

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2605 Disciplinary Docket No. 3
: :
Petitioner : No. 68 DB 2019
: :
v. : Attorney Registration No. 150064
: :
LENARD FREDRICK COLLETT, : (Montgomery County)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 7th day of June, 2019, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board, the Joint Petition in Support of Discipline on Consent is granted, and Lenard Fredrick Collett is suspended on consent from the Bar of this Commonwealth for a period of six months. He shall comply with all the provisions of Pa.R.D.E. 217.

Respondent shall pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 06/07/2019

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. DB 2019
Petitioner :
 : Board File No. C2-18-134
v. :
 : Attorney Reg. No. 150064
LENARD FREDRICK COLLETT, :
Respondent : (out of state)

**JOINT PETITION IN SUPPORT OF
DISCIPLINE ON CONSENT
PURSUANT TO Pa.R.D.E. 215(d)**

Petitioner, the Office of Disciplinary Counsel (hereinafter, "ODC") by Paul J. Killion, Chief Disciplinary Counsel, and Krista K. Beatty, Disciplinary Counsel, and Respondent, Lenard Fredrick Collett ("Respondent"), by and through his counsel, Ellen C. Brotman, Esquire, respectfully petition the Disciplinary Board in support of discipline on consent, pursuant to Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 215(d), and in support thereof state:

1. ODC, whose principal office is situated at Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62485, Harrisburg, Pennsylvania 17106, 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 brought in accordance with the various provisions of the aforesaid Enforcement Rules.

2. Respondent, Lenard Fredrick Collett, was born on August 13, 1966, and was admitted to practice law in the Commonwealth of Pennsylvania on April 16, 2007. Respondent registered as voluntarily inactive as of July 1, 2008.

FILED
04/03/2019
The Disciplinary Board of the
Supreme Court of Pennsylvania

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

SPECIFIC FACTUAL AND LEGAL ADMISSIONS

4. Respondent was admitted to the New Jersey Bar on November 13, 2001. From September 2000 through September 2007, Respondent worked in New Jersey for the law firm of Hill Wallack, LLP.

5. In October 2007, Respondent moved to Austin, Texas and worked as a contract negotiator for Dell Marketing, LP, until September 2012.

6. After moving to Austin, Texas in 2007, Respondent failed to timely pay his New Jersey license renewal fee. As a result, Respondent was administratively suspended in New Jersey until July, 2010, at which time he resumed active status in New Jersey.

7. In October, 2012, Respondent returned to live in New Jersey, and began working in Easton, Pennsylvania as Corporate Counsel for Victaulic Company, despite not having an active Pennsylvania license.

8. In October 2015, Respondent took a job as Counsel for SAP America in Newtown Square, Pennsylvania, despite not having an active Pennsylvania license.

9. Between October 2012 and December 2017, Respondent failed to seek reinstatement of his Pennsylvania license. As an inactive, formerly admitted Pennsylvania attorney, Respondent engaged in the unauthorized practice of law in Pennsylvania in his role as Corporate Counsel for Victaulic Company, in Easton, Pennsylvania and as counsel for SAP America, in Newtown Square, Pennsylvania.

10. On December 13, 2017, Respondent filed a Petition for Reinstatement from Administrative Suspension with the Disciplinary Board of the Supreme Court of Pennsylvania.

Respondent disclosed in his Petition and Special Reinstatement Questionnaire that in October 2012, he began working as an attorney in Easton, Pennsylvania, and that he took a position as Counsel for SAP American in its Newtown Square, Pennsylvania office in October, 2015.

11. Upon realizing he was required to be actively licensed in Pennsylvania, Respondent immediately informed his supervisor at SAP and immediately ceased performing all duties requiring an active law license in Pennsylvania. Respondent also ceased representing himself to others as "counsel."

12. After retaining counsel, Respondent withdrew his Petition for Reinstatement, to address ODC's questions concerning Respondent's compliance with Pennsylvania Rule of Professional Conduct 5.5.

13. Since becoming aware of his misconduct, Respondent requested and was reassigned by SAP to a New Jersey office location, where Respondent has an active license to practice law.

14. Respondent's role with SAP involves participating on a team of professionals, including attorneys and non-attorneys, to negotiate with customers. Respondent continues in this position for SAP, out of the New Jersey office location.

15. Respondent attributes his unauthorized practice of law in Pennsylvania to his erroneous belief that as a corporate attorney working on extra-jurisdictional issues, he was not required to be actively licensed in Pennsylvania.

16. Respondent accepts full responsibility for his disregard of the Pennsylvania licensing requirements, including his failure to take the steps required to seek reinstatement of his Pennsylvania law license prior to returning to work in Pennsylvania in October 2012.

17. Through counsel, Respondent has expressed remorse for his misconduct.

18. By his conduct as alleged in paragraphs 4 through 17, Respondent violated the following Rules of Professional Conduct and Rules of Disciplinary Enforcement:

- a. RPC 5.5(a), prohibiting a lawyer from practicing law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction;
- b. RPC 5.5(b)(1), prohibiting a lawyer who is not admitted to practice in this jurisdiction from establishing an office or other systematic and continuous presence in this jurisdiction for the practice of law except as authorized by the Rules of Professional Conduct, Pa.B.A.R. 302 or other law;
- c. Pa.R.D.E. 217(j), prohibiting a formerly admitted attorney from engaging in any form of law-related activities in this Commonwealth except in accordance with the requirements set forth within that Rule; and
- d. RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit or misrepresentation.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

19. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a six (6) month suspension from the practice of law.

20. Respondent consents to that discipline being imposed upon him by the Supreme Court of Pennsylvania. Respondent's affidavit required by Rule 215, Pa.R.D.E., stating, *inter alia*, his consent to the recommended discipline, is attached hereto as Exhibit "A."

21. In support of the Joint Petition, the parties respectfully submit that the following mitigating circumstances are present:

- a. Respondent has admitted engaging in and expressed remorse for his misconduct;

- b. Respondent has cooperated with Petitioner by entering into this Joint Petition to receive a six (6) month suspension; and
- c. Respondent has no prior history of discipline.

22. In Pennsylvania, there is no *per se* discipline for a particular type of misconduct; instead, each case is reviewed individually. *Office of Disciplinary Counsel v. Lucarini*, 417 A.2d 186 (Pa. 1983).

23. The imposition of a six (6) month suspension is consistent with the range of sanctions imposed in similar cases involving the unauthorized practice of law:

- a. In *Office of Disciplinary Counsel v. Vassallo*, No. 2511 DD No. 3, No. 45 DB 2018 (2018) the Pennsylvania Supreme Court granted a joint petition for discipline on consent and imposed a six (6) month suspension to address respondent's unauthorized practice of law for a period of two years, during which respondent acted as in-house counsel, title agent and president of his title company.
- b. In *Office of Disciplinary Counsel v. Pellegrino*, No. 2409 DD No. 3, No. 130 DB 2017 (2017) the Pennsylvania Supreme Court granted a joint petition for discipline on consent and imposed a six (6) month suspension to address Ms. Pellegrino's unauthorized practice of law and law-related activities in Pennsylvania in her role as Vice President/Senior Counsel for Hartford Funds Management Company, LLC from December 2012 through March, 2017.
- c. In *Office of Disciplinary Counsel v. D'Oyley*, No. 2107 DD No. 3, No. 137 DB 2014 (2014), the Pennsylvania Supreme Court granted a petition for

discipline on consent and imposed a six (6) month suspension to address Ms. D'Oyley's unauthorized practice of law and law-related activity working in Pennsylvania in her roles as Assistant General Counsel and Associate General Counsel for a pharmaceutical company from May 2009 through April 2014:

- d. In *Office of Disciplinary Counsel v. McCarthy Clark*, No. 2315 DD No. 3, No. 132 DB 2016 (2016), the Pennsylvania Supreme Court imposed a six (6) month suspension on consent to address McCarthy Clark's unauthorized practice of law in Massachusetts in her roles as in-house counsel at three successive companies over a period of approximately four years. McCarthy Clark had never been admitted to practice law in Massachusetts or any other jurisdiction with the exception of Pennsylvania, and had elected voluntary inactive status in Pennsylvania for the entire period at issue;
- e. In *Office of Disciplinary Counsel v. Moore*, No. 1486 DD No. 3, No. 32 DB 2009 (2009), the Pennsylvania Supreme Court imposed a six (6) month suspension on consent to address Moore's unauthorized practice of law. Moore, who was General Counsel for a Pennsylvania company, remained in that position for a one-year period during which his license was inactive for failure to comply with CLE requirements. During that time, Moore answered legal questions the company had regarding approximately six business contracts while awaiting outside counsel's advice regarding significant legal issues;

- f. In *Office of Disciplinary Counsel v. Talbot*, No. 1323 DD No. 3, No. 158 DB 2008 (2008), Talbot engaged in the unauthorized practice of law until regaining active status in August 2007. At or about that time, he voluntarily ceased practicing law and agreed to a temporary suspension. He was eventually suspended for six (6) months, retroactive to the date of his temporary suspension; and
- g. In the case of *Office of Disciplinary Counsel v. Price*, No. 1179 DD No. 3, No. 113 DB 2006 (2006), the Court approved a joint petition in support of a six (6) month suspension for Price who continued to practice law as a sole practitioner without supervision while on inactive status. Price, on behalf of several clients, appeared at judicial hearings, filed pleadings, provided legal consultation and advice, and negotiated or transacted matters with opposing counsel and/or third parties.

24. In light of the nature of the misconduct and the mitigating factors, Petitioner and Respondent submit that a six (6) month suspension is appropriate discipline.

WHEREFORE, Petitioner and Respondent respectfully request, pursuant to Rules 215(e) and 215(g)(2), that a three-member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and file a recommendation with the Supreme Court of Pennsylvania that Respondent be suspended for a period of six (6) months.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION,
Chief Disciplinary Counsel

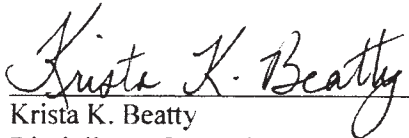
Date: 3/26/19 BY: Krista K. Beatty
Krista K. Beatty, Esquire
Disciplinary Counsel
District II Office
Attorney ID No. 75211
Suite 170, 820 Adams Avenue
Trooper, PA 19403
(610) 650-8210


Date: 3/17/19 BY: Lenard Fredrick Collett
Lenard Fredrick Collett
Respondent

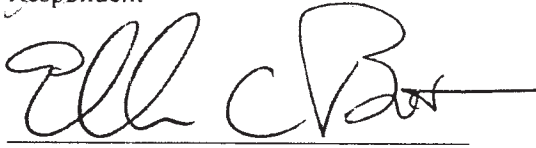
Date: 3/19/19 BY: Ellen C. Brotman
Ellen C. Brotman, Esquire
Attorney ID No. 71775
Counsel for Respondent
Brotman Law
One South Broad Street, Suite 1500
Philadelphia, PA 19107

VERIFICATION

The statements contained in the foregoing *Joint Petition In Support of Discipline on Consent* 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.

Date: 3/26/19 BY: 
Krista K. Beatty
Disciplinary Counsel

Date: 3/17/19 BY: 
Lenard Collet
Respondent

Date: 3/19/19 BY: 
Ellen C. Brotman, Esquire
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. DB 2019
Petitioner :
 : File No. C2-18-134
v. :
 : Attorney Reg. No. 150064
LENARD FREDRICK COLLETT, :
Respondent : (out of state)

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

COMMONWEALTH OF PENNSYLVANIA:
COUNTY OF MONTGOMERY:

LENARD FREDRICK COLLETT, being duly sworn according to law, deposes and hereby submits this affidavit consenting to the recommendation of discipline in the form of a six-month suspension in conformity with Pa.R.D.E. 215(d) and further states as follows:

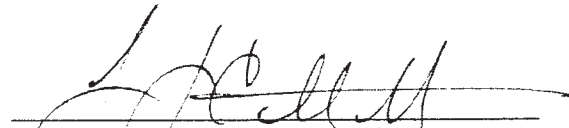
1. He is an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on or about April 16, 2007.
2. He desires to submit a Joint Petition in Support of Discipline on Consent pursuant to Pa.R.D.E. 215(d).
3. His consent is freely and voluntarily rendered; he is not being 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 into allegations that he has been guilty of misconduct as set forth in the Joint Petition in Support of Discipline on Consent to which this affidavit is attached.
5. He acknowledges that the material facts set forth in the Joint Petition are true.
6. He submits the within affidavit because he knows that if charges predicated upon

the matter under investigation were filed, or continued to be prosecuted in the pending proceeding, he could not successfully defend against them.

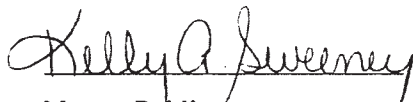
7. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has retained, consulted and acted upon the advice of counsel in connection with his decision to execute the within Joint Petition.

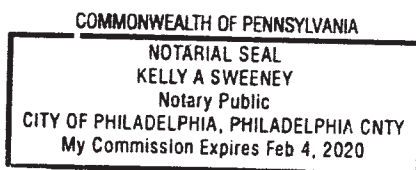
It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904 (relating to unsworn falsification to authorities).

Signed this 27th day of March, 2019.


LENARD FREDRICK COLLETT
Respondent

Sworn to and subscribed
before me this 27th day
of March, 2019.


Notary Public



BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No.	DB 2019
Petitioner	:		
	:	Board File No.	C2-18-134
v.	:		
	:	Attorney Reg. No.	150064
LENARD FREDRICK COLLETT,	:		
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, as follows:

Ellen C. Brotman, Esquire
Brotman Law
One South Broad Street, Suite 1500
Philadelphia, PA 19107

Date: 4/3/19

BY: Krista K. Beatty
Krista K. Beatty
Disciplinary Counsel
District II Office
Attorney ID No. 75211
Suite 170, 820 Adams Avenue
Trooper, PA 19403
(610) 650-8210

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: _____

Signature: _____

Name: _____

Attorney No. (if applicable): _____

Krista K. Beatty
Krista K. Beatty
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