

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2511 Disciplinary Docket No. 3
: :
Petitioner : No. 45 DB 2018
: :
v. : Attorney Registration No. 69270
: :
JAMES J. VASSALLO, JR., : (Delaware County)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 17th day of August, 2018, 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 James J. Vassallo, Jr., is suspended on consent from the Bar of this Commonwealth for a period of six months. He shall comply with all the provisions of Pa.R.D.E. 217.

Respondent shall pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy John A. Vaskov, Esquire
As Of 08/17/2018

Attest: 
Deputy Prothonotary
Supreme Court of Pennsylvania

2. Respondent was born in 1967, and admitted to practice law in the Commonwealth on November 30, 1993.

3. Respondent's current registration address is 150 N. Radnor-Chester Road, Suite F-200, Radnor, Delaware County, Pennsylvania 19087-5345.

4. On March 10, 2015, the Supreme Court of Pennsylvania entered an Order placing Respondent on administrative suspension effective April 9, 2015 (the "Order").

5. Respondent remains administratively suspended since the effective date of the Order on April 9, 2015.

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

SPECIFIC FACTUAL AND LEGAL ADMISSIONS

7. By letter dated March 10, 2015, Suzanne E. Price, Attorney Registrar for the Commonwealth of Pennsylvania, provided Respondent with a certified copy of the Order, forms he needed to complete and submit in order to comply with Pa.R.D.E. Rule 217, including a Statement of Compliance, and other documents.

8. Respondent did not give notice of his Administrative Suspension to his employers or anyone else. He also did not file a Statement of Compliance.

9. Respondent did not maintain records of any steps he took in order to comply with the Disciplinary Enforcement Rules until May 2017.

10. On April 9, 2015, Respondent was employed by Northeast Executive Abstract Agency, Inc. as Vice-President of Sales. In July 2016, Respondent left that position in order to work full-time at his title company, Leader Settlement Services, LLC (“Leader Settlement Services”).

11. Respondent was employed by Leader Settlement Services as a title agent, in-house counsel and president until May 4, 2017.

12. The website for Leader Settlement Services stated that it had “over 19 years of combined Real Estate and Legal experience, our staff and in-house attorney have dedicated themselves to providing our clients with the type of personalized service they desire.” The home page of the website identified Respondent as the attorney and President.

13. While a formerly admitted attorney, Respondent engaged in the unauthorized practice of law and improperly engaged in law-related activities in his roles at Leader Settlement Services.

14. Respondent’s unauthorized practice of law and improper law-related activities included his participation in a telephone call with David Coyle, the principal of Montco Properties, LLC, and Michael F. Breslin, Esquire on August 15, 2016. Mr. Coyle and Respondent contacted Mr. Breslin in order to ascertain whether Mr. Breslin’s client, the Estate of Robin A. Kelleher, had the ability to transfer title of a certain property to Montco Properties, LLC. During that telephone conversation and in subsequent voicemail messages to Mr. Breslin, Mr. Coyle referred to Respondent as “my attorney, Jim Vassallo.”

15. Respondent did not correct or clarify his role as that of a title agent, not as attorney for Montco Properties, LLC or Leader Settlement Services, to Mr. Coyle and Mr.

Breslin.

16. Mr. Breslin had no more dealings with Mr. Coyle or Respondent until November 28, 2016, after he had learned that clear title could not be conveyed.

17. When Mr. Breslin was unable to locate Respondent's contact information, he searched the Disciplinary Board's website at www.padisciplinaryboard.org and learned that Respondent is an administratively suspended attorney.

18. After learning about Respondent's administrative suspension, Mr. Breslin contacted Mr. Coyle and advised him to consider retaining new legal counsel because Respondent is not a licensed attorney.

19. From April 9, 2015, until shortly after receiving the DB-7A Supplemental Request for Statement of Respondent's Position dated May 4, 2017, Respondent advertised his legal services on the website for Leader Settlement Services and his LinkedIn Profile.

20. On or about May 4, 2017, Respondent discontinued advertising Respondent's legal services on the website for Leader Settlement Services and on his LinkedIn Profile.

21. Respondent corrected his LinkedIn Profile to reflect that he is not an attorney, and that his employment at Leader Settlement Services is that of a title agent and President of the company.

22. Respondent's affidavit stating, *inter alia*, his consent to the recommended discipline of a six-month suspension is attached hereto as Exhibit "A."

**VIOLATIONS OF THE RULES OF PROFESSIONAL CONDUCT
AND THE RULES OF DISCIPLINARY ENFORCEMENT**

By Respondent's conduct as set forth in paragraphs 7 through 22, Respondent violated the following Rules:

- A. RPC 1.16(a)(1), prohibiting a lawyer from representing a client if the representation will result in violation of the rules of professional conduct or other law;
- B. 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;
- C. RPC 5.5(b)(1), prohibiting a lawyer who is not admitted to practice in this jurisdiction to establish an office or other systematic and continuous presence in this jurisdiction for the practice of law;
- D. RPC 5.5(b)(2), prohibiting a lawyer who is not admitted to practice in this jurisdiction from holding himself out to the public or otherwise representing that the lawyer is admitted to practice law in this jurisdiction;
- E. RPC 7.1, prohibiting a lawyer from making a false or misleading communication about the lawyer or the lawyer's services;
- F. RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit or misrepresentation;
- G. Pa.R.D.E. 217(c)(2), requiring a formerly admitted attorney to promptly notify, or cause to be notified, of the administrative suspension, by registered or certified mail, return receipt requested, 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 that they may infer that he or she continues as an attorney in good standing; and

- H. Pa.R.D.E. 217(j)(4), 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 that Rule.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

23. 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.

24. In support of the Joint Petition, the parties respectfully submit that the following mitigating circumstances are present:

- a. Although Respondent originally denied committing misconduct, he has admitted engaging in, and has expressed remorse for, his misconduct;
- b. Respondent has cooperated with Petitioner by entering into this Joint Petition for a six (6) month suspension; and
- c. Respondent has no prior history of discipline.

25. In Pennsylvania, there is no *per se* discipline for a particular type of misconduct; instead, each case is reviewed individually while being mindful of precedent and the need for consistency. *Office of Disciplinary Counsel v. Lucarini*, 472 A.2d 186, 190 (Pa. 1983).

26. 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. For example:

- a. In *Office of Disciplinary Counsel v. Pellegrino*, No. 130 DB 2017 (2017) the Court imposed a six (6) month suspension on consent to address Ms. Pellegrino's unauthorized practice of law and law-related activity while working as in-house counsel for a securities company by providing legal

advice and serving as counsel of record for numerous federal court filings in Pennsylvania;

- b. In *Office of Disciplinary Counsel v. D'Oyley*, 37 DB 2014 (2014) the Court imposed a six (6) month suspension on consent to address Ms. D'Oyley's unauthorized practice of law and law-related activity while employed as Assistant General Counsel and Associate General Counsel for a pharmaceutical company over approximately five years;
- c. In *Office of Disciplinary Counsel v. McCarthy*, 132 DB 2016 (2016) the Court imposed a six (6) month suspension on consent to address McCarthy's unauthorized practice of law in Massachusetts while employed at three companies as in-house counsel over approximately four years; and
- d. In *Office of Disciplinary Counsel v. Moore*, 32 DB 2009 (2009), the Court imposed a six (6) month suspension on consent to address Moore's unauthorized practice of law while employed as general counsel to a corporation for approximately one year.

27. In light of the nature of the misconduct and the mitigation factors, Petitioner and Respondent submit that a six (6) month suspension is appropriate discipline.

WHEREFORE, Petitioner and Respondent respectfully request that, pursuant to Pennsylvania Rules of Disciplinary Enforcement 215(e), 215(g) and 215(i), a three member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on

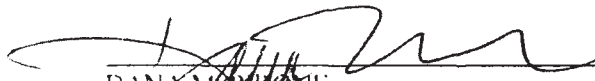
Consent and file a recommendation with the Supreme Court of Pennsylvania that Respondent receive a six-month suspension.

Respectfully submitted,


OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION,
Attorney Registration No. 20955,
Chief Disciplinary Counsel

6/30/18
DATE


DAN M. LEONE
Disciplinary Counsel
Attorney Registration Number 57221
Office of Disciplinary Counsel
Suite 170, 820 Adams Avenue
Trooper, PA 19403
(610) 650-8210

6/29/2018
DATE


JAMES J. VASSALLO, JR.
Attorney Registration Number 69270
Respondent

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.

6/30/18
DATE



DANA M. PIRONE
Disciplinary Counsel

6/29/2018
DATE



JAMES J. VASSALLO, JR.
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 45 DB 2018
Petitioner	:	
	:	
v.	:	Attorney Reg. No. 69270
	:	
JAMES J. VASSALLO, JR.,	:	
Respondent	:	(Delaware County)

AFFIDAVIT
UNDER RULE 215(d), Pa.R.D.E.

COMMONWEALTH OF PENNSYLVANIA:
COUNTY OF DELAWARE:

James J. Vassallo, Jr., being duly sworn according to law, deposes and hereby submits this affidavit consenting to the recommendation of a six (6) month suspension in conformity with Pa.R.D.E. 215(d) and further states as follows:

1. He is an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on or about November 30, 1993.
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 subjected to coercion or duress, and he is fully aware of the implications of submitting this affidavit.
4. He is aware that there is presently pending a proceeding into allegations that he has been guilty of misconduct as set forth in the Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d) to which this affidavit is attached.

EXHIBIT A

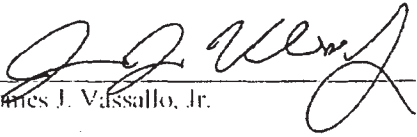
5. He acknowledges that the material facts set forth in the Joint Petition are true.

6. He submits the within affidavit because he knows that if charges predicated upon the matter under investigation were filed, or continued to be prosecuted in the pending proceeding, he could not successfully defend against them.

7. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He ~~has~~ has not retained, consulted and acted upon the advice of counsel, in connection with his decision to execute the within Joint Petition.

It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904 (relating to unsworn falsification to authorities).

Signed this 29th day of June, 2018.


James J. Vassallo, Jr.

Sworn to and subscribed
before me this 29th day 2018
of June, 2018.


Notary Public

Commonwealth of Pennsylvania

Notarial Seal
MICHELLE MCNICHOL - Notary Public
MEDIA BORO, DELAWARE COUNTY
My Commission Expires Mar 21, 2021

