

**IN THE SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2486 Disciplinary Docket No. 3
	:	
Petitioner	:	No. 134 DB 2017
	:	
v.	:	Attorney Registration No. 92366
	:	
RAUL I. JAUREGUI,	:	(Philadelphia)
	:	
Respondent	:	

**ORDER**

**PER CURIAM**

**AND NOW**, this 11<sup>th</sup> day of June, 2018, 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 Raul I. Jauregui is suspended on consent from the Bar of this Commonwealth for a period of one year. Respondent shall comply with all 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 Patricia Nicola  
As Of 6/11/2018

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

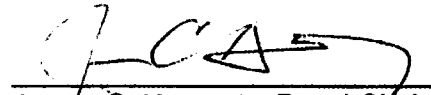
OFFICE OF DISCIPLINARY COUNSEL : No. \_\_\_\_ Disciplinary Docket No. 3  
Petitioner :  
 : No. 134 DB 2017  
v. :  
 : Attorney Registration No. 92366  
RAUL I. JAUREGUI :  
Respondent : (Philadelphia)

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 James C. Haggerty, John P. Goodrich, and Jane G. Penny, has reviewed the Revised Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on April 6, 2018.

The Panel approves the Revised Joint Petition consenting to a one year 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.

  
James C. Haggerty, Panel Chair  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

Date: 5/23/18

**BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL, : No.134 DB 2017  
Petitioner :  
: File Nos. C2-15-799 and C2-17-268  
v. :  
: Attorney Reg. No. 92366  
RAUL I. JAUREGUI :  
Respondent : (Philadelphia County)

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

Petitioner, the Office of Disciplinary Counsel (hereinafter, "ODC") by Paul J. Killion, Chief Disciplinary Counsel, and Harold E. Ciampoli, Jr., Disciplinary Counsel and Raul I. Jauregui, Esquire (hereinafter "Respondent"), by and through his counsel, William J. Honig, Esquire, respectfully petition the Disciplinary Board in support of discipline on consent, pursuant to Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 215(d), and in support thereof state:

1. ODC, whose principal office is situated at Office of Chief Disciplinary Counsel, Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania 17106, is invested, pursuant to Pa.R.D.E. 207,

FILED 4/6/2018 The Disciplinary Board of the Supreme Court of Pennsylvania
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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 brought in accordance with the various provisions of the aforesaid Enforcement Rules.

2. Respondent was admitted to practice law in the Commonwealth on April 12, 2004. Respondent is on active status and his last registered address is Jauregui Law Office, 720 Arch Street, #861, Philadelphia, Pennsylvania 19107.

3. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

**SPECIFIC FACTUAL ALLEGATIONS ADMITTED**

**CHARGE I  
CONFLICT OF INTEREST AND BREACH OF CONFIDENTIALITY (HOPE  
BRINN COMPLAINT)**

4. Complainant Hope Brinn is a former Swarthmore College ("Swarthmore") student. Ms. Brinn alleged that when she was a nineteen year old student, she was sexually assaulted on campus. She subsequently became an advocate for improving Swarthmore's response to sexual assault allegations.

5. On April 28, 2013, Respondent sent Ms. Brinn and another Swarthmore student activist ("Student Activist No. 2"), a Facebook message requesting them to "send [Respondent] an email saying [they] hire [Respondent]...focus [their] efforts on

getting all the other victims to a. write down their stories in a signed dated documentation and b. also hire [Respondent]."

6. Ms. Brinn responded to Respondent on April 29, 2013, by stating "I hire you!"

7. By email to Ms. Brinn dated April 30, 2013, Respondent again requested Ms. Brinn to "get all survivors to hire [him]."

8. Throughout Respondent's representation, Respondent and Ms. Brinn engaged in at least 41 emails conversations; extensive discussions on Facebook; and at least one phone call. Respondent and Ms. Brinn also met at least three times. Respondent met with Ms. Brinn alone on one occasion and with Ms. Brinn and Student Activist No. 2 on two other occasions. During these conversations, Respondent stated his intent to support Ms. Brinn in litigation, campus adjudication and national activism and also repeatedly assured her that anything she shared with him was confidential.

9. During Respondent's representation of Ms. Brinn, Respondent assisted Ms. Brinn and Student Activist No. 2 in preparing a class complaint with the Department of Education Office for Civil Rights ("OCR") which Ms. Brinn and Student Activist No. 2 filed in May 2013 on behalf of approximately 12 other Swarthmore College students.

10. Respondent was actively involved in drafting the OCR Complaint and:

- a) made numerous revisions prior to filing;
- b) had input into the phrasing and content of the alleged violations and the formatting of the Complaint;
- c) provided advice on strategies as to how to proceed further, such as whether the matter should go forward as a class action; and
- d) spoke directly with personnel at OCR regarding the Complaint and of his intention to hand deliver it to them.

11. The OCR Complaint raised concerns about how Swarthmore handled these students' complaints of sexual assault to the college.

12. Among the cases included in the OCR Complaint was that of an individual whom will be described hereinafter as *Jane Doe*. This individual was identified as "Complainant No. 7" in the OCR Complaint.

13. The OCR Complaint alleged from *Jane Doe's* perspective that *Jane Doe* was assaulted on September 10, 2011 by an individual whom will be referred hereinafter as *Juan Doe*.

14. By e-mail dated June 5, 2013, Ms. Brinn terminated Respondent's representation and requested a copy of her file.

15. On March 18, 2015, Respondent filed a lawsuit captioned: *Juan Doe v. Swarthmore College*, in the United States District Court for the Eastern District of Pennsylvania, 2:15-cv-01355-CDJ (hereinafter "Juan Doe Complaint")

16. The lawsuit relating to the Juan Doe Complaint was placed under seal on March 20, 2015. The seal was partially lifted by Order dated July 27, 2017.

17. The Juan Doe Complaint was 135 pages in length and, *inter alia*, alleged that Juan Doe:

- a) was discriminated against when Swarthmore gave credence to a false allegation by Jane Doe of a sexual assault on September 10, 2011 by Juan Doe; and
- b) was an unfair target of "vigilante justice from student activists."

18. The Juan Doe Complaint referred to Ms. Brinn at least 55 times as "Student Activist No. 1."

19. Section D of the Juan Doe Complaint, allegations 99 through 144, contained information Ms. Brinn had provided Respondent during his representation of her and was captioned:

"The Angry Feminist Cabal Within Swarthmore's OCR and Clery Complainants Triggers Jane Doe's Complaint Against Juan."

20. Section D alleged that Ms. Brinn:

- a) was a close acquaintance and supporter of Jane Doe and would become the "common link between the tragic sham-complaints brought against Juan by Jane and against Student No. 13 by Student No. 12";
- b) and others "began to radicalize and take matters into their own hands in an often heroic, sometimes cruel and as concerns Juan clearly false attempt to make Swarthmore a safe place for women";
- c) "encouraged Jane to complain against Juan and supported as well as assisted Jane throughout the process"; and
- d) "encouraged and provided incentives that led Jane to manufacture a sham of a complaint of sexual assault against Juan."

21. Ms. Brinn never gave Respondent informed consent to reveal information relating to Respondent's representation of her nor did she give him informed consent to Respondent's representation of Juan Doe.



22. Respondent's representation of Juan Doe involved a matter substantially related to Respondent's representation of Ms. Brinn; Juan Doe's interests were materially adverse to the interests of Ms. Brinn.

23. In June 2016, Swarthmore filed a motion to disqualify Respondent from representing Juan Doe.

24. The motion to disqualify contended that Respondent should be disqualified from representing Juan Doe based on Respondent's conflict of interest and violations of RPC 1.6 and 1.9 arising from Respondent's representation of Ms. Brinn.

25. On July 19 and August 25, 2016, United States District Court Judge J. Curtis Joyner conducted hearings on the motion.

26. Ms. Brinn testified at the July 19<sup>th</sup> hearing and was cross-examined by Respondent's attorney.

27. By Memorandum and Order dated February 23, 2017, Judge Joyner granted Swarthmore's motion and disqualified Respondent from any further involvement in the Juan Doe litigation.

28. In summary, Judge Joyner found:

...Mr. Jauregui failed to obtain the requisite consent for public disclosure of confidential client information and took positions which were blatantly adverse to the interests of his former client in the filing of the pleadings in this matter and in representing this plaintiff. This evidence, we find evinces such a clear and complete disregard by Plaintiff's counsel of both Rules 1.6 and 1.9 that his disqualification from

proceeding further in this case is obviously warranted.

Memorandum at 13-14

By his conduct as alleged in Paragraphs 4 through 28 above, Respondent violated the following Rules of Professional Conduct:

- A. RPC 1.6(a), which states that a lawyer shall not reveal information relating to representation of a client unless the client gives informed consent, except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in paragraphs (b) and (c);
- B. RPC 1.6(e) which states that the duty not to reveal information relating to representation of a client continues after the client-lawyer relationship has terminated;
- C. RPC 1.9(a), which states that a lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent;
- D. RPC 1.9(c)(2), which states that a lawyer who has

formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter...reveal information relating to the representation except as these Rules would permit or require with respect to a client; and

E. RPC 1.16(a)(1), which states that except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if the representation will result in violation of the rules of professional conduct or other law.

**CHARGE II  
MISREPRESENTATION TO ODC**

29. By DB-7 REQUEST FOR STATEMENT OF RESPONDENT'S POSITION dated January 27, 2016 DB-7 ("DB-7") ODC alleged, *inter alia*, that Respondent had engaged in a conflict of interest and breached confidentiality regarding Respondent's representation of Hope Brinn and the Juan Doe Complaint Respondent had filed in federal court.

30. Paragraph 11 of the DB-7 alleged that on March 18, 2015, Respondent filed a lawsuit captioned: *Juan Doe v.*

*Swarthmore College*, in the United States District Court for the Eastern District of Pennsylvania, 2:15-cv-01355-CDJ ("Juan Doe Complaint").

31. Respondent submitted a Position Statement to the DB-7 dated February 29, 2016 ("SOP").

32. Respondent verified that the averments and denials in the SOP were true.

33. Respondent responded as follows to paragraph 11 of the DB-7: "Admitted. By way of further answer I state that this lawsuit is under seal and I cannot discuss it. It is important to note, however, that the federal judge in charge has already heard these issues, has specifically ruled on the matter, and has found no conflict under the rules of ethics. Finally, every single one of the paragraphs that are at issue in the DB-7 is no longer part of this litigation." (underlining in original)

34. Respondent's representations in paragraph 11 of the SOP that the federal judge in charge had already heard these issues, had specifically ruled on the matter, and had found no conflict under the rules of ethics were false and Respondent knew them to be false when he made them.

35. At the time Respondent submitted his SOP, Judge Curtis Joyner had:

- a) been assigned the Juan Doe Complaint;

- b) not ruled on the conflict issue; and
- c) not found that there was no conflict.

36. As averred in paragraphs 23 through 28 *supra*, Swarthmore had filed a motion in June 2016 to disqualify Respondent from representing Juan Doe which Judge Joyner granted by Memorandum and Order dated February 23, 2017.

37. Judge Joyner's Memorandum specifically stated, *inter alia*, "This evidence, we find evinces such a clear and complete disregard by Plaintiff's counsel of both Rules 1.6 and 1.9 that his disqualification from proceeding further in this case is obviously warranted."

38. By letter dated March 10, 2017, Respondent advised ODC of the following:

In the year since I first responded to Ms. Brinn's charge there have been motions but no development in terms of discovery or factual argument in the underlying factual claim, a case under seal. I believe that my work never disclosed or relied on confidential information of Ms. Brinn's, and I honestly believe that I have only taken positions consistent with what I understand hers to be-advocating for victims of sexual assault at Swarthmore College; of which my client is one. But I have now come to the realization and legal insight that I cannot continue to effectively represent my client in his federal claim given Ms. Brinn's concerns that I might be taking an opposing position to hers on his behalf. Thus, I have told my client I cannot go on representing him, and that I will only try to find him new counsel. I am extremely thankful to you for your patience with me. And I ask that the Disciplinary Counsel evaluate the fact that

ending my involvement in this case is an extremely painful action for me to take because I wholeheartedly believe in my client. But I also deeply respect my duties under our Rules of Professional Conduct. Thus, I respectfully ask for the dismissal of Ms. Brinn's complaint against me.

39. Respondent's March 10, 2017 letter was misleading because he knowingly did not advise ODC that:

- a) Swarthmore had filed a motion to disqualify him from representing Juan Doe;
- b) Judge Joyner had conducted a hearing on July 19, 2016 relating to the motion to disqualify;
- c) Ms. Brinn had testified at the July 19, 2016 hearing;
- d) Judge Joyner had disqualified Respondent from representing Juan Doe; and
- e) Judge Joyner had found that Respondent had violated the Rules of Professional Conduct with respect to his representation of Juan Doe and Ms. Brinn.

40. Respondent's March 10, 2017 letter was intended to mislead ODC into thinking he had withdrawn from his representation of Juan Doe of his own volition. Respondent contends he mistakenly believed the sealing of the Juan Doe case prevented disclosure to ODC.

By his conduct as alleged in Paragraphs 29 through 40 above, Respondent violated the following Rules of Professional Conduct:

- A. RPC 8.1(a), which states that a lawyer in connection with a disciplinary matter, shall not knowingly make a false statement of material fact;
- B. RPC 8.1(b), which states that a lawyer in connection with a disciplinary matter, shall not fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter; and
- 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.

**CHARGE III**

**WILFUL FAILURE TO COMPLY WITH LEGITIMATELY SOUGHT DISCOVERY AND  
COURT ORDERS AND FRIVOLOUS FILING  
(COMPLAINT OF LORI PASTER)**

41. From 2007 through 2011, Respondent's mother, Mercedes Palma, had been employed by NHS, Inc., a subcontractor of health

services for the city of Philadelphia and had been supervised by Complainant Lori Paster.

42. On April 22, 2011, Ms. Paster "wrote up" Ms. Palma for allegations of work misconduct.

43. On April 23, 2011, Respondent wrote Patrick Murphy, Esquire, attorney for NHS, the following letter:

Dear Mr. Murphy:

...

I ask that you instruct Ms. Palma's supervisor, one Lori Paster, that she has engaged in the same patterns of business defamation that led to the lawsuits against Ms. Brooks and Ms. Hubbard. Here is what I mean: If Ms. Paster issues a single more corrective action form against Ms. Palma which is, as all the ones in the past have been, based on falsehood, retaliatory discrimination and other defamatory practices, I will sue her, as an individual, the next day. Please explain to Ms. Paster that your firm is conflicted out of representing her and that NHS's insurance carrier will decline coverage such that she will be, as Mr. Brooks and Ms. Hubbard are, personally responsible for the judgment, if any. I also enclose for your review Ms. Palma's grievance on the matter.

In my 10 years of employment litigation, I have never witnessed such blatant, aggressive and retaliatory behavior as the one NHS has visited on Ms. Palma. As you can tell I am personally committed to correcting that.

44. NHS and Ms. Paster terminated Ms. Palma's employment on May 1, 2011.



45. Between 2010 and 2017, Respondent filed on behalf of Ms. Palma four separate complaints against NHS and/or former or present employees of NHS relating to Ms. Palma's employment at NHS.

46. All four complaints have been dismissed:

- a) One case was dismissed on a Defendant's motion by for summary judgment;
- b) Two cases were dismissed on Preliminary Objections by the Defendants; and
- c) One case was dismissed on a motion by Defendant for sanctions.

47. In two cases, Respondent and/or Ms. Palma were sanctioned by the Court for failure to comply with a court order.

**A) WILFUL FAILURE TO COMPLY WITH LEGITIMATELY SOUGHT DISCOVERY AND COURT ORDERS**

48. Tamitra Foreman is the mother of one of NHS' minor consumers.

49. On January 6, 2012, Respondent instituted an action by personally serving a complaint on Malcolm Musgrove on behalf of the Plaintiffs in the matter captioned *Yenny Lora and Mercedes Palma vs. NHS. Inc., Malcolm Musgrove, Lori Paster, Craig Wagner, and "Mrs. Forman" (sic)* (hereinafter, "Case 3288").

50. The complaint in Case 3288 alleged, *inter alia*, that the Defendants slandered, libeled and defamed the Plaintiffs' business reputation at NHS and also alleged that "Mrs. Forman' (sic) is the mother of the patient to whom defendants allege Palma disclosed information in violation of HIPPA that warranted Palma's termination from NHS" and that Respondent intended to "hold (Mrs. Forman) fully liable at trial" for possible "slander per se."

51. On January 24, 2012, Respondent interviewed Ms. Foreman at her home in connection with Case 3288.

52. On January 24, 2012, Respondent served the complaint in Case 3288 on Defendants Wagner and Paster.

53. On January 25, 2012, the complaint in Case 3288 was docketed in the Philadelphia County Court of Common Pleas as Case ID# 1201033288.

54. By Order dated March 21, 2012, Judge Tereshko sustained the preliminary objections and dismissed Plaintiffs' complaint in connection with Case 3288.

55. On May 1, 2012, Respondent filed a complaint on behalf of the Plaintiffs in the matter captioned *Yenny Lora & Mercedes Palma vs. NHS, Inc., Malcolm Musgrove, Kim Richardson, Tamitra Foreman and Frank Gray*, in the United States District Court for

the Eastern District of Pennsylvania, Case # 2:12-cv-02357-PBT (hereinafter, "Case 2357").

56. On October 17, 2013, Respondent filed a first amended complaint in Case 2357.

57. The complaints in Case 2357 alleged, *inter alia*, that the Defendants, as well as Rachel Maid, Lori Paster and Craig Wagner, subjected the Plaintiffs to a racially hostile work environment. The complaints also alleged that Defendant Foreman was instructed by NHS's employee to illegally secure, and did secure, a recording of a private conversation of plaintiff Palma's without Palma's consent.

58. On October 17, 2013, Mr. Murphy filed a motion to compel.

59. On December 3, 2013, Judge Petrese Tucker referred Case 2357 to Chief Magistrate Judge Linda Caracappa to resolve certain discovery issues.

60. At the time Judge Tucker referred Case 2357 to Judge Caracappa, Respondent had made no reasonable response to either the first or second sets of propounded interrogatories, and had refused requests for deposition scheduling.

61. By Order dated December 20, 2013, Judge Caracappa, *inter alia*, granted in part the Defendants' October 17, 2013 motion to compel and precluded plaintiffs from submitting expert

reports on damages for failure to comply with discovery deadlines previously set by the District Court.

62. On February 18, 2014, Mr. Murphy filed a second motion to compel and a motion to compel the depositions of Ms. Foreman and Mr. Gray.

63. By Order dated March 12, 2014, Judge Caracappa decreed that Plaintiffs provide by March 27, 2014 any and all W-2s and 1099s for years 2011, 2012, 2013 and 2014 to present.

64. On March 27, 2014, a conference was held by Judge Caracappa regarding outstanding discovery issues and Respondent's and Plaintiff Lora's failure to comply with court orders related to discovery and motions to compel Plaintiffs' depositions.

65. At the March 27, 2014 conference:

- a) Respondent represented to the Judge that the Plaintiffs' W-2s and 1099s referred to in the March 12, 2014 Order were in an envelope on Respondent's desk, but Respondent had not opened the envelope; and
- b) In response to direct questions from Judge Caracappa, Respondent repeatedly represented that Respondent had no documents, no files and no

recollection of representing his own mother in several cases.

66. Respondent's representations to Judge Caracappa as described in the preceding paragraph were false, and Respondent knew or should have known them to be false.

67. By Order for Discovery dated March 31, 2014, Judge Caracappa, *inter alia*:

- a) found that "[Plaintiffs] together with their counsel, have failed to comply with this court's previous discovery order of March 12, 2014 (Doc. 70), and through counsel, have taken a sustained and untenable approach to discovery requests made by Defendants";
- b) found Respondent's representations to the Court "not credible, and more so, explicitly [found] a failure to comply with the March 12, 2014 order of production";
- c) found Respondent's "failure to provide any information or documents sought in [connection with Respondent's prior representation of his mother in other lawsuits] to be a deliberate and willful failure to comply with legitimately sought discovery requests";

- d) precluded Plaintiff Lora from introducing evidence of wage loss or any other financial loss should the matter proceed to trial; and
- e) stated that "During the discovery conference, Attorney Raul Attorney Jauregui acknowledged his interview of Defendant Tamitra Foreman, but has not provided any documentation of same. Within three (3) days of the date of this order, Attorney Jauregui, who is an officer of this court and now a potential witness in this case by virtue of this interview, is hereby ORDERED to produce and serve upon opposing counsel a duly sworn affidavit setting forth a detailed proffer of the complete contents of the interview. Failure to comply with this order may result in discovery sanctions." (emphasis in original)

68. On April 2, 2014, Respondent filed a first "personal" motion for a protective order from compliance with Judge Caracappa's March 31, 2014 Order, claiming his interview of Ms. Foreman was protected by "attorney work product privilege" and Respondent's "ethical duties to represent [Respondent's] clients in this Court."

69. In Respondent's memorandum of law in support of a protective order, Respondent stated: "In this as well as in prior litigation, defendants have argued that their legitimate reason for terminating plaintiff Palma was a complaint they received from defendant Foreman. Raul Jauregui interviewed defendant Foreman in that context, preparing for litigation, and prior to the filing of this lawsuit."

70. Respondent's representation as described in the preceding paragraph, that Respondent had interviewed Ms. Foreman prior to the filing of this lawsuit, was misleading at a minimum, because at the time of Respondent's interview, Respondent had already initiated suit against Ms. Foreman in Case 3288.

71. On April 8, 2014, Respondent filed a second "personal" motion for a protective order from compliance with Judge Caracappa's March 31, 2014 Order.

72. By Order entered April 9, 2014, Judge Tucker denied Respondent's first motion for protective order. In a footnote, Judge Tucker explained:

Plaintiffs' assertion that Magistrate Judge Caracappa's March 31, 2014 Order (Doc. 75) is in conflict with this Court's order on September 23, 2013 (Doc. 31) is mistaken. This Court's September 23, 2013 order pertained to Defendants' request for Plaintiffs' Counsel's personal records and communication pertaining to a questionable interaction with Defendant Tamitra

Foreman. Judge Caracappa's March 31, 2014 order does not require Plaintiff's Counsel to disgorge all or any of his personal documents or communications but to give an account of an interaction with a Defendant that may have been improper.

73. On or about April 9, 2014, Respondent provided Mr. Murphy with a *Declaration of Raul Jauregui* ("Declaration").

74. The Declaration was not a sworn affidavit.

75. The Declaration did not provide a proffer of the complete contents of Respondent's interview with Ms. Foreman.

76. By letter to Respondent dated April 9, 2014, Mr. Murphy:

- a) advised that the Declaration did not satisfy Respondent's obligation as set out in the Court's March 31, 2014 Order;
- b) requested Respondent to correct the deficiency by 10:00 a.m. April 10, 2014; and
- c) warned that the Defendants would seek the Court's immediate assistance in obtaining compliance.

77. By letter dated April 9, 2014, Respondent responded to Mr. Murphy by stating that there was no more information Respondent could provide that was not covered by attorney work product privilege.



78. On April 17, 2014, the Defendants filed a motion for sanctions against Respondent and the Plaintiffs for failure to comply with discovery orders.

79. By Order dated April 22, 2014, Judge Tucker denied Respondent's second "personal" motion for protective order.

80. On April 26, 2014 Respondent filed a cross motion for sanctions on behalf of Ms. Lora alleging that the Defendants' motion for sanctions was advanced in a "racist manner".

81. By Memorandum Order dated May 22, 2014, Judge Caracappa, *inter alia*:

- a) granted the Defendants' motion for sanctions;
- b) denied Plaintiffs' cross motion for sanctions;
- c) reiterated that the Court had found Respondent's failure to provide any documents or information pertaining to prior lawsuits and prior claims "to be a deliberate and willful failure to comply with legitimately sought discovery";
- d) noted that more than six weeks after the Court's March 31, 2014 Order, Respondent had not complied with the Order in any respect;
- e) "reject[ed] on its face [Respondent's] bold and baseless allegation of discrimination in the form

of motion practice as it is wholly without factual or legal support" (emphasis in original);

- f) found that the declaration submitted by Respondent was deficient and did not comply with the Court's previous Order of March 27, 2014;
- g) noted that Respondent's motion for a protective order based on Respondent own claim of privilege was thrice denied;
- h) emphasized that "Tamitra Foreman is not just any witness, but is a named defendant here";
- i) found Respondent's conduct "to be willful and in bad faith";
- j) found that "it is an appropriate sanction to dismiss the complaint entirely and enter judgement on **all claims** in favor of defendants" (emphasis in original);
- k) awarded attorneys' fees and costs to Defendants "as a result of defendants being forced to engage in additional, and unnecessary, motion practice to enforce compliance with this court's discovery orders"; and
- l) ordered Respondent personally to pay Defendants the sum of \$2,500.00 as a reasonable attorney fee

and cost for the filing of Defendants' motion for sanctions.

82. On June 4, 2014, Respondent filed a motion for relief from Judge Caracappa's May 22, 2014 Order.

83. After the matter was fully briefed, Judge Tucker filed a December 12, 2014 Order adopting and approving in full Judge Caracappa's May 22, 2014 Memorandum and Opinion.

84. On December 19, 2014, Respondent filed a motion for reconsideration of the December 12, 2014 Order.

85. On January 26, 2015, Judge Tucker entered an Order denying Respondent motion for reconsideration.

86. Subsequently, Respondent filed appeals with the United States Court of Appeals for the Third Circuit in which Ms. Lora and Ms. Palma appealed the imposition of costs and Respondent appealed the imposition of sanctions.

87. On October 26, 2016, the Third Circuit dismissed the appeals for lack of jurisdiction.

88. Circuit Court Judge Jordan authored an Opinion which stated the following, *inter alia*: "While litigating this Title VII and False Claims Act dispute, Lora, Palma, and Jauregui systematically acted in bad faith during discovery. Despite repeated and specific warnings, they continued their

contumacious behavior, including refusing to comply with discovery requests."

89. By Order dated May 10, 2017, Judge Tucker directed that Respondent personally pay a minimum of \$200.00 per month to Defendants until such time as the \$2,500.00 sanction award is satisfied.

By his conduct alleged in Paragraph 48 through 89 above, Respondent violated the following Rules of Professional Conduct:

- A. RPC 1.3, which states that a lawyer shall act with reasonable diligence and promptness in representing a client;
- 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. 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.

**B) Frivolous Filing**

90. On January 27, 2017, Respondent filed a complaint in the matter captioned *Jenny Lora and Mercedes Palma v. NHS, Inc., Malcolm Musgrove, Lori Paster and Nicola Brooks*, Court of Common

Pleas of Philadelphia County, No. 170103857 (hereinafter, "Case 3857").

91. At the time Respondent filed the complaint in Case 3857, Respondent knew, or should have known, the complaint was not warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law.

92. Respondent's only substantial purpose in filing the complaint in Case 3857 was to embarrass, delay, or burden a third person.

93. The complaint filed in Case 3857 alleged, *inter alia*, that the Plaintiffs had been fired for no legitimate reason by NHS and had been subjected to a racially hostile environment by the Defendants.

94. The complaint filed in Case 3857 presented virtually the same issues and factual allegations as those set forth in the complaint filed in the Federal Matter (Case 2357).

95. On February 21, 2017, Defendants filed preliminary objections in Case 3857, alleging *inter alia*, the complaint was brought in bad faith and for no other reason than to be vexatious and should be barred by the doctrine of *res judicata*.

96. On February 26, 2017, Respondent filed an opposition to Defendants' preliminary objections.

97. On March 2, 2017, Defendants filed a reply in support of their preliminary objections.

98. On March 2, 2017, Respondent filed a sur reply in opposition to Defendants' preliminary objections.

99. By Order dated April 31, 2017, the preliminary objections were sustained and Respondent's complaint was dismissed with prejudice.

100. On May 11, 2017, Respondent filed an appeal to the Superior Court of the April 31, 2017 Order, docketed to 1562 EDA 2017.

101. By Opinion dated December 1, 2017, Common Pleas Court Judge Arnold New requested the Superior Court to sustain the April 21, 2017 Order dismissing Plaintiffs' Complaint with prejudice and set forth his reasoning that Plaintiffs' claims were barred by the doctrine of *res judicata*.

102. On February 2, 2018, Respondent filed a Praecipe for Discontinuance in connection with 1562 EDA 2017.

By his conduct alleged in Paragraph 90 through 102 above, Respondent violated the following Rules of Professional Conduct:

- A. RPC 3.1, which states that a lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not

frivolous, which includes a good faith argument for an extension, modification or reversal of existing law;

B. RPC 4.4(a), which states that in representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person; and

C. 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.

#### **SPECIFIC RECOMMENDATION FOR DISCIPLINE**

103. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a one year suspension.

104. 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 Pa.R.D.E. 215(d), stating that he consents to the recommended discipline and including the mandatory

acknowledgements contained in Rule 215(d)(1) through (4) Pa.R.D.E.

105. In support of Petitioner and Respondent's joint recommendation, it is respectfully submitted that the following mitigating circumstances are present:

- a) Respondent has admitted engaging in misconduct and violating the charged Rules of Professional Conduct;
- b) Respondent has cooperated with Petitioner in connection with this Petition, as evidenced by Respondent's admissions herein and his consent to receiving a one-year suspension;
- c) Respondent is remorseful for his misconduct and understands he should be disciplined, as evidenced by his consent to receiving a one-year suspension;
- d) Respondent has practiced law for over thirteen years and has no record of discipline.
- e) Respondent researched many of the issues involved relating to the charges but came to the wrong conclusion.

106. The parties agree that in totality, Respondent's misconduct was serious and warrants a suspension of one year.



Respondent violated his duties of confidentiality and loyalty, two pillars of the attorney-client relationship. He did so after assuring Ms. Brinn in correspondence and e-mails that what she told him would never be disclosed. Respondent engaged in a textbook conflict of interest by representing Juan Doe in a matter substantially related to Respondent's representation of Ms. Brinn in which Juan Doe's interests were materially adverse to the interests of Ms. Brinn.

Notwithstanding his failure to obtain Ms. Brinn's informed consent, Respondent continued the representation until, after a full evidentiary hearing, Judge Joyner was compelled to resort to a "harsh measure" that is "generally disfavored by the court" and disqualify Respondent from further participation in the ongoing federal proceeding. In separate misconduct, Respondent has failed to comply with court orders, engaged in "contumacious behavior" by deliberately and willfully failing to comply with legitimately sought discovery and filed a complaint he knew was not warranted by existing law because it was barred by the doctrine of *res judicata*.

Public Discipline has been imposed for conflicts of interest involving violations of RPC 1.9. See *Office of Disciplinary Counsel v. Jeffrey E. Piccola*, 85 DB 2012 (Public Reprimand administered on November 16, 2012 for violations of

RPC 1.7(a), RPC 1.9(a) and RPC 1.16(a)(1)); *Office of Disciplinary Counsel v. Elliott Tolan*, 200 DB 2015 (Public Reprimand administered on April 13, 2016 for *inter alia*, a violation of RPC 1.9(a)).

A suspension of one year is warranted in this case because Respondent exacerbated his misconduct by attempting to hide behind the seal of the federal proceeding and not being candid with ODC. Respondent initially falsely represented to ODC that Judge Joyner had specifically ruled on the matter and found no conflict of interest. Respondent's lack of transparency continued when he did not inform ODC that Judge Joyner had disqualified him; rather Respondent attempted to mislead ODC into thinking Respondent had withdrawn from the representation on his own volition.

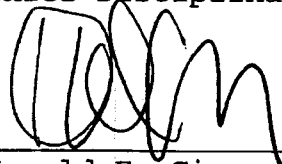
Cases involving misrepresentations to Petitioner have resulted in suspension. In *Office of Disciplinary Counsel v. Mary Louise Johnson*, 154 DB 2008 (2010), Johnson was required to reimburse \$2,000.00 to her client as a condition of an Informal Admonition. Johnson violated the Rules of Professional Conduct by sending checks to the client that Johnson knew would not be honored and then misrepresenting to ODC that she had complied with the condition when she knew she had not. The Disciplinary Board recommended a suspension of one year and cited to *In re*

*Anonymous 77 DB 93, 34 Pa.D. & C. 4<sup>th</sup> 214 (1996) wherein the respondent had been suspended for one year for making misrepresentations to referral counsel and to Office of Disciplinary Counsel. The Supreme Court accepted the Disciplinary Board's recommendation and suspended Johnson for one year. See also Office of Disciplinary Counsel v. John Andrew Klamo, 90 DB 2015 (2017), (Klamo's violations of RPC 8.1(a) and RPC 8.4(c) by providing ODC with a witness statement Klamo knew was false in response to a DB-7 request, inter alia, warranted a six-month suspension).*

WHEREFORE, Petitioner and Respondent respectfully request that, pursuant to Pennsylvania Rules of Disciplinary Enforcement 215(e), 215(g) and 215(i), a three member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and file a recommendation with the Supreme Court of Pennsylvania that Respondent receive a one-year suspension.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL  
PAUL J. KILLION,  
Attorney Registration No. 20955,  
Chief Disciplinary Counsel



\_\_\_\_\_  
Harold E. Ciampoli, Jr.  
Disciplinary Counsel

4/16/18  
\_\_\_\_\_  
DATE

Attorney Registration No. 51159  
Office of Disciplinary Counsel  
Suite 170, 820 Adams Avenue  
Trooper, PA 19403  
(610) 650-8210

4/3/18

DATE

Raul Jauregui

Raul I. Jauregui, ESQUIRE  
Attorney Registration No. 92366  
Respondent

4/3/18

DATE

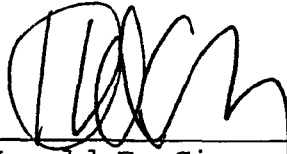
W J H  
William J. Honig, ESQUIRE  
Attorney Registration No. 14950  
Counsel for Respondent

VERIFICATION

The statements contained in the foregoing *Joint Petition In Support of Discipline on Consent Discipline* are true and correct to the best of my knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

4/6/18

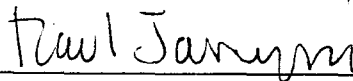
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Harold E. Ciampoli, Jr.  
Disciplinary Counsel

4/3/18

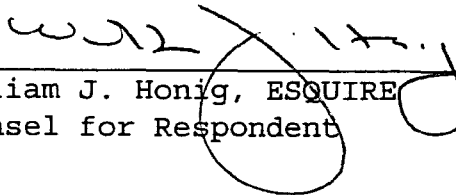
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Raul I. Jauregui, ESQUIRE  
Respondent

4/3/18

DATE



William J. Honig, ESQUIRE  
Counsel for Respondent



BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No.134 DB 2017  
Petitioner :  
v. : File Nos. C2-15-799 & C2-17-268  
RAUL I. JAUREGUI : Attorney Reg. No. 92366  
Respondent : (Philadelphia County)

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

COMMONWEALTH OF PENNSYLVANIA:  
COUNTY OF MONTGOMERY:

Raul I. Jauregui, being duly sworn according to law, deposes and hereby submits this affidavit consenting to the recommendation of a one-year suspension in conformity with Pa.R.D.E. 215(d) and further states as follows:

1. He is an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on or about April 12, 2004.

2. He desires to submit a Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d).

3. His consent is freely and voluntarily rendered; he is not being subjected to coercion or duress, and he is fully aware of the implications of submitting this affidavit.

4. He is aware that there is presently pending a proceeding

into allegations that he has been guilty of misconduct as set forth in the Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d) to which this affidavit is attached.

5. He acknowledges that the material facts set forth in the Joint Petition are true.

6. He submits the within affidavit because he knows that if charges predicated upon the matter under investigation were filed, or continued to be prosecuted in the pending proceeding, he could not successfully defend against them.

7. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has not retained, consulted and acted upon the advice of counsel, William J. Honig, Esquire, in connection with his decision to execute the within Joint Petition.

It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904 (relating to unsworn falsification to authorities).

Signed this 3<sup>rd</sup> day of April, 2018.

Raul Jauregui

Raul I. Jauregui

Sworn to and subscribed before me this 3<sup>rd</sup> day of APRIL, 2018.

Kathleen H. Bacon  
Notary Public

