IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of	:	No. 2055 Disciplinary Docket No. 3
	:	
DEAN I. ORLOFF	:	No. 124 DB 2012
	:	
PETITION FOR REINSTATEMENT	:	Attorney Registration No. 48217
	:	
	:	(Philadelphia)

ORDER

PER CURIAM

AND NOW, this 22nd day of June, 2017, the Petition for Reinstatement is granted. Petitioner is directed to pay the expenses incurred by the Board in the investigation and processing of the Petition for Reinstatement. *See* Pa.R.D.E. 218(f).

A True Copy Patricia Nicola
As Of 6/22/2017

Attest: Patricia Nicola
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

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

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

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

I. HISTORY OF PROCEEDINGS

By Order of August 14, 2014, the Supreme Court of Pennsylvania suspended Dean I. Orloff for a period of one year and one day. Mr. Orloff filed a Petition for Reinstatement on April 25, 2016. Office of Disciplinary Counsel filed a response to Petition for Reinstatement on July 5, 2016. Petitioner filed a Supplement to Petition for Reinstatement on August 1, 2016.

A reinstatement hearing was held on September 22, 2016, before a District I Hearing Committee comprised of Chair A. Elizabeth Balakhani, Esquire, and Members Peter C. Buckley, Esquire, and Katherine E. Missimer, Esquire. William D. Hobson, Esquire, represented Petitioner. Petitioner testified on his own behalf and introduced the testimony of one expert witness and five character witnesses. Petitioner's Exhibits P-1 through P-3 were admitted into evidence.

Office of Disciplinary Counsel elected not to file a post-hearing brief. Following the submission of a brief by Petitioner, the Hearing Committee filed a Report on January 13, 2017, and recommended that the Petition for Reinstatement be granted.

The parties did not file briefs on exception.

The Disciplinary Board adjudicated this matter at the meeting on April 28, 2017.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner is Dean I. Orloff. He was born in 1961 and was admitted to practice law in the Commonwealth in 1986. He is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

2. By Order dated August 14, 2014, effective September 13, 2014, the Supreme Court of Pennsylvania suspended Petitioner for a period of one year and one day. ODC-1.

3. Petitioner was suspended for one year and one day by Order of the United States District Court, Eastern District of Pennsylvania, dated October 21, 2014. At the time of the reinstatement hearing, there was a proceeding for reciprocal discipline pending against Petitioner in New Jersey based upon the same misconduct underlying his instant suspension. Reinstatement Questionnaire ("RQ") No. 7(a); N.T. 260-261.

4. Petitioner's suspension was a result of his knowing and intentional misappropriation of client funds in the amount of $3,000. ODC-1.

5. In February 2010, Petitioner asked his former law firm to transfer to Petitioner $6,500 belonging to his client, Glenford Creary. After the former law firm transferred the $6,500 to Petitioner, Petitioner failed to advise Mr. Creary that he had received the check from the firm. Petitioner endorsed both his name and Mr. Creary's name, without Mr. Creary's consent, to the back of the check and deposited the check into Petitioner's IOLTA account. Thereafter, on two occasions, Petitioner cashed IOLTA account checks, which were made payable to "Cash" in the amounts of $2,500 and $500, respectively. ODC-1.

6. In March 2011, Mr. Creary's new counsel, Neal Cohen, Esquire, contacted Petitioner in regard to the $6,500. In response to Mr. Cohen's inquiry, Petitioner deposited $3,000 into his IOLTA account. Thereafter, Petitioner forwarded the $6,500 due and owing to Mr. Creary to Mr. Cohen. ODC-1.

7. On April 25, 2016, Petitioner filed a Petition for Reinstatement and Reinstatement Questionnaire. ODC-2; ODC-3.

8. At the reinstatement hearing, Petitioner testified at length and in detail about the misconduct that led to his suspension. As a result of his misconduct, Petitioner admitted he violated his client's trust and his ethical obligations and deeply regrets his actions. N.T. 232-245, 281.

9. Petitioner testified to multiple violations which resulted in his suspension: (1) delay in resolving his client's medical lien; (2) insufficient efforts to resolve the medical lien with his client's doctor; (3) violation of trust in that he was in possession of funds that arguably belonged to his client's doctor; (4) asking his former law firm to turn over his client's funds to him without the client's authorization; (5) endorsing his client's name to a check without the client's permission; (6) withdrawing a total of $3,000 from his escrow account in December 2010 and January 2011 for personal use; and (7) attempting to deceive his client's new attorney about the status and location of his client's funds.

10. Petitioner conveyed his apologies to his client through the client's new attorney and settled a related civil lawsuit. The settlement release in the civil case contained no denial of liability or fault. N.T. 248, 282-283.

11. Petitioner presented credible testimony of his remorse for the impact of his actions on his client, the legal profession, the public, his family and friends, as well as those involved in the disciplinary process.

12. Petitioner presented credible testimony that he will never engage in misconduct in the future nor pose a threat to the public. He intensely regrets that he victimized his client and damaged the legal profession, as well as harmed his family and damaged his reputation. N.T. 250-254.

13. Despite being permitted under the rules to file for reinstatement at an earlier date, Petitioner waited to file to ensure he was ready to resume the practice of law. N.T. 259-260.

14. During his period of suspension, Petitioner engaged in paralegal services for Andrew Roseman, Esquire, Joseph S. Mitchell, III, Esquire, David M. Rapaport, Esquire, and Bradley Beckman, Esquire. In addition, Petitioner started a process service and filing/courier business and has been employed as a pharmaceutical representative. N.T. 266-268.

15. Prior to engaging in any law-related activity, Petitioner and his supervising attorney signed and submitted appropriate notices with the Disciplinary Board. Petitioner did not engage in the unauthorized practice of law. N.T. 200-201, 257-258.

16. Petitioner completed the required 36 hours of Continuing Legal Education necessary for reinstatement, read the Legal Intelligencer, weekly case digests, online legal updates and conducted online legal research in order to maintain his competency in the law. N.T. 274-275.

17. If reinstated, Petitioner plans to practice in Philadelphia in the areas of personal injury and corporate law. He hopes to expand upon the professional relationships he has established with several Philadelphia attorneys by working in a collaborative arrangement. Petitioner believes this support structure will serve as a deterrent against any future acts of impropriety. RQ No. 20; N.T. 275-277, 322-325.

18. During his suspension, Petitioner successfully underwent regular and continuous psychotherapy with Dr. William Russell, who diagnosed Petitioner as suffering from anxiety and depression. P-1.

19. Dr. Russell was offered as an expert witness without objection. N.T. 20-21, 40.

20. Petitioner discussed his misconduct and feelings of remorse with Dr. Russell. N.T. 36, 45.

21. Dr. Russell worked with Petitioner to develop coping skills and at the time of Petitioner's discharge from treatment, he was functioning normally in the social, emotional, family and professional aspects of his life. N.T. 26-29, 35-36.

22. Dr. Russell opined that Petitioner can handle the rigors and pressure of practicing law. N.T. 30-32, 37-38.

23. It was Dr. Russell's opinion that, "At this time, his mental status is completely within normal limits. His depression and anxiety are typical of that experienced by most people. He demonstrates a much improved and more mature set of emotional coping skills. In terms of future functioning, the combination of his improved coping skills set in conjunction with his insight into the availability of treatment should any concerns arise make a successful return to the legal practice highly likely." N.T. 37-38, 53-54.

24. While in counseling, Petitioner realized he was avoiding disappointing others and was reluctant to seek help if necessary. He is no longer afraid

to seek assistance and has a very strong support system consisting of his wife, friends, colleagues and family. N.T. 271-274, 288-289.

25. Petitioner acknowledged various outstanding debts and monthly obligations, including credit card debt and a personal line of credit, and is current on all of his financial obligations. N.T. 301-310.

26. During Petitioner's suspension, he and his wife have adjusted their lifestyle to take into account Petitioner's reduced income. N.T. 143, 159-160.

27. During his suspension, Petitioner volunteered as a youth basketball coach and took preliminary education credits to qualify as a child advocate. N.T. 255.

28. Petitioner presented the testimony of six character witnesses. The testimony of these witnesses is credible.

29. Andrew Roseman, Esquire is an attorney licensed to practice in Pennsylvania and New Jersey since 1994. He has known Petitioner for approximately 20 years. N.T. 161, 164-165.

30. Following Petitioner's suspension, Petitioner was interested in obtaining paralegal work and had the opportunity to talk with Mr. Roseman. Petitioner advised Mr. Roseman of the misconduct, and according to Mr. Roseman, Petitioner expressed remorse and became emotional when describing what he had done. N.T. 179-181.

31. After becoming aware of Petitioner's misconduct and his suspension, Mr. Roseman offered Petitioner part-time legal assistant work. N.T. 168-170.

32. Mr. Roseman testified that Petitioner's knowledge of the law has been "top-notch" and Petitioner's legal research has proven invaluable to Mr. Roseman. N.T. 171-172.

33. Mr. Roseman has no reservations about working with Petitioner and entrusting him with work. N.T. 173.

34. Mr. Roseman believes that Petitioner is morally fit to resume the practice of law, stating, "But to answer all your questions, I think he's been totally remorseful, he's completely competent, and I think he's paid his price, if that answers your question." N.T. 174.

35. David M. Rapaport, Esquire, is an attorney licensed to practice in Pennsylvania and New Jersey since 1989, and has known Petitioner for approximately 20 years. N.T. 193, 194.

36. According to Mr. Rapaport, Petitioner was upset, showed remorse and accepted responsibility for what he had done when he talked with Mr. Rapaport about his misconduct. N.T. 197, 222, 223.

37. Mr. Rapaport stated, "...I can't remember a day in any given week going by this past year that the issue hasn't come up of us discussing it and him expressing remorse for it and for the client and for having to put everybody through this." N.T. 203.

38. Despite knowing the circumstances leading to Petitioner's suspension, Mr. Rapaport was willing to offer Petitioner work as a paralegal, because

Petitioner was forthright and honest about his situation as a suspended attorney. Mr. Rapaport found Petitioner to be a valuable employee. N.T. 198, 205-206, 221.

39. Mr. Rapaport has no reservations about Petitioner's moral qualifications to return to the practice of law. N.T. 204.

40. Mr. Rapaport does not believe that Petitioner's readmission to practice would be a danger to the public. N.T. 204.

41. John Chadrjian is a licensed real estate broker and has known Petitioner since college. Petitioner told Mr. Chadrjian about the actions underlying his suspension and expressed remorse. Mr. Chadrjian was surprised by Petitioner's misconduct and believes Petitioner won't cross that line again. N.T. 77-79, 80-81, 82-83.

42. Mr. Chadrjian has no reservations about Petitioner's character. N.T. 81-82.

43. Lewis Gross is a CPA and has known Petitioner since college. N.T. 96, 99, 102.

44. Mr. Gross has no reservation about recommending Petitioner's reinstatement. N.T. 103.

45. Mr. Gross observed that Petitioner was devastated about his actions and was really shaken and "this is something that eats at him every day." N.T. 103-104, 119-120.

46. Petitioner is a trustee and executor in Mr. Gross' will because Mr. Gross has such trust in Petitioner. N.T. 106.

47. Marybeth Juliana is Petitioner's wife. They have been married for three years and were in a relationship for three years prior to the marriage. N.T. 134.

48. Petitioner told Ms. Juliana that he had taken a client's funds immediately after it happened in March 2011, which was approximately six months after the couple had met. N.T. 135.

49. Ms. Juliana was shocked and upset but stood by Petitioner. N.T. 135-136.

50. Ms. Juliana testified that there is not a day that goes by that Petitioner does not have remorse for what he did, but he does not blame anyone other than himself. N.T. 138, 140.

51. Ms. Juliana has no fears for the public or the legal community if Petitioner is reinstated. N.T. 119.

52. Office of Disciplinary Counsel does not oppose reinstatement.

III. CONCLUSIONS OF LAW

1. Petitioner demonstrated by clear and convincing evidence that he possesses the moral qualifications, competency and learning in the law required to practice law in Pennsylvania and that his resumption of the practice of law within the Commonwealth will be neither detrimental to the integrity and standing of the bar or the administration of justice or subversive of the public interest. Pa.R.D.E. 218(c)(3).

IV. DISCUSSION

Petitioner seeks readmission to the practice of law following his suspension for a period of one year and one day, imposed on August 14, 2014. An attorney who is suspended for a period exceeding one year may not resume the practice of law until reinstated by the Supreme Court of Pennsylvania. In order to gain reinstatement, Petitioner must prove by clear and convincing evidence that he is morally qualified, competent and learned in the law and that his resumption of the practice of law will not be detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest. Pa.R.D.E. 218(c)(3); ***In the Matter of Jerome J. Verlin***, 721 A.2d 600, 602 (Pa. 1999). Reinstatement proceedings are searching inquiries into a lawyer's present professional and moral fitness to resume the practice of law. The object of concern is not solely the transgressions that gave rise to the lawyer's suspension, but rather the nature and extent of the rehabilitative efforts made since the time the sanction was imposed and the degree of success achieved in the rehabilitative process. ***Philadelphia News, Inc. v. Disciplinary Board of the Supreme Court***, 363 A.2d 779, 780-81 (Pa. 1976).

Following a careful examination of the record, and after due consideration of the Hearing Committee's report and recommendation, the Board concludes that Petitioner met his reinstatement burden.

The underlying misconduct for which Petitioner was suspended was his misappropriation of a client's funds in the amount of $3,000. Petitioner is extremely remorseful for his misconduct and has acknowledged his wrongdoing. He did not attempt

to cast blame on others or minimize the seriousness of his actions. His testimony at the reinstatement hearing was credible, expressing intense disappointment in himself and a determination never to engage in such misconduct again. Although he was eligible to file a petition for readmission at an earlier date, Petitioner chose to wait to ensure that he was ready to resume the practice of law.

During the years since his suspension in 2014, Petitioner has taken steps to make certain he avoids future misconduct by addressing longstanding issues that troubled him in the past. Petitioner successfully participated in psychotherapy to address depression and anxiety. The therapy with Dr. William Russell helped Petitioner realize that he needs to seek help and assistance in times of difficulty. Dr. Russell credibly testified that Petitioner's current mental status is within normal limits and Petitioner is able to handle the rigors and stress involved in the daily practice of law. Since addressing these issues, Petitioner developed a strong support system comprised of his wife, family and colleagues, all of whom are aware of his past misconduct and who expressed desire to lend assistance should such a need arise. While suspended, Petitioner kept current on his financial obligations and volunteered as a youth basketball coach.

Petitioner fulfilled all administrative and education requirements necessary for readmission and kept abreast of developments in the law by reviewing legal periodicals, case digests and online website and research sites. During his suspension, Petitioner worked as a paralegal for four attorneys and as a process server. Two of the attorneys for whom Petitioner worked testified at the reinstatement hearing and credibly described Petitioner's work product as superior and his legal services as invaluable.

These attorneys each have at least 25 years of experience practicing in the Philadelphia area and credibly testified that Petitioner is competent in the law and ready to resume practice. Furthermore, they have no reservation working with Petitioner upon reinstatement, based on the quality of his work and his good character. If granted reinstatement, Petitioner intends to work with these lawyers in a collaborative arrangement, which he believes will serve as a deterrent for any future misconduct.

Petitioner's character witnesses provided trustworthy and favorable insight into the quality of Petitioner's character. These witnesses are aware of the details of Petitioner's misconduct and offered credible testimony as to his genuine and frequent expressions of remorse, acknowledgment of wrongdoing and acceptance of responsibility. Each of these witnesses supports Petitioner's reinstatement as a benefit to the public and the legal community.

Under similar circumstances, attorneys have been reinstated to practice law in this Commonwealth. In the ***Matter of Leroy Frank Grimm, Jr.***, 107 DB 2009 (D. Bd. Rpt. 12/28/2016) (S. Ct. Order 3/13/2017), Mr. Grimm was disbarred on consent for misappropriating entrusted client funds in the amount of $8,000. Mr. Grimm presented ample and compelling evidence of his sincere remorse and efforts to rehabilitate himself, which included counseling, community involvement, addressing financial concerns and taking educational classes to improve his employment prospects. The Supreme Court adopted the recommendation of the Disciplinary Board and reinstated Mr. Grimm to the practice of law.

In the ***Matter of Richard M. Corcoran***, 74 DB 2009 (D. Bd. Rpt. 6/22/2016) (S. Ct. Order 8/11/2016), the Supreme Court also granted reinstatement in a matter where the petitioner had been suspended for a period of five years for misappropriating entrusted funds, among other acts of misconduct. Mr. Corcoran received counseling, addressed personal issues and established a support system, while maintaining full-time employment. In addition, Mr. Corcoran expressed genuine remorse for his misconduct.

Similar to the above petitioners, who successfully sought reinstatement after discipline for misconduct involving misappropriation of client funds, Petitioner accepted responsibility for his actions, demonstrated sincere remorse, successfully engaged in counseling to address underlying issues, aligned himself with a good support system, and worked steadily as a paralegal.

The evidence of record demonstrates that Petitioner met his reinstatement burden under Pa.R.D.E. 218(c)(3), and is morally qualified, competent and learned in the law. His reinstatement will not be detrimental to the public or to the profession. Based on the totality of facts and circumstances particular to this matter, the Board recommends that the Petition for Reinstatement be granted.

IV. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania recommends that Petitioner, Dean I. Orloff, be reinstated to the practice of law.

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

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: _____
Douglas W. Leonard, Vice-Chair

Date: 5/18/17