IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	No. 1669 Disciplinary Docket No. 3
	:	No. 212 DB 2010
v.	:	
	:	Attorney Registration No. 83722
JOHN KERRINGTON LEWIS, JR., Respondent	:	(Allegheny County)

ORDER

PER CURIAM:

AND NOW, this 4th day of September, 2013, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated June 26, 2013, the Joint Petition in Support of Discipline on Consent is hereby granted pursuant to Rule 215(g), Pa.R.D.E., and it is

ORDERED that John Kerrington Lewis, Jr., 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 abstain from using alcohol or any other mind-altering chemical.

2. Respondent shall attend two AA meetings per week as well as attend a "Lawyers Meeting" twice each month.

3. Respondent shall regularly attend therapy sessions with Robin Witt, or another licensed professional counselor versed in Cognitive Behavioral Therapy (CBT), at least twice a month or on such shorter intervals as prescribed by Ms. Witt or a successor counselor.

4. Respondent shall authorize Ms. Witt or any successor counselor to make written reports directly to the Secretary of the Board verifying attendance at therapy sessions.

5. A sobriety monitor shall be appointed to monitor Respondent in accordance with Disciplinary Board Rule §89.293(c).

6. Respondent shall furnish his sobriety monitor with his licensed professional counselor's name, address and telephone number and shall authorize Ms. Witt or any successor counselor to communicate with the monitor concerning his treatment.

7. Respondent shall authorize and direct Ms. Witt or any substitute successor counselor to immediately provide a written report of facts and circumstances to the Secretary of the Board at any time when, in the estimation of that counselor, he is in violation of the conditions of his probation or his behavior or material failure to conduct himself in cooperation with any aspect of the prescribed therapy regimen indicates that he is, or may be, in jeopardy of becoming mentally unfit to engage in the practice of law.

8. Respondent shall undergo any additional counseling, out-patient or in-patient, as prescribed by a physician or alcohol counselor.

9. Respondent shall file with the Secretary of the Board quarterly written reports.

10. With the sobriety monitor, Respondent shall:

    a. meet at least twice a month;

    b. maintain weekly telephone contact;

    c. provide the necessary properly executed written authorizations to verify his compliance with the required substance abuse treatment; and

    d. cooperate fully.

11. The appointed sobriety monitor shall:

    a. monitor Respondent's compliance with the terms and conditions of the order imposing probation;

    b. assist Respondent in arranging any necessary professional or substance abuse treatment;

c. meet with Respondent at least twice a month, and maintain weekly telephone contact with him;

d. maintain direct monthly contact with Respondent's licensed professional counselor;

e. file with the Secretary of the Board quarterly written reports; and

f. immediately report to the Secretary of the Board any violations by the Respondent of the terms and conditions of his probation.

A True Copy Patricia Nicola
As Of 9/4/2013

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. 1669 Disciplinary Docket No. 3
	:	No. 212 DB 2010
v.	:	
	:	Attorney Registration No.83722
JOHN KERRINGTON LEWIS, JR. Respondent	:	(Allegheny County)

RECOMMENDATION OF THREE-MEMBER PANEL
OF THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

The Three-Member Panel of the Disciplinary Board of the Supreme Court of Pennsylvania, consisting of Board Members Stephan K. Todd, David E. Schwager, and Gabriel L. Bevilacqua, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on May 23, 2013.

The Panel approves the Petition consenting to a one year and one day suspension to be stayed in its entirety and a two year period probation subject to the conditions set forth in the Joint Petition and recommends to the Supreme Court of Pennsylvania that the attached Joint Petition be Granted.

The Panel further recommends that any necessary expenses incurred in the investigation and prosecution of this matter shall be paid by the respondent-attorney as a condition to the grant of the Petition.

Stephan K. Todd, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: 6/26/2013

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	: No. 1669, Disciplinary Docket
	: No. 3 – Supreme Court
Petitioner	:
	: No. 212 DB 2010 - Disciplinary
v.	: Board
	:
JOHN KERRINGTON LEWIS, JR.,	: Attorney Registration No. 83722
	:
Respondent	: (Allegheny County)

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

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

William R. Friedman
Disciplinary Counsel
Suite 1300, Frick Building
437 Grant Street
Pittsburgh, PA 15219
(412) 565-3173

and

John E. Quinn, Esquire
Counsel for Respondent
Portnoy & Quinn, LLC
Three Gateway Ctr., Ste. 2325
401 Liberty Avenue
Pittsburgh, PA 15222
(412) 765-3800

John Kerrington Lewis, Jr., Esquire
Respondent
Lewis, Lewis & Reilly, P.C.
1040 Fifth Avenue, Suite 100
Pittsburgh, PA 15219-6220
(412) 391-0818

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	: No. 1669, Disciplinary Docket
	: No. 3 – Supreme Court
Petitioner	:
	: No. 212 DB 2010 - Disciplinary
v.	: Board
	:
JOHN KERRINGTON LEWIS, JR.,	: Attorney Registration No. 83722
	:
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 William R. Friedman, Disciplinary Counsel, and John E. Quinn, Esquire, Counsel for Respondent, and Respondent, John Kerrington Lewis, Jr., Esquire, files 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, PA 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, John Kerrington Lewis, Jr., was born in 1974. He was admitted to practice law in the Commonwealth of Pennsylvania on October 18, 1999. He is currently on active status. Respondent's attorney registration mailing address is Lewis, Lewis & Reilly, P.C., 1040 Fifth Avenue, Suite 100, Pittsburgh, PA 15219-6220.

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

SPECIFIC FACTUAL ALLEGATIONS ADMITTED

4. By Order dated February 21, 2012, the Disciplinary Board of the Supreme Court of Pennsylvania, upon consideration of the Report and Recommendation of the Hearing Committee filed October 25, 2011, ordered that Respondent receive a private reprimand with probation.

5. The Hearing Committee found, in part, that Respondent had a history of discipline in Pennsylvania, receiving a Private Reprimand and two years' probation in 2005, based on Respondent's 2003 guilty plea to Driving Under the Influence.

6. The Order of February 21, 2012, further directed that Respondent be placed on probation for a period of two (2) years subject to certain conditions.

As one of the conditions of his probation, Respondent was to abstain from using alcohol or any other mind altering chemical.

7. As a further condition of his probation, Respondent was to regularly attend therapy sessions with Robin Witt, or another licensed professional counselor versed in Cognitive Behavioral Therapy (CBT) at least monthly or on such shorter intervals as prescribed by Ms. Witt or a successor counselor.

8. The Order directed that a sobriety monitor be appointed to monitor Respondent in accordance with Disciplinary Board Rule §89.293(c).

9. By letter dated March 1, 2012, Elaine M. Bixler, Secretary of the Disciplinary Board, wrote to Mark F. Flaherty, Esquire, providing Mr. Flaherty with a copy of the Order of the Disciplinary Board of the Supreme Court of Pennsylvania dated February 21, 2012, a Consent to Act as Sobriety Monitor, the necessary quarterly reporting forms and stated that Respondent's probation would begin on March 15, 2012. Mr. Flaherty agreed to serve as Respondent's sobriety monitor.

10. By letter dated March 1, 2012, Elaine M. Bixler, Secretary of the Disciplinary Board, wrote to Robin Witt, MS, LPC, CAADC, CGC, Respondent's licensed professional counselor, providing Ms. Witt with a copy of the Order of the Disciplinary Board of the Supreme Court of Pennsylvania dated February 21,

2012, the necessary quarterly reporting forms and stated that Respondent's probation would begin on March 15, 2012.

11. By letter dated March 1, 2012, Elaine M. Bixler, Secretary of the Disciplinary Board, wrote to Respondent, providing Respondent with a copy of the Order of the Disciplinary Board of the Supreme Court of Pennsylvania dated February 21, 2012, the necessary quarterly reporting forms and stated that Respondent's probation would begin on March 15, 2012.

12. On March 15, 2012, Respondent appeared before the designated Members of the Disciplinary Board of the Supreme Court of Pennsylvania and the Private Reprimand with the attendant conditions of probation was administered.

13. The Private Reprimand administered to Respondent, stated, in part, that he had received a Private Reprimand and probation for two years in 2005 based on a prior Driving Under the Influence of alcohol conviction.

14. The sobriety monitor, licensed professional counselor and Respondent were to provide the Office of the Secretary of the Board with quarterly reports concerning Respondent's probation.

15. By letter dated December 18, 2012, Elaine M. Bixler, Secretary of the Disciplinary Board, notified Paul J. Killion, Chief Disciplinary Counsel, that Respondent had violated the terms and conditions of his probation.

16. Along with her letter dated December 18, 2012, Ms. Bixler attached a copy of a letter dated December 17, 2012 that she received from Mark F. Flaherty, Esquire, Respondent's sobriety monitor.

17. In his letter dated December 17, 2012, Mr. Flaherty stated, in part, that while Respondent "was initially reluctant to share with [Mr. Flaherty] the fact that [Respondent] had been drinking on the 25th [of November 2012], he subsequently admitted to the fact."

18. In his letter dated December 17, 2012, Mr. Flaherty further stated, in part, that although he did not believe that Respondent's "slip" by drinking on the 25th of November 2012, was reason to suspend Respondent's license at this point, Mr. Flaherty thought "that the Board may wish to consider (by stipulation or otherwise) a somewhat stricter regimen to ensure compliance and continued abstinence" by Respondent.

19. Along with her letter dated December 18, 2012, Ms. Bixler attached a copy of Mr. Flaherty's 3rd Quarter Probation Report dated December 17, 2012.

20. Along with her letter dated December 18, 2012, Ms. Bixler attached a copy of the 3rd Quarter Probation Report dated December 11, 2012 from Robin Witt, MS, LPC, CAADC, CGC, Respondent's professional counselor.

21. In her December 11, 2012 quarterly report, Ms. Witt stated, in part, that Respondent cancelled appointments with Ms. Witt scheduled for October 11, November 6, November 15, November 21, and December 11, 2012.

22. Prior to submitting her December 11, 2012 quarterly report, Ms. Witt spoke with Mr. Flaherty who related to Ms. Witt that Respondent had admitted that he had consumed alcohol on November 25, 2012.

23. Shortly after submitting her December 11, 2012 quarterly report, Ms. Witt received a telephone call from Respondent asking to schedule a meeting with Ms. Witt.

24. After Ms. Witt submitted her December 11, 2012 report, Respondent met with her on December 22, 2012 and January 8, 2013.

25. Along with her letter dated December 18, 2012, Ms. Bixler attached a copy of the 3rd Quarter Probation Report dated December 14, 2012 from Respondent.

26. In his 3rd Quarter Probation Report, Respondent reported and admitted to violating the conditions of his probation by using alcohol on November 25, 2012.

27. Respondent's use of alcohol on November 25, 2012, violates the terms of his probation.

28. Rule 208(h), Pa.R.D.E. provides that where a Respondent has violated the terms of probation, the Office of Disciplinary Counsel may file a petition with the Disciplinary Board detailing the violation and suggesting appropriate modification of the Order.

29. Respondent's violation of the conditions of his probation on November 25, 2012 is clear and convincing evidence that Respondent cannot comply with the Disciplinary Board's directive that he abstain from using alcohol. As such, the terms and conditions of Respondent's probation must be altered in order to have a more meaningful impact upon Respondent.

30. On February 26, 2013, a Probation Violation Hearing was held before Board Member, Stephan K. Todd, Esquire.

31. Respondent admitted that he drank alcohol on November 25, 2012.

32. Respondent cancelled four appointments with Ms. Witt in October and November, and one appointment in December 2012.

33. Mr. Flaherty testified that Respondent would often telephone Mr. Flaherty on weekends and Mr. Flaherty, in turn would telephone Respondent.

34. Mr. Flaherty further testified that he regularly speaks with Respondent as required.

35. When Respondent telephoned Mr. Flaherty on November 25, 2012, Respondent asked Mr. Flaherty if Mr. Flaherty could serve as his sponsor. Mr. Flaherty informed Respondent that he could not do so.

36. After further discussion with Respondent on November 25, 2012, Respondent admitted that he had consumed alcohol.

37. Mr. Flaherty testified that it was to Respondent's credit that he admitted to consuming alcohol, because, according to Mr. Flaherty, Respondent could have lied about it.

38. Thereafter, Mr. Flaherty telephoned Ms. Witt who told Mr. Flaherty that Respondent admitted to her that he had consumed alcohol.

39. Mr. Flaherty testified that although the original February 21, 2012 Disciplinary Board Order did not require Respondent to attend Alcoholics Anonymous (AA) meetings, Respondent did attend the AA meetings, and characterized Respondent as an "active" participant.

40. Mr. Flaherty stated that, based on his experience, his recommendation, under the circumstances, would be for Respondent to see Mr. Flaherty more often and especially in an AA context.

41. Mr. Flaherty recommended that Respondent attend a number of AA meetings a week as well as regularly attend a "Lawyers Meeting."

42. Ms. Witt testified at the Probation Violation Hearing that, following Respondent's consuming alcohol on November 25, 2012, that he did have an appointment with her on November 27, 2012.

43. Ms. Witt testified that, at that meeting, Respondent admitted that he relapsed over the weekend on alcohol but that he had been sober for three days.

44. Ms. Witt testified that since that time, the two of them have met approximately three to four times and that Respondent had been "fairly cooperative with the counseling process."

45. Ms. Witt testified that her two recommendations would be that Respondent have blood tests or mouth swabs at a random basis or an increased frequency in service with her.

46. Respondent testified at the Probation Violation Hearing that he chose to use alcohol to relieve stress, anxiety and anger resulting from a "combative" relationship he had with his second ex-wife.

47. He testified that he had been sober for the three months following that incident and that other than that one incident, he had not used alcohol since the February 2012 Board Order.

48. Respondent testified that he obtained a new sponsor, attends AA meetings five or six times a week, taking Sunday "off" and going to church.

49. At the conclusion of the probation violation hearing, the designated member of the Board found that Respondent violated the terms and conditions of his probation and recommended that the matter be referred for formal proceedings.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE AND SUPPORTING CASES

50. Office of Disciplinary Counsel and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct in this matter is that Respondent be suspended for a period of one year and one day with the suspension being stayed in its entirety. Further, Respondent would be placed on probation for two years. Respondent should be subject to the same conditions imposed in the February 21, 2012 Board Order and the additional conditions of attending two AA meetings per week as well as attend a "Lawyers Meeting" twice each month, and be required to attend therapy sessions with Ms. Witt or another certified counselor twice each month.

51. There is a range of discipline which could be imposed in this matter. In the case of ***Office of Disciplinary Counsel v. Scott Rine Hazel***, No. 40 DB 1996, Hazel violated the terms of his probation imposed after receiving a Private Reprimand for a DUI conviction. He was then suspended by the Supreme Court for 1 year and 1 day, stayed, and placed on probation.

52. In the case of ***Office of Disciplinary Counsel v. Fred Lagattuta***, 48 D & C.4th 100, No. 72 DB 1993 (1999), Mr. Lagattuta was given a Private Reprimand and placed on substance abuse probation subject to various terms and conditions. The first time he violated his probation, it was extended for an additional one year. Following the second violation, he was suspended for a period of one year and one day, stayed in its entirety and placed on probation for an additional period of one year. Following another violation of the terms and conditions of his probation, by Supreme Court Order dated March 8, 2001, Mr. Lagattuta was suspended for one year and one day. Thereafter, at No. 17 DB 2001, as a result of other misconduct, by Supreme Court Order dated March 25, 2003, Mr. Lagattuta was disbarred.

53. In the matter of ***Office of Disciplinary Counsel v. Robert Toland, II***, No. 101 DB 2003, Mr. Toland, following a conviction of driving under the influence, was suspended by the Supreme Court of Pennsylvania for a period of two years with the suspension being stayed in its entirety and placed on probation subject to certain terms and conditions. After Mr. Toland violated the

terms and conditions, the parties submitted a joint petition for discipline on consent agreeing that a probation violation hearing need not be held as a result of the Supreme Court's Order imposing a stayed suspension. The Disciplinary Board approved the joint petition, and the Supreme Court agreed.

54. There is mitigation in this particular matter. Respondent voluntarily admitted using alcohol on November 25, 2012. Respondent's use of alcohol did not involve a client. Respondent's sobriety monitor as well as his licensed counselor, recommended that increased monitoring of Respondent's activities and reporting requirements would be in order.

55. For all of the reasons set forth above, Petitioner and Respondent believe that a suspension of one year and one day, stayed in its entirety, and that Respondent be placed on probation for two years is an appropriate sanction. Further, Petitioner and Respondent believe that Respondent should be subject to the same conditions imposed in the February 21, 2012 Board Order with the additional conditions of attending two Alcoholics Anonymous meetings per week as well as attend a "Lawyers Meeting" twice each month, and be required to attend therapy sessions with Ms. Witt or another certified counselor twice each month.

WHEREFORE, Petitioner and Respondent respectfully request that pursuant to Rules 215(d) and 215(g)(1), Pa.R.D.E., the Three Member Panel of

the Disciplinary Board reviews and approves this Joint Petition in Support of Discipline on Consent Under Rule 215(d), Pa.R.D.E. and files its recommendation with the Supreme Court of Pennsylvania in which it is recommended that the Supreme Court enter an Order imposing upon Respondent a stayed suspension of one year and one day and a two-year period of probation with conditions.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

By _____
William R. Friedman
Disciplinary Counsel

and

By _____
John Kerrington Lewis, Jr., Esquire
Respondent

and

By _____
John E. Quinn, Esquire
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	: No. 1669, Disciplinary Docket
	: No. 3 – Supreme Court
Petitioner	:
	: No. 212 DB 2010 - Disciplinary
v.	: Board
	:
JOHN KERRINGTON LEWIS, JR.,	: Attorney Registration No. 83722
	:
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 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.

5-20-13
Date

William R. Friedman
Disciplinary Counsel

5/15/13
Date

John Kerrington Lewis, Jr., Esquire
Respondent

5/15/13
Date

John E. Quinn, Esquire
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	: No. 1669, Disciplinary Docket
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Petitioner	:
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JOHN KERRINGTON LEWIS, JR.,	: Attorney Registration No. 83722
	:
Respondent	: (Allegheny County)

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

Respondent, John Kerrington Lewis, Jr., hereby states that he consents to the imposition of a suspension of one year and one day stayed in its entirety, and that he be placed on probation for two years. Further, Respondent consents to be subject to the same conditions imposed in the February 21, 2012 Board Order with the additional conditions of attending two Alcoholics Anonymous meetings per week as well as attend a "Lawyers Meeting" twice each month, and be required to attend therapy sessions with Ms. Witt or another certified counselor twice each month, pursuant to §89.291, Disciplinary Board Rules, 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; 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 discipline;

2. He is aware that there is presently pending an investigation into 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 charges predicated upon the matter under investigation continued to be prosecuted in the pending proceeding, he could not successfully defend against them.

John Kerrington Lewis, Jr., Esquire
Respondent

Sworn to and subscribed
before me this 15
day of May, 2013.

Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Kathleen A. Cuda, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires Jan. 22, 2014
Member, Pennsylvania Association of Notaries