

**IN THE SUPREME COURT OF PENNSYLVANIA**

In the Matter of	:	No. 1669 Disciplinary Docket No. 3
	:	
JOHN KERRINGTON LEWIS, JR.	:	No. 212 DB 2010
	:	
PETITION FOR REINSTATEMENT	:	
	:	
and	:	
	:	
OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2246 Disciplinary Docket No. 3
	:	
Petitioner	:	No. 26 DB 2016
	:	
v.	:	Attorney Registration No. 83722
	:	
JOHN KERRINGTON LEWIS, JR.	:	(Allegheny County)
	:	
Respondent	:	

**ORDER**

**PER CURIAM**

**AND NOW**, this 7<sup>th</sup> day of August, 2017, upon consideration of the Report and Recommendations of the Disciplinary Board, the Petition for Reinstatement is granted, and John Kerrington Lewis, Jr., is suspended from the Bar of this Commonwealth for a period of one year and one day. The suspension is stayed in its entirety, and Respondent is placed on probation for a period of two years subject to the following conditions:

1. Respondent shall abstain from using alcohol, drugs, or any other mood-altering or mind-altering chemicals, except for those medications prescribed by his treating physicians;

2. Respondent shall attend Alcoholics Anonymous meetings weekly;
3. Respondent shall obtain an Alcoholics Anonymous sponsor, with whom he maintains weekly contact;
4. A sobriety monitor shall be appointed to monitor Respondent in accordance with Disciplinary Board Rule §89.293(c);
5. Respondent shall furnish his sobriety monitor with his Alcoholics Anonymous sponsor's name, address and telephone number;
6. Respondent shall establish his weekly attendance at Alcoholics Anonymous meetings by providing written verification to the Board on a Board approved form;
7. Respondent shall undergo any counseling or out-patient or in-patient treatment prescribed by a physician or alcohol counselor;
8. Respondent shall file with the Secretary of the Board quarterly written reports;
9. With the sobriety monitor, Respondent shall:
  - a. meet at least twice per 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.
10. 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 Respondent;
- d. maintain direct monthly contact with the Narcotics or Alcoholics Anonymous chapter attended by Respondent;
- e. file with the Secretary of the Board quarterly written reports; and
- f. immediately report to the Secretary of the Board any violations by Respondent of the terms and conditions of the probation.

Respondent shall pay the expenses incurred in the investigation and processing of this matter.

A True Copy Patricia Nicola  
As Of 8/7/2017

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

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JOHN KERRINGTON LEWIS, JR.	:	No. 212 DB 2010
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OFFICE OF DISCIPLINARY COUNSEL	:	No. 2246 Disciplinary Docket No. 3
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v.	:	Attorney Registration No. 83722
JOHN KERRINGTON LEWIS, JR.	:	(Allegheny County)
Respondent	:	

REPORT AND RECOMMENDATIONS OF  
THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES  
OF THE SUPREME COURT OF PENNSYLVANIA:

Pursuant to Rule 218(c)(5) of the Pennsylvania Rules of Disciplinary Enforcement, The Disciplinary Board of the Supreme Court of Pennsylvania submits its findings and recommendations to your Honorable Court with respect to the above captioned Petition for Reinstatement and the above captioned Petition for Discipline.

I. HISTORY OF PROCEEDINGS

This matter is before the Board on a consolidated proceeding. By Petition for Discipline filed on February 12, 2016, at No. 26 DB 2016, Office of Disciplinary Counsel charged John Kerrington Lewis, Jr., with professional misconduct in violation of the Pennsylvania Rules of Disciplinary Enforcement 203(b)(1) and 214(a), arising out of his criminal conviction of driving under the influence of alcohol and related offenses. Mr. Lewis filed a timely answer. At the time the Petition for Discipline was filed against Mr. Lewis, he was suspended from the practice of law by Order of the Supreme Court dated August 12, 2015, for a period of one year and one day. This suspension followed from Mr. Lewis' violation of an earlier Order of Probation issued by the Supreme Court on September 4, 2013.

On June 16, 2016, Mr. Lewis ("Petitioner") filed a Petition for Reinstatement at No. 212 DB 2010 from his August 12, 2015 suspension. On July 1, 2016, Petitioner filed a Motion to Consolidate the Petition for Reinstatement with the Petition for Discipline, which procedure is permitted under Pa.R.D.E. 218(c)(2). By Order dated July 13, 2016, the Board granted the Motion to Consolidate.

On August 22, 2016, Office of Disciplinary Counsel filed a Response to Petition for Reinstatement and stated its opposition to reinstatement.

A consolidated disciplinary and reinstatement hearing was held on November 17, 2016, before a District IV Hearing Committee comprised of Chair Lorrie K. Albert, Esquire, and Members Jennifer R. Andrade, Esquire, and Gary P. Caruso, Esquire. Petitioner was represented by John E. Quinn, Esquire. During the disciplinary

portion of the hearing, Office of Disciplinary Counsel offered and had admitted thirteen exhibits, and called no witnesses. Petitioner acknowledged he had no evidence contrary to that of Office of Disciplinary Counsel. In the reinstatement portion of the hearing, Petitioner called eight witnesses, including himself. The parties agreed and the Hearing Committee approved to depose Petitioner's treating therapist and hold the record open until the transcript of the deposition was submitted.

The parties filed briefs with the Committee. By letter dated January 24, 2017, Office of Disciplinary Counsel stated that it did not oppose reinstatement. By letter dated February 1, 2017, Office of Disciplinary Counsel informed the Hearing Committee that the parties agreed that in the disciplinary matter at No. 26 DB 2016, Petitioner should be suspended for one year and one day stayed in its entirety, with probation for a period of two years with a sobriety monitor.

The Hearing Committee filed a Report on February 9, 2017, and recommended that Petitioner be suspended for a period of one year and one day, with the suspension stayed in its entirety and probation for two years with a sobriety monitor. The Committee further recommended that the Petition for Reinstatement be granted.

The parties did not file exceptions to the Hearing Committee's report.

The Board adjudicated this matter at the meeting on April 28, 2017.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner is John Kerrington Lewis, Jr. He was born in 1974 and was admitted to practice law in the Commonwealth of Pennsylvania in 1999. He is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

2. Petitioner has a history of prior discipline:

a. By Order dated March 21, 2005, the Board directed that Petitioner be subjected to a private reprimand and be placed on probation with a sobriety monitor for a period of two years. This discipline was based on Petitioner's 2003 conviction for DUI. Petitioner successfully completed his probation.

b. By Order of February 21, 2012, the Board determined that Petitioner be subjected to a private reprimand with probation for two years, which probation included regularly attending therapy sessions and a sobriety monitor. This discipline addressed Petitioner's conviction for DUI in 2010.

c. In November 2012, Petitioner violated his probation. Petitioner and Office of Disciplinary Counsel entered into a Joint Petition in Support of Discipline on Consent under Rule 215(d), Pa.R.D.E., and by Order of the Supreme Court dated September 4, 2013, Petitioner was suspended on consent for a period of one year and one day stayed in its

entirety, with probation for a period of two years with a sobriety monitor and counseling.

d. In November 2014, Petitioner violated the terms of his probation. By Order of August 12, 2015, the Supreme Court suspended Petitioner for a period of one year and one day.

3. Petitioner's underlying misconduct that violated the conditions of his probation and resulted in his disciplinary suspension in August 2015, also resulted in a criminal conviction, which is the subject of the instant disciplinary proceeding at No. 26 DB 2016.

4. On April 9, 2015, in the Court of Common Pleas of Allegheny County, Petitioner was charged with one count each of driving under the influence of alcohol or controlled substance, highest rate of alcohol, driving under the influence of alcohol or controlled substance, and accident with unattended vehicle. ODC-1.

5. On September 28, 2015, Petitioner entered a counseled plea of guilty and was sentenced in the Allegheny County Court of Common Pleas as follows:

a. On the charge of Driving Under the Influence of Alcohol or Controlled Substance, Highest Rate of Alcohol, a misdemeanor of the first degree in violation of 75 Pa.C.S.A. §3802(c) and §3803(b)(4), probation for a term of two years and conditions, and placement into a restricted county intermediate punishment program for a term of 70 days; payment of a \$1,500 fine; work release; and restitution;



b. On the charge of driving under the influence of alcohol or controlled substance, a misdemeanor in violation of 75 Pa.C.S.A. §3802(a)(1) and §3804(b), no further penalty;

c. On the summary Motor Vehicle Code violation of Accident with Unattended Vehicle, in violation of 75 Pa.C.S.A. §3745, 90 days probation, with the terms of probation and restrictive intermediate punishment to run concurrent. ODC-2.

6. Petitioner did not timely report his conviction as required by Pa.R.D.E. 214(a). However, Office of Disciplinary Counsel was aware of its pendency and by letter dated December 31, 2015, Petitioner's counsel confirmed that the conviction was final and no appeal had been filed. ODC-Admin 2.

7. Petitioner is no longer subject to supervision by the Allegheny County Adult Probation Office, as his probation was terminated early. N.T. 8.

8. Petitioner has completed all court-ordered evaluations. N.T. 8-10.

9. Petitioner has paid the fines and costs imposed by the Allegheny Court of Common Pleas. ODC-4, ODC-5; N.T. 8-10.

10. Petitioner's Pennsylvania Motor Vehicle License is suspended for 18 months, but he can apply for a probationary license after serving a period of 12 months. N.T. 8-10.

11. Petitioner's misconduct did not harm any of his clients. ODC-11.

12. Petitioner accepted responsibility for his misconduct and expressed sincere remorse and regret. N.T. 110, 120.

13. After Petitioner's suspension by the Supreme Court of Pennsylvania, he was suspended in the United States District Court for the Western District of Pennsylvania. ODC-Admin 3.

14. Petitioner is a recidivist in the disciplinary system, whose misconduct is the result of alcoholism. ODC-11.

15. During the time frame between Petitioner's private reprimand in 2005 and his DUI arrest on November 30, 2014, he experienced periods of sobriety and relapses to alcohol abuse. N.T. 105-106.

16. Petitioner credibly testified that he has been sober since his DUI arrest on November 30, 2014, and is committed to sobriety. N.T. 106.

17. Since 2014, Petitioner has attended Alcoholics Anonymous ("AA") meetings and follows the twelve- step program of that organization. He has a sponsor and a home group, and is involved in programs sponsored by Lawyers Concerned for Lawyers ("LCL"). Petitioner attends six to seven AA meetings per week and has come to appreciate the AA method of addressing alcoholism. N.T. 106-109.

18. Petitioner prays daily and relies on his Catholic faith as a bedrock to help him through his problems. N.T. 109-110.

19. Petitioner's suspension has caused him to have a greater appreciation for the law and being a lawyer. Petitioner looks forward to resuming practice. N.T. 110-112, 114.

20. During his suspension, Petitioner maintained his competency in the law by working as a paralegal at the law office of Lewis, Lewis & Reilly in Pittsburgh. Petitioner's supervisor is J. Kerrington Lewis, Esquire, his father.

21. In addition to legal research performed as a paralegal, Petitioner read the Legal Intelligencer, Pennsylvania Bar Quarterly, and Pennsylvania Association for Justice, and fulfilled his Continuing Legal Education requirements for reinstatement. N.T. 112-113; Reinstatement Questionnaire ("RQ") No. 19(a) and (b).

22. Petitioner did not engage in the practice of law while suspended and had no contact with clients. N.T. 90, 101-102.

23. During his suspension, Petitioner had ample time to reflect upon his past conduct and the impact that alcohol abuse has had upon his practice of law and his family. Petitioner testified that at first he was bitter and angry that he was suspended, but eventually realized that what happened was self-inflicted. N.T. 110. Petitioner has made significant efforts to resolve these issues by his participation in AA and other therapies. N.T. 111.

24. Petitioner has three children from prior marriages. He testified that his relationship with the children has been strained in the past, but he is making efforts to resume parental connections with his older children and to maintain a close relationship with his youngest child. N.T. 102-104.

25. Petitioner is in the process of regaining financial stability. He is current on child support obligations and made arrangements to pay credit card judgments. N.T. 104, 113-114.

26. If reinstated, Petitioner plans to work at the Lewis law firm and focus his practice on workers' compensation, civil litigation, criminal defense and immigration. N.T. 92, 101.

27. Thomas V. Sousa, L.C.S.W., testified as an expert on behalf of Petitioner. Mr. Sousa is an experienced therapist in the treatment of alcohol and drug addiction. He has worked as a therapist at Gateway Rehabilitation and at the Veteran's Administration and is an approved therapist through LCL. Dep. N.T. 5-7.

28. Mr. Sousa first met with Petitioner on July 29, 2016, and has seen him on a weekly basis as of the date of the deposition in December 2016. The primary reasons for treatment were Petitioner's unresolved issues with interpersonal relationships and difficulty managing his mood. Petitioner has fully cooperated with Mr. Sousa's therapeutic methods and has displayed willingness to discuss openly all of the issues essential to his continuing recovery. Dep. N.T. 8, 9.

29. Mr. Sousa has full knowledge of Petitioner's history of alcohol abuse and how it impacted his ability to practice law. Mr. Sousa opined that Petitioner's underlying misconduct was the result of his alcohol abuse and addiction, which came about because of Petitioner's inability to cope with relationship stressors and mental health issues. Dep. N.T. 11-13.

30. Mr. Sousa credibly opined that Petitioner is making positive progress in therapy sessions, has a good overall mental health picture, and has a good prognosis to maintain his sobriety. Mr. Sousa related how Petitioner dealt with a recent personal issue without relying on alcohol. Dep. N.T. 13, 15-17.

31. Mr. Sousa found nothing that would negatively impact Petitioner's resumption of the practice of law. Mr. Sousa testified that Petitioner's problems with alcohol have been caused by stress in his interpersonal relationship, and not in his practice of law, and Petitioner's resumption of the practice of law would be very positive for him. Dep. N.T. 26.

32. Petitioner presented the credible testimony of six attorneys who have previously admitted having problems with alcohol and define themselves as being in recovery.

33. James Logan, Esquire, Thomas McDonnell, Esquire, James Ehrman, Esquire, Patrick Riley, Esquire, and David Pollack, Esquire, testified to their observations of Petitioner's regular attendance and participation at AA meetings in Pittsburgh and the surrounding areas. The witnesses are in favor of Petitioner's resumption of the practice of law, as he is sober and doing well in recovery. N.T. 17-67.

34. Mark Flaherty, Esquire, is regularly involved in the appointment of sobriety monitors for the disciplinary system. He served as Petitioner's sobriety monitor and stayed in contact with Petitioner after his monitoring duties concluded. N.T. 68-70.

35. Mr. Flaherty credibly testified concerning the profound impact of Petitioner's loss of his law license and the positive changes he has noticed in Petitioner since that time. Mr. Flaherty watched Petitioner on a "roller coaster" prior to the suspension, and observed that Petitioner was angry at first that he had to go to AA meetings, then angry at himself for failing to maintain his sobriety. Mr. Flaherty testified

that Petitioner's attitude changed after his law license was suspended, as Petitioner realized just how valuable that license was when it was taken away. N.T. 71.

36. Mr. Flaherty credibly testified that Petitioner is actively pursuing the twelve-step program of AA and he believes that the prognosis for Petitioner's continued sobriety is good as long as he continues his recovery program. N.T. 67-88.

37. J. Kerrington Lewis, Esquire, testified on behalf of his son. Mr. Lewis credibly testified that prior to his suspension, Petitioner was a good lawyer and worked well with clients. Following his suspension, Petitioner worked as paralegal at Mr. Lewis' law firm, and Mr. Lewis described him as doing great work for the firm. Mr. Lewis testified that his son was ashamed and embarrassed over losing his license to practice law. Mr. Lewis has observed a big change in Petitioner since his suspension, in that he regularly attends AA meetings and is committed to regaining his license. Mr. Lewis testified that losing his privilege to practice law was a good thing for Petitioner, because it made Petitioner appreciate his license and realize he cannot abuse alcohol and practice law. N.T. 88-98.

38. Office of Disciplinary Counsel does not oppose reinstatement.

### III. CONCLUSIONS OF LAW

1. Petitioner's criminal conviction is an independent ground for the imposition of discipline pursuant to Rule 203(b)(1), Pa.R.D.E.

2. Petitioner demonstrated by clear and convincing evidence that he suffers from alcoholism, which caused his misconduct. ***Office of Disciplinary Counsel v. Seymour Braun***, 553 A.2d 894 (Pa. 1989).

3. Petitioner demonstrated by clear and convincing evidence that he is morally qualified, competent and learned in the law and that his resumption of the practice of law in Pennsylvania will not be detrimental to the integrity and standing of the bar or the administration of justice nor be subversive of the public interest. Pa.R.D.E. 218(c)(3).

#### IV. DISCUSSION

This matter is before the Board on consolidated Petitions for Discipline and Reinstatement. The disciplinary matter involves Petitioner's 2015 criminal conviction in the Court of Common Pleas of Allegheny County for DUI and related offenses. The certified copies of the court records from Petitioner's conviction constitute conclusive evidence of his commission of the crimes. Petitioner, by his Answer to the Petition for Discipline and through his testimony to the Hearing Committee, acknowledged the misconduct and admitted to the Hearing Committee that he did not dispute the averment in the Petition for Discipline and he had no evidence contrary to what Office of Disciplinary Counsel put forth. The reinstatement matter involves Petitioner's request for readmission following his suspension for one year and one day by Supreme Court Order of August 12, 2015. The basis for Petitioner's suspension was his violation of conditions of his Court-ordered probation, including his failure to report his drinking to his appointed sobriety monitor following his November 30, 2014 arrest for DUI.

The consolidated nature of this matter requires the Board to make two recommendations to the Supreme Court. The first recommendation pertains to the appropriate discipline to address Petitioner's criminal conviction. The Supreme Court of Pennsylvania has made clear that each case must be determined on the totality of the circumstances unique to that case. *Office of Disciplinary Counsel v. Robert S. Lucarini*, 472 A.2d 186 (Pa. 1983). Moreover, "the appropriateness of a disciplinary sanction is based on the nature and gravity of the misconduct and the aggravating and mitigating factors present." *Office of Disciplinary Counsel v. Gwendolyn Harmon*, 72 Pa. D. & C. 4<sup>th</sup> 115 (2004). Following a careful review of the record and pertinent case law, as well as the shared recommendation of the parties and the recommendation of the Hearing Committee, the Board recommends that Petitioner be suspended for one year and one day stayed in its entirety, and a two year term of probation be imposed with the appointment of a sobriety monitor and accompanying conditions.

The second recommendation the Board is required to make is whether Petitioner should be reinstated to the practice of law. In order to gain readmission, pursuant to Pa.R.D.E. 218(c)(3), Petitioner must demonstrate moral qualifications, competency and learning in the law, and show that his return to the practice of law will not harm the public and the profession. After review of the record, we conclude that Petitioner clearly and convincingly met his reinstatement burden and is fit to resume the practice of law.

The record demonstrates that Petitioner is an alcoholic, which caused his underlying misconduct. Petitioner presented the expert testimony of Thomas V. Sousa,



L.C.S.W., an experienced alcohol addiction therapist, who has treated Petitioner since July 29, 2016. Mr. Sousa sees Petitioner primarily for other issues, but is well aware of the impact of Petitioner's alcoholism on his life. Mr. Sousa credibly testified that Petitioner's underlying misconduct was the result of his alcohol use and addiction, and that Petitioner has a good prognosis to remain sober, as he is making progress in his therapy sessions. Petitioner has met his burden of demonstrating that his psychiatric disorder caused his misconduct, and he is entitled to mitigation of the disciplinary sanction. *Braun* at 895-896.

Petitioner is a disciplinary recidivist, with a prior record of private reprimands and probation, commencing in 2005. Petitioner's arrest in November 2014, law license suspension in August 2015, and conviction in September 2015 were difficult events in Petitioner's life that changed his relationship to alcohol and caused him to have a new appreciation for his privilege to practice law. He has been sober since November 30, 2014, and attends AA meetings six to seven times per week and a lawyer's group for recovering alcoholics once per week. Petitioner adheres to the twelve-step program espoused by AA and considers it to be a key component in his recovery. Petitioner prays daily to sustain himself and attends weekly therapy sessions with Mr. Sousa. Petitioner reached out to his children from prior marriages to reconcile with them. Petitioner maintained his legal skills by working as a paralegal, reviewing legal periodicals, and completing continuing legal education requirements. Petitioner made efforts to regain his financial stability by keeping current on child support obligations and arranging payment schedules for judgments. All of these life changes have been positive. Since his

November 30, 2014 arrest, Petitioner has not had any additional criminal charges filed against him. He complied with and completed the terms and conditions of probation imposed upon him by the Allegheny County Adult Probation Office.

Petitioner's efforts have not gone unnoticed. Six witnesses, all of whom are Pennsylvania licensed attorneys in recovery from alcoholism, confirmed Petitioner's positive progress in recovery, noting his regular attendance at recovery meetings and his attitudinal change. These attorneys testified credibly that as long as Petitioner remains committed to recovery, his prognosis for sobriety is good, he is fit to practice law, and his reinstatement will not harm the public. The testimony of Mark Flaherty, Esquire, is especially persuasive. Mr. Flaherty has long acted as a resource for placing sobriety monitors in the disciplinary system, has served as a sobriety monitor on past occasions, and was Petitioner's sobriety monitor. Mr. Flaherty credibly testified that he is aware of Petitioner's "roller coaster" history of recovery, which involved periods of sobriety marked by relapses. Mr. Flaherty has observed a change in Petitioner since his suspension in 2015, in that Petitioner has made substantial efforts to adhere to the twelve-step program of AA and the lawyer's recovery group. Mr. Flaherty believes that the suspension triggered in Petitioner a new-found respect for the value of his law license, and prompted Petitioner to make the necessary changes in his life to get his license back.

Petitioner's father, J. Kerrington Lewis, testified on his behalf, and confirmed that Petitioner was profoundly embarrassed and ashamed by the suspension of his law license. Mr. Lewis credibly testified that Petitioner was a good lawyer prior to his

suspension, worked hard as a paralegal, and will be a good lawyer upon his reinstatement to the profession.

The chief inquiry in a reinstatement proceeding is the nature and extent of the rehabilitative efforts made by the lawyer since the time the sanction was imposed and the degree of success achieved in that rehabilitative process. ***Philadelphia Newspapers, Inc., v. Disciplinary Board of the Supreme Court***, 363 A.2d 779 (Pa. 1976). Under circumstances similar to the instant matter, attorneys have been reinstated to practice law in this Commonwealth. See, ***In the Matter of Chrystyna M. Fenchen***, 9 DB 2014 (D. Bd. Rpt. 11/23/2016) (S. Ct. Order 12/28/2016) (petitioner reinstated after suspension for one year and one day following her conviction of DUI; petitioner demonstrated rehabilitation and commitment to recovery); ***In the Matter of Ashly Mae Guernaccini***, No. 118 DB 2005 (D. Bd. Rpt. 8/5/2015) (S. Ct. Order 8/21/2015) (petitioner reinstated after suspension for two years for conviction of possession of a controlled substance; petitioner successfully rehabilitated herself and demonstrated perseverance in recovery programs); ***In the Matter of Laurie Jill Besden***, No. 190 DB 2005 (D. Bd. Rpt. 10/21/2009) (S. Ct. Order 12/4/2009) (petitioner reinstated after suspension for three years related to her criminal conviction for drug and identity theft offenses; petitioner presented ample evidence of her involvement in AA and LCL programs and dedication to sobriety).

On the issue of discipline, the Board is cognizant of Petitioner's criminal convictions and his history of discipline, but concludes that Petitioner's alcoholism led to his relapses and subsequent disciplinary infractions. All of the factors that persuaded the

Board that Petitioner is fit to resume the practice of law have influenced our recommendation that he be sanctioned with a stayed suspension and probation. Probation is only appropriate when a lawyer has demonstrated that he or she is unlikely to harm the public during the period of probation. Disciplinary Board Rule §89.291(a)(2). We conclude from the record that Petitioner has met this requirement. Recognizing that Petitioner is a recidivist, his placement on probation will adequately protect the interests of the public and the bar and enable him to continue practicing law and making a contribution to the profession, while compelling Petitioner to remain sober through the threat of potential loss of his law license.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania recommends that Petitioner, John Kerrington Lewis, Jr., be reinstated to the practice of law.

The Board further recommends that Petitioner, John Kerrington Lewis, Jr., be Suspended from the practice of law for a period of one year and one day, stayed in its entirety, with Probation for two years; subject to the following conditions:

1. Respondent shall abstain from using alcohol, drugs, or any other mood-altering or mind altering chemicals except for those medications prescribed by Respondent's treating physicians;
2. Respondent shall regularly attend Alcoholics Anonymous meetings on a weekly basis;

3. Respondent shall obtain a sponsor in Alcoholics Anonymous and maintain weekly contact with that sponsor;

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

5. Respondent shall furnish his sobriety monitor with his Alcoholics Anonymous sponsor's name, address and telephone number;

6. Respondent shall establish his weekly attendance at Narcotics or Alcoholics Anonymous meetings by providing written verification to the Board on a Board approved form;

7. Respondent shall undergo any counseling, out-patient or in-patient treatment, prescribed by a physician or alcohol counselor;

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

9. With the sobriety monitor, Respondent shall:

a. meet at least twice per 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.

10. 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 Respondent;
- d. maintain direct monthly contact with the Narcotics or Alcoholics Anonymous chapter attended by the Respondent;
- 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 the probation.

The Board further recommends that, pursuant to Rules 218(f) and (g), Pa.R.D.E. Petitioner be directed to pay the necessary expenses incurred in the investigation and processing of the Petition for Reinstatement and Petition for Discipline.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

By: \_\_\_\_\_

  
James C. Haggerty  
Member

Date: \_\_\_\_\_

6/13/17