

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 42 Disciplinary Docket No. 3
: :
MILTON E. RAIFORD : No. 50 DB 1994
: :
PETITION FOR REINSTATEMENT : Attorney Registration No. 49055
: :
: (Allegheny County)

ORDER

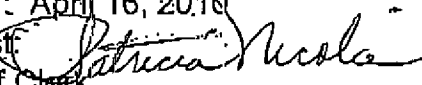
PER CURIAM:

AND NOW, this 16th day of April, 2010, upon consideration of the Report and Recommendations of the Disciplinary Board dated February 16, 2010, the Petition for Reinstatement is granted.

Pursuant to Rule 218(e), Pa.R.D.E., petitioner is directed to pay the expenses incurred by the Board in the investigation and processing of the Petition for Reinstatement.

A True Copy Patricia Nicola

As of: April 16, 2010

Attest: 
Chief Clerk

Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 42 Disciplinary Docket No. 3
: :
: No. 50 DB 1994
MILTON E. RAIFORD : :
: Attorney Registration No. 49055
: :
PETITION FOR REINSTATEMENT : (Allegheny 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

On April 21, 2009, Milton E. Raiford filed a Petition for Reinstatement to the bar of the Supreme Court of Pennsylvania. By Order of the Supreme Court dated January 17, 1997, Petitioner was disbarred retroactive to May 27, 1994. Petitioner's previous

attempt at reinstatement was denied in 2002. Office of Disciplinary Counsel filed a Response to Petition on June 25, 2009.

A reinstatement hearing was held on August 26, 2009, before a District IV Hearing Committee comprised of Chair Susan Mondik Key, Esquire, and Members Philip B. Hart, Esquire and Evan E. Adair, Esquire. Petitioner was represented by Elizabeth Surgent Minnotte, Esquire. Petitioner presented the testimony of seven witnesses and testified on his own behalf.

The Hearing Committee filed a Report on December 14, 2009 and recommended that the Petition for Reinstatement be granted.

This matter was adjudicated by the Disciplinary Board at the meeting on January 20, 2010.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner is Milton E. Raiford. He was born in 1955 and was admitted to practice law in the Commonwealth of Pennsylvania in 1987. He resides at 3557 Ridgewood Dr., Pittsburgh PA 15235.

2. Petitioner was disbarred in 1997 by Order of the Supreme Court of Pennsylvania. This disbarment was made retroactive to May 27, 1994.

3. Petitioner was disbarred as a result of his criminal conviction of obstruction of administration of law or other governmental function, unsworn falsification to authorities, and tampering with public records or other information.

4. Petitioner engaged in a scheme to perpetrate fraud on the criminal justice system of Allegheny County. He knowingly and intentionally had a client misrepresent herself as a different client, one who had been charged with various narcotic offenses. The first client went through a preliminary hearing, entered a guilty plea and was sentenced, all the while pretending to be the second client. Throughout the proceedings Petitioner intentionally misrepresented the status of the case to the second client.

5. Petitioner was sentenced to three years of probation and 250 hours of community service.

6. Petitioner accepted responsibility for his actions and demonstrated remorse. He is ashamed of his misconduct and is aware of how it hurt others, especially his late mother, who worked hard to help Petitioner pay for law school.

7. Petitioner realized the severity of his actions and looked for a way to improve himself and to give back to his community.

8. Petitioner put his savings into opening a Christian school to provide a quality education to children in impoverished neighborhoods.

9. With the help of community leaders, Petitioner founded Imani Christian Academy and has served as the headmaster since 1995. During this period, Petitioner has encountered and guided hundreds of students.

10. Petitioner has been involved in community advocacy in helping poor and underprivileged individuals find help for problems affecting their daily lives.

11. If reinstated, he intends to pursue a law practice dedicated to issues regarding disadvantaged children and their education.

12. Petitioner presented the testimony of seven witnesses.

13. Michael Ahwesh is the assistant district attorney who prosecuted Petitioner's criminal case. He believes Petitioner has redeemed himself and strongly supports his reinstatement.

14. Mel Blount and Franco Harris are former professional football players who know Petitioner through his community works and support his reinstatement.

15. Shawn Flaherty, Paul Boas, and Clifford Benson are Pennsylvania attorneys who trust and respect Petitioner and support his reinstatement.

16. Justin Johnson is a former Superior Court judge who currently serves as a member of the advisory committee at the Imani Christian Academy. He believes that Petitioner is an exceptionally capable and dedicated individual whose skills would benefit the people in the community.

17. Petitioner successfully completed his Continuing Legal Education requirements for reinstatement.

18. Office of Disciplinary Counsel does not oppose the Petition for Reinstatement.

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. Keller, 506 A.2d 872 (Pa. 1986).

2. Petitioner has been disbarred since May 27, 1994. This is a sufficient period of time considering the nature of Petitioner's misconduct. Matter of Verlin, 731 A.2d 600 (Pa. 1999).

3. Petitioner has 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 Pennsylvania. Pa.R.D.E. 218(c)(3)(i).

4. Petitioner has demonstrated by clear and convincing evidence that his resumption of the practice of law would not have a detrimental impact on the integrity and standing of the bar, the administration of justice, or the public interest. Pa.R.D.E. 218(c)(3)(i).

IV. DISCUSSION

This matter comes before the Disciplinary Board upon a Petition for Reinstatement filed by Milton E. Raiford. Petitioner was disbarred retroactive to May 27, 1994 by Order of the Supreme Court dated January 17, 1997. Petitioner bears the burden of proof by clear and convincing evidence that he is qualified for readmission. Pa.R.D.E. 218(c)(3)(i).

Petitioner's misconduct consisted of engaging in a scheme to perpetrate a fraud on the criminal justice system of Allegheny County. He knowingly and intentionally allowed a client to misrepresent herself as another client, who had been charged with narcotics offenses. Petitioner was convicted of obstruction of administration of law or other governmental function, unsworn falsification to authorities and tampering with public records or other information. He was sentenced to three years of probation and 250 hours of community service.

This is Petitioner's second request for reinstatement. His first request was denied by Order of the Supreme Court dated January 31, 2002. The basis for the denial was that Petitioner at that time had only been disbarred for seven years, a period of time deemed insufficiently brief in light of the egregiousness of his underlying misconduct. However, a conclusion was made by the Board in its Report of December 7, 2001, that Petitioner's misconduct was not so egregious as to preclude reinstatement. The Board found that although Petitioner's conduct was reprehensible, it could not find that it was worse than other criminal activity previously considered by the Supreme Court and found to be eligible for reinstatement. Matter of Perrone, 777 A.2d 413 (Pa. 2001). Nothing has transpired since that conclusion was made to alter it. We also conclude that Petitioner's underlying misconduct is not so egregious as to preclude his reinstatement. Office of Disciplinary Counsel v. Keller, 506 A.2d 872 (Pa. 1986). Our present focus is on the amount of time that has passed since Petitioner's transgressions and how he has spent that time.

Petitioner has accepted full responsibility for his misconduct and has completed all terms of his criminal sentence. He has expressed obvious and sincere

contrition for his egregious activities. He described the shame he experienced and the hurt he inflicted on the profession and his family, particularly his late mother, who worked several jobs to help Petitioner pay for law school. Petitioner seeks reinstatement in order to rededicate his life to activities that will bring pride, not shame, to the legal profession and his community.

For the fifteen years that Petitioner has been disbarred, he has been involved in many ways in assisting his community, foremost of which is the Imani Christian Academy, which he opened to provide education to children in impoverished neighborhoods. Petitioner sacrificed both time and money to realize his ambition of a quality school for underprivileged children. Petitioner has served as the headmaster of the Academy since 1995, which position has allowed him to impact and enhance the lives of hundreds of students.

Petitioner has also helped his community by assisting poor individuals in accessing community aid programs, though none of his actions constituted the practice of law. If reinstated, Petitioner plans to use his law license to further his community service.

Petitioner presented impressive character testimony. Michael Ahwesh is the assistant district attorney who prosecuted Petitioner's criminal case. He appeared on Petitioner's behalf to offer his opinion that Petitioner has redeemed himself and is ready for reinstatement. Justin Johnson is a former Superior Court judge who currently serves on the advisory committee at Imani Christian Academy. He described Petitioner as exceptionally capable and dedicated, and an asset to the community. Other attorneys in the Pittsburgh area testified in support of Petitioner's reinstatement. Finally, former professional football players Mel Blount and Franco Harris know Petitioner through

community endeavors and believe he has an impeccable character and has had a tremendous impact on underprivileged children in Pittsburgh. The weight of this testimony is convincing that Petitioner is morally qualified and his reinstatement would not detrimentally impact the public or the legal profession.

In preparation for the reinstatement process, Petitioner fulfilled all of the required Continuing Legal Education courses, and kept apprised of legal issues. He is capable and proficient to reenter the practice of law.

Petitioner has demonstrated by clear and convincing evidence that his conduct is not so egregious as to preclude his reinstatement; he has spent 15 years actively participating in qualitative rehabilitation; he has the moral qualifications, competency and learning in the law necessary for readmission; his readmission will not harm the public, the profession or the administration of justice.

For these reasons the Board recommends that the Petition for Reinstatement be granted.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Milton E. Raiford, 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: 
David A. Nasatir, Board Member

Date: February 16, 2010

Board Member Momjian did not participate in the adjudication of this matter.