

IN THE SUPREME COURT OF PENNSYLVANIA


OFFICE OF DISCIPLINARY COUNSEL, : No. 1486 Disciplinary Docket No. 3
Petitioner :
 : No. 32 DB 2009
v. :
 : Attorney Registration No. 37144
JEFFREY C. MOORE, :
Respondent : (Bucks County)

ORDER

PER CURIAM:

AND NOW, this 13th day of July, 2009, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated April 15, 2009, the Joint Petition in Support of Discipline on Consent is hereby granted pursuant to Rule 215(g), Pa.R.D.E., and it is

ORDERED that Jeffrey C. Moore is suspended on consent from the Bar of this Commonwealth for a period of six months and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

A True Copy Patricia Nicola
As of: July 13, 2009
Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

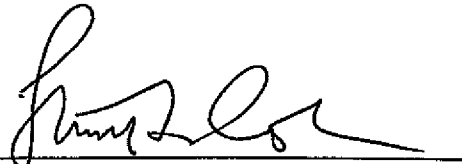
OFFICE OF DISCIPLINARY COUNSEL : No. 32 DB 2009
Petitioner :
v. : Attorney Registration No. 37144
JEFFREY C. MOORE :
Respondent : (Bucks County)

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

The Three-Member Panel of the Disciplinary Board of the Supreme Court of Pennsylvania, consisting of Board Members Stewart L. Cohen, Gerald Lawrence, Jr., and Gabriel L. Bevilacqua, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on March 12, 2009.

The Panel approves the Joint Petition consenting to a six month suspension and recommends to the Supreme Court of Pennsylvania that the attached Petition be Granted.

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



Stewart L. Cohen, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: 4-15-2009

**BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	No. ____ Disciplinary Docket No. ____
	:	
	:	No. 30 DB 2009
v.	:	
	:	Attorney Registration No. 37144
JEFFREY C. MOORE,	:	
Respondent	:	(Bucks County)

**JOINT PETITION IN SUPPORT OF DISCIPLINE
ON CONSENT PURSUANT TO Pa.R.D.E. 215(d)**

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Harold E. Ciampoli, Jr., Disciplinary Counsel, and Respondent, Jeffrey C. Moore (hereinafter "Respondent"), by James C. Schwartzman, Esquire and Dana Pirone Garrity, Esquire, file this Joint Petition in Support of Discipline on Consent pursuant to the Pennsylvania Rules of Disciplinary Enforcement (hereinafter "Pa.R.D.E.") Rule 215(d), and respectfully represent that:

1. Petitioner, whose principal office is situated at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania, is invested, Pa.R.D.E. Rule 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 brought in accordance with the various provisions of the aforesaid Enforcement Rules.

2. Respondent, Jeffrey C. Moore, was born on February 15, 1956, and was admitted to practice law in the Commonwealth of Pennsylvania on November 1, 1982.

3. Respondent was placed on inactive status for failing to comply with his continuing legal education credits by Order of the Supreme Court of Pennsylvania dated November 19, 2007.

4. Respondent subsequently complied with his CLE requirements and was placed back on active status on December 29, 2008.

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

SPECIFIC FACTUAL AND LEGAL ADMISSIONS

6. By Order dated November 19, 2007, which became effective on December 19, 2007, the Supreme Court of Pennsylvania transferred Respondent to inactive status, pursuant to Pa.R.C.L.E. Rule 111(b).

7. By letter dated November 19, 2007, Elaine M. Bixler, Secretary to the Disciplinary Board, notified Respondent of the aforesaid Order, and that Respondent's transfer to inactive status would become effective on December 19, 2007, because of his failure to comply with the Pennsylvania Rules for Continuing Legal Education.

8. Ms. Bixler's letter further advised Respondent of his requirement to comply with Pa.R.D.E. 217 and Respondent was provided with Form DB-25, Statement of Compliance.

9. Respondent did not fully understand the consequences of being an inactive attorney until retaining undersigned counsel.

10. While Respondent was a formerly admitted attorney, he engaged in the unauthorized practice of law when he provided a limited amount of legal services in his role as General

Counsel for ICT Group, Inc., 100 Brandywine Boulevard, Newtown, Pennsylvania, 18940 from December 19, 2007 until mid-November 2008. The legal duties which he performed were limited to answering minor legal questions ICT had regarding approximately 6 business contracts. Respondent answered ICT's questions while it was waiting for its outside counsel to complete the revisions to the contracts, and while it was waiting to receive outside counsel's advice regarding significant legal issues.

11. Since November 25, 2008, Respondent has fully complied with his CLE requirements and paid all fees to regain active CLE status.

12. Notwithstanding Respondent's CLE compliance and restoration to active status, he has voluntarily chosen not to engage in the practice of law or to hold himself out as an attorney until this disciplinary matter concludes.

13. Although Respondent notified his employer about his inactive status, his CLE compliance and being reinstated as an active attorney, he and his employer agree that Respondent will not be assigned any legal duties until this disciplinary matter concludes.

14. As part of that agreement, Respondent's employer amended its website on November 11, 2008. On that day, any information or impression that Respondent was (then) an active attorney was removed. Subsequently, all letterhead, business cards, and written communications from Respondent, or his employer, refer to him as a corporate officer, not General Counsel.

15. While on inactive status, Respondent continued to handle some legal matters, but that ended in mid-November 2008, when he realized the limitations placed upon him as a formerly admitted attorney. While he was on inactive status, most of the legal work performed for his employer was handled by outside counsel and the company's two in-house attorneys.

16. Respondent has not resumed the practice of law after regaining active status on December 29, 2008.

17. By his conduct as alleged in paragraphs 1 through 15, above, Respondent violated the following Rules of Professional Conduct:

- (a) RPC 5.5(a) prohibiting a lawyer from practicing law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction;
- (b) Pa.R.D.E. Rule 217(c), requiring a formerly admitted attorney to properly provide notice of his transfer to inactive status by registered or certified mail to all persons with whom the formerly admitted attorney may at any time expect to have professional contacts under circumstances where there is a reasonable probability they may infer the attorney continues in good standing;
- (c) Pa.R.D.E. Rule 217(d), requiring an attorney on inactive status to conclude and wind up his practice within 30 days after the order, and to reject any new matters; and
- (d) Pa.R.D.E. Rule 217(j), prohibiting a formerly admitted attorney from engaging in any form of law-related activities in this Commonwealth except in accordance with the requirements set forth within the rule.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

18. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a six (6) month suspension from the practice of law.

19. Respondent hereby consents to that discipline being imposed upon him by the Supreme Court of Pennsylvania. Attached to this Petition is Respondent's executed Affidavit required by Pa.R.D.E. Rule 215, stating that he consents to the recommended discipline and which includes the mandatory acknowledgements required by Pa.R.D.E. Rule 215(d) (1) (iv).

20. In support of the joint petition, the parties respectfully submit that the following mitigating circumstances are present:

- (a) Respondent is remorseful, has admitted engaging in the aforesaid conduct contrary to the Rules of Professional Conduct and the Rules of Disciplinary Enforcement;
- (b) Respondent has cooperated with Petitioner by entering into this Joint Petition to receive a six (6) month suspension;
- (c) Respondent has no prior disciplinary history;
- (d) At the time Respondent was transferred to inactive status in December 2007, his law-related duties were extremely limited, and most of his duties were performed as a corporate officer or business person; and
- (e) Respondent engaged in few law-related activities during the period December 19, 2007 through November 11, 2008.

21. In Pennsylvania, there is no per se discipline for a particular type of misconduct; instead, each case is reviewed individually. *Office of Disciplinary Counsel v. Lucarini*, 417 A.2d 186 (Pa. 1983).

22. The imposition of a six (6) month suspension is consistent with the range of sanctions imposed in similar cases involving the unauthorized practice of law:

- (a) For example, in *Office of Disciplinary Counsel v. Talbot*, No. 1323 DD No. 3, No. 158 DB 2008 (2008), Talbot misunderstood the significance of being an inactive attorney in Pennsylvania and being on retired status in New Jersey, when he began practicing law in 2007. He engaged in the unauthorized practice of law until regaining active status in August 2007. At or about that time, he voluntarily ceased practicing law, and agreed to a temporary suspension. He was eventually suspended for six (6) months, retroactive to the date of his temporary suspension;
- (b) In the case of *Office of Disciplinary Counsel v. Price*, No. 1179 DD No. 3, No. 113 DB 2006 (2006), the Court approved a joint petition in support of a six (6) month suspension for a respondent who continued to practice law as a sole practitioner without supervision while on inactive status. Price, on behalf of several clients, appeared at judicial hearings, filed pleadings, provided legal consultation and advice, and negotiated or transacted matters with opposing counsel and/or third parties;
- (c) In *Office of Disciplinary Counsel v. Thompson*, No. 1227 DD No. 3, No. 159 DB 2005, Thompson received a six (6) month suspension for, *inter alia*, practicing while on inactive status. Thompson's misconduct was compounded by the fact that he had submitted a false active status certification to the court in which he falsely asserted that the parties were involved in ongoing settlement discussions;

- (d) In *Office of Disciplinary Counsel v. Buffington*, No. 45 DB 2005 (2005), Buffington received a six (6) month suspension for engaging in the unauthorized practice of law in three legal matters. In recommending a six (6) month suspension, the Disciplinary Board characterized Buffington's misconduct as "very limited acts of legal representation for a short time frame while on inactive status." (See D. Bd. Rpt. 10);
- (e) In *Office of Disciplinary Counsel v. Quinn*, No. 1274 DD No. 3, 39 DB 2006 (2007), Respondent engaged in the unauthorized practice of law and received a three (3) month suspension. "Respondent's actions indicate carelessness and sloppiness, but not intentional or deceitful behavior." (Bd. Rpt. p. 15); and
- (f) In *Office of Disciplinary Counsel v. Perrella*, No. 824 DD No. 3, 19 DB 2001, the attorney knowingly disregarded his inactive status by engaging in the unauthorized practice of law for several years, and in several civil matters. He was suspended for three (3) months.

23. In light of the previously explained limited nature of Moore's legal duties performed while on inactive status, and the previously described mitigating factors which are known to ODC in Moore's Response to the DB-7, and in this Joint Petition, Petitioner and Respondent submit that a six (6) month suspension is appropriate discipline.

WHEREFORE, Petitioner and Respondent respectfully request, pursuant to Pa.R.D.E. Rules 215(e) and 215(g), that a three member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and file a

recommendation with the Supreme Court of Pennsylvania that Respondent be suspended for a period of six (6) months, and that he be ordered to pay all necessary expenses incurred in the investigation and prosecution in this matter as a condition to this Joint Petition being granted.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL
PAUL J. KILLION,
Attorney Reg. No. 20955,
Chief Disciplinary Counsel

3/11/09

DATE

[Handwritten Signature]

By: Harold E. Ciampoli, Jr.
Disciplinary Counsel
Attorney Registration Number 51159
820 Adams Avenue, Suite 170
Trooper, PA 19403
(610) 650-8210

3/10/09

DATE

[Handwritten Signature]

By: James C. Schwartzman, Esquire
Dana Piore Garrity, Esquire
Attorney Registration Nos. 16199/57221
Counsel for Respondent
1818 Market Street, 29th Floor
Philadelphia, PA 19103-1702
(215) 751-2863
jcsc@stevenslee.com
dpg@stevenslee.com

VERIFICATION

The statements contained in the foregoing Joint Petition In Support of Discipline on Consent Discipline 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.A. § 4904, relating to unsworn falsification to authorities.

3/11/09
DATE

Harold E. Ciampoli, Jr.
Disciplinary Counsel

3/10/09
DATE

James C. Schwartzman
James C. Schwartzman, Esquire
Dana Pirone Garrity, Esquire
Counsel for Respondent

**BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL,	:	No. ___ Disciplinary Docket No. ____
Petitioner	:	
	:	No. DB
v.	:	
	:	Attorney Registration No. 37144
JEFFREY C. MOORE,	:	
Respondent	:	(Bucks County)

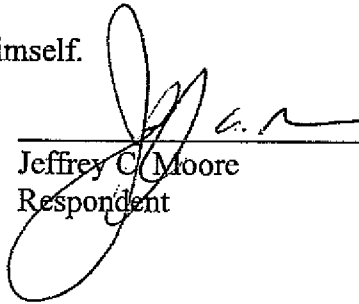
AFFIDAVIT UNDER PA.R.D.E. 215

Respondent, Jeffrey C. Moore, hereby states that he consents to the imposition of a six (6) month suspension from the practice of law and further states that:

1. He is an attorney admitted to the Commonwealth of Pennsylvania, having been admitted to the bar on or about November 1, 1982.
2. He desires to submit a Joint Petition in Support of Discipline on Consent pursuant to Pa.R.D.E. 215(d).
3. His consent is freely and voluntarily rendered; he is not being subject to coercion or duress; and he is fully aware of the implications of submitting this consent.
4. He has consulted with counsel, James C. Schwartzman, Esquire and Dana Pirone Garrity, Esquire, in connection with his decision to consent to discipline.
5. He is aware of the pending proceeding involving allegations that he engaged in misconduct as set forth in the accompanying Joint Petition.

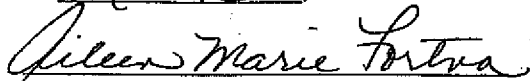
6. He acknowledges that the material facts in the Joint Petition are true.

7. He consents to discipline because he knows that if he continues to be prosecuted in the pending proceeding, he cannot successfully defend himself.



Jeffrey C. Moore
Respondent

Sworn to and Subscribed
before me this 9th day
of March, 2009.


Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Aileen Marie Fortna, Notary Public
Newtown Twp., Bucks County
My Commission Expires Aug. 30, 2010
Member, Pennsylvania Association of Notaries

**BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL, : No. ___ Disciplinary Docket No. ____
Petitioner :
v. : No. DB 2009
: Attorney Registration No. 37144
JEFFREY C. MOORE, :
Respondent : (Bucks County)

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 204 Pa. Code §89.22 (relating to service by a participant).

First Class as follows:

Counsel for Respondent:

James C. Schwartzman, Esquire
Dana Pirone Garrity, Esquire
Stevens & Lee, P.C.
1818 Market Street
29th Floor
Philadelphia, PA 19103-1702

Dated: 3/11/09

Harold E. Ciampoli, Jr.
Harold E. Ciampoli, Jr.
Disciplinary Counsel
Attorney Reg. No. 51159
Office of Disciplinary Counsel
Suite 170, 820 Adams Avenue
Trooper, PA 19403
(610) 650-8210