

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 1738 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 49 DB 2011
v.	:	
	:	Attorney Registration No. 208426
ROBERT TURNBULL HALL,	:	
Respondent	:	(Out Of State)

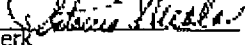
ORDER

PER CURIAM:

AND NOW, this 12th day of July, 2011, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated April 29, 2011, 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 Robert Turnbull Hall is suspended on consent from the Bar of this Commonwealth for a period of two years and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

A True Copy Patricia Nicola
As Of 7/12/2011

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA


OFFICE OF DISCIPLINARY COUNSEL	:	No. 49 DB 2011
Petitioner	:	
	:	
v.	:	Attorney Registration No. 208426
	:	
ROBERT TURNBULL HALL	:	
Respondent	:	(Out of State)

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 Charlotte S. Jefferies, R. Burke McLemore, Jr., and Mark S. Baer, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on March 28, 2011.

The Panel approves the Joint Petition consenting to a two year 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.


Charlotte S. Jefferies, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: April 29, 2011

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : 49 DB2011
Petitioner :
: ODC File No. C1-10-711
v. :
: Atty. Reg. No. 208426
ROBERT TURNBULL HALL, :
Respondent : (Out of State)

JOINT PETITION IN SUPPORT OF DISCIPLINE
ON CONSENT UNDER RULE 215(d), Pa.R.D.E.

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Esquire, Chief Disciplinary Counsel, and by Richard Hernandez, Esquire, Disciplinary Counsel, and Respondent, Robert Turnbull Hall, who is represented by Samuel C. Stretton, Esquire, file this Joint Petition In Support of Discipline On Consent Under Rule 215(d) of the Pennsylvania Rules of Disciplinary Enforcement and respectfully represent that:

1. The Respondent, Robert Turnbull Hall, was born in 1978 and was admitted to practice law in the Commonwealth of Pennsylvania on December 9, 2008. Respondent was assigned Attorney Registration No. 208426 and is currently registered as "active."

2. According to attorney registration records, Respondent's public access address is 162 Mercer Street, Princeton, N.J. 08540. Respondent is employed as a law

FILED

MAR 28 2011

Office of the Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

clerk for the State of New Jersey, Office of Administrative Law.

3. Respondent has agreed to enter into a joint recommendation for consent discipline.

SPECIFIC FACTUAL ADMISSIONS AND
RULES OF PROFESSIONAL CONDUCT VIOLATED

4. Commencing in 1992 and continuing through February 1995, Respondent attended The Hill School, a secondary boarding school, located in Pottstown, Pennsylvania.

5. In or about February 1995, while at The Hill School, Respondent was smoking marijuana in a dormitory room with two other individuals.

6. A faculty member of The Hill School discovered that Respondent was smoking marijuana and he was brought before the dean.

7. After a hearing before a committee, Respondent was expelled from The Hill School for having used marijuana.

8. On May 4, 1997, a Rhode Island police officer placed Respondent under arrest after pulling over a vehicle in which Respondent was a passenger and discovering two small plastic bags containing marijuana under a seat while searching the vehicle.

- a. Respondent admitted to the police officer that the bags of marijuana belonged to him.
- b. Respondent was charged with unlawful possession of a controlled substance (marijuana), in violation of R.I. 21-28-4.01(c)(1)(b), which was classified as a misdemeanor.
- c. Sometime over the summer of 1997, Respondent appeared before Newport District Court to address the criminal charge, admitted his guilt, and was given a "one-year filing" and directed to pay a \$200.00 fine to a victim compensation fund.
- d. The "one-year" filing is a penalty for first-time offenders that defers a criminal case for one year and requires the offender to stay out of trouble, after which the criminal case is eligible for expungement.

9. Commencing in August 1997 and continuing through May 2001, Respondent attended Washington and Lee University, located in Virginia.

10. During the fall of Respondent's first year in college, Respondent was arrested for public intoxication, urinating in public, and indecent exposure.

- a. Respondent was placed under arrest after a police officer observed him urinating in public and discovered that he was intoxicated.
- b. After spending the night in jail, Respondent was issued a citation and released.
- c. The matter was concluded after Respondent admitted his guilt and paid a fine.

11. On March 29, 1998, while Respondent was attending college, he was arrested for public intoxication.

- a. Respondent was placed under arrest after a police officer heard him and his friends talking loudly and discovered that he was intoxicated.
- b. After spending the night in jail, Respondent was issued a citation and released.
- c. The matter was concluded after Respondent admitted his guilt and paid a fine.

12. Respondent violated a condition of the one-year filing he received from the Newport District Court by being arrested and convicted in two criminal cases filed against him during his first year in college.

13. On April 5, 1999, Respondent caused an accident in a parking lot located in West Virginia while operating a 1986 Ford truck that belonged to Peter J. Faillace.

a. Respondent drove the truck into the rear of another vehicle, left the accident scene without stopping and identifying himself, and continued driving the truck until it was no longer operational.

b. Mr. Faillace filed a lawsuit in the Circuit Court of Berkeley County, West Virginia, against Respondent for damages he caused to the truck, said case captioned *Peter J. Faillace v. Robert Turnbull Hall, IV*, Civil Action No. 99-C-352 ("the West Virginia lawsuit").

c. By Order dated December 14, 1999, the West Virginia lawsuit was dismissed.

14. On April 2, 2000, Respondent was placed under arrest for possession of marijuana after two Lexington, Virginia police officers came to his apartment to serve a legal document upon his roommate and observed in plain view a pipe for smoking marijuana.

a. Respondent admitted to the police officers that the pipe belonged to him and provided

the police officers with several other pipes he used for smoking marijuana.

- b. Respondent was charged with unlawful possession of marijuana, in violation of Section 18.2-250.1 of the Virginia Code, which was classified as a misdemeanor.
- c. On May 17, 2000, the General District Court for Rockbridge County and the City of Lexington ("the Virginia General District Court") found sufficient facts to find Respondent guilty; however, the Virginia General District Court deferred making an adjudication, placed Respondent on "first time offender probation," during which period he was to participate in a twenty-two week outpatient drug education program ("the program"), suspended his driver's license for six months, and ordered him to pay \$225.00 in court costs.
- d. On September 13, 2000, Respondent appeared before the Virginia General District Court on a failure to comply charge because he had not commenced the program; the Virginia General District Court dismissed the charge

based on his explanation that he was confused as to when he had to commence the program.

- e. As part of the program, Respondent was administered breathalyzer tests before each class.
- f. During Respondent's twentieth week of attending the program, Respondent failed a breathalyzer test and was asked to leave class.
- g. As a consequence of failing the breathalyzer test, Respondent was required to attend the program for an additional four weeks.
- h. Respondent failed to complete the additional four weeks of the program.
- i. Upon Respondent's graduation from college in May 2001, Respondent moved back to New Jersey.
- j. On August 9, 2001, the Virginia General District Court mailed to Respondent a "Show Cause Summons" ("the Summons") at the address of 236 E. 24th Street, Apt. C, New York, N.Y. 10010; the Summons required him to appear before the Virginia General

District Court on September 4, 2001, to address his failure to comply with the May 17, 2000 Order by not completing the program.

k. Respondent failed to appear before the Virginia General District Court on September 4, 2001.

l. Despite Respondent's failure to appear, the Virginia General District Court decided not to sanction Respondent and dismissed the second failure to comply charge.

m. Because Respondent did not complete the program, the Virginia General District Court found him guilty of unlawful possession of marijuana.

15. On October 27, 2004, Respondent completed an application for admission to Albany Law School.

a. Respondent certified that the information he provided in the application was complete and accurate.

16. In the application, Respondent failed to disclose that:

a. he was expelled from The Hill School for smoking marijuana;

- b. in connection with his April 2, 2000 arrest for possession of marijuana, he had been charged on two separate occasions by the Virginia General District Court for having failed to comply with its directives due to his not commencing the program and not completing the program; and
- c. he was a defendant in the West Virginia lawsuit.

17. In August 2005, Respondent matriculated at Albany Law School.

18. On March 22, 2006, Respondent completed a transfer application for admission to Rutgers Law School at Camden.

- a. Respondent certified that the information he provided in the transfer application was complete and accurate.

19. In the transfer application, Respondent misrepresented that he had:

- a. been "dismissed" from The Hill School because he was present in a room with people who were smoking marijuana; and
- b. misrepresented that after completing the program as directed by the Virginia General

District Court, he no longer used alcohol or marijuana.

20. In the transfer application, Respondent failed to disclose that:

- a. he was expelled from The Hill School for smoking marijuana; and
- b. in connection with the marijuana case related to his April 2, 2000 arrest, he had been charged with failure to comply on two separate occasions by the Virginia General District Court for his delay in commencing the program and his failure to complete the program.

21. Respondent's transfer application was approved.

22. In August 2006, Respondent matriculated at Rutgers Law School at Camden.

23. On or about February 9, 2008, Respondent electronically filed with the Pennsylvania Board of Law Examiners an Electronic Application ("the PA App."), therein applying to sit for the July 2008 bar examination.

- a. Respondent verified that the "statements of facts" made by him in the PA App. were "true and correct" and that they were made "subject to the penalties of 18 Pa.C.S. 4904

relating to unsworn falsification to authorities."

- b. Respondent further verified that he had "not omitted any facts or matters pertinent" to the PA App.

24. In the PA App., Respondent:

- a. answered "No" in response to the question under the heading "DOCUMENTS - ALTERED OR FALSIFIED," which inquired if he had "ever altered or falsified any official or unofficial document or copy thereof (e.g., bar application or examination result letter, recommendation letter, transcript, report, law school application, etc.)";
- b. failed to disclose in response to the question under the heading "CRIMINAL - CRIMINAL HISTORY," which inquired if he had "ever been arrested, charged, cited, accused, or prosecuted for any crime by a law enforcement agency, or [had] you ever been the subject of any investigation by a law enforcement agency, civil or administrative agency, professional organization, corporation, board, or any

other agency (including, but not limited to the lawyer Disciplinary Board, Attorney General's Office, government entity, law firm, etc.)," that in connection with his April 2, 2000 arrest for possession of marijuana, the failure to comply charge lodged against him by the Virginia General District Court was based on his having failed to complete the program and that he had never completed the program; and

- c. answered "No" in response to the question under the heading "COURT RELATED - DEFENDANT," which inquired if he had "ever been named as a defendant to any civil action or administrative proceeding?"

25. The omissions and representations set forth in the previous paragraph were material to the PA App.

26. The omissions and representations set forth in paragraph 24, *supra*, were material to Respondent's qualifications to practice law and to the inquiry into his qualifications to be conducted by the Pennsylvania Board of Law Examiners.

27. In an Amendment to Application dated March 26, 2008, Respondent stated that he had "accidentally failed to

include information regarding a civil matter in which [he] was involved in 1999," and included documentation related to the West Virginia lawsuit.

28. On February 11, 2008, Respondent filed with the State of New Jersey Committee on Character ("the Committee") a Certified Statement of Candidate ("the NJ Cert."), therein applying to sit for the July 2008 bar examination.

- a. Respondent certified that he provided truthful answers on the NJ Cert.

29. In the NJ Cert., Respondent:

- a. failed to disclose in response to the question under the heading "LEGAL PROCEEDINGS," which inquired if he had "ever been charged with, taken into custody for, arrested for, indicted, tried for, pled guilty to, or convicted of, the violation of any law (other than a minor traffic violation) or been the subject of a juvenile delinquent or youthful offender proceeding," that in connection with his April 2, 2000 arrest for possession of marijuana, the failure to comply charge lodged against him by the Virginia General District Court was

based on his having failed to complete the program and that he never completed the program; and

- b. answered "No" in response to the question under the heading "MISCELLANEOUS," which inquired if there was "any information (event, incident, occurrence, etc.) that was not specifically addressed and/or asked of you in this application and/or in the instructions that could be considered a character issue?"

30. The omissions and representations set forth in the previous paragraph were material to the NJ Cert.

31. The omissions and representations set forth in paragraph 29, *supra*, were material to Respondent's qualifications to practice law and to the inquiry into his qualifications to be conducted by the Committee.

32. By his conduct as alleged in Paragraphs 4 through 31 above, Respondent violated the following Rules of Professional Conduct:

- a. Pennsylvania RPC 8.1(a), which states that an applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a

disciplinary matter, shall not knowingly make a false statement of material fact;

- b. Pennsylvania RPC 8.1(b), which states that an applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6;
- c. Pennsylvania RPC 8.4(c), which states it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- d. Pennsylvania RPC 8.4(d), which states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice;

- e. New Jersey RPC 8.1(a), which states that an applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not knowingly make a false statement of material fact;
- f. New Jersey RPC 8.1(b), which states that an applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6;
- g. New Jersey RPC 8.4(c), which states it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation; and

h. New Jersey RPC 8.4(d), which states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

33. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension from the practice of law for a period of two years.

34. 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 Rule 215(d), Pa.R.D.E., stating that he consents to the recommended discipline, including the mandatory acknowledgements contained in Rule 215(d)(1) through (4), Pa.R.D.E.

35. In support of Petitioner and Respondent's joint recommendation, it is respectfully submitted that there are several mitigating circumstances:

- a. Respondent has admitted engaging in misconduct and violating the charged Rules of Professional Conduct;
- b. Respondent has cooperated with Petitioner, as is evidenced by Respondent's admissions

herein and his consent to receiving a suspension of two years;

- c. Respondent has no record of discipline;
- d. Respondent is remorseful for his misconduct and understands he should be disciplined, as is evidenced by his consent to receiving a suspension of two years; and
- e. Respondent, through counsel, self-reported his misconduct to Petitioner.

36. Precedent suggests that Respondent's misconduct warrants a suspension of two years. Two-year suspensions have been imposed on attorneys with no record of discipline for intentionally making misrepresentations and omitting material information on the Pennsylvania Bar Application. See, e.g., *In re Deborah Griffin*, No. 76 DB 91, 20 Pa. D.&C.4th 385 (1994) (Respondent Griffin failed to disclose her guilty plea to two counts of deceptive use of a false social security number for the purpose of obtaining credit cards); and *In re J. Ward Guilday*, No. 80 DB 94, 36 Pa. D.&C.4th 31 (1996) (Respondent Guilday failed to disclose on the Pennsylvania, New Jersey, and Delaware Bar Applications his seven arrests, three of which culminated in convictions; in addition, Respondent Guilday failed to disclose his criminal history on his application for

admission to law school). But cf. *In re Robert P. Tuerk*, No. 6 DB 94, 33 Pa. D.&C.4th 512 (1996) (Respondent Tuerk was suspended for one year and one day for having knowingly failed to disclose on the Bar Application of Pennsylvania and of another state his arrest for sexual solicitation of a police officer and his use of another name).

37. Petitioner and Respondent submit that a two-year suspension is appropriate discipline for Respondent's misconduct after considering precedent and weighing the mitigating factors.

WHEREFORE, Petitioner and Respondent respectfully request that:

a. Pursuant to Rule 215(e) and 215(g), Pa.R.D.E., the three-member panel of the Disciplinary Board review and approve the above Joint Petition In Support Of Discipline On Consent and file its recommendation with the Supreme Court of Pennsylvania in which it is recommended the Supreme Court enter an Order:

(i) suspending Respondent from the practice of law for a period of two years; and

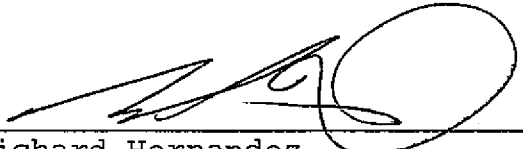
(ii) directing Respondent to comply with all
of the provisions of Rule 217,
Pa.R.D.E.

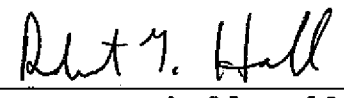
- b. Pursuant to Rule 215(i), the three-member panel of the Disciplinary Board order Respondent to pay the necessary expenses incurred in the investigation of this matter as a condition to the grant of the Petition and that all expenses be paid by Respondent before the imposition of discipline under Rule 215(g), Pa.R.D.E.

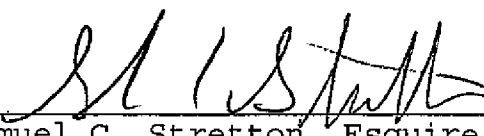
Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

By 
Richard Hernandez
Disciplinary Counsel

By 
Robert Turnbull Hall, Esquire
Respondent

By 
Samuel C. Stretton, Esquire
Respondent's Counsel

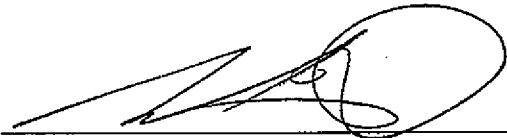
BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
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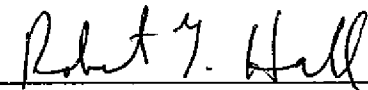
VERIFICATION

The statements contained in the foregoing Joint
Petition In Support of Discipline on Consent Under Rule
215(d), Pa.R.D.E. are true and correct to the best of our
knowledge or information and belief and are made subject to
the penalties of 18 Pa.C.S. §4904, relating to unsworn
falsification to authorities.

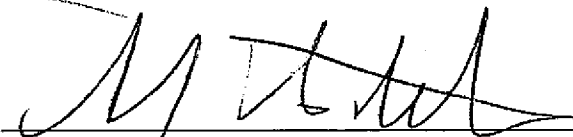
3/23/2011
Date


Richard Hernandez
Disciplinary Counsel

3/18/11
Date


Robert Turnbull Hall, Esquire
Respondent

3/18/11
Date


Samuel C. Stretton, Esquire
Respondent's Counsel

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
: ODC File No. C1-10-711
v. :
: Atty. Reg. No. 208426
ROBERT TURNBULL HALL, :
Respondent : (Philadelphia)

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

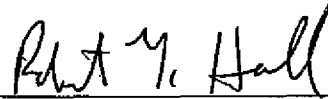
Respondent, Robert Turnbull Hall, hereby states that he consents to the imposition of a suspension from the practice of law for a period of two years as jointly recommended by Petitioner, Office of Disciplinary Counsel, and Respondent in the Joint Petition In Support Of Discipline On Consent, and further states that:

1. His consent is freely and voluntarily rendered; he is not being subjected to coercion or duress; he is fully aware of the implications of submitting the consent; and he has consulted with Samuel C. Stretton, Esquire, in connection with the decision to consent to discipline;

2. He is aware that there is presently pending an investigation into allegations that he has been guilty of misconduct as set forth in the Joint Petition;

3. He acknowledges that the material facts set forth in the Joint Petition are true; and

4. He consents because he knows that if charges predicated upon the matter under investigation were filed, he could not successfully defend against them.



Robert Turnbull Hall, Esquire
Respondent

Sworn to and subscribed

before me this 15

day of March, 2011.



Notary Public

Ryan Dragity

RYAN DRAGITY
Notary Public, State of New Jersey
My Commission Expires 7/24/2011