

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1912 Disciplinary Docket No. 3  
Petitioner :  
 : No. 7 DB 2013  
v. :  
 : Attorney Registration No. 74658  
ROBERT LANGSTON WILLIAMS :  
Respondent : (Allegheny County)

ORDER

**PER CURIAM:**

**AND NOW**, this 25<sup>th</sup> day of June, 2015, upon consideration of the Report and Recommendations of the Disciplinary Board dated April 21, 2015, the Petition for Review and responses thereto, it is hereby

ORDERED that Robert Langston Williams is suspended from the practice of law for a period of five years retroactive to April 16, 2013, and he shall comply with all the provisions of Pa.R.D.E. 217.

It is further ORDERED that Respondent shall pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola  
As Of 6/25/2015

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 1912 Disciplinary Docket No. 2
Petitioner	:	
	:	No. 7 DB 2013
v.	:	
	:	Attorney Registration No. 74658
ROBERT LANGSTON WILLIAMS	:	
Respondent	:	(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 208(d)(2)(iii) of the Pennsylvania Rules of Disciplinary Enforcement, the Disciplinary Board of the Supreme Court of Pennsylvania ("Board") herewith submits its findings and recommendations to your Honorable Court with respect to the above-captioned Petition for Discipline.

I. HISTORY OF PROCEEDINGS

By Order dated April 1, 2013, the Supreme Court of Pennsylvania placed Robert Langston Williams on temporary suspension pursuant to Rule 214(d)(2), Pa.R.D.E. On July 29, 2013, Office of Disciplinary Counsel filed a Petition for Discipline against Respondent arising from his conviction in the Allegheny County Court of Common Pleas of the crime of misapplication of entrusted funds; and, his conviction in the United States District Court for the Western District of Pennsylvania for the crime of

willful failure to file tax returns. After an agreed-upon extension of time, Respondent filed an Answer to Petition on September 11, 2013.

A disciplinary hearing was held on March 7, 2014 before a District IV Hearing Committee comprised of Chair Susan Shin Connelly, Esquire, and Members Philip K. Kontul, Esquire, and Melanie Shannon Rothey, Esquire. Respondent was represented by Richard H. Lindner, Esquire.

Following the submission of Briefs by the parties, the Hearing Committee filed a Report on September 2, 2014, concluding that Respondent violated Rule 203(b)(1), and recommending that he be suspended for a period of five years.

Respondent filed a Brief on Exceptions on November 10, 2014.

Petitioner filed a Brief Opposing Exceptions on November 24, 2014.

This matter was adjudicated by the Disciplinary Board at the meeting on January 15, 2015.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, PA 17106-2485, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement, 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 is Robert Langston Williams. He was born in 1962 and was admitted to practice law in the Commonwealth in 1995. His attorney registration address is 140 Cherrywood Drive, New Kensington, PA 15068. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. Respondent has no prior record of professional discipline in Pennsylvania.

4. Respondent is married and the father of four minor children. His wife, Lisa Gerideau-Williams, is currently incarcerated in federal prison serving a sentence of eleven and one-half years of incarceration on charges unrelated to Respondent's convictions in the instant matter. Ms. Gerideau-Williams is a disbarred Pennsylvania lawyer. (N.T. pp. 187-188)

5. On April 19, 2012, Respondent appeared before Chief Judge Gary L. Lancaster in the United States District Court for the Western District of Pennsylvania and entered a plea of guilty to two counts of willful failure to file tax return. (Pet. Ex. 20, 21, 22 and 23; N.T. pp. 118-119)

6. On November 30, 2012, Respondent was sentenced to a three year period of probation at each count, to run concurrently, a fine of \$25,000, and restitution of \$138,777. Respondent is still serving that probationary period and has made some payments toward the restitution. (Pet. Ex. 29, 30, 31, 32; N.T. pp. 122-124, 191-192, 201)

7. On October 2, 2012, Respondent appeared before the Honorable Beth A. Lazzara of the Court of Common Pleas of Allegheny County and entered a plea of *nolo contendere* to Misapplication of Entrusted Funds, a second degree

misdemeanor. At the time of the plea hearing, Respondent had tendered a cashier's check to the Bankruptcy Trustee for the Estate of Alisha Branson in the amount of \$85,000. (Pet. Ex. 5, 11 and 13; Resp. Ex. 5; N.T. pp. 58, 62, 137, 194-195, 201-204)

8. The payment of \$85,000 was restitution pursuant to a plea agreement with the Office of District Attorney to reduce the charges from Theft by Deception (1 count) and Theft by Failure to Make Required Disposition of Funds Received (3 counts), all of which are felonies in the third degree, to Misapplication of Entrusted Funds. (Pet. Ex. 5, 11, 12, 13, and 14; N.T. pp. 58, 62-64, 118-119)

9. As a result of his plea of *nolo contendere*, on December 5, 2012, Respondent was sentenced to a one year period of probation, which he successfully completed. (Pet. Ex. 14; Resp. Ex. 9; N.T. pp. 64-65, 118-119, 139)

10. By Order of the Supreme Court of Pennsylvania dated April 16, 2013, Respondent was temporarily suspended from the practice of law. (Pet. Ex. 1, 2, and 3; N.T. p.38)

11. Respondent met Alisha Branson in approximately 2000. At that time and for at least seven years prior to their initial meeting, Ms. Branson was a mortgage broker, which was a profession in which she engaged during all relevant times in this matter. Respondent, his wife and Ms. Branson developed a close relationship. (Pet. Ex. 4A; N.T. p. 39)

12. Respondent conceded that he engaged in an extra-marital affair with Ms. Branson, and he states that he took the personal relationship with Ms. Branson too casually. (N.T. pp. 195-196)

13. From late 2004 through May 2007, Ms. Branson had an office in the same building as Respondent's law office, which was located at 5001 Baum Boulevard, Pittsburgh PA 15213. (Pet. Ex. 4A; N.T. p. 39)

14. In or about December 2004, Respondent and Ms. Branson entered into an oral agreement with regard to real property owned by Respondent located at 125 Stratford Avenue, Pittsburgh. The oral agreement provided, *inter alia*, as follows: Respondent would convey a one-half interest in the Stratford Avenue property to Ms. Branson; Ms. Branson would obtain a home equity line of credit on the Stratford Avenue property via a mortgage on the property, and a portion of the home equity line of credit would be used to satisfy the mortgage on the residence and certain debts of Ms. Branson. (Pet. Ex. 4A; N.T. p. 39)

15. At the time of the closing on the home equity line of credit, the deed transfer occurred, the mortgage was obtained and after the payment of closing costs, the existing mortgage and certain debts of Ms. Branson, the balance of the net proceeds was \$150,764.99. (Pet. Ex. 4A; N.T. p. 39)

16. On or about December 24, 2004, a checking account was opened at S & T Bank in the joint names of Respondent and Ms. Branson. Said account was funded with an initial deposit of \$50 and was to be used primarily for making monthly mortgage payments. (Pet. Ex. 4A; N.T. p. 39)

17. On December 29, 2004, the entire net proceeds in the amount of \$150,764.99 were deposited into the Joint Account. (Pet. Ex. 4A; N.T. p. 39)

18. Five days later, on January 4, 2005, three electronic transfers were made: (a) \$100,000 into an S & T Bank Account, which Respondent opened on that date and titled "Construction Account"; (b) an additional \$20,000 into the Construction

Account; and (c) \$15,000 into an S & T Bank Account, which was Respondent's law firm Operations Account. (Pet. Ex. 4A, 16, 17, 18; N.T. pp. 39, 114-117)

19. From January 4, 2005 through October 18, 2005, Respondent made several transfers from the Construction Account into his Operations Account, totaling approximately \$95,861. (Pet. Ex. 4A; N.T. p. 39)

20. During the same time period, Respondent issued twenty-six (26) checks from his Operations Account to four residential contractors (Dynamic Flooring, Pro Landscape, Michael Howard, Inc., and Accurate Heating and Air Conditioning) for a total of \$85,728. (Pet. Ex. 4A; N.T. p. 39)

21. With regard to the checks issued to Pro Landscape, Michael Howard, Inc. and Accurate Heating and Air Conditioning – a total of \$76,287, the labor, materials and services were provided at Respondent's personal residence located at 140 Cherrywood Drive, New Kensington, PA and not to the Stratford Avenue property. (Pet. Ex. 4 A; N.T. p. 39)

22. In April 2005, Respondent purchased a residential property at 5809 Hays Street, Pittsburgh for \$25,000. No proceeds from the home equity loan were used to purchase said property, but Respondent and Ms. Branson entered into an "oral agreement" with regard to this property. (Pet. Ex. 4A; N.T. p. 39)

23. From December 22, 2005 through April 28, 2006, Respondent made transfers from the Construction Account to the Operations Account totaling \$9,500. (Pet. Ex. 4A; N.T. p. 39)

24. From November 29, 2005 through December 26, 2006, Respondent made nine transfers totaling approximately \$16,933 from the Construction Account back to the Joint Account. (Pet. Ex. 4A; N.T. p. 39)

25. From February 6, 2006 through February 20, 2007, Respondent made seven transfers totaling approximately \$9,883 from the Operations Account to the Joint Account. (Pet. Ex. 4A; N.T. p. 39)

26. From February 2005 through approximately June 2007, in addition to the previously referenced contractors, Respondent paid for various services and materials relating to the renovations at the Stratford Avenue property with checks issued from his Operations Account. (Pet. Ex. 4A; N.T. p. 39)

27. From March 2005 through approximately March 2007, in addition to the previously referenced contractors, Respondent paid for various services and materials relating to the renovations at the Hays Street property with checks issued from his Operations Account. (Pet. Ex. 4A; N.T. p. 39)

28. In April or early May 2007, Respondent told Ms. Branson that she would have to move from the office space that she was occupying at the Baum Boulevard address. (Pet. Ex. 4A; N.T. p. 39)

29. On April 11, 2007, both the Joint Account with a balance of \$382.64 and the Construction Account with a balance of \$847.89 were closed, with the funds electronically transferred to the Operations Account. (Pet. Ex. 4A; N.T. p. 39)

30. Clyde Smith, an HVAC contractor, performed work at both the Stratford Avenue and Hays Street properties. He was paid a total of \$5,750 via seven checks drawn on the Operations Account from September 11, 2006 through January 10, 2007. (N.T. pp. 46-54)

31. Floyd Hanner, an electrical contractor, performed work at both the Stratford Avenue property and the Hays Street property. He installed two electrical services in the Stratford Avenue property. He was paid via six checks drawn on the



Operations Account from September 11, 2006 through January 1, 2007. (N.T. pp. 128-130)

32. David Alford performed drywall installation at both the Stratford Avenue property and the Hays Street property. He was paid via eleven checks drawn on the Operations Account. (N.T. pp. 167-168)

33. Attorney David Calaiaro, who had extensive interactions with Respondent in the U.S. Bankruptcy Court, opined that Respondent was considered to be honest and trustworthy and he was always well-prepared and efficient in his responsibilities as a Bankruptcy Trustee. (N.T. pp. 81-82)

34. Attorney Robert O. Lampl, who was a colleague of Respondent for many years, opined that his reputation in the community for truth and honesty was "good." (N.T. pp. 164-166)

35. Attorney Dai Rosenblum, who met Respondent in the late 1990s, opined that his reputation in the community for truth and honesty was "perfect." (N.T. p. 176)

36. Attorney Julie Steidl, who frequently appeared in front of Respondent in his capacity as a Chapter 7 panel Trustee in U.S. Bankruptcy Court, opined that Respondent has an "excellent reputation" for being honest and trustworthy among their several mutual acquaintances. (N.T. pp. 183-184)

37. Respondent cooperated with Petitioner in the investigation of this matter and in regard to the proceedings relating to the temporary suspension. (Pet. Ex. 4A; N.T. p. 39)

38. Respondent accepted responsibility for his actions and expressed sincere remorse. (N.T. 191-192, 195-196)

39. Respondent is the sole supporter and caregiver for four minor daughters. (N.T. 187)

40. Respondent regularly volunteers his time and efforts for the benefit of church, community and youth groups. (RE 1A, 1B, 1C)

### III. CONCLUSIONS OF LAW

By his conduct as set forth above, Respondent violated the following Rule of Disciplinary Enforcement:

1. Pa.R.D.E. 203(b)(1) – Conviction of a crime is grounds for discipline.

### IV. DISCUSSION

This disciplinary action against Respondent is based upon two separate convictions, one of which was in the Court of Common Pleas of Allegheny County, the other of which was in federal court. The state court conviction was for the misapplication of entrusted funds, and the federal conviction was for two counts of willful failure to file tax returns. In such matters, the certificate of conviction is conclusive evidence of the commission of the crime or crimes by the respondent-attorney. Rule 214(e), Pa.R.D.E. The sole issue to be resolved is the degree of discipline to be imposed. Events surrounding the criminal conviction must be taken into account when determining an appropriate measure of discipline. Office of Disciplinary Counsel v. Valentino, 730 A.2d 479 (Pa. 1999).

During the proceedings there was considerable discussion between the parties regarding the admissibility of certain exhibits that outlined the facts underlying

Respondent's conviction in state court for misapplication of entrusted funds. Respondent specifically objected to the admission into evidence of the Affidavit of Probable Cause, asserting that the facts as set forth therein were not entirely true. The Hearing Committee overruled the objection and admitted the Affidavit into evidence. Respondent continues to raise this issue in his Brief on Exceptions.

Upon review of the record, we find no basis to overturn the Committee's admission of the Affidavit of Probable Cause. The Affidavit was of record in Respondent's criminal proceeding and was considered by the judge who presided over Respondent's case. There is no evidence of record in the criminal proceedings reflecting that Respondent disputed any fact set forth in the Affidavit, and the amount of his restitution of \$85,000 was based on the information contained therein. It was proper to admit this evidence. Furthermore, the Committee gave Respondent wide latitude at the hearing when it permitted Respondent, over Petitioner's objections, to present the testimony of certain witnesses and to rebut in his testimony certain aspects of the Affidavit. The end result is that Respondent was criminally convicted of misapplication of entrusted funds, made restitution of \$85,000 and cannot now attack the underlying facts.

Having disposed of this evidentiary issue, we turn to the issue of appropriate discipline. The criminal laws of the United States and the Commonwealth of Pennsylvania have already provided Respondent with punishment for his misconduct. Disciplinary sanctions are intended to protect the public from unfit attorneys and maintain the integrity of the legal system. Office of Disciplinary Counsel v. Stern, 526 A.2d 1180 (Pa. 1987). There is no doubt that the Rules of Disciplinary Enforcement

mandate that discipline be imposed in this criminal matter; Petitioner and Respondent differ as to the degree of discipline.

Petitioner seeks disbarment, relying on the assertion that convictions of a state crime and a federal crime are of an egregious level of conduct to warrant the most severe sanction. Respondent seeks a suspension of two years, retroactive to his temporary suspension. His position relies primarily on the presence of mitigating factors. After considering the parties' arguments, the Hearing Committee recommended a prospective five year suspension.

Having reviewed the parties' recommendations as well as the Committee's Report and recommendation, and after considering the nature and gravity of the misconduct as well as the presence of aggravating or mitigating factors, Office of Disciplinary Counsel v. Gwendolyn Harmon, 72 Pa.D. & C. 4<sup>th</sup> 115 (2004), we recommend that Respondent be suspended from the practice of law for a period of five years, retroactive to the date of Respondent's temporary suspension.

Respondent's convictions constitute serious misconduct. While there is no *per se* discipline in Pennsylvania, prior similar cases are instructive and are suggestive of a lengthy sanction. Office of Disciplinary Counsel v. Lucarini, 472 A.2d 186 (Pa. 1983). See Office of Disciplinary Counsel v. Eilberg, 441 A.2d 1193 (Pa. 1982) (conviction for unlawful receipt of compensation for representation of client by Congressman's law firm before federal agency; suspension for five years); Office of Disciplinary Counsel v. James Barnett Gefsky, No. 162 DB 2009 (2011) (conversion of clients funds in the amount of \$75,000; misrepresentation made to client; prior private discipline; no remorse; five year suspension); Office of Disciplinary Counsel v. Robert M. Danenberg, No. 130 DB 2010 (2014) (conviction of one count of conspiracy to

commit wire fraud after engaging in mortgage fraud with regard to ten different lenders; agreed he caused a loss of \$250,000; imprisonment for 24 months; no record of discipline; showed remorse and cooperated with disciplinary process; five year suspension retroactive to temporary suspension).

During his testimony in the hearing in this matter, Respondent acknowledged his pleas in state and federal court. He repeatedly showed remorse for his criminal activity. He acknowledged that he made "a terrible mistake" and is regretful. Respondent described his life at the time of the misconduct as attempting to juggle too many tasks and responsibilities at one time, and failing to adequately perform all of the necessary details of those tasks and responsibilities.

In addition to his remorse, Respondent has no prior record of discipline, cooperated in the investigation of this matter, and fulfilled or is in the process of completing requirements pertaining to his criminal convictions. Respondent presented the testimony of four character witnesses, all of whom are long-time practitioners in the U.S. Bankruptcy Court and well-respected members of the legal community. The witnesses testified that Respondent enjoyed a good reputation among his colleagues, who view his convictions as an aberration.

We are cognizant of that fact that Respondent's criminal conduct did not in any way involve his clients or the practice of law. While fortunate, this fact does not eradicate the need for discipline, as Respondent's conduct reflects negatively on the legal profession. A suspension of five years will serve to fulfill the paramount responsibility of protecting the public. We recommend that the suspension be applied retroactively.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, Robert Langston Williams, be Suspended from the practice of law for a period of five years retroactive to April 16, 2013.

It is further recommended that the expenses incurred in the investigation and prosecution of this matter are to be paid by the Respondent.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

By: 

Brian John Cali, Board Member

Date: April 21, 2015