

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

In the Matter of	:	No. 2608 Disciplinary Docket No. 3
	:	
	:	No. 87 DB 2019
JIMMIE MOORE	:	
	:	Attorney Registration No. 24513
	:	
PETITION FOR REINSTATEMENT	:	(Philadelphia)

REPORT AND RECOMMENDATION OF THE HEARING COMMITTEE

I. SUMMARY OF THE CASE

Petitioner, former Judge Jimmie Moore (hereinafter, "Petitioner"), seeks reinstatement to the bar of the Supreme Court of Pennsylvania. By a March 16, 2022 Order of the Supreme Court of Pennsylvania, Petitioner was suspended from the practice of law for four (4) years, retroactive to May 13, 2019. Exhibit J-2(B)(I) p. 16. Petitioner was a former Philadelphia Municipal Court Judge and had pleaded guilty on October 3, 2017 in the United States District Court for the Eastern District of Pennsylvania to making false statements under 18 U.S.C. §1001(a)(1) and (2). The guilty plea stemmed from Petitioner's concealment from the Federal Election Commission of three payments, totaling \$90,000.00, from a campaign committee to Petitioner's campaign in violation of 52 U.S.C. §30104. See Joint Petition to Temporarily Suspend an Attorney Pursuant to Pa. R.D.E. 214(d)(5) filed on May 2, 2019. Exhibit J-2 (B)(iv) (p. 46). On December 12, 2019,

the Honorable Jan Dubois sentenced Petitioner to a \$100.00 fine and a two-year period of probation.

Petitioner filed his reinstatement petition on April 27, 2023. Exhibit J-1. The Office of Disciplinary Counsel (“ODC”) opposed the Petition. On March 6, 2024 and March 7, 2024, an in-person reinstatement hearing took place.

For the reasons that follow, the Hearing Committee, comprised of Thomas N. Sweeney, Esquire (Chair), Zanetta Marie Ford, Esquire, and Dean E. Weisgold, Esquire, finds that Petitioner has established with clear and convincing evidence that he deserves reinstatement. Accordingly, the Hearing Committee recommends that the Pennsylvania Supreme Court reinstate Petitioner to the practice of law from his four-year suspension.

II. STATEMENT OF THE CASE

Petitioner was admitted to the practice of law in the Commonwealth of Pennsylvania in 1976 and is a former Philadelphia Municipal Court Judge and practicing attorney who entered a guilty plea in the United States District Court for the Eastern District of Pennsylvania before the Honorable Jan Dubois on October 3, 2017. He pleaded guilty to charges relating to falsifying federal election campaign reports and participating in a scheme to falsify his campaign reports in aiding and abetting such activity under 18 U.S.C. §1001(a)(1) and (2). He was subsequently sentenced by Judge Dubois on December 12, 2019 to two (2) years’ probation and a fine of \$100.00.

On May 13, 2019, Petitioner was temporarily suspended from the practice of law. He was charged with violating Pa. R. P. C. 8.4(c) (misrepresentation and fraud), Pa. R. P. C. 8.4(d) (conduct contrary to the administration of justice), Pa. R. P. C. 8.4(d) (criminal act that reflects on honesty and trustworthiness), Pa. R. P. C. 8.4(a) (violation of rules of

professional conduct), and Pa. R. D. E. 203(b)(1) (criminal conviction). Following a disciplinary hearing, the hearing committee panel recommended a suspension of four (4) years. On *de novo* review, the Disciplinary Board recommended disbarment. On March 16, 2022, the Pennsylvania Supreme Court rejected the Disciplinary Board's recommendation and imposed a four (4) year suspension retroactive to Petitioner's temporary suspension.

On April 28, 2023, Petitioner filed for reinstatement and was represented by, Samuel Stretton, Esquire. ODC raised certain concerns about Petitioner's reinstatement by letter dated October 23, 2023. A hearing was held on March 6, 2024 and March 7, 2024 at which Petitioner presented testimony from several character witnesses and himself. The hearing was held before Chair Thomas N. Sweeney, Esquire and Members Zanetta M. Ford, Esquire, and Dean E. Weisgold, Esquire.

Petitioner presented extensive evidence that he has earned the privilege to practice law in the Commonwealth of Pennsylvania again. He has been involved in community service, has completed Continuing Legal Education requirements, and has met his burden of proof by clear and convincing evidence. He has established that he has the moral qualifications, competency, and learning in law required for admission to the practice of law in Pennsylvania. His reinstatement to the Bar will not be detrimental to the integrity and standing of the Bar or the administration of judgment. Pa. R.D.E. 218 (c). Nor will his reinstatement subvert the public interest. *Id.* Accordingly, the Hearing Committee recommends that the petition for reinstatement be granted, and that Petitioner be reinstated to the Bar.

III. RULINGS ON ADMISSION OF EVIDENCE

There were no significant evidentiary issues at the hearing. All exhibits of Petitioner and ODC were moved into evidence without objection and were accepted by the Hearing Committee (N.T. 3/6/24 at p. 46).

IV. FINDINGS OF FACT

The Hearing Committee makes the following findings:

1. The Petitioner is Jimmie Moore who was admitted to the practice of law in the Commonwealth of Pennsylvania in 1976. (N.T. 3/6/24 at pp. 271-273). Petitioner is subject to the Disciplinary Board of the Supreme Court of Pennsylvania.

2. At the time of the instant hearing, Petitioner was 73 years old. (N.T. 3/6/24 at p. 269). He graduated from Rutgers Camden Law School in 1976. (N.T. 3/6/24 p. 271).

3. Following his admission to the Pennsylvania Bar in 1976, Petitioner practiced civil and criminal law in the City of Philadelphia, including for HUD, PCCA, and as a solo practitioner. (N.T. 3/6/24 at pp. 273-274).

4. Petitioner was elected a Judge in Philadelphia Municipal Court in 1999. (N.T. 3/6/24 at p. 274).

5. Petitioner served as a Municipal Court Judge for approximately eleven (11) years. He resigned in July 2011 to run for a seat in Congress in 2012 in the First Congressional District in Pennsylvania. (N.T. 3/6/24 at pp. 283, 285). During the campaign, Petitioner received a contribution from another candidate for the position in the amount of \$90,000.00. Thereafter, Petitioner withdrew from the race. (N.T. 3/6/24 at p. 290). A scheme was created to hide the transaction. (N.T. 3/6/24 at pp. 290-293).

6. Although Petitioner knew that this was illegal, he filed false statements with the Federal Election Commission. (N.T. 3/6/24 at p. 293).

7. Petitioner resumed private practice after he withdrew from the election until 2017 but had a very limited practice. (N.T. 3/6/24 at pp. 297-298).

8. Petitioner applied for and became a Senior Judge again in Philadelphia Municipal Court in 2017. He left the Senior Judgeship in 2018. (N.T. 3/6/24 at pp. 307-309).

9. In April 2017, the FBI came to him while he was still a Senior Judge and advised him that he was the subject of a criminal investigation. Petitioner assisted and cooperated with the FBI in their criminal investigation of others and wore a wire. (N.T. 3/6/24 at p. 310). He also testified against an accomplice. (N.T. 3/6/24 at pp. 310-311).

10. Petitioner continued to sit as a judge and presided over criminal cases when he knew had violated federal law himself. (N.T. 3/7/24 at pp. 80-83; 3/6/24 at pp. 180-181, 312).

11. Petitioner knew he should not have sat or continue to sit as a judge when he had violated federal election campaign laws five years earlier and when he was investigated by the FBI in 2017. *Id.*

12. Petitioner did not report that he was a subject of a criminal investigation to the Administrative Office of Pennsylvania Courts because he did not know he had to report it. He did not resign from the bench while under criminal investigation. (N.T. 3/6/24 at p. 312).

13. Petitioner was charged with making false reports in violation of 18 U.S.C.A. §1101(a)(1) and (2). He pleaded guilty and was sentenced to two years of probation and

fined \$100.00. He has complied with all of the conditions of his probation. (N.T. 3/6/24 at p. 313).

14. Petitioner entered his guilty plea on October 3, 2017. (N.T. 3/6/24 at p. 314).

15. Petitioner reported his plea to the Office of Disciplinary Counsel on September 29, 2018 and agreed to an interim suspension from the practice of law on May 13, 2019. (N.T. 3/6/24 at pp. 314-315).

16. Petitioner went to a disciplinary trial on the nature of the discipline. The hearing committee recommended a four-year suspension. (N.T. 3/6/24 at p. 315); See Exhibit J-2(B)(v).

17. However, the Disciplinary Board recommended disbarment. See Exhibit J-2(B)(ii).

18. The Supreme Court of Pennsylvania on March 16, 2022 rejected the Disciplinary Board's recommendation and ordered Petitioner suspended for four years retroactive to the May 13, 2019 interim suspension. (N.T. 3/6/24 at 316). The dispute was over the length of the suspension. (N.T. 3/6/24 at p. 316); See Exhibit J-2(B)(i).

19. Petitioner had never previously been disciplined as a lawyer or as a judge. (N.T. 3/6/24 at pp. 284-285).

20. Petitioner filed for bankruptcy twice in the 1980s. (N.T. 3/6/24 at p. 282); ODC Exhibits 45-48.

21. Petitioner owned two residential properties that he rented in Philadelphia. (N.T. 3/6/24 at p. 299).

22. Petitioner did not have a rental license for one of his properties. (N.T. 3/6/24 at pp. 300-301). He did not think he needed one because his family members resided there. *Id.* The issue is on appeal. *Id.*

23. Petitioner testified that there were several tax judgments relating to Locust Abstract, a company formed by Petitioner in the 1980s or 1990s, but Petitioner paid them all. (N.T. 3/7/24 at pp. 14-22).

24. Petitioner acknowledged that some of his real estate investments in the 1990s through 2012 prior to his suspension were unsuccessful. (N.T. 3/7/24 at pp. 32, 36, 106); ODC Exhibits 33-38, 64.

25. There were several liens and lawsuits relating to non-payment of taxes against Petitioner, or against businesses with which he was involved. (N.T. 3/7/24 at pp. 46-59); ODC Exhibits 18, 27, 57-59; Bates 0493-0494, 0496, 740-843. Petitioner testified these liens had all been paid with the exception of a gas lien. (N.T. 3/7/24 at p. 59).

26. Some of the liens/judgments were satisfied or removed in 2023 after he found out about them when ODC brought them to his attention. (N.T. 3/7/24 at p. 99).

27. Petitioner admitted that he did not have a current rental license for his residential property since 2012 and that there had been code violations. (N.T. 3/7/24 at pp. 113-119). All of the code violations have been cleared up. (N.T. 3/7/24 at p. 176). Petitioner acknowledged that he had a duty to obey the Philadelphia Licenses and Inspections codes. (N.T. 3/7/24 at p. 122).

28. Petitioner failed to list at least 38 lawsuits on his reinstatement petition. (N.T. 3/7/24 at pp. 155-160). He did no research and was not aware of them. (N.T. 3/7/24 at pp. 173-174).

29. All of these lawsuits or claims had been resolved by the time of the hearing in March, 2024. (N.T. 3/7/24 at p. 171).

30. Petitioner received two referral fees totaling \$8,666.66 from James McEldrew, Esquire while Petitioner believed he was still on active status as an attorney. (N.T. 3/6/24 at p. 322). However, he actually was on retired status at the time of receipt of the referral fees. (Bates-0117, Bates – 0612). He was not entitled to a referral fee because he was on retired status.

31. After Petitioner applied for Reinstatement on April 28, 2023 (after the four-year period of suspension had been completed), the ODC sent a letter on October 23, 2023 raising concerns about Petitioner's application for reinstatement. (N.T. 3/6/24 at p. 335). In the October 23, 2023 letter, ODC questioned Petitioner's cooperation in the investigation process. (N.T. 3/7/24 at pp. 4-12).

32. Petitioner was diagnosed with prostate cancer in 2003 which came back in 2014. (N.T. 3/6/24 at p. 336). It is presently in remission. *Id.* He takes medication for various medical conditions. (N.T. 3/6/24 at pp. 336-338).

33. None of these medical conditions would prevent Petitioner from practicing law. (N.T. 3/6/24 at pp. 339-340).

34. Petitioner had provided substantial documentation requested by ODC, but he was unable to procure certain documents. (N.T. 3/7/24 at p. 10).

35. At the March 6-7, 2024 hearing, ODC's counsel asked extensive questions of Petitioner regarding his Reinstatement Questionnaire. See Bates – 0611.

36. ODC's counsel questioned Petitioner's completion of a Pennsylvania Annual Attorney's Fee Form on March 18, 2018 where he had stated that he was "retired." ODC 1-(a) (Bates-0003).

37. Petitioner testified that he did not know he was on retired status until the first day of the hearing. (N.T. 3/6/24 at pp. 321-322).

38. Some of the money he received when he dropped out of the race for Congress went to reimburse vendors and some went to him personally and his girlfriend at the time. (N.T. 3/7/24 at p. 65).

39. If he is reinstated, Petitioner testified that he does not intend to do courtroom work, but he wanted a limited practice to help people. (N.T. 3/7/24 at p. 172).

40. The attorney representing Petitioner at the March 10, 2022 oral argument before the Pennsylvania Supreme Court (Robert Tintner, Esquire) stated that Petitioner did not intend to practice law again. (N.T. 3/6/24 at pp. 146-148). Counsel for ODC played a videotape of this portion of the oral argument during the reinstatement hearing. (N.T. 3/7/24 at pp. 144-148). Counsel for ODC argued Petitioner's application for reinstatement was inconsistent with Petitioner's testimony at the March 6-7, 2024 hearing. (N.T. 3/7/24 at pp. 191-192).

41. At the March 2024 Reinstatement Hearing, Petitioner and the Board presented voluminous documentary evidence. All of these documents were accepted into evidence without objection.

42. Petitioner testified that he accepted responsibility for violating ethical rules and was remorseful. (N.T. 3/6/24 at pp. 323-325).

43. He has also taken the required continuing legal education courses and testified about rehabilitation he has done in the Philadelphia community. (N.T. 3/67/24 at pp. 326-334).

44. Petitioner presented various character witnesses. These including the following:

- a. Jeffrey Miller, Esquire credibly testified that he has been a practicing lawyer since 1970 and had represented Petitioner in his Federal criminal case. He explained the criminal proceedings involving Petitioner. He testified that he knew Petitioner very well and that Petitioner has accepted responsibility for his conduct and has expressed remorse. He believed that Petitioner's reputation in the community for truthfulness and honesty was "very good". He testified that Petitioner's reputation as a peaceful and law-abiding citizen was "excellent". He had no hesitation whatsoever in recommending Petitioner's reinstatement to the practice of law. (N.T. 3/6/24 at pp. 50-77).
- b. Wadud Ahmed, Esquire credibly testified that he has known Petitioner professionally for twenty-one years and felt that Petitioner was a mentor to him in his practice as an attorney in Philadelphia. He confirmed that Petitioner had accepted responsibility for and had remorse for his misconduct. He testified that Petitioner was held in high regard in the community and had a good reputation for truth and

honesty. He had no hesitation in recommending Petitioner's reinstatement to the practice of law. See (N.T. 3/6/24 pp. 79-110).

- c. Reverend Damone B. Jones, Sr. credibly testified that he is a senior pastor at the Bible Way Baptist Church in West Philadelphia. He testified that Petitioner has been a member of the Church for many years. He testified that Petitioner has accepted responsibility for his misconduct. He also testified regarding Petitioner's regular participation in a program that he runs in a prison for teenagers who have been arrested in Philadelphia but charged as adults. He confirmed that Petitioner has a good reputation in the community as a truthful and honest person and is a peaceful and law-abiding person. He had no hesitation in recommending Petitioner's reinstatement to the practice of law. (N.T. 3/6/24 pp. 111-129).
- d. Sarah Lewis credibly testified that she was a friend of Petitioner and assisted him when he ran for judge. She has known him since 1986. She is a retired nurse's aide. She testified as to the Petitioner's involvement in the community especially with youth. She testified that she perceived that Petitioner accepted responsibility for his misconduct. She testified as to Petitioner's excellent reputation in the community as a peaceful and law-abiding person and as a truthful and honest person. (N.T. 3/6/24 pp. 133-154).
- e. Rose Harper credibly testified she represents community groups in Southwest Philadelphia. She has known Petitioner for forty years.

Petitioner had worked in the Philadelphia Council for Community Advancement with her, and he was still involved in the community. She said that Petitioner has a good reputation in the community as a truthful and honest person and as a peaceful and law-abiding citizen. She testified that Petitioner accepted responsibility for his misconduct, and she had no hesitation in recommending his reinstatement to the practice of law. (N.T. 3/6/24 pp. 156-171).

- f. Marcus Brandt testified that he has known Petitioner for two or three years when Petitioner came to Penn's Landing to volunteer to work on Tall Ships on the Delaware River. He testified that Petitioner continues to volunteer in various tasks on the ships on behalf of a non-profit entity approximately once a month, and he expects that this will continue to do so for the indefinite future. He did not make any comment on Petitioner's fitness or capability of practicing law. (N.T. 3/6/24 pp. 180-198).
- g. James McEldrew, III, Esquire credibly testified that he has practiced law for forty-two years and that he is a good friend of Petitioner. He knew him as an opposing attorney in the 1980s. He credibly said that Petitioner accepted full responsibility for his misconduct and that Petitioner had a reputation in the community as a truthful and honest person and as a peaceful and law abiding person. He had "no hesitation whatsoever" in recommending Petitioner's reinstatement. Mr. McEldrew testified that Petitioner worked at his law office after

he resigned from the bench and that he had paid certain relatively small referral fees to Petitioner in 2019. He did not know that Petitioner had been identified as “retired” at the time the referral fees were paid to Petitioner. (N.T. 3/6/24 at pp. 199-237).

- h. Khadijah Aziz credibly testified that she was Petitioner’s judicial secretary when he was a judge until he left the bench in 2012. She confirmed that Petitioner had a good reputation in the community as a truthful and honest person and as a peaceful and law-abiding person. She testified that Petitioner used to teach paralegal courses and mentioned his involvement with charitable causes, including the Youth Empowerment Program, which teaches inner city youths mechanics and flight skills for future jobs. She testified that Petitioner accepted responsibility for his misconduct and expressed remorse. She had no hesitation in recommending his reinstatement to the practice of law. (N.T. 3/6/24 pp. 237-256).
- i. Kawana Shaw credibly testified that Petitioner has been a mentor to her since 2009. She runs a non-profit organization called Youth Elevation Project. Petitioner was an active member of this organization helping young people. She confirmed Petitioner’s good reputation in the community as a peaceful and law-abiding person and as a truthful and honest person. She had no hesitation in recommending that Petitioner be reinstated to the practice of law. (N.T. 3/6/24 pp. 257-268).

V. CONCLUSIONS OF LAW

1. The Hearing Committee found that Petitioner's witnesses were credible, with the exception of Marcus Brandt. Mr. Brandt refused to take an oath before giving testimony and was rude to the court reporter during the hearing. His ultimate testimony was not helpful to the Hearing Committee. The testimony of Petitioner's other witnesses was helpful to the Hearing Committee.

2. Petitioner demonstrated by clear and convincing evidence that he has the moral qualifications, competence and learned in the law required for admission to practice in the Commonwealth. Pa. R.D.E. 218(c)(3).

3. Petitioner demonstrated by clear and convincing evidence that the resumption of the practice of law will not be detrimental to the integrity and standing of the Bar or the administrative of justice nor subversive of the public interest. Pa. R.D.E. 218(c)(3).

4. Petitioner also testified credibly at his hearing.

5. Pursuant to Rule 218(a)(1) of the Pennsylvania Rules of Disciplinary Enforcement, an attorney who is suspended for a period exceeding one year may not resume the practice of law until reinstated by the Court.

6. Petitioner bears the burden of proving by evidence that is clear and convincing that he is morally qualified, competent, and learned in the law and that his resumption of the practice of law will not be detrimental to the integrity and standing of the bar or the administration of justice, nor subversive of the public interest. Pa. R.D.E. 218(c)(3).

7. This burden is not light, and reinstatement is not automatic. A reinstatement proceeding is a searching inquiry into a lawyer's present, professional, and moral fitness to resume the practice of law. The object of concern is not solely the transgressions that gave rise to the lawyer's suspension, but rather the nature and extent of the rehabilitative efforts made since the time the sanction was imposed and the degree of success achieved in the rehabilitative process. *Philadelphia News, Inc. v. Disciplinary Board of the Supreme Court of Pennsylvania*, 363 A.2d 779, 780-781 (Pa. 1976).

8. Some of the misconduct for which Petitioner was suspended from the practice of law occurred while he was a judge in the Philadelphia Municipal Court. Viewing this disturbing breach of ethics, there is no doubt that Petitioner's misconduct was serious and consequential to the judiciary, the legal profession, and the public.

9. The underlying basis for Petitioner's suspension was fully litigated before the Pennsylvania Supreme Court and it imposed a four-year suspension.

10. Petitioner has served his suspension.

11. Given Petitioner's advanced age, a decision not to reinstate Petitioner at this time could effectively convert his suspension into a *de facto* disbarment.

12. Because Petitioner satisfies the high burden to warrant reinstatement, the Hearing Committee concludes that reinstatement is consistent with the Supreme Court's prior precedent of reinstating similarly situated petitioners.

13. Although some of the responses on Petitioner's Reinstatement Questionnaire relating to Petitioner's businesses could have been more complete, most of the issues related to events that occurred over twenty years ago.

14. None of the issues involving unpaid taxes and municipal code violations which made up a bulk of ODC's presentation before the Hearing Committee were the basis of Petitioner's suspension.

15. Stated differently, none of the actions or omissions involving unpaid taxes and municipal code violations which were a focus of the two-day hearing occurred while Petitioner was suspended.

16. Although it does appear that Petitioner received two referral fees while on retired status after 2017, he explained that he did not know that he was on retired status. While there clearly was a lack of attention to detail, this was not egregious. Likewise, Petitioner's failure to have a rental license and that there were some code violations for rental properties owned by Petitioner is not dispositive to the Hearing Committee's conclusions here.

17. While it was wrong for Petitioner to have sat as a senior judge after he had engaged in criminal activities five years earlier, his lapse of judgment again is not dispositive.

18. The record of Petitioner's rehabilitative efforts since his suspension satisfied the Hearing Committee that he has made sufficient effort to atone for his serious misconduct. Petitioner accepted full responsibility for his transgressions and demonstrated change and reform. Petitioner offered sincere remorse for his misconduct testifying not only to his personal shame and the impact his transgressions had on his life, but also to his understanding that the reputations of the judiciary and the Bar were negatively impacted.

19. We are satisfied that Petitioner comprehends the magnitude of his acts, has not minimized his misconduct, and sincerely regrets his actions.

20. Petitioner convincingly assured the Hearing Committee that the conduct that caused his suspension is not characteristic of the person he is and that his prior wrongdoing will not be repeated in the future.

21. Petitioner explained that he sincerely desires the opportunity to reestablish himself in the public eye and to practice law again.

22. During his suspension, Petitioner has performed a variety of efforts in the community. The evidence showed that the Petitioner has been a positive presence in his community for many years, and he has indicated a strong desire to continue performing these pro bona/charitable services once he regains the privilege of practicing law.

23. Although the Petitioner owns certain real property in Philadelphia and had some tax liens and other claims relating to these properties, it seems that these issues arose mostly from lack of record keeping going back more than twenty (20) years. The relevance of events that happened long ago is questionable in light of the more recent conduct which shows rehabilitation.

24. ODC counsel also challenged Petitioner's completion of the application for reinstatement, pointing out numerous instances of incomplete information. On September 21, 2023 Petitioner's counsel wrote "[M]y client has advised that he has cooperated enough and does not want to provide any more material and wishes a hearing now." (ODC-20/Bates – 0332). There was significant communication between Petitioner's attorney and ODC regarding supplementing information and documentation.

25. While Petitioner (through his counsel) should have been more polite and responsive to ODC's requests for information, ultimately Petitioner provided substantially everything that was asked for that was within his possession, custody, and control.

26. Petitioner testified that he even drove to Harrisburg to obtain personal records to satisfy ODC's requests. (3/7/24 N.T. pp. 99-100, 182).

27. An array of witnesses from the Pennsylvania Bar and Petitioner's community offered credible, consistent, and compelling testimony to demonstrate that Petitioner is remorseful and ashamed of his misconduct. Additionally, the witnesses' testimony proved that Petitioner has truly learned from his experiences, has made positive changes in his life, and is an honest, truthful, community oriented individual who is valued by his community and held in high esteem, despite his past wrongdoing. These witnesses establish that Petitioner's reinstatement will not present a danger to the public or harm the integrity in standing of the Courts or the Bar.

28. Upon this record we conclude that Petitioner spent his suspension period engaged in genuine rehabilitation and is fit to practice law. *See In the Matter of James Francis Donahue*, No. 112 DB 2013 (D.Bd. Rpt. 610 2020) (S. Ct. Order 7/6/20); *In the Matter of Robert Turnball Hall*, No. 49 DB 2011 (D.Bd. Rpt. 68 2020) (S. Ct. Order 7/2/20); *In the Matter of Lonnie Eugene Walker*, No. 43 DB 2013 (D.Bd. Rpt. 520) (S. Ct. Order 5/26/20).

29. Plaintiff established by clear and convincing evidence that he is morally qualified, competent, and learned in the law, and that his reinstatement will not be detrimental in standing of the Bar nor subversive of the public interest.

VI. DISCUSSION

A. Standard for Reinstatement

To be reinstated, a suspended attorney, must demonstrate by clear and convincing evidence that he has the moral qualifications, competency and learning in the law required for admission to practice law in the Commonwealth. Pa. R. D. E. 218(c)(3).

Pa. Rule 218(c)(3), provides:

A disbarred or suspended lawyer shall have the burden of demonstrating by clear and convincing evidence that such person has the moral qualifications, competency and learning in the law required for admission to practice law in this Commonwealth, and that the resumption of the practice of law within the Commonwealth by such person will be neither detrimental to the integrity and standing of the bar or the administration of justice, nor subversive of the public interest.

Pa. R. D. E. 218(c)(3).

In *Philadelphia Newspapers, Inc. v. Disciplinary Board*, 363 A.2d 779 (Pa. 1976), the Pennsylvania Supreme Court set forth the factors to consider and the objectives of a reinstatement hearing:

A reinstatement proceeding is a searching inquiry into a lawyer's professional and moral fitness to resume the practice of law. The objective concern is not solely the transgression that gave rise to the lawyer's suspension or disbarment, but rather the nature and extent of the rehabilitative efforts he has made since that time the sanctions were imposed and the degree of success achieved in the rehabilitation process.

Id. at 781.

The Pennsylvania Supreme Court further noted that the attorney's conduct since the suspension should be the focus of the reinstatement proceeding and not the underlying misconduct:

While the egregiousness of a [] lawyer's offense certainly has a bearing on whether reinstatement is warranted, nevertheless, the main thrust of the proceeding is whether the disciplined lawyer is now fit and technically competent to engage in the practice of law.

Id. at 781, n. 6.

The factors needed for reinstatement of a lawyer are set forth in the case of *In re Anonymous*, No. 26 DB 90, 23 D&C 4th 187 (1994) as follows:

Testimony presented by the petitioner, Attorney A, and the attorney reference letters of the attorneys who are familiar with the petitioner and his activities during the course and term of his suspension were evidence of his moral character. The petitioner, proving his moral fitness through the presentation of testimony by attorneys has been sanctioned in past reinstatement cases. ... The petitioner has demonstrated his competency and learning in the law by his own testimony of that of Attorney A, who testified on his own behalf.

Id. at 191.

B. Petitioner's Evidence

Petitioner presented un rebutted testimony of excellent character witnesses. He accepted full responsibility for his transgressions. He demonstrated change and reform by performing community and charitable activities. In fact, the Panel heard testimony that Petitioner was volunteering at the prison the evening of the Reinstatement Hearing. (N.T. March 6, 2024 pp. 117-118). A review of relevant reinstatement cases demonstrates that Petitioner's Reinstatement Petition is warranted. Petitioner in the instant matter presented similar and, in some ways, more compelling evidence than others whose petitions for reinstatement were granted.

In *In re Verlin*, 731 A.2d 600 (Pa. 1999), Mr. Verlin was disbarred and then reinstated. He had been convicted of serious criminal statutes of criminal conspiracy, perjury, and false swearing. His misconduct was presenting fake individuals who pretended they were his clients who testified at depositions. He did that because he thought they made a better impression. Again, he was reinstated based on the excellent character testimony and his sincere reform and remorse.

In *In the Matter of Michael Simon*, 1214 DD No. 3; 149 DB 2005 (2014), Michael Simon, who embezzled almost a half million dollars from forty clients in 2005 and later made restitution through his mother's wealth, was reinstated to the practice of law. He expressed remorse and reform and presented excellent character witnesses.

Similarly, Lonnie Eugene Walker was reinstated to the practice of law in 2020. Mr. Walker had been disbarred previously and then reinstated. Once reinstated, he represented a client in Maryland where he was not licensed. He was suspended for one year and one day due to his unauthorized practice of law and his misrepresentation. He was reinstated to the practice of law, again through his excellent character witnesses and his own testimony and his remorse and reform. *In re Lonnie Eugene Walker*, 642 DD 3; 43 DB 1999 (2020).

Finally, the Court recently reinstated Angeles Roca, a former Judge of the Court of Common Pleas of Philadelphia County. *In Re: Angelos Roca*, 185 DB 2018 (2021). The Supreme Court unanimously recommended the reinstatement of the petitioner therein, a former Philadelphia Court of Common Pleas judge, who established her fitness to practice law, presented numerous character witnesses, and showed remorse.

Moreover, a suspended attorney must also establish with clear and convincing evidence that the resumption of the practice of law “will be neither detrimental to the integrity and standing of the bar or the administration of justice, nor subversive of the public interest.” Pa. R.D.E. 218(c)(3). In *Philadelphia Newspapers, Inc. v. Disciplinary Board*, *supra*, the Pennsylvania Supreme Court held that a reinstatement hearing must focus on the lawyer’s “professional and moral fitness to resume the practice of law.” Moreover, a reinstatement hearing’s “objective concern is not solely the transgression

that gave rise to the lawyer's suspension or disbarment, but rather the nature and extent of the rehabilitative efforts [he] has made since that time the sanctions were imposed and the degree of success achieved in the rehabilitation process."

Testimony of character witnesses is a major factor on whether a suspended attorney meets his burden for reinstatement. See *In re Verlin*, 731 A.2d 600 (Pa. 1999)(reinstating attorney convicted of conspiracy and perjury). The testimony of Petitioner's character witnesses weighs heavily in favor of reinstatement. He presented the testimony of eight-character witnesses (not including Brandt), including attorneys and civic leaders. These witnesses all consistently and credibly testified about Petitioner's expression of shame and remorse for his misconduct. There is no reason to believe that Petitioner would commit similar misconduct in the future.

C. Hearing Committee Findings

The Hearing Committee finds the evidence in the instant matter clearly demonstrates Petitioner has met his burden of proof. Petitioner has established with clear and convincing evidence that he has the moral qualifications, competency and learning in the law required for admission to practice law in the Commonwealth Pennsylvania.

Petitioner has proven by clear and convincing evidence that he meets the requirements for the return to the practice of law as set forth in Pennsylvania Rules of Disciplinary Enforcement, Rule 218 (c).

Further, Petitioner demonstrated by clear and convincing evidence that his resumption to the practice of law within the Commonwealth will be neither detrimental to the integrity and standing of the bar or the administration of justice, nor subversive of the public interest. Petitioner has indicated he wishes to return to the practice of law.

He is 73 years of age with significant experience as an attorney.

VII. RECOMMENDATION

The Hearing Committee unanimously recommends that the Petition for Reinstatement be Granted.

/s/ Thomas N. Sweeney
Thomas N. Sweeney, Esq., Chair

/s/ Zanetta M. Ford
Zanetta M. Ford, Esq., Member

/s/ Dean E. Weisgold
Dean E. Weisgold, Esq., Member