

**IN THE SUPREME COURT OF PENNSYLVANIA**


OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2767 Disciplinary Docket No. 3
	:	
Petitioner	:	No. 28 DB 2021
	:	
v.	:	Attorney Registration No. 308148
	:	
MILENA MLADENOVICH,	:	(Out of State)
	:	
Respondent	:	

**ORDER**

**PER CURIAM**

**AND NOW**, this 1<sup>st</sup> day of April, 2022, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board, the Joint Petition in Support of Discipline on Consent is granted, and Milena Mladenovich is suspended on consent from the Bar of this Commonwealth for a period of three years. 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 Nicole Traini  
As Of 04/01/2022

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

**REDACTED**

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2767 Disc. Dkt. No. 3  
Petitioner :  
: No. 28 DB 2021 &  
: ODC File No. C1-21-812  
v. :  
: Atty. Reg. No. 308148  
MILENA MLADENOVICH, :  
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 Thomas J. Farrell, Esquire, Chief Disciplinary Counsel, and by Richard Hernandez, Esquire, Disciplinary Counsel, and Respondent, Milena Mladenovich, file this Joint Petition In Support of Discipline On Consent Under Rule 215(d) of the Pennsylvania Rules of Disciplinary Enforcement ("the Joint Petition") and respectfully represent that:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania, is invested, pursuant to Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 207, with the power and duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings

**FILED**  
**02/25/2022**  
**The Disciplinary Board of the**  
**Supreme Court of Pennsylvania**

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

2. Respondent, Milena Mladenovich, was born in 1981, was admitted to practice law in the Commonwealth on April 16, 2010, and currently resides in Philadelphia, Pennsylvania.

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

4. By Order of the Supreme Court of Pennsylvania dated August 11, 2021, effective September 10, 2021, Respondent was placed on administrative suspension pursuant to Pa.R.D.E. 219 for having failed to complete the annual registration requirements ("the administrative suspension Order"). The administrative suspension Order was issued while Respondent was incarcerated.

5. Respondent is aware that there are two open complaint files under investigation by ODC.

6. The one matter, which commenced as ODC File No. C1-20-150 and is now assigned Disciplinary Board docket number 28 DB 2021 and Supreme Court docket number 2767 DD3, relates to Respondent's convictions in two separate criminal cases; one case was filed in the Court of Common Pleas of Delaware County and the second case was filed in the Court of Common Pleas of Philadelphia County.

7. The second matter, which is assigned ODC File No. C1-21-812, relates to Respondent's recent conviction in a criminal case filed in the Court of Common Pleas of Philadelphia County.

8. Respondent has agreed to enter into a joint recommendation for consent discipline that encompasses the allegations of misconduct raised in the two open complaint files.

**SPECIFIC FACTUAL ADMISSIONS**  
**AND ETHICS RULES VIOLATED**

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

**CHARGE I: No. 28 DB 2021**

**A. THE DELAWARE COUNTY CASE**

10. In August 2018, Respondent was arrested in Delaware County and charged with Driving Under the Influence (DUI), Highest Rate of Alcohol (BAC .16+) (1<sup>st</sup> Offense), 75 Pa.C.S.A. § 3802(c) (ungraded misdemeanor), Reckless Driving, 75 Pa.C.S.A. § 3736(a) (summary), and related offenses.

a. Respondent's blood alcohol level was .3627 at the time of her arrest.

11. In September 2018, following a preliminary hearing that occurred before Magisterial District Judge Wendy B. Roberts, a criminal case was filed against Respondent in the Court of Common Pleas of Delaware County captioned **Commonwealth of Pennsylvania v. Milena Mladenovich**, CP-23-CR-0005670-2018 ("the Delaware County case").

12. On February 25, 2019, Respondent appeared before the Honorable Richard M. Cappelli and pled guilty to DUI - Highest Rate of Alcohol, 75 Pa.C.S.A. § 3802(c).

13. The maximum penalty for DUI - Highest Rate of Alcohol is six months of incarceration. 75 Pa.C.S.A. § 3803(b)(2).

14. The crime to which Respondent pled guilty is a "crime" as defined in Pa.R.D.E. 214(h).

15. Respondent's conviction is a *per se* basis for discipline under Pa.R.D.E. 214(e) and Pa.R.D.E. 203(b)(1).

16. On February 25, 2019, Judge Cappelli sentenced Respondent to:

- a. 72 hours to six months of confinement;
- b. a fine of \$1,000 and court costs;
- c. attend and successfully complete an Alcohol Highway Safety Class;
- d. undergo CRN evaluation;

- e. undergo Drug and Alcohol evaluation and follow all recommendations for treatment;
- f. comply with rules and regulations governing Probation and/or Parole including DUI; and
- f. report at 6:00 p.m. on 3/8/2019 to Delaware County Prison to begin sentence.

17. Pa.R.D.E. 214(a) provides that an attorney convicted of a crime shall report the fact of such conviction within 20 days to ODC.

18. Respondent failed to report her DUI criminal conviction within the 20 days as required by Pa.R.D.E. 214(a).

#### **B. THE 2020 PHILADELPHIA COUNTY CASE**

19. In November 2019, Respondent was arrested in Philadelphia County and charged with Terroristic Threats, 18 Pa.C.S.A. § 2706(a)(1)(misdemeanor of the first degree), Stalking, 18 Pa.C.S.A. § 2709.1(a)(1)(misdemeanor of the first degree), and related offenses.

- a. On October 16, 17, and 21, 2019, Respondent called her former psychiatrist and left no fewer than 17 voice mail messages and numerous text messages containing vulgar language, anti-Semitic remarks, and threats to physically harm and kill her former psychiatrist.

20. In March 2020, following a preliminary hearing that occurred in Philadelphia Municipal Court, a criminal case was filed against Respondent in the Court of Common Pleas of Philadelphia County captioned **Commonwealth of Pennsylvania v. Milena Mladenovich**, CP-51-CR-0002129-2020 ("the 2020 Philadelphia County case").

21. On September 17, 2020, Respondent appeared before the Honorable Mark J. Moore and pled guilty to the crimes of Terroristic Threats, 18 Pa.C.S.A. § 2706(a)(1) and Stalking, 18 Pa.C.S.A. § 2709.1(a)(1).

22. The maximum penalty for Terroristic Threats graded as a misdemeanor of the first degree is five years of imprisonment. 18 Pa.C.S.A. § 1104(1).

23. The maximum penalty for Stalking graded as a misdemeanor of the first degree is five years of imprisonment. *Id.*

24. Each crime to which Respondent pled guilty is a "crime" as defined in Pa.R.D.E. 214(h).

25. Respondent's convictions are a *per se* basis for discipline under Pa.R.D.E. 214(e) and Pa.R.D.E. 203(b)(1).

26. On September 17, 2020, Judge Moore sentenced Respondent.

27. For the crime of Terroristic Threats, Judge Moore sentenced Respondent to:

- a. five years of probation, of which the first two years were to be reporting probation and the remaining three years were to be non-reporting probation;
- b. supervision by the Mental Health Unit;
- c. mental health treatment as a condition of probation; and
- d. a condition prohibiting Respondent from possessing a firearm.

28. For the crime of Stalking, Judge Moore sentenced Respondent to:

- a. two years of non-reporting probation to run consecutive to the probation sentence for Terroristic Threats;
- b. payment of mandatory court costs;
- c. supervision by the Mental Health Unit;
- d. mental health treatment as a condition of probation; and
- e. to have no contact with her former psychiatrist and any family members or friends of her former psychiatrist.

29. By her conduct as alleged in paragraphs 10 through 28 above, Respondent violated the following Rule of



Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement:

- a. RPC 8.4(b) (two counts), which states that it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- b. Pa.R.D.E. 203(b) (1) (two counts), which states that conviction of a crime shall be grounds for discipline; and
- c. Pa.R.D.E. 203(b) (3) (one count), which states that a wilful violation of any other provision of the Enforcement Rules shall be grounds for discipline, via:
  - (1) Pa.R.D.E. 214(a), which states that an attorney convicted of a crime shall report the fact of such conviction within 20 days to the Office of Disciplinary Counsel. The responsibility of the attorney to make such report shall not be abated because the conviction is under appeal or the clerk of the court has transmitted a certificate to Disciplinary Counsel pursuant to subdivision (b) [of Rule 214].

**CHARGE II: ODC File No. C1-21-812**

**A. THE 2021 PHILADELPHIA COUNTY CASE**

30. In March 2021, Respondent was arrested in Philadelphia County and charged with Intimidation of Witnesses or Victims, 18 Pa.C.S.A. § 4952(a)(1) (felony of the third degree), Retaliation against Witness, Victim or Party, 18 Pa.C.S.A. § 4953(a)(1) (felony of the third degree), Terroristic Threats, 18 Pa.C.S.A. § 2706(a)(1) (misdemeanor of the first degree) (2 counts), and Harassment, 18 Pa.C.S.A. § 2709(a)(4) (misdemeanor of the third degree).

- a. On February 18, 2021, while Respondent was on probation in the 2020 Philadelphia County case, she called the home office landline belonging to her former psychiatrist and left three voicemail messages in a half-hour period. In the voicemail messages Respondent used obscene language and threatened that: Respondent or Respondent's "kids" (Respondent does not have children) would kill the former psychiatrist if the former psychiatrist did not stay away from Respondent and stop medicating Respondent's children; Respondent would cause the former psychiatrist to lose her medical license; and Respondent would

murder the former psychiatrist if the former psychiatrist did not withdraw the sentence (referring to the 2020 Philadelphia County case).

31. In May 2021, following a preliminary hearing that occurred in Philadelphia Municipal Court, a criminal case was filed against Respondent in the Court of Common Pleas of Philadelphia County captioned **Commonwealth of Pennsylvania v. Milena Mladenovich**, CP-51-CR-0004382-2021 ("the 2021 Philadelphia County case").

32. On September 23, 2021, Respondent appeared before the Honorable Stephanie M. Sawyer and pled guilty to the crimes of Terroristic Threats, 18 Pa.C.S.A. § 2706(a)(1) and Harassment, 18 Pa.C.S.A. § 2709(a)(4).

33. The maximum penalty for Terroristic Threats graded as a misdemeanor of the first degree is five years of imprisonment. 18 Pa.C.S.A. § 1104(1).

34. The maximum penalty for Harassment graded as a misdemeanor of the third degree is one year of imprisonment. 18 Pa.C.S.A. § 1104(3).

35. Each crime to which Respondent pled guilty is a "crime" as defined in Pa.R.D.E. 214(h).

36. Respondent's convictions are a *per se* basis for discipline under Pa.R.D.E. 214(e) and Pa.R.D.E. 203(b)(1).

37. On November 18, 2021, Judge Sawyer sentenced Respondent.

38. For the crime of Terroristic Threats, Judge Sawyer sentenced Respondent to a term of imprisonment of eleven and one-half months to twenty-three months, with credit for time served and immediate parole.

39. For the crime of Harassment, Judge Sawyer sentenced Respondent to:

- a. two years of reporting probation;
- b. payment of mandatory court costs;
- c. mental health treatment as a condition of probation; and
- e. have no contact with her former psychiatrist during the length of the sentence.

40. By her conduct as alleged in paragraphs 30 through 39 above, Respondent violated the following Rule of Professional Conduct and Pennsylvania Rule of Disciplinary Enforcement:

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

- b. Pa.R.D.E. 203(b)(1), which states that conviction of a crime shall be grounds for discipline.

**VIOLATION OF PROBATION PROCEEDING IN THE 2020  
PHILADELPHIA COUNTY CASE**

41. Based on Respondent's arrest in the 2021 Philadelphia County case, a detainer was issued in the 2020 Philadelphia County case and Respondent was incarcerated from February 24, 2021 through October 5, 2021.

42. On November 18, 2021, a violation of probation hearing was held and Judge Sawyer sentenced Respondent to:

- a. a total probationary term of four years to run consecutive to the probationary term imposed in the 2021 criminal case;
- b. supervision by the Mental Health Unit;
- c. mental health treatment as a condition of probation; and
- d. have no contact with her former psychiatrist during the length of the sentence.

**SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE**

43. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension of three years.

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

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

- a. Attached as Attachment A is a November 14, 2020 letter prepared by licensed psychologist Irene Feigin, M.A. In the letter, Ms. Feigin stated that from July 20, 2018 through November 2020, she had been treating Respondent for depression, chronic anxiety, anger issues, impulsivity, and panic attacks; Respondent was diagnosed as having bipolar disorder.
- b. Respondent and Petitioner submit that it is likely that at a disciplinary hearing Respondent would establish that there is a causal connection between her criminal conduct and her diagnosed condition so as to

constitute mitigation under *Office of Disciplinary Counsel v. Braun*, 553 A.2d 894 (Pa. 1989).

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

46. There are three disciplinary cases that resemble Respondent's matter in that they involve harassing and threatening criminal conduct; in those cases suspensions were imposed that ranged from thirty months to three years. These disciplinary cases support Petitioner and Respondent's joint recommendation that Respondent be suspended for three years.

In *Office of Disciplinary Counsel v. William H. Lynch, Jr.*, No. 70 DB 2020 (D.Bd. Rpt. 12/10/21) (S.Ct. Order 1/6/22), our Court suspended Respondent Lynch for three years for a

stalking conviction. In September 2019, Respondent Lynch sent a series of sexually explicit text messages to Ms. Rachelle Sellers, a woman he had met a month earlier. D.Bd. Rpt. at 4-8. After Ms. Sellers declined to engage in a romantic relationship, Respondent Lynch sent numerous sexually explicit text messages, left voicemail messages, and placed calls to Ms. Sellers, which communications used sexual, derogatory, profane, and threatening language. *Id.* 5-7. Respondent communicated to Ms. Sellers that he would use his status as an attorney to have her deported and to file a legal action against her; he also filed three baseless criminal complaints against Ms. Sellers and threatened her physical safety. *Id.* 5-8. After Respondent Lynch was arrested, he twice violated the terms of his bail by contacting Ms. Sellers. *Id.* 9-10. Respondent Lynch was sentenced to two days to twenty-three months imprisonment, to undergo a mental health evaluation, and to follow all recommendations for treatment. *Id.* 12.

Respondent Lynch had several mitigating circumstances: no record of discipline; character evidence; political and charitable activities; and mental health treatment (although he was not credited with **Braun**). *Id.* 28-29. An aggravating factor was Respondent Lynch's failure to recognize the



seriousness of his misconduct and the impact that misconduct had on Ms. Sellers. *Id.* 28.

A second disciplinary case that resulted in a three-year suspension is ***Office of Disciplinary Counsel v. James Martin Fogerty***, No. 59 DB 2004 (D.Bd. Rpt. 2/25/2005) (S.Ct. Order 5/27/2005). Respondent Fogerty was convicted of criminal trespass, possession of an interception device, and interception of oral communications. D.Bd. Rpt. at 1. Respondent Fogerty had unlawfully entered the apartment of his former girlfriend and planted a listening device. *Id.* 3-4. Over a five-month period, Respondent Fogerty harassed his former girlfriend by sending her emails and leaving voicemail messages at her residence and place of employment, which communications contained offensive language directed at her and black people, and repeated private sexual information that he had obtained from the listening device. *Id.* 4. Respondent Fogerty also placed himself outside his former girlfriend's apartment to monitor her activities and to eavesdrop on her conversations. *Id.* Respondent Fogerty was sentenced to a probationary term of five years for each charge, to be served concurrently. *Id.*

In mitigation, Respondent Fogerty had no record of discipline, character evidence, and ***Braun*** by showing he suffered from a psychiatric disorder which caused his

misconduct. *Id.* 3, 6-8. The Board treated as "aggravating circumstances" the "nature and duration of Respondent's crimes." *Id.* 8.

A thirty-month suspension was imposed on an attorney with no record of discipline who was convicted by a jury of two counts of terroristic threats and two counts of harassment and had failed to report his convictions. ***In re Anonymous (Robert R. Redmond) No. 34 DB 93***, 32 Pa. D.&C.4th 23 (1996). Respondent Redmond was sentenced to a term of imprisonment of one to two years to be followed by a one-year period of probation, with a stay-away condition. D.Bd. Rpt. at 26. Respondent Redmond had:

- made approximately five death threats to the mother (hereinafter "Ms. A") of their child beginning in 1988 and for several years thereafter;
- driven slowly past the residence of Ms. A and stated "You're dead bitch" in 1989;
- arranged for Ms. A and her family members to receive offers of life and accidental death and dismemberment insurance and telephoned Ms. A to ask if she received the offers because she would need them;

- driven or someone at Respondent Redmond's direction had driven an automobile that almost struck Ms. A following a March 1990 family court hearing;
- telephoned Ms. A in July and November 1990 and threatened to kill Ms. A;
- driven past Ms. A's residence and waved a gun in her direction in October 1991; and
- threatened to inflict serious bodily injury to Ms. A's mother and to kill Ms. A's mother in June 1991 and April 1992, respectively. *Id.* 27.

The Disciplinary Board opined that Respondent Redmond's criminal conduct warranted a suspension not less than a year and a day, which required Respondent Redmond to prove his fitness at a reinstatement hearing. *Id.* 32. However, the Disciplinary Board decided to recommend a thirty-month suspension, retroactive to the date of Respondent Redmond's temporary suspension, because the criminal conduct occurred over a four-year period and there was no evidence that Respondent Redmond had a mental disorder that entitled him to **Braun** mitigation. *Id.* 33.

Petitioner and Respondent submit that **Lynch, Fogerty,** and **Redmond** support the joint recommendation that Respondent's criminal conduct warrants a suspension of three years.

A suspension of three years will advance the goals of attorney discipline. Those goals are protecting the public, maintaining the integrity of the courts and the legal profession, and specific and general deterrence. See **Office of Disciplinary Counsel v. Keller**, 506 A.2d 872, 875 (Pa. 1986); **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), Pa.R.D.E., the Three-Member Panel of the Disciplinary Board review and approve the 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 that Respondent receive a suspension of three years, and that Respondent comply with all of the provisions of Rule 217, Pa.R.D.E.; and
- 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

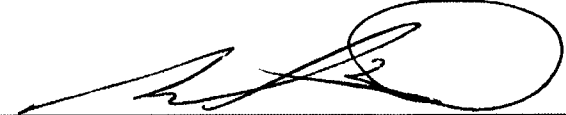
within 30 days after the notice of the taxed expenses is sent to Respondent.

Respectfully and jointly submitted,

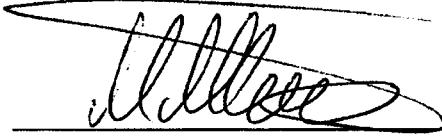
OFFICE OF DISCIPLINARY COUNSEL

THOMAS J. FARRELL  
CHIEF DISCIPLINARY COUNSEL

2/23/2022  
Date

By   
Richard Hernandez  
Disciplinary Counsel

2/19/22  
Date

By   
Milena Mladenovich  
Respondent

**ATTACHMENT A**  
**UNAVAILABLE -**  
**CONFIDENTIAL DOCUMENT**


BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2767 Disc. Dkt. No. 3  
Petitioner :  
: No. 28 DB 2021 &  
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v. :  
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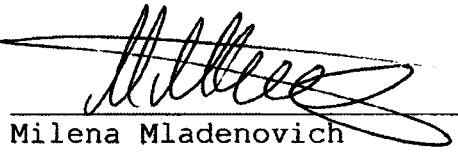
VERIFICATION

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 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.

2/25/2022  
Date

  
Richard Hernandez  
Disciplinary Counsel

2/19/22  
Date

  
Milena Mladenovich  
Respondent

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

Respondent, Milena Mladenovich, hereby states that she consents to the imposition of a suspension of three years, as jointly recommended by Petitioner, Office of Disciplinary Counsel, and Respondent in the Joint Petition in Support of Discipline on Consent ("the Joint Petition") and further states that:

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

2. She is aware that there is presently pending a disciplinary proceeding at 28 DB 2021 and an investigation relating to a complaint docketed at C1-21-812, both matters involving allegations that she has been guilty of misconduct as set forth in the Joint Petition;



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

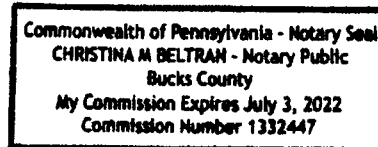
4. She consents because she knows that if charges pending at 28 DB 2021 continued to be prosecuted and if charges predicated upon the matter docketed at C1-21-812 were filed, she could not successfully defend against them.




Milena Mladenovich  
Respondent

Sworn to and subscribed

before me this 19th  
day of February, 2022.



  
Notary Public

**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: Richard Hernandez, Disciplinary Counsel

Attorney No. (if applicable): 57254