

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1745 Disciplinary Docket No. 3
Petitioner :
 : No. 96 DB 2011
v. :
 : Attorney Registration No. 87233
JOHN MARTIN CAHILL, JR., :
Respondent : (Philadelphia)

ORDER

PER CURIAM:

AND NOW, this 16th day of November, 2012, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated August 30, 2012, the Joint Petition in Support of Discipline on Consent is hereby granted pursuant to Rule 215(g), Pa.R.D.E., and it is

ORDERED that John Martin Cahill, Jr., is suspended on consent from the Bar of this Commonwealth for a period of three years and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

It is further ORDERED that, at the conclusion of the suspension period, respondent shall pay the costs incurred by the Disciplinary Board in the investigation and prosecution of this matter.

Mr. Justice McCaffery dissents.

A True Copy Patricia Nicola
As Of 11/16/2012

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

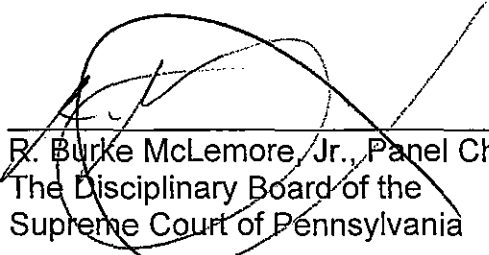
OFFICE OF DISCIPLINARY COUNSEL : No. 96 DB 2011
Petitioner :
v. : Attorney Registration No. 87233
JOHN MARTIN CAHILL, JR. :
Respondent : (Philadelphia)

RECOMMENDATION OF THREE-MEMBER PANEL
OF THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

The Three-Member Panel of the Disciplinary Board of the Supreme Court of Pennsylvania, consisting of Board Members R. Burke McLemore, Jr., Gabriel L. Bevilacqua, and Albert Momjian, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on August 15, 2012.

The Panel approves the Joint Petition consenting to a three year suspension and recommends to the Supreme Court of Pennsylvania that the attached Petition be Granted.

The Panel further recommends that any necessary expenses incurred in the investigation and prosecution of this matter shall be paid by the respondent-attorney after the imposition of discipline.



R. Burke McLemore, Jr., Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: August 30, 2012

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1745 Disciplinary
Petitioner : Docket No. 3
:
: No. 96 DB 2011
:
v. :
: Atty. Reg. No. 87233
JOHN MARTIN CAHILL, JR., :
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 Harriet R. Brumberg, Disciplinary Counsel, and Respondent, John Martin Cahill, Esquire, file this Joint Petition In Support of Discipline on Consent under Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 215(d), and respectfully represent that:

I. BACKGROUND

1. Petitioner, whose principal office is located at PA Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, PA 17106-2485, 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

AUG 15 2012

Office of the Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

2. Respondent, John Martin Cahill, Jr., was born on January 25, 1964, and was admitted to practice law in the Commonwealth of Pennsylvania on August 23, 2001.

3. On November 2, 2009, Respondent was convicted in the Court of Common Pleas of Philadelphia County of the crime of possession of a controlled substance (crack cocaine), 35 P.S. § 780-113(a)(16), and was sentenced to twelve months of reporting probation and mandatory drug counseling. By Order dated October 17, 2011, the Pennsylvania Supreme Court, pursuant to Rule 214(f)(1), Pa.R.D.E., referred Respondent's criminal conviction matter to the Disciplinary Board for the institution of a formal proceeding before a hearing committee.

4. Pursuant to Pa.R.D.E. 201(a)(1), Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

II. FACTUAL ADMISSIONS AND VIOLATIONS OF RULES OF PROFESSIONAL CONDUCT

5. Respondent specifically admits to the truth of the factual allegations and conclusions of law contained in paragraphs 6-66, *infra*.

CHARGE I: CRIMINAL CONVICTION

6. At approximately 7:05 p.m. on January 28, 2009, Philadelphia police officer Kevin Wims set up surveillance

for illegal narcotics activity at the 1700 block of North Marshall Street, Philadelphia, PA.

7. Officer Wims observed Respondent approach a group of black males, engage them in conversation, and then walk to a vacant lot.

8. One of the males left the group and followed Respondent to the vacant lot.

9. Officer Wims saw Respondent give the male United States currency and the male give Respondent items from a clear plastic baggy.

10. Respondent walked away from the lot and Officer Wims stopped him.

11. Officer Wims searched Respondent and seized three clear plastic ziplock plastic packets, each containing an off-white chunky substance, which was field tested and found to contain a cocaine base.

12. The lab test revealed that the plastic packets contained 55 milligrams of crack cocaine, a Schedule II controlled substance under 35 P.S. § 780-104(2).

13. Respondent was charged with knowingly and intentionally possessing three packets of cocaine, in violation of 35 P.S. § 780-113(a)(16).

14. On November 2, 2009, Respondent was tried before the Honorable Thomas F. Gehret of the Municipal Court of

Philadelphia County. *Commonwealth v. John Cahill*, No. MC-51-CR-0004550-2009.

15. Judge Gehret found Respondent guilty of 35 P.S. § 780-113(a)(16), an ungraded misdemeanor punishable by imprisonment for no more than one year, a fine not exceeding \$5,000, or both.

16. On November 2, 2009, Judge Gehret sentenced Respondent to twelve months of reporting probation and mandatory drug counseling.

17. On December 2, 2009, Respondent appealed his conviction to the Court of Common Pleas of Philadelphia County; on October 26, 2010, the Court quashed Respondent's appeal. *Commonwealth v. John Cahill*, No. CP-51-CR-0015153-2009.

18. Respondent's conviction is a *per se* basis for discipline under Pa.R.D.E. 203(b)(1).

19. Respondent failed to report his conviction of a "serious crime," as defined by former Pa.R.D.E. 214(i) [revised effective 4/18/12], to the Secretary of the Disciplinary Board, as required by former Pa.R.D.E. 214(a) [revised effective 4/18/12].

20. By his conduct as alleged in paragraphs 6 through 19 above, Respondent violated the following Rule of Professional Conduct and Rules of Disciplinary Enforcement:

- 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;
- b. Pa.R.D.E. 203(b)(1), which states that conviction of a crime shall be grounds for discipline; and
- c. Former Pa.R.D.E. 214(a) [revised effective 4/18/12], which stated that an attorney convicted of a serious crime shall report the fact of such conviction within 20 days to the Secretary of the Board. The responsibility of the attorney to make such report shall not be abated because the conviction is under appeal or the clerk of the court has transmitted a certificate to Disciplinary Counsel pursuant to subdivision (b) [of Rule 214].

CHARGE II: UNAUTHORIZED PRACTICE OF LAW

21. On or before July 1, 2010, Respondent failed to pay his annual attorney registration fee and file his annual registration form as required by Pa.R.D.E. 219.

22. By Order dated November 18, 2010, the Pennsylvania Supreme Court administratively suspended Respondent from the practice of law, effective thirty days from the date of its Order.

23. On November 18, 2010, the Office of Attorney Registrar sent Respondent, by certified mail, a letter notifying Respondent of the Supreme Court's Order and Respondent's duties pursuant to Pa.R.D.E. 217.

24. On December 14, 2010, the Attorney Registrar sent to Respondent, by first class mail, a letter notifying Respondent of the Supreme Court's Order and Respondent's duties pursuant to Pa.R.D.E. 217.

25. On December 18, 2010, Respondent became administratively suspended, and Respondent was not reinstated until February 22, 2011.

26. Respondent failed to file a timely Verified Statement of Compliance.

27. While Respondent was on administrative suspension, Respondent repeatedly engaged in the practice of law in violation of the regulation of the legal profession in Pennsylvania.

28. While Respondent was on administrative suspension, Respondent wrongly:

- a. represented himself as a lawyer able to practice law;
- a. had personal contact with clients;
- b. rendered legal consultation and advice to clients;
- c. appeared at court hearings on behalf of clients; and
- d. negotiated and transacted matters on behalf of clients with third parties.

29. Upon being administratively suspended, Respondent failed to notify other persons with whom Respondent may at any time expect to have professional contacts under circumstances where there is a reasonable probability that they may infer that Respondent continued to be an attorney in good standing.

A. Su Dabiao Matter

30. On December 21, 2010, Respondent filed a Landlord-Tenant Complaint, Non-Military Service Affidavits, and exhibits with the Municipal Court of Philadelphia County in ***Su Dabiao v. Ashuakia Shawnette and Rafael Gabriel, Jr.***, LT: 10-12-21-5466.

31. Respondent failed to notify Ms. Dabiao by registered or certified mail, return receipt requested, of

Respondent's administrative suspension and Respondent's consequent inability to act as her attorney.

32. On January 12, 2011, Respondent appeared in Landlord-Tenant Court to represent Su Dabiao, during which time Respondent obtained a judgment for plaintiff by agreement in the amount of \$450 and a judgment of possession.

B. Jacobson Rodriguez Matter

33. On or before August 26, 2010, Respondent was retained to represent Jacobson Rodriguez in his criminal matter docketed at *Commonwealth v. Jacobson Rodriguez*, CP-51-CR-0001818-2010.

34. On November 8, 2010, Respondent appeared before the Honorable Robert P. Coleman, during which time:

- a. the Court entered an Order denying Defendant's Motion to Dismiss Pursuant to Rule 600;
- b. the Court increased defendant's bail;
- c. Mr. Rodriguez was taken into custody; and
- d. the Court continued Mr. Rodriguez's case until January 24, 2011.

35. Upon being administratively suspended on December 18, 2010, Respondent failed to promptly notify Mr. Rodriguez by registered or certified mail, return receipt

requested, of Respondent's administrative suspension and Respondent's consequent inability to act as an attorney.

36. Respondent failed to file a motion to withdraw as counsel for Mr. Rodriguez.

37. On January 24, 2011, the Honorable Adam Beloff removed Respondent from handling Mr. Rodriguez's criminal case due to Respondent's administrative suspension and appointed the Defender Association of Philadelphia to represent Mr. Rodriguez.

C. Candice Christy Matter

38. On or before July 14, 2009, Respondent was retained to represent Candice Christy in her criminal matter docketed at *Commonwealth v. Candice Christy*, CP-51-CR-0000829-2009.

39. On October 12, 2010, Ms. Christy failed to appear for her scheduled hearing and Judge Coleman issued a bench warrant for Ms. Christy.

40. On October 26, 2010, Judge Coleman entered an Order lifting the bench warrant.

41. The Court scheduled Ms. Christy's matter for a hearing on February 3, 2011.

42. Upon being administratively suspended on December 18, 2010, Respondent failed to promptly notify Ms. Christy, by registered or certified mail, return receipt requested,

of Respondent's transfer to inactive status and his consequent inability to act as an attorney.

43. Respondent failed to file a motion to withdraw as counsel for Ms. Christy.

44. On February 3, 2011, Respondent appeared before the Honorable Adam Beloff to represent Ms. Christy, during which time:

- a. Ms. Christy failed to appear;
- b. Respondent attempted to address the Court regarding Ms. Christy's whereabouts;
- c. Judge Beloff instructed Respondent not to speak because Respondent was administratively suspended; and
- d. Judge Beloff explained that once Ms. Christy was located, he would remove Respondent as counsel for Ms. Christy.

45. Prior to February 8, 2011, Ms. Christy was located and the Court scheduled a hearing on her matter for February 8, 2011.

46. On February 8, 2011, Judge Beloff:

- a. lifted Ms. Christy's bench warrant;
- b. removed Respondent as counsel for Ms. Christy;

- c. appointed Mingo Strober, Esquire, as counsel for Ms. Christy; and
- d. continued Ms. Christy's case to April 20, 2011.

D. A Bobs Auto and Towing Matter

47. On October 13, 2010, Respondent filed a Notice of Summary Appeal with the Court of Common Pleas of Bucks County on behalf of A Bobs Auto and Towing in *Commonwealth v. A Bobs Auto and Towing*, CP-09-SA-0000754-2010.

48. Upon being administratively suspended on December 18, 2010, Respondent failed to promptly notify A Bobs Auto Towing by registered or certified mail, return receipt requested, of Respondent's administrative suspension and Respondent's consequent inability to act as an attorney.

49. Respondent failed to file a motion to withdraw as counsel for A Bobs Auto and Towing upon Respondent's administrative suspension.

50. On December 27, 2010, the Court scheduled A Bobs Auto and Towing's matter for a hearing on February 4, 2011.

51. On February 4, 2011, Respondent appeared in Court on behalf of A Bobs Auto and Towing, during which time:

- a. Respondent introduced himself to the Honorable Clyde W. Waite;

- b. Respondent advised the Court that Respondent was withdrawing the appeal of A Bobs Auto and Towing and pleading guilty to all citations in exchange for court costs being placed on the county; and
- c. the Court accepted the plea and adjudged A Bobs Auto and Towing guilty.

E. Joobeen Matter

52. On March 30, 2005, Respondent filed a civil complaint in *Orang Joobeen, Ceil Joobeen, and Ali Joobeen v. Michael Tsokas and Aaron Pogach*, CP No. 3609, March Term, 2005 (Philadelphia County).

53. On May 15, 2007, Respondent filed a Withdrawal of Appearance on behalf of Ali Joobeen only.

54. On December 15, 2008, the Honorable Jacqueline F. Allen denied as untimely Ali Joobeen's Motion to Strike Judgment of Non Pros entered in favor of Mr. Pogach on September 5, 2008.

55. On January 15, 2009, Ali Joobeen filed a Notice of Appeal from the Court's December 15, 2008 Order; on February 2, 2009, the Superior Court docketed the appeal at No. 349 EDA 2009.

56. Respondent received notice of Ali Joobeen's appeal.

57. Upon being administratively suspended on December 18, 2010, Respondent failed to promptly notify Ceil Joobeen and Orang Joobeen by registered or certified mail, return receipt requested, of Respondent's administrative suspension and Respondent's consequent inability to act as an attorney.

58. Respondent failed to file a motion to withdraw as counsel for Ceil Joobeen and Orang Joobeen.

59. By his conduct as alleged in paragraphs 21 through 58 above, Respondent violated the following Rules of Professional Conduct and 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 it 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), which states that wilful violation of any other provision of the Enforcement Rules, shall be grounds for discipline, via the Enforcement Rules charged in subsections (e) through (k), *infra*:

e. Pa.R.D.E. 217(b), which states that a formerly admitted attorney shall promptly notify, or cause to be notified, by registered or certified mail, return receipt requested, all clients who are involved in pending litigation or administrative proceedings, and the attorney or attorneys for each adverse party in such matter or proceeding, of the disbarment, suspension, administrative suspension or transfer to inactive status and consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status. The notice to be given to the client shall

advise the prompt substitution of another attorney or attorneys in place of the formerly admitted attorney. In the event the client does not obtain substitute counsel before the effective date of the disbarment, suspension, administrative suspension or transfer to status, it shall be the responsibility of the formerly admitted attorney to move in the court or agency in which the proceeding is pending for leave to withdraw. The notice to be given to the attorney or attorneys for an adverse party shall state the place of residence of the client of the formerly admitted attorney;

- f. Pa.R.D.E. 217(c), which states that a formerly admitted attorney shall promptly notify, or cause to be notified, of the disbarment, suspension, administrative suspension or transfer to inactive status, by registered or certified mail, return receipt requested: (1) all persons or their agents or guardians to whom a fiduciary duty is or may be owed at any time after the

disbarment, suspension, administrative suspension or transfer to inactive status, and (2) all other persons with whom the formerly admitted attorney may at any time expect to have professional contacts under circumstances where there is a reasonable probability that they may infer that he or she continues as an attorney in good standing. The responsibility of the formerly admitted attorney to provide the notice required by this subdivision shall continue for as long as the formerly admitted attorney is disbarred, suspended, administratively suspended or on inactive status;

- g. Pa.R.D.E. 217(e), which states 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 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;

- h. Pa.R.D.E. 217(j)(1), which states that 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). If the formerly admitted attorney is engaged by a law firm or other organization providing legal services, whether by employment or other relationship, an attorney of the firm or organization shall be designated by the firm or organization as the supervising attorney for purposes of this subdivision;
- i. Pa.R.D.E. 217(j)(2), which states that a formerly admitted attorney may not engage in any form of law-related activities in this

Commonwealth except in accordance with the following requirements: For purposes of this subdivision (j), the only law-related activities that may be conducted by a formerly admitted attorney are the following: (i) 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; (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 purpose of providing clerical assistance to the member in good standing who appears as the representative of the client;

- j. 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; and

- k. Pa.R.D.E. 217(j)(4)(iv), (v), (vi), (vii), and (ix), which state that a formerly admitted attorney may not engage in any form of law-related activities in this Commonwealth except in accordance with the following requirements: 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; and (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.

CHARGE III: DB-7 ANSWER

60. On November 3, 2011, ODC served Respondent, via certified mail, with a DB-7 Request for Statement of Respondent's Position.

61. On November 12, 2011, Respondent personally received and signed the certified mail, return receipt card.

62. Respondent failed to submit an answer to the DB-7 Request within 30 days as mandated by Pa.R.D.E. 203(b)(7).

63. On December 15, 2011, ODC sent Respondent, via first class mail, a letter reminding Respondent of his duty to comply with Pa.R.D.E. 203(b)(7).

64. Respondent received the reminder letter.

65. Respondent again failed to submit a DB-7 Answer.

66. By his conduct as alleged in paragraphs 60 through 65 above, Respondent violated the following Rule of Disciplinary Enforcement:

- a. Pa.R.D.E. 203(b)(7), which states that failure by a respondent-attorney without good cause to respond to Disciplinary Counsel's request or supplemental request under Disciplinary Board Rules, § 87.7(b) for a statement of the respondent-attorney's position, shall be grounds for discipline.

III. JOINT RECOMMENDATION FOR DISCIPLINE

67. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a three-year suspension.

68. Respondent hereby consents to the discipline being imposed by the Supreme Court of Pennsylvania. Attached to this Petition is Respondent's executed Affidavit required by Pa.R.D.E. 215(d), stating that he consents to the recommended discipline and including the

mandatory acknowledgements contained in Pa.R.D.E. 215(d)(1) through (4).

69. Petitioner and Respondent respectfully submit that there are the following aggravating factors:

a. Respondent has the following convictions:

Commonwealth v. Cahill, No. CP-51-SA-0003468-2010, Court of Common Pleas, Philadelphia County (May 31, 2010 arrest) (November 18, 2010, conviction for Failure to Stop at a Red Signal, Driving While Operating Privileges are Suspended or Revoked, and Failure to Use a Safety Belt); and **Commonwealth v. Cahill**, No. MC-51-CR-0557811-2005, Municipal Court, Philadelphia County (June 4, 2005 arrest) (January 20, 2006, guilty plea to Resisting Arrest and Disorderly Conduct).

b. Respondent has open judgments for failing

to: pay \$8,871.59 in child support, **Lancaster County v. Cahill**, No. 2010-03227, PACESES Case ID 218112012, Lancaster County (October 19, 2010); file a tax return and pay city taxes of \$5,082, **Philadelphia v. Cahill**, No. CE-07-10-76-0101, Municipal Court, Philadelphia County; pay his

\$6,138.83 student loan, **SIM Education Loan, Corp. v. Cahill**, No. SC-06-11-17-6027, Municipal Court, Philadelphia County (May 1, 2007 default judgment); and pay seven Traffic Court judgments, totaling \$1,442.

- c. Respondent has four arrests for which charges were withdrawn: **Commonwealth v. Cahill**, No. MC-51-CR-0002357-2010, Municipal Court, Philadelphia County (January 16, 2010) (Respondent charged with Simple Assault and Recklessly Endangering Another Person; charges withdrawn on January 20, 2011); **Commonwealth v. Cahill**, No. MC-51-CR-0009265-2009, Municipal Court, Philadelphia County (February 27, 2009) (Respondent charged with Theft By Unlawful Taking of Movable Property, Criminal Conspiracy, Receiving Stolen Property, and Unauthorized Use of a Motor Vehicle or Other Vehicles; charges withdrawn on April 3, 2009); **Commonwealth v. Cahill**, No. MC-51-SU-0011742-2008, Municipal Court, Philadelphia County (July 26, 2008) (Respondent charged with Criminal Mischief; charges withdrawn on

February 10, 2010); **Commonwealth v. Cahill**, No. MC-51-CR-0051661-2007, Municipal Court, Philadelphia County (November 4, 2007) (Respondent charged with Attempted Arson; Attempt to Cause a Catastrophe; Attempted Mischief; Possession of Instrument of Crime; Terroristic Threats with Intent to Terrorize Another; Simple Assault; Recklessly Endangering Another Person; and Failure to Prevent Catastrophe; charges withdrawn on March 28, 2008).

70. Respondent and ODC respectfully submit that there is the following mitigating factor:

- a. By virtue of Respondent's signing this Discipline on Consent, Respondent has expressed recognition of his violations of the Rules of Professional Conduct.

71. Attorneys who knowingly engage in the unauthorized practice of law, even for a short period of time, receive a suspension of one-year-and-one-day. See, e.g., **Office of Disciplinary Counsel v. Reginald Holder**, No. 131 DB 1999, D.Bd. Rpt. 2/7/2001 (S.Ct. Order 2/23/2001) (where attorney practiced law for three months while on inactive attorney status [now known as

Administrative Suspension], Supreme Court suspended attorney for one year and one day). A one-year-and-one-day suspension is also imposed when an attorney's unauthorized practice of law is limited in scope. **Office of Disciplinary Counsel v. Chauncey Harris**, No. 150 DB 2002, D.Bd. Rpt. 4/16/2004 (S.Ct. Order 7/15/2004) (a suspension of one year and one day imposed on an attorney whose unauthorized practice of law was limited to one client matter). The Disciplinary Board has explained that a one-year-and-one-day suspension is the appropriate quantum of discipline, despite an attorney's good reputation and lack of a disciplinary record, because the Supreme Court finds the unauthorized practice of law to be contemptuous. **Office of Disciplinary Counsel v. Forrest**, No. 134 DB 2003, 72 Pa. D.&C. 4th 339 (2004) (attorney who handled two client matters knowing he had been placed on inactive status was suspended for one year and one day).

72. A suspension of one year and one day has also been imposed when an attorney is found in possession of crack cocaine for personal use. In **Office of Disciplinary Counsel v. Mimmagh**, No. 185 DB 2006, D.Bd. Rpt. 11/27/2007 (S.Ct. Order 5/5/2008), an attorney was convicted of purchasing two bags of crack cocaine from a client. The Disciplinary Board recommended a one-year-and-one-day

suspension because Mimmagh's conduct, while an isolated incident in his legal career, lessened public confidence in the legal profession.

In *Office of Disciplinary Counsel v. Ness*, 33 Pa. D.&C. 3d 188 (1984), an attorney who received one-quarter ounce of cocaine as a wedding gift and pled guilty to simple possession, received a suspension of one year, which at the time required a formal reinstatement hearing. The Disciplinary Board reasoned that a meaningful sanction was necessary "to deter [Ness's] pattern of irresponsibility which was detrimental to the interests of justice." *Id.* at 190.

73. After being administratively suspended, Respondent knowingly engaged in repeated instances of unauthorized practice of law, including filing legal papers, appearing in court, negotiating with opposing counsel, and holding himself out to third parties as being an attorney in good standing. Respondent also failed to file a timely Verified Statement of Compliance with the Board. Based on applicable precedent, Respondent's knowing and repeated unauthorized practice of law warrants a suspension of one year and one day. Applicable precedent reveals that Respondent's conviction for possessing crack cocaine warrants an additional one-year suspension.

Accordingly, Respondent should receive a suspension of at least two years for this misconduct.

74. Respondent's failures to submit a DB-7 answer (as mandated by Pa.R.D.E. 203(b)(7)) and to report his criminal conviction (as mandated by Pa.R.D.E. 214(a)) combined with Respondent's arrest record and open judgments aggravate the recommended discipline by an additional year. A three-year suspension would be a meaningful sanction to deter Respondent's pattern of misconduct and protect the public.

75. WHEREFORE, Petitioner and Respondent respectfully request that:

- a. Pursuant to Pa.R.D.E. 215(e) and 215(g), the three-member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and file its recommendation with the Supreme Court of Pennsylvania recommending that the Supreme Court enter an Order that Respondent receive a three-year suspension; and
- b. Pursuant to Pa.R.D.E. 215(i), the three-member panel of the Disciplinary Board enter an Order for Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter as a condition to

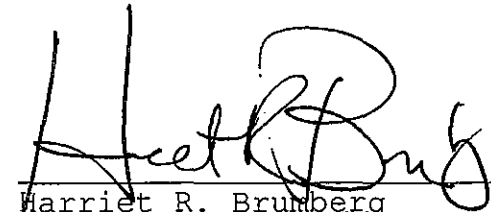
the grant of the Petition, and that all expenses be paid by Respondent before the imposition of discipline under Pa.R.D.E. 215(g).

Respectfully and jointly submitted,

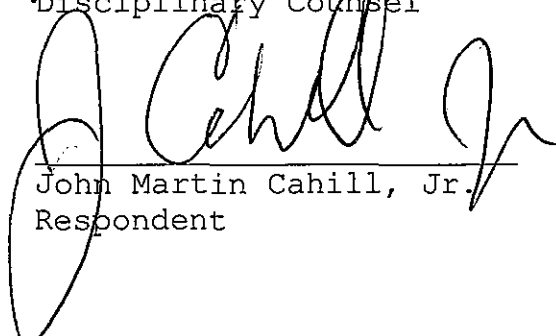
OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

8/14/2012
Date

By 
Harriet R. Brunberg
Disciplinary Counsel

8.14.2012
Date

By 
John Martin Cahill, Jr.
Respondent

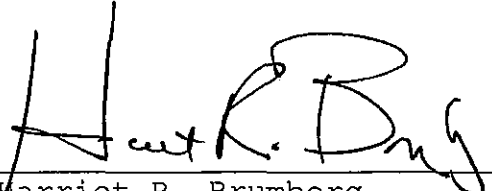
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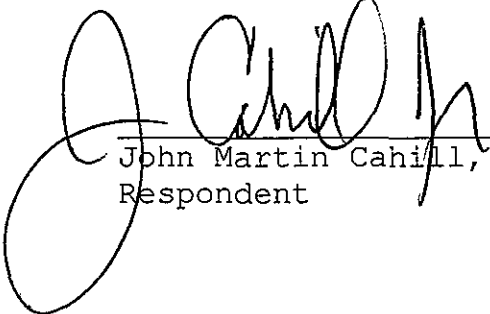
VERIFICATION

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.

8/14/2012
Date


Harriet R. Brumberg
Disciplinary Counsel

8-14-2012
Date


John Martin Cahill, Jr.
Respondent

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:
v. :
: Atty. Reg. No. 87233
JOHN MARTIN CAHILL, JR., :
Respondent : (Philadelphia)

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

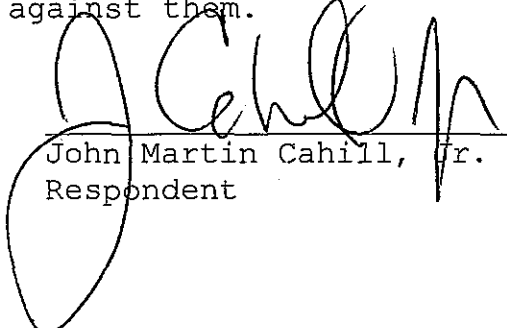
Respondent, John Martin Cahill, Jr., hereby states that he consents to the imposition of a three-year suspension, and further states that:

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 not consulted with counsel in connection with the decision to consent to discipline;

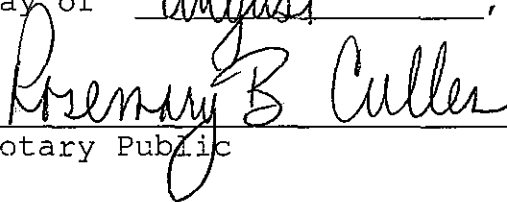
2. He is aware that there is presently pending a proceeding involving allegations that he has been guilty of misconduct as set forth in the Joint Petition;

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

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


John Martin Cahill, Jr.
Respondent

Sworn to and subscribed
before me this 14th
day of August, 2012.


Notary Public

