

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 510 Disciplinary Docket No. 3
:
: No. 30 DB 1999
ROBERT S. TETI :
: Attorney Registration No. 36981
:
PETITION FOR REINSTATEMENT : (Chester County)

ORDER

PER CURIAM:

AND NOW, this 28th day of February, 2013, upon consideration of the Report and Recommendations of the Disciplinary Board dated December 13, 2012, the Petition for Reinstatement is granted.

Pursuant to Rule 218(f), Pa.R.D.E., petitioner is directed to pay the expenses incurred by the Board in the investigation and processing of the Petition for Reinstatement.

A True Copy Patricia Nicola
As Of 2/28/2013

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 510 Disciplinary Docket No. 3
: No. 30 DB 1999
ROBERT S. TETI : Attorney Registration No. 36981
: (Philadelphia)
PETITION FOR REINSTATEMENT :

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.

I. HISTORY OF PROCEEDINGS

On April 21, 1999, the Supreme Court of Pennsylvania entered an order disbaring Robert S. Teti on consent from the practice of law. Mr. Teti filed a Petition for Reinstatement on November 30, 2011. A response was filed by Office of Disciplinary Counsel on March 2, 2012.

A reinstatement hearing was held on May 14, 2012, before a District II Hearing Committee comprised of Chair Stewart J. Greenleaf, Jr., Esquire, and Members Michael W. McTigue, Jr., Esquire, and Marcel L. Groen, Esquire. Petitioner was represented by Samuel C. Stretton, Esquire. Petitioner introduced five exhibits and the testimony of four witnesses, as well as his own testimony. Office of Disciplinary Counsel did not present any witnesses or exhibits.

Following the submission of a brief by Petitioner, the Hearing Committee filed a Report on August 24, 2012 and recommended that the Petition for Reinstatement be granted.

No Briefs on Exception were filed by the parties.

This matter was adjudicated by the Disciplinary Board at the meeting on October 18, 2012.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner is Robert S. Teti. He was born in 1955 and was admitted to practice law in the Commonwealth of Pennsylvania in 1982. His current business address is 26 S. Church Street, West Chester, PA 19382. Petitioner is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

2. Petitioner practiced law in Pennsylvania for 17 years until his disbarment by consent on April 21, 1999. (N.T. 63)

3. Aside from the discipline giving rise to Petitioner's disbarment by consent, Petitioner has no other history of professional discipline. (N.T. 63)

4. Prior to his disbarment, Petitioner maintained his own general practice of law in West Chester, Pennsylvania, which included real estate work. (N.T. 68)

5. In that regard, Petitioner was an approved title insurance attorney for the Abstracting Company of Chester County ("ABCO"). (N.T. 69)

6. As an agent for ABCO, Petitioner handled real estate settlements, made distributions of funds and prepared settlement sheets. (N.T. 70-74).

7. Following a settlement, all settlement funds would go through Petitioner's trust account and Petitioner would be responsible for distributing the funds, paying all the outstanding bills, and paying ABCO its fee. (N.T. 78, 79)

8. Approximately a year and a half prior to his disbarment, Petitioner stopped paying ABCO its fee following settlements and would instead retain those funds. (N.T. 79-81).

9. Petitioner admitted he failed to pay ABCO its fee and instead retained the fee to pay personal expenses, such as health insurance, school tuition for his children, and other expenses. (N.T. 81) In total, Petitioner failed to distribute \$15,698 to ABCO. (N.T. 84, 85).

10. After his misconduct was discovered, Petitioner was charged with and entered a guilty plea to 21 counts of violating 18 Pa.C.S.A. Section 3927, Failure to Make Required Disposition of Funds. (N.T. 84, 85)

11. Petitioner made full restitution to ABCO before he entered his guilty plea and was sentenced to five years' probation and community service. (N.T. 85)

12. Petitioner expressed shame and remorse for his misconduct and noted how he let down the bar by his failure of integrity in misusing the funds he was holding for ABCO. (N.T. 112, 113)

13. Petitioner explained that he misused those funds at a time of financial stress and will never repeat that kind of misconduct. (N.T. 113-115)

14. Following Petitioner's disbarment, he was employed in several positions outside the legal industry, including as a corporate learning manager for LaFrance Corporation for six years, opening and operating two restaurants until 2009, as a crew leader for a landscaping company, and as an "expediter" for a country club. (N.T. 89-94)

15. In March 2011, Petitioner began working as a paralegal for Joseph F. Claffy, Jr., Esquire of West Chester.

16. Petitioner is familiar with Pennsylvania Rule of Disciplinary Enforcement 217(j) and has satisfied those requirements. Attorney Claffy confirmed that both he and Petitioner have complied with Rule 217(j). (N.T. 43-45)

17. Petitioner has had no client contact, other than administrative scheduling, unless Attorney Claffy is present. (N.T. 96-97) Attorney Claffy confirmed this fact. (N.T. 43-35)

18. Petitioner drafts complaints, pleadings, and conducts research relating to non-bankruptcy civil cases. (N.T. 97-99)

19. Petitioner has never given advice to clients or held himself out as an attorney at any time during his disbarment. (N.T. 97-99)

20. Mr. Claffy supervises Petitioner and reviews all of Petitioner's work. (N.T. 43, 44)

21. Petitioner presented the testimony of four attorneys, including Mr. Claffy, who all testified that Petitioner enjoys a reputation in the community as a peaceful, law-abiding, truthful and honest person. (N.T. 21-23)

22. Albert M. Sardella, Esquire is a Pennsylvania attorney who has known Petitioner for 25 years and was a partner in a law firm with Petitioner for five or six years starting in 1987. He describes Petitioner as dependable, with a good and keen knowledge of the law. (N.T. 19,20)

23. Jay G. Fischer, Esquire is a Pennsylvania attorney who has known Petitioner for many years in both professional and personal capacities. He finds Petitioner to have a good reputation in the community as an honest person. Petitioner has accepted responsibility for his misconduct and Mr. Fischer has no hesitation in recommending Petitioner's reinstatement to the bar. (N.T. 29, 31)

24. James Heisman, Esquire, is a Delaware attorney who has known Petitioner on a personal level for many years due to the close friendship of their wives. He describes Petitioner as remorseful for his misconduct and accepting of responsibility for his actions. (N.T. 36,37)

25. Joseph F. Claffy, Jr., Esquire has been practicing law in Pennsylvania since 1981. He has known Petitioner for many years and hired him in 2011 to work as a paralegal at Mr. Claffy's law firm. (N.T. 40-42)

26. Mr. Claffy supervises and reviews Petitioner's entire work product and confirms that he has a good grasp of the current state of the law and performs excellent paralegal work. (N.T. 50-51)

27. Mr. Claffy confirmed that Petitioner has expressed remorse and shame for his misconduct. (N.T. 48,49)

28. Petitioner testified on his own behalf. He knew that he was clearly wrong to use the ABCO money in an unethical and illegal manner, and he fully admitted that he did so and never attempted to deny it. He describes his actions as the worst mistake of his life. He felt very ashamed to have let down the bar, his clients, the public and the profession. He believes his actions showed a failure of integrity on his part. He has tried in the aftermath to "carry on and keep my head up." (N.T. 112,113)

29. Petitioner waited an extended period of time to file for reinstatement due in part to his feelings of embarrassment, and in part to the fact that he didn't feel ready to practice. (N.T. 102)

30. Petitioner completed all of the required continuing legal education courses necessary for reinstatement. (Exhibit P-4)

31. Petitioner has kept apprised of the current state of the law through legal research for his employer, as well as review of various legal periodicals such as the advance sheets, *Pennsylvania Lawyer*, Attorney E-Newsletter issued by the Disciplinary Board, and local rules. (Petition for Reinstatement)

32. Petitioner is current in all tax filings and has no outstanding judgments or liens against him. (N.T. 103,104)

33. In 2010, Petitioner and his wife filed for Chapter 7 bankruptcy, which was discharged that same year. (N.T. 107, 108)

34. If reinstated, Petitioner intends to practice civil law in West Chester. (Petition for Reinstatement)

35. Office of Disciplinary Counsel does not oppose reinstatement.

III. CONCLUSIONS OF LAW

1. The misconduct for which Petitioner was disbarred is not so egregious as to preclude reinstatement. Office of Disciplinary Counsel v. Keller, 506 A.2d 872 (Pa. 1986).

2. Petitioner has demonstrated by clear and convincing evidence that a sufficient period of time has passed since the misconduct. In re Verlin, 731 A.2d 600 (Pa. 1999).

3. Petitioner has demonstrated by clear and convincing evidence that he possesses the moral qualifications, competency and learning in the law required to practice law in Pennsylvania, and his resumption of the practice of law within the Commonwealth will be neither detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest. Pa.R.D.E. 218(c)(3).

IV. DISCUSSION

Petitioner seeks reinstatement to the bar of the Supreme Court of Pennsylvania following his disbarment on consent by Order of the Court dated April 21, 1999. Petitioner filed his request for reinstatement by Petition dated November 30, 2011.

Petitioner's request for reinstatement from disbarment is initially governed by the standard set forth by the Supreme Court of Pennsylvania in Office of Disciplinary Counsel v. Keller, 506 A.2d 872 (Pa. 1986). As a threshold matter, the Board must determine whether Petitioner has demonstrated that his breach of trust was not so egregious as to preclude his reinstatement.

In making the critical determination pursuant to Keller, it is helpful for the Board to examine the circumstances surrounding the facts which resulted in Petitioner's conviction of 21 counts of failure to make required disposition of funds. Petitioner was an approved title insurance attorney and in such capacity handled real estate settlements, distributed funds and prepared settlement sheets. The settlement funds would go through Petitioner's trust account, and he was responsible for distributing the funds, including paying the abstract company its fee. At a point in time when Petitioner was experiencing financial pressures, he stopped paying the abstract company its fee and instead retained the monies to pay personal expenses. In total, Petitioner failed to distribute \$15,698 to the abstract company.

Although this misconduct is very serious and clearly in violation of the ethical rules and the law, the Board concludes that it is not so egregious as to preclude Petitioner from reinstatement. The Court has repeatedly declined to find that misappropriation or mishandling of funds is an act sufficiently egregious to bar reinstatement. In re Perrone, 777 A.2d 413 (Pa. 2001) (disbarred attorney's misconduct in filing false and misleading fee petitions to obtain payment for legal services not so deplorable as to preclude reinstatement); In re Costigan, 664 A.2d 518 (Pa. 1995) (disbarred attorney criminally convicted in connection with his handling of an estate where he concealed assets from the rightful heir was not barred from reinstatement).

Office of Disciplinary Counsel does not oppose Petitioner's reinstatement and "concedes that Petitioner's crime was not so egregious as to forever preclude reinstatement." (June 4, 2012 letter of R. Mariani.)

Having concluded that Petitioner's misconduct is not so egregious as to preclude reinstatement, the Board must now determine whether Petitioner has met his

burden of proving by clear and convincing evidence that his resumption of the practice of law would not have a detrimental impact on the integrity and standing of the bar, the administration of justice or the public interest, and that he has the moral qualifications, competency and learning in the law required for admission to practice law in Pennsylvania. Office of Disciplinary Counsel v. Keller, 506 A.2d at 875; Pa.R.D.E. 218(c)(3). This determination includes consideration of the amount of time that has passed since Petitioner was disbarred and his efforts at qualitative rehabilitation. In re Verlin, 731 A.2d 600 (Pa. 1999)

Petitioner has been disbarred for a period of thirteen years. Petitioner waited close to a decade to seek reinstatement in part because he felt shame and embarrassment for his conduct. He now believes he would enjoy practicing law again and he believes he is a good attorney. The passage of thirteen years is a sufficient quantity of time to protect the integrity and standing of the bar, the administration of justice and the public interest. The disbarred attorney in In re Verlin, supra, was reinstated following a seven year disbarment. The disbarred attorney in Office of Disciplinary Counsel v. Mark Allan Kovler, 172 DB 2002 (Pa. July 24, 2009) was reinstated after a six year disbarment.

In the thirteen years since his disbarment, Petitioner has maintained steady employment, often working two jobs at the same time to provide for his family. Petitioner has experienced financial difficulties during this time, but there is no evidence that he has resorted to dishonest conduct similar to that which lead to his disbarment.

Petitioner is currently employed as a paralegal for Joseph Claffy, Esquire. Mr. Claffy testified on Petitioner's behalf and knows him to be a skilled and knowledgeable attorney. Three other attorneys testified on behalf of Petitioner as to his good reputation in

the community as a truthful and law-abiding person. These witnesses have observed Petitioner's expressions of remorse and support his reinstatement.

Petitioner expressed genuine remorse and great regret for his misconduct. He felt shame and embarrassment such that he would never repeat what he termed "the greatest mistake of my life."

Petitioner has shown by clear and convincing evidence that he is qualified for reinstatement, and that his resumption of the practice of law would not have a detrimental impact on the integrity and standing of the bar, the administration of justice or the public interest.

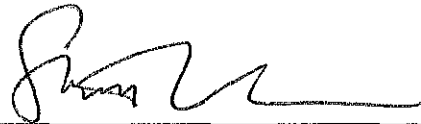
V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Robert S. Teti, be reinstated to the practice of law.

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

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: 
Stewart L. Cohen, Board Chair

Date: December 13, 2012

Board Member Momjian did not participate in the adjudication.