

IN THE SUPREME COURT OF PENNSYLVANIA

IN THE MATTER OF : No. 1313 Disciplinary Docket No. 3
: :
JESSE RAYMOND RUHL : No. 144 DB 2007
: :
: Attorney Registration No. 55798
: :
PETITION FOR REINSTATEMENT : (Philadelphia)

ORDER

PER CURIAM

AND NOW, this 9th day of April, 2018, the Petition for Reinstatement is granted. Petitioner is directed to pay the expenses incurred by the Board in the investigation and processing of the Petition for Reinstatement. See Pa.R.D.E. 218(f).

A True Copy Patricia Nicola
As Of 4/9/2018

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

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

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

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

I. HISTORY OF PROCEEDINGS

By Order dated December 15, 2008, the Supreme Court of Pennsylvania suspended Petitioner, Jesse Raymond Ruhl, for a period of one year and one day on consent, retroactive to January 30, 2008. On December 2, 2016, Petitioner filed a Petition for Reinstatement. Office of Disciplinary Counsel filed a response to Petition on March 31, 2017.

Following a prehearing conference, a reinstatement hearing was held on June 29, 2017, before a District III Hearing Committee. Petitioner testified on his own behalf and presented documentary evidence. Office of Disciplinary Counsel introduced documentary evidence but did not call any witnesses.

Following the submission of briefs by the parties, the Hearing Committee filed a Report on October 23, 2017, and recommended that the Petition for Reinstatement be granted.

The parties did not file exceptions to the Hearing Committee's Report and recommendation.

The Board adjudicated this matter at the meeting on January 11, 2018.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner is Jesse Raymond Ruhl, born in 1964 and admitted to the practice of law in the Commonwealth in 1989 and the practice of law in the State of Maryland in 1998. Petitioner is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

2. Following his admission to practice in Pennsylvania, Petitioner was employed as an associate attorney at Rhoads and Sinon LLP in Harrisburg until December 1996, and became a partner at the firm in 1997. N.T. 14

3. In 1998, Petitioner resigned from Rhoads and Sinon and opened a law practice as a sole practitioner in York, Pennsylvania. ODC-1; N.T. 14.

4. By Order of the Supreme Court dated July 26, 2006, effective August 25, 2006, Petitioner was transferred to inactive status for failure to fulfill Continuing Legal Education requirements. As an inactive attorney, Petitioner was prohibited from practicing law. ODC-1; N.T. 14.

5. After the effective date of Petitioner's transfer to inactive status, he continued to practice law in the Commonwealth until September 20, 2007, at which time he entered into an oral argument with Office of Disciplinary Counsel to suspend his law practice. ODC-1.

6. Petitioner's voluntary agreement was later confirmed in a Joint Petition to Temporarily Suspend an Attorney. By Order dated January 30, 2008, the Supreme Court temporarily suspended Petitioner from the practice of law. ODC-1.

7. By Order dated December 15, 2008, the Supreme Court suspended Petitioner for a period of one year and one day, retroactive to January 30, 2008, following the filing on August 28, 2008, of a Joint Petition for Discipline on Consent. ODC-1.

8. Petitioner engaged in the following misconduct::

a. Valerie M. Cassell matter – Petitioner failed to competently and diligently represent his client in a dental malpractice case, ultimately resulting in the entry of a judgment non pros against Ms. Cassell. Petitioner violated Rules of Professional Conduct (“RPC”) 1.1, 1.3, 1.4(a)(1), 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), and 1.4(b).

b. Office of Disciplinary Counsel matter – Following his transfer to inactive status effective August 25, 2006, Petitioner continued to practice

law and represent his clients in multiple matters, including appearing on their behalf in court and at hearings. Petitioner failed to advise his clients of his transfer to inactive status and his resulting inability to represent them as their attorney. Petitioner violated Pennsylvania Rules of Disciplinary Enforcement (“Pa.R.D.E.”) 217(a), 217(b), 217(c)(1), 217(c)(2), 217(e)(1), 217(e)(2), and 219(d)(3).

c. Office of Disciplinary Counsel matter – Petitioner engaged in the unauthorized practice of law when, after he was transferred to inactive status, he represented at least nine separate entities and provided legal services to them. Petitioner violated RPC 5.5(a) and 8.4(c).

d. Office of Disciplinary Counsel matter – Petitioner commingled his personal funds and his clients’ funds, and used his IOLTA account as his personal checking account. Petitioner violated RPC 1.15(a).

ODC-1.

9. Throughout the disciplinary process, Petitioner repeatedly expressed sincere regret and remorse for his misconduct. ODC -1 (Ex. B).

10. During the disciplinary process, Petitioner was “fully and completely cooperative with [Office of Disciplinary Counsel’s] investigation of these [disciplinary] matters, to a degree which [was] unprecedented in...Disciplinary Counsel [Joseph Huss]’s 15 year career.” ODC-1 (Ex. B).

11. Prior to his suspension, Petitioner had no record of discipline. N.T.

17.

12. During the period of Petitioner's misconduct, he suffered from severe depression, which reached a level of severity that rendered him non-functional for long periods of time. N.T. 17; ODC-1 (Ex. B).

13. The most serious of these depressive episodes occurred during the years 2005 and 2006. N.T. 17; ODC-1 (Ex. B); P-3.

14. At the reinstatement hearing, Petitioner provided evidence of his treatment and recovery from major depressive disorder. P-1 through P-6.

15. On October 17, 2005, Petitioner was evaluated at the Depressive Research Unit ("DRU") of the University of Pennsylvania School of Medicine and was determined to meet the "criteria for Major Depressive Disorder, recurrent, moderate, as defined by the Diagnostic and Statistical Manual Fourth Edition." N.T. 18; P-1.

16. As a result of meeting the criteria, Petitioner was enrolled in a research study on "Prevention of Recurrence of Depression using Medications and Cognitive Therapy" at the University of Pennsylvania. Petitioner started treatment on October 26, 2005. N.T. 18; P-1.

17. Petitioner's treatment consisted of antidepressant drug therapy and cognitive behavioral therapy, which included weekly meetings with a psychological therapist. P-3.

18. Petitioner's treatment at DRU continued, and by September 19, 2007, his condition had improved and was stable to such degree that Irene Soeller CRNP, Petitioner's psychiatric research nurse practitioner indicated that DRU "[saw] no

impediment to [his] return to the practice of law, and strongly encouraged [him] to do so.”

N.T. 18; P-2.

19. On May 13, 2008, DRU prepared a report describing Petitioner’s treatment history. P-3.

20. The report indicated that “according to the parameters of our research study, at this point you are considered to be fully recovered from your episode of severe depression.” *Id.*

21. Petitioner completed his treatment at DRU in October 2010 and his medical case was transferred to his primary care physician, Mark T. Watkins, D.O. P- 4.

22. Dr. Watkins wrote two letters in support of Petitioner’s request for reinstatement to the practice of law P-5, P- 6.

23. Dr. Watkins’ second letter of February 22, 2017 made specific reference to Petitioner’s upcoming reinstatement hearing and concluded that Petitioner no longer had any psychiatric impediment which would prevent him from returning to the practice of law. P- 6.

24. In addition to the medical reports, Petitioner testified credibly about his recovery from major depressive disorder, and he expressed confidence that his current state of good mental health will continue. N.T. 22.

25. Petitioner testified that he now understands the disease of depression and its causes and effects, which is a major component of maintaining good mental health. N.T. 22-23.

26. Petitioner intends to continue his regular medical checkups and medication regimen, as well as maintaining regular sleep habits, adhering to a healthy diet and exercising on a regular basis. N.T. 20, 23- 24.

27. Petitioner testified that he has developed a support group of friends, family and co-workers who are aware of Petitioner's mental health history, and upon whom Petitioner can rely for encouragement. N.T. 24.

28. Petitioner testified that during his suspension, he has rebuilt every area of his life, including financially and emotionally, and his situation at the present time is much improved from where he was in 2005. N.T. 24-25.

29. At the reinstatement hearing, Petitioner introduced credible evidence about his employment since 2008.

30. Following his suspension, Petitioner worked at Starbucks as a shift manager, for UFM International as a part-time groundskeeper, and for Dhyana Yoga as a yoga instructor. ODC-1.

31. Since 2008, Petitioner has held two primary employment positions: as Director of Philadelphia House, Inc. ("PH"), and as Associate Dean of Students at Westminster Theological Seminary ("WTS"). N.T. 26, 32-33.

32. PH is a small, non-profit corporation that operates a home for international students in Philadelphia, and was Petitioner's client prior to his suspension. N.T. 26.

33. After Petitioner advised the PH Board of Trustees that he could no longer represent the corporation due to his suspension, the Board offered him the position of director in May 2008. N.T. 27.

34. Petitioner's position at PH is a full-time position and requires that he reside in the house with the international students. N.T. 27.

35. Petitioner's responsibilities as director include: house administration, bookkeeping, public relations, emotional and spiritual needs of residents, cultural and social activities, guests, food, general cleaning, and maintenance. N.T. 28; P-15.

36. Petitioner introduced into evidence five letters of support from five current members of the PH Board of Trustees. Each board member stated that he or she believes that Petitioner possesses the moral qualifications to be readmitted to the practice of law in Pennsylvania. P-7 through P-11.

37. In addition to his position with PH, Petitioner has been the Associate Dean of Students at WTS in Glenside, Pennsylvania, since March 15, 2015, with full-time employment commencing on January 1, 2017. N.T. 32-33, 39.

38. Petitioner's duties and responsibilities at WTS include: immigration oversight, international student life, student development, and property management. P-16.

39. Petitioner's primary responsibility is to monitor WTS's international student programs to ensure that the seminary and the international students remain in compliance with the U.S. Department of Homeland Security ("DHS") and the Department

of State (“DOS”) rules and regulations pertaining to international and exchange students.
N.T. 34-35.

40. As WTS’s Principal Designated School Official with DHS and WTS’s Responsible Officer to DOS, Petitioner is not only an employee of WTS, but he is also an agent of the United States government responsible for the proper administration of the Student Exchange Visitor Program and the government’s web-based tracking and reporting system, known as SEVIS. N.T. 35. In order to serve in this capacity, Petitioner underwent extensive background checks and training. N.T. 36.

41. At present, Petitioner is responsible for monitoring 132 international students. N.T. 35-36. Petitioner is required to update each student’s SEVIS record every semester and report that the student is a registered student at the seminary and is attending classes. N.T. 35-36.

42. Petitioner is required to confirm that each international student under his supervision maintains his/her immigration status. Petitioner must report any violations of the applicable rules and regulations to SEVIS and follow through with the mandated corrective action. N.T. 37-38.

43. Petitioner is responsible to submit on behalf of WTS a recertification petition every two years to DHS, which contains updated information about WTS’s international student programs. N.T. 38; P-32.

44. WTS Associate Dean Karin Deussing submitted a letter in support of Petitioner’s reinstatement. Dean Deussing indicated that Petitioner has amply

demonstrated the moral qualifications to serve as an employee at WTS and to be reinstated to practice law in Pennsylvania. P-12.

45. At the reinstatement hearing, Petitioner introduced credible evidence of his community service, activities, and educational pursuits since 2008.

46. From 2011 to 2016, Petitioner served as a deacon at Tenth Presbyterian Church, and in his final year of service, he was the Vice–Chair of the Diaconate Board. He served on the Executive Committee and as the Parish Coordinating Deacon, and sang in the church choir. N.T. 39-40.

47. Petitioner introduced into evidence two letters from Carroll Wynne, Minister of Pastoral Care at Tenth Presbyterian Church. Rev. Wynne confirmed Petitioner’s testimony as to his church responsibilities and activities, and stated in the letter that Petitioner has demonstrated the moral qualifications to be readmitted to the practice of law. P-13A, P-13B.

48. In 2008, Petitioner completed the docent training program at Rosenbach Museum in Philadelphia, and has served as a volunteer tour guide since then. N.T. 40-41. Petitioner served for two years as the docent council treasurer and for two years as the docent council president. N.T. 41.

49. Petitioner introduced into evidence a letter of support from Susan Sklaroff, who serves with Petitioner as a volunteer docent at the Rosenbach Museum. Ms. Sklaroff described Petitioner as reliable and concerned and she believes he is qualified to be readmitted to practice law. P-14.

50. Petitioner practices yoga on a daily basis in order to maintain his mental health. N.T. 26. In order to share his personal experience with others, Petitioner enrolled in an intensive 200-hour yoga teacher program at Dhyana Yoga in Philadelphia and completed that program in July 2008. N.T. 26; P-26.

51. During Petitioner's suspension, he took language classes at the Community College of Philadelphia and theological classes at WTS. N.T. 41.

52. During his suspension, Petitioner maintained his membership at the Jenkins Law Library in Philadelphia, and it was his practice to visit the library regularly during his suspension and review case law in areas in which he had an interest, such as immigration law. N.T. 42.

53. Petitioner fulfilled the Continuing Legal Education credits necessary for reinstatement to the practice of law. P-17.

54. Petitioner has not engaged in the unauthorized practice of law during his suspension.

55. Since January 2012, Petitioner has volunteered for Lawyers Concerned for Lawyers ("LCL"). Petitioner provides assistance to Pennsylvania attorneys who contact LCL seeking help with depression issues. N.T. 43 - 44.

56. Office of Disciplinary Counsel raised a concern about Petitioner's outstanding federal income tax liabilities for the tax years 1997, 1998, 1999, 2001, 2002, 2003, 2004, 2005, and 2011, which total \$173,822.89. ODC-1 (Ex. K); N.T. 48, 63.

57. Petitioner testified that at the end of 2014, on his own, he negotiated an offer in compromise with the Internal Revenue Service, which he testified was initially

approved, but later rejected after Petitioner did not accept a collateral agreement. N.T. 48-49.

58. In February 2015, Petitioner sought the assistance of the Legal Tax Clinic at Villanova School of Law to help resolve the compromise offer and is actively negotiating the matter with the intention of resolving his tax obligations. P-21 through P-23; N.T. 49-51.

59. Petitioner's current debts and financial obligations are paid on time, including student loans and credit cards. N.T. 47- 48.

60. Office of Disciplinary Counsel raised a concern about Petitioner's failure to notify the State of Maryland of his suspension until January 26, 2017. Petitioner credibly explained that he did not intend to conceal his suspension, and never pursued any legal work in that jurisdiction following his suspension. N.T. 45-46; P-19.

61. Following Petitioner's notification to Maryland, he was reciprocally disciplined by an indefinite suspension on consent, effective June 19, 2017. P-20.

62. Office of Disciplinary Counsel raised a concern regarding Petitioner's answer to Question 5 on the Reinstatement Questionnaire, wherein he was asked about commingling of funds. In the Joint Petition for Discipline on Consent, Petitioner admitted that he commingled funds, but in his answer on the Questionnaire, he stated that no individuals were aggrieved. ODC-1.

63. At the reinstatement hearing, Petitioner explained he was impermissibly using the IOLTA account as his personal account, but he did not misuse

monies belonging to clients at that time. Petitioner testified that he was not trying to deny the commingling, but attempting to state that he did not harm clients. N.T. 44-45.

64. If reinstated, Petitioner plans to continue his work at PH and WTS, and in addition would begin handling immigration and education matters for WTS, under the supervision of WTS's general counsel.

65. Petitioner demonstrated sincere remorse for his misconduct and accepted full responsibility for his actions,

III. CONCLUSIONS OF LAW

1. Petitioner demonstrated by clear and convincing evidence that he has the moral qualifications, competency and learning in the law required for admission to the practice of law in this Commonwealth. Rule 218(c)(3), Pa.R.D.E.

2. Petitioner demonstrated by clear and convincing evidence that his resumption of the practice of law will be neither detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest. Rule 218(c)(3), Pa.R.D.E

IV. DISCUSSION

Petitioner seeks readmission to the practice of law in Pennsylvania following his suspension for a period of one year and one day on consent, imposed by the Supreme Court of Pennsylvania on December 15, 2008, retroactive to January 30, 2008.

Petitioner's misconduct involved his unauthorized practice of law while on inactive status, failure to competently and diligently represent a client in a dental malpractice matter, and his failure to hold property of clients and third parties separate and apart from his own property.

Petitioner bears the burden of proving by evidence that is clear and convincing, that he is morally qualified, competent and learned in the law and that his resumption of the practice of law will not be detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest. Pa.R.D.E. 218(c)(3). This burden is not light, and reinstatement is not automatic. A reinstatement proceeding is a searching inquiry into a lawyer's present professional and moral fitness to resume the practice of law. The object of concern is not solely the transgressions that gave rise to the lawyer's suspension, but rather, the nature and extent of the rehabilitative efforts made since the time the sanction was imposed and the degree of success achieved in the rehabilitative process. ***Philadelphia News, Inc. v. Disciplinary Board of the Supreme Court of Pennsylvania***, 363 A.2d 779, 780-781 (Pa. 1976).

We conclude from the evidence of record that Petitioner has met his reinstatement burden and we recommend that the Petition for Reinstatement be granted.

Petitioner presented credible and substantial evidence to show his remorse, rehabilitation, good character, competency and learning in the law. Throughout the disciplinary proceedings and the reinstatement process, Petitioner repeatedly expressed his sincere regret and remorse for his misconduct, and repeatedly accepted full responsibility for his actions.

The actions that led to Petitioner's suspension occurred during the time that Petitioner struggled with Major Depressive Disorder. Petitioner offered credible and compelling evidence through his testimony and exhibits that he has undergone extensive treatment and has been rehabilitated from this disorder. He submitted a report from the DRU and letters from Dr. Mark Watkins and Irene Soeller CRNP, indicating that Petitioner has fully recovered from his psychiatric issues and is ready for reinstatement. Petitioner's candid testimony described his years-long struggle with depression, which negatively impacted every aspect of his life, his treatment at the DRU, his successful completion of that treatment program, his continued adherence to his medication regimen and follow-up medical evaluations, and his lifestyle choices to promote good mental health. The evidence demonstrates that Petitioner has diligently educated himself about his depression and has actively addressed his mental health problems.

During his suspension, Petitioner maintained employment at PH and WTS, which positions require commitment and attention to detail. As director at PH, Petitioner lives with and looks after a number of international students, attending to a variety of daily tasks. As an associate dean at WTS, Petitioner is required to keep current documents of international students and ensure that WTS remains in compliance with governmental rules and regulations. Petitioner's ability to handle these jobs demonstrates that he is hard-working and reliable. It is evident from his testimony that he cares greatly about the well-being of the students he oversees.

As discussed above, Petitioner has made a concerted effort to rebuild his life, including financially. Petitioner has unpaid debt, primarily consisting of student loans

and a considerable tax lien. Petitioner has continued to timely pay his student loans during his suspension. His tax obligations, which have existed since 1997, remain outstanding. Petitioner testified credibly that he fully intends to resolve his obligations and is working with a law school tax clinic on a compromise offer to present to the Internal Revenue Service. An outstanding tax obligation, standing alone, is not sufficient to preclude reinstatement. ***In the Matter of Glenn Randall***, Nos. 156 DB 2006 and 129 DB 2010 (D. Bd. Rpt. 4/12/2012) (S. Ct. Order 9/20/2012). Petitioner has acknowledged his debt and presented credible evidence that he is addressing it. Complete satisfaction of all financial obligations is not a prerequisite to reinstatement. ***In the Matter of Richard M. Corcoran***, 74 DB 2009 (D. Bd. Rpt. 6/22/2016) (S. Ct. Order 8/11/2016).

In addition to his busy work schedule, Petitioner has found time to serve his church in various leadership roles, and to volunteer as a museum docent. A particularly important component of his community service is his volunteerism with LCL, where he is able to use his life experiences to assist other Pennsylvania lawyers coping with depression.

Petitioner has remained current in the law by maintaining his membership at the Jenkins Law Library and reviewing case law and legal newsletters. He fulfilled the Continuing Legal Education requirements necessary for reinstatement. If reinstated, Petitioner intends to remain in his current employment positions, with the benefit that he will be able to practice immigration and education law for WTS, under the supervision of its general counsel. Petitioner eagerly anticipates his reinstatement to practice in a profession he enjoys.

Although Office of Disciplinary Counsel initially raised several concerns in response to Petitioner's request for reinstatement, the Board concludes from the evidence that Petitioner satisfactorily addressed each concern and these issues do not constitute an impediment to reinstatement. Office of Disciplinary Counsel did not offer any evidence or cross-examination to materially contradict the explanations given by Petitioner, nor did Disciplinary Counsel file objections to the Hearing Committee's recommendation to grant reinstatement.

Upon this record, Petitioner has met his reinstatement burden by clear and convincing evidence that he is morally qualified, competent and learned in the law, and of equal importance, that his reinstatement will not be detrimental to the public or to the profession. Petitioner is fit to resume the practice of law. For all of the above reasons, we recommend that the Petition for Reinstatement be granted.

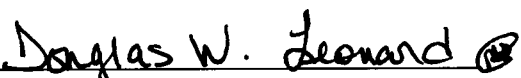
V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Jesse Raymond Ruhl, be reinstated to the practice of law.

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

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: Douglas W. Leonard 
Douglas W. Leonard, Vice-Chair

Date: 3/13/18