

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 694 Disciplinary Docket No. 2
: (No. 74 RST 2018)
:
ABRAHAM A. HOBSON, III : No. 103 DB 1989
:
: Attorney Registration No. 16249
:
PETITION FOR REINSTATEMENT : (Montgomery County)

ORDER

PER CURIAM

AND NOW, this 26th day of December, 2018, the Petition for Reinstatement is granted. Petitioner is directed to pay the expenses incurred by the Board in the investigation and processing of the Petition for Reinstatement. See Pa.R.D.E. 218(f).

A True Copy Patricia Nicola
As Of 12/26/2018


Attest:
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

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REPORT AND RECOMMENDATIONS OF
THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES
OF THE SUPREME COURT OF PENNSYLVANIA:

Pursuant to Rule 218(c)(5) of the Pennsylvania Rules of Disciplinary Enforcement, The Disciplinary Board of the Supreme Court of Pennsylvania submits its findings and recommendations to your Honorable Court with respect to the above captioned Petition for Reinstatement.

I. HISTORY OF PROCEEDINGS

By Order dated August 21, 1991, the Supreme Court of Pennsylvania suspended Abraham A. Hobson, III, Petitioner, for a period of two years, retroactive to October 3, 1989. On November 16, 2017, Petitioner filed a Petition for Reinstatement to the bar. On February 13, 2018, Office of Disciplinary Counsel filed a Response to Petition for Reinstatement.

Following a prehearing conference on March 20, 2018, a reinstatement hearing was held on April 30, 2018, before a District II Hearing Committee. Petitioner presented witness testimony and testified on his own behalf. Petitioner introduced Exhibits P-1 through 10, which were admitted into evidence, as well as two additional character letters, without objection. Office of Disciplinary Counsel (“ODC”) did not present any witnesses and did not introduce exhibits into evidence.

On May 24, 2018, Petitioner filed a Brief to the Committee.

By letter dated June 5, 2018, ODC advised that it would not file a brief.

On August 6, 2018, the Hearing Committee filed a Report and recommended that the Petition for Reinstatement be granted.

The parties did not take exception to the Hearing Committee’s Report and recommendation.

The Board adjudicated this matter at the meeting on October 25, 2018.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner is Abraham A. Hobson, III, born in 1947 and admitted to practice law in the Commonwealth of Pennsylvania in 1972. Petitioner is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

2. Following his admission to the bar in 1972, Petitioner first worked as an assistant district attorney in Montgomery County, then as an associate for a law firm,

but primarily practiced in Montgomery County law firms as a partner or sole practitioner. N.T. 88-89.

3. At the time of his temporary suspension on October 3, 1989, Petitioner was practicing solo in Montgomery County and also working as a public defender in that county. N.T. 88-89.

4. Between 1983 and 1984, Petitioner participated in a fraudulent timeshare scheme whereby he solicited buyers who had no intention of keeping their units. He induced them to buy by offering them a commission of 5% in order for the developer to obtain financing for the project. N.T. 110-114.

5. The scheme's participants promised to pay the buyers' monthly payments for six months. At the end of six months, the developer committed to buy back the properties. Petitioner also received as commission 5% of the sales price. N.T. 109-114.

6. On September 22, 1989, in the United States District Court for the Middle District of Florida, Petitioner entered a plea of guilty to Count 1, false statement to government agency made between October 31, 1983 and September 1984, in violation of 18 U.S.C. § 1001, and Count 2, false statement to federal deposit corporation, in violation of 18 U.S.C. §1014. Petition for Reinstatement ("P for R"), Exhibit D.

7. Petitioner was placed on probation for three years concurrent for Counts 1 and 2, and required to receive drug and alcohol counseling as deemed necessary by the probation office. He was sentenced to a \$1,000 fine for each Count. Petitioner completed his sentence without incident. P for R, Exhibit D.

8. By Order dated August 21, 1991, the Supreme Court of Pennsylvania suspended Petitioner for a period of two years, retroactive to October 3, 1989, the date of Petitioner's temporary suspension from the practice of law. P for R, Exhibit A.

9. Upon Petitioner's suspension and for the following two decades, Petitioner worked in the field of telecommunications infrastructure construction, outside plan network operations, competitive local exchange business operations, and telecommunications business development opportunities. N.T. 54-81; P-1. From 2014 to the present, Petitioner has been self-employed in business development projects. Reinstatement Questionnaire ("RQ") No. 11(a).

10. Around 2010, Petitioner and Renardo L. Hicks, Esquire, commenced working together on telecommunications projects funded by the 2008 Stimulus Act. N.T. 71-81.

11. Mr. Hicks testified credibly at the reinstatement hearing.

12. Petitioner and Mr. Hicks met while both were employed at Nextlink Communications in 1996. Mr. Hicks knew that Petitioner was a formerly admitted attorney but did not recall the details of Petitioner's conviction and could not recall when Petitioner had shared them. N.T. 38, 46.

13. Mr. Hicks engaged Petitioner as an independent contractor with telecommunications expertise to review 2008 Stimulus Bill documents and to evaluate and offer opinions as to network design, infrastructure and other related telecommunications matters. N.T. 19-25.

14. From 2010 through 2011, Mr. Hicks prepared and entered into engagements for legal and consultative services with Northwest Technology Group, the City of Franklin, Pennsylvania, and Velocity Network. Each individual engagement letter specified that all work performed by Petitioner would be under the direct supervision of Renardo L. Hicks, Esquire. N.T. 19-25; P-4.

15. Mr. Hicks credibly testified that he supervised Petitioner's work and client contact and affirmed that Petitioner never engaged in any of the activities prohibited by Rule 217 during his tenure as a consultant. N.T. 31-32, 38-51.

16. Mr. Hicks admitted that at the time he employed Petitioner, he did not file a notice of engagement with the Disciplinary Board, as required by Rule 217(j)(5). N.T. 28.

17. Mr. Hicks testified that he misinterpreted Rule 217, but upon later review, determined that Petitioner's activities fell within the rule. N.T. 29-30. Thereafter, Mr. Hicks filed a *post hoc* notice of engagement with the Board on March 6, 2018. N.T. 85; P-3.

18. In response to Question 11(a) on his Reinstatement Questionnaire, Petitioner listed his work in 2011 for the law firm of R.L. Hicks and Associates. In response to Question 11(b), he indicated that he had not notified the Disciplinary Board that he had engaged in "law-related" work for Mr. Hicks under Rule 217(j)(5), Pa.R.D.E. Petitioner did not explain his failure to make the required Rule 217(j)(5) notification in his response to Question 11(c). RQ Nos. 11(a), (b) and (c).

19. At the time of completion of the Reinstatement Questionnaire in November 2017, Petitioner had considered that any of the work he did for Mr. Hicks was “law-related” work pursuant to Rule 217(j). N.T. 28-29, 79.

20. By Response to Petition for Reinstatement filed with the Office of the Secretary on February 13, 2018, copying Petitioner, ODC indicated concerns with Petitioner’s work for Mr. Hicks. N.T. 14.

21. Upon receipt of ODC’s letter, Petitioner conducted a more thorough review of Rule 217 and the case law. N.T. 82-85.

22. As a result of that review, Petitioner admitted that he had wrongly believed that his work for Mr. Hicks was not law-related. N.T. 82-85, 119.

23. Petitioner filed a *post hoc* notice of engagement with the Disciplinary Board on March 7, 2018. N.T. 85; P-2.

24. Petitioner expressed remorse for violating Rule 217(j)(5) and credibly testified that in 2010 and 2011, he was unaware of the rule requirements, which were not in effect at the time Petitioner was suspended in 1991. N.T. 82-85, 118.

25. Petitioner’s violation of Rule 217 was unintentional and committed out of ignorance. N.T. 82-85.

26. Petitioner credibly expressed genuine remorse and deep regret for his criminal conduct and his suspension that harmed his family, friends, community and the legal profession N.T. 86-88, 91-103.

27. Petitioner testified that the conduct that led to his criminal conviction and license suspension will not recur, as it is not characteristic of the person he is now. N.T. 115-116.

28. Following his criminal conviction, Petitioner seriously examined his life and determined that alcoholism played a large role in his commission of criminal acts, as well as his dereliction of family and financial obligations. N.T. 115. Petitioner decided that he needed to stop abusing alcohol and has been sober since December 18, 1986. He achieved sobriety by receiving therapy and participating in Alcoholics Anonymous (“AA”). N.T. 94-101; P-10.

29. Petitioner has helped other individuals to attain and maintain sobriety, and has volunteered his time to perform outreach services on behalf of AA at hospitals, veterans’ facilities and an orphanage. N.T. 94-101; P-10.

30. Petitioner is a member of Lawyers Concerned for Lawyers (“LCL”) and has attended the LCL yearly meeting in Harrisburg on a regular basis. RQ No. 21.

31. While suspended, Petitioner has served as a member of the Vestry and Outreach Committee for St. John’s Episcopal Church in Bala Cynwyd. In these capacities, he has helped prepare and provide 80 to 100 meals at a mission church in North Philadelphia. RQ No. 21.

32. Petitioner and his wife of fifty years have five children and fourteen grandchildren, who they have raised and supported through the years. RQ No. 21.

33. Petitioner fulfilled the requirements for Continuing Legal Education and maintained his legal knowledge throughout the period of his suspension by attending

numerous classes, as evidenced by the Pennsylvania Continuing Legal Education credits he submitted in the Reinstatement Questionnaire. N.T. 108; P-9.

34. If reinstated, Petitioner has no specific plans to commence a law practice, but when he does resume practice, he expects to do pro bono criminal defense or immigration law. RQ No. 18.

35. Petitioner presented eight character witnesses on his behalf at the reinstatement hearing. One of the witnesses testified and seven were sworn in at the hearing. Each submitted a character letter. P-10.

36. Marc R. Steinberg, Esquire, is a practicing attorney in Montgomery County. He was admitted to practice law in the Commonwealth in 1973 and has known Petitioner since that time. Mr. Steinberg is a former President of the Montgomery County Bar Association, a discovery master appointed by the Montgomery County Court of Common Pleas, and a former hearing committee member of the Disciplinary Board. N.T. 121-124, 128.

37. Mr. Steinberg credibly testified that Petitioner is “certainly morally fit and competent to resume the practice of law. I think he would be a credit to not just himself and his family, but to the profession of law as well.” N.T. 126-127. Mr. Steinberg further testified that Petitioner’s resumption of the practice of law would not be detrimental to the practice of law to the bar itself or to the public. N.T. 127.

38. Mr. Steinberg testified that if Petitioner needed a job, he would support his law firm hiring him. N.T. 129.

39. Mr. Steinberg attested to Petitioner's reputation for honesty and integrity and testified that knowledge of Petitioner's criminal conviction failed to alter that opinion. N.T. 126-129; P-10.

40. Members of the Pennsylvania bar who submitted character letters and who were sworn in at the hearing included Eric I. Lerner, Esquire; Richard D. Winters, Esquire; and Frederick W. McBrien, III, Esquire. Other witnesses who submitted letters and were sworn included John Foley; Reverend Frank J. Wallner; William Bostard; and William Porto. All affirmed that their letters attached as P-10 were true and complete. N.T. 130-132. They also attested that Petitioner's reinstatement would not be detrimental to the integrity of the bar and would not be detrimental to the public interest. N.T. 131-132.

41. In his January 30, 2018 letter, Mr. Lerner stated that Petitioner has the moral qualifications and competency to practice law in the Commonwealth, and that Petitioner has a strong character and great reputation in the community for being law-abiding, truthful and honest. P-10.

42. In his (undated) letter, Mr. Winters stated that Petitioner would be a real asset to the bar and public if he were permitted to return to the practice of law, and he attested to Petitioner's trustworthiness and honesty in his dealings with others. P-10.

43. In his April 16, 2018 letter, Mr. McBrien stated that Petitioner's return to the practice of law would be an asset to the profession. P-10.

44. In his January 30, 2018 letter, Reverend Wallner, Rector at St. John's Episcopal Church, stated that Petitioner is a member of his congregation and is a "man of grace and humility." He further stated that "I can think of no one more deserving than

Abe to receive a second chance to serve in the legal profession, and I believe with all of my heart that he will serve with distinction and honor.” P-10.

45. In his letter of January 13, 2018, Mr. Bostard, who worked with Petitioner on the St John's Vestry, stated that Petitioner helped improve the church's finances and volunteer participation. P-10.

46. Mr. Foley submitted a letter dated January 12, 2018. He worked with Petitioner at a telecommunications company in 1989, and became friendly with Petitioner through their shared experience of alcoholism and AA. At one point, Petitioner served as Mr. Foley's AA sponsor. Mr. Foley credits Petitioner for helping him maintain sobriety over many years through various personal, medical and business challenges. Mr. Foley stated that Petitioner donated many hours to AA by speaking with recovering alcoholics and holding meetings at hospitals, veterans' hospitals, AA clubhouses and an orphanage. Mr. Foley holds Petitioner in high esteem and believes he will be an asset to the legal profession. P-10.

47. In Mr. Porto's (undated) letter, he explained that he met Petitioner through telecommunications work and considers Petitioner a friend. He stated that Petitioner “lives his life with transparent honesty...I've never met anyone who freely owns his or her mistakes as he does, or whose life was transformed for the better because of them...[He] lives his life with humility, service and honor.” P-10.

48. Petitioner submitted into evidence sixteen additional character letters. Two additional letters were submitted at the hearing with ODC's agreement. N.T. 133; P-10.

49. Sue Ann Hobson, Petitioner's wife of fifty years, submitted a letter dated April 15, 2018. In this letter, she recalled the personal and family problems suffered due to Petitioner's alcoholism and his recovery efforts over the past thirty-one years. She stated that after Petitioner told her about his criminal problems in Florida, he began therapy and stopped drinking. Over time, both Petitioner and their family participated in counseling and put their lives back together. She noted that Petitioner is excited about a return to the practice of law. P-10.

50. David M. Hobson, Esquire, is a member of the Pennsylvania bar and Petitioner's youngest brother. In his letter of April 17, 2018, he recounted that after their father's untimely death at a young age, Petitioner, as the eldest child, helped his mother look after his younger siblings. Mr. Hobson also suffered from alcohol abuse, but Petitioner helped him to stop drinking and to achieve sobriety. Mr. Hobson believes that Petitioner will be an asset to the bar and to the practice of law. P-10.

51. Kimberly Pennington is a former office manager for the Montgomery County Public Defender who knew Petitioner when he worked with that office. She submitted a letter dated April 16, 2018, and stated that Petitioner's criminal conviction and suspension has not altered her high opinion of him or his reputation among those who knew him. She is "strongly supportive" of Petitioner's application for reinstatement. P-10.

52. Pete Murray worked with Petitioner and considers him a friend. In his letter dated January 11, 2018, he stated that Petitioner took him to his first AA meeting

and has helped him stay sober over the years. He believes Petitioner would be an asset to society should he reengage in the practice of law. P-10.

53. Gary A. Rawding, who hired Petitioner at Eastern Telelogic and Nextlink, and Robert Guth, who hired Respondent at Hyperion Telecommunications, both testified that in his initial job interview, Petitioner was candid about his criminal activities and his suspension. Both men were impressed with Petitioner's honesty, acceptance of personal responsibility and remorse for his actions. P-10.

54. Many other letters were submitted by decades-long friends and coworkers through the years. These individuals attested to Petitioner's good character and stated that he would be an asset to the legal profession. P-10.

55. ODC does not oppose reinstatement.

III. CONCLUSIONS OF LAW

1. Petitioner demonstrated by clear and convincing evidence that he has the moral qualifications, competency and learning in the law required for admission to the practice of law in this Commonwealth. Rule 218(c)(3), Pa.R.D.E.

2. Petitioner demonstrated by clear and convincing evidence that his 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. Rule 218(c)(3), Pa.R.D.E.

IV. DISCUSSION

Petitioner seeks readmission to the practice of law in Pennsylvania following his suspension for a period of two years, imposed by the Supreme Court of Pennsylvania on August 21, 1991, retroactive to October 3, 1989. Pursuant to Rule 218(a)(1), Pa.R.D.E., an attorney who is suspended for a period exceeding one year may not resume the practice of law until reinstated by the Supreme Court of Pennsylvania.

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). 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).

We conclude from the evidence of record that Petitioner has met his reinstatement burden and we recommend that the Petition for Reinstatement be granted.

Petitioner presented credible and substantial evidence to show his remorse, rehabilitation, good character, competency and learning in the law. Throughout the reinstatement process, Petitioner repeatedly expressed his sincere regret and remorse

for his misconduct, repeatedly accepted full responsibility for his actions, and made credible assurances that his misconduct would not be repeated in the future.

Petitioner's criminal conduct involving his participation in a fraudulent scheme to sell timeshare units in Florida occurred in the 1980s. Petitioner entered a guilty plea, was sentenced to probation for three years and completed the terms of his sentence without incident. Upon his suspension from the practice of law in 1991, and for the ensuing two decades, Petitioner was engaged in a successful career in the telecommunications industry, during which time he acquired an expertise in the fields of infrastructure, construction, operations and business development opportunities.

Through his business associations, Petitioner met Renardo L. Hicks, Esquire, with whom he became involved in several business development projects in approximately 2010 and 2011. Mr. Hicks engaged Petitioner as an independent contractor to review documents and to evaluate and offer opinions as to various aspects of telecommunications matters. Some of the work Petitioner performed for Mr. Hick's involved law-related activity, pursuant to Rule 217(j), Pa.R.D.E However, Petitioner did not notify the Disciplinary Board of his employment with Mr. Hicks, nor did he ensure that Mr. Hicks filed the appropriate notice. Further, Petitioner did not accurately complete his Reinstatement Questionnaire, as he failed to correctly answer questions regarding his law-related employment and notification to the Board.

At the reinstatement hearing, Petitioner credibly testified that the errors on his Questionnaire were based on a misunderstanding of the requirements of Rule 217 regarding what constituted law-related work, and an ignorance of the requirement that

formerly admitted attorneys notify the Board regarding employment to engage in law-related activity. At the time of Petitioner's suspension in 1991, the current notification provision of Rule 217 was not in effect. These issues were revealed during ODC's investigation of Petitioner's petition for reinstatement. Upon ODC's notification to Petitioner, he promptly undertook a review of Rule 217 and filed with the Board a *post hoc* notification of employment. Mr. Hicks credibly testified at the reinstatement hearing that he was unaware of Rule 217's reporting requirement, but upon gaining an understanding of his obligations under the rule, he notified the Board of his supervision of Petitioner's law-related work. Mr. Hicks offered credible testimony that Petitioner did not engage in activities prohibited under Rule 217.

Upon review of this issue, and based on the credible testimony of Petitioner and Mr. Hicks, we conclude that Petitioner's violations of Rule 217 were inadvertent, unintentional and committed out of ignorance, and are not an impediment to his reinstatement. There is no evidence to suggest that Petitioner intended to mislead the public or act inconsistently with his status as a suspended attorney.

The record amply supports the Board's assessment that Petitioner is morally fit, competent, and learned in the law. Petitioner demonstrated an exemplary effort to rehabilitate himself during nearly three decades of suspension. He demonstrated personal growth in many ways, but most essentially by living a law-abiding and productive life in the years following his criminal activity. Petitioner admitted that he suffered from alcoholism at the time of his misconduct, but through therapy and participation in AA and LCL, he has maintained his sobriety since 1986. Significantly, Petitioner has supported

others struggling with alcohol abuse, several of whom set aside their anonymity to appear and testify in support of Petitioner's reinstatement, or to write letters on his behalf. Petitioner's participation in AA has involved outreach to veterans' facilities, an orphanage and an AA clubhouse in his effort to assist others.

During his suspension, Petitioner maintained gainful employment in the telecommunications field and later as a self-employed business developer, raised his family, participated in charitable works for the benefit of his community, and educated himself in the law. Importantly, Petitioner acknowledged that his misconduct harmed the legal profession, as well as his family, friends and community. Petitioner's expressions of remorse were genuine and sincere. Petitioner provided convincing assurances that the criminal conduct that caused his suspension was not characteristic of the person he is, and he has not engaged in criminal conduct during his many years of suspension and will not in the future.

At the reinstatement hearing, Petitioner presented an array of witnesses from the Pennsylvania bar and the community to testify on his behalf, and presented multiple, heartfelt character letters. The testimony and letters demonstrated that Petitioner is admired for his honesty, integrity and good character, qualities that support his fitness to resume the practice of law.

Under similar circumstances, attorneys have been reinstated to practice law in this Commonwealth. In *In the Matter of Marc D. Manoff*, 10 DB 2011 (D. Bd. Rpt. 6/27/2018) (S. Ct. Order 8/17/2018), the petitioner sought reinstatement from a five year period of suspension that resulted from his criminal conviction for conspiracy to commit

securities fraud. The Board found that although the petitioner violated Rule 217(j) during his suspension by issuing press releases that referred to his legal qualifications and legal employment, the violations did not rise to a level to prevent reinstatement, as the petitioner expressed understanding of his actions and had not intended to deceive the public as to his suspended status. The Board further found that the petitioner demonstrated genuine rehabilitation during his suspension and was morally fit, competent and learned in the law. On that record, the Court granted reinstatement.

In *In the Matter of Maria Del Sol Morell*, 136 DB 2001 (Bd. Rpt. 5/4/2018) (S. Ct. Order 5/30/2018), the petitioner sought reinstatement from a suspension for a period of thirty months that resulted from her criminal conviction for making false statements to a financial institution. The Court granted reinstatement based on a record that petitioner demonstrated sincere and genuine remorse, fully acknowledged her misconduct, and presented excellent character testimony and evidence of charitable endeavors.

In *In the Matter of Robert M. Danenberg*, 130 DB 2010 (D. Bd. Rpt. 10/27/2016) (S. Ct. Order 12/2/2016), the petitioner sought reinstatement from a suspension of five years that resulted from his criminal conviction of conspiracy to commit wire fraud. The petitioner fully acknowledged his misconduct, expressed genuine remorse, had many supporters in the community who testified on his behalf, maintained gainful employment during his suspension, and engaged in charitable activities. Based upon that record, the Court granted reinstatement.

Upon this record, Petitioner has met his reinstatement burden by clear and convincing evidence that he is morally qualified, competent and learned in the law, and that his reinstatement will not be detrimental to the public or to the profession. Petitioner is fit to resume the practice of law. For all of the above reasons, we recommend that the Petition for Reinstatement be granted.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Abraham A. Hobson, III, be reinstated to the practice of law.

The Board further recommends that, pursuant to Rule 218(f), Pa.R.D.E., Petitioner be directed to pay the necessary expenses incurred in the investigation and processing of the Petition for Reinstatement.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: 
Stefanie B. Porges, M.D., Member

Date: 11/13/18