

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2387 Disciplinary Docket No. 3
: :
Petitioner : No. 182 DB 2016
: :
v. : Attorney Registration No. 91484
: :
ANNETTE MARIA OAKLEY, : (Philadelphia)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 13th day of July, 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 Annette Maria Oakley is suspended on consent from the Bar of this Commonwealth for a period of one year. Respondent is directed to comply with all the provisions of Pa.R.D.E. 217, and shall pay the costs incurred by the Disciplinary Board in the investigation and prosecution of this matter.

A True Copy Patricia Nicola
As Of 7/13/2017

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
: No. 182 DB 2016
v. :
: Atty. Reg. No. 91484
ANNETTE MARIA OAKLEY, :
Respondent : (Philadelphia)

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, Esquire, Chief Disciplinary Counsel, and by Richard Hernandez, Esquire, Disciplinary Counsel, and Respondent, Annette Maria Oakley, file this Joint Petition In Support of Discipline On Consent Under Rule 215(d) of the Pennsylvania Rules of Disciplinary Enforcement ("the Joint Petition") and respectfully represent that:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania, is invested, pursuant to Pa.R.D.E. 207, 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

FILED
5/4/2017
The Disciplinary Board of the
Supreme Court of Pennsylvania

brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.

2. Respondent, Annette Maria Oakley, was born in 1964, and has a public access address at P.O. Box 31629, Philadelphia, PA 19147.

3. Pursuant to Pa.R.D.E. 201(a)(1), Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

**SPECIFIC FACTUAL ADMISSIONS AND
RULES OF PROFESSIONAL CONDUCT VIOLATED**

4. Respondent has agreed to enter into a joint recommendation for consent discipline.

5. Respondent stipulates that the factual allegations set forth below are true and correct and that she violated the charged Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement as set forth herein.

CHARGE

6. Respondent was admitted to practice law in New Jersey on May 23, 2003, and in the Commonwealth of Pennsylvania on November 10, 2003.

7. In October 2006, Respondent was retained to represent Eugenia Jones, Charlene Jones, and Vernon Terrell in a dispute they had with Atlantic Home Builders, Inc. ("Atlantic") and Lawrence Iaacs.

8. The dispute originated in Atlantic County, New Jersey, where Ms. Eugenia Jones, Ms. Charlene Jones, and Mr. Terrell reside.

9. At or about that time, Respondent maintained law offices in Haddon Heights, New Jersey and Newtown, Pennsylvania.

10. Sometime in 2007, Respondent filed a lawsuit on behalf of Ms. Eugenia Jones, Ms. Charlene Jones, and Mr. Terrell in the Superior Court of New Jersey, Law Division, Atlantic County, said case captioned *Eugenia Jones, Charlene Jones, and Vernon Terrell vs. Atlantic Home Builders, Inc., et al.*, docket number ATL-L-1245-07 ("the Jones lawsuit").

11. On January 13, 2009, a mandatory, non-binding arbitration hearing was held in the Jones lawsuit.

12. An arbitration award was entered in favor of Ms. Eugenia Jones, Ms. Charlene Jones, and Mr. Terrell and against Atlantic in the amount of \$66,563.76.

13. On March 20, 2009, the court entered an Order that granted Respondent's Motion to Confirm the Arbitration Award and entered a judgment based on the arbitration award ("the New Jersey judgment").

14. On March 22, 2010, Respondent filed with the Office of the Prothonotary for the Court of Common Pleas of Bucks County the necessary paperwork to have the New Jersey judgment

recorded in Bucks County, said matter captioned *Eugenia Jones, Charlene Jones, and Vernon Terrell vs. Atlantic Home Builders, Inc., et al.*, docket number 2010-02816 ("the Bucks County judgment").

15. Respondent advised Ms. Eugenia Jones, Ms. Charlene Jones, and Mr. Terrell that Donegal Mutual Insurance Company ("Donegal") had provided liability coverage for Atlantic and that Respondent intended to have the Court of Common Pleas of Buck County compel Donegal to satisfy the New Jersey judgment.

16. After Respondent had the New Jersey judgment recorded in the Court of Common Pleas of Buck County, she failed to take any further action to compel Donegal to satisfy the New Jersey judgment.

17. Due to health reasons, Respondent did not renew her law license that expired on July 1, 2012, in that she did not file a 2012-2013 PA Attorney's Annual Fee Form and make the required annual fee payment for active status with the Attorney Pennsylvania Office.

18. By Order of the Supreme Court of Pennsylvania dated September 19, 2012 ("the Order"), effective October 19, 2012, Respondent was administratively suspended from the practice of law in the Commonwealth of Pennsylvania pursuant to Pa.R.D.E. 219.

19. By letter dated September 19, 2012, sent to Respondent's residence address at 2015 South 11th Street, Philadelphia, PA, 19148, by certified mail, return receipt requested, Suzanne E. Price, Attorney Registrar:

- a. enclosed a copy of the Order and a list of attorneys, which included Respondent, who were subject to the Order;
- b. advised Respondent that she was to be administratively suspended effective October 19, 2012, for having failed to comply with Pa.R.D.E. 219;
- c. enclosed the Standard Guidance to Lawyers Who have been Administratively Suspended;
- d. enclosed Pa.R.D.E. 217 and 219;
- e. enclosed Subchapter E., Formerly Admitted Attorneys, of the Disciplinary Board Rules ("D.Bd. Rules");
- f. enclosed Form DB-23(a), Nonlitigation Notice of Administrative Suspension;
- g. enclosed Form DB-24(a), Litigation Notice of Administrative Suspension;
- h. enclosed Form DB-25(a), Statement of Compliance; and

i. advised Respondent that she was required to comply with the enclosed Pennsylvania Rules of Disciplinary Enforcement and the Disciplinary Board Rules.

20. Respondent failed to claim this letter.

21. On October 26, 2012, the Attorney Registration Office received from the United States Postal Service Ms. Price's September 19, 2012 letter.

22. On October 26, 2012, the Attorney Registration Office sent Respondent Ms. Price's September 19, 2012 letter to Respondent's residence address by first class mail.

23. The United States Postal Service did not return this mailing to the Attorney Registration Office.

24. Respondent received this letter.

25. Sometime in November 2012, Respondent knew that she had been administratively suspended.

26. Respondent violated Pa.R.D.E. 217(e), in that she did not file a verified Statement of Compliance (Form DB-25(a)) with the Disciplinary Board Secretary after she was administratively suspended.

27. Following Respondent's administrative suspension, Respondent failed to advise Ms. Eugenia Jones, Ms. Charlene Jones, and Mr. Terrell that Respondent could no longer represent them in connection with the Bucks County judgment

or any other legal matter because she was prohibited from providing any legal services in the Commonwealth of Pennsylvania.

28. From October 22, 2012, through March 5, 2013, and September 30, 2013, through May 11, 2015, Respondent was not eligible to practice law in New Jersey because Respondent had either failed to annually register her IOLTA account with the New Jersey IOLTA Fund and/or to pay the attorney annual fee.

29. In April 2014, Ms. Eugenia Jones, Ms. Charlene Jones, and Mr. Terrell required certain assistance from Cash One Corp. ("Cash One"), which held a second mortgage on their residence.

30. Ms. Carol Chase, an employee of Cash One, informed Ms. Eugenia Jones, Ms. Charlene Jones, and Mr. Terrell that Cash One would extend the requested assistance if Respondent provided documentation stating that the debt that Ms. Eugenia Jones, Ms. Charlene Jones, and Mr. Terrell owed to Cash One would be satisfied from the proceeds recovered as a result of the New Jersey judgment.

31. Ms. Eugenia Jones requested that Respondent provide Ms. Chase with the documentation that Cash One was requesting.

32. By e-mail dated April 11, 2014, sent by Respondent to Ms. Chase, with a subject line stating "Promise of Payment," Respondent, *inter alia*:

- a. attached a letter dated April 11, 2014;
- b. stated that the letter confirmed that Ms. Eugenia Jones, Ms. Charlene Jones, and Mr. Terrell agreed to "authorize direct payment to Cash One Corporation from their \$62,000 [sic] Arbitration Award"; and
- c. advised that the attached letter "sets out the agreement more fully."

33. The April 11, 2014 letter that was attached to the e-mail contained the following letterhead:

ANNETTE M. OAKLEY, ESQUIRE
2015 S. 11TH STREET
PHILADELPHIA, PENNSLVANIA 19148-2367
Voice: (215) 760-4049
Cell: (267) 250-2745
Fax: (888) 901-7049
AMO@AMOAKLEYLAW.COM

Annette M. Oakley, Esquire
Member of PA & NJ Bar

34. Respondent's letterhead was misleading, in that it indicated that Respondent had active licenses to practice law in New Jersey and the Commonwealth of Pennsylvania.

35. The April 11, 2014 letter was addressed to Ms. Chase, and copied to Ms. Eugenia Jones, Ms. Charlene Jones, and Mr. Terrell.

36. In the letter, Respondent, *inter alia*:

- a. acknowledged speaking with Ms. Chase the day before;

- b. stated that Respondent had obtained on behalf of Ms. Eugenia Jones, Ms. Charlene Jones, and Mr. Terrell a "\$62,000.00 [sic] judgment" against Atlantic in the Jones lawsuit;
- c. advised that Atlantic had liability coverage through Donegal;
- d. stated that Respondent would attempt to collect on the New Jersey judgment from Donegal by pursuing "Declaratory Relief in the Bucks County Court of Common Pleas";
- e. advised that Ms. Eugenia Jones, Ms. Charlene Jones, and Mr. Terrell authorized a "direct payment in full" to Cash One from the proceeds collected to satisfy the New Jersey judgment; and
- f. represented that "payment in full to Cash One Corporation should be expected not later than August 2014."

37. Respondent misrepresented in the letter that:

- a. she would be pursuing declaratory relief in the Court of Common Pleas of Bucks County in an effort to have Donegal satisfy the New Jersey judgment; and

- b. Cash One should expect payment by no later than August 2014.

38. In 2015, Ms. Chase contacted Respondent from time to time to inquire about the status of Respondent's efforts to have Donegal satisfy the New Jersey judgment and to ascertain when Cash One could expect to receive payment.

39. By e-mail dated July 20, 2015, sent by Respondent to Ms. Chase, with a subject heading of "Judgment Award - Jones," Respondent, *inter alia*:

- a. asked Ms. Chase to "trust" Respondent and to be "patient just a little while linget [sic]; it's getting dine [sic]";
- b. advised her that the "buck stops with" Respondent and that Respondent would "contact her shortly to resolve the matters between us and my clients"; and
- c. stated that Respondent would "have a date certain for [her] within the next 30 days."

40. Respondent misrepresented in the e-mail that:

- a. she would obtain payment of the New Jersey judgment in a short period of time; and
- b. she would contact Ms. Chase within 30 days and provide her with a "date certain" as to when Cash One would receive payment.

41. By her conduct as alleged in Paragraphs 6 through 40 above, Respondent violated the following Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement:

- a. RPC 1.3, which states that a lawyer shall act with reasonable diligence and promptness in representing a client;
- b. RPC 1.4(a)(3), which states that a lawyer shall keep the client reasonably informed about the status of the matter;
- c. RPC 1.4(b), which states that a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation;
- d. RPC 4.1(a), which states that in the course of representing a client a lawyer shall not knowingly make a false statement of material fact or law to a third person;
- e. RPC 5.5(a), which states that a lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so;

- f. RPC 7.1, which states that 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;
- g. RPC 7.5(a), which states that a lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1. A trade name may be used by a lawyer in private practice if it does not imply a connection with a government, government agency or with a public or charitable legal services organization and is not otherwise in violation of Rule 7.1. If otherwise lawful a firm may use as, or continue to include in, its name, the name or names of one or more deceased or retired members of the firm or of a predecessor firm in a continuing line of succession;
- h. RPC 8.4(c), which states that it is professional misconduct for a lawyer to engage

in conduct involving dishonesty, fraud, deceit or misrepresentation;

i. RPC 8.4(d), which states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice; and

j. Pa.R.D.E. 203(b)(3), which states that a wilful violation of any other provision of the Enforcement Rules shall be grounds for discipline, via:

(1) Pa.R.D.E. 217(e) [superseded effective 2/28/15], which states that 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 forth the residence or other address of the formerly admitted attorney where communications to such person may thereafter be directed;

(2) Pa.R.D.E. 217(j)(1), which states that all law-related activities of the formerly admitted attorney shall be conducted under the supervision of a member in good standing of the Bar of this Commonwealth who shall be responsible for ensuring that the formerly admitted attorney complies with

the requirements of this subdivision (j). If the formerly admitted attorney is engaged by a law firm or other organization providing legal services, whether by employment or other relationship, an attorney of the firm or organization shall be designated by the firm or organization as the supervising attorney for purposes of this subdivision;

- (3) Pa.R.D.E. 217(j)(2), which states that for purposes of this subdivision (j), the only law-related activities that may be conducted by a formerly admitted attorney are the following: (i) legal work of a preparatory nature, such as legal research, assembly of data and other necessary information, and drafting of transactional documents, pleadings, briefs, and other similar documents; (ii) direct communication with the client or third parties to the extent permitted by paragraph (3); and (iii) accompanying a member in good standing of the Bar of this Commonwealth to a deposition or other discovery matter or to a meeting regarding a matter that is not currently in litigation, for the limited purpose of providing clerical assistance to the member in good standing who appears as the representative of the client;
- (4) Pa.R.D.E. 217(j)(3), which states that a formerly admitted attorney may have direct communication with a client or third party regarding a matter being handled by the attorney, organization or firm for which the formerly admitted attorney works only if the communication is limited to ministerial matters such as scheduling, billing, updates, confirmation of receipt or sending of correspondence and messages. The formerly admitted attorney shall clearly indicate in any such communication that

he or she is a legal assistant and identify the supervising attorney;

- (5) Pa.R.D.E. 217(j)(4)(iii), which states that a formerly admitted attorney is specifically prohibited from performing any law-related services for any client who in the past was represented by the formerly admitted attorney;
- (6) Pa.R.D.E. 217(j)(4)(iv), which states that a formerly admitted attorney is specifically prohibited from representing himself or herself as a lawyer or person of similar status;
- (7) Pa.R.D.E. 217(j)(4)(v), which states that a formerly admitted attorney is specifically prohibited from having any contact with clients either in person, by telephone, or in writing, except as provided in paragraph (3);
- (8) Pa.R.D.E. 217(j)(4)(vi), which states that a formerly admitted attorney is specifically prohibited from rendering legal consultation or advice to a client; and
- (9) Pa.R.D.E. 217(j)(4)(ix), which states that a formerly admitted attorney is specifically prohibited from negotiating or transacting any matter for or on behalf of a client with third parties or having any contact with third parties regarding such a negotiation or transaction.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

42. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a one-year suspension.

43. Respondent hereby consents to that discipline being imposed upon her by the Supreme Court of Pennsylvania. Attached to this Petition is Respondent's executed Affidavit required by Rule 215(d), Pa.R.D.E., stating that she consents to the recommended discipline, including the mandatory acknowledgements contained in Rule 215(d)(1) through (4), Pa.R.D.E.

44. In support of Petitioner and Respondent's joint recommendation, it is respectfully submitted that there are several mitigating circumstances:

- a. Respondent has admitted engaging in misconduct and violating the charged Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement;
- b. Respondent has cooperated with Petitioner, as is evidenced by Respondent's admissions herein and her consent to receiving a one-year suspension;
- c. Respondent is remorseful for her misconduct and understands she should be disciplined, as is evidenced by her consent to receiving a one-year suspension; and
- d. Respondent has no record of discipline.

45. Respondent desires to bring to the attention of the three-member panel of the Disciplinary Board and the Supreme Court of Pennsylvania that if the within disciplinary matter had proceeded to a disciplinary hearing, Respondent would have testified that she had advised Ms. Eugenia Jones, Ms. Charlene Jones, and Mr. Terrell that she had been administratively suspended, although Respondent admits that she had failed to make clear to them that she could no longer represent them.

46. Attorneys with no record of discipline who have engaged in the unauthorized practice of law that was deemed to be limited in scope have received suspensions ranging from three months to one year. *See, e.g., Office of Disciplinary Counsel v. Paul Charles Quinn*, 39 DB 2006 (D.Bd. Rpt. 6/14/07) (S.Ct. Order 10/19/07) (three-month suspension; Respondent Quinn engaged in the unauthorized practice of law in one client matter); *Office of Disciplinary Counsel v. John V. Buffington*, No. 45 DB 2004 (D.Bd. Rpt. 06/22/05) (S.Ct. Order 09/22/05) (six-month suspension; Respondent Buffington engaged in the unauthorized practice of law in three legal matters following his transfer to inactive status for failing to comply with CLE requirements and continued to serve as an arbitrator in the Philadelphia Court of Common Pleas after his transfer to inactive status rendered him no longer

eligible to serve in that capacity); *Office of Disciplinary Counsel v. Julie Ann Marzano*, No. 113 DB 2006 (D.Bd. Rpt. 5/16/07) (S.Ct. Order 8/1/07) (nine-month suspension; Respondent Marzano engaged in the unauthorized practice of law in three client matters); *Office of Disciplinary Counsel v. Martin S. Weisberg*, No. 53 DB 2015 (Recommendation of the Three-Member Panel of the Disciplinary Board 5/13/15) (S.Ct. Order 6/4/15) (one-year suspension on consent; Respondent Weisberg's unauthorized practice of law consisted of reviewing and signing pleadings prepared by junior attorneys and participating in a single conference call on a Pennsylvania case).

In short, the one-year suspension proposed by Petitioner and Respondent is supported by precedent.

47. Respondent's misconduct, which went beyond the unauthorized practice of law, supports the recommended sanction of a one-year suspension. In April 2014 and July 2015, Respondent misrepresented to Ms. Chase, and Ms. Eugenia Jones, Ms. Charlene Jones, and Mr. Terrell, that Respondent was undertaking efforts to have Donegal satisfy the New Jersey judgment and that Cash One would receive payment of the debt owed to it when Respondent collected on the New Jersey judgment. This misconduct supports the recommended sanction of a one-year suspension and militates against imposing a

shorter term of suspension. Conversely, a suspension for a term greater than one year, which would require Respondent to petition for reinstatement, is unnecessary, as an order of administrative suspension has been in effect for more than three years and therefore Respondent will have to file a petition if she seeks reinstatement. See Pa.R.D.E. 218(g)(2)(ii)-(iv).

WHEREFORE, Petitioner and Respondent respectfully request that:

a. 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 and file its recommendation with the Supreme Court of Pennsylvania in which it is recommended that the Supreme Court enter an Order:

(i) suspending Respondent from the practice of law for a period of one year; and

(ii) directing Respondent to comply with all of the provisions of Rule 217, Pa.R.D.E.

b. Pursuant to Pa.R.D.E. 215(i), the three-member panel of the Disciplinary Board enter an order for Respondent to pay the necessary expenses

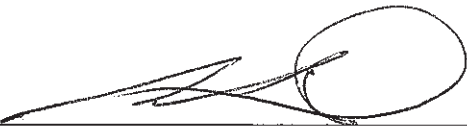
incurred in the investigation and prosecution of this matter as a condition to the grant of the Petition, and that all expenses be paid by Respondent before the imposition of discipline under Pa.R.D.E. 215(g)(2).

Respectfully submitted,


OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

By


Richard Hernandez
Disciplinary Counsel

By


Annette Maria Oakley
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
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ANNETTE MARIA OAKLEY, :
Respondent : (Philadelphia)

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 our
knowledge or information and belief and are made subject to
the penalties of 18 Pa.C.S. §4904, relating to unsworn
falsification to authorities.


May 4, 2017

Date


Richard Hernandez
Disciplinary Counsel

5/04/17

Date


Annette Maria Oakley
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
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AFFIDAVIT UNDER RULE 215(d), Pa.R.D.E.

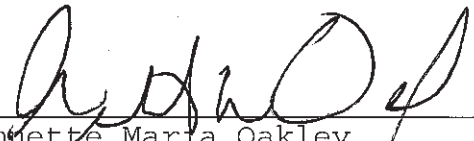
Respondent, Annette Maria Oakley, hereby states that she consents to the imposition of a one-year suspension as jointly recommended by Petitioner, Office of Disciplinary Counsel, and Respondent in the Joint Petition In Support Of Discipline On Consent, and further states that:

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

2. She is aware that there is presently pending a disciplinary proceeding at No. 182 DB 2016 involving allegations that she has been guilty of misconduct as set forth in the Joint Petition;

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

4. She consents because she knows that if the charges pending at No. 182 DB 2016 continued to be prosecuted, she could not successfully defend against them.


Annette Maria Oakley
Respondent

Sworn to and subscribed

before me this 4th

day of MAY, 2017.


Notary Public

