

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2381 Disciplinary Docket No. 3
: :
Petitioner : No. 74 DB 2017
: :
v. : Attorney Registration No. 204077
: :
JEAN PAULSON TUFFET, : (Out of State)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 2nd day of May, 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 Jean Paulson Tuffet is suspended on consent from the Bar of this Commonwealth for a period of five years, retroactive to May 25, 2017. Respondent shall comply with all of 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 05/02/2019

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

| | | |
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| OFFICE OF DISCIPLINARY COUNSEL, | : | No. 2381 Disciplinary Docket No. 3 |
| Petitioner | : | |
| | : | No. 74 DB 2017 |
| | : | |
| v. | : | File No. C3-17-225 |
| | : | |
| | : | Attorney Registration No. 204077 |
| JEAN PAULSON TUFFET, | : | |
| Respondent | : | (Out of State) |

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

Petitioner, Office of Disciplinary Counsel (hereinafter “ODC”) by Paul J. Killion, Chief Disciplinary Counsel, and Kristin A. Wells, Disciplinary Counsel, and Respondent, Jean Paulson Tuffet, file this Joint Petition in Support of Discipline on Consent under Rule 215(d) of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter “Pa.R.D.E.”) and in support thereof state:

1. ODC, whose principal office is located at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62485, Harrisburg, PA 17106, is invested, pursuant to Pa.R.D.E. 207, with the power and the 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 brought in accordance with the various provisions of the aforesaid Rules.

2. Respondent, Jean Paulson Tuffet, was born on November 3, 1978, and was admitted to practice law in Pennsylvania on October 10, 2007. Respondent’s registered address is 5730 NW 3rd Avenue, Miami, Florida 33127.

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| FILED 03/11/2019 The Disciplinary Board of the Supreme Court of Pennsylvania |
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3. On May 15, 2017, ODC and Respondent filed a Joint Petition for Temporary Suspension with the Pennsylvania Supreme Court.

4. By Order dated May 25, 2017, the Pennsylvania Supreme Court granted the Joint Petition and placed Respondent on temporary suspension.

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

SPECIFIC FACTUAL ALLEGATIONS ADMITTED

6. In or about February 2017, Respondent was charged in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, with one count of attempted first degree murder with a deadly weapon and two counts of criminal mischief.

7. On or about June 25, 2018, Respondent entered a guilty plea to Murder 1st Degree/with a Deadly Weapon/Attempt, F.S. §§ 782.04(1), 777.04(1), and 775.087, a Capital Felony, and two counts of Criminal Mischief/over \$200, under \$1,000, F.S. § 806.13(1)(B)2, First Degree Misdemeanors.

8. Respondent was sentenced to 364 days' imprisonment¹ followed by 2 years' Community Control² and 8 years' probation, to run consecutively. A certified copy of the conviction is attached hereto as Exhibit A.

9. The facts underlying Respondent's conviction are as follows:

a. On or about February 15, 2017, Respondent was operating a motor vehicle and attempted to turn in front of Jack Morant's car.

b. Mr. Morant honked his horn at Respondent.

¹ The imprisonment term was satisfied by time served.

² Community Control is the equivalent of house arrest.

c. Respondent stopped abruptly in the middle of the street and looked Mr. Morant in the eyes before driving off.

d. Respondent then made a U-turn and drove his vehicle alongside of Mr. Morant's vehicle.

e. Respondent pointed a firearm at Mr. Morant through his passenger-side window and discharged one round.

f. The bullet entered Mr. Morant's car through his driver's side window and exited the car through his passenger side window.

g. Mr. Morant was not struck by the bullet.

h. Respondent also fired shots striking Masoud Mahmoud's vehicle, which was parked in front of Mr. Mahmoud's business.

SPECIFIC RULES OF PROFESSIONAL CONDUCT VIOLATED

10. By his conduct as alleged in paragraphs 6 through 8, above, Respondent violated the following Rules:

a. RPC 8.4(b), which provides that it is professional misconduct for a lawyer to "commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects"; and

b. Pa.R.D.E. 203(b)(1), which provides that conviction of a crime is a *per se* basis for discipline.

SPECIFIC JOINT RECOMMENDATIONS FOR DISCIPLINE

Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent is a five-year license suspension, retroactive to the date Respondent was placed on temporary suspension. This recommendation is consistent with prior decisions.

In *Office of Disciplinary Counsel v. George B. Ditter*, 11 DB 2016 (Bd. Rpt. 9/5/2017) (S. Ct. Order 10/2/2017), the Court approved a five-year license suspension on consent. Ditter pled guilty to one count of possession of child pornography and was sentenced to 23 months intermediate punishment, with the first 3 months to be served on house arrest, followed by five years' probation. In mitigation, Ditter consented to a temporary suspension, showed remorse and acceptance of responsibility for his crime, was found through a psychological evaluation to be a low risk to re-offend, and was reported to have positively responded to his ongoing mental health therapy.

In *Office of Disciplinary Counsel v. Allan Christopher Smith*, 176 DB 2015 (Bd. Rpt. 3/22/2017) (S. Ct. Order 5/12/2017), the Court approved a five-year license suspension on consent. Smith pled guilty to 150 counts of Possession of Child Pornography and was sentenced to a five-year term of imprisonment. In mitigation, Smith admitted to his misconduct, showed remorse, immediately and voluntarily began therapy following his arrest and was reported to have made significant progress therein, was found through a psychological evaluation to be a low risk for sexually acting out with a child, consented to a temporary suspension, and had no prior disciplinary or criminal record.

In *Office of Disciplinary Counsel v. Richard Scott Baumhammers*, 76 DB 2000 (Bd. Rpt. 3/10/2010) (S. Ct. Order 7/30/2010), the Court disbarred Baumhammers, who had been convicted of a litany of criminal acts, including 5 counts of first degree murder. Baumhammers was issued 5 sentences of death and 112 ½ to 225 years' imprisonment.

In *Office of Disciplinary Counsel v. Andrew F. Malone*, 131 DB 2004 (Bd. Rpt. 2/10/2006) (S. Ct. Order 4/25/2006), the Court imposed a five-year license suspension. Malone entered a *nolo contendere* plea to criminal attempt to commit involuntary deviate sexual

intercourse for arranging to meet a mother and two girls, ages 7 and 9, to engaged in various sexual activities. Malone was sentenced to 12 months, less 1 day, imprisonment followed by a 5 year term of probation. At his disciplinary hearing, Malone presented *Braun* mitigation evidence that he suffered from Avoidant Personality Disorder, Sexual Addiction, and Depression. In mitigation, Malone demonstrated remorse and acceptance of responsibility, had an unblemished record of practicing law for over 30 years, and presented evidence of good character and a positive record of community service.

In *Office of Disciplinary Counsel v. John Rodes Christie*, 639 A.2d 782 (Pa. 1994), the Court imposed a five-year license suspension. Christie pled guilty to 13 misdemeanor counts of sexual harassment, indecent exposure, endangering the welfare of a child, and unlawfully dealing with a child. The charges were based upon Christie having invited 2 male minors, ages 12 and 14, to his apartment, providing them with alcoholic beverages, showing them x-rated video tapes, and masturbating in their presence. Christie was sentence to 5 years of supervised adult probation. At his disciplinary hearing, Christie presented expert testimony establishing that he suffered from a psychological disorder known as non-exclusive or regressed homosexual pedophilia, which caused him to be sexually attracted to both minor and adult males. The following mitigating factors were found: Christie's misconduct was induced by his psychological disorder; lack of prior disciplinary or criminal record; cooperation with authorities; remorse; apology to his victims; continued participation in therapy; and low-risk for recidivist behavior.

In *Office of Disciplinary Counsel v. Harold E. Casety, Jr.*, 512 A.2d 607 (Pa. 1986), the Court disbarred Casety, who had been convicted in California of voluntary manslaughter and use of a firearm in the commission of a felony, in connection with his killing of his girlfriend by shooting her 5 times. The evidence showed that at the time of the murder, Casety was under the

influence of alcohol and a combination of large amounts of sleeping pills and stimulants. Immediately following the murder, Casety turned himself in to the authorities. Casety was sentenced to 6 years' imprisonment. By the time the Court Order was issued, Casety had completed his term of imprisonment and parole. Casety's misconduct was aggravated by his failure to report his conviction to the Disciplinary Board and his deceptive conduct in continuing to submit his Pennsylvania attorney registration paperwork listing a false Pennsylvania business address while incarcerated in California. The Court found this evidence outweighed Casety's serving of his prison sentence without incident and successful completion of drug and alcohol treatment.

There are some unusual facts in this case. Respondent Tuffet is a first generation American citizen who attended the University of Pennsylvania, graduating with a degree in economics. During college, Respondent began experiencing symptoms of depression and psychosis. Respondent went on to graduate from Georgetown University Law Center in 2006 with his J.D. According to his psychiatric evaluation, despite his stellar academic credentials, Respondent experienced difficulty holding steady employment as an attorney due to his "problems with mood disturbance and chronic psychosis." In his "Answer to Petition for Discipline," Respondent states that he suffers from Bipolar Disorder, and that, while his medication generally controls his symptoms, there are still times he experiences manic episodes, even when medicated. Many times during such manic episodes, Respondent had admitted himself voluntarily for in-patient care so that his Bipolar Disorder could be stabilized through the adjustment of his medications.

Respondent reports that he began going through a manic episode in the weeks leading up to his criminal misconduct. During that time, Respondent voluntarily admitted himself to a local

hospital, and his medications were adjusted. Upon his discharge, Respondent was only provided with a 30-day prescription for his new medication.³ Respondent claims that, due to a delay in physician verification, his medication was not made available to him until 10 days after his discharge from the hospital. It was during this 10-day period when Respondent was without his medication that his criminal misconduct occurred.

Although the nature of Respondent's criminal misconduct is more closely related to that involved in *Baumhammers* and *Casety*, his relatively lenient sentence and mitigating factors warrant the imposition of discipline less than disbarment. Despite the serious nature of his charges, Respondent served only 364 days in jail, followed by 2 years' "community control" and 8 years' probation. As in *Ditter*, *Smith*, *Malone*, and *Christie*, Respondent has expressed remorse and has stated that he is committed to controlling his condition through medication and therapy in addition to receiving support from his church. Respondent provided an October 2017 psychological evaluation diagnosing him with Bipolar Mood Disorder, II; however, the report does not specifically link Respondent's misconduct to his psychological disorder. The author of the report confirmed Respondent's prior voluntary admissions through a review of his medical records. The unique circumstances leading to Respondent's unmedicated state coupled with his demonstrated dedication to maintaining his psychological health through proper medication and treatment suggest that it is unlikely that Respondent will repeat his misconduct. Further, as in *Smith*, *Malone*, and *Christie*, Respondent has no prior disciplinary or criminal record. Respondent has cooperated with ODC, as evidenced by his prior agreement to an emergency temporary license suspension. By entering into this Joint Petition, Respondent has expressed

³ According to Respondent, typically a patient is discharged with a week's supply of medication in addition to the prescription.

recognition of his violations of the Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement and understanding of the need for discipline.

Respondent hereby consents to the discipline being imposed upon him. Attached to this Petition is Respondent's executed Affidavit required by Pa.R.D.E. 215(d), stating that Respondent consents to the recommended discipline and including the mandatory acknowledgements contained in Pa.R.D.E. 215(d)(1) through (4).

WHEREFORE, Petitioner and Respondent respectfully request that your Honorable Board:

- (a) Review and approve this Joint Petition and recommend that the Supreme Court of Pennsylvania enter an Order imposing a five-year license suspension; and
- (b) Pursuant to Pa.R.D.E. 215(i), enter an order for Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter.

Respectfully submitted,

Date: 3/8/19

By: Kristin A. Wells
Kristin A. Wells
Disciplinary Counsel
Attorney Registration No. 312080
601 Commonwealth Avenue, Suite 5800
P.O. Box 62675
Harrisburg, PA 17106-2675
Telephone (717) 772-8572

Date: March 8, 2019

By: Jean Paulson Tuffet
Jean Paulson Tuffet
Respondent
5730 NW 3rd Avenue
Miami, FL 33127-1502
Telephone (786) 290-5181

BEFORE THE DISCIPLINARY BOARD OF THE
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| | : | |
| | : | Attorney Registration No. 204077 |
| | : | |
| JEAN PAULSON TUFFET, Respondent | : | (Out of State) |

VERIFICATION

The statements made in the foregoing Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d) are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Respectfully submitted,

Date: 3/8/19

By: Kristin A. Wells
Kristin A. Wells
Disciplinary Counsel
Attorney Registration No. 312080
601 Commonwealth Avenue, Suite 5800
P.O. Box 62675
Harrisburg, PA 17106-2675
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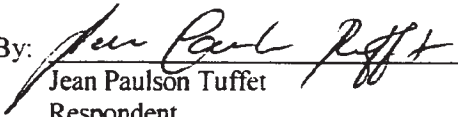
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RESPONDENT'S AFFIDAVIT UNDER RULE 215(d) OF THE
PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

I, Jean Paulson Tuffet, Respondent in the above-captioned matter, hereby consent to the imposition of a five-year license suspension, as jointly recommended by the Petitioner, Office of Disciplinary Counsel, and myself, in a Joint Petition in Support of Discipline on Consent and further state:

1. My consent is freely and voluntarily rendered; I am not being subjected to coercion or duress; I am fully aware of the implications of submitting the consent;
2. I am aware there is presently pending a proceeding involving allegations that I have been guilty of misconduct as set forth in the Joint Petition;
3. I acknowledge that the material facts set forth in the Joint Petition are true;
4. I consent because I know that if the charges continued to be prosecuted in the pending proceeding, I could not successfully defend against them; and
5. I acknowledge that I am fully aware of my right to consult and employ counsel to represent me in the instant proceeding.

Date: March 8, 2019

By: 
Jean Paulson Tuffet
Respondent
5730 NW 3rd Avenue
Miami, FL 33127-1502
Telephone (786) 290-5181

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| Respondent | : | (Out of State) |

CERTIFICATE OF SERVICE


I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of Disciplinary Board Rules and Procedures § 89.22 (service by a participant).

First Class Mail and email as follows:

Jean Paulson Tuffet
5730 NW 3rd Ave.
Miami, FL 33127-1502

jptuffetesq@gmail.com

Date: 3/11/19

By: 
Kristin A. Wells
Disciplinary Counsel
Attorney Registration No. 312080
601 Commonwealth Avenue, Suite 5800
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| Respondent | : | (Out of State) |

ORDER

PER CURIAM

AND NOW, this ____ day of _____, 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 Jean Paulson Tuffet is suspended on consent from the Bar of this Commonwealth for a period of five-years.

CERTIFICATE OF COMPLIANCE

I certify that this filing 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: Kristin A. Wells

Name: Kristin A. Wells

Attorney No. (if applicable): 312080