

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1968 Disciplinary Docket No. 3
Petitioner :
 : No. 107 DB 2013
v. :
 : Attorney Registration No. 309496
JEFFREY AARON BLAKER, :
Respondent : (Philadelphia)

ORDER

PER CURIAM:

AND NOW, this 15th day of November, 2013, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated September 3, 2013, the Joint Petition in Support of Discipline on Consent is hereby granted pursuant to Rule 215(g), Pa.R.D.E., and it is

ORDERED that Jeffrey Aaron Blaker is suspended on consent from the Bar of this Commonwealth for a period of one year retroactive to September 18, 2013, and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

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

OFFICE OF DISCIPLINARY COUNSEL : No. 1968 Disciplinary Docket No. 3
Petitioner :
v. : No. 107 DB 2013
: Attorney Registration No. 309496
JEFFREY AARON BLAKER :
Respondent : (Philadelphia)

RECOMMENDATION OF THREE-MEMBER PANEL
OF THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

The Three-Member Panel of the Disciplinary Board of the Supreme Court of Pennsylvania, consisting of Board Members Stephan K. Todd, Douglas W. Leonard and Lawrence M. Kelly, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on August 5, 2013.

The Panel approves the Joint Petition consenting to a one year suspension retroactive to the date of his temporary suspension and recommends to the Supreme Court of Pennsylvania that the attached Petition be granted.

The Panel further recommends that any necessary expenses incurred in the investigation and prosecution of this matter shall be paid by the respondent-attorney as a condition to the grant of the Petition.



Stephan K. Todd, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: 9/3/13

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : 107 DB 2013
Petitioner :
: ODC File No. C1-12-505
v. :
: Atty. Reg. No. 309496
JEFFREY AARON BLAKER, :
Respondent : (Philadelphia)

JOINT PETITION IN SUPPORT OF DISCIPLINE
ON CONSENT UNDER RULE 215(d), Pa.R.D.E.

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Esquire, Chief Disciplinary Counsel, and by Richard Hernandez, Esquire, Disciplinary Counsel, and Respondent, Jeffrey Aaron Blaker, who is represented by Michael B. Pullano, Esquire, file this Joint Petition In Support of Discipline On Consent Under Rule 215(d) of the Pennsylvania Rules of Disciplinary Enforcement and respectfully represent that:

1. The Respondent, Jeffrey Aaron Blaker, was born on June 14, 1983, and was admitted to practice law in the Commonwealth of Pennsylvania on November 15, 2010. Respondent was assigned Attorney Registration No. 309496 and is currently registered as "active."

2. According to attorney registration records, Respondent's public access address is 111 North 9th Street, Unit 708, Philadelphia, PA 19107.

FILED

AUG - 5 2013

Office of the Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

3. Respondent has agreed to enter into a joint recommendation for consent discipline. Respondent and Petitioner will also be filing with the Supreme Court of Pennsylvania a Joint Petition to Temporarily Suspend an Attorney.

**SPECIFIC FACTUAL ADMISSIONS AND
RULES OF PROFESSIONAL CONDUCT VIOLATED**

4. Sometime in August 2001, Respondent commenced his first year of undergraduate studies at Villanova University ("Villanova").

5. Sometime during the fall of 2001, Respondent received a citation for possession of alcohol.

a. A Resident Assistant observed Respondent in possession of an alcoholic beverage in another student's dormitory room.

6. The Dean of Students at Villanova disciplined Respondent by placing him on probation for a period of time.

7. Sometime during the spring of 2002, Respondent received a second citation for possession of alcohol.

a. A Resident Assistant again observed Respondent in possession of an alcoholic beverage in another student's dormitory room.

8. The Dean of Students at Villanova disciplined Respondent by again placing him on probation for a period of time.

9. On September 21, 2002, while attending a party in Tredyffrin Township, outside the campus boundary of Villanova, Respondent received a citation for Underage Drinking.

10. On November 6, 2002, Respondent appeared before a Magisterial District Judge and pled guilty to the summary offense of Disorderly Conduct.

a. Respondent paid court costs in the amount of \$107.50 and performed 15 hours of community service.

11. On October 6, 2002, while attending a party in Lower Merion Township, outside the campus boundary of Villanova, Respondent received a citation for Underage Drinking.

a. The Lower Merion Police Department advised the administration at Villanova that Respondent was cited for Underage Drinking.

12. On November 20, 2002, Respondent appeared before a Magisterial District Judge and pled guilty to the summary offense of Underage Drinking.

a. Respondent paid a \$50.00 fine and \$107.50 in court costs.

13. On October 31, 2003, Respondent received a citation for Trespassing of Real Property for having trespassed on the football field at Radnor High School.

14. On November 19, 2003, Respondent appeared before a Magisterial District Judge and pled guilty to the offense of Trespassing of Real Property.

a. Respondent paid a \$50.00 fine and \$117.00 in court costs.

15. On July 5, 2004, while Respondent was in Long Beach Island, New Jersey, he received two citations, one for Acting in an Offensive Manner and the second for Riding a Bicycle on a Township Sidewalk.

16. On August 3, 2004, Respondent appeared before the Municipal Court of the Township of Long Beach, pled guilty to both citations, and paid for both citations a total fine of \$275.00 and court costs of \$50.00.

17. On May 8, 2009, while Respondent was in Philadelphia County, he received three citations, one for Theft of Services, the second for Public Drunkenness, and the third for Public Drunkenness and Similar Misconduct.

18. On May 11, 2009, Respondent pled no contest to the Theft of Services and Public Drunkenness citations.

- a. Respondent paid court costs in the amount of \$148.50 and performed 24 hours of community service.

19. On February 7, 2007, Respondent completed an Application for Admission ("the Application") to Villanova School of Law.

- a. Respondent certified that the information he provided in the Application was complete and accurate.
- b. Respondent acknowledged in the Application that he had a "continuing obligation to provide all information that would change [his] answer to questions 13, 14, 15, 16 and 17 to the Academic Dean throughout [his] time at Villanova Law School...."

20. In the Application, Respondent checked off "Yes" in response to Question 14, which inquired if he had "ever been subjected to disciplinary action (including probation, suspension, or dismissal) by any academic institution for any reason? Disclosure is to be made even if disciplinary action has been expunged from the records of the academic institution."

21. In the Application, Respondent checked off "Yes" in response to Question 16, which inquired if he had "ever

been arrested, taken into custody, charged, cited, accused, given written warning, prosecuted, or convicted formally or informally for any crime by a law enforcement agency for an offense other than a minor traffic violation? (You must include any instance of drunk driving.) Disclosure is to be made even if the record has been dismissed or expunged unless to do so would violate a clearly applicable law."

22. Respondent attached to the Application a statement that he had typed, which disclosed the two incidents that occurred while he was on the grounds of Villanova in the Fall of 2001 and the Spring of 2002 and the October 6, 2002 arrest in Lower Merion Township that resulted in his pleading guilty to the offense of Underage Drinking.

23. Respondent failed to disclose on the Application the arrests, citations, and dispositions of the incidents that occurred on September 21, 2002, October 31, 2003, and July 5, 2004, which had not been previously reported to Villanova by local law enforcement authorities.

24. Respondent disclosed on the Application the incidents that occurred in the Fall of 2001 and the Spring of 2002 at Villanova, and the October 6, 2002 arrest in Lower Merion Township, because he believed that Villanova School of Law had prior notice of these incidents.

25. In August 2007, Respondent matriculated at Villanova School of Law, and he graduated with a Juris Doctorate Degree in May 2010.

26. In March 2010, Respondent sent an e-mail to John Y. Gotanda, Associate Dean for Academic Affairs at Villanova School of Law, which disclosed the arrests, citations, and dispositions of the incidents that occurred on September 21, 2002, October 31, 2003, July 5, 2004, and May 8, 2009.

27. By letter dated March 22, 2010, Dean Gotanda acknowledged receipt of Respondent's e-mail and informed him, *inter alia*, that Dean Gotanda could not "say with certainty that [Respondent] would have been admitted to Villanova had [Respondent] disclosed these incidents."

28. Dean Gotanda's letter notified Respondent that Villanova School of Law would accept Respondent's amendment to the Application if he complied with several conditions: perform 25 hours of community service; discuss the incidents with Dean Margo Matt to determine if Respondent's pattern of behavior raises any concerns; and contact a representative from Lawyers Concerned for Lawyers to discuss the implications of the incidents and the impact they might have on Respondent's bar admission.

a. Respondent complied with the conditions set

forth in Dean Gotanda's letter.

29. On April 11, 2010, Respondent electronically filed with the Pennsylvania Board of Law Examiners an Application for Permission to Sit for the Pennsylvania Bar Examination and for Character and Fitness Determination ("the Pennsylvania Bar Application"), therein applying to sit for the July 2010 bar examination.

a. Respondent verified that the statements of fact made by him in the Pennsylvania Bar Application were true and correct and that they were made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

30. In the Pennsylvania Bar Application, Respondent provided the following answer in response to the question under the heading "DOCUMENTS-ALTERED or FALSIFIED," which inquired if he had "ever altered or falsified any official or unofficial document or copy thereof (e.g., bar application or examination result letter, recommendation letter, transcript, report, law school application, etc.)":

When I was applying to Villanova Law School in 2007, I made the mistake of neglecting to include several citations on my application. This oversight was unintentional, and I put off updating my application to the

point where I completely forgot that it needed to be done. The final update was made to Villanova Law School during the first week of March 2010. In a letter from the Dean of Academic Affairs, Villanova accepted my late disclosures under the condition that I perform community service, and meet with Dean Margo Matt on the Villanova Campus. I have enclosed the letter from the Dean of Academic Affairs with my application materials.

31. The aforementioned answer Respondent provided on the Pennsylvania Bar Application was a misrepresentation, in that at the time he had completed the Application for filing with Villanova School of Law, Respondent had consciously decided not to disclose the incidents that occurred on September 21, 2002, October 31, 2003, and July 5, 2004, because he believed that Villanova School of Law would not discover that he had omitted those incidents on the Application.

32. On or about March 29, 2010, Respondent filed with the State of New Jersey Committee on Character ("the Committee") a Certified Statement of Character ("the New Jersey Bar Application"), therein applying to sit for the July 2010 bar examination.

33. On October 5, 2011, Respondent appeared and testified at a hearing before the Committee, which was

charged with determining whether he had the good character and present fitness to practice law in New Jersey.

34. At the hearing, Respondent testified as follows in response to questions posed to him:

Q. The next question I have for you again looking at that last page of C-12, the title of it is legal incident and there's number 1 and you refer to the 2002 incident with the Lower Merion Police for underage drinking. Why did you report that incident and not report the Tredyffrin Township, the Radnor Township, and the Long Beach, New Jersey incidents?

A. I think there were several reasons. First of all, I completely failed in recognizing the importance of disclosing those matters on my application to law school. There wasn't candor there. I think at the time it was winter 2007 and I was trying to get my law school applications out as quickly as possible and I overlooked - I not only overlooked it but I don't remember what my exact thought process was but I mean these were the ones that Villanova was aware of so these were the ones that I was going to disclose. And I wish I could remember whether for other law schools that I applied to whether other incidents were disclosed and perhaps I thought I could get away with it with Villanova but I just completely failed in recognizing the importance of making all of the disclosures for all of the incidents that occurred prior to 2007. (October 5, 2011 transcript of hearing before the Committee, p. 50)

Q. You made the decision not to tell

it up front. You testified today that it was a conscious decision when you were filling out your law school applications to not disclose everything, only the things that Villanova knew about to disclose, right?

A. Yes.

Q. Because you knew you could get away with it, right? You were hoping to get away with it?

A. Essentially.
(*Id.* at pp. 60-61)

35. The misrepresentation set forth in paragraphs 30 and 31 was material to the Pennsylvania Bar Application.

36. The misrepresentation set forth in paragraphs 30 and 31 was material to Respondent's qualifications to practice law and to the inquiry into his qualifications to be conducted by the Pennsylvania Board of Law Examiners.

37. By his conduct as alleged in Paragraphs 4 through 36 above, Respondent violated the following Rules of Professional Conduct and Pennsylvania Rule of Disciplinary Enforcement:

- a. RPC 8.1(a), which states that an applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not knowingly make a false statement of material fact;
- b. RPC 8.1(b), which states that an applicant

for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6;

- c. RPC 8.4(c), which states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- d. RPC 8.4(d), which states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice; and
- e. Pa.R.D.E. 203(b)(6), which states that a ground for discipline shall be making a misrepresentation of fact or deliberately failing to disclose a material fact in

connection with an application submitted under the Pennsylvania Bar Admission Rules.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

38. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension from the practice of law for a period of one year, retroactive to the date of the Order for temporary suspension that the parties anticipate will be entered upon the Supreme Court of Pennsylvania's consideration and grant of the Joint Petition to Temporarily Suspend an Attorney.

39. Respondent hereby consents to that discipline being imposed upon him by the Supreme Court of Pennsylvania. Attached to this Petition is Respondent's executed Affidavit required by Rule 215(d), Pa.R.D.E., stating that he consents to the recommended discipline, including the mandatory acknowledgements contained in Rule 215(d)(1) through (4), Pa.R.D.E.

40. In support of Petitioner and Respondent's joint recommendation, it is respectfully submitted that there are several mitigating circumstances:

- a. Respondent has admitted engaging in misconduct and violating the charged Rules of Professional Conduct and Pennsylvania

Rule of Disciplinary Enforcement;

- b. Respondent has cooperated with Petitioner, as is evidenced by Respondent's admissions herein and his consent to receiving a suspension of one year;
- c. Respondent has no record of discipline;
- d. Respondent is remorseful for his misconduct and understands he should be disciplined, as is evidenced by his consent to receiving a suspension of one year; and
- e. Respondent, through counsel, self-reported his misconduct to Petitioner.

41. Precedent suggests that Respondent's misconduct warrants a suspension of one year.

A suspension of one year and one day was imposed on an attorney who intentionally failed to disclose on his Bar Applications to Pennsylvania and another state that he had a prior arrest for the alleged sexual solicitation of a police officer. *In re Robert P. Tuerk, No. 6 DB 94*, 33 Pa. D.&C.4th 512 (1996). Aggravating factors were Respondent Tuerk's lack of remorse and unwillingness to admit wrongdoing. *Id.* at 518-519. Respondent Tuerk claimed he forgot about his arrest. *Id.* at 515.

A suspension of one year was imposed in the case of *In re Ronda B. Goldfein, No. 8 DB 94*, 29 Pa. D.&C.4th 315 (1995). Respondent Goldfein was arrested while a third-year law student on charges of possession of a controlled substance and driving under the influence; the charge of possession of a controlled substance was nolle prossed. *Id.* at 317. Respondent Goldfein disclosed her arrest in her Bar Applications to the States of Florida, New York, and Delaware; however, she failed to disclose her arrest in her Bar Applications to the States of New Jersey and Pennsylvania. *Id.* at 318-19. Respondent Goldfein also failed to disclose in her Bar Applications to the States of New Jersey and Pennsylvania that she had failed the Florida and Delaware bar examinations and had twice failed the New York bar examination. *Id.* at 319. Lastly, Respondent Goldfein failed to list her complete employment history in her Pennsylvania Bar Application. *Id.* at 320.

Respondent Goldfein attributed her omissions and misrepresentations in the New Jersey and Pennsylvania Bar Applications to carelessness and to having forgotten her prior arrest with the passage of time. *Id.* The Disciplinary Board concluded that Respondent Goldfein acted carelessly and lacked the "intent to deceive the board of law examiners," even though the failure to list her arrest

"must be viewed with ... skepticism." *Id.* at 322. In mitigation, Respondent Goldfein had no record of discipline, expressed remorse for her misconduct, and presented favorable character evidence. *Id.* at 320-321.

A suspension of one year was also imposed in *Office of Disciplinary Counsel v. Edward John King*, No. 91 DB 2007 (Three-Member Board Panel Recommendation 7/24/07) (S.Ct. Order 9/19/07). Respondent King failed to report two arrests that occurred in Wildwood, New Jersey on his Pennsylvania and New Jersey Bar Applications. An August 21, 1993 arrest on a trespassing charge was disposed of two days after the arrest when Respondent King agreed to pay a \$100.00 fine and court costs. A May 29, 1994 arrest on a simple assault charge was dismissed on June 21, 1994. Both arrests occurred when Respondent King was eighteen. Respondent King also failed to report on his Pennsylvania Bar Application that he had provided false information on his law school application to Villanova University School of Law by failing to report the two arrests.

Respondent King claimed that he did not disclose his May 1994 arrest because the case against him had been dismissed and he believed that his detention was not an "arrest" due to the lack of: Miranda warnings; fingerprinting; photographing; bail or bond; arraignment;

or indictment. Mitigating factors in determining the discipline to impose were Respondent King's: lack of a record of discipline; remorse; cooperation; and decision to self-report his misconduct.

Respondent's misconduct is not as serious as Respondent Tuerk's because Respondent did not fail to disclose an arrest on the Pennsylvania Bar Application. Furthermore, unlike Respondent Tuerk, Respondent has expressed remorse for his misconduct and acknowledged his wrongdoing.

On the Pennsylvania Bar Application, Respondent properly disclosed each incident for which he received a citation and the three incidents he omitted from the Application to Villanova Law School. However, Respondent misrepresented to the Pennsylvania Board of Bar Examiners his state of mind when completing the Law School Application, which misconduct warrants a suspension. Respondent claims that the misrepresentation was prompted by embarrassment. A suspension of one year, as imposed in *Goldfein* and *King*, will impress upon Respondent, and other bar applicants, the necessity of complete candor and honesty when completing the Pennsylvania Bar Application. Respondent's mitigation evidence, which is identical to that presented by Respondent King, and similar to that

offered by Respondent Goldfein (no record and remorse), supports a suspension of one year.

42. Petitioner and Respondent submit that a one-year suspension is appropriate discipline for Respondent's misconduct after considering precedent and weighing the mitigating factors.

WHEREFORE, Petitioner and Respondent respectfully request that:

a. Pursuant to Rule 215(e) and 215(g), Pa.R.D.E., the three-member panel of the Disciplinary Board review and approve the above Joint Petition In Support Of Discipline On Consent and file its recommendation with the Supreme Court of Pennsylvania in which it is recommended that the Supreme Court enter an Order:

(i) suspending Respondent from the practice of law for a period of one year to run retroactive to the date of Respondent's temporary suspension; and

(ii) directing Respondent to comply with all of the provisions of Rule 217, Pa.R.D.E.

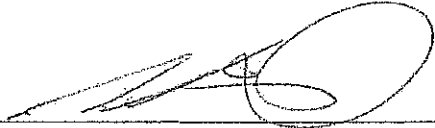
b. Pursuant to Rule 215(i), the three-member panel of the Disciplinary Board order Respondent to pay the necessary expenses incurred in the investigation of this matter as a condition to the grant of the Petition and that all expenses be paid by Respondent before the imposition of discipline under Rule 215(g), Pa.R.D.E.

Respectfully submitted,


OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

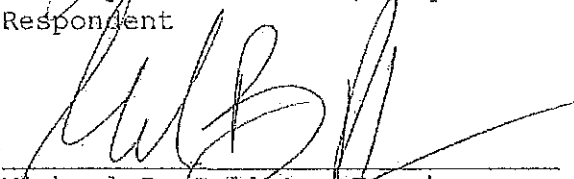
By


Richard Hernandez
Disciplinary Counsel

By


Jeffrey Aaron Blaker, Esquire
Respondent

By


Michael B. Pullano, Esquire
Respondent's Counsel

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
: ODC File No. C1-12-505
v. :
: Atty. Reg. No. 309496
JEFFREY AARON BLAKER, :
Respondent : (Philadelphia)

VERIFICATION

The statements contained in the foregoing Joint Petition In Support of Discipline on Consent Under Rule 215(d), Pa.R.D.E., are true and correct to the best of our knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

7/26/2013

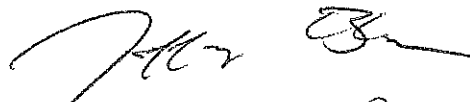
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Richard Hernandez
Disciplinary Counsel

8/1/13

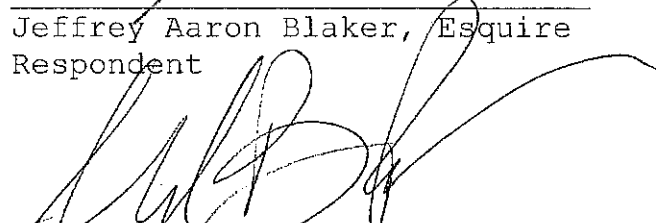
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Jeffrey Aaron Blaker, Esquire
Respondent

8/1/13

Date



Michael B. Pullano, Esquire
Respondent's Counsel

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
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AFFIDAVIT UNDER RULE 215(d), Pa.R.D.E.

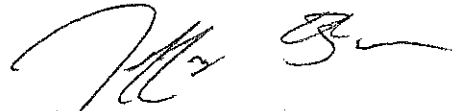
Respondent, Jeffrey Aaron Blaker, hereby states that he consents to the imposition of a suspension from the practice of law for a period of one year as jointly recommended by Petitioner, Office of Disciplinary Counsel, and Respondent in the Joint Petition In Support Of Discipline On Consent, and further states that:

1. His consent is freely and voluntarily rendered; he is not being subjected to coercion or duress; he is fully aware of the implications of submitting the consent; and he has consulted with Michael B. Pullano, Esquire, and Kimberly A. Brown, Esquire, in connection with the decision to consent to discipline;

2. He is aware that there is presently pending an investigation into allegations that he has been guilty of misconduct as set forth in the Joint Petition;

3. He acknowledges that the material facts set forth in the Joint Petition are true; and

4. He consents because he knows that if charges predicated upon the matter under investigation were filed, he could not successfully defend against them.



Jeffrey Aaron Blaker, Esquire
Respondent

Sworn to and subscribed

before me this 1st

day of August, 2013.


Notary Public