

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2343 Disciplinary Docket No. 3  
: :  
Petitioner, : No. 15 DB 2017  
: :  
v. : Attorney Registration No. 92220  
: :  
BENJAMIN GERJOY PEREZ, : (Philadelphia)  
: :  
Respondent :

ORDER

PER CURIAM

AND NOW, this 8<sup>th</sup> day of May, 2019, upon consideration of the Report and Recommendations of the Disciplinary Board, Benjamin Gerjoy Perez is suspended from the Bar of this Commonwealth for a period of one year and one day, and he shall comply with all the provisions of Pa.R.D.E. 217. Respondent shall pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola  
As Of 05/08/2019

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 15 DB 2017
Petitioner	:	
	:	
v.	:	Attorney Registration No. 92220
	:	
BENJAMIN GERJOY PEREZ	:	
Respondent	:	(Philadelphia)

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 208(d)(2)(iii) of the Pennsylvania Rules of Disciplinary Enforcement, the Disciplinary Board of the Supreme Court of Pennsylvania (“Board”) herewith submits its findings and recommendations to your Honorable Court with respect to the above-captioned Petition for Discipline.

I. HISTORY OF PROCEEDINGS

By Petition for Discipline filed on October 4, 2017, Office of Disciplinary Counsel charged Respondent, Benjamin Gerjoy Perez, with violations of the Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement arising out of Respondent’s failure to appear for a Public Reprimand, the underlying matters therein, his criminal conviction of direct criminal contempt, and his failure to report that conviction. Following the parties’ stipulation to a one time twenty-day extension, Respondent filed an Answer to Petition for Discipline on November 27, 2017.

Following prehearing conferences on January 29, 2018 and June 6, 2018, the Hearing Committee ("Committee") conducted a disciplinary hearing on July 26, 2018. Petitioner presented the testimony of two witnesses and introduced into evidence Joint Stipulations of Fact, Law and Exhibits and Exhibits ODC-1 through ODC-14. Respondent testified on his own behalf in mitigation and introduced into evidence Exhibit R-1. Respondent did not present any witnesses.

Petitioner filed a Brief to the Hearing Committee on September 17, 2018, and requested that the Committee recommend to the Board that Respondent be suspended for one year and one day.

Respondent filed a Brief to the Hearing Committee on October 17, 2018, and requested that the Committee recommend to the Board that he be suspended for no more than one year, with the suspension stayed.

The Committee filed a Report on November 26, 2018, concluding that Respondent violated the Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement as charged in the Petition for Discipline and recommending that he be suspended for a period of one year and one day.

The parties did not take exception to the Committee's Report and recommendation.

The Board adjudicated this matter at the meeting on January 10, 2019.

## II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg,

Pennsylvania, is vested, pursuant to the Pennsylvania Rules of Disciplinary Enforcement ("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.

2. Respondent is Benjamin Gerjoy Perez, born in 1974 and admitted to practice law in the Commonwealth of Pennsylvania in 2004. Respondent's attorney registration address is 1222 Carlton Street, Philadelphia, PA 19107. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. Respondent has no record of prior discipline in Pennsylvania.

4. During the relevant time period in regard to the underlying matters, Respondent had registered addresses at:

a. 1500 John F. Kennedy Boulevard, Suite 131, Philadelphia PA 19102 ("JFK Boulevard address"); and

b. 305 W. 28<sup>th</sup> St., Apartment 2D, New York, NY10001 ("28<sup>th</sup> Street address").

ODC-1, ODC-2, ODC-3; N.T. 56-58.

Failure to Appear for Public Reprimand and Underlying Misconduct

5. By DB-7 Letters dated February 10, 2015, October 27, 2015, and July 25, 2016, Petitioner advised Respondent of allegations of misconduct against him in his representation of clients in the Woewiyu, Pollard, Hubbard, and Yates matters. Joint Stipulations ("Stip.") 7, 9, 11; ODC-1, ODC-2, ODC-3.

6. Respondent filed responses to the DB-7 Letters in the Woewiyu, Pollard and Hubbard matters but failed to file a response in the Yates matter. Stips. 9(a), 11(a); Petition for Discipline-5, Respondent's Answer-5.

7. In accordance with Pa.R.D.E. 208(a)(5), by Order dated February 9, 2017, a three-member panel of the Board approved the recommendation of a Hearing Committee Reviewing Member that Respondent be subject to a Public Reprimand with condition and two years of probation with conditions. Stip. 13; ODC-4.

8. By letter dated February 9, 2017, the Board notified Respondent that a three-member Board panel had ordered the imposition of a Public Reprimand with condition and probation for two years with conditions for his misconduct in the Woewiyu, Pollard, Hubbard and Yates matters, and specified the rules violated in each matter.

a. As a condition to the Public Reprimand, Respondent was required to notify the Board that he had contacted Ms. Hubbard and had offered to submit to binding arbitration before the Fee Dispute Committee of the Philadelphia Bar Association if Ms. Hubbard were to file a complaint with that organization and would refund to Ms. Hubbard the amount of any award in her favor within 30 days of the date of the award.

b. Respondent would be placed on probation for two years with conditions that he not violate any ethical or enforcement rules and that he file semi-annual reports.

Stip.15, Stip. 25; ODC-5.

9. The letter informed Respondent that if he did not want to accept the Public Reprimand, he had twenty days from the date of the letter notification to demand that formal charges be filed against him. ODC-5.

10. Board Prothonotary Marcee D. Sloan sent the February 9, 2017 letter to Respondent's JFK Boulevard address. Subsequently, Ms. Sloan was advised that Respondent's attorney registration address had changed. On February 22, 2017, Ms. Sloan resent the February 9, 2017 notification letter to Respondent's 28<sup>th</sup> Street address by certified mail, return receipt requested, and United States First Class Mail, postage prepaid. The certified mail and first class mail sent to the 28<sup>th</sup> Street address were not returned. N.T. 56-59.

11. Respondent received the February 9, 2017 letter.

12. Respondent did not demand that a formal proceeding be instituted against him with regard to the allegations giving rise to the imposition of the Public Reprimand, as set forth in the February 9, 2017 letter. N.T. 58.

13. By letter dated March 20, 2017, and addressed to Respondent at his 28<sup>th</sup> Street address, the Board notified Respondent of the expenses incurred in the investigation and prosecution of the instant matter. N.T. 64.

14. Respondent received this letter, but did not pay the costs. N.T. 64.

15. On March 20, 2017, Ms. Sloan sent a "Notice to Appear for Public Reprimand Following Informal Proceedings" to Respondent at his 28<sup>th</sup> Street address via certified and first class mail. The Notice required Respondent to appear in the District I office of Office of Disciplinary Counsel on April 5, 2017 at 10:00 a.m., for the imposition of the Public Reprimand. Both the certified mail and first class mail were returned. Stip. 17; N.T. 59; ODC-6.

16. Thereafter, Ms. Sloan requested that the Office of Disciplinary Counsel personally serve Respondent with the Notice to Appear. N.T. 59-60.

17. On March 22, 2017, Ted Budga, Office of Disciplinary Counsel Investigator, personally served Respondent with the Notice of Public Reprimand. Stip. 19; N.T. 21, 25-26; R-1.

18. Respondent received the Board's Notice and signed a copy of the Notice of Public Reprimand in the presence of Investigator Budga. Stip. 19(a), Stip. 28; N.T. 25-26; ODC-7.

19. Despite having receive the Notice of Public Reprimand, Respondent failed to appear at the April 5, 2017 Public Reprimand. Stip. 21.

20. At no time has Respondent provided proof that he has complied with the condition attached to the Public Reprimand. Stip. 25.

21. On April 5, 2017, as a result of Respondent's failure to appear for the Public Reprimand, Petitioner contacted Respondent by telephone to determine his whereabouts, during which conversation Respondent stated that he was in New York, and Petitioner informed Respondent that he was required to contact the Board regarding his failure to appear. ODC-14.

22. On April 5, 2017, Respondent telephoned Ms. Sloan and informed her that he intended to file "something" with the Board that would explain his failure to appear. N.T. 60-61; ODC-14.

23. Respondent failed to file with the Board any explanation for his absence at the scheduled Public Reprimand. N.T. 61-63.

24. On April 13, 2017 and April 17, 2017, Ms. Sloan contacted Respondent and left voice mail messages inquiring whether he planned to file a written response with the Board. N.T. 61.

25. Respondent did not return Ms. Sloan's telephone calls. N.T. 61-62.

26. As Respondent did not demand the institution of formal proceedings against him, he is conclusively deemed to have violated the Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement set forth in the Board's February 9, 2017 letter.

#### Criminal Conviction and Failure to Report

27. On May 2, 2014, Respondent appeared before the Honorable William Austin Meehan, Jr., of the Philadelphia Municipal Court for a scheduled preliminary hearing in the criminal matter of Stephen Masten. Stip. 29.

28. Following an on-the-record argument with Judge Meehan regarding the finding that Masten was competent to proceed to the preliminary hearing and Respondent's objections to the process, Judge Meehan ordered Respondent to proceed with representing Masten. Stip. 30.

29. Despite Judge Meehan's order to proceed with the preliminary hearing, and Respondent's on-going objections, Respondent departed the courtroom and failed to represent his client. Stip. 31.

30. As a result of Respondent's departure from the courtroom, Judge Meehan removed Respondent from the representation, continued the Masten matter for the appointment of new counsel, and determined that Respondent was in direct criminal contempt of court. Stip. 32.



31. On May 2, 2014, Judge Meehan entered a rule to show cause on Respondent to provide Respondent with an opportunity to defend the contempt citation. Stip. 33; ODC-8.

32. On April 27, 2015, following a hearing, Judge Meehan: 1) adjudged Respondent guilty of direct criminal contempt; and 2) sentenced Respondent to ten to twenty days of incarceration, five months of reporting probation, and a \$500 fine. Stip. 35; ODC-9.

33. On May 27, 2015, Respondent filed a Notice of Appeal to the Superior Court. Stip. 37; ODC-10.

34. On August 11, 2015, the Superior Court dismissed the Perez Appeal for Respondent's failure to comply with Pennsylvania Rule of Appellate Procedure 2517, relating to the requirement of filing a docketing statement. Stip. 39.

35. Although Respondent's appeal rights were later reinstated, the Superior Court dismissed the Perez Appeal on August 1, 2016, for failure to file a brief. Stips. 40-50.

36. On September 1, 2016, Respondent filed a Petition for Allowance of Appeal to the Supreme Court of Pennsylvania, which contained his registered New York address. Stip. 51.

37. By letter dated September 7, 2016, the Supreme Court Prothonotary notified Respondent that his Petition was defective and lacked: 1) proof of service; 2) proof of timely filing; and 3) the Superior Court Opinion. The letter required that Respondent make the corrections on or before September 21, 2016. Stip. 52.

38. By letter dated October 26, 2016, the Supreme Court Prothonotary notified Respondent that Respondent failed to perfect the filing of the Petition and marked the Petition administratively closed. Stip. 53(a).

39. On December 2, 2016, Judge Meehan, *inter alia*,

- a. Sentenced Respondent to ten to twenty days incarceration;
- b. ordered that Respondent receive credit for time served for eight days from September 19, 2016 to September 26, 2016;
- c. ordered immediate parole after two days; and
- d. ordered five months of reporting probation to run concurrent.

Stip. 54; ODC-11.

40. Respondent's direct criminal contempt delayed the prosecution of the Masten matter and required the Philadelphia Municipal Court to expend additional resources appointing new counsel.

41. Respondent failed to notify Petitioner of his criminal conviction. N.T.

63.

42. Respondent credibly testified at the disciplinary hearing.

43. Respondent testified that during the time frame of his misconduct, his life was in disarray in terms of: his living arrangements, which at one point caused him to be homeless; his finances; and his health, all of which affected his law practice. N.T. 93, 98, 108-110, 121, 127-128, 130-132, 135, 157.

44. Respondent accepted full responsibility for his actions, apologized to the Committee, and felt "terrible" about the clients that were impacted by his actions. N.T. 87-88, 139.

III. CONCLUSIONS OF LAW

By his failure to appear for the imposition of a Public Reprimand, Respondent violated the following Rules:

1. Pa.R.D.E. 203(b)(2) – Willful failure to appear before the Supreme Court, the Board or Disciplinary Counsel for censure, public or private reprimand, or informal admonition, shall be grounds for discipline.

2. RPC 8.4(d) - It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

By his failure to demand formal charges or appear for the administration of the Public Reprimand, Respondent is conclusively deemed to have violated the following Rules:

1. RPC 1.3 – A lawyer shall act with reasonable diligence and promptness in representing a client (Woewiyu, Hubbard, Yates).

2. RPC 1.4(a)(2) and 1.4(a)(4) - A lawyer shall: (2) reasonably consult with the client about the means by which the client’s objectives are to be accomplished; and (4) promptly comply with reasonable request for information (Woewiyu, Pollard, Hubbard, Yates).

3. RPC 1.4(a)(3) and 1.4(b) – A lawyer shall: (3) keep the client reasonably informed about the status of the matter; and (b) explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation (Hubbard, Yates).

4. RPC 1.16(d) – Upon termination of representation, a lawyer shall surrender papers and property to which the client is entitled and refund any advance payment of fee or expense that has not been earned or incurred (Hubbard, Yates).

5. RPC 5.5(a) – A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction (Yates).

6. RPC 8.4(c) - A lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation (Woewiyu, Hubbard).

7. RPC 8.4(d) – A lawyer shall not engage in conduct that is prejudicial to the administration of justice (Woewiyu, Yates).

8. Pa.R.D.E. 203(b)(3) – Willful violation of any other provision of the Enforcement Rules shall be grounds for discipline, *via*,

a. Pa.R.D.E. 217(b) – A formerly admitted attorney shall promptly notify, or cause to be promptly notified, all clients who are involved in pending litigation or administrative proceedings (Hubbard, Yates);

b. Pa.R.D.E. 217(c)(1) – A formerly admitted attorney shall promptly notify, or cause to be promptly notified, of the disbarment, suspension, administrative suspension or transfer to inactive status, all persons or their agents or guardians, including but not limited to wards, heirs and beneficiaries, to whom a fiduciary duty is or may be owed at any time after the disbarment, suspension, administrative suspension or transfer to inactive status (Hubbard, Yates);

c. Pa.R.D.E. 217(c)(2) – A formerly admitted attorney shall promptly notify, or cause to be promptly notified, of the disbarment, suspension, administrative suspension or transfer to inactive status, all

other persons with whom the formerly admitted attorney may at any time expect to have professional contacts under circumstances where there is a reasonable probability that they may infer that he or she continues as an attorney in good standing (Yates); and

d. Pa.R.D.E. 217(e)(1) – A formerly admitted attorney shall file with the Board a verified statement that the attorney has complied with the notification requirements regarding the lawyer’s transfer to administrative suspension.

9. Pa.R.D.E. 203(b)(7) – Failure by a respondent-attorney without good cause to respond to Disciplinary Counsel’s request or supplemental request under Disciplinary Board Rules, §87.7(b) for a statement of the respondent-attorney’s position, shall be grounds for discipline (Yates).

By his conduct involving his criminal conviction, Respondent violated the following

Rules:

1. RPC 8.4(b) – It is professional misconduct for a lawyer to commit a crime that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as lawyer in other respects.

2. RPC 8.4(c) - Is it professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

3. RPC 8.4(d) – It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

4. Pa.R.D.E. 203(b)(1) – Conviction of a crime shall be grounds for discipline.

By his failure to notify Office of Disciplinary Counsel of his criminal conviction,

Respondent violated the following Rules:

1. RPC 8.4(d) - It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.
2. Pa.R.D.E. 203(b)(3) *via* Pa.R.D.E. 214(a) – An attorney convicted of a crime shall report the fact of such conviction to the Office of Disciplinary Counsel within twenty days of the conviction.

#### IV. DISCUSSION

Herein, the Board considers Respondent's failure to appear for a Public Reprimand and his underlying misconduct in that matter; criminal conviction for direct criminal contempt; and failure to report that conviction to Petitioner. Petitioner bears the burden of proving ethical misconduct by a preponderance of clear and satisfactory evidence. ***Office of Disciplinary Counsel v. John T. Grigsby, III***, 425 A.2d 730, 732 (Pa. 1981). The Joint Stipulations, Petitioner's Exhibits and the witness testimony demonstrate that Petitioner met its burden of proving that Respondent engaged in professional misconduct.

The Board's task is to determine the appropriate level of discipline, bearing in mind that the recommended discipline must reflect facts and circumstances unique to the case, including circumstances that are aggravating or mitigating. ***Office of Disciplinary Counsel v. Joshua Eilberg***, 441 A.2d 1193, 1195 (Pa. 1982). Despite the fact-intensive nature of the endeavor, consistency is required so that similar misconduct "is not punished in radically different ways." ***Office of Disciplinary Counsel v. Robert***

**S. Lucarini**, 472 A.2d 186, 190 (Pa. 1983). Following our review of this matter, we conclude that a suspension for a period of one year and one day is appropriate

In February 2017, a three-member Board panel determined that Respondent be subject to a Public Reprimand with condition and two years of probation with conditions. The four matters in which Respondent's clients filed complaints conclusively show that Respondent generally neglected these clients during his representation; failed to communicate; missed important court dates; received compensation without providing legal services and failed to refund advanced fees; made misrepresentations; failed to notify a client that he had been transferred to administrative suspension; and failed to comply with Enforcement Rules. Respondent was entitled to demand formal charges in response to the Board's determination, but did not do so. In March 2017, the Board issued a Notice to Appear for a Public Reprimand on April 5, 2017. Respondent was personally served with the Notice and signed the document in the presence of ODC Investigator Budga. Respondent failed to appear for the Public Reprimand on April 5, 2017, and failed to demonstrate that he complied with conditions. Thereafter, although he was given the opportunity to explain his actions to the Board, Respondent failed to provide an explanation for his nonappearance.

As a result of Respondent's failure to demand formal proceedings against him and failure to appear for the administration of the Public Reprimand, Respondent is conclusively deemed to have violated the Rules of Professional Conduct and Rules of Disciplinary Enforcement set forth in the Woewiyu, Pollard, Hubbard and Yates matters.

In a separate matter, Respondent was convicted of direct criminal contempt. The facts demonstrate that in May 2014, Respondent appeared before Judge Meehan of the Philadelphia Municipal Court for a scheduled preliminary hearing. At the time of the

hearing, Respondent argued to Judge Meehan that he did not believe his client was competent to proceed, even though a legitimate determination had been made that the client was competent. Despite Judge Meehan's ordering Respondent to proceed with the preliminary hearing and represent his client, Respondent refused to do so and departed the courtroom. Immediately following Respondent's exit, Judge Meehan relieved Respondent of the representation and continued the matter to allow for the appointment of new counsel. Respondent's ill-advised action in ignoring a judge's order and abandoning his client resulted in Judge Meehan entering a rule to show cause on Respondent to defend a contempt citation. In April 2015, following a hearing, Judge Meehan adjudged Respondent guilty of direct criminal contempt and imposed a sentence of ten to twenty days of incarceration. Respondent's actions reflected adversely on his fitness as a lawyer and prejudiced the administration of justice by delaying the prosecution of the Masten matter and requiring the Court to expend additional resources appointing new counsel. Respondent compounded his misconduct by failing to report his conviction to the Office of Disciplinary Counsel.

Respondent credibly testified that he is genuinely sorry for his actions and the impact they had on his clients. Respondent's testimony was compelling as to his various personal difficulties, yet to his credit he emphatically explained that he was not trying to excuse his actions, and he apologized to the Committee. We also find in mitigation that Respondent has no prior history of discipline.

Although there is no *per se* rule of discipline for attorneys who have engaged in misconduct that includes failure to appear for a disciplinary sanction, a suspension of not less than one year and one day has been imposed in a number of cases. See, ***Office of Disciplinary Counsel v. Michael Paul Gordon***, 213 DB 2009 (D.



Bd. Rpt. 9/16/2011)(S. Ct. Order 12/22/2011)(Failure to appear for a Private Reprimand and comply with conditions after misconduct in two client matters); **Office of Disciplinary Counsel v. William W. McVay, III**, 112 DB 2002 (D. Bd. Rpt. 11/2/2004) (S. Ct. Order 1/31/2005)(failure to appear for a Private Reprimand; failure to provide an explanation to the Board; failure to respond to Petition for Discipline; failure to appear at the disciplinary hearing); **Office of Disciplinary Counsel v. Mary McNeill Zell**, 154 DB 2000 (D. Bd. Rpt. 4/4/2003) (S. Ct. Order 6/4/2003) (failure to appear for a Private Reprimand; failure to provide an explanation to the Board; prior history of private discipline; personal problems that remained unresolved at time of disciplinary hearing); **Office of Disciplinary Counsel v. Mark Jurikson**, 128 DB 2000 (D. Bd. Rpt. 9/19/2003) (S. Ct. Order 12/9/2003)(failure to appear for a private reprimand; failure to provide an explanation to the Board; prior instance of private discipline).

Lesser discipline was been imposed in a matter where an attorney failed to appear before Chief Disciplinary Counsel for an Informal Admonition. In the matter of **Office of Disciplinary Counsel v. Nicholas C. Stroumbakis**, 203 DB 2014 (D. Bd. Rpt. 12/8/2015) (S. Ct. Order 4/13/2016), the Supreme Court suspended respondent-attorney for a period of six months after he failed to appear for an Informal Admonition and failed to fulfill conditions in one client matter, and in mitigation had no prior record of discipline.

In one matter, a respondent-attorney's failure to appear before the Board for the imposition of a Public Reprimand resulted in the Supreme Court imposing a Public Censure. **Office of Disciplinary Counsel v. James E. Tone**, No. 152 DB 2015 (D. Bd. Rpt. 6/12/2017) (S. Ct. Order 6/26/2017).

In addition to Respondent's failure to appear for the imposition of discipline, he was convicted of direct criminal contempt after he disregarded a judge's directive and

walked out of the courtroom in the midst of his client's preliminary hearing. Respondent failed to report his conviction to Office of Disciplinary Counsel. Public discipline has been imposed in matters involving criminal contempt convictions. In the matter of ***Office of Disciplinary Counsel v. Kevin Mark Wray***, 19 DB 2017 (S. Ct. Order 7/6/2017), the respondent-attorney was suspended for one year and one day on consent following his conviction of one count of criminal contempt for failing to appear for a scheduled criminal trial, requiring the court to provide stand-in counsel to the client. The respondent-attorney failed to report his conviction to Office of Disciplinary Counsel. In the matter of ***Office of Disciplinary Counsel v. James T. Marsh***, 52 DB 2017 (D. Bd. Order 4/24/2017), the Board imposed a Public Reprimand on the respondent-attorney for his conviction of direct criminal contempt involving his misrepresentation to the court and his dishonest conduct in another matter.

Upon this record, and in light of the guiding decisional law, the Board concludes that a suspension of one year and one day is appropriate. Respondent demonstrated a lack of respect for the disciplinary system by failing to appear for his Public Reprimand and failing to meet conditions. The misconduct that led to the reprimand was not trivial, as it involved four clients and resulted in public discipline. Respondent exhibited disrespect for judicial authority and abandoned his client when he walked out of Judge Meehan's courtroom during a proceeding on the basis that he did not agree with the judge's directive.

While Respondent displayed genuine contrition and appreciation for the significance of his serious misconduct over the past four years, a suspension of Respondent's license is warranted in order to protect the public and preserve the integrity of the bar and the legal profession. ***Office of Disciplinary Counsel v. John J. Keller***,

506 A.2d 872, 875 (Pa. 1986). Respondent has repeatedly demonstrated a lack of fitness to practice law and must be prohibited from representing clients until he can prove his fitness to do so.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, Benjamin Gerjoy Perez, be Suspended for one year and one day from the practice of law in this Commonwealth.

It is further recommended that the expenses incurred in the investigation and prosecution of this matter are to be paid by the Respondent.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

By:   
MDJ Robert L. Repard, Member

Date: 3/1/19

Board Chair Cali and Members Fitzsimons, Cordisco and Lehocky recused.