

**IN THE SUPREME COURT OF PENNSYLVANIA**

In the Matter of : No. 1600 Disciplinary Docket No. 3  
: :  
: No. 183 DB 2007  
JILL A. DEVINE : :  
: Attorney Registration No. 54700  
: :  
PETITION FOR REINSTATEMENT : (Fayette County)

**ORDER**

**PER CURIAM:**

**AND NOW**, this 15<sup>th</sup> day of November, 2013, upon consideration of the Report and Recommendations of the Disciplinary Board dated August 23, 2013, the Petition for Reinstatement is granted.

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 11/15/2013

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 1600 Disciplinary Docket No. 3  
: :  
: No. 183 DB 2007  
JILL A. DEVINE : :  
: Attorney Registration No. 54700  
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PETITION FOR REINSTATEMENT : (Fayette County)

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 of June 23, 2010, the Supreme Court of Pennsylvania suspended Jill A. Devine from the practice of law for a period of one year and one day. Ms. Devine filed a Petition for Reinstatement on October 9, 2012. Office of Disciplinary Counsel filed a Response to Petition on December 10, 2012.

A reinstatement hearing was held on February 22, 2013, before a District IV Hearing Committee comprised of Chair Eric G. Soller, Esquire, and Members Patricia L.

Dodge, Esquire, and Angela M. Heim, Esquire. Petitioner was represented by John E. Quinn, Esquire. Petitioner presented the testimony of five witnesses. She also testified on her own behalf and introduced two exhibits (PE1, 2). Office of Disciplinary Counsel introduced three exhibits. (RE 1- 3)

Following the submission of a brief by Petitioner, the Hearing Committee filed a Report on May 13, 2013 and recommended that the Petition for Reinstatement be granted.

No Briefs on Exception were filed by the parties.

This matter was adjudicated by the Disciplinary Board at the meeting on July 27, 2013.

## II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner is Jill A. Devine. She was born in 1962 and was admitted to the practice of law in the Commonwealth of Pennsylvania in 1989. Her current business address is The Myers Law Firm, 17025 Perry Highway, Warrendale PA 15086. Petitioner is subject to the disciplinary jurisdiction of the Supreme Court of Pennsylvania.

2. By Order of June 23, 2010, the Supreme Court suspended Petitioner for a period of one year and one day. The suspension resulted from Petitioner's misconduct in two client matters. In one matter, Petitioner converted approximately \$2,100 from an estate. In the other matter, Petitioner mishandled a contract. (RE 1; 2)

3. Following Petitioner's graduation from the University of Pittsburgh School of Law in 1988 and admission to the bar, she worked for the staff of the Mayor of

the City of Harrisburg for three years and then for the Pennsylvania Department of Corrections in Harrisburg for three years. (N.T. 69)

4. Thereafter, Petitioner returned to Western Pennsylvania and worked for the Washington County Solicitor's office as an assistant solicitor for three years, which job Petitioner admitted was lost due to her issues with alcohol. (N.T. 70)

5. Petitioner practiced law as a sole practitioner and remained in private practice from 2000 until 2007 when she closed down her office. (N.T. 71)

6. From that point, Petitioner essentially worked out of her home and had a small office in Perryopolis, Fayette County, through another attorney. (N.T. 72)

7. In 2010, prior to her suspension, Petitioner worked for Lois Glanby, Esquire, but left that employment upon realizing that Ms. Glanby had her own disciplinary issues unrelated to those involving Petitioner. (N.T. 70)

8. Following her suspension in June 2010, Petitioner did some legal assistant work for Kimberly Kovach, Esquire in Uniontown, worked at a truck stop in Smithton, and at a call center. (N.T. 70)

9. In August of 2011, Petitioner began working as a legal assistant to Jeffrey Myers, Esquire, who maintains a practice in Warrendale, Allegheny County, Pennsylvania. She worked on a part-time basis, continuing to work at the call center, and then began working full time for Attorney Myers in January of 2012. (N.T. 70-71)

10. From January 2012 until the time of the hearing, Petitioner's employment at Mr. Myers' law office has been her sole employment. This work consists of legal research and some client scheduling. (N.T. 71-72)

11. Petitioner filed the requisite notices of employment with the Board for both Attorney Kovach and Attorney Myers as did those employers. (N.T. 75-76)

12. Mr. Myers credibly testified that he found Petitioner's work product to be that of a seasoned attorney. In his estimation, Petitioner possesses the required learning and competence necessary to practice law and nothing had been raised in his office that would give him pause about her resuming the practice of law. (N.T. 19)

13. Petitioner testified at length regarding her history of drug and alcohol abuse.

14. At the disciplinary hearing in 2009, Petitioner testified that she had a sobriety date of November 9, 2008. Following that hearing, Petitioner had several relapses that she primarily attributed to her sister's death in September 2009. (N.T. 76-78)

15. Petitioner described her relapses as a "blessing" as she was forced to come to terms with her drug and alcohol abuse. She finally realized that she was powerless over these substances and she needed to be in recovery. (N.T. 78-81)

16. Petitioner's current sobriety date is January 1, 2010. Petitioner has abstained from alcohol and other mind altering drugs since that date. (N.T. 79)

17. Petitioner has maintained her sobriety through attending Narcotics Anonymous (NA) and Alcoholics Anonymous (AA) meetings. At the time of the reinstatement hearing, Petitioner was attending four meetings per week: Monday night at her NA home group in Monessen; Tuesday night at a women's meeting near her home in Perryopolis; Thursday night at Lawyers Concerned for Lawyers at Mark Flaherty's office in Pittsburgh; and Friday night at her home AA group meeting in Perryopolis. (N.T. 81)

18. Petitioner has become an active participant in sobriety efforts, serving as a general service representative for her home group, leading meetings as the invited speaker, sponsoring two women entering NA and staying active in LCL both locally and statewide. (N.T. 82-84; 90)

19. Mark Flaherty, Esquire is active in LCL, supports Petitioner's sobriety efforts and feels she is ready to return to the practice of law. (PE1)

20. Nancy Andrews credibly testified on behalf of Petitioner. She is a recovering alcoholic with a sobriety date of eight years. She met Petitioner in 2006 and witnessed her relapse and reintegration into recovery. (N.T. 23-24)

21. Ms. Andrews has seen tremendous growth in Petitioner in the last two or more years. She is impressed by the fact that Petitioner has been working hard to put her life together, and Petitioner is certain of her desire to resume the practice of law. (N.T. 22; 24-25)

22. Lisa Hoffman is Petitioner's NA sponsor and first met her at a group meeting of NA in January of 2012. Ms. Hoffman has been sober since 1983. She has been in frequent communication with Petitioner for the past 14 months. (N.T. 33-34)

23. Ms. Hoffman credibly testified that she has noticed an improvement over those 14 months in Petitioner's attitude and how interested she is in recovery. Ms. Hoffman has never seen Petitioner under the influence of drugs or alcohol and believes that Petitioner has a "good chance" to successfully maintain sobriety. (N.T. 35)

24. Petitioner offered the expert testimony of Deborah S. Molchan, a licensed psychologist in Pennsylvania since 1996 with an emphasis in drug and alcohol recovery. (N.T. 47-48)

25. Ms. Molchan assessed and evaluated Petitioner for the purpose of providing her opinions as to Petitioner's# psychological status, recovery efforts, and whether she is a good candidate for readmission as lawyer. (N.T. 49)

26. Ms. Molchan's overall assessment of Petitioner is that she is exceedingly forthright, stable and aware of the need for continued sobriety. These factors are strong indicators for success. (N.T. 54)

27. Petitioner's support system, consisting of NA and AA sponsors, her employer, church involvement and activities with LCL give Ms. Molchan confidence in stating a positive prognosis for Petitioner's plan to maintain sobriety. (N.T. 57)

28. Ms. Molchan opined that Petitioner does not pose a threat to engage in drug or alcohol dependent behavior in the future, that Petitioner's plans on how to maintain sobriety were reasonable, and Petitioner's overall prognosis was "very, very good." (N.T. 62-63)

29. Ms. Molchan does not see Petitioner as a danger to the public if she were to resume the practice of law. (N.T. 64)

30. Petitioner has been active in community affairs, particularly in regard to her participation in the Bible Alliance Church in West Newton, Pennsylvania. (N.T. 84) Petitioner is a volunteer in the children's ministry.

31. Cariann Mencer was the children's ministry coordinator for the Bible Alliance Church from November 2008 to June of 2012. She knows Petitioner from her attendance at church and enlisted Petitioner's help in the children's ministry. She is aware of Petitioner's difficulties and has never seen Petitioner appear to be under the influence of drugs or alcohol the many times she has had occasion to see Petitioner over the past years. (N.T. 41-42).

32. Petitioner has fulfilled her Continuing Legal Education requirements for readmission to practice law.

33. If reinstated, Petitioner intends to work as an associate attorney in Jeffery Myers' office.

34. Petitioner is remorseful for her misconduct. During her suspension she had the opportunity to reflect on her conduct and has resolved to be a better steward of her clients' funds and affairs upon reinstatement. (Pet. For Reinstatement)

35. Office of Disciplinary Counsel does not oppose reinstatement.

### III. CONCLUSIONS OF LAW

Petitioner has met her burden of proving by clear and convincing evidence that she has the moral qualifications, competency and learning in the law required for admission to practice law and that her 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 reinstatement to the bar following a suspension of one year and one day. Rule 218(c)(3) requires that a suspended attorney demonstrate by clear and convincing evidence that he or she 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.

This burden is not light, and reinstatement is not automatic. A reinstatement proceeding is an inquiry into a lawyer's present professional and moral fitness to resume the practice of law. The object of concern is not solely the transgressions 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 record supports the conclusion that Petitioner is morally qualified to practice law. Petitioner has successfully addressed the drug and alcohol problems that have plagued her life and have made the practice of law difficult. Petitioner presented ample testimony of her continued, ongoing and persistent sobriety efforts.

Petitioner has been sober since January 1, 2010. She admitted that subsequent to the disciplinary hearing in 2009, she experienced a relapse in her sobriety due to struggles in her life, including her sister's death. Even though the relapse was difficult, Petitioner characterized it as a "blessing" because it became the impetus for her current recovery. She finally realized that she was powerless over drugs and alcohol and needed to be in recovery. She attends approximately four meetings per week of a combination of NA, AA and LCL meetings. Petitioner has increased her participation in these meetings by not only attending them but serving as a representative or speaker, sponsoring others, and engaging in local and statewide functions. This demonstrates a dedication to helping others face and deal with their addictions.

The testimony of Petitioner's witnesses, as well as the expert opinion of Deborah Molchan, bolsters the finding that Petitioner is sober and invested in maintaining her sobriety. Nancy Andrews and Lisa Hoffman are in recovery with Petitioner and serve as sponsors or mentors to Petitioner. Both witnesses have observed great improvement in Petitioner's attitude toward recovery and growth in recovery efforts. Ms. Molchan is a licensed psychologist with an emphasis in drug and alcohol recovery. She observed many

strong indicators of success in Petitioner's life, including her forthright attitude, stability in her employment, church involvement, and not least, her recognition that she must continue her sobriety efforts. These indicators contributed to Ms. Molchan's opinion that Petitioner's overall prognosis is "very, very good."

In addition to her active efforts to recover from drug and alcohol abuse, Petitioner has made time to work within her church as a children's ministry volunteer. The coordinator of this program testified on Petitioner's behalf and spoke glowingly of Petitioner's efforts.

Petitioner has expressed remorse and has come to terms with her misconduct. She looks forward to putting her skills into practice and living up to her potential.

Petitioner has demonstrated that she is competent and learned in the law. During her suspension, Petitioner worked as a legal assistant in the law office of Jeffrey Myers. The work produced by Petitioner was described by Mr. Myers as that of an experienced lawyer. He has no concerns about Petitioner's return to the legal profession, and plans to employ her as an associate attorney if she is reinstated. In addition to working as a legal assistant, Petitioner fulfilled the requisite Continuing Legal Education credits for readmission.

Petitioner has demonstrated that her resumption of the practice of law within the Commonwealth will neither be detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Jill A. Devine, be reinstated to the practice of law.

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:   
Tracey McCants Lewis, Board Member

Date: August 23, 2013

Board Member Cali did not participate in the adjudication.



THE DISCIPLINARY BOARD  
OF THE  
SUPREME COURT OF PENNSYLVANIA

Pennsylvania Judicial Center  
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August 23, 2013

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	:	
JILL A. DEVINE	:	No. 183 DB 2007
	:	Attorney Registration No. 54700
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PETITION FOR REINSTATEMENT	:	(Fayette County)

**Expenses Incurred in the Investigation and Processing  
of the above Petition for Reinstatement**

06/23/2010	2 Copies of Supreme Court Order	\$	1.00
10/09/2012	2 Copies of Petition for Reinstatement and Reinstatement Questionnaire		47.00
12/10/2012	2 Copies of Office of Disciplinary Counsel's Response to Petition for Reinstatement		2.00
04/03/2013	2 Copies of Petitioner's Brief to Hearing Committee		21.00
05/13/2013	2 Copies of Hearing Committee Report		13.00
01/28/2013	Transcript of Prehearing Conference held 1/18/2013		115.00
03/13/2013	Transcript of Hearing held 2/22/2013		427.50

**TOTAL AMOUNT DUE** **\$ 626.50**

**Make Check Payable to PA Disciplinary Board**  
**PAYMENT IS REQUIRED UPON RECEIPT OF ORDER**

\*Submitted pursuant to Rule 218(f) of the Pa.R.D.E. and §93.111 of the Disciplinary Board Rules.