

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 67 DB 2023
Petitioner	:	
v.	:	Attorney Registration No. 324836
MARK BAE JANDER	:	
Respondent	:	(Out of State)

ORDER

AND NOW, this 9th day of May, 2023, in accordance with Rule 215(g), Pa.R.D.E., the three-member Panel of the Disciplinary Board having reviewed and approved the Joint Petition in Support of Discipline on Consent filed in the above captioned matter; it is

ORDERED that MARK BAE JANDER be subjected to a **PUBLIC REPRIMAND** by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(a) and Rule 205(c)(9) of the Pennsylvania Rules of Disciplinary Enforcement.

BY THE BOARD:



Board Chair

TRUE COPY FROM RECORD

Attest:



Marcee D. Sloan
Board Prothonotary
The Disciplinary Board of the
Supreme Court of Pennsylvania

to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the provisions of the Enforcement Rules.

2. Respondent was born on May 29, 1990, and is currently 32 years old. Respondent was admitted to the practice of law in the Commonwealth of Pennsylvania on December 13, 2017, and has been practicing for over 5 years. Respondent's attorney registration number is 324836. Respondent works and resides in New Jersey, and his registered office and mailing address is: 714 West Park Avenue, Oakhurst, New Jersey 07755. Respondent was admitted to practice in New Jersey on October 21, 2016.

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

4. Respondent has no other record of discipline.

SPECIFIC FACTUAL ALLEGATIONS ADMITTED

Respondent's New Jersey Arrest And Guilty Plea

5. On Sunday evening, June 16, 2019, Respondent was at home in New Jersey in his basement office preparing for his first civil trial scheduled to commence the following morning, Monday, June 17, 2019, when he took a break from trial preparation to clean his .38 caliber revolver. Respondent

had lawfully purchased the revolver, and kept it stored in a wall safe located in his bedroom.

6. Respondent lived with his parents, both of whom disapproved of firearms. In deference to his parents, when Respondent finished cleaning his handgun he put it in his trial bag and moved the bag to his bedroom. Respondent intended to return the handgun to the safe, but forgot to do so.

7. The following morning, June 17, 2019, Respondent took his trial bag with him when he left the house, having forgotten the handgun was still in the bag and that he had failed to return it to the safe. Upon entering the courthouse located in Middlesex County, New Jersey, Respondent placed his trial bag through a scanner, which alerted a sheriff deputy to the handgun.

8. Respondent did not possess a permit to carry a firearm in the State of New Jersey, and was arrested and charged with N.J.S.A. 2C:39-5(b)(1), unlawful possession of weapons, a crime of the second degree. See *State of New Jersey v. Mark Jander*, Indictment No. 19-09-1397-I

9. On June 29, 2021, Respondent entered a conditional guilty plea in the Superior Court of New Jersey to the charge of unlawful possession of weapons, and was admitted to the Pre-Trial Intervention Program ("the PTI Program") for a period of 36 months supervision. Respondent was required to complete 50 hours of community service, permanently forfeit his firearm

and firearms purchasing permit, and enroll in counseling if deemed necessary or appropriate. No psychological report, risk assessment, or fitness evaluation was ordered as a pre-condition to Respondent's admission to the PTI Program.¹ Respondent has since completed his community service and complied with all other conditions imposed by the court.

10. The pre-trial diversion of Respondent's criminal case in lieu of prosecution does not constitute a conviction; however, Respondent's conduct in this matter and guilty plea to a criminal offense does constitute an admission to having committed a criminal act in violation of Rule of Professional Conduct 8.4(b).

11. By letter dated July 13, 2021, Respondent reported his arrest, guilty plea, and admission to the PTI Program to ODC. Respondent also notified the New Jersey Office of Attorney Ethics ("OAE").

12. By Order dated January 10, 2023, the New Jersey Supreme Court "determined that a censure is the appropriate quantum of discipline for respondent's unethical conduct." The Court did not impose any conditions or

¹ Respondent had previously provided the court and the prosecution with a risk assessment report dated July 15, 2019, from a clinical psychologist, Dr. Michael I. Nover, who noted that his examination of Respondent did not reveal a history of antisocial behavior, antisocial lifestyle, or antisocial personality; mental illness; substance abuse; past criminal or violent behavior; and stating that in his expert opinion Respondent did not pose a risk for violent behavior.

restrictions on Respondent's continued practice of law in that state, and Respondent was not required to undergo a fitness evaluation to continue the practice of law. The Court's Order is attached as ODC Exhibit A.

SPECIFIC RULE OF PROFESSIONAL MISCONDUCT VIOLATED

13. Respondent violated Rule of Professional Conduct 8.4(b), which states 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.

JOINT RECOMMENDATION FOR DISCIPLINE

14. Respondent hereby consents to the discipline being imposed upon him by the Disciplinary Board. Respondent's affidavit required by Pa.R.D.E. 215 stating, *inter alia*, his consent to the recommended discipline is attached as Exhibit B.

15. ODC and Respondent jointly recommend that an appropriate discipline for Respondent's admitted misconduct is a public reprimand before the Disciplinary Board.

16. In support of ODC's and Respondent's joint recommendation, it is respectfully submitted that the following mitigating circumstances are present:

- a. Respondent has no other criminal convictions;

- b. Respondent has no prior record of discipline;
- c. Respondent's misconduct involved an isolated instance of mistake;
- d. Respondent cooperated with law enforcement authorities;
- e. Respondent accepted responsibility for his criminal conduct by pleading guilty to the charge;
- f. Respondent reported his arrest, guilty plea, and admission to the PTI Program to disciplinary authorities in Pennsylvania and New Jersey;
- g. Respondent cooperated with ODC and OAE in their respective investigations;
- h. Respondent admitted his misconduct and accepted responsibility for his actions as evidenced by his willingness to enter into consent discipline;
- i. Respondent has expressed remorse and regret for his actions; and
- j. Respondent has expressed his willingness to accept public discipline in the form of a public reprimand.

17. Respondent's misconduct involved a guilty plea to conduct that constituted a criminal act in violation of RPC 8.4(b). As such, public discipline in this matter is certainly justified and appropriate.

18. In a recent, comparable case involving circumstances similar to the present matter, the Pennsylvania Supreme Court approved a joint consent petition for a 3 month suspension, with the suspension stayed in its

entirety, for a New Jersey-based lawyer who was arrested after he attempted to enter a courthouse with a handgun concealed inside a knapsack he was carrying. *Office of Disciplinary Counsel v. Charles C. Daley, Jr.*, No. 2823 Disciplinary Docket No. 3, No. 122 DB 2021 (S. Ct. Order 10/1/21) Like Respondent, Daley brought a loaded handgun that was concealed inside a knapsack he was carrying to a New Jersey courthouse where he was scheduled to appear at trial before a judge. Unlike Respondent, however, Daley's handgun was loaded with hollow-point bullets, which are illegal and banned in New Jersey with limited exceptions. Sheriff Deputies discovered the handgun when Daley attempted to pass through a metal detector. Daley was charged with violating the same criminal statute as Respondent; namely, prohibited unlawful possession of a handgun, and in addition, with unlawful possession of illegal hollow-point bullets, a fourth-degree crime. Like Respondent, Daley entered a conditional guilty plea to unlawful possession of a handgun and was accepted into the PTI Program for 36 months. Unlike Respondent, however, Daley's acceptance into the program came with conditions, including his continued psychotherapy and periodic

psychiatric risk evaluation. The charge of possession of hollow-point bullets was dismissed.²

19. Although Daley consented to a three month suspension that was stayed in its entirety, there were multiple, significant aggravating factors in that case that are not present here. Most significantly, Daley admitted that he had been carrying the handgun with him concealed inside the knapsack for a period of time, and previously had entered other courthouses, undetected, with the loaded handgun. As such and unlike Respondent, Daley's misconduct was not a one-time, isolated incident. Daley had been illegally carrying around a concealed firearm for some time, and admitted to actually entering other courthouses with a loaded handgun. By comparison, Respondent placed his handgun in his trial bag the night before he was scheduled to appear in court out of deference to his parents who disapproved of firearms, forgot to return it to his wall safe, and never gained entrance into the courthouse before the weapon was detected. Furthermore, Daley's handgun was fully loaded with hollow-point bullets, which are illegal and

² By Order dated May 18, 2021, the New Jersey Supreme Court ordered that Daley was "hereby censured" for his misconduct. Unlike Respondent, however, the Court further required Daley prove his fitness to resume the practice of law, as attested to by a mental health professional approved by the OAE within 30 days after the filing date of the Court's Order. *In the Matter of Charles Canning Daley, Jr.*, D-48 September Term 2020 085337 (2021).

banned in New Jersey. Finally, unlike Daley, Respondent was not required as a condition of admission to the PTI Program to undergo psychiatric treatment and periodic risk evaluations. Nor was Respondent required to prove his fitness to continue the practice of law. Accordingly, significant aggravating factors existed in the *Daley* case that served to distinguish it and justify imposition of greater discipline than the quantum of discipline that would be necessary to address Respondent's misconduct.

20. By comparison, Respondent never entered other courthouses with his handgun, nor was his handgun loaded with illegal, hollow point bullets. Furthermore, unlike Daley, Respondent had not illegally been carrying around a concealed handgun for an unknown period of time. Respondent's misconduct was, in fact, an isolated incident that occurred when he placed his handgun in his trial bag the night before he was due to appear in court and out of deference to his parents, who disapproved of firearms, and then forgot to return it to his safe. Finally, on the basis of his background and the circumstances surrounding the offense, Daley was required as a condition of admission into the PTI Program to undergo psychiatric treatment and periodic risk evaluations, as well as prove his fitness to return to the practice of law as attested to by a mental health professional. Significantly, these same conditions were neither required nor

imposed on Respondent. Finally, although Respondent was charged with illegally possessing a handgun and, to be sure, should not have attempted to enter the courthouse with his handgun still inside his trial bag, the totality of the circumstances surrounding Respondent's misconduct were non-violent, did not involve the commission of a violent act, and no violence was threatened.

21. Accordingly, significant aggravating factors present in the *Daley* case that resulted in his receiving a stayed three month suspension on consent are not present in Respondent's case. The totality of the circumstances in Respondent's matter revealed this to truly be an isolated incident involving an attorney who made a mistake, and who did not have any underlying mental health issues or concerns that need to be addressed. Those differences, coupled with Respondent's mitigation—an unblemished legal career; the aberrant nature of his misconduct; his acceptance of responsibility for his actions; his remorse and contrition; and his cooperation with law enforcement and disciplinary authorities both in New Jersey and Pennsylvania—strongly suggest that lesser discipline will more than suffice to provide sufficient deterrent value to Respondent, as well as serve to uphold the integrity of the legal profession.

22. Precedent exists to support the imposition of a public reprimand for an attorney who either engaged in non-violent criminal conduct or was convicted of a non-violent criminal offense. *See Office of Disciplinary Counsel v. Paul Christopher Dougherty*, No. 37 DB 2019 (D.Bd Order 2/19/21) (consent discipline in the form of a public reprimand approved by the Board for a lawyer convicted in New Jersey of third degree conspiracy to confer an unlawful benefit upon himself while acting in his capacity as an elected public official); *Office of Disciplinary Counsel v. Susan P. Halpern*, No. 144 DB 2019 (D.Bd Order 8/21/19) (the Board approved public reprimand on consent for a lawyer convicted of multiple federal crimes involving tax evasion); *Office of Disciplinary Counsel v. Carol Ann Forti*, No. 186 DB 2016 (D.Bd Order 12/12/16) (public reprimand approved and administered by the Board to a respondent who forged a letter misrepresenting her employment status with a federal agency and presented the letter to a leasing consultant for an apartment complex where respondent was attempting to lease an apartment); *Office of Disciplinary Counsel v. Shevelle McPherson*, No. 212 DB 2016 (D.Bd Order 3/10/17) (public reprimand approved by the Board for a lawyer convicted by the court of indirect criminal contempt for misconduct occurring during a jury trial that was designed to delay and avoid the start of the trial). Additionally, public

reprimands have also been approved for attorneys convicted of a crime involving the potential risk of harm to others, but where no person was actually harmed; including a case where an attorney possessed and threateningly displayed a gun while in the commission of the crime. See ***Office of Disciplinary Counsel v. Todd Joseph Leto***, No. 153 DB 2021 (D.Bd Order 12/27/21) (the Board approved public reprimand and one year probation with conditions for a lawyer convicted of multiple criminal offenses after he entered the premises of another person at night and when confronted by the owner, became confrontational, displayed a handgun, and threatened to shoot the owner; the lawyer was intoxicated and believed he was going to his girlfriend's residence); ***Office of Disciplinary Counsel v. Thomas L. Lightner***, No. 93 DB 2016 (D.Bd Order 6/29/16) (consent discipline of a public reprimand approved by the Board for a lawyer convicted of multiple criminal offenses, including reckless endangerment, after he intentionally set fire to his own property—a camper and pavilion—but where no person suffered harm as a result).

23. Based on Respondent's guilty plea to conduct that constituted a criminal act, mitigating factors, lack of aggravating factors like those present in the *Daley* case, and precedent established by discipline imposed in comparable cases involving attorneys who engaged in misconduct or were


convicted of crimes involving either non-violent offenses, or potentially violent offenses where no person was harmed, the parties recommend the appropriate discipline to be imposed in this matter is a public reprimand.

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

- a) Review and approve this Joint Petition and impose a Public Reprimand; and
- b) pursuant to Pennsylvania Rules of Disciplinary Enforcement 215(i), enter an order for Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter.


Respectfully submitted,
OFFICE OF DISCIPLINARY COUNSEL
THOMAS J. FARRELL
Attorney Registration No. 48976
Chief Disciplinary Counsel

4/19/23
DATE



Mark Gilson
Disciplinary Counsel
Attorney Registration Number 46400
Office of Disciplinary Counsel

4/13/23
DATE




Mark Bae Jander
Respondent
Attorney Registration Number 324836

VERIFICATION

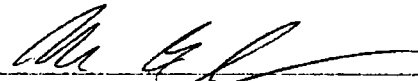
The statements contained in the foregoing *Joint Petition In Support of Discipline on Consent Discipline* are true and correct to the best of my knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

4/19/23
DATE



Mark Gilson, Esquire
Disciplinary Counsel

4/13/23
DATE



Mark Bae Jander
Respondent

EXHIBIT A

**SUPREME COURT OF NEW JERSEY
D-100 September Term 2021
087062**

In the Matter of :
 :
Mark Bae Jander, :
 :
An Attorney At Law :
 :
(Attorney No. 160702016) :
 :

O R D E R

The Disciplinary Review Board having filed with the Court its decision in DRB 21-240, concluding that as a matter of final discipline pursuant to Rule 1:20-13(c)(2), **Mark Bae Jander** of **Oakhurst**, who was admitted to the bar of this State in 2016, should be disciplined based on respondent’s conviction in Superior Court after a plea of guilty to unlawful possession of a handgun without a proper permit pursuant to N.J.S.A. 2C: 39-5 (b) (1), conduct in violation of RPC 8.4(b) (committing a criminal act that reflects adversely on a lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects);

And the Court having determined that a censure is the appropriate quantum of discipline for respondent’s unethical conduct;

And good cause appearing;

It is ORDERED that **Mark Bae Jander** is hereby censured; and it is further

ORDERED that the entire record of this matter be made a permanent part of respondent's file as an attorney at law of this State; and it is further

ORDERED that respondent reimburse the Disciplinary Oversight Committee for appropriate administrative costs and actual expenses incurred in the prosecution of this matter, as provided in Rule 1:20-17.

WITNESS, the Honorable Stuart Rabner, Chief Justice, at Trenton, this 10th day of January, 2023.

A handwritten signature in black ink, appearing to read "Heather J. Baker". The signature is fluid and cursive, with a large initial "H" and "B".

CLERK OF THE SUPREME COURT

EXHIBIT B

**BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL,:	No.	DB 2023
Petitioner	:	
v.	:	Attorney Reg. No. 324836
	:	
MARK BAE JANDER,	:	
Respondent	:	(Out of State)

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

MARK BAE JANDER, being duly sworn according to law, deposes and submits this affidavit consenting to the recommendation of a suspension of one year and one day in conformity with Pa.R.D.E. 215(d), and further states as follows:

1. He is an attorney admitted to the Bar of the Commonwealth of Pennsylvania on or about December 13, 2017, and assigned attorney registration number 324836.
2. He desires to submit a Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d).
3. His consent is freely and voluntarily rendered; he is not being subjected to coercion or duress, and he is fully aware of the implications of submitting this affidavit.

4. He is aware that there is presently pending a proceeding regarding allegations that he has been guilty of misconduct as set forth in the Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d) to which this affidavit is attached.

5. He acknowledges that the material facts set forth in the Joint Petition are true.

6. He submits this affidavit because he knows that if charges predicated upon his having engaged in conduct and pleading guilty to a crime that constituted a criminal act were filed, or continued to be prosecuted in the pending proceeding, he could not successfully defend against the charges of professional misconduct.

7. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has chosen to represent himself in this matter and has made his own decision to execute the Joint Petition.

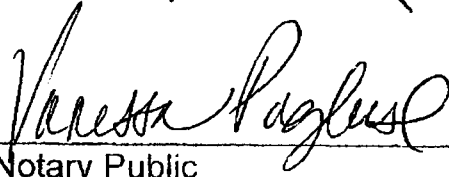
It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904 (relating to unsworn falsification to authorities).

Signed this 13 day of April, 2023.

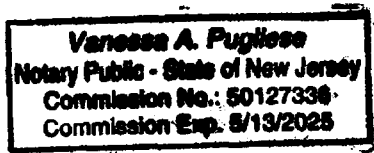


Mark Bae Jander

Sworn to and subscribed
Before me on this 13th
day of April, 2023



Notary Public



**BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL, :	No.	DB 2023
Petitioner :		
v. :		Attorney Reg. No. 324836
MARK BAE JANDER, :		
Respondent :		(Out of State)

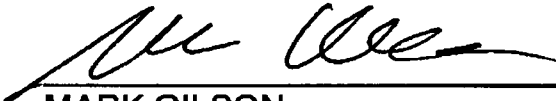
CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 204 Pa. Code §89.22 (relating to service by a participant).

First Class Mail and Email, as follows:

Mark Bae Jander
714 West Park Avenue
Oakhurst, NJ 07755
mjande01@gmail.com

Dated: 4/20/23

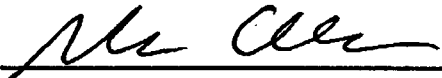


MARK GILSON
Disciplinary Counsel
Office of Disciplinary Counsel

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Office of Disciplinary Counsel

Signature: 

Name: Mark Gilson

Attorney No.: 46400