

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1732 Disciplinary Docket No. 3
Petitioner :
: No. 10 DB 2010
v. :
: Attorney Registration No. 33026
CAROL CHANDLER, :
Respondent : (Out Of State)

ORDER

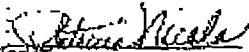
PER CURIAM:

AND NOW, this this 17th day of August, 2011, upon consideration of the Report and Recommendations of the Disciplinary Board dated April 15, 2011, it is hereby

ORDERED that Carol Chandler is suspended from the Bar of this Commonwealth for a period of one year and one day and she shall comply with all the provisions of Rule 217, Pa.R.D.E.

It is further ORDERED that respondent shall pay costs to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.

A True Copy Patricia Nicola
As Of 8/17/2011

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 10 DB 2010
Petitioner	:	
v.	:	Attorney Registration No. 33026
CAROL CHANDLER	:	
Respondent	:	(Out of State)

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 208(d)(2)(iii) of the Pennsylvania Rules of Disciplinary Enforcement, the Disciplinary Board of the Supreme Court of Pennsylvania ("Board") herewith submits its findings and recommendations to your Honorable Court with respect to the above-captioned Petition for Discipline.

I. HISTORY OF PROCEEDINGS

On January 26, 2010, Office of Disciplinary Counsel filed a petition for discipline against Respondent, Carol Chandler. The petition charged Respondent with violations of the Pennsylvania Rules of Professional Conduct and the New Jersey Rules of Professional Conduct in connection with her representation of clients. Respondent did not file an answer to the petition for discipline.

A disciplinary hearing was held on June 22, 2010, before a District III Hearing Committee comprised of Chair Michael T. Hudock, Esquire, and Members

Shaun O'Toole, Esquire, and Philip H. Spare, Esquire. Respondent did not appear at the hearing.

The Hearing Committee filed a Report on October 15, 2010, concluding that Respondent violated the Rules as charged in the petition for discipline and recommending that she be suspended from the practice of law for a period of one year and one day.

This matter was adjudicated by the Disciplinary Board at the meeting on January 19, 2011.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner, whose principal office is located at 601 Commonwealth Ave., Suite 2700, Harrisburg, Pennsylvania, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement, with the power and the duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

2. Respondent is Carol Chandler. She was born in 1940 and was admitted to practice law in the Commonwealth in 1980. She maintains her office at 194 N. Harrison St., P.O. Box 168, Princeton NJ 18542. She is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. Respondent has no prior discipline in Pennsylvania. Respondent was administratively suspended for non-payment of her attorney's annual fee by an order dated November 18, 2010, effective December 18, 2010.

4. Respondent is not admitted to practice in New Jersey. She may maintain an office in New Jersey limited to immigration law before the INS and allied federal agencies if she is affiliated with a lawyer admitted to the New Jersey Bar, and makes clear in all communications that she is not admitted to the New Jersey Bar.

5. Respondent maintains a solo legal practice in New Jersey and does not state on her letterhead that she is not admitted to the bar in New Jersey.

6. Azhar Ali Awan retained Respondent on November 21, 2007 to determine why he was placed on the "terrorist" list by the U.S. government; to formulate an appropriate remedy for his removal from that list; and to apply for a visa to enable him to enter the U.S. Respondent provided Mr. Awan with a document stating that her services would cost \$200 per hour. On November 27, 2007, Mr. Awan paid Ms. Chandler \$5,000.

7. Respondent did not deposit the legal fees and expenses she received from Mr. Awan into a trust account.

8. Mr. Awan gave a power of attorney to his brother-in-law, Amir Shami, to assist in handling his legal affairs with Respondent. Both Mr. Awan and Mr. Shami regularly emailed Respondent for information and status reports on the progress of Mr. Awan's matter. Respondent did not reply to the requests for information on Mr. Awan's matter.

9. November 22, 2008 was the last time Ms. Chandler responded to communications from Mr. Shami or Mr. Awan. She did not supply either with any report or documentation of any work she had done on behalf of Mr. Awan.

10. On October 17, 2008, Mr. Awan sent Respondent an email asking her to surrender to Mr. Shami his file and the retainer he had paid.

11. On November 22, 2008, Mr. Awan emailed Respondent to release the funds she held for him to Mr. Shami, and terminated her services.

12. Respondent did not reply to Mr. Awan's requests for information or to his request that she surrender his file to Mr. Shami. Respondent did not refund the unearned portion of the fees paid to her by Mr. Awan.

13. Amar M. Shami of Springfield, Virginia, retained Respondent on August 23, 2007 to assist in the preparation and filing of spousal papers for Maheen Shami. At that time, Mr. Shami paid Respondent \$2,500. On April 24, 2008, he paid her an additional \$470 for the processing of an affidavit of support.

14. Respondent did not deposit the legal fees and expenses she received from Mr. Shami into a trust account.

15. Pursuant to Respondent's agreement of representation, she made numerous filings on Mr. and Mrs. Shami's behalf with the INS National Visa Center.

16. On June 17, 2008, Mr. Shami sent Respondent the corrected version of the affidavit of support that was necessary for the completion of Mrs. Shami's immigration paperwork. Mr. Shami repeatedly asked Respondent via email when she filed the affidavit of support. She did not respond to these requests for information.

17. On July 7, 2008, Respondent replied by email to Mr. Shami's July 6 request for information by telling him essentially not to worry. She did not provide the information he requested. (ODC Exh. No. 5)

18. Mr. Shami received no further communication from Respondent after her July 7, 2008 email. Respondent did not file the affidavit of support with the National Visa Center.

19. On September 2, 2008, Mr. Shami informed Respondent that he no longer wished her to represent him. He informed her that another attorney would be contacting her and instructed her to transfer his file to the new attorney.

20. On September 4, 2008, Khalid Mahmood, Esquire contacted Respondent on behalf of the Shamis and requested her to transfer the Maheen Shami file to his office.

21. Respondent has neither replied to any of Mr. and Mrs. Shami's requests for information nor has she transferred Mrs. Shami's file to Attorney Mahmood. Respondent has not responded to the requests for a refund of the unearned portion of the fees paid to her in advance.

22. Respondent was served with the petition for discipline, endorsed with a notice to plead within 20 days. Personal service was attempted by Office of Disciplinary Counsel investigator Daniel G. Richer on February 2, 2010, February 4, 2010 and March 1, 2010 to both Respondent's office and home addresses. These attempts were unsuccessful. On March 1, 2010, Mr. Richer left a copy of the petition for discipline, endorsed with the notice to plead within 20 days at Respondent's office and home addresses.

23. A copy of the petition for discipline under cover of a letter from Disciplinary Counsel Bruce H. Bikin, Esquire was mailed to Respondent on March 1, 2010 by USPS Certified Mail, return receipt requested and by regular mail. The signed return receipt was received at the Office of Disciplinary Counsel on March 11, 2010 bearing Respondent's signature. The regular mail was not returned as undeliverable to the Office of Disciplinary Counsel.

24. Marcee Sloan, hearing coordinator for the Disciplinary Board, scheduled the pre-hearing conference and the disciplinary hearing on or around March 25, 2010. On March 25, 2010, Ms. Sloan called the number listed in attorney registration for Carol Chandler, and left a voicemail message providing the date, time and place for the pre-hearing conference and disciplinary hearing.

25. On March 25, 2010, Ms. Sloan caused to be prepared a letter addressed to Respondent containing the date, time and place of the pre-hearing conference and disciplinary hearing. The letter was sent both regular and certified mail return receipt requested to 194 N. Harrison Street, PO Box 168, Princeton, New Jersey, Respondent's office address. The return receipt from the letter was returned to Ms. Sloan on or around April 12, 2010, signed by Respondent, and the first class mail has not been returned as undeliverable.

26. Respondent did not appear at the pre-hearing conference or the disciplinary hearing.

III. CONCLUSIONS OF LAW

By her conduct as set forth above, Respondent has violated the following Rules of Professional Conduct:

1. RPC 1.1 - A lawyer shall provide competent representation to a client.
2. RPC 1.3 - A lawyer shall act with reasonable diligence and promptness in representing a client.
3. RPC 1.4(a)(3)(4) - A lawyer shall (3) keep the client reasonably informed about the status of the matter; and (4) promptly comply with reasonable requests for information.
4. RPC 1.15(i) - A lawyer shall deposit into a trust account all fees and expenses that have been paid in advance.
5. RPC 1.16(d) - A lawyer shall upon termination of the representation take the steps reasonably practicable to protect a client's interest, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred.
6. RPC 5.5(a) - A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction.
7. NJRPC 1.1(a) - A lawyer shall not handle or neglect a matter entrusted to the lawyer in such manner that the lawyer's conduct constitutes gross negligence.
8. NJRPC 1.1(b) - A lawyer shall not exhibit a pattern of negligence or neglect in a lawyer's handling of legal matters generally.
9. NJRPC 1.3 - A lawyer shall act with reasonable diligence and promptness in representing a client.

10. NJRPC 1.4(a) - A lawyer shall fully inform a prospective client of how, when, and where the client may communicate with the lawyer.

11. NJRPC 1.4(b) - A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

12. NJRPC 1.15(b) - Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this Rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive.

13. NJRPC 1.16(d) - Upon termination of representation, a lawyer shall take steps to the extent practicable to protect a client's interest such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law.

14. NJRPC 5.5(b) - A lawyer not admitted to the Bar of this State who is admitted to practice law before the highest court of any other state, territory, Puerto Rico or the District of Columbia, may engage in the lawful practice of law in New Jersey only if: 3) (ii) the lawyer engages in representation of a party to a dispute by participating in arbitration, mediation or other alternate or complementary dispute resolution program, the representation is on behalf of an existing client in a jurisdiction in which the lawyer is admitted to practice, and the dispute originates in or is otherwise related to a jurisdiction in which the lawyer is admitted to practice.

15. NJRPC 5.5(c)(4) - A lawyer admitted to practice in another jurisdiction who acts in this jurisdiction pursuant to subparagraph (b) above shall: (4) not hold himself or herself out as being admitted to practice in this jurisdiction.

16. 8 CFR Section 3.102(a) - A practitioner shall be subject to disciplinary sanctions if he or she charges or receives (1) any fee or compensation for specific services...that shall be deemed to be grossly excessive.

IV. DISCUSSION

This matter is before the Board for consideration of a petition for discipline charging Respondent with neglect, failure to communicate, failure to refund unearned fees, and failure to turn over files. Respondent failed to respond to the petition for discipline, or appear before the hearing committee. Her failure to timely deny any of the allegations contained in the petition requires that the factual allegations in the petition be deemed admitted. Pa.R.D.E. 208(b)(3).

Respondent is currently licensed to practice law in Pennsylvania. She maintains her office for the practice of law in New Jersey where she is not licensed to practice and her conduct took place in New Jersey. Pursuant to RPC 8.5(a) and (b) and RPC 5.5(a), Respondent may be disciplined for her conduct in violation of both the Pennsylvania Rules of Professional Conduct and the New Jersey Rules of Professional Conduct.

Respondent actively practiced immigration law and maintained an office in New Jersey as a sole practitioner without being affiliated with a New Jersey attorney. She also failed to identify in her letterhead that she is not admitted to the New Jersey

Bar. Respondent violated New Jersey's rules concerning the unauthorized practice of law.

In addition to engaging in the unauthorized practice of law, Respondent neglected client matters for both Mr. Awan and Mr. and Mrs. Shami. She failed to take action to move forward with their matters, did not represent Mr. and Mrs. Shami competently or diligently, failed to update Mr. Awan and the Shamis with the status of their matters, and failed to respond to numerous requests for information.

Furthermore, Respondent violated the Rules of Professional Conduct when she did not deposit the retainers she received from her clients into a trust account, and when she failed to return the files and unused retainers after being discharged by her clients.

It is the unanimous opinion of the Disciplinary Board that the seriousness of these charges, as well as Respondent's failure to appear at the disciplinary hearing or otherwise participate, warrants a suspension of one year and one day. Even though this is Respondent's first adjudication of disciplinary violations her failure to participate in the disciplinary process is an aggravating factor that far outweighs any mitigation to which Petitioner might be entitled because of her prior clean record. We believe that this level of discipline is necessary so that Respondent will be required to affirmatively demonstrate to the Board that she has the necessary qualifications to practice law in Pennsylvania in the event that she seeks to do so in the future.


V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, Carol Chandler, be Suspended from the practice of law for a period of one year and one day.

It is further recommended that the expenses incurred in the investigation and prosecution of this matter are to be paid by the Respondent.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: 
Howell K. Rosenberg, Board Member

Date: April 15, 2011

Board Member Todd did not participate in the adjudication.