

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 2011 Disciplinary Docket No. 3
: :
CORY ADAM LESHNER : No. 159 DB 2013
: :
PETITION FOR REINSTATEMENT : Attorney Registration No. 310377
: :
: (Dauphin County)

ORDER

PER CURIAM

AND NOW, this 16th day of December, 2020, 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).

Justice Mundy notes her dissent.

A True Copy Patricia Nicola
As Of 12/16/2020


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 January 7, 2014, the Supreme Court of Pennsylvania disbarred Cory Adam Leshner on consent, based on his guilty plea to one count of conspiracy to commit wire fraud in the United States District Court for the District of New Jersey. Petitioner filed a Petition for Reinstatement on October 25, 2019. Office of Disciplinary Counsel ("ODC") filed a Response to Petition on December 24, 2019,

wherein it opposed reinstatement on a number of bases and identified several areas of concern, including the premature nature of the request in the context of the severity of the misconduct and Petitioner's continued probation until October 2021.

Following a prehearing conference on February 3, 2020, a District III Hearing Committee ("Committee") conducted a reinstatement hearing on March 5, 2020. Petitioner appeared pro se. He introduced the testimony of ten witnesses and testified on his own behalf. ODC did not present any witnesses. Petitioner's exhibits P-1 through P-30 were admitted into evidence without objection. ODC's exhibits ODC-1 through ODC-12 were admitted into evidence without objection. Joint Exhibit 1 (Joint Stipulations) was admitted into the record.

On April 15, 2020, Petitioner filed a Brief to the Committee and requested that the Committee recommend to the Board that his reinstatement petition be granted. On May 4, 2020, ODC filed a letter in lieu of brief to the Committee and advised that its concerns had been satisfactorily addressed by Petitioner at the hearing and it no longer opposed reinstatement.

By Report filed on June 26, 2020, the Committee recommended that the Petition for Reinstatement be denied on the grounds that Petitioner failed to meet his burden that a sufficient period of time had elapsed since his disbarment and that his readmission would be neither detrimental to the integrity and standing of the bar, the administration of justice, nor subversive of the public interest.

On July 9, 2020, Petitioner filed a Brief on Exceptions to the Committee's Report and recommendation and requested oral argument before the Board. On July 20,

2020, ODC filed a letter in lieu of brief responding to Petitioner's exceptions and reiterated its position that it does not oppose reinstatement, particularly noting Petitioner's remorse and extensive cooperation in the prosecution of his co-conspirators.

A three-member panel of the Board held oral argument on October 13, 2020. The Board adjudicated this matter at the meeting on October 16, 2020.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner is Cory Adam Leshner, born in 1983 and admitted to practice law in the Commonwealth in 2011. Petitioner's attorney registration address is 620 S. 13th Street, Harrisburg PA 17104. Petitioner is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

2. In 2005, when Petitioner was approximately 22 years old, he was hired by National Building Facilities Services as a van driver. After being introduced to the company president, Salvatore Pelullo, Petitioner began to perform other functions for Pelullo's business ventures, which included working on Pelullo's real estate interests. N.T. 154-156.

3. Pelullo was a close associate of Nicodemo S. Scarfo, a member of the Lucchese La Cosa Nostra Family and prior associate of the Philadelphia LCN. Joint Stip. 5.

4. During this time, through his work with Pelullo, Petitioner was introduced to Scarfo. Petitioner testified, "I was aware of the name. I had grown up in the

Philadelphia area, and I knew who he was. I knew who the family was. And I was aware of the activities that he had been involved with.” N.T. 157.

5. Pelullo and Scarfo devised and executed a plan to take over FirstPlus Financial Group, Inc. (“FPFG”), a publicly traded company, based in Texas. Joint Stip. 7.

6. As part of the plan, Pelullo and Scarfo caused FPFG to acquire companies owned and controlled by Pelullo and Scarfo that were grossly overvalued. Joint Stip. 8.

7. Consequently, FPFG paid Pelullo and Scarfo millions of dollars for companies for the sole personal benefit of Pelullo and Scarfo. Joint Stip. 9.

8. Pelullo and Scarfo also caused FPFG to execute fraudulent consulting agreements whereby FPFG would pay Pelullo and Scarfo hundreds of thousands of dollars. Joint Stip. 10.

9. From 2007 to 2008, Petitioner was employed as Vice-President of Operations at Seven Hills Management, LLC, a shell company owned by Pelullo. Joint Stips. 3, 4.

10. In the course of said employment, from 2007 to 2008, Petitioner participated in the scheme to defraud FPFG and its shareholders. Petitioner produced false accounting records and invoices and managed bank and credit accounts to conceal the source and use of proceeds obtained through Pelullo’s and Scarfo’s illegitimate activities. P-4; P-15; P-23; Joint Stip. 11(a) and (b).

11. Petitioner's participation in the fraudulent scheme was at the direction of Pelullo. P-4; P-15; P-23.

12. At the time he was employed by Seven Hills Management, LLC, and engaging in fraudulent activities, Petitioner was also enrolled at Widener University School of Law in Harrisburg. P-15; Joint Stip. 2.

13. At some point in 2007, the FBI and US Attorney's Office for the District of New Jersey commenced an investigation into Pelullo and Scarfo and their associates, including Petitioner. P-15; Joint Stip. 13.

14. On May 8, 2008, the FBI executed a search warrant at Petitioner's home. P-15; P-17; Joint Stip. 14.

15. In approximately July 2008, Seven Hills ceased operations and thereafter Petitioner left his employment. P-15; P-17; Joint Stip. 15.

16. In August 2008, Petitioner obtained employment as a law clerk at the Law Offices of Eric Weiner, LLC in Harrisburg and at the Pennsylvania State Police. P-15; P-17; Joint Stips. 16, 17.

17. In December 2008, Petitioner was terminated from his position at the State Police when his employer became aware of the May 8, 2008 search warrant and FBI investigation. P-15; P-17; Joint Stip. 19.

18. In December 2009, Petitioner graduated from law school. P-15; P-16; P-17; Joint Stip. 23.

19. In 2010, Petitioner passed the Pennsylvania and New Jersey Bar examinations and applied to the Pennsylvania Board of Law Examiners ("BLE") and the

New Jersey Board of Law Examiners to become a licensed attorney in the Commonwealth and the State of New Jersey. P-15; P-16; P-17; Joint Stip. 24.

20. In Petitioner's applications to the BLE and the New Jersey Board of Law Examiners, he disclosed the existence of the May 8, 2008 search warrant and the fact that an investigation was ongoing. P-16; P-17; P-18; Joint Stip. 25.

21. On April 16, 2010, the BLE denied Petitioner's admission to the bar as a result of the search warrant and the FBI investigation. Joint Stip. 26.

22. On May 25, 2010, Petitioner attended a hearing before the BLE on its initial denial of admission. Petitioner declined to testify and presented the testimony of two witnesses, one of whom was an attorney involved with Pelullo. That attorney testified that Petitioner's involvement in Seven Hills Management was less than it actually was. Joint Stips. 27, 28; N.T. 170.

23. On August 30, 2010, the BLE denied Petitioner's admission, which Petitioner appealed, and said appeal was ultimately denied. P-27; Joint Stips. 29, 30, 31.

24. In late 2010, Petitioner withdrew his pending New Jersey bar application. Joint Stip. 32.

25. On January 31, 2011, Petitioner filed with the BLE a supplemental application for admission to the bar, which resulted in another hearing on Petitioner's character and fitness on March 2, 2011, at which Petitioner testified. P-16; P-17; P-18; P-28; Joint Stips. 33, 34, 35.

26. Petitioner's testimony at the BLE hearing downplayed his involvement in the aforementioned conspiracy to defraud. N.T. 175-177.

27. On March 16, 2011, Petitioner was admitted to the Pennsylvania bar. Joint Stip. 36.

28. From March 16, 2011 to October 28, 2011, Petitioner was an associate attorney at the Weiner law firm. Joint Stip. 37.

29. On October 28, 2011, Petitioner purchased the Weiner law firm and commenced operation of The Law Offices of Cory A. Leshner, LLC. Joint Stip. 39.

30. Petitioner operated his law office from October 28, 2011 until January 2014. Joint Stip. 43.

31. On October 26, 2011, a grand jury sitting in the District of New Jersey indicted Petitioner under seal relative to his employment at Seven Hills Management, LLC, and on November 1, 2011, the indictment was unsealed and Petitioner was arrested. P-15; Joint Stips. 40, 41.

32. On September 30, 2013, Petitioner entered a plea of guilty to a superseding information consisting of one count of conspiracy to commit wire fraud. As part of his guilty plea, Petitioner and the United States agreed to a five year term of incarceration. P-4; P-15; P-22; P-23; P-26; Joint Stips. 45, 47.

33. On or about November 4, 2013, Petitioner submitted his resignation from the practice of law in the Commonwealth. Joint Stip. 48.

34. On January 7, 2014, the Supreme Court of Pennsylvania entered an order that accepted Petitioner's resignation and disbarred him on consent. P-21; P-22; P-26; Joint Stip. 49.

35. Petitioner paid all required costs associated with his disbarment, notified his clients as required by Pa.R.D.E. 217, and closed his law practice. P-7; P-8; P-24; Joint Stips. 50, 51.

36. Petitioner filed his verified Statement of Compliance with the Board on February 19, 2014. P-7; Joint Stip. 52.

37. Petitioner cooperated with the government and in February 2014, shortly after being disbarred, Petitioner testified against his co-conspirators at their trial. Two of the co-conspirators, Pelullo and Scarfo, were convicted. P-9; P-10; P-15; N.T. 184-186; Joint Stip. 53.

38. On September 8, 2016, Petitioner was sentenced to two years of incarceration followed by three years of supervised release and restitution in the amount of \$14,180,798.00. The restitution order was joint and several among all co-conspirators. P-2; P-5; Joint Stip. 59.

39. At the sentencing hearing, Judge Robert Kugler informally questioned the investigating FBI agent, who told the court that Petitioner had called him to thank him because the government interaction impacted Petitioner's life in a positive way. The agent expressed that it was a profound call and made an impact on him. He described Petitioner's cooperation as unprecedented and unparalleled, in his long experience. P-5, pp. 19-22; N.T. 192-193.

40. Judge Kugler stated:

I think Mr. Leshner more than anyone in this courtroom understands that what he did was wrong, because I think from that moment, when he decided that he was going to testify, he's done

everything he could to make it right, resign from the bar. From what I understand, spent countless hours with the prosecutors on the case to tell them everything he knew. P-5, p. 28.

41. In sentencing Petitioner, Judge Kugler went on to state:

I'm going to do something I've rarely done in my career as a Judge, and I've been a Judge a long time, I've sentenced a lot of people. Because I think this is so unique and I am so struck by Mr. Leshner and what he's done and what he's tried to do and I am convinced he is a good person and that he's learned a tremendous lesson and suffered a great deal. I'm not going to sentence him to the term of imprisonment that the parties have stipulated to in the plea agreement. I still think a term of imprisonment is necessary because of the seriousness of the crime, but I think 60 months is not necessary to satisfy the purposes of the statute. P-5 p. 29.

42. Petitioner credibly testified relative to his sentencing hearing:

[O]n a day where I was at my lowest point in my life, I left that room feeling I had a future to be proud of. The cooperation that I had provided to the government, my testimony, my efforts in pleading guilty, were a reason why, in the future, I could hold my head up high. I didn't leave the courtroom with my head held high. I left the courtroom with a prison sentence... But I also knew that in the future, I was going to be able to be proud of what I had accomplished in my honesty. N.T. 194-195.

43. On February 1, 2017, Petitioner self-reported to Lewisburg Federal Prison to serve his term of incarceration and was released to home confinement on August 21, 2018. Joint Stips. 60, 61.

44. On October 26, 2018, Petitioner was released from home confinement. Joint Stip. 63.

45. On November 2, 2018, the court authorized Petitioner's monthly restitution obligation to be reduced from \$500 to \$150. Joint Stip. 65.

46. Petitioner has continually made payments towards his restitution obligation. P-3; P-12; N.T. 201; Joint Stip.66.

47. Petitioner has complied with all of the requirements of his supervised release, which will terminate in October 2021. P-13; P-15; Joint Stip. 67.

48. Following his disbarment in January 2014 and until December 31, 2016, Petitioner was employed as manager of Keystone Cab Service, Inc. in Harrisburg. N.T. 186-188.

49. After his release from prison and while on home confinement, Petitioner was employed at the Hilton DoubleTree in Reading, PA from September 6, 2018 until October 25, 2018. Joint Stip. 62.

50. On November 1, 2018, Petitioner resumed his employment with Keystone Cab Service as an operations manager. N.T. 202; Joint Stip. 64.

51. Petitioner fulfilled his Continuing Legal Education requirements necessary for reinstatement. P-11; Joint Stip. 69.

52. During his period of disbarment, Petitioner reviewed legal periodicals such as The Legal Intelligencer and CLE materials from the Pennsylvania Association of Justice annual auto law review. P-1; N.T. 232.

53. Petitioner has not engaged in the practice of law while disbarred. N.T. 35, 48, 56, 61, 69, 72-73, 76, 94, 102, 123-125, 149, 186-187, 205.

54. If reinstated, Petitioner intends to operate a solo practice in Harrisburg, focusing on general legal matters. P-1; N.T. 233-235.

55. Petitioner has conducted himself lawfully while disbarred. N.T. 235.

56. Petitioner testified on his own behalf at the March 5, 2020 reinstatement hearing.

57. Petitioner forthrightly admitted his criminal misconduct:

a. “My role...was the preparation of documents to support the transactions that were fraudulent.” N.T.160.

b. “The extent of that job was very – I guess you – you could call it administrative in nature. I mean nothing I was doing there was real in the sense that it was real work. It was – it was work. I certainly showed up in an office and put things together. But it was all to support [Pelullo’s] fraud.” N.T. 162.

c. “I was aware that what I was doing was inappropriate. I was aware that I had – I was crossing the line at every single day to help Mr. Pelullo steal this money.” N.T. 166.

58. Petitioner credibly admitted that he was not forthcoming to the BLE in his first application. “In the application, I disclosed that I was terminated by the Pennsylvania State Police. I disclosed that there had been a search warrant. I disclosed my bankruptcy. I disclosed that it was a possibility that I was under investigation by the FBI. But I did a very poor job in disclosing what was the actual truth.” N.T. 169.

59. Petitioner admitted that he did not correct the record at the first BLE hearing in May 2010 when his witness testified that Petitioner's involvement in Seven Hills Management was less than it actually was. Petitioner now understands he should have done so. N.T. 170.

60. In response to his supplemental application to the BLE filed in January 2011, Petitioner was asked to answer a set of questions designed to show character and fitness. Petitioner admitted that "I carefully crafted the responses (to the BLE) so as not to have to answer anything further. I described my employment with Seven Hills Management as if it were a real job. I described my salary as being deserving of it. I described the transaction with First Plus Financial Group as being based on consideration." N.T. 173.

61. Petitioner admitted that his testimony at the March 2011 BLE hearing was less than forthcoming, as he limited what he disclosed about Seven Hills, FPF, and the search warrant. N.T. 174-175.

62. Petitioner expressed sincere embarrassment and remorse for the deceitful actions he engaged in to hide the truth from the BLE in order to obtain his law license. N.T. 177.

63. Petitioner credibly testified that he has been humbled by the events that led to his disbarment and feels remorse and regret. P-6; N.T. 171-172, 177, 205.

64. Petitioner has learned a great deal from his experiences, which have changed him as a person. Petitioner explained that he ignored his moral compass for

many years but now conducts himself differently on a daily basis, taking responsibility for every decision he makes and not trying to justify everything. N.T. 204-205.

65. While incarcerated, Petitioner made efforts to better himself by exercising, addressing health problems, and working as a shipping clerk. N.T. 196, 199.

66. Petitioner reconnected with his Jewish faith while in prison. He met with Rabbi Baumgardner weekly and learned how to establish a firm base upon which to move forward in his life. After Petitioner's release, Rabbi Baumgardner helped connect Petitioner to Rabbi Lipsker. N.T. 196-197.

67. Petitioner attends synagogue on a regular basis. N.T. 231.

68. Petitioner engaged in community service activity during his disbarment by volunteering for Aleph, a Jewish organization. Petitioner performed clerical work and provided fundraising assistance. N.T. 230.

69. Petitioner presented the credible testimony of ten character witnesses.

70. Thomas Archer, Esquire, has practiced law in the Commonwealth for 26 years and is the president of the Mette Evans & Woodside law firm in Harrisburg. Mr. Archer has known Petitioner since approximately 2008, when Petitioner worked as a law clerk for Eric Weiner, Esquire. N.T. 21, 30.

71. Mr. Archer became friendly with Petitioner through their discussions on personal injury law, and Mr. Archer found that Petitioner had an extensive knowledge of civil procedure and substantive law. N.T. 22.

72. Mr. Archer kept in touch with Petitioner when he went to prison and met with him a couple of times at the prison. Mr. Archer has been very impressed with how Petitioner handled himself and the challenges he and his family faced through his incarceration and his reinstatement attempt, and believes Petitioner would be an asset to the bar if reinstated. N.T. 22, 28.

73. Mr. Archer testified that Petitioner was candid with him early on about what Petitioner was experiencing, and Mr. Archer's good opinion of Petitioner never changed. N.T. 22, 23.

74. Petitioner referred several cases to Mr. Archer upon the closing of his practice post-disbarment and Mr. Archer thought the level of legal work was very good. Mr. Archer testified he would hire Petitioner as an attorney at his law firm. N.T. 23-24, 36, 39-40.

75. John Sweet, Esquire, has practiced law in Pennsylvania since 2015 and is an attorney for the Pennsylvania Utility Law Project in Harrisburg. Prior to that, Mr. Sweet represented Keystone Cab Services as a part-time in-house counsel for approximately a year and a half and became acquainted with Petitioner, who was employed as an operations manager at Keystone. N.T. 51, 52, 58

76. Mr. Sweet met Petitioner when Petitioner was already a disbarred lawyer and was aware of Petitioner's fraud conviction because Petitioner told him right away. Mr. Sweet never observed Petitioner engage in any activities that could be classified as the practice of law. N.T. 55, 56.

77. Mr. Sweet regards Petitioner as a mentor. N.T. 56.

78. Mr. Sweet testified that if Petitioner is reinstated, he would be willing to recommend Petitioner's legal services to others. N.T. 57.

79. Jessica Porter is employed at Mette Evans & Woodside as Mr. Archer's paralegal. Ms. Porter has known Petitioner since approximately 2008, when Petitioner was employed as a law clerk for Mr. Weiner. N.T. 40-41.

80. Ms. Porter is aware of Petitioner's criminal conviction and testified that it has not changed her good opinion of him. She further testified that she would hire Petitioner as her attorney and would be willing to recommend him to others. N.T. 42-43.

81. Ms. Porter testified that relative to the client files that were referred to Mr. Archer by Petitioner, there were no complaints or difficulties from clients regarding Petitioner. N.T. 46, 50-51.

82. Maher Sabar Ahmed Mohamed is the owner of several cab companies, including Keystone Cab Service, and also has real estate interests. Mr. Mohamed has known Petitioner since 2009. N.T. 116,117.

83. While Petitioner was a licensed lawyer, he represented Mr. Mohamed, who found Petitioner to be honest and straightforward. N.T. 118, 119.

84. Petitioner informed Mr. Mohamed of his criminal conviction and disbarment and Mr. Mohamed offered Petitioner a job as a contract operations manager in 2013. After Petitioner's release from prison, Mr. Mohamed rehired him. N.T. 120-121, 127.

85. Mr. Mohamed explained that Petitioner made it very clear that he was a disbarred lawyer and could not represent Mr. Mohamed or give him legal advice. N.T. 123.

86. Mr. Mohamed testified that Petitioner acknowledged his wrongdoing and took responsibility. Mr. Mohamed described Petitioner as a hard-working family man. N.T. 126, 136.

87. Mr. Mohamed stated he would hire Petitioner as his in-house counsel if Petitioner's license is reinstated. N.T. 127.

88. Jordan Leshner is Petitioner's cousin and worked for him at Petitioner's law office and at Keystone Cab Service performing administrative tasks. N.T. 98-99, 100-101.

89. Mr. Leshner testified that Petitioner has not tried to blame anyone for his circumstances and is trying hard to move forward with his life. N.T. 103.

90. Brenda Herron is Petitioner's former client who testified that she was pleased with Petitioner's legal services and found that Petitioner was very honest. Ms. Herron would hire Petitioner in the future and would not hesitate to recommend him to others. N.T. 74-75, 76-77.

91. Lisa Lustirschmidt is Petitioner's former employer at the Berkeley Golf Club in Kutztown, Pennsylvania and at the Hilton DoubleTree Hotel in Reading, Pennsylvania. She has known Petitioner for approximately twelve or thirteen years and testified that he is hard-working, reliable, and honest. N.T. 87-88, 91.

92. Frank Baxter is a licensed Pennsylvania architect who regularly performs consulting work for Petitioner's employer and has worked closely with Petitioner on projects where Petitioner acts as a manager/coordinator in a nonlegal capacity. Mr. Baxter has known Petitioner for approximately five years. N.T. 66, 71.

93. Mr. Baxter is aware of Petitioner's criminal conviction and testified that Petitioner has taken ownership of his actions and has learned from his experiences. N.T. 67, 70.

94. Mr. Baxter is willing to hire Petitioner as his lawyer and to recommend him to others. N.T. 69.

95. Maria Loun is Petitioner's wife. She testified that Petitioner is extremely reliable and trustworthy and a wonderful father to their two children. N.T. 142, 146.

96. Ms. Loun testified to the challenges her family faced when Petitioner was sent to prison. She noticed positive changes in Petitioner in that he became spiritual during his time in prison. N.T. 143-144.

97. Rabbi Yosef Lipsker is the leader of a congregation in Reading, PA that Petitioner and his family attend and has known Petitioner for approximately 18 months. Rabbi Lipsker communicates with Petitioner on a weekly basis. N.T. 11-12, 15.

98. Rabbi Lipsker testified that he is aware of Petitioner's criminal conviction and has discussed Petitioner's situation with him. Rabbi Lipsker believes Petitioner has come to a place in his life where he is transparent and honest. N.T. 13, 16.

Rabbi Lipsker further testified that he would “absolutely” go to Petitioner if he needed a lawyer. N.T. 12-13.

99. Petitioner submitted two letters from individuals attesting to his good character. P-30.

III. CONCLUSIONS OF LAW

1. The misconduct for which Petitioner was disbarred is not so egregious as to preclude consideration of his Petition for Reinstatement. *Office of Disciplinary Counsel v. John Keller*, 506 A.2d 872 (Pa. 1986).

2. Petitioner met his burden of proof by clear and convincing evidence that a sufficient period of time has passed since the misconduct, during which he engaged in qualitative rehabilitation. *In the Matter of Jerome J. Verlin*, 731 A.2d 600 (Pa., 1999).

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

4. Petitioner met his burden of proof by clear and convincing evidence that his resumption of the practice of law in the Commonwealth of Pennsylvania 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 disbarment on consent by Order of the Supreme Court of Pennsylvania dated January 7, 2014. The misconduct giving rise to Petitioner's disbarment was his criminal conviction of conspiracy to commit wire fraud, wherein Petitioner played a role in a sophisticated fraudulent scheme conducted by members of an organized crime enterprise and perpetrated on a publicly traded company. For the reasons that follow, we conclude that Petitioner met his reinstatement burden and recommend to the Court that the Petition for Reinstatement be granted.

The primary purpose of the lawyer disciplinary system is to protect the public from unfit attorneys and to maintain the integrity of the legal system. *Office of Disciplinary Counsel v. John Rodes Christie*, 639 A.2d 782, 785 (Pa. 1994). When a disbarred attorney seeks reinstatement, the Board and the Court must examine whether the magnitude of the breach of trust is so egregious as to preclude further reconsideration of the petition for reinstatement. As the Court held in *Keller*, "[i]n the case of disbarment, there is no basis for an expectation by the disbarred attorney of the right to resume practice at some future point in time." *Keller*, 506 A.2d at 875.

There is no doubt that Petitioner's misconduct that led to his disbarment was egregious. During the time of the criminal scheme, Petitioner aided the criminal enterprise by producing false accounting records and invoices and managing bank and credit accounts to conceal the source and use of the proceeds obtained through the illegitimate activities. At all times, Petitioner was aware that he was engaged in a

fraudulent scheme and that the person or persons directing him in the activities were associates of an organized crime family.

Viewing Petitioner's misconduct in light of previous determinations relative to the *Keller* question, we cannot say Petitioner's misconduct was so deplorable as to preclude his reinstatement. There are numerous examples where the threshold question has been met in cases involving criminal convictions based on fraudulent acts. See, *In the Matter of Stephen Greg Doherty*, No. 69 DB 2010 (D. Bd. Rpt. 9/13/2017) (S. Ct. Order 10/27/2017) (criminal conviction for mail fraud, wire fraud, bankruptcy fraud, and money laundering not so egregious that it precluded consideration of reinstatement); *In the Matter of Gerard Emmett Evans*, No. 10 DB 2001 (D. Bd. Rpt. 10/3/08) (S. Ct. Order 12/15/08) (mail and wire fraud conviction not so egregious that it precluded consideration of reinstatement); *In the Matter of Craig B. Sokolow*, No. 128 DB 1995 (D. Bd. Rpt. 9/19/2008) (S. Ct. Order 12/10/2008) (criminal conviction for mail fraud and money laundering not so egregious that it precluded consideration of reinstatement). Petitioner's acts of misconduct, while extremely serious and a significant breach of his ethical responsibilities, are not so egregious as to prevent reinstatement.

Having concluded that Petitioner met the *Keller* threshold, we next consider whether Petitioner has met his burden of proving by clear and satisfactory evidence that his current resumption of the practice of law would not be detrimental to the profession, the courts or the public. *In re William James Perrone*, 777 A.2d 413 (Pa. 2001). To that end, Petitioner must demonstrate that a sufficient period of time has passed since his misconduct, during which he engaged in qualitative rehabilitation efforts that were

sufficient to dissipate the detrimental impact of his conduct on the public trust. *Verlin* at 602.

The Committee considered the facts of record and concluded that Petitioner did not meet his heavy burden, based on its determination that Petitioner's disbarment period was insufficient to dissipate the detrimental impact on the public trust occasioned by his wrongdoing. The Committee was particularly troubled by Petitioner's breach of trust, which it found went far beyond his single count of wire fraud, and involved Petitioner's knowing association with key members of La Cosa Nostra criminal organization, and participation in a number of frauds over a period of time contemporaneous with Petitioner's enrollment in law school. The Committee had difficulty reconciling these facts and found that they supported the conclusion that Petitioner's more than six years of disbarment were insufficient to repair the breach of trust engendered by his serious misconduct.

With all due respect for the Committee's conclusion, upon our analysis of the record, we conclude that Petitioner established that he engaged in a quantitative period of qualitative rehabilitation such that the breach of trust has been dissipated.

Even before his disbarment, Petitioner demonstrated acceptance of responsibility for his criminal acts by entering into a negotiated plea agreement and agreeing to be sentenced to five years in prison. After he entered his guilty plea, Petitioner voluntarily resigned from the bar and accepted disbarment on consent. Petitioner fulfilled all requirements of the disbarment order, which included closing down his practice,

referring his cases to other attorneys, and timely filing his verified compliance statement with the Board. Following his disbarment, Petitioner cooperated extensively with the government by testifying against his co-conspirators and helping to secure their convictions. Petitioner had no expectation on the day he was sentenced in 2016 that he would receive a two year prison sentence instead of the agreed-to five years, yet the judge, impressed by Petitioner's cooperation and struck by his efforts to do what was right, departed from the agreement, essentially giving Petitioner back several years of freedom.

Petitioner, understanding the opportunity he had been granted, did not squander that time. During his 18 months in prison, he tended to his physical and spiritual health. Upon release, he immediately went back to work, initially working at a hotel during his home confinement and then obtaining his former job at Keystone Cab Service, where he is employed in a nonlegal capacity. Relative to his criminal sentence, Petitioner continues to meet the requirements of his supervised release, which will terminate in October 2021, and makes monthly restitution payments. Petitioner has not engaged in any unlawful conduct during his disbarment. After leaving prison, Petitioner reconnected with his wife and two young children and continued the exploration of his faith that began in prison. Petitioner attends synagogue and has volunteered his time at Aleph, a Jewish organization, performing clerical work and fundraising.

During his disbarment, Petitioner demonstrated his competence and learning in the law by fulfilling his Continuing Legal Education requirements for

reinstatement and reviewing legal periodicals.¹ If reinstated, Petitioner intends to open a solo practice in the Harrisburg area.

Petitioner demonstrated that he is morally qualified. Petitioner's testimony was candid, forthright and humble, showing that he comprehended the damage done by his wrongdoing and accepted full and complete responsibility for his misconduct. He apologized profusely and expressed genuine remorse for his criminal conduct. As well, Petitioner expressed genuine embarrassment and remorse for his misstatements before the BLE that marginalized his criminal activity and disrespected the legal profession. Significantly, Petitioner credibly described the positive changes within himself that have occurred since his criminal acts that enable him to own his mistakes and do better moving forward.

The testimony of Petitioner's ten character witnesses, along with two character letters, prove that he is morally qualified to resume the practice of law. The witnesses represented a broad cross-section of Petitioner's life and included Petitioner's current employer and former employer, attorneys in his community, former clients, family members, his rabbi, and members of his community. The credible and compelling testimony of these witnesses demonstrated that Petitioner has genuine remorse and regret for his actions, and further demonstrated that Petitioner is admired for his honesty, integrity and hard work, qualities that support his fitness to resume the practice of law. These witnesses share a good opinion of Petitioner, despite his criminal conviction, and

¹ Petitioner ably represented himself throughout the reinstatement proceedings, including at oral argument before the Board panel.

look forward to his return to the practice of law, each affirming that if the need ever arose they would seek out his legal services.

Petitioner has been disbarred for nearly seven years. The evidence of record demonstrates that his period of disbarment has been a time of genuine rehabilitation that has dissipated the breach of trust caused by his serious misconduct. In previous matters, the Court has reinstated disbarred attorneys who met their heavy burden during a disbarment period of similar length to Petitioner. See, *In the Matter of Peter Joseph Payne, Jr.*, No. 197 DB 2012 (D. Bd. Rpt. 6/3/2019) (S. Ct. Order 7/22/2019) (reinstatement from disbarment after six years; misappropriation of \$500,000); *In the Matter of Stephen Greg Doherty*, 69 DB 2010 (D. Bd. Rpt. 9/13/2017) (S. Ct. Order 10/27/2017) (reinstatement from disbarment after seven years; criminal conviction for mail fraud, wire fraud, bankruptcy fraud, and money laundering); *In the Matter of Gerard Emmett Evans*, No. 10 DB 2001 (D. Bd. Rpt. 10/3/2008) (S. Ct. Order 12/15/2008) (reinstatement from disbarment after seven years; mail and wire fraud conviction); *In the Matter of Mark Allen Kovler*, 172 DB 2002 (D. Bd. Rpt. 5/15/2009) (S. Ct. Order 7/24/2009) (reinstatement from disbarment after five years and eleven months; fraudulent conveyance of home to insulate from judgment in a pending malpractice action).

Upon this record, we conclude that 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 integrity of the profession. Petitioner is fit to resume the practice of

law. At 37 years of age, Petitioner is still a young man with much to offer his community and the sincere desire to make good his previous lack of regard for the privilege of practicing law in this Commonwealth. The record supports giving Petitioner that opportunity. For these 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, Cory Adam Leshner, 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: 

John F. Cordisco, Vice-Chair

Date: 11/10/2020