

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2932 Disciplinary Docket No. 3
	:	
Petitioner	:	
	:	
v.	:	No. 142 DB 2022
	:	
	:	
SHEVELLE McPHERSON,	:	Attorney Registration No. 87731
	:	
	:	
Respondent	:	(Philadelphia)

ORDER

PER CURIAM

AND NOW, this 15th day of December, 2022, 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 Shevelle McPherson is suspended on consent from the Bar of this Commonwealth for a period of one year and one day. 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 Nicole Traini
As Of 12/15/2022

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner : No. 142 DB 2022
v. :
: Atty. Reg. No. 87731
SHEVELLE MCPHERSON, :
Respondent : (Philadelphia)

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

Petitioner, Office of Disciplinary Counsel, by Thomas J. Farrell, Esquire, Chief Disciplinary Counsel, and by Jeffrey M. Krulik, Esquire, Disciplinary Counsel, and Respondent, Shevelle McPherson, Esquire, who is represented by Samuel C. Stretton, Esquire, file this Joint Petition In Support Of Discipline On Consent Under Pa.R.D.E. 215(d), and respectfully represent that:

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

FILED

11/18/2022

**The Disciplinary Board of the
Supreme Court of Pennsylvania**

2. Respondent, Shevelle McPherson, Esquire, was born in 1970, was admitted to practice law in the Commonwealth on November 7, 2001, and is currently administratively suspended. Respondent maintains her office at McPherson Law, 811 Church Road, Suite 105, Cherry Hill, NJ 08002.

3. Respondent is admitted to practice law in New Jersey, where she is active. She is administratively suspended in the District of Columbia.

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

**FACTUAL ADMISSIONS AND
RULES OF PROFESSIONAL CONDUCT VIOLATED**

I. UNAUTHORIZED PRACTICE OF LAW

5. Respondent failed to file her Pennsylvania Attorney's Annual Fee Form and pay her annual fee due on July 1, 2018, as required by Pa.R.D.E. 219(a).

6. By Order dated September 17, 2018, the Pennsylvania Supreme Court directed that Respondent was to be administratively suspended, effective October 17, 2018, for failure to comply with Pa.R.D.E. 219.

7. By letter dated September 17, 2018, the Attorney Registration Office:

- a. sent Respondent a copy of the Supreme Court's September 17, 2018 Order;
- b. informed Respondent that, effective October 17, 2018, she would be administratively suspended;
- c. informed Respondent that, "[t]o avoid administrative suspension, [she needed to] complete the enclosed registration form and submit [it] to the Attorney Registration Office with full payment on or before October 16, 2018"; and
- d. informed Respondent that if she were administratively suspended, she would "be required to comply with Pennsylvania Rule of Disciplinary Enforcement 217 and Disciplinary Board Rules §§91.91 - 91.99."

8. Respondent failed to file the registration form and submit full payment to the Attorney Registration Office by October 16, 2018.

9. Respondent was administratively suspended effective October 17, 2018.

10. On October 17, 2018, Respondent was counsel for the defendants in the following criminal prosecutions in Pennsylvania:

- a. Commonwealth v. Adrionna J. Johnson, CP-23-CR-0006239-2017, in the Court of Common Pleas of Delaware County ("Johnson Case"); and
- b. Commonwealth v. Ronald E. Mobley, Jr., CP-51-CR-0009780-2017, in the Court of Common Pleas of Philadelphia ("Mobley Case").

11. As of October 17, 2018, Respondent maintained a website in which she stated, among other things, that she was "admitted to

practice law in New Jersey, Pennsylvania and the District of Columbia."

12. Respondent's representation on her website that she was admitted to practice in the District of Columbia was false because she was administratively suspended in that jurisdiction.

13. After Respondent was administratively suspended in Pennsylvania, effective October 17, 2018, she continued to represent on her website that she was admitted to practice law in Pennsylvania.

14. After Respondent was administratively suspended, she failed to:

- a. notify the clients and opposing counsel in the Johnson Case and in the Mobley Case of her administrative suspension, and her consequential inability to act as an attorney (as required by Pa.R.D.E. 217(b));
- b. move to withdraw from representation in the Johnson Case and in the Mobley Case (as required by Pa.R.D.E. 217(b));
- c. "cease and desist from using all forms of communication that expressly or implicitly convey[ed] eligibility to practice law in the state courts of Pennsylvania, including but not limited to ... websites, and references to admission by the Pennsylvania Bar" (as required by Pa.R.D.E. 217(d)(2)); and
- d. within ten days after the effective date of the administrative suspension, file with the Disciplinary Board and serve on Disciplinary Counsel a verified statement meeting the requirements of Pa.R.D.E. 217(e)(1).

15. On October 29, 2018, Respondent requested a continuance in the Mobley Case.

16. On November 5, 2018, Respondent appeared in the Court of Common Pleas for a scheduling conference in the Mobley Case.

17. On November 13, 2018, Respondent entered her appearance as counsel and represented Hakeem A. Harper in the Municipal Court of Philadelphia in a case captioned, Commonwealth v. Hakeem A. Harper, MC-51-CR-0028025-2018.

18. On December 20, 2018, Respondent represented Ms. Johnson at a guilty plea and sentencing in the Court of Common Pleas.

19. On January 15, 2019, Respondent represented Mr. Mobley at a guilty plea in the Court of Common Pleas.

20. On January 24, 2019, Respondent represented Mr. Mobley at his sentencing in the Court of Common Pleas.

21. On July 24, 2019, Respondent filed with the Board a Statement of Compliance in which she certified, under the penalties provided by 18 Pa.C.S. §4904 relating to unsworn falsifications, that during her administrative suspension:

- a. she had "fully complied with the applicable provisions of Pa.R.D.E. 217 by notifying all clients being represented in pending litigation or administrative proceedings; attorneys for each adverse party in such matter or proceeding; all persons or their agents or guardians to whom a fiduciary duty is owed; any other persons with whom [she had] professional contacts; and all other

tribunals, courts, agencies or jurisdictions in which [she was] admitted to practice"; and

- b. she had "ceased and desisted from using all forms of communication that expressly or implicitly convey[ed] eligibility to practice law in the state courts of Pennsylvania, including but not limited to professional titles, letterhead, business cards, signage, websites and references to admission to the Pennsylvania Bar."

22. In completing her Statement of Compliance, Respondent knew or recklessly disregarded that she:

- a. had not provided the notices required by Rule 217 regarding her administrative suspension; and
- b. had continued to communicate that she was eligible to practice law in Pennsylvania, when she was administratively suspended, in that she had continued representing clients in Pennsylvania and maintained a website stating that she was admitted to practice in Pennsylvania.

23. Also on July 24, 2019, Respondent:

- a. filed a "2019-2020 Pennsylvania Administrative Change in Status Form," requesting to change her status from administratively suspended to active;
- b. paid \$1,150 in fees; and
- c. was reinstated to active status.

24. By an "Annual CLE Report," dated February 19, 2021, the Supreme Court of Pennsylvania's Continuing Legal Education Board ("CLE Board") informed Respondent that:

- a. she was not compliant with her CLE requirement due by December 31, 2020;
- b. she had been assessed a \$100 late fee; and

- c. a failure to complete the CLE requirement and pay any outstanding late fees within 60 days would "result in the assessment of a second \$100 late fee and [her] name being included on a non-compliant report to the Supreme Court of Pennsylvania."

25. The Annual CLE Report was sent to Respondent at her office at 811 Church Road, Suite 105, Cherry Hill, NJ 08002-1465.

26. Respondent failed to complete her CLE requirement or pay the \$100 late fee.

27. By an "URGENT NOTICE-Second Late Fee for Non Compliance with CLE Requirement," dated May 26, 2021, the CLE Board informed Respondent that:

- a. she was not compliant with her CLE requirement originally due on December 31, 2020;
- b. a second \$100 late fee had been assessed;
- c. a failure to complete the CLE requirement and pay any outstanding late fees by 4:00 PM on June 25, 2021, would "result in [Respondent's] name being included on a non-compliant report to the Supreme Court of Pennsylvania"; and
- d. upon receipt of the report, the Supreme Court would "initiate an Order to administratively suspend [her] license to practice law in the Commonwealth of Pennsylvania and a third \$100 late fee [would] be assessed."

28. The "URGENT NOTICE-Second Late Fee for Non Compliance with CLE Requirement" was sent to Respondent at her office at McPherson Law, 811 Church Road, Suite 105, Cherry Hill, NJ 08002.

29. Respondent failed to complete her CLE credits or pay the assessed late fees.

30. By Order dated July 21, 2021, the Supreme Court of Pennsylvania ordered that:

- a. Respondent was "administratively suspended pursuant to Pa.R.C.L.E. 111(b)"; and
- b. the suspension would "be effective 30 days after the date of th[e] Order, pursuant to Pa.R.D.E. 217."

31. By a letter dated July 21, 2021, and captioned "CLE Non-Compliance," the Board:

- a. enclosed a copy of the Supreme Court's July 21, 2021 Order;
- b. informed Respondent that "[b]y Order dated July 21, 2021, the Supreme Court directed that [she would] be **Administratively Suspended** for failure to satisfy [her] obligations pursuant to the Pennsylvania Rules for Continuing Legal Education";
- c. informed Respondent that the "effective date of the administrative suspension [was] **August 20, 2021**";
- d. informed Respondent that to avoid suspension, she needed to "satisfy [her] outstanding obligation to Pa.C.L.E.";
- e. enclosed a letter providing information regarding compliance; and
- f. informed Respondent that if she were administratively suspended, she would "be required to comply with the Pennsylvania Rules for Continuing Legal Education, Pennsylvania Rule of Disciplinary Enforcement 217, and Disciplinary Board Rules §§91.91 - 91.99."

32. The Board's July 21, 2021 letter was sent to Respondent by Certified Mail, Return Receipt Requested, addressed to her

office at McPherson Law, 811 Church Road, Suite 105, Cherry Hill, NJ 08002.

33. The Board's July 21, 2021 letter was delivered to Respondent's office in Cherry Hill on July 24, 2021, at 10:22 a.m.

34. By an email dated August 11, 2021, the CLE Board:

- a. informed Respondent that she had not completed the CLE requirement for the period ending December 31, 2020;
- b. advised Respondent to "review [her] CLE status and identify steps [she could] take to achieve compliance"; and
- c. advised Respondent that "[a]ll hours and fees must be onto [her] account by **8/18/21** to avoid [her] license being placed on Administrative Suspension."

35. The CLE Board's August 11, 2021 email was sent to [Respondent] at:

- a. info@shevellemcpherson.com; and
- b. sm@mcphersonlawoffices.com.

36. Respondent received the CLE Board's August 11, 2021 email on or about August 11, 2021.

37. Respondent failed to satisfy her CLE requirement or pay her assessments by August 18, 2021.

38. As of August 20, 2021, Respondent was administratively suspended from the Pennsylvania Bar.

39. As of August 20, 2021, Respondent was representing:

- a. Angenika Armbrister in the Court of Common Pleas of Lackawanna County, in a case captioned Commonwealth

v. Angenika Armbrister, No. CP-35-CR-0000252-2021
("Armbrister Case"); and

- b. Boubakar Sidiki Toure in the Court of Common Pleas of Cumberland County, in a criminal prosecution captioned Commonwealth v. Boubakar Sidiki Toure, CP-21-CR-0000448-2021 ("Toure Case").

40. Despite being again administratively suspended, Respondent continued to state on her website that she was admitted to practice in Pennsylvania.

41. After Respondent was administratively suspended, she failed to:

- a. notify the clients and opposing counsel in the Armbrister Case and in the Toure Case of her administrative suspension, and her consequential inability to act as an attorney (as required by Pa.R.D.E. 217(b));
- b. move to withdraw from representation in the Armbrister Case and in the Toure Case (as required by Pa.R.D.E. 217(b));
- c. "cease and desist from using all forms of communication that expressly or implicitly convey[ed] eligibility to practice law in the state courts of Pennsylvania, including but not limited to ... websites, and references to admission by the Pennsylvania Bar" (as required by Pa.R.D.E. 217(d)(2)); and
- d. within ten days after the effective date of the administrative suspension, file with the Disciplinary Board and serve on Disciplinary Counsel a verified statement meeting the requirements of Pa.R.D.E. 217(e)(1).

42. On September 7, 2021, Respondent represented Mr. Toure at his sentencing in the Court of Common Pleas.

43. On October 12, 2021, Respondent entered her appearance on behalf of Lincoln Felder, a criminal defendant, in the Court of Common Pleas of Philadelphia County; the case was captioned, Commonwealth v. Lincoln Felder, No. CP-51-CR-0008376-2021.

44. On October 13, 2021, Respondent filed a Waiver of Appearance at Arraignment on Mr. Felder's behalf.

45. On January 26, 2022, Respondent entered her appearance on behalf of Nasir M. Tayler-Waller, a criminal defendant, in the Municipal Court of Philadelphia County; Mr. Tayler-Waller's case was captioned, Commonwealth v. Nasir M. Tayler-Waller, No. MC-51-CR-0000923-2022.

46. On February 14, 2022, Respondent represented Mr. Tayler-Waller in the Municipal Court; Mr. Tayler-Waller was held for court on all charges.

47. On April 27, 2022, Respondent requested a continuance on Mr. Felder's behalf; the case was continued until June 29, 2022.

48. On June 29, 2022, new counsel entered an appearance on Mr. Felder's behalf.

49. On October 31, 2022, Respondent took down the website which had previously identified her as admitted to practice law in Pennsylvania.

II. THE ANGENIKA ARMBRISTER MATTER

50. Pursuant to a "Virtual Preliminary Hearing Retainer Agreement," dated December 7, 2020, Angenika Armbrister retained Respondent to represent her at a virtual preliminary hearing and initial bail hearing in Lackawanna County; Respondent charged a flat fee of \$2,000 for the representation.

51. Ms. Armbrister was facing charges of aggravated assault, simple assault, and harassment.

52. Respondent was active in Pennsylvania as of December 7, 2020.

53. On December 8, 2020, Ms. Armbrister paid Respondent \$2,000.

54. On February 2, 2021, the Magisterial District Court in Lackawanna County ordered Ms. Armbrister held for trial. See Commonwealth v. Angenika Armbrister, No. MJ-45102-CR-0000158-2020.

55. Pursuant to a "Virtual Common Pleas Representation Hearing Retainer," dated February 2, 2021, Ms. Armbrister retained Respondent to represent her in the Court of Common Pleas of Lackawanna County in a "Non-Trial/Bench Trial Virtual Disposition"; Respondent charged Ms. Armbrister a flat fee of \$7,500 for the representation, to be paid in installments.

56. On February 3, 2021, Ms. Armbrister paid Respondent \$3,000.

57. On February 5, 2021, Ms. Armbrister paid Respondent \$750.

58. On February 19, 2021, Respondent entered her appearance in the Court of Common Pleas on Ms. Armbrister's behalf. See Commonwealth v. Angenika Armbrister, No. CP-35-CR-0000252-2021.

59. On February 22, 2021, Ms. Armbrister posted bail and was released from custody.

60. Pursuant to a "Common Pleas Jury Trial Representation Retainer," dated March 16, 2021, Ms. Armbrister retained Respondent to represent her in the Court of Common Pleas of Lackawanna County for a "Common Pleas Jury Trial;" Respondent charged a flat fee of \$20,000 for the representation, to be paid in installments.

61. On March 1, 2021, Ms. Armbrister paid Respondent \$2,700.

62. On April 5, 2021, Ms. Armbrister paid Respondent \$3,000.

63. By Order dated April 22, 2021, the trial judge for Ms. Armbrister's case, the Honorable Vito P. Geroulo ordered, inter alia, that in the event the case was not resolved by May 20, 2021, "the Defendant, along with defense counsel and the Assistant District Attorney assigned to this case must appear before the undersigned at **1:30 p.m. on May 20, 2021.**"

64. Respondent received Judge Geroulo's April 22, 2021 Order by email.

65. Respondent failed to inform Ms. Armbrister that she needed to be in court on May 20, 2021.

66. On May 3, 2021, Ms. Armbrister paid Respondent \$4,000.

67. On May 18 and 19, 2021, the prosecutor assigned to Ms. Armbrister's case, Assistant District Attorney Jordan T. Leonard, Esquire, unsuccessfully attempted to reach Respondent to discuss the pretrial conference scheduled for May 20, 2021; Mr. Leonard was unable to leave a message, as Respondent's voicemail was full.

68. On May 20, 2021:

- a. neither Respondent nor Ms. Armbrister appeared in court; and
- b. Judge Geroulo issued a bench warrant for Ms. Armbrister.

69. On May 20, 2021, Mr. Leonard spoke to Respondent and advised her that the trial court had issued a bench warrant for Ms. Armbrister.

70. Respondent failed to take any steps to have the court lift the bench warrant.

71. On June 1, 2021, Ms. Armbrister paid Respondent \$4,000.

72. On July 1, 2021, Ms. Armbrister paid Respondent \$3,000.

73. On or about July 6, 2021, Ms. Armbrister was detained due to the bench warrant.

74. By Order dated July 8, 2021, the Honorable Michael J. Barrasse:

- a. revoked Ms. Armbrister's bail;
- b. remanded Ms. Armbrister to Lackawanna County Prison; and
- c. transferred the case back to Judge Geroulo.

75. Ms. Armbrister remained in custody on the bench warrant until July 19, 2021.

76. On July 19, 2021:

- a. Ms. Armbrister's case was before the Court of Common Pleas;
- b. Respondent failed to appear in the Court of Common Pleas; and
- c. despite Respondent's absence, Judge Geroulo issued an Order lifting the bench warrant, and reinstating Ms. Armbrister's bail.

77. If called at a hearing, Respondent would testify that she spoke with a member of the court's staff by telephone and informed that person that she was in North Carolina and could not be in court on July 19, 2021.

78. On September 30, 2021, Ms. Armbrister paid Respondent \$4,000.

79. On October 29, 2021, Ms. Armbrister paid Respondent an additional \$2,000.

80. In or around the first week of December 2021:

- a. Respondent, despite being administratively suspended, represented Ms. Armbrister in the Court of Common Pleas; and

- b. an agreement was reached to dismiss the charges against Ms. Armbrister.

81. By Order dated January 4, 2022, Judge Geroulo ordered that Ms. Armbrister's case was "DISMISSED pursuant to agreement, under Pa.R.Crim.P. 586, as defendant has been fully compliant with Pre-Trial Services."

By her conduct as alleged in Paragraphs 5 through 81 above, Respondent violated the following Rules of Professional Conduct and Disciplinary Enforcement:

- a. RPC 1.1, which states that a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation;
- b. RPC 1.3, which states that a lawyer shall act with reasonable diligence and promptness in representing a client;
- c. 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.
- d. RPC 5.5(b)(1), which states that a lawyer who is not admitted to practice in this jurisdiction shall not except as authorized by these Rules, Pa.B.A.R. 302 or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law;
- e. 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.

- f. 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.
- g. RPC 8.4(c), which states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- h. 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;
- i. Pa.R.D.E. 203(b)(3), which states that willful violation of any other provision of the Enforcement Rules, shall be grounds for discipline, via the Enforcement Rules set forth in paragraphs j - n, infra;
- j. Pa.R.D.E. 217(b), which states that a formerly admitted attorney shall promptly notify, or cause to be promptly notified, all clients who are involved in pending litigation or administrative proceedings, and the attorney or attorneys for each adverse party in such matter or proceeding, of the disbarment, suspension, administrative suspension or transfer to inactive status and consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status. The notice to be given to the client shall advise the prompt substitution of another attorney or attorneys in place of the formerly admitted attorney. In the event the client does not obtain substitute counsel before the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status, it shall be the responsibility of the formerly admitted attorney to move in the court or agency in which the proceeding is pending for leave to withdraw. The notice to be given to the attorney or attorneys for an adverse party

shall state the place of residence of the client of the formerly admitted attorney. The notice required by this subdivision (b) may be delivered by the most efficient method possible as long as the chosen method is successful and provides proof of receipt. See Note after subdivision (a) [of Rule 217]. At the time of the filing of the verified statement of compliance required by subdivision (e)(1) of this Rule, the formerly admitted attorney shall file copies of the notices required by this subdivision and proofs of receipt with the Board and shall serve a conforming copy on the Office of Disciplinary Counsel. See D.Bd. Rules § 91.92(b) (relating to filing of copies of notices);

- k. Pa.R.D.E. 217(d)(2), which states that in addition to the steps that a formerly admitted attorney must promptly take under other provisions of this Rule to disengage from the practice of law, a formerly admitted attorney shall promptly cease and desist from using all forms of communication that expressly or implicitly convey eligibility to practice law in the state courts of Pennsylvania, including but not limited to professional titles, letterhead, business cards, signage, websites, and references to admission to the Pennsylvania Bar;
- l. Pa.R.D.E. 217(e)(1), which states that (1) within ten days after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status order, the formerly admitted attorney shall file with the Board a verified statement and serve a copy on Disciplinary Counsel. In the verified statement, the formerly admitted attorney shall: (i) aver that the provisions of the order and these rules have been fully complied with; (ii) list all other state, federal and administrative jurisdictions to which the formerly admitted attorney is admitted to practice, aver that he or she has fully complied with the notice requirements of paragraph (3) of subdivision (c) of this Rule, and aver that he or she has attached copies of the notices and proofs of receipt required by (c)(3); or, in the alternative, aver that he or she was not admitted

to practice in any other tribunal, court, agency or jurisdiction; (iii) aver that he or she has attached copies of the notices required by subdivisions (a), (b), and (c)(1) and (c)(2) of this Rule and proofs of receipt, or, in the alternative, aver that he or she has no clients, third persons to whom a fiduciary duty is owed, or persons with whom the formerly admitted attorney has professional contacts, to so notify; (iv) in cases of disbarment or suspension for a period exceeding one year, aver that he or she has attached his or her attorney registration certificate for the current year, certificate of admission, any certificate of good standing issued by the Court Prothonotary, and any other certificate required by subdivision (h) of this Rule to be surrendered; or, in the alternative, aver that he or she has attached all such documents within his or her possession, or that he or she is not in possession of any of the certificates required to be surrendered; (v) aver that he or she has complied with the requirements of paragraph (2) of subdivision (d) of this Rule, and aver that he or she has, to the extent practicable, attached proof of compliance, including evidence of the destruction, removal, or abandonment of indicia of Pennsylvania practice; or, in the alternative, aver that he or she neither had nor employed any indicia of Pennsylvania practice; (vi) in cases of disbarment, suspension for a period exceeding one year, temporary suspension under Enforcement Rule 208(f) or 213(g), or disability inactive status under Enforcement Rule 216 or 301, aver that he or she has complied with the requirements of paragraph (3) of subdivision (d) of this Rule, and aver that he or she has attached proof of compliance, including resignation notices, evidence of the closing of accounts, copies of cancelled checks and other instruments demonstrating the proper distribution of client and fiduciary funds, and requests to cancel advertisements and telecommunication listings; or, in the alternative, aver that he or she has no applicable appointments, accounts, funds, advertisements, or telecommunication listings; (vii) aver that he or she has served a

copy of the verified statement and its attachments on Disciplinary Counsel; (viii) set forth the residence or other address where communications to such person may thereafter be directed; and (ix) sign the statement. The statement shall contain an averment that all statements contained therein are true and correct to the best of the formerly admitted attorney's knowledge, information and belief, and are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities;

- m. Pa.R.D.E. 217(j)(1), which states that all law-related activities of the formerly admitted attorney shall be conducted under the supervision of a member in good standing of the Bar of this Commonwealth who shall be responsible for ensuring that the formerly admitted attorney complies with the requirements of this subdivision (j). If the formerly admitted attorney is engaged by a law firm or other organization providing legal services, whether by employment or other relationship, an attorney of the firm or organization shall be designated by the firm or organization as the supervising attorney for purposes of this subdivision;
- n. Pa.R.D.E. 217(j)(4), which states that a formerly admitted attorney may not engage in any form of law-related activities in this Commonwealth except in accordance with the following requirements: Without limiting the other restrictions in this subdivision (j), a formerly admitted attorney is specifically prohibited from engaging in any of the following activities: (i) performing any law-related activity for a law firm, organization or lawyer if the formerly admitted attorney was associated with that law firm, organization or lawyer on or after the date on which the acts which resulted in the disbarment or suspension occurred, through and including the effective date of disbarment or suspension; (ii) performing any law-related services from an office that is not staffed by a supervising attorney on a full time basis; (iii) performing any law-related services for any

client who in the past was represented by the formerly admitted attorney; (iv) representing himself or herself as a lawyer or person of similar status; (v) having any contact with clients either in person, by telephone, or in writing, except as provided in paragraph (3); (vi) rendering legal consultation or advice to a client; (vii) appearing on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, hearing officer or any other adjudicative person or body; (viii) appearing as a representative of the client at a deposition or other discovery matter; (ix) negotiating or transacting any matter for or on behalf of a client with third parties or having any contact with third parties regarding such a negotiation or transaction; (x) receiving, disbursing or otherwise handling client funds.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

82. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension from the practice of law for one year and one day.

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

84. Respondent has a record of discipline. She received a public reprimand on April 5, 2017, after being found guilty of indirect criminal contempt. Office of Disciplinary Counsel v.

Shevelle McPherson, 212 DB 2016 (D.Bd. Order 3/10/17) (Reprimand Administered 4/5/17)

85. Petitioner and Respondent respectfully submit that the following are mitigating factors in this case:

- a. Respondent has admitted engaging in misconduct and violating the charged Rules of Professional Conduct and Rules of Disciplinary Enforcement;
- b. Respondent has cooperated with Petitioner, as is evidenced by her admissions in this Joint Petition; and
- c. Respondent is remorseful and understands that her actions warrant the imposition of discipline, as is evidenced by her agreement to enter into this Joint Petition.

86. As further mitigation, Respondent represents that, at the time of her misconduct, she was experiencing issues in her personal life that adversely impacted her ability to handle her legal practice. Specifically, Respondent represents that at or around the time of her first administrative suspension (in 2018), her mother became ill and she has needed to take care of her since that time. In December 2020, Respondent's husband left her, without any advance notice, which she represents caused her to suffer from depression. Respondent left New Jersey, where her office was located, in December and stayed with family and friends. During this time, she represented her clients remotely. Respondent did not adequately monitor the mail sent to her office—a "virtual

office" which operated as a mail drop—and, as a result, did not receive the notices of her deficient CLE credits that were sent there until she returned to the office in January 2022.

87. Respondent has acknowledged that, despite these issues, she was responsible for keeping track of her CLE credits and her license to practice law. She further represents that she is engaged in therapy to address the personal issues that affected her conduct.¹

88. As discussed above, Respondent engaged in the unauthorized practice of law during two periods: from October 17, 2018 through July 24, 2019, and from August 11, 2021 through June 29, 2022. During these periods, she represented seven clients in criminal prosecutions in Pennsylvania courts. In seeking reinstatement from the first of these administrative suspensions, Respondent filed with the Board a Statement of Compliance in which she represented that she had complied with applicable provisions of Rule 217, when she had not, in fact, done so.

¹ Prior decisions have found that personal problems affecting an attorney's conduct can be considered as mitigation. See Office of Disciplinary Counsel v. Paul Charles Quinn, 39 DB 2006 (D.Bd. Rpt. 6/14/07, pp. 14-15) (S.Ct. Order 10/19/07) (problems in Quinn's personal life were "extenuating circumstances" in determining discipline; three-month suspension for unauthorized practice of law). See also Office of Disciplinary Counsel v. Robert Paul Petyak, 112 DB 2012 (D.Bd. Rpt. 1/17/14, p. 14) (S.Ct. Order 6/16/14) (that Petyak had family and personal problems impacting his practice of law was a mitigating factor in imposing discipline).

89. The discipline for engaging in the unauthorized practice of law while administratively suspended varies based upon the extent of the unauthorized practice, as well as the aggravating and mitigating circumstances. Recent cases have imposed a range of sanctions, including suspensions of between six and thirty months. E.g., Office of Disciplinary Counsel v. Andrew S. Hurwitz, 170 DB 2021 (S.Ct. Order 2/25/22) (six-month suspension on consent where Hurwitz, while administratively suspended, engaged in unauthorized practice and held himself out as a licensed attorney; mitigation included remorse, cooperation with ODC, acknowledgment of wrongdoing, and no record of discipline); Office of Disciplinary Counsel v. Tracy Paul Hunt, 128 DB 2020 (S.Ct. Order 10/13/20) (six-month suspension on consent where Hunt, while administratively suspended, engaged in unauthorized practice in three client matters over a period of seven months and held himself out as a licensed attorney; mitigating factors included cooperation with ODC, remorse, acknowledgment of wrongdoing, voluntarily disclosing violations to the Attorney Registration Office, and no record of discipline); Office of Disciplinary Counsel v. Carl B. Williamson, 36 DB 2019 (D.Bd. Rpt. 2/21/20) (S.Ct. Order 5/29/20) (suspension of one year and one day where Williamson, while administratively suspended, failed to withdraw as counsel in ten cases, appeared in court on one case, continued

to advertise legal services, and failed to comply with other requirements of Pa.R.D.E. 217; aggravating factors included prior informal admonition and failure to appear at disciplinary hearing; mitigating factors included acceptance of responsibility and remorse); Office of Disciplinary Counsel v. John T. Lynch, Jr., 137 DB 2018 (S.Ct. Order 5/8/19) (thirty-month suspension on consent where Lynch, while inactive in Pennsylvania, engaged in unauthorized practice in Arizona, by acting as underwriter's counsel in thirty bond offerings over a four-year period).²

90. In recommending a suspension of one year and one day, Petitioner and Respondent have considered that Respondent's misconduct included not only the unauthorized practice of law, but also her neglect of Ms. Armbrister's case. While the ultimate

² Where the extent of a respondent's unauthorized practice was limited and/or there was substantial mitigation, lesser sanctions have also been imposed, including stayed suspensions or public reprimands. E.g., Office of Disciplinary Counsel v. William M. Connor, 34 DB 2021 (S.Ct. Order 4/27/21) (consent petition for stayed suspension of one year, with probation, where Connor, while administratively suspended, engaged in unauthorized practice of law for ten months, and falsely held himself out as a licensed attorney; mitigation included acknowledgment of wrongdoing, remorse, cooperation with ODC, self-reporting, lack of prior record, and evidence sufficient to satisfy Office of Disciplinary Counsel v. Braun, 553 A.2d 894 (Pa. 1989)); Office of Disciplinary Counsel v. Jennifer Lynch Jackson, 107 DB 2012 (S.Ct. Order 1/30/13) (consent petition for stayed suspension of two years, with probation, where Jackson, while administratively suspended, engaged in unauthorized practice of law for less than one month; Jackson had previously received an informal admonition for unauthorized practice of law); Office of Disciplinary Counsel v. Mark Francis Houldin, 204 DB 2018 (D.Bd. Order 7/25/19) (Public Reprimand administered 9/12/19) (consent petition for public reprimand where Houldin, while administratively suspended, engaged in unauthorized practice of law as a public defender for approximately five months; mitigation included no record of discipline, cooperation with ODC, remorse, admission of misconduct, self-reporting, and evidence satisfying Braun).

result of the case was favorable—the dismissal of criminal charges—Respondent's neglect led to her client being detained on a bench warrant for over a week.

91. The proposed suspension of one year and one day is consistent with the discipline imposed in other cases where, as here, a respondent engaged in the unauthorized practice of law and committed other misconduct, including neglect of client matters. Office of Disciplinary Counsel v. Lek Domni, 98 DB 2015 (D.Bd. Rpt. 5/3/16) (S.Ct. Order 6/27/16) (suspension of one year and one day, where Domni engaged in unauthorized practice for more than a year, failed to withdraw from eight cases or otherwise comply with requirements of Rule 217, and abandoned his practice, causing the dismissal and deferral of client matters; Domni failed to answer the Petition for Discipline or appear at the disciplinary hearing, which was aggravating; Domni had no record of discipline, but no other mitigation was offered); Office of Disciplinary Counsel v. Amy B. Burd, 132 DB 2003 (D.Bd. Rpt. 11/2/04) (S.Ct. 1/21/05) (suspension of one year and one day where Burd tried a case as a prosecutor while administratively suspended, and neglected two matters in which she represented defendants in criminal matters; Burd had a prior record of an informal admonition; mitigation included cooperation with ODC and acknowledgment of wrongdoing). See also Office of Disciplinary Counsel v. John Louis Kleber, 3 DB

2020 (S.Ct. Order 4/2/20) (suspension of one year and one day on consent where, in addition to engaging in unauthorized practice in multiple matters, Kleber, inter alia, failed to respond to DB-7 Letters or a Petition for Discipline, committed neglect in three client matters, failed to provide a written fee agreement, and closed his office without informing the Attorney Registration Office or his clients; mitigation included evidence satisfying Braun, acknowledgment of wrongdoing, remorse, and no disciplinary history); Office of Disciplinary Counsel v. Paul Charles Quinn, supra, D.Bd. Rpt. at 13 (noting that in cases where an attorney was suspended for one year and one day for unauthorized practice of law "additional aggravating circumstances and other serious misconduct were factored into the disciplinary sanction").

92. In jointly recommending a suspension of one year and one day, Petitioner and Respondent have taken into account that this discipline will require Respondent to petition for reinstatement and prove her fitness to practice before she can be reinstated to the practice of law. Pa.R.D.E. 218(c) This is particularly significant in this case, as Respondent will need to show that she has addressed the personal issues she has identified as adversely impacting her ability to practice law.

93. After examining the above precedent and giving consideration to both the nature of Respondent's misconduct and

the aggravating and mitigating factors, Petitioner and Respondent submit that a suspension of one year and one day is appropriate discipline. This sanction will serve to protect the public and to maintain the integrity of the legal system, and should deter Respondent from the commission of future misconduct. See Office of Disciplinary Counsel v. Keller, 506 A.2d 872, 875 (Pa. 1986) (primary purpose of disciplinary system is to protect the public from unfit attorneys and maintain the integrity of the legal system); In re Iulo, 766 A.2d 335, 339 (Pa. 2001) (goals of disciplinary system include "protection of the public, integrity of the judicial system and deterrence").

WHEREFORE, Petitioner and Respondent respectfully request that:

- a. Pursuant to Rule 215(e) and 215(g)(2), Pa.R.D.E., a three-member panel of the Disciplinary Board review and approve this Joint Petition In Support Of Discipline On Consent and file its recommendation with the Supreme Court of Pennsylvania in which it is recommended that the Supreme Court enter an Order:

- i. suspending Respondent from the practice of law for a period of one year and one day; and

ii. directing Respondent to comply with all of the provisions of Rule 217, Pa.R.D.E.

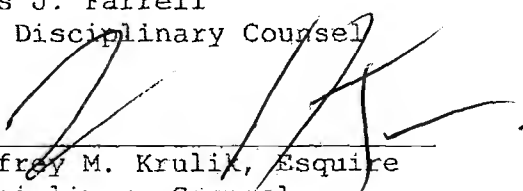
- b. Pursuant to Pa.R.D.E. 215(i), the Three-Member Panel of the Disciplinary Board enter an order for Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter, and that under Pa.R.D.E. 208(g)(1) all expenses be paid by Respondent within 30 days after the notice of the taxed expenses is sent to Respondent.

Respectfully submitted,

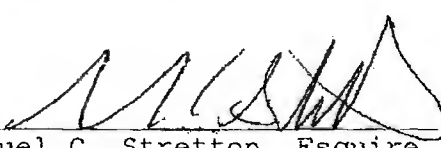
OFFICE OF DISCIPLINARY COUNSEL

Thomas J. Farrell
Chief Disciplinary Counsel

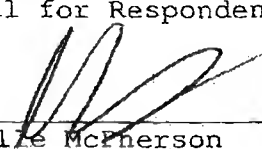
11/18/22
Date

By 
Jeffrey M. Krulik, Esquire
Disciplinary Counsel

11/2/22
Date

By 
Samuel C. Stretton, Esquire
Counsel for Respondent

11/15/22
Date

By 
Shevelle McPherson
Respondent

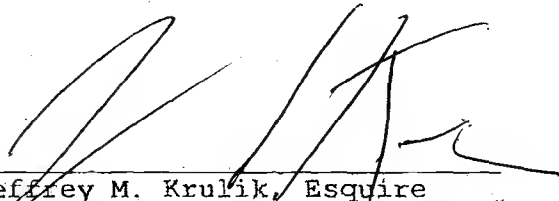
BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner : No. 142 DB 2022.
v. :
: Atty. Reg. No. 87731
SHEVELLE MCPHERSON, :
Respondent : (Philadelphia)

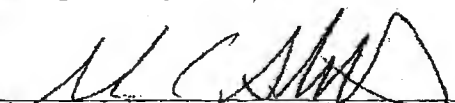
VERIFICATION

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

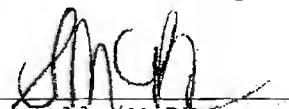
11/18/22
Date


Jeffrey M. Krulik, Esquire
Disciplinary Counsel

11/21/22
Date


Samuel C. Stretton, Esquire
Counsel for Respondent

11/15/22
Date


Shevelle McPherson
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner : No. 142 DB 2022
v. :
: Atty. Reg. No. 87731
SHEVELLE MCPHERSON, :
Respondent : (Philadelphia)

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

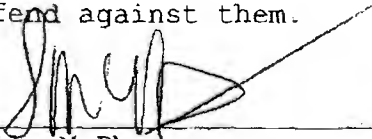
Respondent, Shevelle McPherson, hereby states that she consents to the imposition of a suspension of one year and one day, as jointly recommended by Petitioner, Office of Disciplinary Counsel, and Respondent in the Joint Petition in Support of Discipline on Consent Under Pa.R.D.E. 215(d) ("Joint Petition"), and further states that:

1. Her consent is freely and voluntarily rendered; she is not being subjected to coercion or duress; she is fully aware of the implications of submitting the consent; and she has consulted with counsel in connection with the decision to consent to discipline;

2. She is aware that there is presently pending a proceeding involving allegations that she has been guilty of misconduct as set forth in the Joint Petition;

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

4. She consents because she knows that if the charges continued to be prosecuted in the pending proceeding, she could not successfully defend against them.

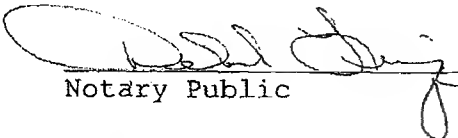


Shevelle McPherson
Respondent

Sworn to and subscribed

before me this 15th

day of Nov, 2022.



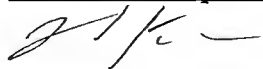
Notary Public

DEBORAH A LENZI
Notary Public - State of New Jersey
My Commission Expires Mar 4, 2023

CERTIFICATE OF COMPLIANCE

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

Submitted by: Office of Disciplinary Counsel

Signature: 

Name: Jeffrey M. Krulik, Disciplinary Counsel

Attorney No. (if applicable): 57110