IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	No. 2201 Disciplinary Docket No. 3
	:	Nos. 119 & 171 DB 2014
v.	:	
	:	Attorney Registration No. 25035
EDWIN L. LONDON Respondent	:	(Philadelphia)

ORDER

PER CURIAM:

AND NOW, this 22nd day of October, 2015, upon consideration of the Report and Recommendations of the Disciplinary Board, Respondent Edwin L. London is disbarred from the Bar of this Commonwealth, and he shall comply with all the provisions of Pa.R.D.E. 217.

Respondent's Petition for Waiver of Costs in Disciplinary Action in Accordance with Pa.R.D.E. 208(g) is denied, and he shall pay costs to the Disciplinary Board. *See* Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 10/22/2015

Attest: Patricia Nicola
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL Petitioner	:	Nos. 119 & 171 DB 2014
v.	:	Attorney Registration No. 25035
EDWIN L. LONDON Respondent	:	(Philadelphia)

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

By Petition for Discipline at No. 119 DB 2014 filed on July 31, 2014, Office of Disciplinary Counsel charged Edwin L. London, Respondent, with violation of Rules of Professional Conduct 1.7(a)(2), 1.8(j), 8.4(a), and 8.4(b). Respondent filed an Answer to Petition for Discipline on September 15, 2014.

On October 30, 2014, the parties filed a Joint Waiver of Enforcement and Disciplinary Board Rules and Joint Stipulations of Fact and Law. Therein, Respondent waived the filing of a Petition for Discipline at No. 171 DB 2014 with the understanding

that the matter would be consolidated with the matter at No. 119 DB 2014. By Order dated November 3, 2014, the Disciplinary Board granted the motion to consolidate the matters.

A disciplinary hearing was held on December 15 and December 17, 2014 before a District I Hearing Committee comprised of Chair Timothy W. Callahan, Esquire and Members Sarah A. Kelly, Esquire and Sayde J. Ladov, Esquire. Respondent did not appear.

Following the submission of a brief by Petitioner, the Hearing Committee filed a Report on April 22, 2015, concluding that Respondent committed professional misconduct and recommending that he be disbarred.

No Briefs on Exception were filed by the parties.

This matter was adjudicated by the Disciplinary Board at the meeting on July 25, 2015.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, Harrisburg, Pennsylvania, is invested pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement, 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.

2. Respondent is Edwin L. London. He was born in 1950 and was admitted to practice law in the Commonwealth of Pennsylvania in 1977. His attorney registration address is 1101 Market St., Suite 2500, Philadelphia, PA 19107-2926. Respondent is currently on retired status.[1] Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. Respondent has no record of prior discipline in Pennsylvania.

4. A pre-hearing conference was held on November 6, 2014, before Hearing Committee Chair Timothy W. Callahan, II, Esquire. James C. Schwartzman, Esquire, appeared on behalf of Respondent; however, Respondent did not appear.

5. Respondent received notice of the disciplinary hearing dates and locations. N.T. 1 at p. 4; ODC-2 at pp. 4-5; ODC-38.

6. Respondent failed to appear for the disciplinary hearing and was not represented by counsel at the hearing. Mr. Schwartzman withdrew his appearance on January 13, 2015.

The Complaint of K.T.[2]

7. K.T. is a 31-year–old woman employed as a Hair Restoration Specialist at Hair Club for Men.

8. K.T. suffered a personal injury in the fall of 2013.

9. On January 20, 2014, K.T. met with Respondent about her personal injury matter. ODC-1.

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[1] On January 5, 2015, Respondent applied to the Attorney Registration Office to transfer to retired status pursuant to Rule 219(i), Pa.R.D.E. By Order dated January 8, 2015, Respondent's application was granted. Pursuant to Rule 201(a)(3), Pa.R.D.E., the Disciplinary Board and the Supreme Court retain jurisdiction over all conduct committed by Respondent despite his retired status.

[2] As did the Hearing Committee in its Report, the Board's Report will use initials only to refer to the four victims.

10. Prior to meeting with Respondent, K.T. had consulted with two law firms that declined to handle her matter. N.T. 1 at pp. 23, 24.

11. During K.T.'s meeting with Respondent:

a. Respondent gave K.T. a written fee agreement that set forth the basis and rate of Respondent's fee;

b. K.T. retained Respondent's legal services;

c. K.T. provided Respondent with her email address and cell phone number; and

d. Respondent suggested that K.T. take the father of her children back to court for increased child support.

N.T. 1 at pp. 25, 27, 32; ODC-1, pp. 2, 4.

12. Prior to January 20, 2014, K.T. did not know Respondent and did not have a consensual sexual relationship with Respondent.

13. By emails dated January 22, 2014:

a. Sent at 8:07 a.m., from Respondent to K.T., Respondent wished K.T. a good morning (ODC-3, p.1);

b. Sent at 11:00 a.m., from Respondent to K.T., Respondent advised K.T. that he could meet for lunch on Monday, January 27, 2014 (ODC-3, p. 2);

c. Sent at 11:15 a.m., from Respondent to K.T., Respondent wrote that he was "Looking forward to seeing you [K.T.]. ☺BTW would love the opportunity to take that bully apart and then you would be so grateful you would have to give me a big hug.☺" (ODC-3, p. 3);

d. Sent at 11:45 a.m., from K.T. to Respondent, K.T. thanked Respondent for helping her because she had "no clue....:-)" (ODC-3, p. 3);

e. Sent at 12:25 p.m., from Respondent to K.T., Respondent wrote: "That's what I am here for, but it may cost 2 hugs!!!" (ODC-3, p. 3);

f. Sent at 1:02 p.m., from Respondent to K.T., Respondent wrote: "You may want to be careful. I may get fresh." (ODC-3, p. 4);

g. Sent at 2:53 p.m., from Respondent to K.T., Respondent wrote: "And I only hug very special clients. But don't slap me if I proposition you at lunch (LOL) (JK) or at least don't slap me too hard.☺" (ODC-3; p. 5);

h. Sent at 3:32 p.m., from Respondent to K.T., Respondent wrote: "Well I guess I won't rub your leg under the table. Can't chance it. BTW, what do you like to have for a prelunch drink. I want to make sure they have it.☺"(ODC-3, p. 5);

i. Sent at 4:09 p.m., from K.T. to Respondent, K.T. wrote "Peach Bellini" (ODC-3, p. 6);

j. Sent at 4:19 p.m., from Respondent to K.T., Respondent stated, "With all due respect, WHAT THE HELL IS A PEACH BELLINI, and how many will you need to get drunk??" (ODC-3, p. 6); and

k. Sent at 6:52 p.m., from Respondent to K.T., Respondent wrote, "I've already had a couple of adult beverages so here is a XXXXX goodnight. Talk to you tomorrow. BTW, you still did not answer if you can braid my hair LOL;) How many would you like to drink??" (ODC-3, p. 7).

14. By email dated January 23, 2014, at 6:57 a.m., from Respondent to K.T., Respondent advised K.T. to "dress very warm." ODC-4.

15. On January 23, 2014, between 6:30 a.m. and 7:00 a.m., Respondent called K.T.'s cell phone and said *inter alia*, "it is very cold outside and if that means you have to put 2 or 3 pairs of panties on to stay warm–do so." ODC-1, pp. 2, 4.

16. K.T. was "shocked" by Respondent's telephone call. N.T. 1 at p. 45.

17. By text messages dated January 23, 2014;

a. At 7:52 a.m., from Respondent to K.T., Respondent texted, "Nice ranking [sic] to u. If anything important gets cold, Ill [sic] be glad to warm it for u. :-PLOL Please excuse typos" (ODC-5, p.1);

b. At 10:12 a.m., from K.T. to Respondent, K.T. wrote "I have the heat on hell in my office" (ODC-5, p.2);

c. Respondent responded: "Well then start disrobing & send me a photo" (ODC-5, p.2);

d. K.T. explained that "I can't I'm not at home" (ODC-5, p. 2);

e. Respondent then inquired "Does that mean I get one later??"; (ODC-5, p. 2) and

f. K.T. stated "Not really!! Lol" (ODC-5, p.2).

18. K.T. testified that she believed that Respondent was requesting a picture of her without her clothes on. N.T 1 at p. 48.

19. K.T. was "offended" by Respondent's communications, but "I just felt like if I kind of started to tell him,...then he wouldn't take my case serious or he wouldn't pursue my case." N.T. 1 at p. 49.

20. By email dated January 24, 2014, at 6:59 p.m., from Respondent to K.T., Respondent wrote: "What's on for the weekend. Any parties w/drunken wild sex?? (If so give me the address LOL)....xoxo ED" ODC-6.

21. K.T.:

a. Understood that "xo" represented hugs and kisses;

b. Thought something was "wrong" with Respondent;

c. Spoke with her friends about Respondent's communications and her concerns about meeting Respondent for lunch on January 27, 2014; and

d. Decided to go forward with meeting Respondent for lunch because if she "were to back away from meeting him on Monday, he probably wouldn't pursue the case."

N.T. 1 at pp. 50-52.

22. By email dated January 27, 2014, at 9:39 a.m., from Respondent to K.T., Respondent forwarded to K.T. a joke about a man from Western Australia who "went to the hospital to have his wedding ring cut off from his penis." ODC-7, p.1.

23. K.T. did not want or agree to receive such off-color emails from Respondent. N.T. 1 at p. 52.

24. By text message sent to K.T. on January 27, 2014, prior to 10:24 a.m., Respondent wrote: "Good morning. R u ready for our hot date??? Cu 11 45 [sic] in the lobby." ODC-8 p. 1.

25. K.T. did not think she was going on a date with Respondent, but was going to meet with Respondent about her legal matter. N.T. 1. at p. 53.

26. On January 27, 2014, Respondent met K.T. for lunch in the lobby of his office building. N.T. 1 at p. 54.

27. During Respondent's lunch with K.T.:

a. Respondent consumed alcoholic beverages;

b. K.T. and Respondent discussed K.T.'s legal matters; and

c. Respondent informed K.T. that he had undergone a vasectomy.

ODC – 1 p. 4.

28. After lunch, Respondent suggested that K.T. come to his office so that Respondent could "crunch some numbers" in her child support matter. N.T. 1 at pp. 56-57; ODC-1, pp. 2, 4.

29. K.T. followed Respondent back to Respondent's law firm, during which time:

a. Respondent closed the door to his office;

b. K.T. took a seat in the guest chair in front of Respondent's desk;

c. Respondent went over to K.T. and patted her shoulders;

d. Respondent took his right hand, put his hand down K.T.'s shirt under her bra, and touched her breast;

e. Respondent took his left hand and grabbed K.T.'s vagina; and

f. Respondent attempted to kiss K.T.

N.T. 1 at pp. 58-60; ODC -1, pp. 2, 3, 4, 5.

30. Respondent had or attempted to have sexual relations with K.T. as described in ¶ 29, *supra*.

31. K.T. did not consent to Respondent's indecent contact with her and did not want Respondent to touch her. N.T. 1 at p. 62; ODC-1, p. 4.

32. In response to Respondent's indecent contact with K.T.:

a. K.T. tried to get up from the chair; and

b. K.T. kept turning her head to avoid Respondent's kisses.

N.T. 1 at p. 60; ODC-1, pp. 2, 4, 5.

33. In response to K.T.'s attempts to evade Respondent's indecent contact, Respondent leaned on K.T.'s shoulders and prevented K.T. from moving. N.T. at p. 60; ODC-1, pp. 2, 4.

34. Respondent understood that K.T. was trying to get up and leave. N.T. 1 at pp. 63-64.

35. K.T. stated that she was afraid when Respondent touched her and she wanted to leave Respondent's office. N.T. 1 at p. 63.

36. Respondent's nonconsensual touching of K.T. was by force.

37. Thereafter:

a. Respondent inquired whether K.T. was "nervous";

b. K.T. answered, "Yes";

c. Respondent asked K.T., "How am I supposed to give you oral sex with your pants on?";

d. K.T. attempted to get up again;

e. Respondent advised K.T. that he had never raped anyone before;

f. Respondent informed K.T. that people proposition him in his law office all the time; and

g. Respondent told K.T. that he pays $50 for a "blow job."

N.T. 1 at pp.60-61; ODC – 1, pp. 2, 4, 5.

38. Next:

a. K.T. got up and started to put her coat on;

b. K.T. told Respondent that she needed to pick her children up from school;

c. Respondent said, "Well, would you send me photos?";

d. K.T. said, "No"; and

e. Respondent replied that K.T. should "think about it" and if she does send photos, "just make sure it is shaved."

N.T. 1 at p. 61; ODC-1, pp. 2, 5.

39. K.T. understood that Respondent was requesting pictures of her vagina. N.T. 1 at 64.

40. While K.T. was putting on her coat, Respondent kept trying to grab K.T.'s vagina. N.T. 1 at p. 61.

41. Respondent attempted to have sexual relations with K.T. beyond those in which Respondent had already engaged as set forth in ¶ 29 *supra.*

42. K.T. opened the door to Respondent's office and Respondent pushed the door closed so that K.T. could not leave Respondent's office. N.T. 1 at p. 61.

43. K.T. became nervous when Respondent prevented her from leaving his office. N.T. 1 at pp. 63-64.

44. Respondent asked K.T. where she had parked and handed $30 to K.T. to pay for her parking. N.T. 1 at p. 62; ODC-1, p. 5.

45. K.T. had not requested reimbursement for parking and Respondent had not reimbursed K.T. for parking for her prior office visit. N.T. 1 at p. 63.

46. K.T. opened the door again and Respondent again pushed it closed. Respondent told K.T. not to let the father of her kids "bully" her. N.T. 1 at p. 62.

47. K.T. at no time, in person, on the telephone, by email, or by text message, consented to sexual relations with Respondent. N.T. 1 at p. 57.

48. Respondent finally let K.T. leave his law office.

49. By text message dated January 27, 2014, at 2:52 p.m., from Respondent to K.T., Respondent texted, "R u home ok???? Don't forget to send photos." ODC-8, p. 1.

50. By emails dated January 27, 2014, from Respondent to K.T.:

a. at 2:22 p.m. and again at 7:04 p.m., Respondent wrote that he had enjoyed his lunch with K.T., thinks she is a terrific person, and looked forward to seeing her again soon; and

b. at 7:11 p.m., Respondent wrote: "I already had a couple of drinks, so I will not say anything offensive, but you looked absolutely great today. You are one very HOT woman."

ODC-7, pp. 2, 3, 4.

51. K.T. did not enjoy her lunch with Respondent. N.T. 1 at p. 66.

52. K.T. explained that she did not rebuke Respondent for his conduct because she wanted Respondent to focus on her case, and she was inclined initially to forget all about the assault because she "needed an attorney." N.T. 1 at p. 68.

53. The following day, January 28, 2014:

a. K.T. told her hair replacement customer, a Philadelphia Police Officer, about Respondent's indecent assault and unlawful restraint;

b. the Police Officer advised K.T. to report Respondent's misconduct to the Police Department;

c. K.T. reported Respondent's misconduct to the Police Department when she returned home from work;

d. two Philadelphia Police Department officers met with K.T. at her home and then transported K.T. to the Special Victims Unit ("SVU") of the Philadelphia Police Department;

e. K.T. met with SVU Detective Ryan Macartney, Badge #8167, about Respondent's misconduct; and

f. K.T. gave a statement to Detective Macartney regarding Respondent's unlawful restraint and indecent assault.

ODC-1, p. 3, 4-6.

54. K.T. read Detective Macartney's type-written statement and it was truthful and accurate. N.T. 1 at pp. 73-74.

55. K.T. subsequently reported Respondent's improper advances to the Rothenberg Law Firm, which was the law firm that had referred K.T. to Respondent. ODC-36; N.T. 1 at p. 75.

56. By email dated January 31, 2014, from Respondent to K.T., sent at 9:39 a.m., Respondent wrote, "Hope you are having a good day. Not heard from you lately. Hope all is OK!!!" ODC-9, p. 1.

57. By email dated January 31, 2014, at 12:12 p.m., from K.T. to Respondent, K.T. wrote: "I don't know...I fell[sic] uncomfortable, and thrown off you touching me in such private areas.. What did I do to give you that impression of me. I had no idea you were interested in me that way?" ODC-9, p. 2.

58. By "private areas" K.T. meant "vaginal areas and my breasts." N.T. 1 at p. 77.

59. By email dated January 31, 2014, at 7:41 p.m., Respondent replied: "I guess I misunderstood, and for that I am sorry. I assure you it will [sic] not happen again, but I hope we can remain friends." ODC-9, p. 2.

60. K.T. was not friends with Respondent, did not want to be friends with Respondent, and "just needed an attorney." N.T. 1 at p. 78.

61. K.T. feels that Respondent "knew that [she] needed an attorney" and "used the fact that she was a single mom to really take advantage" of her. N.T. 1 at p. 81. *See also* ODC-1, p. 2.

62. Respondent's misconduct has had an impact on K.T.'s life and the life of her family, in that K.T. now has trouble going to sleep, when she hears noises in the house she "assumes" it is Respondent because " he knows where she lives," and she now asks her children whether anyone is "touching them." N.T. 1 at pp. 81-82.

The Complaint of S.R.P.

63. Approximately 10 to 15 years ago, S.R.P. was injured when she was working for a caterer and her hand got caught in the door of an elevator. N.T. 1 at pp. 133-134.

64. S.R.P. retained Respondent to represent her in a personal injury action and Respondent was successful in obtaining settlement funds on behalf of S.R.P. N.T. 1 at pp. 133-134.

65. Prior to S.R.P.'s initial retention of Respondent, S.R.P. did not know Respondent and did not have a consensual sexual relationship with Respondent. N.T. 1 at pp. 134-135.

66. At no time after S.R.P.'s initial retention of Respondent did Respondent and S.R.P. have a consensual sexual relationship. N.T. 1 at pp. 122-123, 139-140, 145; ODC-22.

67. On June 26, 2007, S.R.P. slipped on the wet floor of an elevated SEPTA trolley. N.T. 1 at pp. 135-136.

68. In or around July 24, 2007, S.R.P. retained Respondent to represent her in a personal injury action against SEPTA and on March 18, 2008, Respondent filed a civil complaint on behalf of S.R.P. against SEPTA in the Court of Common Pleas of Philadelphia County, which was docketed at No. 2861, March Term, 2008. N.T. 1 at pp. 135-136; ODC-12, ODC-13, ODC-14.

69. In or around December 2008, S.R.P. called Respondent on the telephone, informed Respondent that she needed money for Christmas gifts, and requested that Respondent give her a $500 advance of the settlement proceeds of her 2007 trolley accident. N.T. 1 at. P. 137.

70. In response:

a. Respondent agreed to give S.R.P. a $300 advance;

b. S.R.P. went to Respondent's office, where Respondent handed her a $300 check from his personal bank account;

c. Respondent requested that S.R.P. cash the check and return to his office with the money;

d. S.R.P. cashed Respondent's check, returned to Respondent's office with $300, and handed the money to Respondent;

e. Respondent then fondled S.R.P.'s breasts under her clothes; and

f. Respondent gave S.R.P. the $300 cash advance which is reflected on the Settlement Sheet.

ODC-15, p. 1; N.T. 1 at pp. 137-139.

71. In or about December 2008, Respondent had or attempted to have sexual relations with S.R.P., as described in ¶ 70, *supra.*

72. S.R.P. did not consent to Respondent's assault. N.T. 1 at pp. 139-140.

73. S.R.P. admonished Respondent for his indecent assault. N.T. 1 at p. 139.

74. Respondent's law firm was successful in its representation of S.R.P. and on February 24, 2009, S.R.P. received $3,500 from a $12,000 settlement. N.T. 1 at p. 136; ODC-15.

75. On April 21, 2010, S.R.P. was injured when a car hit the SEPTA trolley in which she was a passenger. N.T. 1 at pp. 140-141.

76. Thereafter:

a. S.R.P. retained Respondent's law firm to represent her;

b. on March 19, 2012, Respondent's law firm filed a civil complaint on S.R.P.'s behalf in the Court of Common Pleas of

Philadelphia County, which was docketed at No. 2107, March Term, 2012; and

c. Respondent's law firm was successful in its representation of S.R.P. and S.R.P. received $7,543 from a $19,000 settlement.

ODC-18; ODC-19; N.T. 1 at pp. 140-141.

77. In or around December 2013, S.R.P. had an operation for diverticulitis. Shortly after S.R.P.'s release from the hospital, she slipped and fell at 23rd and Ridge Avenue, Philadelphia, and suffered personal injuries as a result of her fall. N.T. 1 at pp. 115-116, 118; ODC-20.

78. On December 23, 2013, S.R.P. went to Respondent's law office to discuss retaining Respondent to handle her personal injury matter. N.T. 1 at pp. 116-117; ODC-21.

79. After S.R.P. entered Respondent's office:

a. Respondent closed the office door;

b. Respondent requested that S.R.P. show him her bruises as a result of her recent operation and fall;

c. S.R.P. lifted her shirt to show Respondent her abdominal bruises;

d. Respondent requested that S.R.P. lift her shirt higher;

e. When S.R.P. did not lift her shirt higher, Respondent lifted S.R.P.'s shirt up above S.R.P.'s bra;

f. Respondent then placed his hands on S.R.P.'s breasts over her bra;

g. S.R.P. pulled down her shirt to prevent Respondent from touching her breasts again; and

h. S.R.P. rebuked Respondent for his indecent contact.

N.T. 1 at pp. 118-122.

80. Subsequently, S.R.P. gathered her possessions and walked towards Respondent's office door, at which time:

a. Respondent stood in front of his door and asked S.R.P. for a kiss;

b. S.R.P. refused to kiss Respondent;

c. Respondent then approached S.R.P. and kissed her on the lips;

d. S.R.P. castigated Respondent for kissing her and asked Respondent why he did that;

e. Respondent said that it was "only a kiss"' and

f. S.R.P. told Respondent that it was "so gross."

N.T. 1 at pp. 125-127.

81. S.R.P. did not consent to Respondent's fondling or kiss. N.T. 1 at p. 122; ODC–22, pp. 2–4.

82. On December 23, 2013, Respondent had or attempted to have sexual relations with S.R.P., as described in ¶¶ 79-80, *supra*. ODC-22, pp. 2-4.

83. On approximately an additional four or five occasion when S.R.P. would come to Respondent's office to discuss her legal matters, Respondent would:

a. tell S.R.P. that she had "nice boobs";

b. comment that S.R.P. was "a pretty black woman";

c. attempt to kiss S.R.P.; and

d. touch S.R.P.'s breasts under her shirt.

N.T. 1 at pp. 141-147; ODC-22.

84. On another occasion, Respondent had sexual contact with S.R.P. when he ran his hand up and down S.R.P.'s leg in a "sexual" touching. N.T. 1 at p. 144.

85. In January 2014, S.R.P. met Respondent's investigator, during which time S.R.P. went with the investigator to the scene of her slip and fall accident and S.R.P. told Respondent's investigator about Respondent's indecent assaults. N.T. 1 at pp. 129-131.

86. Shortly after S.R.P. met with Respondent's investigator, S.R.P. received a letter, dated January 16, 2014, from Respondent, which advised S.R.P. that his law office would not be representing S.R.P. in her December 16, 2013 personal injury matter. N.T. 1 at p. 133; ODC-23.

87. Following S.R.P.'s receipt of Respondent's letter, S.R.P. wrote a letter to Respondent stating:

a. "I did not want to come back to your office anyway because of your sexual advances before';

b. her December 2013 office visit was "not the first time that you have came of [sic] with sexual advances"; and

c. Respondent "disrespected" her by "feeling and kissing on women."

N.T. 1 at p. 150; ODC-22, pp. 3-4.

88. S.R.P. stated that she wrote the letter to Respondent because she was "pissed off" by his "disrespectful" conduct. N.T. 1 at p. 146.

89. S.R.P. explained that Respondent "disrespected" her during her office visits when he put his hands on her breasts under her shirt, kissed her, touched her leg, and made inappropriate comments about her body. N.T. 1 at pp. 132, 147.

90. S.R.P. explained that Respondent also "disrespected" her because she was "a client" and Respondent was supposed to "help [her] out." N.T. 1 at p. 151.

91. Respondent did not reply to S.R.P.'s letter. N.T. 1 at p. 149.

92. S.R.P. continued to use Respondent as her attorney because "he really knew [her] profile...and what's going on in [her] family...and he had been [her] attorney for so long." N.T. 1 at p. 145.

93. S.R.P. revealed that as a result of Respondent's misconduct, S.R.P. has a strained relationship with her husband and male co-workers and has sought counseling from Women Against Abuse. N.T. 1 at pp. 152-154.

The Complaint of N.A.H.

94. On July 4, 2011, N.A.H. slipped on a loose brick and fell on a sidewalk in front of Pizzicato Restaurant, 3rd and Market Streets, Philadelphia, and suffered personal injuries as a result of her accident. N.T. 2 at p. 10; ODC-24.

95. Shortly after N.A.H.'s accident, N.A.H. went to Respondent's law office to meet with Respondent for representation in a personal injury claim against Pizzicato. N.A.H. retained Respondent's legal services. N.T. 2 at p. 11.

96. Prior to July 4, 2011, N.A.H. did not know Respondent and did not have a consensual relationship with Respondent. N.T. 2 at 11.

97. Following Respondent's initial meeting with N.A.H., Respondent would repeatedly call N.A.H. on the telephone. Respondent would:

a. call N.A.H. in the morning and ask her whether she was alright;

b. call N.A.H. in the evening and say he had a few cocktails and was thinking about her;

c. call N.A.H. and tell her that she was pretty and her "body was amazing"; and

d. call N.A.H. and ask her what color bra and underwear she was wearing.

N.T. 2 at pp. 15-17; ODC-25, pp. 2, 5.

98. Shortly after Respondent's initial meeting with N.A.H., Respondent invited N.A.H. for lunch, purportedly to discuss her legal matter. Respondent agreed to meet Respondent for lunch. N.T. 2 at p. 17; ODC-25, p.4.

99. During Respondent's lunch with N.A.H.:

a. N.A.H. ordered and drank a few Long Island Iced Tea drinks (an alcoholic beverage) and a beer;

b. Respondent drank a wine cooler;

c. Respondent invited N.A.H. back to Respondent's office to discuss her legal matter; and

d. N.A.H. agreed to go to Respondent's office after lunch.

N.T. 2 at pp. 17-19; ODC-25, p. 4.

100. Respondent took N.A.H. back to his law office, during which time:

a. Respondent closed the door to his law office;

b. Respondent grabbed N.A.H. around the waist and attempted to French-kiss her;

c. N.A.H. stated that she did not like to be French-kissed;

d. Respondent asked to see N.A.H.'s underwear;

e. Respondent and N.A.H. went over to the couch in Respondent's office and N.A.H. took off her shirt, bra and pants;

f. Respondent performed oral sex on N.A.H.;

g. Respondent took off his pants and underwear; and

h. N.A.H. performed oral sex on Respondent.

N.T. 2 at pp. 19-21; ODC-24, p. 4.

101. From time to time thereafter, Respondent would call N.A.H. and ask her to come in to purportedly discuss her case. Respondent would offer money or a bus pass to N.A.H. if she would come to meet with him. When N.A.H. would meet with Respondent it would not be about her case, but Respondent would want to have sex or touch her. N.T. 2 at 35; ODC-25, p. 5.

102. Respondent knew that N.A.H. was a single mother who was having financial difficulties and had been living in a homeless shelter. N.T. 2 at pp. 25-26; ODC-25, pp. 3, 5.

103. During N.A.H.'s subsequent meetings with Respondent at his law office:

a. N.A.H. performed oral sex on Respondent on two occasions; and

b. Respondent would touch N.A.H.'s breasts and put his hands inside her bra on approximately four occasions.

N.T. 2 at pp. 22-24; ODC-25, pp. 2-5.

104. Respondent had sexual relations with N.A.H. as described in ¶¶ 100 and 103, *supra*.

105. N.A.H.:

a. did not want to be touched by Respondent;

b. did not want to have a sexual relationship with Respondent; and

c. had sexual relations with Respondent because she "was in a bad position."

N.T. 2 at p. 25.

106. Respondent gave cash to N.A.H. for engaging in sexual relations with Respondent at Respondent's law office. N.T. 2 at p. 24.

107. N.A.H. received anywhere from $50 to $100 from Respondent for having sexual relations with Respondent. N.T. 2 at p. 25.

108. By paying N.A.H. to engage in sexual relations, Respondent was hiring a person to engage in sexual activity.

109. Almost every time N.A.H. came to Respondent's office, Respondent would ask, "Victoria Secret? What color? Show me please?" and then ask N.A.H. to take off her shirt. ODC-25, pp. 2-5.

110. Respondent also gave N.A.H. money to purchase Victoria's Secret underwear and requested that she wear it for him. N.A.H. observed that Respondent "liked Victoria's Secret" and "liked pretty bras and pretty underwear." N.T. 2 at 27.

111. Respondent requested that N.A.H. always wear the black or white thigh high garters Respondent had purchased for her. N.T. 2 at pp. 27-28.

112. N.A.H. was "disgusted" by the conduct of her lawyer, thought Respondent's conduct was "unethical" and wanted her lawyer to treat her as an "equal." N.T. 2 at pp. 34-35.

113. N.A.H. explained that she had sexual relations with Respondent because "[she] felt like [she] had to physically be with him for him to represent [her]." N.T. 2 at p. 34.

114. On one occasion, when N.A.H. brought her 13-year-old daughter to Respondent's office, Respondent told N.A.H. that she should have also brought a "bottle of liquor." N.T. 2 at pp. 28-29.

115. By letters dated May 29, 2012 and October 18, 2012, from Gregory A. Nelson, M.D., Stenton Avenue Medical & Rehabilitative Services, a/k/a Northwest Medical and Rehabilitation Center, Dr. Nelson advised Respondent of N.A.H.'s treatment and evaluation as a result of her July 4, 2011 fall. N.T. 2 at p. 12; ODC-26.

116. On January 24, 2013, Jeffrey Muldawer, Esquire, an attorney with Respondent's law firm, filed a Statement of Claim on behalf of N.A.H. and against Pizzicato and Giuliano Properties, Inc. seeking $10,000 plus costs. ODC-24; ODC-27, Entry#1.

117. On March 20, 2013, the Honorable Craig M. Washington entered Judgment for Plaintiff by Default, in favor of N.A.H. and against Pizzicato and Giuliano Properties, in the amount of $10,137.50. ODC-27, Entry ##11-14; N.T. 2 at p. 14.

118. From time to time thereafter, N.A.H. would contact Respondent for information about obtaining the proceeds of her judgment against Pizzicato and Giuliano Properties. ODC-25.

119. N.A.H. never received any of the proceeds from the default judgment against Pizzicato and Giuliano Properties. N.T. 2 at 14.

The Complaint of V.M.M.

120. In or about December 2012, V.M.M. sustained an injury to her eyes as a result of the negligent conduct of Ryan Painting. N.T. 1 at p. 89; ODC-31.

121. V.M.M. sought representation from Leonard Hill, Esquire, who declined to represent her. N.T. 1 at pp. 91-99.

122. Subsequently, on January 29, 2013, V.M.M. retained Respondent to represent her. N.T. 1 at pp. 90-92; ODC-37.

123. Prior to V.M.M. retaining Respondent, V.M.M. did not know Respondent and did not have a consensual sexual relationship with Respondent. N.T. 1 at p. 92.

124. In or around the summer of 2013, V.M.M. met with Respondent in his law office regarding V.M.M.'s personal injury matter, during which time:

a. Respondent closed the door to his office;

b. Respondent came from behind his desk at the conclusion of the meeting;

c. V.M.M. extended her right hand to shake Respondent's hand;

d. instead of shaking V.M.M.'s hand, Respondent grabbed V.M.M.'s right hand and forced her right hand behind her back;

e. Respondent then grabbed V.M.M.'s left hand and forced her left hand behind her back; and

f. Respondent pushed V.M.M.'s body close to Respondent's body so "he was almost on top" of her.

N.T. 1 at pp. 92-95.

125. V.M.M. did not consent to Respondent's touching. N.T. 1 at p. 96.

126. Respondent restrained V.M.M.'s arms behind her back so that she could not move away from Respondent. N.T. 1 at pp. 96-97.

127. V.M.M. did not consent to Respondent's restraint. N.T. 1 at p. 96.

128. As a result of Respondent's restraint, V.M.M. "was afraid," in fear of serious bodily injury, "was frozen," and "couldn't move." N.T. at pp. 95-96.

129. While Respondent had V.M.M. restrained:

a. Respondent asked V.M.M. if she knew what he was doing;

b. informed V.M.M. that "you know I'm looking down your dress. You know I'm a dirty old man";

c. V.M.M. answered "yes"; and

d. Respondent started laughing.

N.T. 1 at pp. 94-95, 96; ODC-30, p. 2.

130. V.M.M. did not consent to Respondent looking down her dress. N.T. 1 at p. 96.

131. Respondent eventually released V.M.M. from his restraint. N.T. 1 at p. 97.

132. V.M.M. promptly left Respondent's office.

133. V.M.M. suffered from Post-Traumatic Stress Disorder as a result of a previous rape and Respondent's conduct "triggered" memories of the previous incident. N.T. 1 at p. 104; ODC-30, p. 2.

134. By Respondent's conduct as described in ¶¶ 124-131, *supra*, Respondent:

a. attempted by physical menace to put V.M.M. in fear of imminent serious bodily injury;

b. intended to alarm V.M.M. by his physical contact;

c. had indecent contact with V.M.M.;

d. knowingly restrained V.M.M. so as to interfere with her liberty; and

e. had or attempted to have sexual relations with V.M.M.

135. During V.M.M.'s subsequent meeting with Respondent, V.M.M. insisted that Respondent's office door never be closed. N.T. 1 at pp. 98-99.

136. V.M.M. continued to use Respondent's law firm because "we were in the middle of a case" and Respondent brought another lawyer onboard so she did not have to see Respondent all the time. N.T. 1 at p. 98.

137. By letter dated February 26, 2015 [sic], Respondent advised V.M.M. that he had settled her case, explained that she would receive the net sum of $2,198, and requested that she sign the enclosed Settlement Sheet and Release. N.T. 1 at pp. 99-100; ODC-31.

138. On June 3, 2014, V.M.M. signed the Settlement Sheet showing a gross settlement of $3,750, attorney's fee of $1,500 and net due V.M.M. of $2,198.36. N.T. 1 at p. 100; ODC-32.

139. By check dated June 24, 2014, in the amount of $2,198.36, Respondent's law firm paid settlement proceeds due to V.M.M. ODC-34.

140. V.M.M. discovered a brochure about the Office of Disciplinary Counsel at her local library, but waited to file a complaint against Respondent because she "was afraid." N.T. 1 at pp. 102-103, 109.

141. V.M.M.:

a. expected "professional conduct" from her lawyer (N.T. 1 at p. 106);

b. considered Respondent to be a "pig" (N.T. 1 at pp. 105-106;

c. Respondent assaulted her because "he felt that he had the power to do that" (N.T. 1 at p. 113); and

d. Respondent "has more than compromised [her] mental health." She is seeing a psychiatrist, and Respondent's conduct has "made things worse for her." (N.T. 1 at p. 113.)

III. CONCLUSIONS OF LAW

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

1. RPC 1.7(a)(2) – A lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if: (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

2. RPC 1.8(j) – A lawyer shall not have sexual relations with a client unless a consensual relationship existed between them when the client-lawyer relationship commenced.

3. RPC 8.4(a) – It is professional misconduct for a lawyer to violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; and

4. RPC 8.4(b) – 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.

IV. DISCUSSION

Disciplinary proceedings against Respondent were instituted by Petitions for Discipline filed on July 31, 2014 and October 30, 2014, which were consolidated by Disciplinary Board Order dated November 3, 2014. The charges concern Respondent's engaging in or attempting to engage in sexual relations with four of his personal injury clients. While Respondent filed a counseled response to the charges and his attorney appeared at the prehearing conference on November 6, 2014,[3] Respondent thereafter failed to participate in the disciplinary proceedings, nor was he represented by counsel. Petitioner must establish by a preponderance of clear and satisfactory evidence, that Respondent's actions constitute professional misconduct. *Office of Disciplinary Counsel v. Surrick*, 749 A.2d 441, 444 (Pa. 2000). The testimony of Petitioner's four witnesses

[3] Respondent did not appear at the prehearing conference.

and Petitioner's exhibits establish, by clear and satisfactory evidence, that Respondent violated Rules of Professional Conduct 1.7(a)(2), 1.8(j), 8.4(a) and 8.4(b).

The four witnesses who testified were Respondent's personal injury clients. None of the women had prior consensual sexual relations with Respondent or even knew Respondent before the commencement of the attorney-client relationship. None of the women knew each other. Each of the clients testified in detail about Respondent's nonconsensual physical contact subsequent to their retaining Respondent's legal services. The testimony of each witness was credible and left no doubt as to the repetitive, reprehensible nature of Respondent's conduct.

Respondent's attorney-client relationship with each of the witnesses required him to act in the best interests of his clients. He abrogated his duty of loyalty to his clients by having a concurrent personal interest in having sexual relations with his clients, as evidenced by his text messages, emails, telephone calls and physical contacts. Respondent's sexual contacts violated RPC 1.7(a)(2), which prohibits a concurrent conflict of interest.

Respondent's sexual relations with his clients, as fully detailed above, violated RPC 1.8(j), which strictly prohibits all sexual relations between an attorney and a client unless a sexual relationship preceded the representation. The relationship between lawyer and client involves the highest degree of trust and confidence. Introducing a sexual relationship can involve unfair exploitation and present a significant danger that the lawyer will be unable to represent the client without impairment of professional judgment.

Respondent's conduct involved not only prohibited sexual relations with clients, but an attempt to have sexual relations with clients on numerous occasions. This attempt to violate the Rules of Professional Conduct is proscribed by Rule 8.4(a).

Finally, Respondent violated Rule 8.4(b) in that he committed criminal acts that reflect adversely on his fitness to practice law. The Rule does not require a criminal conviction as a precursor to its implementation. *Office of Disciplinary Counsel v Barakat*, No. 116 DB 1993, 31 Pa. D. & C. 4th 199 (1995), citing *In re Anonymous No. 42 DB 87*, 5 Pa. D. & C. 4th 613 (1987).

Respondent's criminal acts consisted of assault on all four of his clients, unlawful restraint of two clients, and patronizing prostitution in the matter of one client. Respondent took advantage of his clients, resorting to criminal behavior and abusing his clients' trust in him. There is no question that such activity reflects adversely on his fitness to practice law.

Having concluded that Respondent violated the Rules, this matter is ripe for the determination of discipline. Petitioner seeks disbarment, which is the recommendation of the Hearing Committee.

After reviewing Petitioner's recommendation and the Committee's Report and recommendation, and after considering the nature and gravity of the misconduct as well as the presence of aggravating or mitigating factors, *Office of Disciplinary Counsel v. Gwendolyn Harmon*, 72 Pa. D. & C. 4th 115 (2004), we recommend that Respondent be disbarred from the practice of law.

Respondent's actions constitute egregious misconduct. While there is no *per se* discipline in Pennsylvania, prior similar cases are instructive and are suggestive of disbarment, when, as here, an attorney's pattern of indecent assault on clients would

pose a danger to the public if he continued to practice law. *Office of Disciplinary Counsel v. Lucarini*, 472 A.2d 186, 189-91 (Pa. 1983).

In *Office of Disciplinary Counsel v. Mark David Frankel*, Nos. 155 DB 2001 & 94 DB 2002 (2004), the Supreme Court disbarred an attorney, absent a criminal conviction, who indecently assaulted two clients inside his law office. Frankel had indecent contact with two male clients on multiple occasions using the pretext of examining their physical injuries or engaging in "trust" exercises. During the course of a nine-day disciplinary hearing, Frankel's clients provided testimony as to how they succumbed to Frankel's advances, undressed, and permitted Frankel to touch them. The Board found that this was "a very egregious case of an attorney who used his authority and professional position to induce his clients to take actions so that respondent could engage in sexually inappropriate behavior." *Id* at p. 51. The Board found that Frankel's conduct caused immeasurable damage to the legal profession and had an adverse impact on the public trust in attorneys. *Id* at p. 56. Respondent's use of authority and professional position to perpetrate his criminal behavior on his clients in his law office is comparable to the conduct the Court found warranted disbarment.

The Board is equally persuaded by the case of *Office of Disciplinary Counsel v. Thomas C. Gordon*, No. 127 DB 1994 (1998). Therein, the Supreme Court suspended Gordon for a period of five years, retroactive to the date of temporary suspension, for his criminal conviction of indecent assault for fondling three women in his law office. According to the facts, Gordon scheduled separate meetings with three different women in his law office. Two of the women were married to or engaged to Gordon's criminal clients and the third woman was a divorce client. Gordon requested that each woman stand in front of a wall calendar to look at dates, and while they were

doing this, Gordon stood behind the woman and "engaged in offensive touching and other inappropriate behaviors." *Id* at p. 14. The Board found that the "most significant" aggravating factor was that Gordon used his law office to engage in his activities. The Board reasoned that Gordon used his stature as an attorney to summon the women to his office, affording him access to these women that he wouldn't ordinarily have had if he was not an attorney.

While the Board in G*ordon* noted some mitigating factors such as a lack of prior record and community service,[4] the sole mitigating factor present in this case is Respondent's lack of prior discipline. We do not find this factor to be compelling, in light of the significant aggravating factors. Respondent's failure to appear and participate in the disciplinary proceedings and his total lack of remorse weigh heavily against him. It can be inferred from Respondent's absence at the hearing that he had no interest in preserving his privilege to practice. His voluntary retirement from the practice of law effective January 8, 2015, does not remove Respondent from the jurisdiction of the Disciplinary Board, nor can it make this despicable misconduct disappear from public scrutiny.

The Board recognizes that disbarment is an extreme measure to be applied in only the most egregious cases, as it represents a termination of the license to practice law without a guarantee of its restoration at any future time. *Office of Disciplinary Counsel v. Keller,* 506 A.2d 872 (Pa. 1986). Respondent abused his position of trust and singled out vulnerable clients who needed his services. He was aware of his clients' specific needs and exploited their vulnerabilities, such as the fact that K.T. and N.A.H. were single mothers, with N.A.H. living in a homeless shelter

[4] Gordon appeared for the disciplinary hearing.

enduring clearly dire financial circumstances. Respondent's law office became a place to prey on unsuspecting clients.

The primary purpose of the disciplinary system in Pennsylvania is to protect the public from unfit attorneys and to preserve public confidence in the legal system. *Office of Disciplinary Counsel v. Stern*, 526 A.2d 1180 (Pa. 1987). The evidence produced by Petitioner convincingly proved that Respondent is a danger to the public and the profession itself. Disbarment is warranted to comply with the guiding decisions above, and to call appropriate attention to Respondent's egregious misconduct.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, Edwin L. London, be Disbarred from the bar of this Commonwealth.

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: _____
James C. Haggerty, Board Member

Date: August 25, 2015