

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1609 Disciplinary Docket No. 3
Petitioner :
 : No. 71 DB 2009
v. :
 : Attorney Registration No. 50670
LOUGENIA S. GRAVES, :
Respondent : (Philadelphia)

ORDER

PER CURIAM:

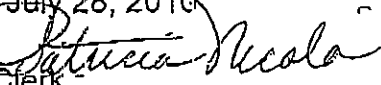
AND NOW, this 28th day of July, 2010, upon consideration of the Report and Recommendations of the Disciplinary Board dated May 10, 2010, it is hereby

ORDERED that Lougenia S. Graves is disbarred from the Bar of this Commonwealth and she shall comply with all the provisions of Rule 217, Pa. R.D.E.

It is further ORDERED that respondent shall pay costs to the Disciplinary Board pursuant to Rule 203(g), Pa. R.D.E.

A True Copy Patricia Nicola

As of July 28, 2010

Attest: 
Chief Clerk

Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 71 DB 2009
Petitioner	:	
	:	
v.	:	
	:	Attorney Registration No. 50670
	:	
LOUGENIA S. GRAVES	:	
Respondent	:	(Philadelphia)

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 208(d)(2)(iii) of the Pennsylvania Rules of Disciplinary Enforcement, the Disciplinary Board of the Supreme Court of Pennsylvania ("Board") herewith submits its findings and recommendations to your Honorable Court with respect to the above-captioned Petition for Discipline.

I. HISTORY OF PROCEEDINGS

On May 11, 2009, Office of Disciplinary Counsel filed a Petition for Discipline against Lougenia S. Graves, Respondent. The Petition charged Respondent with violations of the Rules of Professional Conduct and Rules of Disciplinary Enforcement arising out of allegations that she engaged in the unauthorized practice of law while serving a suspension pursuant to Order of the Supreme Court of

Pennsylvania. Respondent did not file an Answer to Petition for Discipline.

A disciplinary hearing was held on September 30, 2009, before a District I Hearing Committee comprised of Chair David M. Laigaie, Esquire, and Members Michelle A. Schultz, Esquire, and Dena Zakaria, Esquire. Respondent did not appear at the hearing.

The Hearing Committee filed a Report on February 2, 2010, concluding that Respondent violated the Rules as charged in the Petition for Discipline and recommending that she be disbarred from the practice of law.

This matter was adjudicated by the Disciplinary Board at the meeting on April 14, 2010.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner, Office of Disciplinary Counsel, whose principal office is located at Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, Harrisburg, Pennsylvania 17106-4963, is invested, pursuant to Pa.R.D.E. 207, with the power and the 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 said Rules of Disciplinary Enforcement.

2. Respondent is Lougenia S. Graves. She was admitted to practice law in the Commonwealth of Pennsylvania in 1987. Her registered address is 443 South

56th St., Philadelphia PA 19143. Respondent is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. Respondent has a record of prior discipline. She received an Informal Admonition in 1992 for violations of Rules of Professional Conduct 1.3 and 1.4(a) after she failed to take action in a client's divorce matter.

4. Respondent was suspended for one year and one day by Order of the Supreme Court dated September 26, 1996. This suspension was based on Respondent's failure to appear for a Public Censure before the Supreme Court.

5. Prior to her suspension, Respondent applied for appointment as an arbitrator in the Compulsory Arbitration Program of the Philadelphia Court of Common Pleas. She filled out an application which specifically set forth the criteria that an arbitrator must be a member in good standing of the Bar of the Supreme Court of Pennsylvania. Further, the application required that Respondent immediately contact the Arbitration Center if her status changed.

6. Respondent was placed on the list on July 18, 1996.

7. Following her suspension on September 26, 1996, Respondent was notified of the requirements of Pa.R.D.E. 217 relating to her responsibilities as a suspended attorney. This notification was completed by letter dated September 27, 1996, and addressed to Respondent at her registered address.

8. By letter dated November 6, 1996, and addressed to Respondent at her registered address, the Secretary of the Board notified Respondent that the Board

had not received from Respondent the verified statement required by Pa.R.D.E. 217(e) nor had the Board received the costs assessed by the Court.

9. Respondent has never attempted to be reinstated to the bar of the Supreme Court and remains a suspended attorney. She has never filed the verification required by the Enforcement Rules nor has she paid the costs of prosecution.

10. Respondent did not notify the Arbitration Center of her suspended status and her inability to serve as an arbitrator, which requires an active law license.

11. Respondent remained on the certified list of arbitrators until October 30, 2008.

12. During the period from October 26, 1997 to October 20, 2008, Respondent appeared as an arbitrator on at least 50 occasions, of which Respondent was the chair at least eight times.

13. Respondent was compensated for her service as an arbitrator.

14. Respondent actively sought appointments to sit as an arbitrator by making herself eligible to serve as an emergency arbitrator.

15. Respondent failed to notify court administrators, fellow arbitrators and litigants of her suspension.

16. Respondent failed to appear at the disciplinary hearing on September 30, 2009.

17. Respondent has failed to accept responsibility for her misconduct or show remorse for her actions.

III. CONCLUSIONS OF LAW

By her actions as set forth above, Respondent has violated the following Rules of Professional Conduct and Rules of Disciplinary Enforcement:

1. RPC 5.5(b) (effective 4/1/1988) and RPC 5.5(a) (effective 5/15/2004) - A lawyer shall not practice law in a jurisdiction where to do so would be in violation of regulations of the profession in that jurisdiction.

2. RPC 8.4(c) - It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

3. RPC 8.4(d) - It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

4. Pa.R.D.E. 203(b)(3) - It is grounds for discipline for a lawyer to willfully violate any other provision of the Enforcement Rules, via the Enforcement Rules charged below.

5. Pa.R.D.E. 217(c)(2) - A formerly admitted attorney shall promptly notify, or cause to be notified, of the disbarment, suspension or transfer to inactive status, by registered or certified mail, return receipt requested: (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.

6. Pa.R.D.E. 217(e) - Within ten days after the effective date of the

disbarment, suspension or transfer to inactive status order, the formerly admitted attorney shall file with the Board a verified statement showing that the provisions of the order and the rules have been fully complied with and 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.

7. Pa. R.D.E. 217(j)(1) - A formerly admitted attorney may not engage in any form of law-related activities in the Commonwealth except 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 the Commonwealth who shall be responsible for ensuring the formerly admitted attorney complies with the requirements of subdivision (j).

8. Pa.R.D.E. 217(j)(2) - The only law-related activities that may be conducted 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.

9. Pa.R.D.E. 217(j)(4)(iv) - 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.

IV. DISCUSSION

This matter is before the Board for consideration of the charges against Respondent that she acted as an arbitrator in Philadelphia County subsequent to her suspension from the practice of law, in violation of the Order of the Supreme Court dated September 26, 1996. Respondent did not file an Answer to Petition for Discipline; therefore, all factual averments contained therein are deemed admitted. Pa.R.D.E. 208(b)(3).

Respondent was placed on suspension for a period of one year and one day by Order of the Court dated September 26, 1996, and effective October 26, 1996. Respondent received the notice of suspension and was informed by letter of the Disciplinary Board as to her obligations pursuant to her status as a suspended attorney. Respondent did not comply with her obligations under the Enforcement Rules, specifically her obligation to file a verified statement with the Board and pay costs of prosecution. Respondent remains a suspended attorney, as she has not been

reinstated to practice by the Supreme Court.

Shortly before her suspension, Respondent was placed on the list of arbitrators in the Philadelphia Court of Common Pleas Compulsory Arbitration Program. To be placed on this list, Respondent was required to complete and sign an application which required her to certify that she would notify the Arbitration Center of any change in the status of her law license.

Subsequent to her suspension, Respondent did not notify the Arbitration Center of her suspended status and consequent inability to serve as an arbitrator. In fact, Respondent continued to serve as an arbitrator through October 30, 2008, and sat on at least 50 arbitration panels of which she was the chair at least eight times. At all times Respondent was compensated for her services. None of the parties to the litigation, fellow arbitrators or administrators of the Arbitration Center were aware that Respondent was a suspended attorney.

Respondent's actions violated Rule of Professional Conduct 8.4(c), as she knowingly failed to notify the Arbitration Center that her license to practice law had been suspended. Respondent violated Rule 8.4(d) when she served as an arbitrator on numerous panels despite the fact that her law license was suspended. As a suspended attorney, Respondent violated numerous Rules of Disciplinary Enforcement, as set forth above in the Conclusions of Law, by failing to notify the court, the Arbitration Center and litigants of her suspended status; failing to verify to the Board that she complied with provisions of her suspension order and the Rules of Disciplinary Enforcement; and

engaging in law-related activities and representing herself as a lawyer in good standing. Each time that Respondent sat on an arbitration panel and deliberated in a case, she was flouting the suspension order and committing misconduct. Such behavior requires severe discipline.

Respondent has had encounters with the disciplinary system since 1992. Each instance of involvement has been more serious than the last, starting with an Informal Admonition in 1992, followed by a one year and one day suspension in 1996, and culminating in the proceedings herein. Respondent has mainly absented herself from participation in the proceedings against her, showing a marked disdain for the disciplinary system and a lack of interest in her law license. Amazingly, Respondent's one year and one day suspension was the result of her failure to appear for a Public Censure before the Supreme Court, which in itself was imposed due to Respondent's original failure to comply with conditions attached to a Private Reprimand. Continuing her pattern, Respondent has failed to participate in the instant proceedings. She has not filed an Answer, nor appeared at the disciplinary hearing, nor filed any responsive briefs. Respondent's failure to participate at any level seriously aggravates the underlying misconduct and calls into question her fitness to practice law. In re Anonymous No. 148 DB 94, 34 Pa. D. & C. 4th 133 (1996); In Re Anonymous Nos. 75 DB 94 and 7 DB 95, 34 Pa. D. & C. 4th 32 (1996).

The Supreme Court has disbarred lawyers who continued to practice law after being suspended. Office of Disciplinary Counsel v. Jackson, 637 A.2d 615 (Pa.

1994) (attorney serving a five year suspension engaged in a deliberate course of conduct involving dishonesty and conduct prejudicial to the administration of justice); Office of Disciplinary Counsel v. Herman, 426 A.2d 101 (Pa. 1981) (attorney had previous discipline and disregarded two letters from the Board to comply with notification requirements); Office of Disciplinary Counsel v. James A. Hickey, 1 Pa. D. & C. 5th 181 (2007) (attorney was suspended for six months, during which time he held himself out as an attorney and was charged with multiple criminal matters).

Respondent's misconduct and aggravating factors lead to the conclusion that Respondent must be disbarred to ensure the protection of the public and the integrity of the profession.


V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, Lougenia S. Graves be Disbarred from the practice of law.

It is further recommended that the expenses incurred in the investigation and prosecution of this matter are to be paid by the Respondent.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: 
Gabriel L. Bevilacqua, Esq., Board Member

Date: May 10, 2010