

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1859 Disciplinary Docket No. 3
Petitioner :
 :
v. : No. 93 DB 2011
 :
KATRINA F. WRIGHT, :
Respondent : Attorney Registration No. 52233

ORDER

PER CURIAM:

AND NOW, this 25th day of October, 2012, upon consideration of the Report and Recommendations of the Disciplinary Board dated July 18, 2012, it is hereby

ORDERED that Katrina F. Wright is suspended from the Bar of this Commonwealth for a period of three years and she shall comply with all the provisions of Rule 217, Pa.R.D.E.

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

A True Copy Patricia Nicola
As Of 10/25/2012

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 93 DB 2011
Petitioner	:	
	:	
v.	:	Attorney Registration No. 52233
	:	
KATRINA F. WRIGHT	:	
Respondent	:	(Out of State)

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

On June 6, 2011, Office of Disciplinary Counsel filed a Petition for Discipline against Katrina F. Wright. The Petition charged Respondent with violations of the Rules of Professional Conduct and Rules of Disciplinary Enforcement arising out of her unauthorized practice of law and related misconduct. Respondent failed to file an Answer.

A disciplinary hearing was held on October 26, 2011 before a District I

Hearing Committee comprised of Chair Kevin J. O'Brien, Esquire, and Members Timothy W. Callahan, II, Esquire, and Linda M. Hee, Esquire. Respondent did not appear at the hearing.

Following the submission of a Brief filed by Petitioner, the Hearing Committee filed a Report on March 22, 2012, concluding that Respondent violated the Rules of Professional Conduct and Rules of Disciplinary Enforcement as charged in the Petition for Discipline, and recommending that Respondent be suspended for a period of one year and one day.

This matter was adjudicated by the Disciplinary Board at the meeting on May 23, 2012.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

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 Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement, 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 brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.

2. Respondent is Katrina F. Wright. She was born in 1962 and was admitted to practice law in the Commonwealth of Pennsylvania in 1988. She has a

registered office address at 17 Tinker Place, Willingboro, NJ 08046. She is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

3. Respondent has no prior history of discipline in Pennsylvania.

4. Respondent received a Reprimand in the State of New Jersey on May 2, 2008 for violations of New Jersey Rules of Professional Conduct 1.1(a) (gross neglect) and 8.1(b) (failure to cooperate with ethics authorities) in her representation of a client in a divorce action in December 2005.

5. By Pennsylvania Supreme Court Order dated November 22, 1993, effective 30 days thereafter, Respondent was transferred to inactive status for failure to comply with Pa.R.D.E. 219, requiring payment of the annual fee.

6. By letter dated November 30, 1993, sent Certified Mail, Return Receipt Requested, Elaine M. Bixler, the Secretary of the Disciplinary Board, informed Respondent that Respondent had been placed on inactive status.

7. Ms. Bixler's letter enclosed pertinent Rules and a Statement of Compliance.

8. The letter stated that Respondent was required to comply with the Pennsylvania Rules of Disciplinary Enforcement and Board Rules as enclosed.

9. Respondent received Ms. Bixler's letter on or about December 7, 1993.

10. Within ten days after the effective date of the transfer to inactive status, Respondent failed to file, pursuant to Pa.R.D.E. 217(e), a verified statement showing that the provisions of the order and the Rules of Disciplinary Enforcement had

been fully complied with and listing all other state, federal and administrative jurisdictions to which she was admitted.

11. By subsequent Order of the Supreme Court dated January 31, 1994, Respondent was transferred to inactive status for failure to comply with Continuing Legal Education requirements.

12. By letter dated February 4, 1994, sent certified mail, Ms. Bixler informed Respondent that Respondent has been placed on inactive status for failure to comply with the Pennsylvania Rules of Continuing Legal Education.

13. Ms. Bixler's letter enclosed pertinent Rules and a Statement of Compliance.

14. Respondent received Ms. Bixler's letter on or about February 7, 1994.

15. Respondent failed to file a verified statement as required by the Rules.

16. On September 1, 2010, Respondent was administratively suspended pursuant to Pa.R.D.E. 219(k)(1) & (2).

17. Prior to being administratively suspended, Respondent had been notified by the Attorney Registration Office of the Board that she would be transferred to that status if she did not achieve active status within one year of the annual attorney registration year beginning July 1, 2009.

18. As a formerly admitted attorney on administrative suspension, Respondent was ineligible to practice law in Pennsylvania.

19. In or about June 2010, Respondent represented Jason C. Bush in a child support action brought by Deborah D. Chaney pending in State Court in Burlington County, New Jersey.

20. On or about June 17, 2010, Ms. Chaney caused a Support Order from the New Jersey action to be registered for enforcement in the Court of Common Pleas of Philadelphia County.

21. On or about July 2, 2010, Ms. Chaney served a Petition for a Writ of Contempt on Mr. Bush, which service was accepted.

22. On or about July 2, 2010, Ms. Chaney filed the Contempt Petition in the Philadelphia County proceeding.

23. In July 2010, Philadelphia Assistant District Attorney Lois Koscinski was assigned to the Child Support Enforcement Unit and the Chaney action. During the month of July, prior to the first hearing in the Chaney action, Ms. Koscinski was contacted by Respondent, who stated that she was representing Mr. Bush in the contempt of support proceeding and wanted a continuance. Respondent never disclosed to Ms. Koscinski that she was not eligible to practice law in Pennsylvania.

24. On July 27, 2010, the date of the first hearing in the Chaney action, Respondent signed and filed an entry of appearance with the Family Division of the Philadelphia Court of Common Pleas in the Chaney action.

25. The entry of appearance had a line for "Attorney's I.D. Number," which Respondent filled in with her Pennsylvania Attorney Registration Number, 52233.

26. Respondent also signed an undated entry of appearance for Courtroom Number 5.

27. Just prior to the commencement of the hearing on July 27, 2010, Ms. Koscinski was informed by a judiciary staff member that Respondent did not have a valid Pennsylvania license to practice law.

28. When Respondent appeared, Ms. Koscinski informed Respondent of what she had been told. Ms. Koscinski stated that if, in fact Respondent did not have a valid license, there was “no way the judge [was] going to let [her] in the courtroom.” At this, Respondent stated, “[N]o, no. You’re mistaken. I do have an active Pennsylvania license.” Respondent stated something to the effect that it was a misunderstanding or a mistake. Ms. Koscinski replied, “[O]kay,” and asked Respondent if she had an active Pennsylvania license. Respondent answered. “[Y]es, I do.” At that point, Ms. Koscinski and Respondent returned to the courtroom. (N.T. 24-25)

29. When the Chaney case was called, Respondent, addressing the Honorable Elizabeth Jackson:

- a. announced that she was “Katrina Wright, on behalf of Jason Bush”;
- b. told the court that she had “advised” her “client” to be cooperative;
- c. represented that her client had the best of intentions;
- d. stated that Respondent, on behalf of her “client” had made a representation to the Assistant District Attorney that Mr. Bush would be willing to put aside a lump sum pending a challenge to the support order in New Jersey;

e. told the Court that in her “professional opinion” no child support should have been owing;

f. argued that the matter should be continued so that she could determine if the full amount of the child support order was legitimately owed by her client. (ODC-8 at 5, 7, 8-10)

30. Judge Jackson entered an Order on July 27, 2010, providing that both parties were present and continuing the matter until September 7, 2010.

31. On July 27, 2010, Respondent dated and placed her signature on another Order of Court providing that her client must appear in court on September 7, 2010, or be subject to a warrant for his arrest.

32. In connection with the Chaney action, Respondent rendered legal consultation and advice to Mr. Bush.

33. During the proceedings on July 27, 2010, Respondent at no time informed the Court that she was on inactive status and could not appear as counsel for Mr. Bush.

34. On September 7, 2010, Respondent:

a. appeared before the Honorable Holly J. Ford, participating by telephone;

b. agreed to send the District Attorney’s Office an order from New Jersey addressing Mr. Bush’s request for modification of the support order as soon as it was possible; and

c. failed to inform the Court that she was ineligible to practice law in Pennsylvania.

35. Judge Ford relisted the matter for October 5, 2010.

36. On October 5, 2010, Respondent:

a. appeared before the Honorable Diane Thompson participating by telephone;

b. requested that the Court grant her a continuance because she was planning to file a pleading in New Jersey pertaining to the support order ;and

c. failed to inform the Court that she was ineligible to practice law in Pennsylvania, including when Judge Thompson stated she was accepting Respondent's representation because she was an officer of the court.

37. Judge Thompson relisted the matter for December 8, 2010, so that Respondent could file, within ten days, a petition to modify the support order and send proof of the filing to the District Attorney's Office.

38. On December 8, 2010, Valerie Holman, a paralegal from Respondent's office, sent a facsimile cover sheet to the Court's Customer Service line to the attention of the Hearing Officer in the Chaney-Bush matter.

39. The facsimile cover sheet identified Ms. Holman as "Para-Legal of the Law Office of Katrina F. Wright, Atty. No. 52233," using Respondent's Pennsylvania Attorney Registration Number.

40. The cover sheet requested that the recipient "[p]lease ensure that the Judge in this matter & Asst. District Attorney Lois Koczinski [sic] get a copy of this Request for Continuance/Adjournment of Enforcement Hearing."

41. Attached to the above-referenced facsimile cover sheet was a letter dated December 6, 2010 on the letterhead of "The Law Office of Katrina F. Wright," which:

- a. stated as part of the letterhead that Respondent was "Licensed in New Jersey and Pennsylvania";
- b. was hand signed "Katrina F. Wright (Atty. No. 52233)";
- c. was "cc'd" to Honorable Diane Thompson;
- d. referenced the Philadelphia and New Jersey Courts' docket numbers;
- e. commenced with the statement that "[a]s you know this office represents Jason Bush in the above-referenced matter";
- f. contended that Respondent's client had no legal obligation to the daughter who was the subject of the support order;
- g. stated that Respondent had a court appearance in Trenton at 9:00 a.m.; and
- h. provided Respondent's cell phone number in the event that there were "any questions or concerns." (ODC-12)

42. The facsimile cover sheet and attached letter to Ms. Koscinski and Judge Thompson were false and misleading in that Respondent's attorney registration number was referenced twice, although she was ineligible to practice law in the state courts of Pennsylvania, and her letterhead stated that she was licensed in Pennsylvania.

43. On December 8, 2010, the Honorable Barbara A. Joseph, who was presiding over the contempt of support hearing in the Chaney action that day, received the above-referenced facsimile cover sheet and letter.

44. When Judge Joseph's list was called on December 8, 2010, the Assistant District Attorney assigned to the courtroom contacted Respondent by telephone.

45. Upon receiving the call from the Assistant District Attorney, Respondent stated she desired to participate via telephone.

46. When Judge Joseph called the Chaney action, she advised Respondent that she was aware that Respondent was on administrative suspension and could not practice in the Court of Common Pleas.

47. The Judge informed Respondent that since she was on administrative suspension, Respondent was precluded from writing letters to the Court and practicing in the Judge's courtroom via telephone or in person. Judge Joseph further instructed Respondent to contact the Secretary of the Disciplinary Board.

48. By Order dated December 8, 2010, Judge Joseph removed Respondent as counsel.

49. Respondent was personally served with the Petition for Discipline on June 13, 2011.

50. Respondent did not file an Answer to Petition for Discipline.

51. Under cover of a letter dated August 1, 2011, Disciplinary Counsel sent Respondent a copy of ODC's Exhibits and proposed joint stipulations of fact, law and exhibits.

52. Respondent was aware of the pre-hearing conference on August 9, 2011, since she had contacted the Hearing Committee Chair, the Disciplinary Board Hearing Coordinator, and Petitioner prior to the conference.

53. When the pre-hearing conference convened on August 9, 2011 and Respondent did not appear, the Hearing Committee Chair left telephone messages at Respondent's numbers. Respondent did not contact anyone, and the conference proceeded in her absence.

54. Following the pre-hearing conference, Disciplinary Counsel sent Respondent a letter dated August 9, 2011 enclosing its exhibit list, and informing Respondent that the Chair ruled that Respondent had until September 1, 2011 to provide exhibits and a witness list to Petitioner.

55. By letter dated September 21, 2011, one day before the scheduled disciplinary hearing, Respondent wrote a letter to the Disciplinary Board requesting a continuance, and the hearing was rescheduled until October 26, 2011.

56. Respondent failed to appear at the hearing on October 26, 2011.

III. CONCLUSIONS OF LAW

By her actions as set forth above, Respondent violated the following Rules of Professional Conduct and Rules of Disciplinary Enforcement:

1. RPC 3.3(a)(1) - A lawyer shall not knowingly make a false statement of material fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer.

2. RPC 5.5(a) - 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.

3. RPC 7.1 - A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services.

4. RPC 7.5(a) - A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1.

5. RPC 8.4(c) - It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

6. RPC 8.4(d) - It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

7. Pa.R.D.E. 203(b)(3) - Willful violation of any other provision of the Enforcement Rules, shall be grounds for discipline, *via*:

(a) Pa.R.D.E. 217(e) - 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 Board a verified statement showing: (1) that the provisions of the order and these rules have been fully complied with; and (2) all other state, federal and administrative jurisdictions to which such person is admitted to practice. Such statement shall also set forth the residence or other address of the formerly admitted attorney where communications to such person may thereafter be directed;

(b) Pa.R.D.E. 217(j)(1) - All law-related activities of the formerly admitted attorney shall be conducted under the supervision of a member

in good standing of the Bar of this Commonwealth who shall be responsible for ensuring that the formerly admitted attorney complies with the requirements of this subdivision (j)

(c) Pa.R.D.E. 217(j)(2) - For the purposes of this subdivision (j), the only law-related activities that may be conducted are the following: (i) legal work of a preparatory nature; (ii) direct communication with the client or third parties to the extent permitted by paragraph (3); and (iii) accompanying a member in good standing of the Bar of this Commonwealth to a deposition or other discovery matter or to a meeting regarding a matter that is not currently in litigation, for the limited purposes of providing clerical assistance to the member in good standing who appears as the representative of the client;

(d) Pa.R.D.E. 217(j)(3) - 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; and

(e) Pa.R.D.E. 217(j)(4)(iv), (v), (vi), (vii) and (ix) - Without limiting the other restrictions in this subdivision (j), a formerly admitted attorney is specifically prohibited from engaging in any of the following

activities: (iv) representing himself or herself as a lawyer or person of similar status; (v) having any contact with clients either in person, by telephone, or in writing, except as provided in paragraph(3); (vi) rendering legal consultation or advice to a client; (vii) appearing on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency referee, magistrate, hearing officer or any other adjudicative person or body; (ix) negotiating or transacting any matter for or on behalf of a client with third parties or having any contact with third parties regarding such a negotiation or transaction.

IV. DISCUSSION

Respondent was charged with violating numerous provisions of the Rules of Professional Conduct and Rules of Disciplinary Enforcement in connection with her representation of a client before the Philadelphia Court of Common Pleas while she was on administrative suspension. Respondent neither answered to the charges against her nor appeared at her disciplinary hearing. We find ample record support for these charges and recommend that Respondent receive a three year suspension from the practice of law.

Almost two decades ago our Supreme Court ordered Respondent transferred to inactive status because she failed to satisfy her continuing legal education requirement as well as to pay her annual fee. Even though Respondent was duly notified of the Court's Order and her corresponding obligation to file a verified statement of compliance pursuant to Pa.R.D.E. 217(e), she failed to do so.

In 2009, Respondent received notice that she would be administratively suspended if she did not take the necessary steps to reinstate her license. She did nothing. As a result, in 2010 Respondent was placed on administrative suspension pursuant to Pa.R.D.E. 219(k).

It is on this backdrop that in July 2010 Respondent entered her appearance as counsel of record in a support contempt proceeding in the Philadelphia Court of Common Pleas. Over the next five months Respondent appeared before four judges and embarked on a course of conduct that was designed to dishonestly conceal her ineligibility to practice law in Pennsylvania.

At Respondent's first appearance in the contempt matter she was questioned about the status of her license by the assigned Assistant District Attorney. Not only did Respondent fail to reveal the fact of her suspension, but also she deliberately misrepresented her status to the Assistant District Attorney by insisting that she was eligible to practice in Pennsylvania and that her inclusion on a list that suggested otherwise was some "mistake." Moreover, Respondent used her Pennsylvania attorney registration number on numerous court filings and even wrote to a judge on letterhead that falsely asserted that she was licensed in Pennsylvania.

Respondent's unauthorized practice of law finally came to an end in December 2010 when the Honorable Barbara A. Joseph of the Philadelphia Court of Common Pleas told her that she was aware of Respondent's suspension, ordered her to cease her representation in the contempt matter, and removed her as counsel in the case. Judge Joseph also instructed Respondent to report her misconduct to the Secretary of the Disciplinary Board.

An attorney's failure to fulfill her professional obligations to maintain her license in good order by paying the annual fee and complying with continuing legal education requirements warrants some measure of discipline. Office of Disciplinary Counsel v. Harvin, No. 108 DB 2008, 1591 Disciplinary Docket No. 3 (Pa. March 5, 2010). When that failure to meet the aforementioned obligations results in an administrative suspension and the attorney continues to practice, our decisional law supports the imposition of harsher discipline. For example, in Disciplinary Counsel v. Goldin-Didinsky, No. 87, DB 2003, 969 Disciplinary Docket No. 3 (Pa. Dec. 13, 2004), the respondent was suspended for one year and one day because, while on inactive status, she misrepresented to a court administrator and a district justice that her license was in good order. In both instances, she used a letterhead that fraudulently implied that she was an active Pennsylvania attorney. Similarly, in Office of Disciplinary Counsel v. Harry C. Forrest, Jr., No. 134 DB 2003, 996 Disciplinary Docket No. 3 (Pa. March 24, 2005) the respondent was suspended for one year and one day when he represented clients in two matters while on inactive status and wrote to a district justice on letterhead indicating that he was a licensed Pennsylvania lawyer.

In the instant matter, the Hearing Committee recommended that Respondent be suspended for one year and one day. While we agree that suspension is the appropriate discipline we believe that under the circumstances of this case the period of suspension should be longer.

At the outset we note that in the precedents discussed above the respondents therein participated in the disciplinary proceedings. Here, Respondent did not respond to the charges of misconduct, did not attend her pre-hearing conference,

and, astoundingly, failed to appear at her disciplinary hearing after requesting and receiving a continuance to the date on which it was held. Respondent's conduct in this regard reveals at its best a lack of concern for her license to practice law and at its worst utter contempt for the disciplinary system. Either way, it is a serious aggravating factor. Office of Disciplinary Counsel v. Grines, Nos. 135 DB 1994 and 38 DB 1995, 33 Pa. D&C 4th 481 (1996) (failure to appear at disciplinary hearing is an aggravating factor of considerable weight).

Additionally, Respondent was disciplined in New Jersey in 2008 for gross neglect and failure to cooperate with disciplinary authorities because, according to the New Jersey Disciplinary Review Board, she made misrepresentations to a client and failed to answer the disciplinary complaint filed against her.

Finally, the record reveals neither recognition by Respondent of her wrongdoing nor remorse therefor. Simply put, we found no mitigating circumstances to weigh against the serious aggravating factors we found in the record.

It is for all these reasons that we recommend Respondent be suspended from the practice of law for a period of three years.


V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, Katrina F. Wright, be Suspended from the practice of law for a period of three years.

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: 
Howell K. Rosenberg, Board Member

Date: July 18, 2012

Mr. Momjian dissented and would recommend a two year suspension.