

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1548 Disciplinary Docket No. 3
Petitioner :
 :
 :
 :
v. : Nos. 175 and 193 DB 2009
 :
 :
 :
LANCE DAVID LEWIS, : Attorney Registration No. 80791
Respondent : (Montgomery County)

ORDER

PER CURIAM:

AND NOW, this 7th day of May, 2010, there having been filed with this Court by Lance David Lewis his verified Statement of Resignation dated March 1, 2010, stating that he desires to resign from the Bar of the Commonwealth of Pennsylvania in accordance with the provisions of Rule 215, Pa.R.D.E., it is

ORDERED that the resignation of Lance David Lewis is accepted; he is disbarred on consent from the Bar of the Commonwealth of Pennsylvania; and he shall comply with the provisions of Rule 217, Pa.R.D.E. Respondent shall pay costs, if any, to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.

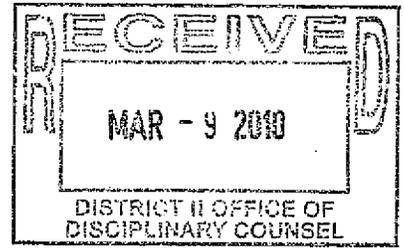
A True Copy John A. Vaskov
As of: May 7, 2010.
Attest: 
Deputy Prothonotary
Supreme Court of Pennsylvania

**BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL	:	No. 1548 Disciplinary Docket No. 3
Petitioner	:	
	:	Nos. 175 & 193 DB 2009
v.	:	
	:	Attorney Registration No. 80791
LANCE DAVID LEWIS	:	
Respondent	:	(Montgomery County)

RESIGNATION BY RESPONDENT

Pursuant to Rule 215
of the Pennsylvania Rules of Disciplinary Enforcement



BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner : No.193 DB 2009
: (File Nos. C2-08-1019; C2-08-1101)
:
: No. 175 DB 2009
v. : (File No. C2-09-701)
:
: Attorney Registration No. 80791
LANCE DAVID LEWIS, :
Respondent : (Montgomery County)

RESIGNATION
UNDER RULE 215, Pa.R.D.E.

Respondent, hereby tenders his resignation from the practice of law in the Commonwealth of Pennsylvania in conformity with Rule 215, Pa.R.D.E. and further states as follows:

1. He is a formerly admitted attorney in the Commonwealth of Pennsylvania having been admitted to the bar on or about December 17, 1997 and placed on Inactive Status by this Honorable Court by Order, dated August 25, 2008.
2. He desires to submit his resignation as a member of said bar.
3. His resignation is freely and voluntarily rendered; he is not being subjected to coercion or duress and he is fully aware of the implications of submitting this resignation.
4. He is aware that there is presently pending an investigation into allegations that he has been guilty of misconduct, the nature of which allegations have been made known to him in a

Petition for Discipline docketed at No. 193 DB 2009 and a Petition for Discipline docketed at 175 DB 2009. True and correct copies of the Petitions for Discipline are attached hereto, made a part hereof and marked as Exhibit "A" and Exhibit "B" respectively.

5. He acknowledges that the material facts upon which the allegations of the complaints contained in Exhibit "A" and Exhibit "B" are based are true.

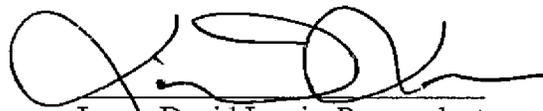
6. He submits the within resignation because he knows that he could not successfully defend himself against the charges of professional misconduct set forth in the attached Exhibit "A" and Exhibit "B".

7. He is fully aware that the within resignation statement is irrevocable and that he can apply for reinstatement to the practice of law only pursuant to the provisions of Rule 218, Pa.R.D.E.

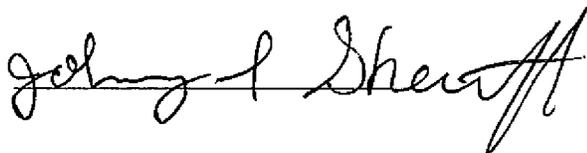
8. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He ~~has~~ ^{did} ~~not~~ retained, consulted and acted upon the advice of counsel in connection with this decision to execute the within resignation.

It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904 (relating to unsworn falsification to authorities).

Signed this 1st day of March, 2010.


Lance David Lewis, Respondent

WITNESS:



BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 193 DB 2009
Petitioner :
 :
v. : Attorney Reg. No. 80791
 :
LANCE DAVID LEWIS, :
Respondent : (Montgomery County)

PETITION FOR DISCIPLINE

Petitioner, the Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Patricia A. Dugan, Disciplinary Counsel, files the within Petition for Discipline and charges Respondent, Lance David Lewis, with professional misconduct in violation of the Rules of Professional Conduct and the Pennsylvania Rules of Disciplinary Enforcement as follows:

1. Petitioner, whose principal office is situated at Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62485, Harrisburg, Pennsylvania, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter "Pa.R.D.E."), with the power and duty to investigate all matters involving alleged misconduct of any 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.

BE A TRUE AND CORRECT COPY
Patricia A. Dugan

FILED

NOV 23 2009

Office of the Secretary
The Disciplinary Board

EXHIBIT "A"

2. Respondent, Lance David Lewis, was born on February 3, 1966 and was admitted to practice law in the Commonwealth on December 17, 1997.

3. Respondent was placed on inactive status on September 6, 2008 by Order of the Supreme Court.

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

CHARGE I: The Willa R. Fawer, Esquire Matter

5. Willa R. Fawer, Esquire is the Chief Operating Officer of HIRECounsel, a large privately owned national provider of temporary and permanent legal employees to law firms and corporations in the United States.

6. HIRECounsel employs attorneys and paralegals to work on behalf of their clients. The employees are W-2 employees of HIRECounsel, however the employees typically work at their clients' offices under their clients' supervision.

7. Since HIRECounsel's clients are charged with supervising the work product of HIRECounsel's employees, the clients are also responsible for approving the timesheets that each HIRECounsel employee submits on a weekly basis.

8. Once the client has approved the timesheets, they are submitted to HIRECounsel and HIRECounsel processes payroll based on the approved hours.

9. The timesheets are accessed online via a password protected login system.

10. On Monday, November 12, 2007, HIRECounsel hired Respondent to perform legal services at the law firm of Pepper Hamilton, LLP, hereinafter, "Pepper Hamilton."

11. Respondent was assigned to participate in an electronic discovery project that was taking place at Pepper Hamilton's offices, located in Philadelphia for their client, Eli Lilly.

12. Respondent knew that he could only participate in the electronic discovery project by appearing at the office and working on a computer in the office. Respondent knew that work could not be done from home or at another location.

13. Respondent's hourly rate was \$30.00 per hour.

14. Respondent was eligible for holiday pay when he worked a minimum of 700 hours for HIRECounsel within one year of his starting date, provided that he worked the day before and the day after a major holiday.

15. Respondent was eligible for bonus pay when he worked a minimum of 1,200 hours for HIRECounsel within one year of his starting date. The bonus pay included 3 days of pay at 8 hours each and 1 additional day for every 500 hours he worked consecutively.

16. Respondent began work at Pepper Hamilton on Monday, November 12, 2007.

17. As a W-2 employee of HIRECounsel, Respondent submitted his timesheets on a weekly basis, via a password protected online access to HIRECounsel's website. HIRECounsel in turn processed a paycheck for Respondent based on the number of hours of work Respondent submitted on his timesheets.

18. On November 15, 2007, Respondent set up a direct deposit into his Skylight Financial checking account, #6009500206. The second and subsequent paychecks from HIRECounsel were directly deposited.

19. From November 12, 2007, up to and including November 18, 2007, Respondent worked a total of 32.50 hours, logged those hours in on the HIRECounsel website and received a gross pay of \$975.00.

20. From November 19, 2007, up to and including November 25, 2007, Respondent worked a total of 31.50 hours, logged those hours in on the HIRECounsel website and received a gross pay of \$945.00.

21. From November 26, 2007, up to and including December 2, 2007, Respondent worked a total of 30.00 hours, logged those hours in on the HIRECounsel website and received a gross pay of \$900.00.

22. From December 3, 2007, up to and including December 9, 2007, Respondent logged in 41.00 hours on the HIRECounsel website as hours Respondent actually worked. Respondent received a gross pay of \$1,230.00.

23. Respondent's last day of work at Pepper Hamilton was Tuesday, December 4, 2007. Respondent knew that the hours he

logged in for December 5, 6, 8, and 9, 2007 were false when he submitted his timesheet on the HIRECounsel website.

24. Respondent failed to appear for work at Pepper Hamilton after December 4, 2007.

25. From December 10, 2007, up to and including December 16, 2007, Respondent logged in 40.50 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$1,215.00.

26. From December 17, 2007, up to and including December 23, 2007, Respondent logged in 49.50 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$1,485.00

27. From December 24, 2007, up to and including December 30, 2007, Respondent logged in 43.00 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$1,290.00.

28. From December 31, 2007, up to and including January 6, 2008, Respondent logged in 60.50 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$1,815.00.

29. From January 7, 2008, up to and including January 13, 2008, Respondent logged in 60.50 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$1,815.00.

30. From January 14, 2008, up to and including January 20, 2008, Respondent logged in 61.00 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$1,830.00.

31. From January 21, 2008, up to and including January 27, 2008, Respondent logged in 63.50 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$1,905.00.

32. From January 28, 2008, up to and including February 3, 2008, Respondent logged in 64.00 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$1,920.00.

33. From February 4, 2008, up to and including February 10, 2008, Respondent logged in 62.00 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$1,860.00.

34. From February 11, 2008, up to and including February 17, 2008, Respondent logged in 62.00 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$1,860.00.

35. From February 18, 2008, up to and including February 24, 2008, Respondent logged in 69.00 hours on the HIRECounsel website as hours he actually worked. HIRECounsel paid Respondent an additional 8.00 hours as holiday pay. Respondent received a gross

pay of \$2,310.00. Respondent knew that he did not qualify for holiday pay.

36. From February 25, 2008, up to and including March 2, 2008, Respondent logged in 69.00 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$2,070.00.

37. From March 3, 2008, up to and including March 9, 2008, Respondent logged in 71.50 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$2,145.00.

38. From March 10, 2008, up to and including March 16, 2008, Respondent logged in 73.50 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$2,205.00.

39. From March 17, 2008, up to and including March 23, 2008, Respondent logged in 71.00 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$2,130.00.

40. From March 24, 2008, up to and including March 30, 2008, Respondent logged in 73.00 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$2,190.00.

41. From March 31, 2008, up to and including April 6, 2008, Respondent logged in 73.00 hours on the HIRECounsel website as

hours he actually worked. Respondent received a gross pay of \$2,190.00.

42. From April 7, 2008, up to and including April 13, 2008, Respondent logged in 75.00 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$2,250.00.

43. From April 14, 2008, up to and including April 20, 2008, Respondent logged in 75.00 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$2,250.00.

44. From April 21, 2008, up to and including April 27, 2008, Respondent logged in 75.00 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$2,250.00.

45. From April 28, 2008, up to and including May 4, 2008, Respondent logged in 79.00 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$2,370.00.

46. From May 5, 2008, up to and including May 11, 2008, Respondent logged in 80.00 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$2,400.00.

47. From May 12, 2008, up to and including May 18, 2008, Respondent logged in 80.00 hours on the HIRECounsel website as

hours he actually worked. Respondent received a gross pay of \$2,400.00.

48. From May 19, 2008, up to and including May 25, 2008, Respondent logged in 80.00 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$2,400.00.

49. From May 26, 2008, up to and including June 1, 2008, Respondent logged in 80.00 hours on the HIRECounsel website as hours he actually worked. HIRECounsel paid Respondent an additional 8.00 hours as holiday pay. Respondent received a gross pay of \$2,640.00.

50. From June 2, 2008, up to and including June 8, 2008, Respondent logged in 80.00 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$2,400.00.

51. From June 9, 2008, up to and including June 15, 2008, Respondent logged in 80.00 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$2,400.00.

52. From June 16, 2008, up to and including June 22, 2008, Respondent logged in 82.00 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$2,460.00.

53. From June 23, 2008, up to and including June 29, 2008, Respondent logged in 82.00 hours on the HIRECounsel website as

hours he actually worked. Respondent received a gross pay of \$2,460.00.

54. From June 30, 2008, up to and including July 6, 2008, Respondent logged in 82.00 hours on the HIRECounsel website as hours you actually worked. Respondent received a gross pay of \$2,460.00.

55. From July 7, 2008, up to and including July 13, 2008, Respondent logged in 85.00 hours on the HIRECounsel website as hours he actually worked. HIRECounsel paid Respondent an additional 8.00 hours as holiday pay and 16.00 hours as bonus pay. Respondent received a gross pay of \$3,270.00.

56. From July 14, 2008, up to and including July 20, 2008, Respondent logged in 85.00 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$2,550.00.

57. From July 1, 2008 through July 23, 2008, Respondent corresponded with Jennifer Peruso, Associate Director at HIRECounsel in their Philadelphia office, via email, regarding changes that Respondent wanted to make with his direct deposit and Respondent's correct address on file.

58. From July 21, 2008, up to and including July 27, 2008, Respondent logged in 85.00 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$2,550.00.

59. On July 28, 2008, Respondent sent via facsimile, an Employee Direct Deposit Enrollment Form to HIRECounsel to set up a direct deposit into his PNC Bank checking account, no. 8621165699.

60. From July 28, 2008, up to and including August 3, 2008, Respondent logged in 88.00 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$2,640.00.

61. From August 4, 2008, up to and including August 10, 2008, Respondent logged in 70.00 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$2,100.00.

62. From August 11, 2008, up to and including August 17, 2008, Respondent logged in 72.50 hours on the HIRECounsel website as hours he actually worked. Respondent received a gross pay of \$2,175.00.

63. On August 18, 2008, Respondent sent, via facsimile, an Employee Direct Deposit Enrollment Form to HIRECounsel to set up a direct deposit into his Account Now checking account, no. 60113593267.

64. Also on August 18, 2008, Respondent sent an email to Admin6 on the HIRECounsel website and sought confirmation and receipt of his new direct deposit form.

65. From August 18, 2008, up to and including August 24, 2008, Respondent logged in 81.00 hours on the HIRECounsel website as hours he actually worked. The total gross compensation was

\$2,430.00. Based upon the total, Respondent qualified for an additional 8.00 hours of bonus pay for a gross compensation of \$240.00. Respondent did not receive compensation for these hours because HIRECounsel voided this check.

66. From August 25, 2008, up to and including August 29, 2008, Respondent logged in 81.00 hours on the HIRECounsel website as hours he actually worked. The total gross compensation was \$2,430.00. Respondent did not receive this compensation because HIRECounsel purposefully did not draft a check.

67. From August 29, 2008 through August 31, 2008, Respondent corresponded, via email, with Denise Asnes, Managing Director at HIRECounsel and Mia Collick, Administrative Coordinator. Respondent informed Ms. Asnes that he was locked out of the system and inquired of Ms. Collick whether his paycheck had been sent out.

68. On September 3, 2008, at approximately 2:30 p.m., Willa Fawer, Chief Operating Officer at HIRECounsel contacted Respondent on his cell phone, no. 267-639-9669 and confronted Respondent about the services he claim he performed at Pepper Hamilton since December 4, 2007.

69. Ms. Fawer specifically asked Respondent, "when was the last time you performed work at Pepper Hamilton?" Respondent replied, "I am not going to answer that question. I need to speak with my lawyer."

70. Also in the same telephone conversation on September 3, 2008, Ms. Fawer asked Respondent, "when are you able to come into

our office?" Respondent replied, "I need to speak with my lawyer first so you can call me back."

71. On September 4, 2008, at approximately 4:00 p.m., Ms. Fawer contacted Respondent on his cell phone and asked Respondent if he "would attend a meeting at our office on Monday [September 8, 2008]?" Respondent replied, "yes."

72. In that same conversation on September 4, 2008, Ms. Fawer asked Respondent if he had "any documentation [he] could bring to support that [he] had worked for the period [he] had been paid?" Respondent replied, "I do not have anything, everything was electronic. Why are we having this meeting if you have the information you need?"

73. On September 5, 2008, Ms. Fawer sent an email to Respondent to inform him that a meeting with HIRECounsel and Respondent had been scheduled for September 8, 2008, at 11:00 a.m. at 1818 Market Street, 29th floor, in Philadelphia. Ms. Fawer also requested that Respondent confirm receipt of the email.

74. Respondent failed to appear for the meeting scheduled on September 8, 2008.

75. On September 25, 2008, Larry J. Rappoport, Esquire, counsel to HIRECounsel, sent Respondent a letter and requested that Respondent contact him to make arrangements for restitution.

76. Respondent never contacted Larry J. Rappoport, Esquire or anyone at HIRECounsel.

77. Respondent received a total of \$79,353.00 in gross compensation for work he did not perform. Respondent logged in approximately 2,605.10 hours on his timesheets for work he did not perform and was paid an additional 40.00 hours of bonus and holiday pay which he should not have been paid for.

78. Respondent knew that all of the hours he logged in as of December 5, 2007, were false when he submitted his timesheet on the HIRECounsel website.

79. On September 21, 2008, Respondent applied for Unemployment Compensation.

80. On February 25, 2009, Disciplinary Counsel sent Respondent, via certified mail, a DB-7 Request for Statement of Respondent's Position, (hereinafter, "DB-7"). Respondent did not provide Disciplinary Counsel with a response to the DB-7.

CHARGE II: The Cleavon A. Clarke Matter

81. On July 24, 2003, Cleavon A. Clarke bought a single family home located at 2214 Reed Street, (hereinafter, "the Reed Street property"), from the City of Philadelphia via a Sheriff's sale for \$12,875.00.

82. In October of 2003, Mr. Clarke returned to the Reed Street property to begin making repairs however, unbeknownst to Mr. Clarke, the property had been demolished by the City of

Philadelphia due to code violations alleged by the Department of Licenses and Inspection.

83. In addition to the demolition of his property, Mr. Clarke received a bill from the City of Philadelphia for the demolition fees of approximately \$21,000.00.

84. On November 7, 2003, Respondent met with Mr. Clarke for an initial consultation regarding the demolition of the Reed Street property.

85. Mr. Clarke wanted to be reimbursed for the amount of money he originally paid for the Reed Street property, for attorney's fees and wanted the property transferred back to the City of Philadelphia, since he purchased the property with the expectation of fixing up the house on it.

86. On April 26, 2004, Respondent filed a complaint in the United States District Court for the Eastern District of Pennsylvania on behalf of Mr. Clarke, captioned as *Clarke v. City of Philadelphia Department of Licenses and Inspections*, docket no. 2:04-cv-01787-HB.

87. On June 29, 2004, Respondent filed a Response to Defendant's New Matter and Counterclaim.

88. On December 4, 2004, Mr. Clarke sent an email to Respondent and requested an update on his case. Respondent replied back the same day and wrote:

"They have tentatively agreed to settle this matter for \$12,500.00 and waiver of demolition costs. Ed Chew is the attorney handling this matter, but he has to clear this with his boss. I will let you know."

89. On February 10, 2005, The Honorable Harvey Bartle, III ordered the case dismissed with prejudice pursuant to local Rule 41.1(b) due to a settlement between the parties.

90. On March 28, 2005, Mr. Clarke sent Respondent an email and informed Respondent that he had received a real estate tax bill for the Reed Street property and asked Respondent whether he was responsible to pay the bill due to the settlement.

91. On March 28, 2005, Respondent sent an email to Mr. Clarke and wrote, "*Send me the tax bill. It should be their responsibility.*"

92. On May 18, 2005, Mr. Clarke sent Respondent an email inquiring into the status of the matter. The same day, Respondent replied to Mr. Clarke via email and wrote, "*They are typically slow. I will check tomorrow. Also, I have to send you a deed to sign transferring the property.*"

93. On June 7, 2005, the City of Philadelphia issued a check, #14637981, to Respondent and Mr. Clarke in the amount of \$12,500.00.

94. On July 18, 2005, Mr. Clarke sent Respondent an email inquiring into the status of his case. Mr. Clarke also indicated that he had been waiting two months for Respondent to send him the deed to transfer the Reed Street property back to the City of Philadelphia.

95. ON July 18, 2005, Respondent replied back via email and wrote, "I will put some fire under them. Mr. Chew was supposed to have the deed drafted by now. I will let you know shortly."

96. On January 13, 2006, the City of Philadelphia reissued a check to Respondent and Mr. Clarke, #16602070, in the amount of \$12,500.00.

97. Respondent received check #16602070 and never notified Mr. Clarke.

98. On February 2, 2006, Respondent deposited check #16602070 in his Wachovia Bank Account, #2000013686202, by endorsing his name and Mr. Clarke's name on the back of the check.

99. A portion of the \$12,500.00 in settlement proceeds belonged to Mr. Clarke.

100. Wachovia Bank Account #2000013686202 was not an IOLTA.

101. Mr. Clarke never gave Respondent permission to sign his name for him on the back of the check.

102. On February 17, 2006, Respondent sent an email to Mr. Clarke and wrote:

"I met with the city re settlement. Ed Chew is no longer handling the matter. This matter should be resolved early next week I hope. Keep in mind that I have been billing (sic) significant hours that I wish to be (sic) paid for. Of course I will discount those hours as much as I can. If and when I receive payment I will forward you payment minus my fees."

103. Respondent's February 17, 2006 email was false and misrepresented the status of Mr. Clarke's case.

104. On April 4, 2006, Mr. Clarke sent an email to Respondent inquiring into the status of the case. Respondent never responded.

105. On June 15, 2006, Mr. Clarke sent an email to Respondent inquiring into the status of the case. Respondent replied the same day by email and wrote, *"Sorry for the delay. I have been receiving treatment for my prostate and colon cancer over the last few months. I will have this matter resolved shortly."*

106. On July 18, 2006, Respondent sent an email to Mr. Clarke and wrote, *"Sorry for the delay. Give me two weeks to close or I will pay it out of my pocket. If it does not happen by August 4, I will refund any monies (sic) owed and will pay the settlement."*

107. Respondent never sent Mr. Clarke his portion of the settlement proceeds.

108. Subsequent to August 4, 2006, Mr. Clarke left Respondent approximately 10 phone messages at Respondent's office but he never returned any of the phone calls.

109. On August 25, 2006, Respondent was placed on inactive status due to CLE non-compliance and remained on inactive status until February 2, 2007.

110. In October of 2006, Mr. Clarke flew to Philadelphia and went to the Solicitor's Office of Philadelphia. Mr. Clarke met with Lynn Sitarski and Edward Chew who informed him that his case against the City of Philadelphia had been settled and a check had been issued.

111. On October 20, 2006, Mr. Clarke spoke with Doris Smallwood at the City of Philadelphia's Treasury Department and

learned that a check had been issued in June of 2005 and reissued on January 13, 2006 and that the second check had been cashed.

112. On October 27, 2006, Mr. Clarke sent the following email to Respondent:

Lance,

Per the voicemail I left for you on your cell phone (215-817-7431) and through email, I received the information regarding my case from the City of Philadelphia. I was told that my case had settled and my check was issued in January of 2006. I have the cancelled check and it appears that you were the one who cashed/deposited it into your Wachovia Bank account in February 2006. I will be pursuing other actions if I do not receive the \$12,500 that you cashed and promised to mail to me back in September when we last spoke. Additionally, you indicated that you would return all fees if I had not received my money by September. (Please see your offer to do this under separate email cover.) As such, I would appreciate if you would reimburse me accordingly. Please send me a cashier's (sic) check, FEDEX, in the amount of \$12,500 plus fees already paid to you to:

*Cleavon Clarke
5216 Fairway Drive
San Angelo, Texas 76904*

If I do not hear from you within 24 hrs of the sending of this email, legal action will be taken.

Cleavon

113. On November 23, 2006, Respondent sent the following email to Mr. Clarke:

Cleavon -

As you are probably already aware, I do not (sic) have the funds. First, let me apologize for this. At the time I was expecting to settle another case when I used the funds. The case did not settle and I have not earned much since then.

I know this is very distressing to you. Since then I have been on inactive status and have not earned any money. However, I expect to be on active status in the near future and will work diligently to return your money. I know that you probably want me disbarred and arrested and I can't blame

you. So, if this is the route you wish to go I am prepared to be punished. However, if it is possible to work this out, I am prepared to do what you wish. For instance, I am willing to do all of your legal work (sic) for free over the next year as well as pay you your funds plus interest. I am also open to suggestions. I would like to spend the next five years as an attorney. Believe me I did not wish for this to happen. I am ashamed and deeply sorry. Any way you go, I will be ready to face this.

Please reply by email when you get a chance.

Lance

114. From May 15, 2007 until July 1, 2007, Respondent was transferred to Inactive Status for failure to rectify a non-sufficient funds check.

115. On September 6, 2008, Respondent was placed on Inactive Status due to CLE non-compliance.

116. On February 25, 2009, Disciplinary Counsel sent Respondent, via certified mail, a DB-7 Request for Statement of Respondent's Position, (hereinafter, "DB-7") and also requested specific financial records from Respondent. Respondent did not provide Disciplinary Counsel with a response to the DB-7 nor did he provide the requested financial records.

117. Respondent failed to file a Statement of Compliance with the Disciplinary Board of the Supreme Court of Pennsylvania.

118. Respondent never paid Mr. Clarke the monies he took from him or interest.

119. Mr. Clarke receives a tax bill every year for the Reed Street property because he still owns it.

120. Mr. Clarke paid Respondent approximately \$5,160.00 in legal fees to date.

121. Respondent's address of record with the Disciplinary Board is 2121 W. Cheltenham Avenue, Apartment A, Elkins Park, Pennsylvania 19027.

122. By his conduct as alleged in Paragraphs 5 through 121 above, Respondent violated the following Rules of Professional Conduct and Rules of Disciplinary Enforcement:

- a.) RPC 1.1, which states: A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation;
- b.) RPC 1.3, which states: A lawyer shall act with reasonable diligence and promptness in representing a client;
- c.) RPC 1.4(a)(1), which states: A lawyer shall promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules;
- d.) RPC 1.4(a)(3), which states: A lawyer shall keep the client reasonably informed about the status of the matter;

- e.) RPC 1.4(a)(4), which states: A lawyer shall promptly comply with reasonable requests for information;
- f.) RPC 1.4(b), which states: A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation;
- h.) former RPC 1.15(a), which states: A lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a client-lawyer relationship separate from the lawyer's own property. Such property shall be identified and appropriately safeguarded. Complete records of the receipt, maintenance and disposition of such property shall be preserved for a period of five years after termination of the client-lawyer relationship or after distribution or disposition of the property, whichever is later;
- i.) former RPC 1.15(b), which states: Upon receiving property of a client or third person in connection with a client-lawyer relationship, a lawyer shall promptly notify the client or third person. Except as stated in this Rule or otherwise permitted by law or by agreement with the client or third person, a lawyer shall promptly deliver to the

client or third person any property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property;

- j.) former RPC 1.15(g), which states, in pertinent part: All Qualified Funds shall be placed in an IOLTA Account;
- k.) RPC 7.1, which states: A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading;
- l.) RPC 8.4(b), which states: It is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- m.) RPC 8.4(c), which states: It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation; and

n.) Pa.R.D.E. 217(e), which states: "Within ten days after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status order, the formerly admitted attorney shall file with the Board a verified statement showing:

1. that the provisions of the order and these rules have been fully complied with; and
2. all other state, federal and administrative jurisdictions to which such person is admitted to practice. Such statement shall also set for the residence or other address of the formerly admitted attorney where communications to such person may thereafter be directed.

WHEREFORE, Petitioner prays that your Honorable Board appoint, pursuant to Rule 205, Pa. R.D.E., a Hearing Committee to hear testimony and receive evidence in support of the foregoing charges and upon completion of said hearing to make such findings

of fact, conclusions of law, and recommendations for disciplinary action as it may deem appropriate.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION,
Chief Disciplinary Counsel

BY: 
Patricia A. Dugan
Attorney Registration No. 87147
Disciplinary Counsel
Suite 170
820 Adams Road
Trooper, PA 19403

VERIFICATION

The statements contained in the foregoing Petition for Discipline 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.A. §4904, relating to unsworn falsification to authorities.

November 18, 2009
Date


Patricia A. Dugan
Disciplinary Counsel

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 175 DB 2009
Petitioner :
v. : Attorney Reg. No.80791
: :
LANCE DAVID LEWIS, :
Respondent : (Montgomery County)

PETITION FOR DISCIPLINE

Petitioner, the Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Patricia A. Dugan, Disciplinary Counsel, files the within Petition for Discipline and charges Respondent, Lance David Lewis, with professional misconduct in violation of the Pennsylvania Rules of Disciplinary Enforcement and the Rules of Professional Conduct as follows:

1. Petitioner, whose principal office is situated at Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62485, Harrisburg, Pennsylvania, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter "Pa.R.D.E."), with the power and duty to investigate all matters involving alleged misconduct of any 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.

EXHIBIT "B"

FILED

FEB 02 2010

Office of the Secretary
The Disciplinary Board of the

2. Respondent, Lance David Lewis, was born on February 3, 1966 and was admitted to practice law in the Commonwealth on December 17, 1997. His current mailing address is VA Medical Center, 1400 Black Horse Hill Road, Building 39, Coatesville, Pennsylvania 19320.

3. Respondent was placed on inactive status on September 6, 2008, by Order of the Supreme Court.

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

5. On or about August 4, 2008, Respondent was arrested by the Philadelphia Police Department for violations of the Pennsylvania Criminal Code, as follows: Title 18 Pa.C.S.A. §901§§A (Criminal Attempt-Murder), Title 18 Pa.C.S.A. §2702§§A (Aggravated Assault), Title 18 Pa.C.S.A. §2701§§A (Simple Assault), Title 18 Pa.C.S.A. §903§§A1 (Criminal Conspiracy Engaging-Simple Assault), Title 18 Pa.C.S.A. §907§§A (Possession Instrument of Crime) and Title 18 Pa.C.S.A. §2705 (Recklessly Endangering Another Person), Docket No. MC-51-CR-0039103-2008.

6. On or about September 30, 2008, a preliminary hearing was held before The Honorable Frank T. Brady at which time the charge of Criminal Attempt-Murder (Title 18 Pa.C.S.A. §901§§A) was dismissed for lack of evidence. All remaining charges were held for trial.

7. On or about October 17, 2008, the Philadelphia County District Attorney's Office filed Bills of Information on the five remaining charges, captioned *Commonwealth v. Lance David Lewis*, Docket No. CP-51-CR-0012719-2008.

8. On or about July 28, 2009, Respondent entered open guilty pleas to Simple Assault (Title 18 Pa.C.S.A. §2701§§A), a misdemeanor of the third degree and Criminal Conspiracy Engaging-Simple Assault (Title 18 Pa.C.S.A. §903§§A1), also a misdemeanor of the third degree.

9. On or about September 10, 2009, The Honorable Sandy L. V. Byrd sentenced Respondent and ordered him to serve two one-year concurrent terms of probation and to pay fines and costs totaling \$233.00. Respondent was also ordered to enroll in and complete a dual diagnosis treatment program.

10. The crimes of which Respondent was convicted are serious crimes as defined by Pa.R.D.E. 214(i) in that they are each punishable by a maximum term of imprisonment of one year in this jurisdiction.

11. By his conduct as alleged in Paragraphs 5 through 10 above, Respondent violated the following Rule of Disciplinary Enforcement and Rule of Professional Conduct:

a.) Pa.R.D.E. 203(b)(1), which provides that conviction of a crime, which under Enforcement Rule 214 (relating to

attorneys convicted of crimes) may result in suspension, shall be grounds for discipline; and

b.) RPC 8.4(b), which states that it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects.

WHEREFORE, Petitioner prays that your Honorable Board appoint, pursuant to Rule 205, Pa.R.D.E., a Hearing Committee to hear testimony and receive evidence in accordance with Pa.R.D.E. 214(f)(1) on the sole issue of the extent of the final discipline to be imposed, and at the conclusion of said hearing, to make such findings of fact and recommendation for disciplinary action as it may deem appropriate.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION,
Chief Disciplinary Counsel

BY: 
Patricia A. Dugan,
Attorney Registration No. 87147
Disciplinary Counsel
Suite 170
820 Adams Road
Trooper, PA 19403

VERIFICATION

The statements contained in the foregoing Petition for Discipline 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.A. §4904, relating to unsworn falsification to authorities.

Jan. 29, 2010
Date

Patricia A. Dugan
Patricia A. Dugan,
Disciplinary Counsel