

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 642 Disciplinary Docket No. 3
: :
LONNIE EUGENE WALKER : No. 43 DB 1999
: :
: Attorney Registration No. 21162
: :
PETITION FOR REINSTATEMENT : (Dauphin County)

ORDER

PER CURIAM

AND NOW, this 26th day of May, 2020, the Petition for Reinstatement is granted. Petitioner is directed to pay the expenses incurred by the Board in the investigation and processing of the Petition for Reinstatement. See Pa.R.D.E. 218(f).

A True Copy Patricia Nicola
As Of 05/26/2020


Attest:
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 642 Disciplinary Docket No. 3
: :
: No. 43 DB 1999
LONNIE EUGENE WALKER : :
: Attorney Registration No. 21162
: :
PETITION FOR REINSTATEMENT : (Dauphin County)

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

By Order dated January 25, 2001, the Supreme Court of Pennsylvania suspended Petitioner, Lonnie Eugene Walker, from the practice of law for a period of one year and one day, based on his unauthorized practice of law in the State of Maryland. On June 14, 2019, Petitioner filed a Petition for Reinstatement from suspension. Office of Disciplinary Counsel (“ODC”) filed a response on June 27, 2019.

Following a prehearing conference on August 29, 2019, a District III Hearing Committee (“Committee”) conducted a reinstatement hearing on October 2, 2019. Petitioner was represented by counsel and presented eight exhibits and seventeen witnesses, in addition to his own testimony. ODC did not present any witnesses or exhibits. At the conclusion of the hearing, the record was closed.

Petitioner filed a brief to the Committee on October 30, 2019, in support of his reinstatement. On November 19, 2019, ODC filed a brief and recommended that the Committee deny Petitioner’s request for reinstatement, based on its position that Petitioner had not provided sufficient evidence that he engaged in qualitative rehabilitation.

By Report dated January 15, 2020, the Committee concluded that Petitioner met his burden of proof and recommended that the Petition for Reinstatement be granted. The parties did not file exceptions to the Committee’s Report and recommendation.

The Board adjudicated this matter at the meeting on April 22, 2020.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner is Lonnie Eugene Walker, born in 1948 and admitted to the practice of law in the Commonwealth of Pennsylvania in 1975. Petitioner’s current attorney registration address is 750 Yale Street, Apt. 301, Harrisburg, PA 17111. Petitioner is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

2. In addition to Pennsylvania, Petitioner was admitted to practice law in the District of Columbia and the United States District Court for the Middle District of Pennsylvania. N.T. 51; Reinstatement Questionnaire (“RQ”) 2, 7. ¹

3. After receiving his Pennsylvania law license, Petitioner practiced primarily as a solo practitioner in Dauphin County, focusing on criminal and personal injury matters. N.T. 51-52.

4. In 1981, Petitioner received an Informal Admonition for neglecting a client’s divorce matter. N.T. 55; RQ at Attachment 8(a).

5. In 1986, the Supreme Court of Pennsylvania disbarred Petitioner for commingling and conversion of client funds and neglecting client matters. N.T. 53, RQ 8.

6. By Order dated July 1, 1996, the Court reinstated Petitioner to the practice of law. RQ at Attachment 8(b).

7. At the instant reinstatement hearing, Petitioner testified that the misconduct that led to his disbarment was the result of taking too many cases and lacking proper office staff. N.T. 54

8. After his reinstatement, Petitioner resumed his solo practice. N.T. 56.

9. In approximately 1997, Petitioner agreed to represent a client in a custody action. While the client lived in Pennsylvania, the action was based in Maryland, a jurisdiction where Petitioner was not licensed to practice law. N.T. 57-59, 84; RQ at Attachment 3(b)(iii).

¹ Petitioner is suspended in these jurisdictions.

10. Petitioner did not obtain *pro hac vice* admission or consult the rules and regulations concerning the practice of law in Maryland. N.T. 84.

11. Petitioner participated in the Maryland custody action for approximately one year, during which time he exchanged communications with opposing counsel, entered his appearance in Maryland as counsel, submitted filings to the Maryland Circuit Court, and appeared as counsel at a hearing in that court. N.T. 58-59.

12. Petitioner failed to inform the Maryland court or opposing counsel that he was not licensed in Maryland until the day after the hearing, and only after opposing counsel requested his Maryland attorney license number. N.T. 59.

13. By Order dated January 25, 2001, the Supreme Court of Pennsylvania suspended Petitioner from the practice of law for one year and one day.
RQ at Attachment 3(b)(i)

14. At the reinstatement hearing, Petitioner testified that at the time his client consulted him about the custody proceeding, he incorrectly believed Maryland did not have jurisdiction over the case as the client had resided in Pennsylvania for six months, and so he took the case believing he would be able to have the case removed from Maryland. N.T. 57- 60.

15. Petitioner admitted that his conduct in Maryland was a total lapse of judgment and he further admitted that he should have sought *pro hac vice* admission or had local counsel involved. N.T. 59, 60.

16. Petitioner credibly testified that he learned from his misconduct and he would not do something similar in the future even if he wanted to help someone who

was in need. Petitioner indicate he learned not to “leap with my heart.” He accepted full responsibility for his misconduct. N.T. 61, 79.

17. Post-suspension, Petitioner performed paralegal work for John Martin, Esquire, on a part-time basis until 2007. N.T. 54, 69; RQ 11.

18. Although Petitioner failed to submit a notice of engagement to the Board as required by Pa.R.D.E. 217(j)(5), Petitioner credibly testified that he was unaware of the requirement and did not intentionally ignore the rule. N.T. 69-70.

19. Petitioner has not given legal advice to anyone nor has he engaged in the practice of law during his period of suspension.

20. In April 2001, Petitioner commenced employment with the Pennsylvania Department of Auditor General as an auditor in the Bureau of Performance Audits. N.T. 62; RQ 11.

21. Currently, Petitioner works in the Bureau of Fire Audits, auditing volunteer fire relief associations in Pennsylvania. N.T. 64.

22. Petitioner has performed hundreds of audits over the years of his employment and has never been disciplined related to his job performance. N.T. 62-63.

23. If reinstated, Petitioner plans to continue working for the Auditor General’s office due to the medical insurance benefits, in addition to resuming the practice of law, consistent with the Auditor General’s guidelines. Petitioner is interested in criminal law and working with juveniles. N.T. 64-65, 79-81; RQ 18.

24. Petitioner fulfilled the Continuing Legal Education (“CLE”) requirements necessary for reinstatement and reads PBI publications and legal journals to keep apprised of the current law. N.T. 65, 66.

25. In addition to the required 36 credit hours for reinstatement in the year prior to filing his Petition, Petitioner has taken numerous CLE courses throughout the course of his suspension. N.T. 66; Petitioner’s Exhibit (“P”) - 8.

26. Petitioner owes the Internal Revenue Service the sum of \$1,800 and has an installment agreement to make payments. Petitioner’s tax returns are current. N.T. 67-68

27. During his suspension, Petitioner has stayed active in his community by mentoring and tutoring students at a charter school in Harrisburg. N.T. 70, 71.

28. Petitioner has been active in his church during his suspension. N.T. 72.

29. Petitioner credibly expressed remorse and shame for his misconduct that led to his suspension in 2001 and testified that after eighteen years he is fit and able to resume practice. He has reviewed the professional conduct rules, has improved his organizational skills, held steady employment for nearly two decades, and looks forward to resuming a legal career, as he worked hard to obtain his law license. N.T. 65, 86; RQ 20; RQ 21.

30. Petitioner testified that one reason he waited so long to apply for reinstatement is that he wanted to establish that he is responsible, organized, and successful. N.T. 79.

31. At the reinstatement hearing, Petitioner presented credible testimony from three witnesses: Nathan H. Waters, Jr., Esquire; Raul Felipe Rodriguez-Fel; and Aberdella White-Davis. N.T. 11-37.

32. Mr. Waters practiced law for 42 years in the Harrisburg area and is currently retired. He served for many years on the Board of Trustees of the Dickinson School of Law. Mr. Waters, who is 88 years old, has known Petitioner since Petitioner was a young man. Mr. Waters is aware of Petitioner's past misconduct and testified that Petitioner has accepted responsibility for his misconduct. N.T. 12-14.

33. Mr. Waters testified that Petitioner has an excellent reputation in the community as a truthful and honest person, and as a peaceful and law-abiding person. Mr. Waters has no hesitation in recommending Petitioner's reinstatement to the practice of law. N.T. 15, 16.

34. Mr. Rodriguez-Fel is an Information Technology Auditor employed with the Auditor General of Pennsylvania and has known Petitioner as a colleague for fifteen years. Mr. Rodriguez-Fel testified that Petitioner was a mentor to him and over the years, they had worked on audits together. Mr. Rodriguez-Fel testified that Petitioner is very organized and diligent in performing his responsibilities. N.T. 21, 22.

35. Mr. Rodriguez-Fel testified that he is aware of Petitioner's past misconduct and that Petitioner has accepted full responsibility and is remorseful. N.T. 23, 24.

36. Mr. Rodriguez-Fel testified as to Petitioner's good reputation in the community as a truthful and honest person and as a peaceful and law-abiding individual and he supports Petitioner's reinstatement. N.T. 24, 25.

37. Ms. White-Davis is employed as an annuitant for the Pennsylvania Department of Health and Human Welfare. She has known Petitioner for many years and considers him to be a close friend. N.T. 28, 29.

38. Ms. White-Davis testified that she is fully aware of Petitioner's misconduct and since that time has seen growth and maturity in Petitioner. She noted that he accepted full and complete responsibility for his misconduct and has a good reputation in the community as a truthful and honest person and as a peaceful and law-abiding person. N.T. 31-34.

39. Ms. White-Davis has no hesitation in recommending Petitioner's resumption of the practice of law. N.T. 34.

40. Fourteen witnesses testified by stipulation that Petitioner has an excellent reputation in the community as a peaceful and law-abiding person and as a truthful and honest person. N.T. 42-45, 92-93.

41. These witnesses are individuals who have known Petitioner for decades and who serve in the community as attorneys, ministers, engineers, government employees, and business owners. These witnesses welcome Petitioner's return to the practice of law. *Id.*

42. Although ODC initially opposed reinstatement in its brief to the Committee, it does not object to the Committee's recommendation to grant reinstatement.

III. CONCLUSIONS OF LAW

1. Petitioner demonstrated by clear and convincing evidence that he has the moral qualifications, competency and learning in the law required for admission to practice law in this Commonwealth. Rule 218(c)(3), Pa.R.D.E.

2. Petitioner demonstrated by clear and convincing evidence that his resumption of the practice of law will be neither detrimental to the integrity and standing of the bar or the administration of justice, nor subversive of the public interest. Rule 218(c)(3), Pa.R.D.E.

IV. DISCUSSION

Petitioner seeks readmission to the practice of law following his suspension for a period of one year and one day, imposed by the Supreme Court of Pennsylvania on January 25, 2001. Pursuant to Rule 218(a)(1), Pa.R.D.E., an attorney who is suspended for a period exceeding one year may not resume the practice of law until reinstated by the Court.

Petitioner bears the burden of proving by evidence that is clear and convincing, that he is morally qualified, competent and learned in the law, and that his resumption of the practice of law will not be 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). This burden is not light, and reinstatement is not automatic. A reinstatement proceeding is designed to be a searching inquiry into a lawyer's present professional and moral fitness to resume the practice of law. The object of concern is not solely the

transgressions that gave rise to the lawyer's suspension, but rather, the nature and extent of the rehabilitative efforts made since the time the sanction was imposed and the degree of success achieved in the rehabilitative process. ***Philadelphia News, Inc. v. Disciplinary Board of the Supreme Court of Pennsylvania***, 363 A.2d 779, 780-781 (Pa. 1976).

We conclude from the evidence of record that Petitioner has met his reinstatement burden and we recommend that the Petition for Reinstatement be granted.

The record supports the Board's assessment that Petitioner's lengthy period of suspension has resulted in genuine rehabilitation. See ***In the Matter of Robert Langston Williams***, No. 7 DB 2013 (D. Bd. Rpt. 12/11//2019) (S. Ct. Order 1/21/2020). Petitioner met the requirements of Rule 218(c)(3), Pa.R.D.E., by presenting credible evidence of his moral qualifications, competency and learning in the law. Although Petitioner's misconduct caused his suspension, he has demonstrated by way of his exhibits, the testimony of his many witnesses, and his own testimony, that he has been rehabilitated from the underlying misconduct and his reinstatement will not harm the public or be detrimental to the integrity of the profession.

Petitioner's suspension was predicated upon his unauthorized practice of law in the State of Maryland related to a custody matter, which activity occurred in 1997 and 1998. Although Petitioner was not admitted in that jurisdiction and was aware that he was not permitted to practice in the Maryland courts, he went forward with his client's representation in a misguided effort to help, and in hindsight came to realize that he

engaged in a total lapse of judgment and committed misconduct by handling the case himself and failing to seek *pro hac vice* admission or involve local counsel.

Petitioner presented credible and substantial evidence to show his sincere remorse, rehabilitation, good character, competency, and learning in the law. Throughout the reinstatement process, Petitioner communicated his shame, regret and remorse for his misconduct, repeatedly accepted full responsibility for his actions, and made credible assurances that his misconduct would not be repeated in the future.

During the approximately eighteen years of his suspension, Petitioner maintained steady and productive employment as an auditor with the Pennsylvania Department of Auditor General, participated in charitable works for the benefit of his community, and educated himself in the law. During his suspension, Petitioner mentored and tutored students at a Harrisburg charter school and served his church in various capacities. Petitioner maintained his currency in the law by completing required CLE credits in the year preceding the filing of his reinstatement petition, as well as numerous credits prior to that time. Petitioner kept abreast of legal news by reading various legal publications. For a short time after his suspension, Petitioner performed occasional, part-time legal research work. If reinstated, Petitioner intends to maintain his employment as an auditor while resuming a law practice that might involve criminal law and juvenile work.

At the reinstatement hearing, Petitioner presented an array of witnesses from the Pennsylvania bar and his community to testify on his behalf. The witnesses credibly testified that Petitioner is disappointed in his actions, remorseful, and apologetic. The testimony was persuasive that Petitioner has worked hard to overcome personal

struggles so that he can resume working in the legal profession. This testimony further demonstrated that Petitioner is admired for his honesty, integrity and good character, qualities that support his fitness to resume the practice of law.

Upon this record, we conclude that Petitioner has met his reinstatement burden by proving that he is morally qualified, competent, and learned in the law, and that his resumption of the practice of law within the Commonwealth will be neither detrimental to the integrity and standing of the bar nor subversive of the public interest. Petitioner has demonstrated clearly and convincingly that he is fit to practice law. The Board recommends that the Petition for Reinstatement be granted.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Petitioner, Lonnie Eugene Walker, 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: */s/ John C. Rafferty Jr.*
John C. Rafferty, Jr., Member

Date: 05/05/2020