conduct during the pendency of a matter is vexatious, obdurate, or in bad faith. Respondents' commercially motivated use of appearance counsel in deliberate defiance of this Court's standing orders is precisely the kind of bad faith conduct Section 2503 was designed to address. The Record is insufficient, however, to support a

[21] The Court did not specifically address Attorney Moskowitz's appearance for a pretrial conference on July 7, 2025 with Attorney Nolan. That said, this appears to be a ***fifth*** example of an attorney appearing before the Court on behalf of Plaintiff with no apparent prior connection to Pressler or the case.

fee award to Defendant at this time. As set forth above, Defendant's counsel withdrew from the matter prior to the en banc proceeding, and the Court is without evidence of fees actually incurred by Defendant as a result of Respondents' violations. Because a compensatory award must be tethered to actual losses demonstrated in the record, the Court declines to impose a Section 2503 fee award on this record without prejudice to Defendant's right to seek such relief upon a proper evidentiary showing.

E. Conclusion

Encompassed in the Rules of Professional Conduct, the Rules of Civil Procedure, and the Judicial Code is an assumption so basic it is rarely stated: the attorney who appears before the Court knows the case. Rule 1.1's demand for competence, Rule 1.3's demand for diligence, and the sanctions framework of Sections 2503 and 4132 of the Judicial Code all operate from the same premise—that counsel of record has done the work, knows the facts, understands the procedural posture, and is prepared to address, in the moment, on the record, and in substance, whatever the matter requires.

The effective administration of justice depends upon attorneys who recognize that their obligations run not only to their clients but to the Court, to opposing parties, and to the rule of law itself. The courtroom is not a marketplace of interchangeable representatives—it is a regulated forum in which officers of the court are accountable to judicial authority and to those they represent. And it is not a venue for unaccountable delegation—it is a forum that requires preparation, authority, candor, and compliance. Where those obligations are disregarded—whether through delegation of professional obligations to a commercial intermediary, failure to review court orders, lack of authority, or indifference to compliance with standing orders—the Court is empowered, and in appropriate circumstances obligated, to respond. The integrity of judicial proceedings requires nothing less.

Finally, the convening of an en banc panel to address the conduct at issue was itself a deliberate institutional choice. The judges of the Civil Division of the Berks County Court of Common Pleas are aware that the use of appearance counsel is not unique to this case, to this firm, or to this jurisdiction. It is a practice that has spread, without a coordinated response, across the dockets of courts managing high-volume civil litigation throughout the Commonwealth and beyond. Precisely because the problem is systemic rather than isolated, the response of a single judge acting alone would be insufficient. Every judge of this Division has encountered appearance counsel. Every judge of this Division has been frustrated by the same structural incapacities—the stranger at counsel table who cannot answer a direct question, stipulate to a fact, or speak with any authority about the matter before the Court. It is for that reason that the full Civil Division speaks here with a single voice: not merely to sanction the Respondents before it, but to make unambiguously clear, to every firm and every attorney with matters pending in this jurisdiction, that this practice ends now.

CONCLUSIONS OF LAW

1. This Court has subject matter jurisdiction over this matter pursuant to 42 Pa. C.S. § 931(a).

2. In expressly confirming his authority to speak for Pressler before the substantive examination began, every admission by Attorney Nolan binds Pressler as a matter of agency and judicial admission.

3. The Court's March 4 Order constituted a lawful, definite, clear, and specific directive, and Respondents—having received notice thereof pursuant to Pa.R.Civ.P. 236—were charged with knowledge of its prohibitions as a matter of law.

4. Respondents' repeated use of appearance counsel at in-court proceedings on April 30, 2025, September 15, 2025, November 18, 2025, and December 17, 2025, constituted contempt under 42 Pa. C.S. § 4132(2), as each instance constituted disobedience or neglect by officers of the court to the lawful process of this Court that obstructed the administration of justice. *See Himes*, 833 A.2d at 1126; *see also Com. v. Stevenson*, 393 A.2d 386, 393 (Pa. 1978).

5. Because the underlying matter is functionally concluded and there is no purge condition available to compel future compliance, civil contempt is unavailable. Criminal contempt under § 4132(2) is the appropriate vehicle where, as here, the contumacious conduct is complete and the Court's purpose is to vindicate its authority, not to coerce prospective action. *See In re November 1975*, 379 A.2d at 1319; *see also In re Martorano*, 346 A.2d at 28.

6. The sanctions imposed pursuant to 42 Pa. C.S. § 4132—$500.00 per occurrence against Attorney Nolan for the November 18, 2025 and December 17, 2025 violations, and $500.00 per occurrence against Pressler for the April 30, 2025 and September 15, 2025 violations, each payable to the County of Berks—Court of Common Pleas—are warranted by the Record and proportionate to the gravity of Respondents' contemptuous conduct, the deliberate and institutionalized nature of the violations, and the harm visited upon the orderly administration of justice, this Court's authority, and Respondents' own client.

7. Respondents' institutional use of appearance counsel—a firm-wide practice known to and authorized by Pressler's management—violates multiple ethical and professional obligations, both as implemented here and, by Attorney Nolan's admission, in other matters at scale in this jurisdiction and elsewhere.

8. In the context of these proceedings, those ethical and professional violations caused demonstrable prejudice to Plaintiff and warrant referral of these Findings of Fact,

Conclusions of Law, and Adjudication to the Disciplinary Board of the Supreme Court of Pennsylvania for appropriate action.

BY THE COURT

April 2, 2026