

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

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	No. 49 DB 2026
	:	
v.	:	Atty. Registration. No. 80068
	:	
ANDY JOSEPH WATSON, Respondent	:	(Potter County)

ANSWER TO PETITION FOR DISCIPLINE

Respondent, Andy Joseph Watson (“Respondent” or “Mr. Watson,” through counsel, denies professional misconduct in violation of the Pennsylvania Rules of Professional Conduct and responds to the averments of the petition for discipline as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted in part. Mr. Watson was an Assistant District Attorney from 1997 to 2005. He was in private practice from 2006-2009, before returning to the District Attorneys’ Office.
7. Admitted.
8. Denied as stated. Prior to December 2022, Mr. Watson did not believe or understand that the process of issuing investigative subpoenas was improper as this had been the practice of the District Attorney’s Office for many years preceding his election. The process of issuing subpoenas on third parties in conjunction with criminal

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investigations was commonplace and a historically used and approved process in Potter County which predates Mr. Watson joining the District Attorney's Office following his admission to the Bar in 1997. Prior to Mr. Watson becoming the District Attorney, Dawn Fink, Esquire, who preceded Mr. Watson in office used the same procedure, as did Jeff Leber, Esquire, who served as Potter County District Attorney from 1982 to 2005. Prior to December 2022, Mr. Watson has no recollection of any questions raised about this practice either from the judiciary or the defense bar. Mr. Watson and his office had experience in presenting investigatory subpoenas to the Court in motions to compel without the Court raising any concerns about the practice. However, once the practice was challenged, Mr. Watson confirmed it was procedurally improper and immediately discontinued the use of subpoenas for investigatory matters.

9. Denied as stated. Please see response to paragraph 8 *supra*.

10. Denied as stated. Please see response to paragraph 8 *supra*.

11. Admitted in part, denied in part. Mr. Watson admits that many subpoenas to third parties listing a "miscellaneous" caption were completed and issued between 2010 and 2022 while he was serving as the District Attorney. Mr. Watson did not personally "fill out" subpoenas, rather an officer would request a subpoena from Mr. Watson's staff and the staff would prepare the subpoenas and submit them. Mr. Watson does not know specifically how many subpoenas may have been issued and therefore, cannot confirm that the number of subpoenas issued equates to "hundreds" as alleged in this paragraph and as such, this categorization is denied.

12. Admitted in part, denied in part. It is admitted that it is reasonable to believe that the recipients of subpoenas believed they were valid subpoenas issued under proper authority compelling the production of information. However, any

inference that any recipient of a subpoena was intentionally misled and deceived as to the authority of the subpoena is denied. It is specifically denied that there was any intentional and/or affirmative effort by Mr. Watson to misrepresent any authority to any recipient of a subpoena since he perceived the practice of issuing subpoenas to be an appropriate investigatory tool. By way of further response, please see paragraph 8, *supra*.

13. Admitted in part, denied in part. By way of further response, please see paragraph 12, *supra*.

14. Denied as stated. Non-disclosure agreements were not submitted with each third-party subpoena. A number of subpoena recipients began requesting non-disclosure agreements and provided the investigating officers with sample agreements which Mr. Watson's office would either execute a form agreement provided by the subpoena recipient, or would update a previously used agreement with additional language to comply with the subpoena recipient's request. Mr. Watson does not have specific knowledge as to the number of subpoenas which had non-disclosure agreements that included the language set forth in this paragraph.

15. Denied as stated. Please see response to paragraph 14, *supra*. Mr. Watson does not have specific knowledge as to the number of subpoenas which had non-disclosure agreements that included the language set forth in this paragraph.

16. Denied as stated. Please see response to paragraph 14, *supra*. Mr. Watson does not have specific knowledge as to the number of subpoenas which had non-disclosure agreements that included the language set forth in this paragraph.

17. Admitted in part, denied in part. By way of further response, please see paragraphs 12-16, *supra*.

18. Denied as stated. Please see response to paragraph 8 *supra*.

19. Admitted. By way of further response, please see response to paragraph 8 *supra*.

20. Admitted.

21. Denied as stated. Please see response to paragraph 8 *supra*.

22. Denied as stated. Please see response to paragraph 8 *supra*.

23. Admitted in part, denied in part. Mr. Watson does not know specifically how many subpoenas may have been responded to with personal, confidential and/or private information pertaining to potential suspects and therefore, cannot confirm that the number of subpoenas issued equates to “hundreds” as alleged in this paragraph and as such, this categorization is denied.

24. Admitted.

25. Denied. While the subpoenas themselves would be included in the miscellaneous docket files, there is no reason the responsive materials would be included in the files. Mr. Watson is unaware of any matter in which his office filed responsive documentation to a subpoena in the miscellaneous docket file.

26. Admitted.

27. Admitted. By way of further response, the Potter County District Attorney’s Office had filed motions to compel production of such subpoenas with the Court prior to December 2022 and the Prothonotary verified the President Judge was previously aware of the filed subpoenas in unfiled cases and the commonly used procedure of filing subpoenas.

28. Admitted. By way of further response, prior to the Court’s issuance of the January 13, 2023 Order, Mr. Watson spoke with Judge Minor and explained that the

process of using subpoenas for investigatory matters had been a long-standing practice in Potter County. Once Mr. Watson was made aware of the first challenge to the use of subpoenas in the investigatory process, he investigated the matter and confirmed the practice that had been in place for decades in Potter County was improper and immediately discontinued the use of subpoenas for investigatory matters.

29. Admitted.

30. Admitted.

31. Admitted.

32. Admitted.

33. Admitted in part, denied in part. The Foulkrod investigation occurred from an incident on December 22, 2022, wherein Pennsylvania State Police (PSP), armed with a search warrant, entered Mr. Foulkrod's residence seeking firearms as he was prohibited from possessing firearms. As a result of the search warrant, the PSP located a handgun on or in a headboard in the area of Mr. Foulkrod's bedroom. PSP then noticed that there was a safe in the residence and had probable cause to believe that there were additional firearms in the safe. PSP asked Mr. Foulkrod for the combination to the safe and he stated that he did not know the combination. In response, PSP Troopers then contacted Mr. Foulkrod's father, who was the possible owner of the safe, to inquire as to the security code to get into the safe and the father indicated that he did not know the code. PSP contacted Mr. Watson and were advised to obtain a separate search warrant to investigate the contents of the safe and for a Court order authorizing the PSP to break into the safe. Unfortunately, one of the PSP troopers involved in the search contacted the Potter County District Attorney's Office Manager and requested a subpoena to the manufacturer of the safe to provide an unlock code.

Unbeknownst to Mr. Watson, the office manager automatically processed the subpoena and sent it to the trooper and safe manufacturer, who then provided an omnibus code to open the safe. Upon opening the safe, approximately 68 firearms were found. Mr. Watson did file an Information charging Mr. Foulkrod with 69 counts of Possession of a Prohibited Firearm pursuant to 18 Pa.C.S.A. §6105(a)(1). While Mr. Watson initially failed to identify this case as one of the cases in which a subpoena was issued (believing that PSP troopers had entered the residence and seized the guns pursuant to a valid search warrant), he later determined that a subpoena had been used inappropriately to access the gun safe. Upon learning this information, Mr. Watson immediately filed an Amended Information on September 26, 2023, amending the Information to only one Count of Possession of a Prohibited Firearm, dropping the 68 counts pertaining to the acquisition of the firearms from the safe. This one remaining count was pursuant to the valid search warrant where the PSP troopers found a handgun in or on Mr. Foulkrod's headboard in his bedroom.

34. Denied. Please see response to paragraph 33 *supra*.

35. Denied. Please see response to paragraph 33 *supra*.

36. Respondent incorporates in full his responses to the above paragraphs and denies that his conduct as alleged constitutes any intentional violation of the Rules of Professional Conduct for which discipline is warranted.

a. Mr. Watson did not violate RPC 1.1. Mr. Watson provided competent representation.

b. Mr. Watson did not violate RPC 3.1. Mr. Watson did not bring or defend a proceeding or assert or controvert an issue therein, without a basis in law and fact for doing so that is not frivolous.


- c. Mr. Watson did not violate RPC 3.3(a)(2). Mr. Watson did not fail to disclose to a tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel.
- d. Mr. Watson did not violate RPC 3.3(d). Mr. Watson did not fail in an *ex parte* proceeding to inform the tribunal of all material facts known him that will enable the tribunal to make an informed decision.
- e. Mr. Watson did not violate RPC 3.4(d). Mr. Watson did not request a person other than a client to refrain from voluntarily giving relevant information to another party without an reasonable belief that the person's interests would not be adversely affected.
- f. Mr. Watson did not intentionally violate RPC 4.4(a). Mr. Watson did not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or intentionally use methods of obtaining evidence that violate the legal rights of such a person.
- g. Mr. Watson did not intentionally violate RPC 8.4(a). Mr. Watson did not knowingly violate or attempt to violate the Rules of Professional Conduct, assist or induce another to do so, or do so through the acts of another.
- h. Mr. Watson did not violate RPC 8.4(c). Mr. Watson did not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.
- i. Mr. Watson did not violate RPC 8.4(c). Mr. Watson did not engage in conduct prejudicial to the administration of justice.

WHEREFORE, Mr. Watson requests the petition for discipline be dismissed.

Respectfully submitted,

MARSHALL DENNEHEY, P.C.

By:



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*Counsel for respondent,
Andy Joseph Watson*

Date: May 20, 2026

VERIFICATION

Andy Joseph Watson, Esquire, verifies that the facts set forth in the foregoing Answer to Petition for Discipline are true and correct to the best of his knowledge, information and belief. If the above statements are not true, he understands that he is subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated: 5/20/26



Andy Joseph Watson, Esquire