

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2077 Disciplinary Docket No. 3
: :
Petitioner : 130 DB 2013
: :
v. : Attorney Registration No. 58619
: :
LAJUAN FREDERICK MARTIN, : (Out of State)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 20th day of November, 2014, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated June 12, 2014, the Joint Petition in Support of Discipline on Consent is hereby granted pursuant to Rule 215(g), Pa.R.D.E., and it is

ORDERED that LaJuan Frederick Martin is suspended on consent from the Bar of this Commonwealth for a period of one year and one day and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

It is further **ORDERED** that Respondent shall pay the costs incurred by the investigation and prosecution of this matter.

A True Copy Patricia Nicola
As Of 11/20/2014

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA


OFFICE OF DISCIPLINARY COUNSEL : No. 130 DB 2013
Petitioner :
v. : Attorney Registration No. 58619
LaJUAN FREDERICK MARTIN :
Respondent : (Out of State)

RECOMMENDATION OF THREE-MEMBER PANEL
OF THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

The Three-Member Panel of the Disciplinary Board of the Supreme Court of Pennsylvania, consisting of Board Members David E. Schwager, Tracey McCants Lewis and Gabriel L. Bevilacqua, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on January 29, 2014.

The Panel approves the Joint Petition consenting to a one year and one day suspension and recommends to the Supreme Court of Pennsylvania that the attached Petition be Granted.

The Panel further recommends that any necessary expenses incurred in the investigation and prosecution of this matter shall be paid by the respondent-attorney as a condition to the grant of the Petition.



David E. Schwager, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: 6/12/2014

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
: No. 130 DB 2013
v. :
: Atty. Reg. No. 58619
LaJUAN FREDERICK MARTIN :
Respondent : (Out of State)

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

Petitioner, Office of Disciplinary Counsel ("ODC"), by Paul J. Killion, Chief Disciplinary Counsel, and Harriet R. Brumberg, Disciplinary Counsel, and Respondent, LaJuan Frederick Martin, by Respondent's counsel, Samuel C. Stretton, Esquire, file this Joint Petition In Support of Discipline on Consent Under Pennsylvania Rule of Disciplinary Enforcement (Pa.R.D.E.) 215(d), and respectfully represent that:

I. BACKGROUND

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 Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter "Pa.R.D.E."), with the power and duty to investigate all matters involving

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Office of the Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.

2. Respondent, LaJuan Frederick Martin, was admitted to practice law in Pennsylvania on July 31, 1990.

3. By Order dated August 17, 2007, the Supreme Court placed Respondent on inactive status for not completing his continuing legal education requirements; on September 1, 2010, Respondent was transferred to administrative suspension.

4. Attorney registration records state that Respondent maintained an office at 9701 Apollo Drive, Suite 201, Largo, MD 20744.

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

II. FACTUAL ADMISSIONS AND VIOLATIONS OF RULES OF PROFESSIONAL CONDUCT

6. Respondent specifically admits to the truth of the factual allegations and conclusions of law contained in paragraphs 1 through 36.

CHARGE I: UNAUTHORIZED PRACTICE OF LAW

7. Respondent is not an active member of the Pennsylvania bar.

8. Respondent is not a member of a state bar other than Pennsylvania.

9. Bobby Henry, Esquire, a Maryland attorney, permitted Respondent to use an empty office at Mr. Henry's law firm for Respondent's business pursuits.

10. Ms. Tracy Tucker called Mr. Henry's law firm for representation in a probate matter pending in the Orphans' Court of Prince George's County, Maryland; the case was captioned Estate of Michael R. Tucker, deceased, Estate No. 79456.

11. Respondent spoke to Ms. Tucker on the telephone and arranged to meet with Ms. Tucker about her probate matter.

12. On September 8, 2011, Respondent met with Ms. Tucker and presented Ms. Tucker with a handwritten fee agreement.

13. Under the terms of Respondent's fee agreement:

- a. Ms. Tucker would pay Respondent a \$300 fee for Respondent to review all documents

related to the Estate of Michael R. Tucker,
Deceased; and

- b. if after Respondent's review of the legal issues, Respondent determined that "my firm" would not represent Ms. Tucker, Respondent would refund the \$300 fee to Ms. Tucker.

14. Respondent signed the fee agreement as "LaJuan F. Martin, J.D."

15. Respondent's fee agreement was false and misleading in that Respondent was neither a member of a law firm nor one who had his own law firm.

16. Respondent engaged in deceit and misrepresentation when he presented Ms. Tucker with a fee agreement for his legal services in that Respondent was not an active member of the Pennsylvania or the Maryland Bar and could not lawfully perform legal services for Ms. Tucker.

17. Respondent received \$300 from Ms. Tucker.

18. Thereafter, Respondent:

- a. reviewed Ms. Tucker's documents;
- b. drafted a Petition for Order to Show Cause and Other Relief (Petition) for filing in

the Orphans' Court of Prince George's County, Maryland; and

- c. gave the Petition to Ms. Tucker for her review and signature.

19. Ms. Tucker signed the Petition and filed it with the Orphans' Court on November 7, 2011.

20. By his conduct as alleged in Paragraphs 7 through 19 above, Respondent violated the following Rules of Professional Conduct:

- a. RPC 5.5(a), which states that a lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so;
- b. RPC 7.1, which states that a lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;

- c. RPC 8.4(c), which states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- d. RPC 8.4(d), which states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice;
- e. Maryland Lawyers' Rules of Professional Conduct (MD RPC) 5.5(a), which states that a lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so;
- f. MD RPC 5.5(b)(2), which states that a lawyer who is not admitted to practice in this jurisdiction shall not hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction;
- g. MD RPC 7.1(a), which states that a lawyer shall not make a false or misleading communication about the lawyer or the

lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;

- h. MD 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
- i. MD RPC 8.4(d), which states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

CHARGE II: FALSE STATEMENTS TO DISCIPLINARY AUTHORITIES

21. On December 27, 2011, Respondent filed a Petition for Reinstatement from Inactive Status and Reinstatement Questionnaire with the Secretary of the Disciplinary Board of Pennsylvania.

22. In his Questionnaire, Respondent:

- a. falsely stated that he had not provided legal services while on inactive status; and

b. failed to report his employment by Ms. Tucker.

23. On June 26, 2012, Respondent participated in a reinstatement hearing at the Office of Disciplinary Counsel.

24. At the hearing:

a. Respondent's Reinstatement Petition and Questionnaire were introduced; and

b. Respondent falsely testified that he had "no income" from 2008 to 2011.

25. ODC subsequently discovered that Respondent had handled Ms. Tucker's probate matter while on administrative suspension and had received a legal fee for doing so.

26. As a result of ODC's discovery of Respondent's misconduct in his reinstatement matter, on or about August 3, 2012, ODC filed a Petition to Reopen Record Pursuant to D.Bd. Rules § 89.251.

27. On October 3, 2012, Respondent filed with the Disciplinary Board a Petition to Withdraw the Reinstatement Petition Without Prejudice.

28. On October 5, 2012, the Disciplinary Board granted Respondent's Petition.

29. By his conduct as alleged in Paragraphs 21 through 28 above, Respondent violated the following Rules of Professional Conduct:

- a. RPC 3.3(a)(1), which states that a lawyer shall not knowingly make a false statement of material fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;
- b. RPC 3.3(a)(3), which states that a lawyer shall not knowingly offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence before a tribunal or in an ancillary proceeding conducted pursuant to a tribunal's adjudicative authority, such as a deposition, and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a

criminal matter, that the lawyer reasonably believes is false;

- c. RPC 8.1(a), which states that an applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not knowingly make a false statement of material fact;
- d. 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
- e. RPC 8.4(d), which states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

III. JOINT RECOMMENDATION FOR DISCIPLINE

30. Petitioner and Respondent jointly recommend that Respondent receive a one-year-and-one-day suspension for his admitted misconduct.

31. Respondent hereby consents to the discipline being imposed by the Supreme Court of Pennsylvania. Attached to this Petition is Respondent's executed

Affidavit required by Pa.R.D.E. 215(d), stating that he consents to the recommended discipline and including the mandatory acknowledgements contained in Pa.R.D.E. 215(d)(1) through (4).

32. Petitioner and Respondent respectfully submit that there are the following aggravating factors:

- a. On December 10, 2008, a jury entered a \$230,000 verdict against Respondent, his law partner and then-wife, and his law firm, in a legal malpractice action, **Andrew Ross v. LaJuan Martin, Lolita Martin, and Martin and James, L.L.P.**, No. 006366 (D.C. Superior Court); on October 28, 2010, the appellate court affirmed the jury's verdict (**Martin, et al., Appellants, v. Ross, Appellee**, No. 09-CV-460 (D.C. Court of Appeals);
- b. there have been numerous liens and judgments entered against Martin, including judgments for unpaid taxes, outstanding child support payments, car loans, and legal malpractice, all totaling approximately \$325,000; and
- c. Respondent did not disclose some of the judgments, which remain unsatisfied, in

response to Question 13(a) of his Reinstatement Questionnaire.

33. Respondent and ODC respectfully submit that there are the following mitigating factors:

- a. Respondent has expressed recognition of his wrongdoing and remorse for his misconduct; and
- b. Respondent has cooperated with ODC's investigation and prosecution.

34. Attorneys who engage in the unauthorized practice of law while on administrative suspension, which prior to September 1, 2010, was labelled inactive status, generally receive a period of suspension. *Office of Disciplinary Counsel v. Forrest, Jr.*, 134 DB 2003, D.Bd. Rpt. 12/30/2004, p. 12 (S.Ct. Order 3/24/2005) (attorneys who practice while on inactive status for failing to fulfill CLE requirements are "[g]enerally" suspended). The discipline imposed for limited instances of unauthorized practice of law may be less than a one-year-and-one-day suspension. See *Office of Disciplinary Counsel v. Buffington*, No. 45 DB 2004, D.Bd. Rpt. 06/22/2005 (S.Ct. Order 9/22/2005) (attorney who continued to serve as an arbitrator for the Philadelphia Court of Common Pleas and

handled three legal matters following his transfer to administrative suspension received a six-month suspension).

But when an attorney fails to disclose his unauthorized practice of law in the attorney's Petition for Reinstatement from administrative suspension, the discipline imposed may range from a suspension of one year and one day to a suspension of two years. See, e.g., *In the Matter of David Ferleger*, No. 51 DB 2004 and *Office of Disciplinary Counsel v. David Ferleger*, No. 104 DB 2004, D.Bd. Rpt. 5/4/2005, p. 11 (S.Ct. Order 8/3/2005) (in a combined reinstatement from administrative suspension and disciplinary proceeding, the Supreme Court denied Ferleger's reinstatement petition and imposed a suspension of one-year-and-one-day for Ferleger's unauthorized practice of law and failure to fully disclose in his reinstatement petition that he had continued to practice law while on inactive status; the Disciplinary Board determined that "Respondent's unauthorized practice of law, compounded by his deceptive response in his Reinstatement Questionnaire, merits a suspension of one year and one day."); *Office of Disciplinary Counsel v. Lawrence E. Andrews*, No. 189 DB 2006, D.Bd. Rpt. 3/27/2007 (S.Ct. Order 5/30/2007) (Andrews, who engaged in the unauthorized

practice of law for seventeen years while on administrative suspension and made false and misleading statements in his Reinstatement Questionnaire and to ODC, withdrew his Reinstatement Petition and consented to the receipt of a two-year suspension).

35. Respondent knowingly engaged in the unauthorized practice of law in the handling of a probate matter for Ms. Tracy Tucker. Respondent met with Ms. Tucker, presented Ms. Tucker with a written fee agreement from his "firm" to handle her legal matter, drafted legal pleadings for Ms. Tucker to file in the Prince George's County Orphans' Court, and accepted a legal fee. Standing alone, Respondent's limited unauthorized practice of law might have merited a suspension of less than a year and a day.

But less than four months after Respondent signed the fee agreement and accepted a fee for Mrs. Tucker's probate matter, Respondent petitioned for reinstatement to practice law in Pennsylvania. In Respondent's Reinstatement Questionnaire, Respondent falsely stated that he had not performed any legal work nor had he received any income from 2008 to 2011. The Questionnaire was introduced, without correction, at Respondent's reinstatement hearing.

Respondent also testified falsely at his reinstatement hearing as to his lack of employment and income.

As was the case with **Ferleger**, Respondent engaged in the unauthorized practice of law while on administrative suspension and then filed a Petition for Reinstatement in which he failed to disclose the unauthorized practice. In contrast to Ferleger, who engaged in multiple instances of unauthorized practice of law, Respondent only handled one legal matter while on administrative suspension. Ferleger, however, readily admitted his unauthorized practice of law to ODC during the pre-hearing investigation whereas Respondent failed to admit his unauthorized practice of law and testified falsely at his reinstatement hearing.

Respondent's misconduct is not as egregious as the misconduct of Andrews, who received a two-year suspension on consent. Andrews' unauthorized practice of law spanned over seventeen years, during which time Andrews handled hundreds of legal matters as Assistant Regional Counsel at the Environmental Protection Agency. In addition, Andrews made numerous misleading statements in his Reinstatement Questionnaire and to ODC during its investigation of the reinstatement petition. Similar to Andrews, Respondent

agreed to withdraw his Reinstatement Petition and receive a discipline on consent.

36. On balance, the totality of Respondent's misconduct is most similar to that of Ferleger's. Consistent with established precedent, Respondent should likewise receive a suspension of one year and one day. Accordingly, Petitioner and Respondent jointly recommend that Respondent should receive a suspension of one year and one day.

WHEREFORE, ODC and Respondent respectfully request that:

- a. Pursuant to Pa.R.D.E. 215(e) and 215(g), the three-member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and file its recommendation with the Supreme Court of Pennsylvania recommending that the Supreme Court enter an Order that Respondent receive a suspension of one year and one day; and
- b. Pursuant to Pa.R.D.E. 215(g) and 215(i), the three-member panel of the Disciplinary Board enter an Order that Respondent pay the necessary


costs and expenses incurred in the investigation and prosecution of this matter.

Respondent respectively requests that the Board Secretary immediately file the recommendation of the panel and the Petition with the Supreme Court without regard to Respondent's payment of costs and expenses, and that Respondent be allowed to pay all costs and expenses within thirty days of the date of the panel's approval of the Discipline on Consent unless Respondent and the Board Secretary enter into a plan, confirmed in writing, to pay the necessary costs and expenses at a later date. ODC has no objection to this request.


Respectfully and jointly submitted,
OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

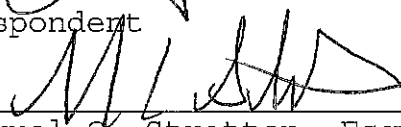
1/17/2014
Date

By 
Harriet R. Brumberg
Disciplinary Counsel

1/23/14
Date

By 
LaJuan Frederick Martin
Respondent

1/25/14
Date

By 
Samuel C. Stretton, Esquire
Counsel for Respondent


BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
: No. 130 DB 2013
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LaJUAN FREDERICK MARTIN :
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, information and belief and are made subject to
the penalties of 18 Pa.C.S. §4904, relating to unsworn
falsification to authorities.

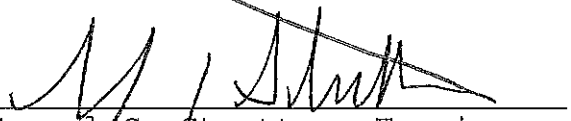
1/17/2014
Date

By 
Harriet R. Brumberg
Disciplinary Counsel

1/23/14
Date

By 
LaJuan Frederick Martin
Respondent

1/25/14
Date

By 
Samuel C. Stretton, Esquire
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
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AFFIDAVIT UNDER RULE 215(d), Pa.R.D.E.

Respondent, LaJuan Frederick Martin, hereby states that he consents to the imposition of a suspension of one year and one day as jointly recommended by Petitioner, Office of Disciplinary Counsel (ODC), 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 Samuel C. Stretton, Esquire, in connection with the decision to consent to discipline.

2. He is aware that there is presently pending a formal proceeding involving 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.

4. He consents because he knows that if the charges pending against him continue to be prosecuted in the pending proceeding, he could not successfully defend against them.



LaJuan Frederick Martin
Respondent

Sworn to and subscribed
before me this 23rd
day of JANUARY, 2014.


Notary Public

KEVIN MICHAEL McMAHON
NOTARY PUBLIC
ANNE ARUNDEL COUNTY
MARYLAND
MY COMMISSION EXPIRES JUNE 4, 2015