IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2379 Disciplinary Docket No. 3
	:	
Petitioner	:	No. 164 DB 2016
	:	
v.	:	Attorney Registration No. 49522
	:	
JEFFREY ALAN HULTON,	:	(Allegheny County)
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 12th day of June, 2017, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board, the Joint Petition in Support of Discipline on Consent is granted, and Jeffrey Alan Hulton is suspended on consent from the Bar of this Commonwealth for a period of one year and one day. The suspension is stayed in its entirety, and he is placed on probation for a period of two years, subject to the following conditions:

1. Respondent shall continue treatment with a mental healthcare professional as recommended by Dr. Burton Singerman, M.D., M.P.H.;
2. Respondent shall cooperate with the directions of the mental healthcare professional supervising his treatment, take medications as prescribed, and engage in therapy and counseling sessions as directed;
3. Respondent shall cause the mental healthcare professional supervising his treatment to make written reports, attaching treatment notes, to the Secretary of the Board on a quarterly basis during his probation;

4. The written reports shall verify Respondent's continued counseling and treatment;
5. Respondent shall continue treatment with a physician with regard to his Type II Diabetes;
6. Respondent shall cooperate with directions of his physician supervising his treatment, including, but not limited to, taking all prescribed medications;
7. Respondent shall obtain a practice monitor, approved by the Office of Disciplinary Counsel, who will meet with Respondent at Respondent's office and make quarterly reports to the Secretary of the Board;
8. Respondent shall submit quarterly reports and documentation to Petitioner in which he attests to his compliance with Rule of Professional Conduct 1.15;
9. At the conclusion of the prescribed period of probation, Respondent shall apply for termination of probation in accordance with §89.294 of the Disciplinary Board Rules; and
10. Respondent shall pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 6/12/2017

Attest: Patricia Nicola
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	
	:	
Petitioner	:	No. 164 DB 2016
	:	
v.	:	
	:	
JEFFREY ALAN HULTON,	:	Attorney Registration No. 49522
	:	
Respondent	:	(Allegheny County)

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

OFFICE OF DISCIPLINARY COUNSEL

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CHIEF DISCIPLINARY COUNSEL

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and

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(412) 392-0330

FILED
4/18/2017
The Disciplinary Board of the
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	
Petitioner	:	No. 164 DB 2016
v.	:	
JEFFREY ALAN HULTON,	:	Attorney Registration No. 49522
Respondent	:	(Allegheny County)

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

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Jana M. Palko, Disciplinary Counsel, and Respondent, Jeffrey Alan Hulton, Esquire, and Jeffrey Marc Robinson, Esquire and Robert O. Lampl, Esquire, Counsels for Respondent, file this Joint Petition In Support Of Discipline On Consent Under Rule 215(d), Pa.R.D.E. and respectfully represent as follows:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P. O. Box 62485, Harrisburg, Pennsylvania 17106-2485, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereafter "Pa.R.D.E."), with the power and the duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

2. Respondent, Jeffrey Alan Hulton, was born in 1962. He was admitted to the bar of the Courts of Commonwealth of Pennsylvania on November 9, 1987.

3. Respondent's attorney registration office address is Law & Finance Building, 429 Fourth Avenue, Ste. 1201, Pittsburgh, PA 15219.

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

SPECIFIC FACTUAL ADMISSIONS AND RULES OF PROFESSIONAL CONDUCT VIOLATED

5. In August of 2012, Charlotte David retained Respondent to represent her with regard to personal injuries that she sustained in a motor vehicle accident in Washington County, Pennsylvania.

6. Respondent was authorized to represent Ms. David in any claims or actions arising out of the motor vehicle accident, and his fee for the representation was to be twenty-five (25) percent of the gross amount of all monies received by compromise or settlement before filing suit, thirty three and one third (33 1/3) percent of monies after filing suit, or forty (40) percent of monies received after commencement of the civil trial by settlement or verdict.

7. In November of 2012, Respondent signed a letter of protection for the Physical Therapy and Rehabilitation Clinic in Atlasburg, Pennsylvania for amounts that Ms. David owed for treatment she received at the Clinic due to her injuries from the motor vehicle accident.

8. In June of 2013, Respondent was notified that the final amount due to the Physical Therapy and Rehabilitation Clinic for Ms. David's treatment totaled $12,348.

9. A settlement was reached on June 25, 2013 between Ms. David's insurance provider, United Services Automobile Association (hereinafter "USAA"), and Respondent on behalf of Ms. David.

10. On June 26, 2013, Ms. David executed an Uninsured Motorist Coverage Release for her claim. By this Release, USAA was discharged from uninsured motorist bodily injury coverage on Ms. David's policy for the July 20, 2012 accident in consideration of the sum of $30,000.

11. On or about July 24, 2013, USAA issued check number 0005797028, made payable to Respondent and Ms. David in the amount of $30,000, for the uninsured motorist bodily injury coverage.

12. On July 29, 2013, Respondent and Ms. David met, Ms. David endorsed the check from USAA, and Respondent took the endorsed check.

13. On that same date, Respondent deposited the proceeds of the check from USAA into his PNC Bank IOLTA Account No. xxxx3811.

14. The deposit of the $30,000 check raised the balance in Respondent's IOLTA Account to $30,020.

15. On July 29, 2013, when Respondent deposited the check from USAA, he was still entrusted with $22,500 on behalf of Ms. David ($30,000, less his $7,500 fee).

16. Respondent failed to promptly disburse to Ms. David her share of the proceeds.

17. Respondent failed to notify the Physical Therapy and Rehabilitation Clinic of the settlement in Ms. David's case.

18. Respondent failed to satisfy Ms. David's outstanding medical bills with the Physical Therapy and Rehabilitation Clinic, which totaled $12,348.

19. From August 1, 2013 through July 2, 2014, Respondent negotiated checks payable to himself from his IOLTA account, and made other disbursements from his IOLTA Account, funded by the money with which he was entrusted for Ms. David.

20. Those transactions reduced the IOLTA account balance to $220 by November 30, 2013, but none of the disbursements were made to or on behalf of Ms. David.

21. Respondent misappropriated almost the entire amount with which he had been entrusted on behalf of Ms. David.

22. Between December 1, 2013 and April 15, 2014, the balance in Respondent's IOLTA Account remained at $220.

23. On April 16, 2014, Respondent deposited $100 cash into his IOLTA account, increasing the balance in that account to $320.

24. From approximately mid-July of 2013 to mid-April of 2014, Ms. David attempted to contact Respondent many times, via telephone calls and text messages,

regarding her portion of the settlement proceeds, but she was unsuccessful in reaching him.

25. Unable to reach him, Ms. David left messages for Respondent inquiring about disbursement of her share of the settlement proceeds and the possibility of filing another civil action against the driver of the vehicle that hit her.

26. Respondent failed to return Ms. David's calls or respond to her emails.

27. Respondent failed to disburse to Ms. David the settlement proceeds with which he was entrusted on her behalf.

28. On or about April 22, 2014, at approximately 2:55 P.M., Ms. David called Respondent's office.

29. On or about April 23, 2014, Respondent returned Ms. David's call.

30. In that call, among other things, Respondent claimed that he had already sent part of the settlement proceeds to Ms. David a few months prior, stated that, after he deducted his fee, he would send another check to Ms. David within a few days, and stated that a complaint in civil action had been filed against the other driver on her behalf in the Court of Common Pleas of Washington County.

31. Respondent's statements to Ms. David that he had sent funds to her as a partial distribution of her settlement proceeds, and that he had filed a civil action in Washington County on her behalf, were false.

32. Despite having promised Ms. David that he would send to her a check within a few days of their April 23, 2014 call, Respondent did not do so.

33. On or about May 6, 2014, at approximately 11:55 A.M., Ms. David sent a text to Respondent informing him that she had not received a check for her portion of the settlement funds, and she again provided Respondent with an address to which he should send her money.

34. Respondent replied to Ms. David's text by stating that he would look into it, or words to that effect.

35. Respondent again failed to promptly disburse to Ms. David her share of the settlement proceeds with which he was entrusted.

36. On May 20, 2014, Respondent made a disbursement to himself in the amount of $200, thereby decreasing the balance in his IOLTA account to $120.

37. On or about May 20, 2014, at approximately 2:05 P.M., Ms. David sent Respondent a text message requesting a meeting with him about several questions she had, and inquiring when she could meet with him during that week.

38. Respondent failed to reply to Ms. David's text, and failed to otherwise communicate with her about her legal matters.

39. On or about June 4, 2014, having not received any portion of her share of the settlement proceeds, nor any response from Respondent about her case, Ms. David filed a disciplinary complaint against Respondent.

40. On June 27, 2014, Ms. David filed a claim with the Pennsylvania Lawyers Fund for Client Security (hereinafter "PaLFCS") regarding this matter.

41. On July 9, 2014, the PaLFCS sent to Respondent a letter, by first class and certified mail, regarding the claim filed against him by Ms. David.

42. On July 16, 2014, Respondent filed a civil action in Washington County against Mr. McAnany on behalf of Ms. David.

43. On or about July 21, 2014, Respondent sent to Ms. David a text message stating that he was aware of her complaint to PaLFCS, and asked her what she wanted him to do about it.

44. On July 29, 2014, Respondent deposited $30,000 of his personal funds into his IOLTA account ending in xxxx3811.

45. Specifically, on July 29, 2014, Respondent deposited into his IOLTA account check number 709, which was drawn on his personal PNC Bank personal account ending in xxxx2093, and written in the amount of $30,000.

46. The source of this $30,000 deposit was the proceeds of a mortgage note that Respondent took out against 523 Orchard Street, Carnegie, PA 15106, a parcel of land of which Respondent is the record owner.

47. Under cover of a letter to Ms. David dated August 5, 2014, sent by certified mail, return receipt requested, a copy of which was also sent to the PaLFCS, Respondent forwarded to Ms. David check number 1037, drawn on his

PNC IOLTA account ending in xxxx3811, and made payable to Ms. David in the amount of $30,000.

48. This $30,000 sum included both Ms. David's portion of the settlement with USAA, as well as Respondent's fee, which he chose to forego.

49. On August 8, 2014, Respondent called Ms. David, and in that call Respondent informed her that he had mailed the check to her, requested that she withdraw the complaint against him, and notified her that he had filed a civil action on her behalf against Mr. McAnany.

50. On August 15, 2014, a DB-7 Letter of Inquiry was sent to Respondent by first class and certified mail, return receipt requested, regarding this matter.

51. On November 13, 2014 by hand-delivery, Respondent provided a statement of his position.

52. In his statement, Respondent admitted, among other things, that he "co-mingle[d] a client's funds" and that he "took the client's money because [he] could not make mortgage and tax payments and panicked."

53. In his statement, Respondent claimed that the reason he did not make prompt disbursement to Ms. David was because he had agreed to protect the lien of Ms. David's physical therapist, and that he "was in the process of negotiating a resolution with [Ms. David's] physical therapist" and thus "could not release the funds [to Ms. David] until that was resolved."

54. In fact, Respondent did not work with anyone at the Physical Therapy and Rehabilitation Clinic to negotiate a resolution of Ms. David's claim.

55. On December 1, 2014, a Supplemental DB-7 Letter of Inquiry was sent to Respondent by first class and certified mail, return receipt requested, regarding this matter.

56. By letter dated January 9, 2015, Respondent responded to the Supplemental DB-7.

57. In that response, among other things, Respondent admitted to misappropriating the funds entrusted to him on behalf of Charlotte David, stating that he "used the withdrawals to pay expenses for my family and me."

58. In that response, Respondent admitted that he had not yet paid the physical therapy lien, and again claimed that he was "negotiating with the provider...in order to attempt to reduce the lien."

59. In fact, Respondent was not negotiating with anyone at the Physical Therapy and Rehabilitation Clinic regarding the lien against Ms. David.

60. By Respondent's conduct as alleged in paragraphs 5 through 59, Respondent violated Rules of Professional Conduct 1.3, 1.4(a)(3), 1.4(a)(4), 1.15(b), 1.15(e), and 8.4(c), as follows:

(a) Respondent did not act with reasonable diligence and promptness in representing Ms. David as to the civil action that he failed to file on her behalf until July of 2014, in violation of Rule of Professional Conduct 1.3.

(b) Respondent did not keep Ms. David reasonably informed about the status of her matter, in violation of Rule of Professional Conduct 1.4(a)(3).

(c) Respondent did not promptly comply with Ms. David's reasonable requests for information, in violation of Rule of Professional Conduct 1.4(a)(4).

(d) Respondent did not hold entrusted funds on behalf of Ms. David separate from his own property, and did not identify nor appropriately safeguard said funds, in violation of Rule of Professional Conduct 1.15(b).

(e) Respondent did not promptly deliver to Ms. David the entrusted funds that she was entitled to receive, in violation of Rule of Professional Conduct 1.15(e).

(f) Respondent engaged in conduct involving dishonesty, fraud, deceit or misrepresentation by misappropriating funds entrusted to him on behalf of Ms. David, in violation of Rule of Professional Conduct 8.4(c).

(g) Respondent engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in falsely representing that he had been negotiating Ms. David's lien with the physical therapy provider, in falsely representing to Ms. David that he had sent funds to her as a partial distribution of her settlement proceeds, and in falsely representing that he had filed a civil action in Washington County on her behalf in or before April of 2014 when in fact it was not filed until July of 2014, in violation of Rule of Professional Conduct 8.4(c).

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

61. Respondent has no record of prior discipline in 30 years of practice.

62. Respondent has made restitution in full to Ms. David.

63. Ms. David received $30,000 in total from Respondent, as Respondent chose to forego his $7,500 fee.

64. Respondent satisfied the lien against Ms. David for $7,408.80.

65. Respondent has agreed to waive his right to a hearing in this disciplinary matter.

66. Respondent has offered psychiatric evidence that would satisfy the standard set forth in *Office of Disciplinary Counsel v. Braun*.

67. A psychiatric evaluation was performed by Dr. Burton Singerman, M.D., M.P.H. on February 18 and 27, 2017:

(a) Respondent told Dr. Singerman that he began having mental health trouble in 2000, after he left a his job as Associate General Counsel for JLG Corporation, and he and a fellow attorney friend formed a partnership.

(b) Respondent told Dr. Singerman that, shortly after forming the partnership, it became apparent that Respondent's friend was not treating him as an equal and would say negative things to him, which caused him to feel angry and paralyzed, and he began to have trouble functioning at his normal level.

(c) Respondent told Dr. Singerman that he felt that he could not leave the partnership with his friend, stating that he had a lack of self-confidence and felt paralyzed.

(d) Respondent told Dr. Singerman that others had expressed concern regarding his mental health during this time period, and that he knew he was depressed, but had a negative view of seeking mental health help.

(e) Respondent told Dr. Singerman that he struggled with significant personal difficulties as well during this time, with his mother having a significant stroke in 2009, and dealing with a tumultuous 20-year relationship with his girlfriend.

(f) Respondent told Dr. Singerman that he moved in with his mother after she had the stroke, and was responsible for her care, physically and financially.

(g) Respondent told Dr. Singerman that he was told to leave the partnership with his friend in mid-2014, and that he set up his own law firm in December of 2014.

(h) Respondent told Dr. Singerman that, in addition to leaving the toxic situation at the partnership, he has made other personal changes in his life as well, including taking medication for his mental health issues, working with a psychotherapist at Western Psychiatric Institute and Clinic, ending the difficult

relationship with his long term girlfriend, and enlisting the help of an aid who comes to the house several times a week to assist his mother.

68. In his report of March 1, 2017, among other things, Dr. Singerman states that, in his opinion:

(a) He feels that he has "sufficient knowledge to give accurate information with regard to the questions" Respondent's counsel has asked of him for purposes of the report, including having reviewed Respondent's medical records and therapist notes, as well as the Petition for Discipline in this matter and Respondent's response.

(b) Respondent was in a "severely depressed state during his period of ethical misconduct."

(c) Respondent's "mental state decreased his capacity and impaired his judgment to a degree that led him into ethical lapses".

(d) Respondent's "diminished capacity was clearly a substantial contributing factor to his active misconduct."

(e) Respondent "never suffered a significant depression until beset by the stresses described" in the report.

(f) The "injuries to [Respondent's] self-esteem and his own rage at leaving a quality job [with JLG Corporation] to put himself in a very adverse position [in the partnership with his friend] played a major role in the severity of his depression."

69. As to a prognosis, Dr. Singerman states in his March 1, 2017 report, among other things, that:

(a) Respondent's depression has improved on medication and with the psychotherapy at Western Psychiatric Institute and Clinic, both of which he began in the fall of 2014.

(b) Considering Respondent's "present mood state and the positive movement he has made in his own law firm, which has markedly improved his self-esteem, I believe the probability of his having a recurrence of his major depression is minimal."

(c) He believes that Respondent "is not a danger to the public."

(d) Respondent has "expressed substantial remorse to me about his misconduct, which is further evidence of his marked improvement."

(e) He does not believe that Respondent is in "urgent need of mental health care, given his present circumstances."

(f) Respondent "is an innately honest and ethical man. I doubt there will be any further ethical lapses in his legal career."

70. As far as a recommendation for Respondent moving forward, Dr. Singerman states in his March 1, 2017 report that he believes that Respondent "would benefit from approximately three years of individual psychotherapy occurring at least monthly and addressing his self-blaming tendencies, which helped escalate the severity of his depression."

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension of one year and one day, stayed in its entirety, with probation for a period of two years from the effective date of the stayed suspension.

The probationary conditions require Respondent to have a practice monitor for the duration of his probation, to continue with his mental health treatment, with regular reports from his treating professional submitted to the Disciplinary Board every quarter, and to continue with his treatment with a physician for his Type II Diabetes. This sanction recognizes the serious nature of the conduct while affording Respondent mitigation for his mental health disorder per *Office of Disciplinary Counsel v. Braun*. The probation requirements during the time frame ensure that the Board will be notified if it appears that Respondent's mental health issues have reemerged.

In *Office of Disciplinary Counsel v. Michael Howard Marks*, 80 DB 2015, the Disciplinary Board approved a joint petition by which Marks received an eighteen month stayed suspension with eighteen months of probation with conditions. In that case, after three checks (each drawn on his IOLTA Account) were returned to him for insufficient funds, Marks received correspondence from the Pennsylvania Lawyers Fund for Client Security (hereinafter "the Fund") requesting a written, documented explanation for the NSF. The matter was referred to the Office of Disciplinary Counsel for further investigation, and Marks ultimately admitted to misappropriating a total of approximately $11,000 on two occasions, eight months apart, which he used to meet his payroll

obligations. After receiving an inquiry from the Fund, but before receiving a DB-7 letter of inquiry from the Office of Disciplinary Counsel, Marks replaced the misappropriated funds with his personal funds, which he deposited into his IOLTA Account to cover the shortfall from the misappropriation.

Marks showed remorse and had no prior record of discipline in 33 years of practice. Through counsel, Marks provided the Office of Disciplinary Counsel with documented evidence of mitigation which met the standard set forth in *Braun.* After examination and evaluation, the doctor found that Marks suffered from major depression, anxiety, low self-esteem and had a prior addiction to alcohol and marijuana. The doctor concluded that those issues, combined with Marks' mounting financial difficulties and other personal stressors, were strong causal factors in Marks' misconduct. Marks had been treating with a therapist for years for his mental health issues. By Order dated July 15, 2015, the Supreme Court agreed with the recommendation of the Board, and granted the joint petition, suspending Marks for eighteen months, with the suspension stayed in its entirety, and placing Marks on probation for eighteen months.

Like Marks, Respondent used the funds he misappropriated to cover personal obligations, and then replaced the misappropriated funds with personal funds by depositing same into his IOLTA Account. Both Marks and Respondent replaced the misappropriated funds after becoming aware of an investigation by the Fund, but before receiving a DB-7 letter of inquiry from Petitioner. Respondent, through his counsel, has provided Petitioner with documented evidence of mitigation which meets the standard

set forth in *Office of Disciplinary Counsel v. Braun*, as set forth above, and has also been treating with a therapist for several years.

Although the Supreme Court Order in Marks was for a stayed suspension of eighteen months and the proposed sanction for Respondent is a stayed suspension for one year and one day, a distinguishing factor is that Respondent, in addition to making full restitution to his client, also satisfied the third party lien on behalf of his client and elected to forego his $7,500 fee.

In *Office of Disciplinary Counsel v. Mizner*, 46 DB 2007, the Disciplinary Board, after hearing, recommended a stayed suspension of five years. After eighteen years as a member of the bar with an otherwise good reputation, Mizner was found to have engaged in misappropriation of law firm funds through his acts of submitting false claims for reimbursement for travel expenses over a period of six or seven months. Mizner's misappropriation totaled $70,000. He admitted his misconduct and cooperated with Petitioner's investigation. At his disciplinary hearing, Mizner presented expert testimony that he suffered from an obsessive compulsive disorder which substantially caused his misconduct. Both the hearing committee and the Board found Mizner's expert testimony to be sufficient to warrant consideration as mitigation of his misconduct pursuant to *Braun*. The Supreme Court agreed.

Although the Board's recommendation in *Mizner* was for a stayed suspension of five-years and the proposed sanction for Respondent is a stayed suspension for one year and one day, Respondent misappropriated far less than did Mizner, and Mizner

exercised his right to a hearing. Further, Respondent in the case at bar has chosen to forego litigating the matter in a disciplinary hearing. Both Mizner and Respondent reimbursed their respective victims for the direct losses, but Respondent also satisfied third party lien on behalf of his client and also elected to forego his $7,500 fee. As in *Mizner*, Respondent has offered significant evidence that warrants consideration pursuant to *Braun*.

Respondent is represented by counsel in this matter. Respondent is 54 years old and was admitted to the Bar of this Commonwealth in 1987. He has admitted that he misappropriated the funds belonging to his client. He has made restitution in full to his client, and has in addition paid approximately $15,000 to or on behalf of that client, having paid her outstanding physical therapy lien and refunded to her his fee. He has no prior disciplinary history. No subsequent complaints have been received by Petitioner against Respondent. After retaining counsel, Respondent began cooperating with Petitioner's investigation, and he is now agreeable to a negotiated resolution. Respondent is a solo practitioner whose law practice is concentrated in general civil law, including personal injury, estate law, and real estate transactions. His elderly mother resides with him, and he is her main source of care and support. As a solo practitioner, an active suspension would present a major disruption in all of Respondent's clients' cases, as he would have no one to whom he could easily transition his caseload, leaving each of his clients with no other choice than to seek other counsel on their own. Further, an active suspension would impact Respondent's dependent mother, who relies upon him for support. Based upon the facts of this case and a review of the relevant case law, a stayed suspension of one year and one day,

with an attendant period of probation and appropriate conditions, will be a proper disposition.

Respondent hereby consents to the discipline being imposed upon him. Attached to this Petition is Respondent's executed Affidavit required by Rule 215(d), Pa.R.D.E., stating that he consents to the recommended discipline and includes the mandatory acknowledgements contained in Rule 215(d)(1) – (4), Pa.R.D.E.

WHEREFORE, Petitioner and Respondent respectfully request that, pursuant to Rule 215(e) and 215(g), Pa.R.D.E., the three-member panel of the Disciplinary Board review and approve the above Joint Petition In Support Of Discipline On Consent for the imposition of a suspension from the Bar of the Commonwealth of Pennsylvania for a period of one year and one day, stayed in its entirety, with a concurrent period of probation for two years, subject to the following conditions:

1. Respondent shall continue his treatment with a mental health professional as recommended by Dr. Singerman;

2. Respondent shall cooperate with directions of the mental health professional supervising his treatment, including but not limited to continuing to take medications as prescribed, and engaging in therapy and counselling sessions as directed.

3. Respondent shall cause the mental health professional supervising his treatment to make written reports, attaching treatment notes, directed to the Secretary of the Board on a quarterly basis during his probation.

4. The written reports shall verify Respondent's continued counseling and treatment.

5. Respondent shall continue treatment with a physician with regard to his Type II Diabetes.

6. Respondent shall cooperate with directions of his physician supervising his treatment, including but not limited to taking all prescribed medications.

7. Respondent shall have a practice monitor, approved by Petitioner, who will meet with Respondent at Respondent's office and make quarterly reports to the Secretary of the Board.

8. Respondent shall submit quarterly reports and documentation to Petitioner in which he attests to his compliance with Rule of Professional Conduct 1.15.

9. At the conclusion of the prescribed period of probation, Respondent shall apply for termination of probation in accordance with §89.294 of the Disciplinary Board Rules.

10. Respondent shall pay costs to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

By_____
Jana M. Palko
Disciplinary Counsel

and

By_____
Jeffrey Alan Hulton, Esquire
Respondent

and 4/18/17

By_____
Robert O Lampl, Esquire
Counsel for Respondent

and 4/18/17

By_____
Jeffrey Marc Robinson, Esquire
Counsel for Respondent

Approved By

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	
Petitioner	:	No. 164 DB 2016
v.	:	
JEFFREY ALAN HULTON,	:	Attorney Registration No. 49522
Respondent	:	(Allegheny County)

VERIFICATION

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

4-18-17
Date

Jana M. Palko
Disciplinary Counsel

4/18/17
Date

Jeffrey Alan Hulton, Esquire
Respondent

4/18/17
Date

Jeffrey Marc Robinson, Esquire
Counsel for Respondent

4/18/17
Date

Robert O Lampl, Esquire
Counsel for Respondent

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4-18-17
Date

Jana M. Palko
Disciplinary Counsel

Date

Jeffrey Alan Hulton, Esquire
Respondent

4/18/17
Date

Jeffrey Marc Robinson, Esquire
Counsel for Respondent

4/18/17
Date

Robert O Lampl, Esquire
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
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OFFICE OF DISCIPLINARY COUNSEL,	:	
Petitioner	:	No. 164 DB 2016
v.	:	
JEFFREY ALAN HULTON,	:	Attorney Registration No. 49522
Respondent	:	(Allegheny County)

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

Respondent, Jeffrey Alan Hulton, hereby states that he consents to a four-year suspension from the Bar of the Commonwealth of Pennsylvania, stayed in its entirety, with a concurrent four-year period of probation, subject to the conditions set forth above, as jointly recommended by Petitioner, Office of Disciplinary Counsel, and Respondent, in the Joint Petition In Support Of Discipline On Consent and further states that:

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

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

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

4. He consents because he knows that if the matter pending against him is prosecuted, he could not successfully defend against the charges.

Jeffrey Alan Hulton
Respondent

Sworn to and subscribed
before me this 18th
day of April, 2017.

Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Dawn L. Goob, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires Sept. 23, 2019
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES