

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 1020 Disciplinary Docket No. 3
: :
LAWRENCE J. DIANGELUS : No. 189 DB 2003
: :
PETITION FOR REINSTATEMENT : Attorney Registration No. 15492
: :
: (Delaware County)

ORDER

PER CURIAM:

AND NOW, this 24th day of April, 2013, the Petition for Oral Argument is denied and, upon consideration of the Report and Recommendations of the Disciplinary Board dated January 3, 2013, the Petition for Reinstatement is hereby denied.

Pursuant to Rule 218(f), Pa.R.D.E., petitioner is directed to pay the expenses incurred by the Board in the investigation and processing of the Petition for Reinstatement.

A True Copy Patricia Nicola
As Of 4/24/2013

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

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: Attorney Registration No. 15492
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REPORT AND RECOMMENDATIONS OF
THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES
OF THE SUPREME COURT OF PENNSYLVANIA:

Pursuant to Rule 218(c)(5) of the Pennsylvania Rules of Disciplinary Enforcement, The Disciplinary Board of the Supreme Court of Pennsylvania submits its findings and recommendations to your Honorable Court with respect to the above captioned Petition for Reinstatement.

I. HISTORY OF PROCEEDINGS

By Order dated September 27, 2006, the Supreme Court of Pennsylvania suspended Lawrence J. DiAngelus for a period of five years. On May 12, 2011, Mr. DiAngelus filed a Petition for Reinstatement. Office of Disciplinary Counsel filed a response to Petition on July 18, 2011, and raised concerns.

A reinstatement hearing was held on October 20, 2011 and February 17, 2012, before a District II Hearing Committee comprised of Chair Steven B. Barrett, Esquire,

and Members James E. Gavin, Esquire, and Nicholas Mancini, Esquire. Petitioner was represented at the first hearing by Samuel C. Stretton, Esquire, but appeared *pro se* at the additional hearing.

Following the submission of briefs by the parties, the Hearing Committee filed a Report on June 25, 2012 and recommended that the Petition for Reinstatement be denied.

Petitioner filed a Brief on Exceptions on August 10, 2012.

Office of Disciplinary Counsel filed a Brief Opposing Exceptions on August 21, 2012.

This matter was adjudicated by the Disciplinary Board at the meeting on October 18, 2012.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner is Lawrence J. DiAngelus. He was born in 1942 and was admitted to the practice of law in 1971. His current business address is 2809 West Chester Pike, Broomall, PA 19008. Petitioner is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

2. Petitioner has a record of prior discipline. He was disbarred on consent by Order of the Supreme Court of Pennsylvania dated December 3, 1984. Petitioner misused and misappropriated client funds obtained by securing unauthorized client loans, commingling and converting client funds and failing to account for the

disposition of these funds when requested to do so. By Order of the Supreme Court dated December 11, 1991, Petitioner was reinstated.

3. Petitioner received an Informal Admonition on February 28, 2002. He was co-counsel for a client arrested for DUI. While the other attorney was out of the country, Petitioner filed a Petition for Stay of License Suspension Pending Appeal. He submitted the Petition only with the other attorney's name, without permission to do so.

4. Petitioner was suspended for a period of five years by Order of the Supreme Court dated September 27, 2006. This suspension was imposed as a result of Petitioner's lying to an assistant district attorney while representing a client at a hearing.

5. The instant reinstatement proceeding was initiated by the filing of a Petition for Reinstatement on May 12, 2011.

6. Prior to Petitioner's suspension on September 26, 2006, he employed his son Vincent DiAngelus, his daughter, and a secretary named Bonnie Ash in his law practice that primarily focused on driver's license and related issues. (N.T. 10/20/11, pgs. 200-201)

7. After the suspension, Petitioner formed License Restoration Services ("LRS"), which provided driver's license restoration and related services and which employed Vincent DiAngelus, Petitioner's daughter, and Bonnie Ash. (N.T. 10/20/11 pgs. 200-201)

8. Despite his suspension imposed on September 26, 2006, Petitioner continued to provide law-related services by working at LRS with no qualified licensed lawyer supervising Petitioner as prescribed by Pa.R.D.E. 217(j).

9. A letter from Petitioner to a client of LRS, Timothy Hollis, dated April 15, 2008, discusses their meeting, discusses the fee to be charged, discusses legal

strategy and offers legal advice and counsel. Petitioner signed the letter "Lawrence J. DiAngelus, Esquire." (ODC Exhibit 15) A subsequent letter dated July 17, 2008 from Petitioner to Mr. Hollis discusses the case and offers an assessment as to why [Petitioner's] plan failed. (Exhibit 16)

10. Petitioner was notified by correspondence from Office of Disciplinary Counsel dated April 9, 2009, that he was prohibited from engaging in law-related activities, pursuant to Pa.R.D.E. 217(j), but Petitioner continued to do so.

11. On April 29, 2010, in a letter from Petitioner to a client of LRS, Stephen Peacock, Petitioner offered legal advice and outlined plans for addressing problems. (ODC Exhibit 21)

12. Petitioner continues to perform law-related services from an office not staffed by a supervising attorney. (ODC Exhibit 8; N.T. 2/17/2012, pgs. 35, 55)

13. Petitioner continues to have contact with clients in person, by telephone and in writing. (ODC Exhibit 15; ODC Exhibit 21; N.T. 2/17/2012 pgs. 80, 81)

14. Petitioner continues to render legal advice to clients. (ODC Exhibit 15; ODC Exhibit 21)

15. Petitioner represents himself as a lawyer or person of similar status. (ODC Exhibit 15)

16. Petitioner continues to receive, disburse or otherwise handle client funds. (N.T. 2/17/2010, pgs. 80, 81)

17. Even when presented with evidence at the reinstatement hearing that he received payment of legal services, Petitioner claimed that the funds were paid to his son, Vincent DiAngelus. (N.T. 2/17/2012, pgs. 80, 81)

18. Petitioner contends that his duties at LRS are merely ministerial, such as “clerk, receptionist, answer telephones, ...emptying trash, get records from PennDOT.” (N.T. 10/20/2011, p. 203)

19. Petitioner contradicted his statement that his duties were ministerial when he testified that the reason his son hired him to work at LRS was for his “expertise” described as “knowledge of Title 75, license suspension ... administrative hearings...” (N.T. 2/17/12 p. 29)

20. Petitioner identified two attorneys whom he attempted to have supervise him. (N.T. 10/20/2011 p. 195 – 197) Neither relationship became fully realized and both attorneys very quickly terminated any supervisory responsibilities. (N.T. 10/20/2011 p. 196, 197) Petitioner stated in his Petition for Reinstatement on page 18, that “I now understand I was wrong in not having my work supervised by an attorney during my employment at License Restoration Services.” (ODC Exhibit 8)

21. Petitioner’s testimony is contradictory and not credible.

22. Petitioner has not accepted responsibility for his actions that led to his five year suspension from the practice of law. (N.T. 10/20/2011, p. 199, N.T. 2/17/2012, p. 14)

23. Petitioner's lack of responsibility and remorse is typified in his statement that “...I will not accept responsibility for something I did not do.” (N.T. 10/20/2011 p. 199)

24. Petitioner evidenced disregard and disdain for the Rules of Disciplinary Enforcement in his testimony. (N.T. 10/20/2011 pgs. 205, 206)

25. Petitioner appears to be a habitual gambler and, as reflected in his 2010 Federal Tax Return, wagered \$2.6 million in that tax year. Prior tax returns indicate extraordinary gambling wins and losses.

26. Petitioner does not believe he has a gambling addiction. The evidence does not support a finding that Petitioner has a gambling addiction.

27. Petitioner has admitted in prior disbarment/suspension proceedings that he had an addiction to drugs and alcohol which were significant factors in his early misconduct. (ODC Exhibit 19; N.T. 2/17/2012, pgs. 81-81) Petitioner is currently sober and has been sober for some 27 years. (N.T. 2/17/2012, p. 16)

28. Petitioner presented the testimony of twelve witnesses. Many did not know why Petitioner had been suspended, or know of his previous history of discipline. (N.T. 10/20/2011 p. 40, 51, 52. 59, 149) Some of the witnesses had had little or no contact with Petitioner in five years or more. (N.T. 10/20/2011 p. 60, 138) Petitioner's character witnesses were not convincing as to Petitioner's good reputation for honesty and integrity.

29. Petitioner has not provided evidence of changes that have occurred during his five years of suspension that have helped to rehabilitate him.

III. CONCLUSIONS OF LAW

1. Petitioner has failed to demonstrate by clear and convincing evidence that he has the moral qualifications required for reinstatement to the bar. Pa.R.D.E. 218(c)(3).

2. Petitioner has failed to demonstrate by clear and convincing evidence that his resumption of the practice of law will be neither detrimental to the integrity and

standing of the bar or the administration of justice nor subversive of the public interest.
Pa.R.D.E. 218(c)(3).

IV. DISCUSSION

Petitioner seeks readmission to the practice of law in Pennsylvania following his suspension for a period of five years. Rule 218(c)(3) requires that a suspended attorney demonstrate by clear and convincing evidence that he has the moral qualifications, competency, and learning in the law required for admission to practice law and that the petitioner's resumption of the practice of law will be neither detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest.

A reinstatement proceeding is a searching inquiry into a lawyer's present professional and moral fitness to resume the practice of law. The object of concern is not solely the transgression which gave rise to the lawyer's suspension, but rather the nature and extent of the rehabilitative efforts made since the time the sanction was imposed and the degree of success achieved in the rehabilitative process. Philadelphia Newspapers, Inc. v. Disciplinary Board of the Supreme Court, 363 A.2d 779 (Pa. 1976).

The evidence of record supports the conclusion that Petitioner has not met his burden of proof for reinstatement. There are two reasons for the Board's conclusion. First, there is ample evidence to show that Petitioner repeatedly and persistently violated Pa.R.D.E. 217(j) by his employment at License Restoration Services, Inc. ("LRS".) Rule 217(j) prohibits a formerly admitted attorney from engaging in specifically identified "law-related activities." These activities include performing law-related services from an office that is not staffed by a supervising attorney on a full time basis; representing himself or

herself as a lawyer or person of similar status; having any contact with clients either in person, by telephone, or in writing, with certain exceptions; rendering legal consultation or advice to a client; and receiving, disbursing or otherwise handling client funds. Documentary evidence establishes that Petitioner was involved in all of the above prohibited activities.

Petitioner began working at LRS in early 2008. It is a family business ostensibly owned and operated by Petitioner's son. The business was set up at Petitioner's suggestion to keep employed those people who worked for Petitioner when he was practicing law, and performing essentially the same function.

Petitioner contends that his duties at LRS are only ministerial, such as answering telephones, emptying trash, getting records from PennDOT. However, the evidence suggests that Petitioner was less than candid in his job description. He testified that the reason his son hired him to work at LRS was for his "expertise." (N.T. 2/17/2012 p. 28) Petitioner described his expertise as knowledge of license suspensions and related matters. (N.T. 2/17/2012 p. 29)

A letter from Petitioner to a client of LRS, Timothy Hollis, dated April 15, 2008, discusses their meeting, the fee to be charged, legal strategy and offers legal advice. (ODC Exhibit 15). Petitioner signed the letter "Lawrence J. DiAngelus, Esquire." At that time, Petitioner was a suspended attorney. Some three months later, Petitioner again wrote to Mr. Hollis, discussing his review of the case and offering assessments of why "my plan" had failed. (ODC Exhibit 16)

On April 29, 2010, Petitioner offered legal advice to another client of LRS, Stephen Peacock. The letter offered analysis of the client's situation and outlined plans for addressing each problem listed in the letter. (ODC Exhibit 21)

There can be no doubt that Petitioner represented himself as a lawyer, regularly had contact with clients on other than ministerial matters and rendered legal advice. Additionally, according to the testimony of Mr. Hollis, Petitioner received funds in payment for the services offered by LRS. (N.T. 2/17/2012, p. 81)

Petitioner identified two supervising attorneys he alleged he worked with during his suspension. These relationships were of very short duration. For the better part of his suspension, Petitioner engaged in law-related activities without benefit of a supervising attorney. Even during the time he allegedly was supervised, many of Petitioner's activities were proscribed by Rule 217(j).

Petitioner received correspondence from Office of Disciplinary Counsel on April 23, 2009 regarding Petitioner's law-related activities. Petitioner was put on notice that his activities were prohibited and would be raised at a reinstatement hearing as a potential bar to the reinstatement. (ODC Exhibit 20) This was a clear warning to cease law related activities. Petitioner continued to conduct himself in a manner that violated the Rules, despite his full awareness that his conduct was unacceptable.

The second reason for concluding that Petitioner is not fit to be reinstated is his lack of rehabilitation. Petitioner refused to accept responsibility and show remorse for his previous misconduct. In connection with his five-year suspension, Petitioner has refused to acknowledge that he committed any sanctionable acts, and denies he has done anything about which to be remorseful. Petitioner states "I don't accept full responsibility because I did not misrepresent to District Attorney Stollsteimer....But I will not accept responsibility for something I did not do." (N.T. 10/20/2011 p. 199) Petitioner is not required to admit his wrongdoing, but his continued belief in the correctness of his position

is a matter to be evaluated and judged by the Hearing Committee, the Board, and ultimately the Supreme Court.

Petitioner was less than fully candid in his testimony to the Hearing Committee. His testimony concerning Rule 217(j) issues contained misstatements and false statements. He denied any of the prohibited activities, even when confronted by evidence that directly contradicted his oral testimony. He showed a disdain for the ethical rules.

Petitioner's evidence of rehabilitation was not compelling, particularly in light of the evidence that he did not believe he committed ethical misconduct. Nor was his character testimony persuasive, as the witnesses were ill informed as to the particulars of Petitioner's misconduct leading to the five year suspension and his history of past misconduct. Petitioner's focus during his suspension was primarily on his duties at License Restoration Services and his gambling activities.

Petitioner has failed to present sufficient evidence of his moral qualifications and fitness to practice law. The Board recommends that the Petition for Reinstatement be denied.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the reinstatement of Petitioner, Lawrence J. DiAngelus, be denied.

The Board further recommends that, pursuant to Rule 218(f), Pa.R.D.E., Petitioner be directed to pay the necessary expenses incurred in the investigation and processing of the Petition for Reinstatement.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA



By: _____
Stephan K. Todd, Board Member

Date: January 3, 2013

Board Member Momjian did not participate in the adjudication.