

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2911 Disciplinary Docket No. 3
	:	
Petitioner	:	
	:	No. 116 DB 2022
v.	:	
	:	
JESSE M. COHEN,	:	Attorney Registration No. 93020
	:	
Respondent	:	(Out of State)

ORDER

PER CURIAM

AND NOW, this 12th day of January, 2024, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board, the Joint Petition in Support of Discipline on Consent is granted, and Jesse M. Cohen is suspended from the Bar of this Commonwealth for four years, retroactive to September 8, 2022. Respondent shall comply with the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Nicole Traini
As Of 01/12/2024

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2911 Disc. Dkt. No. 3
Petitioner :
: No. 116 DB 2022
v. :
: Atty. Reg. No. 93020
JESSE M. COHEN, :
Respondent : (Out of State)

JOINT PETITION IN SUPPORT OF DISCIPLINE
ON CONSENT UNDER RULE 215(d), Pa.R.D.E.

Petitioner, Office of Disciplinary Counsel ("ODC"), by Thomas J. Farrell, Esquire, Chief Disciplinary Counsel, and by Richard Hernandez, Esquire, Disciplinary Counsel, and Respondent, Jesse M. Cohen, who is represented by Ellen C. Brotman, Esquire, file this Joint Petition In Support of Discipline On Consent Under Rule 215(d) of the Pennsylvania Rules of Disciplinary Enforcement ("the Joint Petition") and respectfully represent that:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania, is invested, pursuant to Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 207, with the power and 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

FILED
10/03/2023
The Disciplinary Board of the
Supreme Court of Pennsylvania

brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.

2. Respondent, Jesse M. Cohen, was born in 1979, was admitted to practice law in the Commonwealth on October 6, 2004, and has a public access address in Van Nuys, California.

3. Pursuant to Pa.R.D.E. 201(a)(1) and (3), Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

4. On August 26, 2022, ODC and Respondent filed a Joint Petition to Temporarily Suspend an Attorney Pursuant to Pa.R.D.E. 214(d)(5).

5. By Order of the Supreme Court of Pennsylvania dated September 8, 2022, effective October 8, 2022, Respondent was placed on temporary suspension pursuant to Pa.R.D.E. 214(d)(5) ("the temporary suspension Order").

6. Respondent is aware that there is an open complaint file under investigation by ODC that relates to Respondent's conviction of felony offenses in the United States District Court for the Eastern District of Pennsylvania ("Eastern District Court").

7. Respondent has agreed to enter into a joint recommendation for consent discipline that encompasses the allegations of misconduct raised in the open complaint file.

SPECIFIC FACTUAL ADMISSIONS AND
ETHICS RULES VIOLATED

8. Respondent stipulates that the factual allegations set forth below are true and correct and that he violated the Rules of Professional Conduct and Pennsylvania Rule of Disciplinary Enforcement as set forth herein.

CHARGE

9. On June 23, 2022, the United States Attorney's Office filed a two-count Information in the Eastern District Court, said case captioned ***United States of America vs. Scott E. Diamond and Jesse M. Cohen***, Docket No. 2:22-cr-00206-AB ("the federal criminal case").

10. The Information alleged the following:

- a. Respondent, while an associate at an unidentified law firm (the law firm was Sacks Weston Diamond, LLC, hereinafter "the SWD firm"), and Scott E. Diamond, a partner at the SWD firm, engaged in fraud by agreeing to steal the legal fees generated from subrogation and personal injury matters that they were handling on behalf of firm clients;
- b. to ensure the secrecy of their fraudulent scheme, Respondent and Mr. Diamond selected

matters that they were handling that were not being monitored by the other partners of the SWD firm;

- c. Mr. Diamond deleted files and other records of the SWD firm and made false entries in the SWD firm's computer system to conceal the fraudulent scheme;
- d. Respondent and Mr. Diamond notified the insurance company or other payor responsible for issuing a settlement or legal fee payment to make the check payable to "Diamond Law, P.C." (an entity that Mr. Diamond created before he became a partner at the SWD firm), rather than the SWD firm, and to mail the check to a post office box that belonged to Mr. Diamond;
- e. on those occasions when Respondent and Mr. Diamond were unable to arrange for checks to be mailed to Mr. Diamond's post office box, Mr. Diamond intercepted the envelopes containing the checks before the SWD firm's bookkeeper retrieved the mail;

- f. after Mr. Diamond obtained the checks, he deposited the checks into a business account or IOLTA account he maintained for Diamond Law, P.C.;
- g. Mr. Diamond shared the wrongfully diverted legal fees equally with Respondent by issuing checks to Respondent;
- h. for some matters, Respondent and Mr. Diamond failed to reimburse the SWD firm for costs incurred, which served not only to conceal their fraudulent conduct from the SWD firm, but also generated additional proceeds they stole from the SWD firm;
- i. apart from Mr. Diamond's fraudulent scheme with Respondent, Mr. Diamond separately handled several personal injury matters for SWD clients and diverted the legal fees and expense reimbursements generated in those matters to himself; and
- j. in total, from June 2018 through July 2020, Respondent and Mr. Diamond defrauded the SWD firm of \$319,931 in legal fees and costs, although \$191,817 is the amount of wrongfully

diverted legal fees and costs that were shared equally between Respondent and Mr. Diamond.

11. On July 21, 2022, Respondent appeared before the Honorable Anita B. Brody, and pled guilty to one count of Mail Fraud, in violation of 18 U.S.C. § 1341, and one count of Wire Fraud, in violation of 18 U.S.C. § 1343.

12. The crime of Mail Fraud is punishable by a term of imprisonment of twenty years, a three-year period of supervised release, a \$250,000 fine, and a \$100 special assessment.

13. The crime of Wire Fraud is punishable by a term of imprisonment of twenty years, a three-year period of supervised release, a \$250,000 fine, and a \$100 special assessment.

14. On March 21, 2023, Respondent appeared before Judge Brody for sentencing. The transcript for Respondent's sentencing is attached as Attachment A.

a. Prior to Respondent's sentencing, the United States Attorney's Office filed a 5K1.1 motion for a downward departure from the sentencing guidelines.

15. At Respondent's sentencing, Assistant United States Attorney ("AUSA") Louis D. Lappen stated that Respondent's

cooperation "has been phenomenal" from the outset and "highly significant." Attachment A, pp. 5-6. At the request of the United States Attorney's Office, Respondent surreptitiously made recorded telephone calls to Mr. Diamond, which allowed that office to "develop substantial evidence" against Mr. Diamond. *Id.* Respondent's cooperation assisted the United States Attorney's Office in "moving the investigation forward" and convincing Mr. Diamond to plead guilty. *Id.* at 6. AUSA Lappen recommended Respondent Cohen receive probation, despite the sentencing guidelines indicating a term of imprisonment from 21 months to 27 months. *Id.* at 8-12.

16. Judge Brody sentenced Respondent to three years of probation on each count, to run concurrently, and a special assessment of \$200.

- a. Judge Brody did not order restitution because AUSA Lappen stated that Respondent Cohen had paid \$45,000 to Andrew Sacks, Esquire, and John Weston, Esquire, and Mr. Diamond paid \$319,000 towards restitution to the Clerk's Office for the Eastern District Court, which collectively satisfied any restitution owed.

17. In accordance with Pa.R.D.E. 214(a), Respondent reported his conviction to the Office of Disciplinary Counsel.

18. By his conduct as alleged in paragraphs 9 through 17 above, Respondent violated the following Rules of Professional Conduct and Pennsylvania Rule of Disciplinary Enforcement:

- a. RPC 8.4(b), which states that it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- b. RPC 8.4(c), which states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation; and
- c. Pa.R.D.E. 203(b)(1), which states that a conviction of a crime shall be grounds for discipline.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

19. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension of four years, to be made

retroactive to September 8, 2022, the date of the temporary suspension Order.

20. Respondent hereby consents to that discipline being imposed upon him by the Supreme Court of Pennsylvania. Attached to this Petition is Respondent's executed Affidavit required by Rule 215(d), Pa.R.D.E., stating that he consents to the recommended discipline, including the mandatory acknowledgements contained in Rule 215(d)(1) through (4), Pa.R.D.E.

21. In support of Petitioner and Respondent's joint recommendation, it is respectfully submitted that there are several mitigating circumstances:

- a. Respondent has admitted engaging in misconduct and violating the charged Rules of Professional Conduct and Pennsylvania Rule of Disciplinary Enforcement;
- b. Respondent has cooperated with Petitioner, as is evidenced by Respondent's admissions herein and his consent to the entry of the temporary suspension Order and to the imposition of a four-year suspension;
- c. Respondent is remorseful for his misconduct and understands he should be disciplined, as

is evidenced by his consent to the entry of the temporary suspension Order and to the imposition of a four-year suspension;

- d. Respondent has no record of discipline in Pennsylvania since his admission to practice law;
- e. Respondent, with Mr. Diamond, made full restitution to the SWD firm; and
- f. Respondent's assistance to the United States Attorney's Office warrants consideration as a mitigating factor that should be assigned significant weight because it was extraordinary as illustrated by AUSA Lappen's statements to Judge Brody at Respondent's sentencing and the recommendation by the United States Attorney's Office that Respondent be given probation in lieu of incarceration.

22. Discipline in cases involving conversion of law firm funds has ranged from a private reprimand to disbarment on consent. See, e.g., ***In re Anonymous***, No. 39 DB 2001 (D.Bd. Rpt. 1/06/03) (private reprimand imposed on attorney who received fees and costs in two client matters, failed to

notify his law firm of the receipt of the fees and costs, misled his law firm as to the status of each case, and used his law firm's share of the fees and costs); **Office of Disciplinary Counsel v. Karen Gwyn Muir**, No. 79 DB 2002 (D.Bd. Rpt. 12/5/03) (S.Ct. Order 3/1/04) (Respondent Muir suspended for three months for converting \$500 in fees belonging to her law firm and for failing to timely pay fees to her law firm in three other matters); **Office of Disciplinary Counsel v. Timothy John Blatt**, No. 54 DB 2005 (S.Ct. Order 9/8/2005) (consent discipline) (Respondent Blatt suspended for six months for, *inter alia*, converting a total of \$3,733 in fees and costs that he received in connection with two client matters); **Office of Disciplinary Counsel v. Charles C. Staropoli**, No. 97 DB 2002, 69 Pa. D.&C.4th 116 (2004) (Respondent Staropoli suspended for one year retroactive to his transfer to inactive status for converting \$3,000 owed to his law firm from a \$9,000.00 settlement and for making misrepresentations to conceal his misconduct); **Office of Disciplinary Counsel v. James Felix Geronimo**, No. 8 DB 1997 (D.Bd. Rpt. 2/26/98) (S.Ct. Order 4/20/98) (Respondent Geronimo suspended for one year and one day for converting legal fees owed to his law firm over fifteen months; Respondent Geronimo paid his former firm

\$53,000 in restitution even though the amount of funds converted was undetermined); **Office of Disciplinary Counsel v. Steven Robert Grayson**, No. 95 DB 2007 (S.Ct. Order 3/20/2008) (consent discipline) (Respondent Grayson suspended for two years for converting \$35,000 from his former law firm over thirty-three months; Respondent Grayson paid restitution. ODC subsequently learned that Respondent Grayson had converted additional legal and referral fees exceeding \$200,000 and withheld this information from ODC. Respondent Grayson agreed to disbarment on consent, **Office of Disciplinary Counsel v. Steven Robert Grayson**, No. 70 DB 2012 (S.Ct. Order 6/27/2012)); **Office of Disciplinary Counsel v. Joan Gaughan Atlas**, No. 171 DB 2001 (D.Bd. Rpt. 3/24/04) (S.Ct. Order 6/29/04) (Respondent Atlas suspended for three years for converting approximately \$35,000 in fees belonging to her former employer, commingling her funds with fiduciary funds, and failing to hold in trust client funds in several matters over a period of 44 months; Respondent Atlas failed to make restitution to her former employer); **Office of Disciplinary Counsel v. Nichole Ashley Collins**, No. 207 DB 2017 (S.Ct. Order 3/12/2018) (Respondent Collins agreed to her disbarment on consent for: converting almost \$10,000 in funds from a costs account belonging to her former employer; causing

almost \$97,000 in losses to her former employer by overstating amounts on her commission sheets and double-billing for alleged client services; and making side-deals with her former employer's clients, resulting in a \$90,000 loss to her former employer in accounts receivable. Respondent Collins made only partial restitution).

23. Since 2000, disciplinary cases involving convictions for mail fraud have typically resulted in suspension of five years, despite the attorneys having no record of discipline. See **Office of Disciplinary Counsel v. Glori Alisha Kasner**, No. 51 DB 2011 (D.Bd. Rpt. 8/9/2012) (S.Ct. Order 3/14/2013) (Respondent Kasner pled guilty to two counts of aiding and abetting mail fraud. Twice, Respondent Kasner and other individuals submitted fraudulent medical records and insurance claims for fictitious automobile accidents in order to recover personal injury settlements. Respondent Kasner was directed to pay \$9,500 in restitution. Our Court rejected the Board's disbarment recommendation and imposed a five-year suspension); **Office of Disciplinary Counsel v. Rhonda McCullough Anderson**, No. 156 DB 2004 (D.Bd. Rpt. 11/21/2006) (S.Ct. Order 2/23/2007) (Respondent Anderson pled guilty to one count of mail fraud; she agreed to a proposal

made by the City Treasurer of Philadelphia to start an asset locator business that involved finding the owners of unclaimed City Bonds and to pay a portion of her fees in cash to the City Treasurer. Respondent Anderson made cash payments totaling \$1,300. The Board recommended a three-year suspension, but our Court imposed a five-year suspension); **Office of Disciplinary Counsel v. Michael W. McCarrin**, No. 164 DB 2000 (D.Bd. Rpt. 3/8/2006) (S.Ct. Order 5/25/2006) (Following a jury trial, Respondent McCarrin was found guilty of nine counts of mail fraud and two counts of engaging in monetary transactions in property derived from unlawful activity. For approximately two years, Respondent McCarrin, through a company he formed, charged inflated amounts for customer surveys—some surveys were incomplete or never performed—to Potamkin automobile dealerships and concealed that he was sharing the proceeds generated from the customer surveys with the wife of the president and general manager of Potamkin. Respondent McCarrin was directed to pay \$414,028 in restitution. Our Court agreed with the Board's sanction recommendation and suspended Respondent McCarrin for five years).

In 2016, an attorney with no record of discipline agreed to be disbarred on consent after pleading guilty to two counts

of mail fraud. See **Office of Disciplinary Counsel v. James P. Kennedy**, No. 82 DB 2016 (S.Ct. Order 8/11/2016). Between June 2007 and February 2011, Respondent Kennedy embezzled over \$290,000 from a law office by writing checks to himself and third parties. Respondent Kennedy was sentenced to a term of imprisonment of 20 months and required to pay restitution.

24. If the focus is placed on Respondent Cohen's misconduct as opposed to the criminal convictions, Respondent Cohen's misappropriation of legal fees and cost reimbursements from the SWD firm exceeds the various amounts of law firm funds misappropriated in reported, litigated disciplinary cases (putting aside the disbarments on consent in **Grayson** and **Collins**). See ¶22, *supra*. Consequently, the three-year suspension imposed in **Atlas**, which represents the stiffest sanction in a litigated disciplinary case involving the conversion of law firm funds, is too lenient, notwithstanding the fact that Respondent Cohen (along with Mr. Diamond) made full restitution to the SWD firm, unlike Respondent Atlas who did not make restitution to her former employer.

If Respondent's convictions are the point of emphasis, then arguably **Kasner**, **Anderson**, and **McCarrin** support the

imposition of a five-year suspension. However, ODC and Respondent submit that the joint recommendation for a four-year suspension reflects the unique facts surrounding Respondent's conviction, including the mitigating circumstances, which warrant consideration in determining the discipline to be imposed. See **Office of Disciplinary Counsel v. Anthony C. Cappuccio**, 48 A.3d 1231, 1238 (Pa. 2012). If **Kasner**, **Anderson**, and **McCarrin** are relied on in determining the discipline to impose, Respondent's immediate and extraordinary assistance to the United States Attorney's Office during the criminal investigation (see Attachment A), in conjunction with the other mitigating factors identified above, support a reduction in the term of suspension from five years to four years.

Based on the foregoing, a suspension of four years is sufficiently lengthy to advance the goals of attorney discipline. Those goals are protecting the public, maintaining the integrity of the courts and the legal profession, and specific and general deterrence. See **Office of Disciplinary Counsel v. Keller**, 506 A.2d 872, 875 (Pa. 1986); **In re Iulo**, 766 A.2d 335, 338-339 (Pa. 2001).

WHEREFORE, Petitioner and Respondent respectfully request that:

- a. Pursuant to Rule 215(e) and 215(g), Pa.R.D.E., the Three-Member Panel of the Disciplinary Board review and approve the above Joint Petition In Support Of Discipline On Consent and file its recommendation with the Supreme Court of Pennsylvania in which it is recommended that the Supreme Court enter an Order that Respondent receive a suspension of four years, to be made retroactive to September 8, 2022, the date of the temporary suspension Order, and that Respondent comply with all of the provisions of Rule 217, Pa.R.D.E.; and
- b. Pursuant to Pa.R.D.E. 215(i), the Three-Member Panel of the Disciplinary Board enter an order for Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter, and that under Pa.R.D.E. 208(g)(1) all expenses be paid by Respondent within 30 days after the notice of the taxed expenses is sent to Respondent.

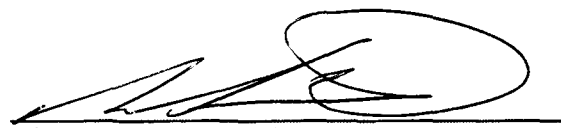
Respectfully and jointly submitted,

OFFICE OF DISCIPLINARY COUNSEL

THOMAS J. FARRELL
CHIEF DISCIPLINARY COUNSEL


10/2/2023
Date

By


Richard Hernandez
Disciplinary Counsel

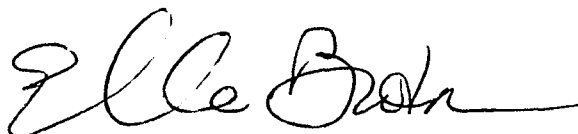
09-04-2023
Date

By


Jesse M Cohen
Respondent

9/25/2023
Date

By


Ellen C. Brotman, Esquire
Respondent's Counsel

ATTACHMENT A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

USA,
Plaintiff,
vs.
Jesse M. Cohen, et al,
Defendants.

*
* Docket # 22-cr-00206-
* AB-2
*
* United States Courthouse
* Courtroom 7B
* Philadelphia, PA
* March 21, 2023
* 12:34 p.m.
*
* * * * *

TRANSCRIPT OF SENTENCING HEARING
BEFORE THE HONORABLE ANITA B. BRODY
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

For The Plaintiff: Louis D. Lappen, AUSA
U.S. Attorney's Office
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106

For The Defendants: Lloyd Long, III, Esquire
The Law Office of Lloyd Long,
PLLC
1845 Walnut Street, 25th Floor
Philadelphia, PA 19103

Audio Operator: J. Scheidt

Transcribing Firm: Principle Court Reporting
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I N D E X

PAGE

ARGUMENT

By Mr. Lappen

5

ARGUMENT

By Mr. Long

12

CERTIFICATE

26

E X H I B I T S

(NONE OFFERED)

1 THE COURT: We're here on the matter of United States
2 versus Jesse Cohen, Case Number 22-206-2, and I recognize the
3 presence of Mr. Cohen, good afternoon.

4 MR. COHEN: Good afternoon, Your Honor.

5 THE COURT: His lawyer, Mr. Long.

6 ATTORNEY LONG: Yes, good afternoon, Your Honor.

7 THE COURT: Mr. Lappen for the government.

8 ATTORNEY LAPPEN: Yes, good afternoon, Your Honor.

9 THE COURT: Ms. Donnelly for the probation
10 department.

11 MS. DONNELLY: Your Honor.

12 THE COURT: And -- no it isn't, no I know Mr. Ninan
13 (phonetic).

14 MR. MECHANIC: Postal inspector Joseph McCann, Your
15 Honor.

16 THE COURT: Okay.

17 ATTORNEY LONG: Mr. Ninan wasn't available today.

18 THE COURT: No --.

19 ATTORNEY LONG: He's covering.

20 THE COURT: That's not a problem. I just know who he
21 is and this isn't he.

22 ATTORNEY LONG: You're right.

23 THE COURT: Okay. I received and reviewed the
24 presentence investigation report and the sentencing memorandum
25 from the government and defense counsel. Counsel, have you

1 received a copy?

2 ATTORNEY LONG: Yes, Your Honor.

3 ATTORNEY LAPPEN: Yes, I have, Your Honor.

4 THE COURT: All right, Mr. Long. And Mr. Cohen, have
5 you received a copy?

6 MR. COHEN: I have, Your Honor.

7 THE COURT: Have you had a chance to discuss it with
8 your lawyer?

9 MR. COHEN: I did, Your Honor.

10 THE COURT: All right. Are there any objections to
11 the presentence report?

12 ATTORNEY LAPPEN: Not from the government, Your
13 Honor.

14 ATTORNEY LONG: Nor from the defense, Your Honor.

15 THE COURT: Okay, all right. I adopt the findings of
16 the presentence report. I recognize that although the
17 sentencing guidelines are no longer mandatory. I must consider
18 them in connection with all the factors set forth in 18USC
19 section 3553A, and therefore, I must determine the applicable
20 guideline range, and consider the applicable policy statements.
21 Having done so I must determine the facts appropriate for --
22 for a reasonable sentence is either guideline sentence or a
23 non-guideline sentence. I find that the offense level of 16
24 that the criminal history -- history category is one and,
25 therefore, the guideline range is between 21 and 27 months. Is

1 that correct?

2 ATTORNEY LONG: The defense agrees, Your Honor.

3 ATTORNEY LAPPEN: Yes, Your Honor.

4 THE COURT: Okay. I understand that the government
5 has filed a 5K1.1 motion. Would you like to summarize that?

6 ATTORNEY LAPPEN: Yes, Your Honor, and I spoke with
7 defense counsel prior to the hearing to ensure that he was
8 comfortable with me addressing this matter in open court with
9 Your Honor as a cooperator.

10 THE COURT: Okay, thank you.

11 ATTORNEY LAPPEN: Yes, we have file a 5K1.1 motion on
12 behalf of the defendant for his cooperation in this matter
13 specifically his substantial assistance in the investigation
14 and prosecution of his codefendant, Mr. Diamond, whose
15 sentencing began yesterday, and, Your Honor, certainly familiar
16 with that, going through the section 5K1.1 factors. The first
17 is the nature and extent of the defendant's assistance, and the
18 defendant's cooperation in this matter has been phenomenal from
19 the minute and it was literally the minute we confronted
20 defense counsel to say that we were interested in talking to
21 his client about this fraud. He immediately came forward and
22 said that his client was willing to cooperate. We had -- we
23 asked him to make surreptitiously recorded phone calls with the
24 codefendant Mr. Diamond, he did so. He did so in a very
25 professional forth coming and thorough way. We were able to

1 develop substantial evidence against the defendant as Your
2 Honor knows these cases a lot of issues relate to knowledge and
3 intent, and he at our direction made the phone calls that
4 elicited straight forward information from his codefendant that
5 substantially assisted us in the prosecution, as we were
6 unraveling the details of the fraud and engaging in other steps
7 in an investigation. We were repeatedly in touch with this
8 defendant since he participated in the fraud with Mr. Diamond,
9 and he would always walk through the details with us so we
10 could get it right so that we charged the case against Mr.
11 Diamond appropriately. We don't want to overcharge it. We don't
12 want to under charge it. We want to make sure we know exactly
13 what the nature of the fraud was and address some of the more
14 complex issues about loss and how much should be attributed to
15 this defendant to the other defendant and how much the firm
16 really lost because this started off with \$750,000 of funds
17 being taken from the firm, but we worked hard to be fair to
18 make sure we could show exactly what it was that the firm lost
19 as opposed to what some of the participants would otherwise
20 have been entitled to. All right, so, he did everything, and
21 his cooperation was highly significant, which is the next
22 factor because this is -- this helped us significantly in
23 convincing Diamond to plead guilty and in moving the
24 investigation forward. The next factor is reliability of the
25 information. The defendant's cooperation here was truthful,

1 complete, and reliable. We know that because we have the
2 documents and other witnesses that we spoke with, and
3 everything he told us was true, didn't matter if it hurt him or
4 helped him he always told us the truth. The next factor is
5 danger to the defendant. We're not aware of any specific
6 danger, but any cooperator who assists the government in this
7 way does so at some risk. The next factor is timeliness as I
8 mentioned before, Your Honor, since he cooperated from the
9 minute that we spoke to him until this very day, in fact he may
10 come in at the hearing tomorrow to address one of the
11 outstanding issues involving Mr. Diamond. He may testify
12 briefly about that, so, he's always made himself available in a
13 timely thorough and complete way and so we believe, Your Honor,
14 should grant our motion and give the defendant substantial
15 credit for this cooperation.

16 THE COURT: Okay. I accept the 5K1.1 for the reason
17 just articulated by the government and I will sign it.

18 ATTORNEY LAPPEN: Thank you.

19 ATTORNEY LONG: Thank you, Your Honor.

20 THE COURT: Okay. I assume you have no objection to
21 it?

22 ATTORNEY LONG: We have no objection to that, Judge.

23 THE COURT: Okay. Does anyone wish to testify?

24 ATTORNEY LONG: Your Honor, we'll not be calling any
25 witnesses today.

1 THE COURT: Okay. And Mr. Lappen, are you going to be
2 calling any witnesses?

3 ATTORNEY LAPPEN: No, Your Honor.

4 THE COURT: All right. I did -- I received several
5 letters on Mr. Cohen's behalf. The Salem family writes that Mr.
6 Cohen has played a positive role in their lives after
7 connecting with their son Eric through big brothers big
8 sisters. They say that he joined their family for holidays and
9 bought dinners, and he helped Eric during a difficult period in
10 his life. Craig and Anna Fractenburg (phonetic) have known Mr.
11 Cohen since he was in high school. They tell the court that
12 they believe the conduct at issue in this case is out of
13 character for Mr. Cohen. Brian Dash, a lawyer who worked with
14 Mr. Cohen says that Mr. Cohen is a helpful colleague and a hard
15 working person, and Mr. Edilstein (phonetic) J. Edilstein, Mr.
16 Cohen's former employer writes that Mr. Cohen was -- was an
17 outstanding associate in his law firm. Mr. Robinson tells the
18 court that Mr. Cohen displayed civic engagement through his
19 involvement in local politics and charitable activities, and
20 that Adam Yawn -- Ron I am sorry who has known Mr. Cohen for 30
21 years writes that Mr. Cohen has been a loyal friend to him and
22 has expressed deep remorse for the conduct in this case.
23 Counsel, would you like to address sentencing? We can start
24 with the government.

25 ATTORNEY LAPPEN: Yes, Your Honor. The guidelines in

1 this case as, Your Honor, has noted are 21 to 27 months in
2 prison going through the section 3553 factors. There is --
3 there is no doubt that this is a serious case. We hold lawyers
4 to a high standard of conduct in our society, and he was a
5 trusted member of a law firm who is expected to behave in an
6 honest and professional manner, and he didn't do that. He
7 engaged in a fraud scheme with his -- with a partner in the law
8 firm, Mr. Diamond, this offense did have serious consequences
9 for the law firm. The law firm was struggling financially and
10 these two defendants took \$750,000 in funds which resulted in
11 about \$319,000 in losses to the firm that the firm needed to
12 function. The firm also in its members suffered reputational
13 and emotional damage, which is what happens when you're
14 betrayed by another lawyer, so, I -- I in no way, shape, or
15 form can underestimate the seriousness of an offense when a
16 lawyer who is expected to behave at the highest levels of
17 integrity betrays the trust of a law firm and engages in fraud
18 against that law firm, so, it is a serious offense that would
19 call for some serious punishment, but I will also in addressing
20 the seriousness of the offense want to contrast the rule of and
21 the conduct of this defendant with the rule in the conduct of
22 Mr. Diamond because there I think it's -- it's black and white.
23 It's two completely different people. Mr. Diamond was a partner
24 who had even more responsibilities to the law firm, who brought
25 Mr. Cohen into the firm as associate who Mr. Cohen looked up to

1 and reported to so just in terms of what their relative rules
2 were in the firm Mr. Diamond was far more responsible, at the
3 time when the -- when the fraud was discovered as I've outlined
4 here somewhat today in addressing the 5K1.1 motion this
5 defendant always showed remorse, admitted to what he did, was
6 helpful to the government and on his own, Your Honor, was
7 paying back the law firm as he was able to afford along the
8 way, as opposed to Mr. Diamond who initially was denying,
9 trying to come up with excuses for what he did, even to this
10 day is not admitting to the full scope of his illegal conduct,
11 and engaged in additional fraud on top of the fraud that they -
12 - that they engaged in together, so, there were as we set forth
13 in our factual background in the sentencing memo there were the
14 subrogation cases and a few personal injury cases that they
15 stole together and shared in the proceeds of the fraud, but in
16 addition to that the -- Mr. Diamond took other personal injury
17 cases away from the firm, resolved those on his own and
18 pocketed those funds without sharing that money with Mr. Cohen,
19 so, he was responsible for more fraud and his conduct following
20 the investigation has been much less appropriate and stellar as
21 this defendant, so, while this defense is serious it's much
22 more serious for Mr. Diamond, looking at the history and
23 characteristics of the defendant in addition to what I just
24 said obviously it doesn't speak well to your character that you
25 engage in this, but it does speak well to his character given

1 the way he conducted himself after he was caught. The sentence
2 says Your Honor knows has to reflect the seriousness of the
3 offense and promote respect for the law and justly punish the
4 defendant and deter others, and we talked a lot in this
5 courtroom about deterrence especially in fraud cases and in
6 cases involving professionals because people pay attention
7 might be inclined to engage in this activity what are the
8 consequences going to be, and it shouldn't be the consequences
9 should not be that one gets a slap on the wrist, pays some
10 money back and it's over in the ordinary case and in the
11 ordinary fraud case. The punishment has to be serious enough
12 that a lawyer or other professional is deterred and doesn't
13 engage in this kind of activity, and when we look at deterrence
14 in this case I would ask Your Honor to look holistically at
15 both defendants and at what this defendant has done in this
16 case. This defendant has cooperated and has done all of the
17 things that we've said he has done, and for that reason we're
18 recommending a sentence well below the guidelines within Your
19 Honor's discretion, and I know Your Honor has spoken before
20 about sentence that you're inclined to impose here, and while
21 in an ordinary fraud case that didn't involve this level of
22 cooperation and where a defendant was not as forthcoming about
23 what he did, we would say that sentence would not adequately
24 deter others, but somebody who looks in on this case as a whole
25 and sees that he gets a substantial break for cooperating and

1 Mr. Diamond where the government is going to be making a
2 different request that he get a serious term of imprisonment
3 that as a whole would act to deter.

4 THE COURT: I understand that you're recommending
5 probation. Is that correct?

6 ATTORNEY LAPPEN: We -- we are -- we are recommending
7 probation here especially as Your Honor has requested so we are
8 fine with that, and -- and the reason is that in this
9 individual case satisfies the section 35-53 factors in a way
10 that it wouldn't in other case.

11 THE COURT: Okay. Mr. Long, would you like to
12 address?

13 ATTORNEY LONG: Very briefly, Your Honor, and good
14 afternoon. Your Honor I will be brief in my remarks as I think
15 a lot of what I should be saying in this case has already been
16 said by the government. I have had the fortune of knowing Mr.
17 Cohen since we were teenagers and working at the same camp
18 together, and it's been a pleasure to represent him throughout
19 the course of these proceedings. It's unfortunate that we came
20 back together in these circumstances, with that said, Your
21 Honor, I ask that you take into account in fashioning this
22 sentence the behavior that Jesse Cohen has engaged in
23 subsequent to the discovery of the fraud. As Mr. Lappen noted
24 he immediately started cooperating. I got a phone call one
25 afternoon from Mr. Lappen and spoke to Mr. Cohen shortly after,

1 that night he was making recorded phone calls with Scott
2 Diamond. He made numerous recorded phone calls with Scott
3 Diamond in the days after we were contacted by the government,
4 and his cooperation as the government notes has been truthful.
5 It has been complete and it has been overwhelmingly accurate
6 throughout the years that we have been working on this case
7 together. It continued up until we were standing outside the
8 courtroom waiting for sentencing to begin when we were having a
9 conversation about Mr. Diamond, not we when Mr. Lappen was
10 having a conversation with Mr. Cohen about Mr. Diamond that is
11 true cooperation and it leads me to my next point which Mr.
12 Cohen is going to address more extensively his remorse. Remorse
13 is not only saying I am sorry I did this I feel bad about doing
14 this, remorse is showing that you regret and or overcome with
15 emotion about what you did, and when the government says hey we
16 think we got you on something and we want to talk to you about
17 it, there is one of two things that you can do. You can go
18 wasn't me or no you've got this all mixed up you don't
19 understand what's really going on, or you can go in and you can
20 say I did it this is how I did it, this is everything that we
21 did, and whatever questions you have and whatever I can do to
22 assist you in this ask and I will do it. Remorse is when you
23 lose your job for good reason and are struggling financially
24 but are still sending tens of thousands of dollars back to the
25 victims of your fraud.

1 THE COURT: Has -- has that been paid?

2 ATTORNEY LONG: It's paid in its entirety, yes, Your
3 Honor.

4 THE COURT: Oh is it paid.

5 ATTORNEY LONG: Yes.

6 THE COURT: Okay.

7 ATTORNEY LONG: Yes. When there is no restitution
8 order or anything of that nature that is outward signs of
9 remorse and the court is going to hear from Mr. Cohen who is
10 going to be -- who and make a determination as to whether he is
11 actually remorseful, but I would argue that in these
12 circumstances he has shown deep remorse. I would further argue
13 that this is in fact out of character for Mr. Cohen. Mr. Cohen
14 was a lawyer for 20 years and he knows what taking these
15 actions has cost him, but for 20 years he did a lot of good for
16 his clients for his employers, outside of the practice of law
17 the letters that were written on Mr. Cohen's behalf tell you
18 what kind of person he is, goes into the home of individuals
19 who he doesn't know and takes an active role in a troubled
20 kid's life and that kid's behavior all of the sudden turns
21 around so much that the family feels confidence in sending Your
22 Honor a letter saying we know what's going on and we want you
23 to know that this is a good person who made an important change
24 in our child's life.

25 THE COURT: All right, thank you very much.

1 ATTORNEY LONG: Thank you, Your Honor.

2 THE COURT: I just want to just so I can understand
3 this completely. There was some evidence yesterday that -- that
4 a contention Mr. Lappen that -- that -- that Mr. Diamond,
5 excuse me, cheated if you will some -- some clients of his own.
6 Mr. Cohen there was one some -- one bit of evidence that
7 indicated that Mr. Cohen only one may have done the same.
8 What's your position on that?

9 ATTORNEY LONG: Yes, Your Honor, in fact that was one
10 of the matters I was addressing with Mr. Cohen before we
11 started. One of the eight cases that we were talking about
12 yesterday the Wagner case.

13 THE COURT: I don't remember the name of the case at
14 this --.

15 ATTORNEY LONG: I am just putting it on the record.
16 One of the cases we were talking about yesterday, I wouldn't
17 expect you to remember the name, happens to be the Wagner case,
18 and that was the one case that Mr. Cohen along with Mr. Diamond
19 took client funds by inflating the costs which then reduced the
20 amount that was paid to the client by approximately \$2500, and
21 I -- I showed some of those documents to Mr. Cohen, he agrees
22 with what was presented yesterday and if necessary he'd be
23 prepared to come and testify tomorrow to that particular theft
24 of client funds.

25 THE COURT: Okay.

1 ATTORNEY LONG: The other seven --.

2 THE COURT: No, I didn't see any -- I didn't see any
3 other evidence, but you may know about it and I don't know.

4 ATTORNEY LONG: But you're -- I want to make sure the
5 record is clear, Your Honor is 100 percent correct, there was -
6 - Mr. Cohen did not participate in the client thefts in those
7 other seven cases.

8 THE COURT: Well, you -- I wouldn't know that, but if
9 you tell me that I -- I accept it.

10 ATTORNEY LONG: Okay, thank you.

11 THE COURT: And am I correct that Mr. -- Mr. Cohen
12 that you will be willing to come in and testify tomorrow if
13 necessary?

14 MR. COHEN: That's correct, Your Honor.

15 THE COURT: Okay, all right, okay. I want you to know
16 that there was some slippage and I -- I am going to sentence
17 you with that understanding, okay.

18 MR. COHEN: Understood, Your Honor.

19 THE COURT: Okay. Is there anything you'd like to say
20 to the court before I sentence?

21 MR. COHEN: Yes, Your Honor, I'll try to be as brief
22 as --.

23 THE COURT: Just come -- just come up.

24 MR. COHEN: I'll be as brief as possible while still
25 covering everything I feel is important for you to know. I

1 don't like reading things, but I made some notes just to make
2 sure I don't miss anything so I will apologize in advanced if I
3 am looking down it's just to make sure that I cover things that
4 I felt were important for you to know. I appreciate the
5 opportunity to address the court this afternoon. I want to
6 acknowledge that Mr. Lappen and I discussed with him the other
7 day that him and the postal inspector, Officer Nion (phonetic),
8 and then just the whole -- his office they've been extremely
9 respectful and respect that I probably wasn't warranted, but it
10 meant a lot to be treated still as a human being and treated
11 respectfully throughout the process so I just want to
12 acknowledge that Mr. Lappen was really very. I think he is an
13 honorable person and he acted that way with me throughout the
14 entire case, additionally Mr. Long who I have known for a very
15 long time has been a very, very helpful and important provided
16 important guidance and counsel going through this since this
17 all began I've had the opportunity to reflect on my actions and
18 the underlying issues that led to this all happening in the
19 first place. I have sought more intensive therapeutic
20 assistance with a psycho therapist, a licensed clinical
21 psychologist who I have seen regularly for the last two years
22 since this all began, her dedication and desire to help me
23 address things that I never properly addressed before has been
24 extremely, extremely helpful. We have shed a lot of light on
25 what was happening then and where I am now. I have come to

1 understand that what happened here a lot of these -- these
2 actions were fueled by greed, selfishness, and just a long
3 standing for my entire adult life long standing emotional sort
4 of just emptiness that was filled with money and pretend
5 status, and artificial things shoes and belts and clothing and
6 things that were done externally to make me feel good because I
7 didn't feel good internally, and I got very caught up in all of
8 that, and it sort of took control from the time I started
9 practicing law all the way through up until this incident or
10 these crimes occurred. I never properly addressed the
11 underlying depression and other emotional issues. I always sort
12 of superficially addressed them. I would -- I would put a band
13 aid on it, but I never properly address it, and I learned as a
14 result of this happening you can't use external stimulants to
15 replace doing the hard work that is required to address
16 underlying issues, that all being said I want to be very, very
17 clear unequivocally that I take responsibility for what
18 happened here, and I take complete responsibility for it. I
19 don't have any opinion as to Mr. Diamond and what he should or
20 shouldn't have done. I only know what I did and I know that I
21 was wrong, and I know that I have to take responsibility for
22 doing something that was wrong and not pass it off on to
23 anybody else. The only reason that I am standing here today is
24 because of what I did. I could have made different decisions. I
25 could have chosen to act differently and I made the incorrect

1 decision, and that's why I am standing here. I was under the
2 impression that Mr. Weston might be here today. I haven't seen
3 him I don't believe he is here, but I would like the court to
4 know that I felt a lot of sincere regret after this happened
5 because I really did genuinely like working with Mr. Weston,
6 obviously Mr. Sax was there as well, but I was more closely
7 working with Mr. Weston. I had a closer relationship with Mr.
8 Weston. He was and still is a phenomenally skilled attorney and
9 he taught me many things. He was an excellent teacher so I know
10 that this disrupted their business. I know that this disrupted
11 their personal lives. I know that this caused them significant
12 emotional distress, significant financial distress, and I fully
13 and completely acknowledge that and to the extent that they're
14 not here I will apologize to the court in their stead that I --
15 I really genuinely feel bad for ruining that relationship and -
16 - and someone that was kind to me and was a teacher to me. I
17 feel very badly about that. I also understand that as a lawyer
18 what I have done has been harmful to the judicial system and to
19 the administration of justice. I -- for my entire career was a
20 staunch advocate of our system the rule of law, the judicial
21 system, the legal system, the whole process and it is very
22 upsetting to me that I took actions which have caused the
23 public as a whole to have less confidence in that system and to
24 have doubts about that system, that is probably something that
25 I am most ashamed of because of how strongly I felt about the

1 system and still do, and I want to make that clear as well. I
2 have embarrassed my family, I have embarrassed my friends and
3 colleagues. I have caused them inconvenience. I have caused
4 them emotional distress. I have caused them financial distress,
5 everyone around me I have caused injury to as a result of this
6 happening, and I am very aware of that and very, very, very
7 deeply sorry for causing all of that pain to all of those
8 people. I think part of my long-standing depression and
9 emotional issues causes me to sometimes not think about other
10 people's feelings. I -- I have what I would describe to the
11 court as a limited emotional bandwidth, and I think I sometimes
12 assume that people are the same way and that's incorrect, other
13 people feel emotions I think more strongly and I have to remind
14 myself sometimes that my actions have consequences, and affect
15 other people's emotions, and that is something that has also
16 come -- become more clear as a result of this that I have to
17 think about other people. I'll wrap up I don't want -- I don't
18 want to go too long. I just want to again make it very, very
19 clear that I take responsibility for what happened here, and
20 that since the time of this I have moved on physically,
21 mentally moved on to a different place where I am now fully
22 addressing issues that had not been addressed before in an
23 effort to make sure that something like this never occurs
24 again.

25 THE COURT: All right, thank you.

1 MR. COHEN: Thank you, Your Honor.

2 ATTORNEY LAPPEN: Your Honor, if I may before Your
3 Honor imposes sentence just on the financial penalties, Mr.
4 Diamond has paid \$319,000 into the clerk's office, and Mr.
5 Cohen paid \$45,000 directly to the victim over the passed
6 period of a couple of years, so, that covers restitution so I
7 don't believe that Your Honor needs to impose restitution, and
8 as to forfeiture as we've discussed in this -- in Mr. Diamond's
9 case we're not going to seek any additional forfeiture above
10 what has already been paid so we would move to dismiss
11 forfeiture.

12 THE COURT: Okay. I'll certainly accept that motion
13 and also to indicate that there is no further restitution.

14 ATTORNEY LAPPEN: Thank you.

15 THE COURT: That should be imposed; is that correct?

16 ATTORNEY LAPPEN: Yes, thank you, Your Honor.

17 THE COURT: Okay. I recognize that under 18USC3553A a
18 court must impose a sentence sufficient, but not greater than
19 necessary. A court must consider a variety of factors as you
20 well know I am sure as being a lawyer including the nature and
21 circumstances of the offense, history and characteristics of
22 the defendant, the need for the sentence imposed to reflect the
23 seriousness of the offense to promote respect for the law, to
24 provide just punishment for the offense, to afford adequate
25 deterrence or criminal conduct, to protect the public from

1 further crimes of a defendant, and to provide a defendant with
2 needed education or vocational training, medical care, or other
3 correctional treatment in the most effective manner, a court
4 must also consider the kind of sentences available. The
5 sentencing guidelines of course and related policy statements.
6 The need to avoid unwarranted sentence disparity among
7 defendants with similar records who have been found guilty of
8 similar conduct and the need to provide restitution to any
9 victims of the offense, obviously this case is particularly
10 difficult for being a member basically of your profession, and
11 to recognize that the -- that your activity did violate our
12 profession, and you seem to understand that in your remarks to
13 me. I carefully considered all these factors while reviewing
14 the presentence report and other materials provided by the
15 government and defense counsel, and of course I take into
16 consideration the fact that the government has presented 5K1.1
17 motion, and has explicitly explained to the court how helpful
18 you've been in -- in -- in furthering the understanding that
19 you had under those -- under that 5K1.1 motion. You stole from
20 your law firm Mr. Cohen betraying the colleagues and clients
21 who place their trust in you, and you -- you as I said I
22 recognize that there was some client involvement, but it was of
23 a very minimal of a very minimal amount. As I've said to you we
24 rightfully hold lawyers to a high standard of behavior and you
25 have fallen from those expectations, at the same time you came

1 to court with no criminal history and minimal risk of re-
2 offending because before this case you have never been
3 convicted of a crime, you have close ties to your supportive
4 family and you volunteer with big brothers big sisters, several
5 of the character letters I received attest to the high positive
6 impact that you've had on others. It's also important to note
7 that you have taken consistent steps to repair the damage your
8 actions caused from the moment the fraud was uncovered, you
9 immediately admitted to -- to the misconduct and cooperated
10 with the authorities. When the theft was discovered began
11 making restitution payments to your former law firm. I also
12 obviously understand that you're undertaking mental health
13 treatment to try and deal with these issues and see where you -
14 - what caused you to fall short. Finally I recognize that you
15 face tremendous collateral consequences because of this
16 conviction. Your status as a convicted felon may affect the
17 jobs you can hold, where you live, and what benefits you can
18 receive, and these are very serious and you will be a felon for
19 the rest of your life. This is very, very serious. You've
20 agreed to the suspension of your law license and face
21 discipline -- disciplinary action from the bar. These
22 consequences as well as the significant restitution that was
23 owed in this case are likely to deter others from similar
24 misconduct. For all these reasons I am granting a variance
25 below the guideline range and as I said before because of the

1 government's filing of a 5K1.1 motion. Please stand. And now
2 this 21st day of March in the year 2023 in the matter of the
3 United States versus Cohen, Case Number 22-206-2 I -- I accept
4 the government's recommendation, and I sentence you to three
5 years probation, no fine because I find you're unable to pay
6 and not likely to become able to pay any fine. A special
7 assessment of \$200. Has that been paid? I assume it's been
8 paid.

9 ATTORNEY LONG: He's going to go downstairs and pay
10 it immediately, Your Honor today.

11 THE COURT: I -- I impose all the standard conditions
12 of probation, basically the ones that you obviously cannot
13 commit another federal, state, or local offense. You cannot
14 possess a firearm or dangerous -- other dangerous device and
15 you cannot possess any illegal control substances, and if you
16 have any additional appropriate what you feel that you wish to
17 submit any additional probationary conditions I am ready to
18 hear them, okay, but not now. I want -- was any additional
19 probation restrictions I have -- you have to ask for my
20 approval, okay. You have the right to appeal this sentence
21 within 14 days of the court filing the judgment and commitment
22 order. You have a right to a lawyer for your appeal, should
23 your current lawyer not represent you on appeal. You have the
24 right to ask him to do so and at the very least file a notice
25 of appeal and to instruct you on how to secure another lawyer.

1 Good luck to you.

2 MR. COHEN: Thank you, Your Honor.

3 THE COURT: All right, boss. Concurrent on both
4 counts, yes, yeah, yeah, concurrent on both counts. Do you want
5 this sealed Mr. -- Mr. -- no he said he didn't at the beginning
6 he waived.

7 ATTORNEY LAPPEN: No, we don't -- we don't need that.
8 I spoke with defense counsel prior to the hearing.

9 THE COURT: Okay, all right then. Then -- with the
10 acceptance of the defendant I -- I deny the motion to seal. I
11 assume you had a motion to seal. It's routine.

12 ATTORNEY LAPPEN: Right. I mean I was prepared to ask
13 to seal it.

14 THE COURT: Yes.

15 ATTORNEY LAPPEN: But we're not asking.

16 THE COURT: With his acceptance it won't be sealed,
17 okay.

18 ATTORNEY LAPPEN: Thank you.

19 THE COURT: All right.

20 MR. COHEN: Thank you, Your Honor.

21 THE COURT: Court is adjourned.

22 ATTORNEY LAPPEN: Thank you, Your Honor.

23 ATTORNEY LONG: Thank you, Your Honor.

24 MR. COHEN: Thank you, Your Honor.

25 (Court adjourned)

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C E R T I F I C A T E

"I, Jason Adams, certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter."

Jason Adams

4-4-23

Signature

Date

Jason Adams

Typed name

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2911 Disc. Dkt. No. 3
Petitioner :
: No. 116 DB 2022
v. :
: Atty. Reg. No. 93020
JESSE M. COHEN, :
Respondent : (Out of State)

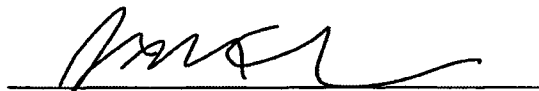
VERIFICATION

The statements contained in the foregoing Joint Petition
In Support Of Discipline On Consent Under Pa.R.D.E. 215(d)
are true and correct to the best of our knowledge or
information and belief and are made subject to the penalties
of 18 Pa.C.S. §4904, relating to unsworn falsification to
authorities.

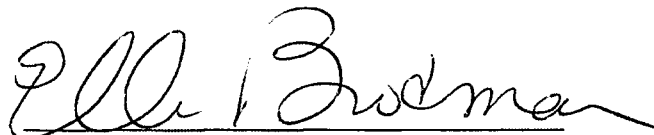
10/2/2023
Date


Richard Hernandez
Disciplinary Counsel

09-25-2023
Date


Jesse M. Cohen
Respondent

9-25-2023
Date


Ellen C. Brotman, Esquire
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2911 Disc. Dkt. No. 3
Petitioner :
: No. 116 DB 2022
v. :
: Atty. Reg. No. 93020
JESSE M. COHEN, :
Respondent : (Out of State)

AFFIDAVIT UNDER RULE 215(d), Pa.R.D.E.

Respondent, Jesse M. Cohen, hereby states that he consents to the imposition of a suspension of four years as jointly recommended by Petitioner, Office of Disciplinary Counsel, and Respondent in the Joint Petition in Support of Discipline on Consent and further states that:

1. His consent is freely and voluntarily rendered; he is not being subjected to coercion or duress; he is fully aware of the implications of submitting the consent; and he has consulted with Ellen C. Brotman, Esquire, in connection with the decision to consent to discipline;

2. He is aware that there is presently pending an investigation into allegations that he has been guilty of misconduct as set forth in the Joint Petition;

3. He acknowledges that the material facts set forth in the Joint Petition are true; and

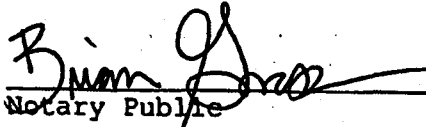
4. He consents because he knows that if charges predicated upon the matter under investigation were filed, he could not successfully defend against them.



Jesse M. Cohen
Respondent

Sworn to and subscribed
before me this 8TH
day of SEPTEMBER, 2023.





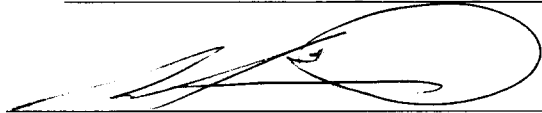
Notary Public

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Office of Disciplinary Counsel

Signature:

A handwritten signature in black ink, appearing to be "Richard Hernandez", written over a horizontal line.

Name: Richard Hernandez, Disciplinary Counsel

Attorney No. (if applicable): 57254