

IN THE SUPREME COURT OF PENNSYLVANIA

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| OFFICE OF DISCIPLINARY COUNSEL, | : | No. 2565 Disciplinary Docket No. 3 |
| | : | |
| Petitioner | : | No. 239 DB 2018 |
| | : | |
| v. | : | Attorney Registration No. 52234 |
| | : | |
| SHEILA K. YOUNGER-HALLIMAN, | : | (Out of State) |
| | : | |
| Respondent | : | |

ORDER

PER CURIAM

AND NOW, this 21st day of February, 2019, upon consideration of the Majority Recommendation of the Three-Member Panel of the Disciplinary Board, the Joint Petition in Support of Discipline on Consent is granted, and Sheila K. Younger-Halliman is suspended on consent from the Bar of this Commonwealth for a period of one year. Respondent shall comply with all the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board. See Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 02/21/2019

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : **239 DB 2018**
Petitioner :
: ODC File No. C1-15-392
v. :
: Atty. Reg. No. 52234
SHEILA K. YOUNGER-HALLIMAN, :
Respondent : (Out of State)

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

Petitioner, Office of Disciplinary Counsel ("ODC"), by Paul J. Killion, Esquire, Chief Disciplinary Counsel, and by Robin B. Godfrey, Esquire, Disciplinary Counsel, and Respondent, Sheila K. Younger-Halliman, who is represented by Samuel C. Stretton, Esquire, file this Joint Petition In Support Of Discipline On Consent Under Rule 215(d), Pa.R.D.E. ("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 Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement ("Pa.R.D.E."), 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 brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.

FILED
12/14/2018
The Disciplinary Board of the
Supreme Court of Pennsylvania

2. Respondent, Sheila K. Younger-Halliman, was born in 1960 and was admitted to practice law in the Commonwealth of Pennsylvania on June 10, 1988. Respondent was assigned Attorney Registration No. 52234 and is currently registered as "active."

3. According to attorney registration records, Respondent's public access address is 104 Swallow Court, Southlake, Texas 76092.

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

5. Respondent received a Request for Statement of Respondent's Position (Form DB-7) dated March 16, 2018.

6. By letter dated April 4, 2018, Respondent submitted a counseled response to the DB-7 letter.

SPECIFIC FACTUAL ADMISSIONS AND
RULES OF PROFESSIONAL CONDUCT VIOLATED

7. Respondent hereby stipulates that the following factual allegations are true and correct and that she violated the Texas Disciplinary Rules of Professional Conduct and the Georgia Rules of Professional Conduct as set forth herein.

8. On June 10, 1988, Respondent was admitted to practice law in Pennsylvania.

9. At all relevant times, Respondent was not licensed to practice law in any other state.

10. At all relevant times, Respondent resided at 104 Swallow Court, Southlake, Texas 76092.

11. At all relevant times, Respondent worked as an independent contractor at Mediation Worlds, PLLC ("Mediation Worlds") located at 222 W. Las Colinas Boulevard, Suite 1650, Irving, Texas 75039. Mediation Worlds is owned by Dr. Ralph Steele, who may or may not have a foreign law degree, but is not licensed to practice law in Texas.

12. Respondent's biography on the *About Us* section of Mediation Worlds' website, which references the Irving, Texas address, describes Respondent as "Counselor and Attorney-at-Law" and provides, in pertinent part:

- a. "Sheila Younger-Halliman is a licensed attorney with experience in a [sic] several civil and corporate areas, including but not limited to, family, environmental, insurance coverage and defense, labor, employment and real estate law...."

13. The *Education* section of the website provides that Respondent has a "University of Texas Mediation Certification" that is "Mediation Trainers Roundtable and State Bar of Texas Approved."

14. The *Professional Experience* section of the website describes Respondent's experience, in pertinent part, as follows:

- a. "Legal, arbitration and mediation matters in various practice areas...[.]";
- b. "Participated in negotiations for structure[d] settlements and numerous high stakes legal and business matters";
- c. "Authored Insurance Commissioners Multi-State Reporting Requirements and advised regarding non-compliance, negotiations and structured settlements concerning professional liability, and general commercial liability insurance claims and drafted numerous legal memoranda, briefs, opinions and advisories"; and
- d. "Provide legal resources to manage businesses and law firm's workload performing all aspects of in-house counsel law department duties, including but not limited to special projects involving electronic document review for relevance and privilege for merger and acquisition, IP and bankruptcy litigation...[.]"

15. The website provides, under the *Admission to Court* section, that Respondent is admitted to "The State Bar of Pennsylvania" and that she "Successfully Passed Texas Multistate Professional Ethics Exam."

16. Respondent is not licensed to practice law in the State of Texas. Respondent was admitted to the United States District Court for the Northern District of Texas, but none of the unauthorized practice or other misconduct occurred in that jurisdiction.

17. The statements on the website, as outlined in paragraphs 12 through 15 above, are misleading in that they would lead a person to believe that Respondent is licensed to practice law in Texas.

18. If this matter went to a hearing, Respondent would testify that, during her tenure working with Mediation Worlds, the Unauthorized Practice of Law Committee in Texas "provided language to use on Mediation Worlds' website." However, Respondent has not supplied ODC with any document authored by the Texas UPL Committee to support that claim.

19. The *Ethics* section of the website provides: "We are not a law firm and do not practice of (sic) law," and states that Mediation Worlds "maintain[s] neutrality and independently engage[s] with licensed attorneys and

representatives in Texas and beyond with expertise in a myriad of practice areas...."

Former Client Nichon Roberson

20. In early October 2013, Nichon Roberson, a resident of Georgia, contacted Respondent.

21. Ms. Roberson advised Respondent that she needed a Texas lawyer to help resolve a title dispute and actively pursue all necessary and available legal actions to appropriately secure and claim ownership of her aunt's property located in Beaumont, Texas (the "Beaumont property"), to which Ms. Roberson believed she had a claim.

22. Respondent advised Ms. Roberson that she could represent her in the Beaumont property matter.

a. Respondent quoted Ms. Roberson a fee of \$4,000.00 to handle the Beaumont property matter.

b. Respondent requested additional information from Ms. Roberson.

23. Respondent misrepresented to Ms. Roberson that Respondent was licensed to practice law in Texas when Respondent told Ms. Roberson that she could lawfully represent her in the Beaumont property matter.

24. On October 8, 2013, Respondent and Ms. Roberson exchanged emails regarding the additional information Respondent requested.

25. Respondent's emails to Ms. Roberson generally contained the following signature line:

Mediation Worlds, PLLC
Sheila Younger-Halliman, Esquire
Attorney and Advanced Credentialed Mediator,
TMCA
Phone: (817) 705-9516
FAX: (972) 401-4091
www.mediationworlds.com
Primarily Handling Civil, Employment,
Environmental, Family, Insurance, Probate Law
and Mediation Matters

26. By email dated October 10, 2013, Ms. Roberson sent Respondent a "brief summation of the legal situation" concerning the Beaumont property matter.

27. On October 16, 2013, Respondent and Ms. Roberson had a conference call to discuss the Beaumont property matter.

28. By email dated October 19, 2013, Respondent:

- a. asked Ms. Roberson to provide the property address and current title and deed information for the Beaumont property;
- b. suggested that it would be helpful to obtain an affidavit from Ms. Roberson's aunt and requested her aunt's contact information;

- c. asked that Ms. Roberson's mother and uncle make an appointment to meet with her; and
- d. stated that she would follow-up with Ms. Roberson regarding fees because she was assessing the extent of the work needed to resolve the matter.

29. That same day, Ms. Roberson emailed Respondent some of the information she had requested.

30. Between November 2013 and March 2014, Respondent and Ms. Roberson lost contact due to Ms. Roberson's mother's illness.

31. By email dated March 9, 2014, Ms. Roberson reestablished contact with Respondent.

32. By email dated March 11, 2014, Respondent responded to Ms. Roberson's March 9, 2014 email, referred Ms. Roberson to Respondent's November 2013 emails, and suggested that Ms. Roberson contact her by telephone to advance the matter.

33. By email dated April 23, 2014, Ms. Roberson requested a conference call with Respondent and Dr. Steele to discuss the Beaumont property matter and solidify a course of action and fee.

34. By email that same day, Respondent advised Ms. Roberson that she would be available for a conference call with Ms. Roberson on April 24, 2014 or April 25, 2014.

35. Ms. Roberson sent Respondent an email and confirmed the conference call with Respondent for April 25, 2014, which Respondent confirmed by email the same day.

36. By email dated April 27, 2014, Ms. Roberson asked whether Respondent could draft a simple statement to their tenant (Kendra White) in the Beaumont house providing that a condition of Ms. White's tenancy was to continue to deposit the required monthly rental payments into the BBVA account that had been established.

37. By email that same day, Respondent replied that she could provide that legal service and requested the address.

38. On April 28, 2014, Respondent provided a written fee agreement to Ms. Roberson, in which Respondent, Dr. Steele and Mediation Worlds agreed to provide legal services to Ms. Roberson, which included:

- a. conferences, discovery, preparation of and participation in a settlement demand and negotiations; and
- b. being responsible for client communication and responsiveness, and informing Ms. Roberson of Respondent's progress, developments and future strategy.

39. As part of the fee agreement, Ms. Roberson agreed to pay Mediation Worlds a \$4,000.00 non-refundable retainer

payable in monthly installments of \$1,000.00, with the first payment due on May 1, 2014, and \$250.00 per hour for services rendered after the retainer was depleted.

- a. Respondent agreed to provide monthly invoices.
- b. Respondent signed the fee agreement as "Sheila Younger-Halliman, Esq."
- c. Dr. Ralph Steele signed the fee agreement with "Esq." after his name even though he was not licensed to practice law in Texas.

40. Respondent entered into an unlawful fee agreement with Ms. Roberson in that Respondent was not licensed to practice law in Texas.

41. Respondent failed to advise Ms. Roberson that Respondent was not licensed to practice law in Texas and, therefore, was not lawfully:

- a. able to collect legal fees from her pursuant to a fee agreement; and
- b. permitted to perform legal services for her pursuant to a fee agreement.

42. Throughout April 2014, Respondent worked on the Beaumont property matter and provided legal work and legal advice to Ms. Roberson.

43. On or about April 30, 2014, Ms. Roberson paid Mediation Worlds \$1,000.00 toward the non-refundable retainer.

44. By email dated May 2, 2014, Respondent provided Ms. Roberson with a lease agreement that Respondent drafted for the tenant in the Beaumont property matter.

45. By email dated May 3, 2014, Ms. Roberson informed Respondent that she was concerned that the rent set forth in the lease agreement was too low.

46. By email that same day, Respondent advised Ms. Roberson that the rent could be adjusted to market value and that Respondent would research comparable properties to calculate the fair market value.

47. By email dated May 23, 2014, Ms. Roberson contacted Respondent about a separate legal matter involving a dispute between Ms. Roberson and the landlord of her apartment complex where she lived in Georgia ("Georgia matter").

48. On May 23, 2014, Ms. Roberson paid Mediation Worlds \$525.00.

49. Subsequently, Respondent and Ms. Roberson entered into a verbal agreement, in which Respondent agreed to represent Ms. Roberson in the Georgia matter for \$500.00.

50. Respondent is not licensed to practice law in Georgia.

51. Respondent failed to advise Ms. Roberson that Respondent was not licensed to practice law in Georgia and,

therefore, unable to lawfully represent her and perform legal services on her behalf in her Georgia matter.

52. At Respondent's request, Ms. Roberson forwarded Respondent's contact information to Jennifer Hawes, the property manager for the apartment complex in Georgia.

53. In an email to Ms. Hawes dated May 30, 2014, Ms. Roberson, when discussing the dispute in the Georgia matter, referred to Respondent as "my attorney."

54. By email dated May 31, 2014, Respondent advised Ms. Roberson of Respondent's intent to draft a letter to the tenant in the Beaumont property demanding payment.

55. By email dated June 4, 2014, Respondent advised Ms. Roberson that, "[i]n accordance with Texas property law," Respondent had drafted a letter to send to the tenant at the Beaumont property.

- a. In the letter Respondent drafted, Respondent advised the tenant to either pay back rent owed by June 15, 2014, or vacate the property by June 30, 2014.

56. By email dated June 25, 2014, Respondent advised Ms. Roberson that Respondent would need to run a title search on the Beaumont property.

57. Ms. Roberson elected to have Respondent hire a title search company to run the search.

58. Respondent gave Ms. Roberson an estimate of \$250.00 for the title search.

59. The title company Respondent hired ran two title searches.

60. Respondent failed to provide Ms. Roberson with the results of the title searches.

61. From June to August 2014, Respondent continued to do legal work on Ms. Roberson's two matters and corresponded with Ms. Roberson about each.

62. On or about July 13, 2014, Ms. Roberson paid Respondent \$1,350.00.

63. By email dated July 14, 2014, Respondent advised Ms. Roberson that Respondent would draft a letter to her landlord at her Georgia apartment complex demanding return of her security deposit.

64. By email dated August 25, 2014, Respondent:

- a. thanked Ms. Roberson for providing documents for her to review for purposes of writing a letter on her behalf regarding the Georgia apartment; and
- b. asked Ms. Roberson to access "Law Pay" on the Mediation Worlds website to pay her outstanding fee.

65. By email that same day, Ms. Roberson apologized for the late payment and advised Respondent that she just made a payment of \$1,000.00.

66. By email dated August 26, 2014, Respondent clarified for Ms. Roberson that Respondent was handling two separate matters for her, the Beaumont property matter in Texas and her apartment matter in Georgia and, therefore, she must compensate Respondent for services rendered for both.

- a. Respondent stated that an *additional* \$1,000.00 payment would satisfy the remainder of the retainer for the Beaumont property matter, as well as the fee for the Georgia matter.

67. Ms. Roberson immediately paid Respondent \$1,000.00.

68. By email dated August 27, 2014, Ms. Roberson requested receipts and documentation from Respondent in order to clarify the fee issues.

69. Respondent failed to send Ms. Roberson the requested receipts and documentation substantiating the fees Respondent had charged her.

70. By email dated September 10, 2014, Ms. Roberson asked Respondent about a \$500.00 discrepancy with the payments she made to Mediation Worlds.

- a. Ms. Roberson stated that, to date, she had paid Respondent \$4,000.00.

- b. However, Respondent's records indicated that Ms. Roberson had only paid \$3,500.00.
- c. Ms. Roberson again requested that Respondent send her receipts of all payments and financial transactions.

71. Respondent still failed to provide Ms. Roberson with the requested receipts and documentation reflecting Respondent's financial transactions with her.

72. Respondent and Ms. Roberson agreed to have a conference call on September 15, 2014 to discuss the fee issues.

- a. Respondent also agreed to hold a conference call with Ms. Roberson and her family regarding the Beaumont property on the same day but at a separate time.

73. On September 15, 2014, Respondent failed to call in to both of the conference calls.

74. By email dated September 26, 2014, Ms. Roberson inquired about Respondent's failure to call in to the conference calls.

- a. Ms. Roberson stated that she had "waited hours" for Respondent to call.
- b. Ms. Roberson requested a complete copy of the case files for both the Beaumont property and

the Georgia matter, including all correspondence, receipts and title searches.

75. Respondent failed to send the case files to Ms. Roberson.

76. On October 7, 2014, Ms. Roberson sent Respondent a letter, via the U.S. Postal Service, and requested that Respondent provide her with written documentation of all of the information contained in her legal files "within 7 business days."

77. Ms. Roberson also requested the following:

- a. Receipts of the multiple payments that she had made to Mediation Worlds;
- b. copies of all correspondence between all interested parties and contacts in the case regarding establishing true ownership of the Beaumont property;
- c. written documentation and proof that two title searches for which Respondent's office charged Ms. Roberson were actually conducted during the alleged time frame and the submission of all results; and
- d. all written documentation on the Georgia matter to include all correspondence, letters and other necessary work to resolve Ms. Roberson's

conflict alleging coercive and inappropriate assessed fees with the Abbington Pointe apartment complex, including remediation or compensation for threats, abusive treatment, and violation of personal and renters' rights.

78. Respondent received Ms. Roberson's letter of October 7, 2014.

79. Respondent failed to respond to Ms. Roberson's request for information.

80. At about that time, Respondent left a voicemail message on Ms. Roberson's phone.

81. On October 29, 2014, Ms. Roberson filed a "Request for Assistance" against Respondent with the State Bar of Texas Client-Attorney Assistance Program.

82. On January 15, 2015, Ms. Roberson filed a complaint against Respondent with the Texas Bar Unauthorized Practice of Law Committee ("UPLC").

Other Former Clients in Texas

83. Respondent provided legal services to other clients in Texas.

84. On or about September 23, 2013, Respondent provided a fee agreement to Glenda Natalwalla of Southlake, Texas and stated that Respondent would represent Ms. Natalwalla in her personal injury accident from falling at Thai Chili in

Southlake, mediate and/or negotiate her case with Farmers Insurance for settlement, and receive 35% of her final settlement with no retainer.

- a. Respondent signed the fee agreement as "Sheila Halliman, Esq."

85. By letter dated May 2, 2014, Respondent provided a fee agreement to Charles Epperson of Kaufman, Texas and stated that she would represent him in his dispute with the Dallas Police Department.

- a. Respondent charged a non-refundable retainer payment of \$5,000.00 and \$250.00 hourly fee for additional monies required for work.
- b. Respondent signed a fee agreement as "Sheila Younger-Halliman, Esq."

86. In May of 2016, Respondent represented Dr. Kitt Renee Square-Johnson, Karen Sykes and Jacqueline B. Taylor in an employment discrimination matter.

- a. Respondent sent a letter, which she electronically signed, to opposing counsel attempting to "reach an amicable settlement concerning outstanding issues involving their employment arrangement with [Superintendent] Delgado."

87. Respondent engaged in the unauthorized practice of law in Texas when she entered into fee agreements with these clients.

88. Respondent engaged in the unauthorized practice of law in Texas when she collected illegal fees from clients pursuant to the fee agreements.

89. Respondent engaged in the unauthorized practice of law in Texas when she performed legal services, provided legal advice, and negotiated settlements on behalf of clients.

90. Respondent has provided ODC with a letter drafted by Texas attorney Carol A. Wilson (and sent to another Texas attorney) in which Ms. Wilson opines that several Texas-barred attorneys may have committed malpractice during their representation of Ms. Cherry Young in her civil suit against her former husband. Respondent admits that she and Dr. Steele worked on Ms. Young's case and referred Ms. Young to some of the attorneys mentioned in the letter. To the extent that Respondent engaged in the unauthorized practice of law in the Young case, that misconduct is considered and incorporated in this joint petition in support of discipline on consent.

Court Finding of Unauthorized Practice of Law in Texas

91. On October 20, 2016, the Unauthorized Practice of Law Committee (UPLC) of the State of Texas filed a Motion for Default Judgment against Respondent due to Respondent's

failure to appear and respond to the allegations the UPLC made against her.

92. By Order dated March 29, 2017, the District Court of Dallas County, Texas entered a "Default Judgment and Permanent Injunction" against Respondent on the basis that Respondent, as well as Dr. Steele and Mediation Counseling & Travel, PLLC, failed to appear and answer the petition.

93. The court found that:

- a. Respondent was not licensed to practice law in the State of Texas and did not fall under any exemption to the State Bar Act that would allow her to practice law in the State of Texas;
- b. Respondent engaged in the unauthorized practice of law and assisted third parties, individuals, and entities in court proceedings, by, among other things, providing third parties legal services and advice and/or services and advice that required the use of legal skill or knowledge;
- c. Respondent was, at that time, continuing to engage in the unauthorized practice of law;
- d. Respondent's unauthorized practice of law "has a substantial probability of doing irreparable damage and harm to the legal rights of persons

and entities who are or would be represented by [her]"; and

- e. absent the entry of a permanent injunction, "there is an immediate danger that [Respondent] will continue to engage in the unauthorized practice of law."

94. The court ordered that Respondent was permanently enjoined from engaging in the unauthorized practice of law in the State of Texas, including but not limited to:

- a. representing persons or entities in any state or federal court in the State of Texas, or in any administrative agency in the State of Texas unless the rules of such agency permit non-lawyer representation;
- b. preparing and filing pleadings for any person or entity in any state or federal court, or administrative agency in the State of Texas (unless permitted by the rules of such agency);
- c. giving advice or rendering any service to any person or entity requiring the use of legal skill or knowledge;
- d. charging and/or accepting a fee for legal services or representation of any kind in the State of Texas;

- e. holding herself out as an attorney licensed to practice law in the State of Texas;
- f. drafting legal documents that purport to create or settle rights between third parties, and drafting correspondence regarding legal disputes and rights for third parties;
- g. negotiating or attempting to negotiate the rights of third parties to disputes involving civil claims against employers;
- h. interpreting the effect and meaning of written contracts;
- i. soliciting persons or entities to be her clients and representing them in legal matters;
- j. advising persons or entities as to the value of their claims and whether to accept an offer or amount of money in the settlement of claims;
- k. advising persons or entities of their rights, duties and privileges under the law and taking action on their behalf as to matters concerning the law;
- l. drafting legal documents and giving legal opinions and advice to laymen in connection with the documents;

- m. assisting laymen in preparing or filing pleadings or other documents without the direct supervision of an attorney licensed by and in good standing with the Supreme Court of Texas; and
- n. collecting fees for acts constituting the practice of law for which she is not licensed to practice.

95. By her conduct as alleged in Paragraphs 8 through 94 above, and in view of the Choice-of-Law provision of Pennsylvania RPC 8.5(b)(2), Respondent violated the following Texas Disciplinary Rules of Professional Conduct ("TX DRPC") and the following Georgia Rules of Professional Conduct ("GA RPC"):

- a. TX DRPC 1.03(a), which states that a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information;
- b. TX DRPC 1.04(a), which states that a lawyer shall not enter into an arrangement for, charge, or collect an illegal fee or unconscionable fee. A fee is unconscionable if a competent lawyer could not form a reasonable belief that the fee is reasonable;

- c. TX DRPC 1.14(b), which states that, upon receiving funds or other property in which a client or third person has an interest, 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, a lawyer shall promptly deliver to the client or third person any funds or other 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;
- d. TX DRPC 5.05(a), which states that a lawyer shall not practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction;
- e. TX DRPC 7.02(a)(1), which states that a lawyer shall not make or sponsor a false or misleading communication about the qualifications or the services of any lawyer or firm. 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;

- f. TX DRPC 8.04(a)(1), which states that a lawyer shall not violate the Texas Disciplinary Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another, whether or not such violation occurred in the course of a client-lawyer relationship;
- g. TX DRPC 8.04(a)(3), which states that a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- h. GA RPC 1.4(a)(4), which states that a lawyer shall promptly comply with reasonable requests for information;
- i. GA RPC 5.5(b)(2), which states that a Domestic Lawyer shall not hold out to the public or otherwise represent that the Domestic Lawyer is admitted to practice law in this jurisdiction;
- j. GA RPC 7.1(a)(1), which states that a lawyer may advertise through all forms of public media and through written communication not

involving personal contact so long as the communication is not false, fraudulent, deceptive or misleading. By way of illustration, but not limitation, a communication is false, fraudulent, deceptive 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;

- k. GA RPC 8.4(a)(1), which states that it shall be a violation of the Georgia Rules of Professional Conduct for a lawyer to violate or knowingly attempt to violate the Georgia Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; and
- l. GA RPC 8.4(a)(4), which states that it shall be a violation of the Georgia Rules of Professional Conduct for a lawyer to engage in professional conduct involving dishonesty, fraud, deceit or misrepresentation.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

96. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension from the practice of law for one year.

97. 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 Pa.R.D.E. 215(d), stating that she consents to the recommended discipline, including the mandatory acknowledgments contained in Pa.R.D.E. 215(d)(1) through (4).

98. Petitioner and Respondent respectfully submit that there are the following mitigating factors:

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

99. Precedent suggests that Respondent's misconduct here—creating the false impression, through statements on Mediation Worlds' website and by identifying herself on retainer agreements as "Sheila Halliman-Younger, Esq.," that she was a licensed attorney in Texas, engaging in various law-related activities in five matters, and failing to respond to Ms. Roberson's request for receipts and information—warrants a suspension of one year.

Although a "range of discipline" has been imposed for the unauthorized practice of law (UPL), **Office of Disciplinary Counsel v. Chauncey Harris**, No. 150 DB 2002 (D.Bd. Rpt. at 8) (S.Ct. Order 7/15/2004), attorneys who engage in this conduct are generally suspended from the practice of law. **Office of Disciplinary Counsel v. Keith Hall Barkley**, No. 144 DB 2016 (D.Bd. Rpt. 9/13/2017) (S.Ct. Order 11/14/2017). The discipline imposed for limited instances of unauthorized practice of law may be less than a one-year-and-one-day suspension. See, e.g., **Office of Disciplinary Counsel v. Evan T.L. Hughes**, No. 40 DB 2018 (D.Bd. Order 3/26/2018) (respondent received a public reprimand for UPL in two criminal matters in New Jersey; in one of the two matters, respondent, *inter alia*, failed to file a brief on appeal and failed to respond to the client's requests for status updates or to return the client's property; respondent also failed to

respond to a DB-7 letter); **Office of Disciplinary Counsel v. Hae Yeon Baik**, No. 192 DB 2016 (D.Bd. Order 12/7/2016) (respondent received a public reprimand on consent for: 1) UPL in a New Jersey real estate matter; 2) failing to communicate the basis or rate of her fee, in writing, before or within a reasonable time after commencing representation in the real estate matter; 3) depositing monies intended for the clients into her Pennsylvania bank account); 4) failing to provide a written fee agreement in a bankruptcy matter for the same clients; and 5) taking as legal fees a portion of the rental proceeds paid to her clients); **Office of Disciplinary Counsel v. John V. Buffington**, No. 45 DB 2004 (D.Bd. Rpt. 06/22/2005) (S.Ct. Order 9/22/2005) (attorney who continued to serve as an arbitrator for the Philadelphia Court of Common Pleas and handled three legal matters following his transfer to administrative suspension received a six-month suspension; attorney Buffington had no record of discipline, admitted his misconduct, and took corrective action); **Office of Disciplinary Counsel v. Ruth Ann Price**, No. 113 DB 2006 (Recommendation of the Three-Member Panel of the Disciplinary Board 6/30/2006) (S.Ct. Order 10/10/2006) (the Court approved a joint petition in support of a six-month suspension based on attorney Price having engaged in the unauthorized practice of law in three client matters over a period of approximately

six months while on inactive status); **Office of Disciplinary Counsel v. Theodore Q. Thompson**, No. 159 DB 2005 (D.Bd. Rpt. 12/28/2006) (S.Ct. Order 3/23/2007) (attorney Thompson received a six-month suspension for, *inter alia*, practicing law while on inactive status in at least seven cases from November 2004 through October 2005; "exemplary" record of public service to the community considered in mitigation of discipline); **Office of Disciplinary Counsel v. Julie Ann Marzano**, No. 46 DB 2006 (D.Bd. Rpt. 5/16/2007) (S.Ct. Order 8/1/2007) (attorney received a nine-month suspension for practicing law in three matters while on inactive status).

In **Marzano**, *supra*, while on inactive status, the respondent filed a complaint and other pleadings in a case that was eventually settled. In a second matter, the respondent filed a complaint on behalf of her father and settled the case. In a third matter, the respondent wrote a letter to another lawyer on behalf of her nephew's fiancée. In addition, the respondent used letterhead that indicated that she was a member of the Pennsylvania and New Jersey Bars. The Board found that a nine-month suspension was appropriate because the respondent had no record of discipline, the acts of legal representation were limited, and the respondent expressed sincere remorse for her misconduct (D.Bd. Rpt. at 14).

Like attorney Marzano, Respondent Younger-Halliman engaged in limited acts of the unauthorized practice of law and created the false impression that she was licensed in her home state (Texas). However, while attorney Marzano engaged in the unauthorized practice of law in three matters, two of which involved family members, Respondent Younger-Halliman engaged in UPL in five matters (two of them were for one client). Moreover, while attorney Marzano wrote a letter on letterhead that erroneously indicated that she was an active attorney, Respondent Younger-Halliman made statements on her website and her email that would have led a reasonable client to believe she was licensed to practice law in Texas. Finally, Respondent failed to respond to Ms. Roberson's requests for receipts and information. Accordingly, Respondent's actions warrant a suspension greater than the nine-month suspension imposed on Marzano.

Barkley, *supra*, is also instructive here with regard to the level of discipline to be imposed, although the circumstances in **Barkley** are decidedly more serious than those in the instant matter and led to a longer suspension (two years) than that which would be appropriate here. Barkley, who was not licensed to practice law in Utah, was hired as an independent contractor by a company called IIT Solutions, Inc. ("Solutions") to provide immigration and

legal services to Utah residents and was retained in that capacity to provide legal assistance in an immigration matter in that state. Barkley informed the client that he would perform certain legal services on her behalf for a fee of \$2600.00. The client paid Barkley \$1300.00 and Barkley provided a Fee Agreement Letter that stated that the client would receive "expedited legal and consulting services for Visa and immigration services." Barkley thereafter failed to provide any legal services.

In a second immigration matter, Barkley met with a client at Barkley's office in Utah (this was separate and apart from his relationship with Solutions). Barkley told this client that for a fee of \$6000.00 he would file immigration applications for the client's sisters. Barkley provided the client with an engagement letter stating that Barkley would provide the client with immigration-related legal services. Barkley provided this client with two Form I-130 petitions that Barkley had prepared, and misrepresented to the client that he (Barkley) had filed these petitions. Barkley later ceased using the Utah office and failed to provide any contact information.

In one of the two immigration matters, Barkley told the client he was an attorney. In the other matter, Barkley provided an engagement letter identifying himself as

"Esquire" and "Attorney at law." In both matters, Barkley gave the clients his business card identifying himself as "Esquire." The Disciplinary Board found that Barkley had "created the false impression that he was licensed to practice law in Utah," and that Barkley had engaged in the unauthorized practice of law.

In the instant matter, like the respondent in **Barkley**, Respondent Younger-Halliman created the false impression that she was licensed to practice law in her state of residence (Texas) and engaged in various law-related activities, which, though minimal in their scope, constituted the unauthorized practice of law.

However, there are significant differences between the instant matter and **Barkley**. The Board found that Barkley's failure to answer the charges against him in the Petition for Discipline and his failure to appear at the disciplinary hearing or submit a brief to the Hearing Committee "significantly aggravate[d]" that matter. The Board found as an additional aggravating factor that Barkley had three civil contempt findings and an outstanding judgment in an unrelated Bankruptcy matter. Moreover, Barkley did essentially nothing for his clients, lied to one of them about the work he claimed to have done, and abandoned both clients with no forwarding information.

Here, by contrast, Respondent answered ODC's DB-7 letter and has agreed to enter into Consent Discipline. In fact, there are no aggravating factors in this matter. Moreover, Respondent's law-related activities were minimal in scope and number. Unlike Barkley, Respondent actually did work on the cases at issue here.

Respondent claims in her response to ODC's DB-7 letter that she believed that she was not exceeding the bounds of "mediation" and that Mediation Worlds had employed a Texas-barred attorney to do the work that went beyond "mediation"—i.e., to "draft agreements and handle litigation matters." There is evidence that Mediation Worlds did in fact employ for some period of time a Texas-barred attorney, although Respondent, and not the Texas-barred attorney, engaged in the various law-related activities in the five matters discussed above. Respondent's actual work on these cases—providing advice to clients, drafting pre-suit documents, and attempting to negotiate a settlement—did not involve any court appearances.

Finally, Respondent has not been practicing law in Texas or anywhere else since March of 2017.

The above factors establish a basis for a one-year suspension for Respondent, as opposed to a lengthier suspension that would require Respondent to petition for

reinstatement. See, e.g., **Office of Disciplinary Counsel v. Charles Ellis Steele**, No. 110 DB 2014 (D.Bd. Rpt. 3/14/2016) (S.Ct. Order 6/6/2016) (respondent practiced law in the Western District of Pennsylvania and the Third Circuit while he was still removed from practice in those jurisdictions and made misrepresentations on his applications for admission to the Middle and Eastern Districts; Board found that a one-year suspension was sufficient to call appropriate attention to Respondent's conduct while protecting the public). A one-year suspension recognizes the serious nature of Respondent's misconduct and adequately advances the goals of Pennsylvania's system of attorney discipline, which are to protect the public, maintain the integrity of the judicial system, and deter similar conduct by other attorneys. **In re Iulo**, 766 A.2d 335, 338, 339 (Pa. 2001).

WHEREFORE, Petitioner and Respondent respectfully request that:

- a. Pursuant to Rule 215(e) and 215(g)(2), 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, and that under Pa.R.D.E. 208(g)(1) all expenses be paid by Respondent within 30 days after the notice of the taxed expenses is transmitted to Respondent.

Respectfully and jointly submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

12/13/18
Date

By

Robin B. Godfrey
Disciplinary Counsel

11/14/18
Date

By

Sheila K. Younger Halliman
Sheila K. Younger-Halliman, Esq.
Respondent

11/12/18
Date

By

Samuel C. Stretton, Esq.
Respondent's Counsel

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
v. : ODC File No. C1-15-392
SHEILA K. YOUNGER-HALLIMAN, : Atty. Reg. No. 52234
Respondent : (Out of State)

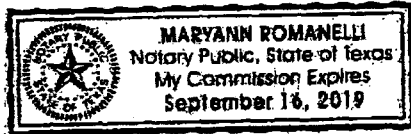
Respondent, Sheila K. Younger-Halliman, hereby states that she consents to the imposition of a suspension of one year, as jointly recommended by Petitioner, Office of Disciplinary Counsel, and Respondent in the Joint Petition in Support of Discipline on Consent and further states that:

3. She consents because she knows that if charges predicated upon the matters under investigation were filed, she could not successfully defend against them.

Sheila K. Younger-Hallinan
Sheila K. Younger-Hallinan, Esquire
Respondent

Sworn to and subscribed
before me this 15th
day of November, 2018.

Maryann Romanelli
Notary Public



BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :

Petitioner :

: ODC File No. C1-15-392

v. :

: Atty. Reg. No. 52234

SHEILA K. YOUNGER-HALLIMAN, :

Respondent : (Out of State)

VERIFICATION

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

12/13/18
Date

Robin B. Godfrey
Disciplinary Counsel

1/16/18
Date

Sheila K. Younger-Halliman
Sheila K. Younger-Halliman, Esq.
Respondent

1/17/18
Date

Samuel C. Stretton, Esq.
Respondent's Counsel

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Office of Disciplinary Counsel

Signature: _____

Name: Robin B. Godfrey, Disciplinary Counsel

Attorney No. (if applicable): 59513