

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 1154 Disciplinary Docket No. 3
: :
LISA REO JENKINS : No. 81 DB 2006
: :
PETITION FOR REINSTATEMENT : Attorney Registration No. 51250
: :
: (Philadelphia)

ORDER

PER CURIAM:

AND NOW, this 10th day of December, 2015, upon consideration of the Report and Recommendations of the Disciplinary Board, the Petition for Reinstatement is granted. Petitioner is directed to pay the expenses incurred by the Board in the investigation and processing of the petition. See Pa.R.D.E. 218(f).

A True Copy Patricia Nicola
As Of 12/10/2015

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

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PETITION FOR REINSTATEMENT : (Philadelphia)

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 December 27, 2006, Lisa Reo Jenkins was disbarred on consent by Order of the Supreme Court of Pennsylvania. Ms. Jenkins filed a Petition for Reinstatement on January 30, 2015. Office of Disciplinary Counsel filed a Response on April 2, 2015.

A reinstatement hearing was held on June 16, 2015, before a District I Hearing Committee comprised of Chair Timothy A. Kulp, Esquire and Members Gregory

F. Cirillo, Esquire and Meredith Anne Mack, Esquire. Petitioner was represented by David Wayne Waties, Esquire.

Following the submission of a Brief by Petitioner, the Hearing Committee filed a Report on September 22, 2015 and recommended that the Petition for Reinstatement be granted.

No Briefs on Exception were filed by the parties.

This matter was adjudicated by the Disciplinary Board at the meeting on October 22, 2015.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner is Lisa Reo Jenkins. She was born in 1961 and was admitted to the practice of law in the Commonwealth of Pennsylvania in 1987. Her attorney registration address is 264 Echelon Road, Voorhees, New Jersey 08043. Petitioner is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

2. By Order of December 27, 2006, the Supreme Court of Pennsylvania disbarred Petitioner following her submission of a resignation statement dated November 15, 2006. Petitioner's resignation resulted from her conviction of Forgery and Tampering with Public Records or Information in April 2006. Petitioner was sentenced to four years of reporting probation, which she has completed. Reinstatement Questionnaire No. 4.

3. At the time of Petitioner's offense, she was working as a sole practitioner, practicing primarily in the areas of administrative law, license suspension and summary appeals. N.T. 56.

4. Petitioner's offense occurred on November 30, 2001, while appearing in the Philadelphia Court of Common Pleas to litigate Traffic Court appeals on behalf of four clients, at which time she signed the name and/or initials of the Assistant District Attorney to a Plea Bargain sheet to lower her clients' traffic offenses, knowing that she did not have the authority from the Assistant District Attorney to do so. N.T. 58-62.

5. In so doing, Petitioner was attempting to expedite the summary appeals plea bargain process because she had to attend another hearing that day in another county and was concerned that she would be late. *Id.*

6. Petitioner's conviction constituted *per se* grounds for discipline pursuant to Rule 203(b)(1), Pa.R.D.E., and violated Rules of Professional Conduct 8.4(b), 8.4(c), and 8.4(d).

7. During her disbarment, Petitioner did not hold herself out as a practicing lawyer nor did she engage in the unauthorized practice of law.

8. Following her disbarment, Petitioner did not immediately obtain employment. Rather, she took on the responsibility as the primary caregiver of her sister-in-law, Florence Deborah Jenkins, who was battling Alzheimer's disease and died in May 2012. During this time, Petitioner was not compensated but was provided with free room and board in her brother's home. Petitioner also helped to care for her niece and nephew, along with her own daughter. Petitioner described the experience as "all-consuming." N.T. 13-17, 63-67; Reinstatement Questionnaire No. 11

9. In or around April 2015, Petitioner began working for You've Got Maids as a house cleaner. N.T. 68-69.

10. At the reinstatement hearing, Petitioner presented her own testimony in addition to that of three character witnesses.

11. Michael Jenkins is Petitioner's brother. He testified regarding Petitioner's time as a caregiver for his ailing wife. Petitioner was well-suited for that role because she is trustworthy, caring and hard-working. Mr. Jenkins relied heavily on Petitioner as he was working two jobs when his wife was sick and needed Petitioner to care for his wife and his two children when he couldn't be there. Petitioner served as a positive model for Mr. Jenkins's children. (N.T. 13-17) Petitioner has also spent time volunteering at the local library assisting patrons with the library computers. N.T. 16-17. See also, Petitioner's Exhibit C.

12. Philip Griffin has known Petitioner since 1988. After serving in the Air Force from the late 1970s until 1987, Mr. Griffin operated a messenger service from 1987 until 1992, during which time he became acquainted with Petitioner in a personal and professional capacity. (N.T. 30-32) Mr. Griffin described Petitioner as a good, reliable, and trustworthy individual who is competent to represent clients. N.T. 32-35.

13. Margaret Boyce Furey, Esquire is an experienced attorney practicing in federal, state and local courts in the Commonwealth of Pennsylvania. Ms. Furey has previously observed Petitioner in court, and also represented her before the grand jury on the charges that resulted from Petitioner's misconduct. (N.T. 46-48) Ms. Furey described Petitioner's misconduct as a mistake of judgment that Petitioner immediately tried to rectify. N.T. 50.

14. Petitioner presented letters from her current employer and other members of the community, including friends and family, who are familiar with her, who vouched for her character, and who are in favor of her return to the legal system. Petitioner's Exhibits A, B, and C.

15. Petitioner testified on her own behalf.

16. Petitioner recognizes that what she did was shameful and deserving of disbarment. In her own words, she described her conduct as reprehensible, intolerable and a foolish mistake. She intensely regrets her actions. N.T. 71-74; Reinstatement Questionnaire No. 21.

17. Petitioner's testimony was candid and heartfelt.

18. By way of her own testimony and the testimony and letters of her character witnesses, Petitioner demonstrated remorse for her misconduct. N.T. 18-19, 36, 37, 43-44, 48-49, 71-73.

19. By way of her own testimony and the testimony and letters of her character witnesses, Petitioner demonstrated that she is an honorable, respectful, and contributing member of the community. N.T. 21-23, 33-35, 50.

20. Petitioner has fulfilled her Continuing Legal Education credits required for reinstatement. Reinstatement Questionnaire No. 19(a).

21. If reinstated, Petitioner plans to practice law in the Commonwealth and may seek employment with a non-profit, commensurate with her education and background. N.T. 73-74; Reinstatement Questionnaire No. 18.

22. Office of Disciplinary Counsel does not oppose 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. A sufficient period of time has passed since the misconduct. *In re Verlin*, 731 A.2d 600 (Pa. 1999).

3. Petitioner has met her burden of proving by clear and convincing evidence that she has the moral qualifications, competency and learning in the law required for admission to practice law and that her resumption of the practice of law will be neither detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest. Rule 218(c)(3), Pa.R.D.E.

IV. DISCUSSION

Petitioner seeks reinstatement to the bar of the Supreme Court of Pennsylvania following her disbarment on December 27, 2006. Petitioner's request for readmission is initially governed by the standard set forth in *Office of Disciplinary Counsel v. Keller*, 506 A.2d 872 (Pa. 1986), which requires an analysis of whether Petitioner's breach of trust was so egregious as to preclude her reinstatement.

Petitioner was convicted of four counts of forgery and tampering with public records arising out of a single occurrence and/or series of occurrences on November 30, 2001. On that date, while appearing in the Philadelphia Court of Common Pleas to litigate Traffic Court appeals on behalf of four clients, Petitioner signed the Assistant District Attorney's name and/or initials on a Plea Bargain sheet in

an effort to expedite the plea procedure. Her reason for doing so was that she was due in court in another county later that day and she was concerned with being on time to the subsequent hearing. Her conduct was discovered by the Assistant District Attorney that day, at which point Petitioner acknowledged that she had acted improperly. Petitioner made no subsequent attempt to cover up her misconduct or further deceive the tribunal. There is no evidence that Petitioner's misconduct went beyond the scope of this one, isolated incident. While Petitioner's misconduct is very serious and regrettable, the Court has repeatedly declined to find that such misconduct is an act sufficiently egregious to bar reinstatement. See, *In re Perrone*, 777 A.2d 413 (Pa. 2001) (attorney's misconduct in filing false and misleading fee petitions to obtain payment for legal services was not so deplorable as to preclude reinstatement); *In re Verlin*, 731 A.2d 600 (Pa. 1999) (attorney facilitated the impersonation of a client at a deposition, convicted of criminal conspiracy, perjury, false swearing, and theft by deception; misconduct not so egregious as to bar reinstatement).

A related question in reinstatement from disbarment matters is whether a sufficient amount of time has passed since Petitioner was disbarred and whether a quantitative period of rehabilitation was engaged in by Petitioner. *Verlin*, 731 A.2d at 602.

Petitioner has been removed from the practice of law for more than eight years. Whether a sufficient period of time has passed must be determined by the unique circumstances of each reinstatement case. *Office of Disciplinary Counsel v. Lucarini*, 472 A.2d 186 (Pa. 1983) See *Office of Disciplinary Counsel v. Gerard Emmet Evans*, 10 DB 2001 (Pa. 2008) (reinstatement from disbarment for seven years; mail and wire fraud; volunteer work, remorse); *Office of Disciplinary Counsel v. A. Claudia*

Johnson, 27 DB 1992 (Pa. 2003) (reinstatement from disbarment after 11 years; commingled and converted funds; worked as school teacher during disbarment, held several jobs to raise two children; remorse); *In re Greenberg*, 749 A.2d 434 (Pa. 2000) (reinstatement denied after nine years of disbarment for fraudulent transfer of two million dollars and commission of perjury in bankruptcy proceeding; reinstatement appropriate after 16 years).

The record in the instant case demonstrates that the eight-year period of disbarment has been a time of meaningful rehabilitation for Petitioner. She spent years caring for her ailing sister-in-law and helping to raise her niece and nephew, as well as her own daughter. She later secured employment cleaning houses. Petitioner remained active in her community by volunteering at the local library. She exhibited appreciation for each of these endeavors, dedicating herself to these undertakings and engaging in hard work.

Additionally, the eight years have been more than enough time to dissipate the negative impact of Petitioner's misconduct on the public trust. This is evidenced by the letters and testimony of members of the community that Petitioner is trustworthy and competent to resume the practice of law, and that these witnesses would be confident in Petitioner's representation of themselves or their loved ones in a legal matter.

The final piece of the reinstatement equation is governed by Rule 218(c)(3), Pa.R.D.E., which requires Petitioner to prove by clear and convincing evidence that she is morally qualified, competent and learned in the law, and that her resumption of the practice of law in Pennsylvania will not be detrimental to the integrity

and standing of the bar or the administration of justice nor be subversive of the public interest.

Petitioner fully acknowledges her criminal misconduct and that such misconduct deserved disbarment. While Petitioner offered explanations for her actions on that November day in 2001, she did not try to minimize or justify her misconduct, and fully appreciates the impropriety of her actions. Her testimony at the reinstatement hearing and her written statement in the Reinstatement Questionnaire in response to No. 21 are candid and forthcoming, expressing intense regret and sorrow, deep disappointment in herself and determination to avoid such conduct in the future.

Petitioner's character witnesses provided reliable and favorable insight into the quality of Petitioner's character. They described her as an honest and trustworthy individual with a reputation as a caring and hard-working person. They believe she has learned from her experience and that it will make her a better attorney.

Petitioner has fulfilled all administrative and educational requirements for reinstatement. Although she has no specific plans for legal employment, her commitment to properly serve the profession in the future was clearly and convincingly expressed.

Having considered all facts and circumstances unique to this matter, the Board is persuaded that Petitioner has demonstrated by clear and convincing evidence that she is fit to be reinstated to the practice of law in Pennsylvania.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Lisa Reo Jenkins, 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: 

Douglas W. Leonard, Board Member

Date: November 4, 2015

Board Members Porges and Cordisco did not participate in the adjudication.