

**IN THE SUPREME COURT OF PENNSYLVANIA**

In the Matter of : No. 1484 Disciplinary Docket No. 3  
: :  
JOHN LOUIS D'INTINO, JR. : No. 48 DB 2009  
: :  
: Attorney Registration No. 83473  
PETITION FOR REINSTATEMENT :  
: (Philadelphia)

**ORDER**

**PER CURIAM**

**AND NOW**, this 13<sup>th</sup> day of March, 2019, 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 03/13/2019

  
Attest:  
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

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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 March 12, 2010, the Supreme Court of Pennsylvania disbarred Petitioner, John Louis D'Intino, Jr., from the practice of law in Pennsylvania, reciprocal to the disbarment by consent ordered by the Supreme Court of New Jersey on August 10, 2009. Petitioner filed a Petition for Reinstatement on November 30, 2015. Thereafter, on March 7, 2016, Petitioner filed a praecipe to withdraw Petition for

Reinstatement, which was granted by Order of the Board dated March 7, 2016. Petitioner filed the instant Petition for Reinstatement on November 7, 2016. Office of Disciplinary Counsel (“ODC”) filed a response to Petition on March 13, 2017, stating its opposition to Petitioner’s reinstatement.

On April 28, 2017, this matter was referred to a District I Hearing Committee (“Committee”) comprised of Chair Cynthia M. Certo, Esquire, and Members George R. Twardy, Jr., Esquire, and Howard P. Dwoskin, Esquire, to conduct a reinstatement hearing. Chair Certo conducted a prehearing conference on June 12, 2017. The Committee conducted a reinstatement hearing on September 13 and 14, 2017. Petitioner was represented by counsel, presented four witness and testified on his own behalf. Petitioner offered Exhibits P-1 through P- 48, which were admitted into evidence. ODC offered three witnesses and offered Exhibits ODC-1 through ODC-21 and ODC-23 through ODC-25, which were admitted into evidence.

Petitioner filed a Brief to the Hearing Committee on December 1, 2017.

ODC filed a Brief to the Hearing Committee on December 21, 2017.

The Committee filed a Report on February 20, 2018 and recommended that the Petition for Reinstatement be granted.

On May 1, 2018, ODC filed a Brief on Exceptions to the Report and recommendation of the Committee and requested oral argument before the Board. ODC contends that Petitioner did not meet his burden to demonstrate that he engaged in a sufficient period of qualitative rehabilitation.

On May 21, 2018, Petitioner filed a Letter in Lieu of Brief.

A three-member Board panel held oral argument on October 19, 2018.

The Board adjudicated this matter at the meeting on October 25, 2018.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner is John Louis D'Intino, Jr., born in 1966 and admitted to practice law in the Commonwealth in 1999. His attorney registration address is 310 Emily Street, Philadelphia PA 19148. Petitioner is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

2. By Order dated March 12, 2010, the Supreme Court of Pennsylvania disbarred Petitioner. This Order was based upon reciprocal discipline, with the August 10, 2009 Order of the Supreme Court of New Jersey disbarring Petitioner on consent. Prior to issuing its Order of disbarment, the Supreme Court of Pennsylvania, by Order dated March 28, 2009, placed Petitioner on temporary suspension. Reinstatement Questionnaire ("RQ") attachment.

3. Following his disbarment in Pennsylvania, Petitioner timely complied with Rule 217(e), Pa.R.D.E. RQ No. 6 with attachments.

4. Prior to his disbarment, Petitioner maintained a solo practice of law in Philadelphia. RQ No. 2. N.T.144.

5. In early June 2008, a check from Petitioner's Pennsylvania IOLTA account was returned for insufficient funds, prompting an investigation by ODC of

Petitioner's Pennsylvania and New Jersey IOLTA accounts. N.T. 129, 178; RQ attachment (Petition for Emergency Temporary Suspension).

6. ODC's investigation revealed that Petitioner had commingled the funds of thirty-three clients and converted approximately \$250,000.00 of client and third party funds from May 2003 to May 2008. RQ No. 3 and attached Affidavit of Mickey D. Litt, ODC Auditor/Investigator; ODC-8.

7. Although Petitioner made many of his clients whole during the pendency of ODC's investigation, as of April 13, 2009, when ODC filed an Emergency Petition for Temporary Suspension, Petitioner still owed in excess of \$15,000.00 in funds he converted from his escrow accounts. RQ No. 3 and attachments (Petition for Emergency Temporary Suspension and Affidavit of Mickey D. Litt, Auditor/Investigator).

8. Currently, all of Petitioner's former clients and relevant third parties have been made whole. RQ No. 3.

9. Within weeks of being notified of the deficiencies in his IOLTA account in June 2008, Petitioner contacted Lawyers Concerned for Lawyers ("LCL") to seek treatment for alcohol and drug addiction. N.T. 129.

10. Petitioner began treatment with Winston Collins, Ph.D, a clinical social worker, on June 30, 2008. P-15.

11. Petitioner continued treatment with Dr. Collins until February 9, 2009. N.T. 9/13/17, 44, 52, 59.

12. Dr. Collins credibly testified at the September 13, 2017 reinstatement hearing. In addition to receiving his doctorate in clinical social work from the University

of Pennsylvania, Dr. Collins serves as the director of addictive behavior programs at the John F. Kennedy Mental Health Center and maintains a private practice. He is a senior clinician for LCL, and serves as a character and fitness evaluator for the Pennsylvania Board of Law Examiners. N.T. 9/13/17, 25, 28.

13. Dr. Collins testified that when he began treating Petitioner in June 2008, "... [Petitioner] was at one of the lowest points in his life, and certainly his legal career." Dr. Collins determined that although Petitioner had "serious problems with alcohol," was born into a family that was "riddled with alcohol," had consumed alcohol seven days per week since his mother died in 1996, and later self-medicated with cocaine, Petitioner was "really looking for help" and "had a high level of motivation...to stop drinking." N.T. 9/13/17, 29-43.

14. Dr. Collins testified that, prior to June 2008, Petitioner spent "to the tune of about \$4,000 a month [on] alcohol [in restaurants and bars] and \$2,000 a month for cocaine..." N.T. 9/13/17, 72-73, 236-237.

15. Dr. Collins testified that he told Petitioner in 2008, "[w]e're going to deal with your drinking and we're going to deal with the underlying causes of your drinking." Following Dr. Collins' guidance, Petitioner immersed himself in Alcoholics Anonymous ("AA") meetings, attending 90 meetings in 90 days, and obtained an AA sponsor. N.T. 9/13/17, 29-33, 39-41.

16. Dr. Collins diagnosed Petitioner with depression and anxiety, and continued with "intensive outpatient treatment" through February 2009. N.T. 9/13/17, 33-34.

17. Dr. Collins monitored Petitioner's abstention from drugs and alcohol with random tests, including tests on days when they had no scheduled appointments. Petitioner never tested positive. Dr. Collins noted that relapse occurs in about 95% of cases. He emphasized that Respondent was one of the 5% that never relapsed. N.T. 9/13/17, 33-43.

18. Describing Petitioner's progress in battling his addictions and other psychological issues, Dr. Collins testified:

...And I saw this guy transition. He transitioned to the guy that was at his bottom when he walked in my office in June of 2008, to the guy that I knew he always was. This guy that's sitting before you today, he learned.

... [Petitioner] worked very, very hard in working with me. He was extremely cooperative. He had a very, very contrite attitude. He accepted what he did and that what he did was wrong. He was determined to make amends for that. I believe, in my conversation with him, he did make amends for that.

[Petitioner] really turned the corner. And I'll tell you, [Petitioner] is one of the best examples that I know that proves that recovery from alcohol and drugs is alive and well in Philadelphia.

N.T. 9/13/17, 44-46.

19. Subsequent to February 2009, Dr. Collins had brief "check-ins" with Petitioner over the phone. Dr. Collins testified that Petitioner "accepted that he may never practice law again" and tried "to find a way to move forward with his life with or without a law degree." N.T. 9.13.17, 47-48.

20. In 2015 and 2016, Dr. Collins saw Petitioner four more times for clinical evaluations and check-ups, and Dr. Collins confirmed "no issues" or clinical signs

of depression. He noted that Petitioner initiated the 2016 visits, “[Petitioner] called me and he said...I want you to take a look at me, tell me what you think, if you have any other suggestions or recommendations.” N.T. 9/13/17, 49-50, 54.

21. Dr. Collins testified that Petitioner “completed his process, his work with me...He got what he came for. He got his life back.” N.T. 9/13/17, 50.

22. Dr. Collins testified that he believes “without hesitation” that Petitioner has the moral qualifications for the resumption of the practice of law. N.T. 9/13/17, 48-50, 54.

23. Petitioner credibly testified on his own behalf.

24. Petitioner admitted his misconduct: “I converted funds...The check would go into the account, and I was delaying payments to clients. Then that money was being converted...I was buying alcohol and drugs. And there was other money going to office expenses and so forth...I misled them [my clients] ...I knew then that my life was well beyond control...” N.T. 9/13/17, 330-331.

25. Petitioner credibly expressed remorse for his misconduct: “...I’m not denying what I did. I’m very, very apologetic. And I apologize for any harm, more importantly, that I caused to my clients, myself, my family and my profession. I’m embarrassed by that.” M.T. 9/13/17, 179.

26. Petitioner credibly testified that he was “mortified...ashamed,” and came to the realization that he needed help after bouncing the escrow check in 2008. He personally met with two individuals from LCL, during which meeting he was “a mess” and crying, and they referred him to AA and to Dr. Collins. N.T. 9/13/17, 129.



27. Petitioner testified that he has been sober since June 23, 2008, and credibly testified about how difficult it was for him to stop drinking: "It was extremely difficult...I was in AA meetings every day, AA and NA...It was tough. I knew I needed help. I was scared that I was going to hurt myself. " N.T. 9/13/17, 129, 130.

28. Petitioner voluntarily committed to both an AA sponsor and a sobriety monitor. He attended recovery meetings with them and "spoke on the phone every day for probably 90 days or more." N.T. 9/12/17, 131-132.

29. Petitioner attends AA meetings on an occasional basis, and in particular when he has something on his mind that he wants to discuss. N.T. 142.

30. Petitioner credibly testified to his commitment to sobriety:

...I don't go to a bar and hang out in a bar. If I go to a family function or if I go to a wedding or any kind of a social event, and there's alcohol involved, of course, I'm going to stay away from it, but I'm very comfortable around it. It's been nine-plus years.

I think I have a very solid foundation. I don't fantasize about alcohol anymore. Years ago, I used to fantasize about the smell of it, the taste of it, having a good time. There's the expression, people, places, and things. So I changed all of that. I changed the places I would go to. I changed the people I hang out with. Like Dr. Collins said, it's a way of thinking.

I am sober, and I will stay sober.

N.T. 9/13/17, 141-142.

31. To support himself during his disbarment, Petitioner obtained a real estate license and often worked three jobs at the same time, juggling them six days a week. N.T. 9/13/17, p. 94-95, 240.

32. Petitioner testified that, in one instance, he went through orientation and training in an effort to join a real estate team, only to be told that because of his disbarment, which he disclosed, the managing broker would not allow him to work at the company. N.T. 9/13/17, 206.

33. Most recently, Petitioner supported himself working Tuesday through Saturday as a leasing agent/assistant property manager at Lindy Property Management (managing a 624-unit rental property); hosting open houses as a Berkshire Hathaway real estate agent; and, until recently, performed manual labor as a stage handler for Local Channel 8, on a *per diem* basis. N.T. 9/13/17, 94-95, 126-128.

34. Petitioner testified that he cut back on the manual labor after he sustained injuries to his arm and back. He further testified that despite a recent automobile accident and back surgery on March 23, 2016, he does not take any prescribed pain killers. N.T. 9/13/17, 327.

35. Petitioner has been honest and open with his fiancée, Sarah Hoopes, about his disciplinary and personal problems. He testified that when he met Ms. Hoopes in 2013, "One, I wanted to be totally honest with her...Secondly I have no problem admitting to what I did...I'm sincerely, sincerely apologetic. So I don't hide that...I'm ashamed by it. I live with it every day." N.T. 9/13/17, 177.

36. Petitioner credibly testified that he has been humbled by the experience of losing his law license:

...I'm 51 years old now...I've done a complete 180 degrees in my life. Back then, I was a mess. I'll be the first one to tell you that. I was using and abusing, and

I was running from it and hiding it. Since that time, I've reconciled myself, my personal issues.

...If I'm given the privilege to practice law again, that would be a blessing. And believe me, I want that privilege. But I know I will never lapse or fall back to who I was. I have a great life now. ...I live a clean life.

N.T. 9/13/17, 200.

Again, I was a fool. I had so much at my feet, and I threw it all away. After all of [the] years of sweat and hard work, I threw my career away, and I embarrassed myself and my family and my clients.

I am really, really sorry about that, and I carry this every day of my life. I've done a lot of good since then and hopefully it's enough.

Are there triggers? There's been many triggers in my life, prior and subsequent. I'm strong today. I'm solid. There's no way I'm throwing my life away, whether I get my license back or not. It's not happening...

More importantly, forget me. My sobriety and my family is everything...

N.T. 9/13/17, 322, 325.

37. Petitioner has timely filed his tax returns since his disbarment and has reconciled all of his tax liability with the Internal Revenue Service and has a zero balance. He entered into a payment plan with the Commonwealth and pays \$150 a month towards his tax arrearages. P-27; P-28.

38. Petitioner is in the process of reconciling his tax arrearages with the City of Philadelphia and is in "close communication" with the city attorney handling the file. P-29; N.T. 9/13/17, 190-191.

39. Aside from the tax liens noted above, Petitioner has no outstanding judgments. All of the previously past due accounts have been paid in full or are being paid pursuant to an agreed upon payment plan. P-31; P-31.

40. Petitioner has not engaged in the unauthorized practice of law during his disbarment, nor has he held himself out as a lawyer.

41. Petitioner fulfilled his requirements for Continuing Legal Education by completing 36 credit hours during the year preceding the filing of his reinstatement petition. RQ No. 19 and attachments.

42. If reinstated, Petitioner intends to practice criminal defense, real estate and personal injury law in Philadelphia. RQ No. 18.

43. Petitioner presented the credible testimony of three character witnesses.

44. Frank DePasquale, Esquire, has been a Pennsylvania trial lawyer for more than 30 years. He has known Petitioner for approximately 25-30 years and considers Petitioner a friend. N.T. 9/13/17 143-151.

45. Mr. DePasquale testified he was unaware of Petitioner's disciplinary problems at the time they were occurring. For a period of time, he "lost touch" with Petitioner, although he "heard things" about Petitioner's abuse of alcohol and cocaine. He is aware of the severity of Petitioner's misconduct and understands the seriousness of it. N.T. 9/13/17, 146-149, 150.

46. Mr. DePasquale testified that Petitioner has expressed to him his humiliation and embarrassment for the actions that caused his disbarment. N.T. 9/13/17, 152.

47. Mr. DePasquale described Respondent today as “truly a hard-working kid. It’s been a long time that he’s straight and sober.” N.T. 9/13/17, 149-150.

48. Mr. DePasquale testified: “...I’ve been an attorney twenty-nine years and I wouldn’t put my reputation on the line for anybody. I’ve never been a character witness...I’ve known [Petitioner] for thirty years. But if I didn’t believe in his reinstatement, I wouldn’t be here, not for my one reputation that I’ve earned.” N.T. 9/13/17, 149, 151.

49. Sarah Hoopes is Petitioner’s fiancée. She credibly testified that when she met Petitioner in the summer of 2013, he was “perfectly honest” about his disbarment and his theft of funds from clients, behavior for which he was “very ashamed.” N.T. 9/13/17, 90-91.

50. Ms. Hoopes testified that Petitioner admitted his prior history with alcohol and cocaine. N.T. 9/13/17, 92, 100.

51. Ms. Hoopes testified that Petitioner has never used alcohol in the time she has known him, and he continues to “frequently” attend AA meetings. She further testified that he has reconciled with his father, from whom he had been estranged for many years. N.T. 9/13/17, 93-94, 99, 102-103.

52. Ms. Hoopes described Petitioner as someone who is very remorseful for his actions and “carries that around with him every day.” She considers Petitioner to be “brutally honest about everything.” She believes him to be a “wonderful role model” for

her daughter, and she is very happy to have Petitioner in her daughter's life. N.T. 9/13/17, 88-102.

53. Carmella Mercurio is Petitioner's sister. She credibly attested to Petitioner's rehabilitation: "He's a totally different person...today he's a great brother, super. He does everything for his family. He's been sober for eight years. He's a great uncle. .. He takes very good care of Sarah and her family...He' a better person today than he was, more reliable. He's loving. He's more aware of what he's doing. He's more stable right now." N.T. 9/13/17, 110-111.

54. Seven members of the Pennsylvania bar submitted letters attesting to Petitioner's current character and his rehabilitation:

- a. Frank DePasquale, Esquire. P-1;
- b. Joseph Marrone, Esquire. P-2;
- c. Brian J. McMonagle, Esquire. P-3;
- d. Nicholas J. Sansone, Esquire. P-4;
- e. Michael A. Caudo, Esquire. P-5;
- f. Michael B. Grasso, Esquire. P-6;
- g. Brian M. Marchese, Esquire. P-7.

55. Mr. Sansone is an attorney from whom Petitioner converted a referral fee Mr. Sansone's letter stated that the issues had been resolved, and he attested to Petitioner's rehabilitation and remorse and supports Petitioner's reinstatement. P-4.

56. Petitioner submitted letters from seven non-attorney members of his community, attesting to his good character:

- a. Greg Rego of Patriot Land Transfer. P-8;
- b. Lawrence Chiusolo of Valley National Bank. P-9;
- c. Jennifer K. Hoopes, BSN, RN. P-10;
- d. Jim Onesti of Berkshire Hathaway Fox & Roach. P-11;
- e. Chris DeCaro, Berkshire Hathaway Fox & Roach. P-12;
- f. Marva Brown, Leasing Manager, Gateway Communities. P-13.
- g. Patricia C. Keeper. P-14.

57. Mr. Chiusolo stated that “the past eight years have been the most difficult of [Petitioner’s] life. With that said, [Petitioner] understood he had to make right for the wrongdoings of his past. P-9.

58. Mr. Rego stated that he has known Petitioner for more than twenty years, and worked with him in a professional capacity for twelve years. Mr. Rego stated that he has “witnessed the sincere remorse [Petitioner] has for any and all misconduct. I am proud of the man [Petitioner] has become...” P-8.

59. Mr. DeCaro, who is Petitioner’s managing broker at Berkshire Hathaway, stated that Petitioner “consistently conducts himself as an ethical professional... [Petitioner] fits into our culture because of the way he conducts himself professionally and personally. He always represents his clients properly. I have been in business for over ten years in our local community and my reputation is of paramount importance to me. I would never write a reference letter unless I truly believed in the candidate I was endorsing.” P-12.

60. Ms. Brown is Petitioner's immediate supervisor at Gateway Communities. In her letter, she stated that Petitioner was initially hired as temporary help, but quickly proved himself to be an asset and was offered a permanent position. She described Petitioner as intelligent, highly motivated, organized, and dependable, and a person of integrity who takes ownership of his mistakes and uses them as opportunities for growth. P-13.

61. On behalf of ODC, Heather Fennell Karmazin, Petitioner's former client, testified by telephone at the September 14, 2017 reinstatement hearing.

62. According to an affidavit executed by Ms. Karmazin in connection to Petitioner's disbarment, her automobile accident case was settled for \$12,500.00 and she learned that Petitioner received the settlement check dated April 3, 2007. However, Petitioner did not send his client a schedule of distribution until March 28, 2008, at which time he wrote her a check for \$7,082.50 and alleged that he was holding \$1,250.00 in escrow for her medical bills. On September 8, 2008, after ODC commenced its investigation, Petitioner wrote a check for \$350.00 to one of his client's medical providers, and a \$900.00 check to Ms. Karmazin for the balance of her escrow funds. RQ attachment (Petition for Emergency Temporary Suspension)

63. Ms. Karmazin's testified that her experience with Petitioner in 2007 and 2008 left her feeling "very annoyed and victimized" and even to this



day, “really untrustworthy of the court system at this point.” N.T. 9/134/17, 15-16.

64. On behalf of ODC, Martha H. Brown, Esquire, testified by telephone at the September 14, 2017 reinstatement hearing. Ms. Brown is employed at the Pennsylvania Department of State, Bureau of Commissions. N.T. 29-30.

65. Ms. Brown had interactions with Petitioner in January and February 2012, regarding his application for appointment as a notary public. N.T. 9/14/17, 29-45.

66. In January 2012, Petitioner applied for a notary license. In the application, he advised that he “surrendered” his law license, which he admitted was due to “attorney ethical violations” and that all funds were paid to clients and no money was owed. P-13.

67. Ms. Brown testified that she asked for more documentation regarding the disbarment, which Petitioner did not provide, and his application was provisionally denied. N.T.9/14/17, 38-39.

68. In 2010, Petitioner applied for a real estate license, but neglected to disclose his disbarment on the initial application. He testified that he misinterpreted the question, and further testified that on three subsequent change of employer applications related to his real estate employment, he disclosed the loss of his law license in Pennsylvania and New Jersey. Petitioner

testified that he had no intent to lie at any point in the application process. N.T. 9/13/17, 186 -187, 279-281.

69. On behalf of ODC, Beth Bamberger testified by telephone at the September 14, 2017 reinstatement hearing. Ms. Bamberger testified as to her interactions with Petitioner from August 2010 through June 2011, in his capacity as a property landlord.

70. Ms. Bamberger co-signed a lease for her daughter and a medical school roommate on or about August 1, 2010 to rent Petitioner's property at 717 South Street in Philadelphia. Ms. Bamberger was dissatisfied with the condition of the property, as well as Petitioner's responses to the tenants' concerns over the term of the lease. N.T. 9/14/17, 52-75.

71. In order to rent the property, Petitioner knew he was required to obtain a renter's license from the City of Philadelphia, but was unable to do so as a result of the outstanding city tax liability resulting from his prior law practice.

72. Petitioner testified that he "was in a catch-22 position. I went for that license on more than one occasions. I tried multiple ways to reconcile my taxes, even entering into a payment plan with them and saying, if I do this, will you will give me the license. Their answer is no. If you owe taxes, you get no license, period. There was no way for me to get that license." N.T, 9/13/17, 311.

73. Ms. Bamberger's daughter sued Petitioner in Municipal Court and was awarded a \$1,000.00 rent abatement of \$100.00 per month for ten months, for Petitioner's breach of maintenance obligations. She was also awarded court costs. N.T. 9/14/17, 68-72.

74. Petitioner did not satisfy the June 27, 2011 judgment until December 7, 2015. ODC-10.

75. With regard to his delayed payment of the 2011 Municipal Court Judgment, Petitioner testified, "No that was not right. I should have paid it sooner. I was in a situation where I was unable." N.T. 9/13/17, 94, 96-97, 102, 105.

### 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. John J. Keller***, 506 A.2d 872 (Pa. 1986).

2. Petitioner demonstrated by clear and convincing evidence that a sufficient period of time has passed since the misconduct, during which he engaged in a qualitative period of rehabilitation. ***In re Jerome J. Verlin***, 731 A.2d 600 (Pa. 1999).

3. Petitioner demonstrated by clear and convincing evidence that he possesses the moral qualifications, competency and learning in the law required to practice law in the Commonwealth, and his resumption of the practice of law will be

neither detrimental to the integrity and standing of the bar or administration of justice, nor subversive of the public interest. Pa.R.D.E. 218(c)(3).

IV. DISCUSSION

Petitioner seeks readmission to the practice of law in Pennsylvania following his disbarment by Order of the Supreme Court of Pennsylvania dated March 12, 2010, which imposed reciprocal discipline to the August 10, 2009 order of disbarment on consent in the State of New Jersey. The misconduct giving rise to Petitioner's disbarment was his misappropriation of the entrusted funds of some thirty-three clients and third parties, in the amount of approximately \$250,000.00, which he converted for his personal use. Respondent misconduct dated from approximately 2003 through 2008.

Petitioner's burden of proof with respect to his request for reinstatement from disbarment is heavier than the burden of proof following a suspension. As the Supreme Court held in *Keller*, "[i]n the case of disbarment, there is no basis for an expectation by the disbarred attorney of the right to resume practice at some future point in time." *Id* at 875. The threshold issue in a disbarment matter is whether the misconduct that resulted in Petitioner's disbarment was of such magnitude so as to preclude the Board's consideration of his reinstatement. *Id*.

Petitioner's conduct that led to his disbarment was egregious and occurred over a long period of time. It is the type of misconduct that erodes the public's confidence in both the legal profession and in the administration of justice in this Commonwealth.

However, in light of the Supreme Court's previous holdings, we cannot say Petitioner's misconduct was so great that his reinstatement is precluded. There are numerous examples where the threshold question has been met in cases involving conversion of entrusted funds. See *In re Lawrence D. Greenberg*, 749 A.2d 434 (Pa. 2000) (misappropriation of two million dollars and commission of perjury in bankruptcy proceeding); *In the Matter of William James Perrone*, 777 A.2d 413 (Pa. 2001) (improperly obtaining public funds allocated for indigent legal representation by filing false fee petitions); *In the Matter of Grahame P. Richards, Jr.*, No. 43 DB 1996 (D. Bd. Rpt. 8/23/2016 (S. Ct. Order 9/21/2016) (misappropriation of more than one million dollars in client funds).

The above-cited cases are examples of serious and deplorable acts by Pennsylvania lawyers, all of whom were able to meet the threshold standard for reinstatement. The Board concludes that Petitioner's acts of misconduct, while extremely serious and a breach of his ethical responsibilities, are not so egregious as to prevent reinstatement.

Following our analysis of the *Keller* threshold, we next consider whether Petitioner has established that he has the moral qualifications, competency and learning in the law required for admission to practice law in Pennsylvania and that his readmission would not have a detrimental impact on the integrity and standing of the bar, the administration of justice or be subversive of the public interest. Pa.R.D.E. 218(c)(3). To that end, Petitioner must prove that his post-disbarment conduct and efforts at qualitative

rehabilitation were sufficient to dissipate the detrimental impact of his conduct on the public trust. *Verlin* at 602. In assessing the evidence, the Board must consider the amount of time that has passed since Petitioner was disbarred.

In the *Verlin* matter, the Court noted that “almost eight years [had] passed” since his disbarment and although the Court believed this was “not an extremely lengthy period of time, [it] believe[d] that it [was] sufficient to dissipate the detrimental impact of Verlin’s misconduct on the integrity and standing of the bar, the administration of justice, and the public interest.” *Id.* at 52. The Court then examined Verlin’s “ongoing efforts to rehabilitate himself” during his period of disbarment, and found that Verlin “demonstrated a steadfast commitment to rehabilitating himself.” *Id.* The Court noted “[p]erhaps most importantly, the Disciplinary Board found that Verlin testified credibly as to his remorse for his actions, which he described as a breach of trust to himself, his profession, and his family.” *Id.* at 53. Like Verlin, Petitioner presented compelling testimony concerning his rehabilitation during his disbarment.

As of March 10, 2010, Petitioner has been disbarred for eight years, and has been removed from the practice of law since May 28, 2009, the date of his temporary suspension. Whether a sufficient period of time has passed must be determined by the circumstances of each reinstatement case. Much of the prior case law related to misconduct similar to that which led to Petitioner’s disbarment (misappropriation of client funds) considers an eight year absence from the practice of law sufficient to dissipate the taint of misconduct. See e.g., *In the Matter of Charles C. Gentile*, No. 87 DB 2010 (D.

Bd. Rpt. 3/2/2017) (S. Ct. Order 4/27/2017) (reinstatement after six years); ***In the Matter of Leroy Frank Grimm, Jr.***, No. 107 DB 2009 (D. Bd. Rpt. 12/28/2016)(S. Ct. Order 3/13/2017) (reinstatement after seven years); ***In the Matter of Mark Kovler***, 172 DB 2002 (D. Bd. Rpt. 5/15/2009) (S. Ct. Order 7/24/2009) (reinstatement after 5 years and 11 months); ***In the Matter of Gerard Emmett Evans***, No. 10 DB 2001 (D. Bd. Rpt. 10/3/2008) (S. Ct. Order 12/15/2008) (reinstatement after 7 years).

Upon this record, we conclude that the eight-year period of disbarment has been qualitative and meaningful to Petitioner's rehabilitation and has dissipated the impact of the original misconduct on the public trust.

Petitioner's lengthy period of disbarment has afforded him the opportunity to reflect on his egregious acts and to make changes necessary to avoid such conduct in the future. Petitioner's testimony and demeanor demonstrate that he consistently and fully acknowledged his wrongdoing and expressed genuine remorse for his misconduct. Petitioner testified, "...I'm not denying what I did, I'm very, very apologetic. And I apologize for any harm, more importantly, that I caused to my clients, myself, my family and my profession." N.T. 9/13/17, 179. Moreover, he testified that, "I have no problem admitting what I did...I'm sincerely, sincerely apologetic. So I don't hide that...I'm ashamed by it, I live with it every day." N.T. 9/13/17, 177. Petitioner made full restitution to the victims from whom funds were misappropriated.

During the time frame of his misconduct, Petitioner was a regular user of alcohol and cocaine and by his own admission, was addicted. Petitioner presented

compelling and credible evidence that he devoted his disbarment period to the treatment of his addiction and the maintenance of his hard-won sobriety. Petitioner offered evidence that he is no longer addicted to alcohol and cocaine and that he has maintained continuous, uninterrupted sobriety since June 2008. In his own testimony, Petitioner stated unequivocally, "I've done a complete 180 degrees in my life. Back then, I was a mess...I was using and abusing, and I was running from it and hiding it. Since that time, I've reconciled myself, my personal issues...I live a clean life...My sobriety and my family is everything..." N.T. 9/13/17, 200, 322, 325.

In June 2008, within weeks of ODC's investigation of the insufficient funds in his IOLTA account, Petitioner contacted LCL to seek treatment for alcohol and drug addiction. After personally meeting with two individuals from LCL, a meeting at which Petitioner described himself as "a mess" and crying, he was referred to AA and to Dr. Collins.

At the reinstatement hearing, Dr. Collins credibly testified that when he met with Petitioner in June 2008, Petitioner was at a very low point in his life and legal career. Dr. Collins diagnosed Petitioner with substance addiction, depression and anxiety, and continued to work with Petitioner through February 2009, followed by telephone check-ins and later, in-person evaluations in 2015 and 2016. Dr. Collins testified that Petitioner worked very hard at his sobriety and never had a relapse. Dr. Collins described Petitioner as extremely cooperative and very contrite. Dr. Collins also confirmed that Petitioner has



no clinical signs of depression. Finally, Dr. Collins testified that Petitioner “got his life back” and is ready for reinstatement.

Petitioner credibly testified about his recovery from substance abuse. He described how his life was out of control when he was buying and using alcohol and drugs. He has been sober since June 23, 2008, going “cold-turkey,” which he admitted was an extremely difficult experience. He voluntarily committed to both an AA sponsor and a sobriety monitor through LCL and attended 90 AA meetings in 90 days, and continues to attend AA regularly. Petitioner has adapted his lifestyle in order to support his sobriety. He believes that after nine years of sobriety, he has a very solid foundation and will not revert to using drugs and alcohol. The evidence supports a finding that Petitioner is fully invested in his recovery program and is committed to his sobriety.

While disbarred, Petitioner maintained continuous employment in order to support himself and his fiancée. He obtained a real estate license and often worked three jobs at a time. Currently, he works as a leasing agent/assistant property manager at Lindy Property Management, where he manages a 624-unit rental property, and hosts open houses as a Berkshire Hathaway real estate agent. Until recently, he performed manual labor, but has cut back after sustaining injuries and undergoing back surgery. Petitioner did not engage in the unauthorized practice of law or hold himself out to the public as licensed to practice, and demonstrated learning in the law through the fulfillment of his Continuing Legal Education requirements for reinstatement. If reinstated, Petitioner intends to practice law in the fields of criminal defense, real estate, and personal injury

law. Of further note is that Petitioner has no outstanding judgments and is up-to-date on his tax filings.

We note that Petitioner's post-disbarment employment did not involve legal research or paralegal work as permitted pursuant to Pa.R.D.E. 217(j), but we conclude that such permissible law-related activity is not required to prove fitness for reinstatement. *See, Gentile*, D. Bd. Rpt. at pp 5, 12 (petitioner reinstated from disbarment; during disbarment he worked full-time as an over-the-road truck driver; the Board found in support of reinstatement that petitioner maintained steady and productive employment). We also note that Petitioner did not present evidence that he engaged in community service or other charitable endeavors, as is often found in other reinstatement matters. However, we conclude that such endeavors are not a requirement for reinstatement from disbarment. *See, In the Matter of John Anthony Lord*, Nos. 149 DB 1995 & 48 DB 1998 (D. Bd. Rpt. 4/21/2006) (S. Ct. Order 7/31/2006) (petitioner reinstated from disbarment after seven years; demonstrated successful recovery from alcoholism; expressed sincere remorse; presented character evidence; worked consistently during disbarment; no evidence of community service).

In support of his reinstatement, in addition to Dr. Collins, Petitioner presented the testimony of three character witnesses. The credible testimony of these witnesses confirms Petitioner's remorse and rehabilitation since his disbarment, and his fitness to be reinstated. Mr. DePasquale made clear that he would not have testified on Petitioner's behalf if he did not think Petitioner deserved reinstatement. Mr. DePasquale

is aware that Petitioner has remorse for his conduct, and feels humiliation and embarrassment, and has made substantial changes to his life by abstaining from alcohol and drugs. Ms. Mercurio, Petitioner's sister, confirmed the positive changes in Petitioner since he has been sober. Ms. Hoopes, Petitioner's fiancée, confirmed Petitioner's character as to his honesty and integrity, and also confirmed that Petitioner is a very hard worker, working three jobs to help support his family. Petitioner submitted multiple character letters from members of the Pennsylvania bar and non-lawyer members of Petitioner's community, who confirmed Petitioner's good character and support his reinstatement.

ODC opposes Petitioner's reinstatement and argues that the Hearing Committee wrongly minimized Petitioner's post-disbarment conduct, which ODC contends includes evidence of deceitful applications for notary and real estate sales licenses, dishonest conduct towards third parties, knowing failure to comply with the law, and placing Petitioner's personal need for money above the law. We conclude, after review of ODC's evidence and consideration of its arguments, that the events brought forth by ODC do not rise to a level requiring denial of reinstatement. As to the license applications, Ms. Brown's testimony and the relevant documents do not show that Petitioner's conduct was deceitful. Petitioner stated on the notary license application that he "surrendered" his law license, rather than stating he was disbarred, but admitted that the loss of his license was due to "attorney ethical violations." Petitioner's testimony as to his neglect to disclose his disbarment on his initial real estate license is credible that he misinterpreted the question, and is also credible that he disclosed the disbarment on

subsequent change of employment applications and had no intent to lie about his disbarred status.

Ms. Bamberger's testimony reveals that she was understandably unhappy with her experience renting a property from Petitioner, and her daughter was awarded a rent abatement after adjudication in land-lord tenant court. At the reinstatement hearing, Petitioner admitted that he had not obtained a rental license for the property. While Petitioner's action in renting a property without obtaining the required city license was questionable, and Petitioner was remiss in allowing a subsequent judgment against him to go unpaid from June 2011 to December 2015, we cannot conclude that his actions constituted a lack of moral qualifications, as argued by ODC.

ODC's evidence from Petitioner's disgruntled former client is not compelling to deny reinstatement. Similar to Ms. Bamberger, Ms. Karmazin has negative feelings about Petitioner and the legal profession. However, Petitioner suffered the consequences of his misconduct related to Ms. Karmazin, and many other victims, by losing his license to practice law and his livelihood for eight years. Petitioner strove to remedy his actions through his reimbursement of victims, expressions of credible and genuine remorse, and actions taken in his personal life to alter a detrimental lifestyle.

ODC further contends that the Committee gave too much weight to Petitioner's character evidence in finding that Petitioner had engaged in sufficient qualitative rehabilitation so as to meet his burden. ODC is troubled by the Committee's focus on Mr. DePasquale's testimony and its characterization of Mr. DePasquale as an

“esteemed” member of the bar. Upon review of the record, we find no merit to ODC’s argument. Mr. DePasquale, as well as the other character witnesses, testified credibly and convincingly as to Petitioner’s rehabilitation and fitness to resume the practice of law, which testimony weighs favorably in support of Petitioner’s reinstatement.

Upon this record, we conclude Petitioner’s eight years of disbarment have been a time of genuine rehabilitation. Petitioner has met his reinstatement burden by clear and convincing evidence that he is morally qualified, competent and learned in the law, and that his reinstatement will not be detrimental to the public or to the profession. The Board is aware of the serious nature of Petitioner’s misconduct and the basis for his disbarment. The totality of the record before us demonstrates that he has been rehabilitated, has learned from his actions, is fit to practice law in Pennsylvania, and will not pose a threat to the public interest.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, John Louis D'Intino, Jr., 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: James C. Haggerty/MS  
James C. Haggerty, Member

Date: 1/4/2018