

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2622 Disciplinary Docket No. 3
: :
Petitioner : No. 73 DB 2019
: :
v. : Attorney Registration No. 85063
: :
LOKANATH MOHAPATRA, : (Philadelphia)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 3rd day of July, 2019, 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 Lokanath Mohapatra is suspended on consent from the Bar of this Commonwealth for a period of six months, retroactive to December 31, 2009. Respondent shall comply with all the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 07/03/2019

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. ¹³ DB 2019
Petitioner :
: File No. C1-17-669
v. :
: Atty. Reg. No. 85063
Lokanath Mohapatra, :
Respondent : (Philadelphia)

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

Petitioner, Office of Disciplinary Counsel ("ODC"), by Paul J. Killion, Chief Disciplinary Counsel, and Gloria Randall Ammons, Disciplinary Counsel, and by Respondent, Lokanath Mohapatra, and Anthony T. Verwey, Esquire, Counsel for Respondent, file this Joint Petition In Support of Discipline on Consent under Pennsylvania Rule of Disciplinary Enforcement (Pa.R.D.E.) 215(d) ("Joint Petition"), and respectfully represent that:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania, is invested, pursuant to Pa.R.D.E. 207, with the power and duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings

FILED
04/17/2019
The Disciplinary Board of the
Supreme Court of Pennsylvania

brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.

2. Respondent, Lokanath Mohapatra, was born on June 25, 1967, and was admitted to practice law in the Commonwealth on April 6, 2000. His current address is 79 Health Court, Pennington, NJ 08534.

3. By Order dated December 1, 2009, effective December 31, 2009, Respondent was placed on administrative suspension pursuant to Rule 111(b), Pa.R.C.L.E. A copy of the Order is attached hereto as Exhibit A.

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

SPECIFIC FACTUAL ADMISSIONS AND RULES VIOLATED

5. Respondent stipulates that the following factual allegations contained within the Joint Petition are true and correct, and stipulates that he has violated the Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement set forth in ¶ 25, *infra*.

6. In December 2009, Respondent was transferred to administrative suspension for his failure to meet the required number of continuing legal education ("CLE") credits.

a. Respondent had failed to complete 10.50 hours of the required substantive credits.

b. Respondent owed \$300 in late fees.

7. Respondent was required to file a statement of compliance pursuant to Pa.R.D.E. 217(e) within 10 days from the effective date of his transfer to administrative suspension.

a. The effective date of Respondent's administrative suspension was December 31, 2009.

8. Respondent failed to file a statement of compliance.

9. At the time of his transfer to administrative suspension, Respondent was employed by the Franklin Firm.

a. Hersha Hospitality Trust/Hersha Hospitality Management ("Hersha") was the Franklin Firm's only client.

10. After the effective date of his transfer to administrative suspension, Respondent failed to inform the Franklin Firm and Hersha that he was ineligible to practice law.

11. Thereafter, Respondent engaged in the unauthorized practice of law ("UPL").

12. In January 2010, Respondent earned an additional six credits towards his CLE requirements.

a. Respondent failed to complete the remaining 4.5 credits towards his 2009 CLE requirements.

13. Thereafter, Respondent failed to earn any additional CLE credits in 2010 in order to satisfy his CLE requirements for 2009 and 2010.

14. Respondent continued to engage in UPL at the Franklin firm.

15. In December 2011, Respondent earned an additional thirty-one credits towards his CLE requirements.

16. Thereafter, Respondent met his CLE requirements for 2009, 2010, 2011 and 2012.

17. However, Respondent failed to take any additional steps to resume active status, and consequently, he remained ineligible to practice law.

18. In January 2012, Respondent resigned from the Franklin firm and returned to his native India to care for his elderly mother.

19. In June 2012, Respondent paid the \$300 late fee to the CLE Board; however, Respondent failed to take any additional steps to resume active status.

20. In July 2014, Respondent returned to the United States.

21. Following his return to the United States, Respondent has worked as a non-legal consultant for Harrisburg University, Hersha and Kunj, Inc.

22. In July 2017, Respondent, through his attorney, self-reported his UPL.

23. In or around October 2018, Respondent filed a statement of compliance as required by Rule 217.

24. Respondent remains on administrative suspension.

25. By his conduct as alleged in Paragraphs 6 through 24 above, Respondent violated the following Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement:

- a. RPC 5.5(a), which states that a lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so;
- b. RPC 8.4(c), which states that is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- c. 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;
- d. Pa.R.D.E. 203(b)(3) via:

1. Pa.R.D.E. 217(j)(2)(i), which states, in pertinent part, that for purposes of this subdivision (j), the only law-related activities that may be conducted by a formerly admitted attorney is legal work of a preparatory nature, such as legal research, assembly of data and other necessary information, and drafting of transactional documents, pleadings, briefs, and other similar documents;
2. Pa.R.D.E. 217(j)(2)(ii), which states, in pertinent part, that for purposes of this subdivision (j), the only law-related activities that may be conducted by a formerly admitted attorney is the direct communication with the client or third parties to the extent permitted by paragraph (3);
3. Pa.R.D.E. 217(j)(3), which states that a formerly admitted attorney may have direct communication with a client or third party regarding a matter being handled by the attorney, organization or firm for which the formerly admitted attorney works only if the communication

is limited to ministerial matters such as scheduling, billing, updates, confirmation of receipt or sending of correspondence and messages. The formerly admitted attorney shall clearly indicate in any such communication that he or she is a legal assistant and identify the supervising attorney;

4. Pa.R.D.E. 217(j)(4)(ii), which states, in pertinent part, that a formerly admitted attorney is specifically prohibited from performing any law-related services from an office that is not staffed by a supervising attorney on a full time basis;
5. Pa.R.D.E. 217(j)(4)(iv), which states, in pertinent part, that a formerly admitted attorney is specifically prohibited from representing himself as a lawyer or a person of similar status;
6. Pa.R.D.E. 217(j)(4)(v), which states, in pertinent part, that a formerly admitted attorney is specifically prohibited from having any client contact except on

ministerial matters and while under the supervision of an attorney; and

7. Pa.R.D.E 217(j)(4)(vi), which states, in pertinent part, that a formerly admitted attorney is specifically prohibited from rendering legal consultation or advice to a client.

e. Pa.R.D.E 217(e), which states, in pertinent part, that within ten days after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status order, the formerly admitted attorney shall file with the Secretary of the Board a verified statement.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

26. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension of six-months retroactive to the effective date of his transfer to administrative suspension.

27. Respondent hereby consents to that discipline being imposed upon him. 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.

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

- a. Respondent self-reported his misconduct;
- b. Respondent has admitted engaging in misconduct and violating the charged Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement;
- c. Respondent has cooperated with Petitioner, as is evidenced by Respondent's admissions herein and Respondent's consent to receiving a suspension of six months retroactive to the effective date of his transfer to administrative suspension; and
- d. Respondent is remorseful for his misconduct and understands he should be disciplined, as is evidenced by his consent to receiving a suspension of six months retroactive to the effective date of his transfer to administrative suspension.

29. Respondent does not have a record of discipline.

30. Although there is no per se rule for discipline in this jurisdiction, a suspension of six months is within the range of discipline imposed on attorneys who have engaged in UPL while on administrative suspension. Petitioner recognizes

that a six month retroactive suspension may seem unusual. For the following reasons, Petitioner believes these are significant distinguishing factors in this case that justify a retroactive suspension.

In Office of Disciplinary Counsel v. Alice Ann Pellegrino 130 Db 2017 (S.Ct. Order 10/6/2017), Respondent received a six-month suspension on consent following her UPL and law-related activities while on administrative suspension. In September 2007, Respondent began her employment with Hartford Funds Management Company, LLC ("Hartford") in Hartford, Connecticut. In October 2008, Respondent became certified as an Authorized House Counsel ("AHC"). Under the Rules, Respondent qualified for amnesty and immunity for UPL work in Connecticut prior to her becoming an AHC. In December 2012, Respondent transferred to Hartford's Pennsylvania Office serving as Vice President/Senior Counsel. Respondent served in this position from mid-December 2012 to April 13, 2017.

In March 2013, Respondent Pellegrino contacted Pennsylvania Attorney Registration in regard to the reinstatement of her Pennsylvania license and learned that she had been placed on administrative suspension, which would require her to file a petition for reinstatement. Thereafter, Respondent failed to file a reinstatement petition in 2013, 2014, 2015 or 2017. From 2013 and 2016, Respondent Pellegrino continued to annually renew her Connecticut AHC license

misrepresenting that she was engaging in the private practice of law in Connecticut.

In March 2017, Respondent Pellegrino filed a petition for reinstatement and failed to disclose her transfer to Hartford's Pennsylvania office in mid-December 2012. After ODC raised questions about her compliance with the Rules, Respondent withdrew her petition for reinstatement to address those questions. In May 2017, Respondent notified Connecticut that she had ceased her employment in Connecticut and her AHC license was revoked.

Unlike Respondent Pellegrino, who continued to engage in UPL after learning of her administrative suspension, failed to disclose her UPL on her reinstatement petition, and engaged in dishonest conduct when she failed to inform Connecticut that she had transferred to Pennsylvania, Respondent Mohapatra did not attempt to mislead ODC or disciplinary authorities regarding his UPL. In fact, Respondent did not file a petition for reinstatement but instead reported his UPL to ODC in 2017 in order to resolve this matter prior to filing a petition. It should also be noted that Respondent Pellegrino's UPL was ongoing when she filed her reinstatement petition. In contrast, Respondent Mohapatra's UPL occurred over four years prior to Respondent Mohapatra self-reporting his misconduct and it has now been seven years since Respondent engaged in UPL. In addition, there is no evidence

that Respondent Mohapatra has engaged in UPL upon his return in 2014 to the United States.

In *Office of Disciplinary Counsel v. Hope Renae D'Oyley 137 DB 2014* (S.Ct. Order 12/30/2014), Respondent received a six-month suspension on consent following her UPL and law-related activities while on administrative suspension. In 2009, Respondent D'Oyley was placed on inactive status (later transferred to administrative suspension) for failure to comply with her CLE requirements. During her administrative suspension, Respondent was employed by GlaxoSmithKline ("GSK") and engaged in UPL in her role as Assistant General Counsel and later as Vice president and Associate General Counsel. Respondent D'Oyley learned of her administrative suspension in January 2014 when she attempted to get CLE credits approved. During her administrative suspension, Respondent also participated on two occasions as a volunteer in Small Business Clinics sponsored by Philadelphia VIP program. Respondent D'Oyley also continue to take CLE courses; however, the courses taken in most compliances years were insufficient to satisfy her CLE.

By February 2014, Respondent D'Oyley had taken the CLE credits needed for reinstatement. On April 14, 2014, Respondent filed a petition for reinstatement, which she subsequently withdrew. On April 28, 2014, Respondent's title

was changed to Vice President and her role became administrative.

Unlike Respondent D'Oyley, Respondent Mohapatra took CLE courses during his administrative suspension, which satisfied his credit requirements for 2009, 2010, 2011 and 2012.

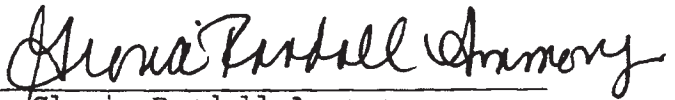
A six-month suspension retroactive to December 31, 2009 is appropriate because Respondent is remorseful and has accepted responsibility as evidenced by his self-reporting and cooperation with ODC. Furthermore, Respondent's UPL occurred over seven year ago. Respondent will have to petition for reinstatement because he has been on administrative suspension for over nine years, a factor that may be taken into consideration when final discipline is imposed. See *Office of Disciplinary Counsel v. John Andrew Klamo 90 DB 2015* (D.Bd. Rpt. 10/13/16) (S.Ct. Order 3/13/2017) (respondent was suspended for six months retroactive to his prior three-month suspension; the Board noted that the initial suspension Order had been in effect for more than three years, which would require respondent to file a reinstatement petition, and that the recommended discipline would fulfill the primary purpose of the discipline system); and *Office of Disciplinary Counsel v. Glenn Randall 129 DB 2010* (S.Ct. Order 10/4/2010) (respondent was suspended on consent for three years retroactive to the effective date of his suspension of one year and one day; factors that were considered in imposing

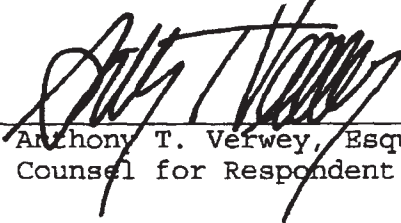
retroactive discipline were that the misconduct occurred over five years before the imposition of discipline, respondent acknowledged his misconduct, and respondent cooperated with ODC).

Respectfully and jointly submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

By 
Gloria Randall Ammons
Disciplinary Counsel

By 
Anthony T. Verwey, Esquire
Counsel for Respondent

By Lokanath Mohapatra
Lokanath Mohapatra
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
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OFFICE OF DISCIPLINARY COUNSEL, : No. DB 2019
Petitioner :
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v. :
: Atty. Reg. No. 85063
Lokanath Mohapatra, :
Respondent : (Philadelphia)

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.

4/17/2019
Date

Gloria Randall Ammons
Gloria Randall Ammons
Disciplinary Counsel

4/10/19
Date

Anthony T. Verwey
Anthony T. Verwey, Esquire
Counsel for Respondent

4/5/2019
Date

Lokanath Mohapatra
Lokanath Mohapatra
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. DB 2019
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v. :
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Lokanath Mohapatra, :
Respondent : (Philadelphia)

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

Respondent, Lokanath Mohapatra, hereby states that he consents to the imposition of a suspension of six-months retroactive to December 31, 2009 as set forth in the Joint Petition, as jointly recommended by the Petitioner 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 counsel in connection with the decision to consent to discipline;

2. He is aware that there is presently pending a proceeding at C1-17-669 involving allegations that he has been guilty of misconduct as set forth in the Joint Petition;

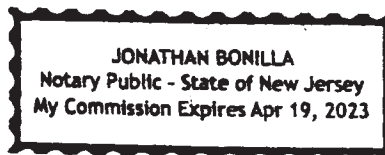
3. He acknowledges that the material facts set forth in the Joint Petition are true; and

4. He consents because he knows that if the charges against him continue to be prosecuted in the pending proceeding, he could not successfully defend against them.

Lokanath Mohapatra
Lokanath Mohapatra
Respondent

Sworn to and subscribed
before me this 29th
day of March, 2019.

Jonathan Bonilla
Notary Public



CERTIFICATE OF COMPLIANCE

I certify that this pleading complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Office of Disciplinary Counsel

Signature: 

Name: Gloria Randall Ammons

Attorney No. (if applicable): 57701