

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 781 Disciplinary Docket No. 3  
: :  
STEPHEN M. DORR : No. 117 DB 2002  
: :  
: Attorney Registration No. 48147  
: :  
PETITION FOR REINSTATEMENT : (Bucks County)

**ORDER**

**PER CURIAM:**

**AND NOW**, this 30<sup>th</sup> day of May, 2013, upon consideration of the Report and Recommendations of the Disciplinary Board dated February 19, 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 5/30/2013

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

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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 of the Supreme Court dated October 10, 2002, Stephen M. Dorr was disbarred on consent. Mr. Dorr filed a Petition for Reinstatement on January 6, 2012. Office of Disciplinary Counsel filed a Response to Petition on April 25, 2012.

On June 11, 2012, a reinstatement hearing was held before a District II Hearing Committee comprised of Chair Ronald H. Levine, Esquire, and Members Elizabeth A. Schneider, Esquire, and Melissa M. Weber, Esquire. Petitioner was represented by

James C. Schwartzman, Esquire. Petitioner testified on his own behalf and offered character testimony from two witnesses. Petitioner offered into evidence one exhibit. Office of Disciplinary Counsel offered no witnesses or exhibits.

Following the submission of a brief filed by Petitioner, the Hearing Committee filed a Report on December 5, 2012 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 January 23, 2013.

## II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner is Stephen M. Dorr. He was born in 1952 and was admitted to practice law in the Commonwealth of Pennsylvania in 1986. His current address is 78443 Melody Lane, Palm Desert CA 92211. Petitioner is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

2. Following Petitioner's Pennsylvania bar admission, he was employed by Jacoby & Myers from January 1987 to May 1988. He left that position to open a private practice of law, which he conducted in Philadelphia from June 1988 to June 1991.

3. In June 1991, Petitioner formed a partnership with another attorney in Philadelphia which lasted until March 1992. For the next ten years, Petitioner practiced as a sole practitioner with offices in Philadelphia and Doylestown, Pennsylvania.

4. Petitioner was disbarred on consent by Order of the Supreme Court dated October 10, 2002.

5. In 1999, Dorothy Frick, Petitioner's client, filed a complaint against Petitioner with the Fee Dispute Committee of the Philadelphia Bar Association and successfully obtained a judgment against Petitioner in the amount of \$100,000. Petitioner failed to pay Mrs. Frick any portion of the award.

6. Mrs. Frick subsequently filed a complaint with Office of Disciplinary Counsel. Petitioner resigned from the bar as a result of Office of Disciplinary Counsel's investigation into the complaint for allegations that he did not perform legal services for which he billed, exaggerated and inflated the hours and services performed, and commingled and converted Mrs. Frick's funds which were to be held in Petitioner's escrow account. Petitioner admitted that he violated Rules of Professional Conduct 1.5(a), 1.5(b), 1.7(b), 1.15(a), 1.15(b), 1.15(c), 8.4(b), 8.4(c), and 8.4(d).

7. Mrs. Frick was awarded \$75,000 from the Pennsylvania Lawyers Fund for Client Security in 2002, and on July 17, 2002, Petitioner paid \$50,000 to the Lawyers Fund. Petitioner made no further payment until December 2010, when he paid \$46,328.77. That payment satisfied Petitioner's obligation to the Lawyers Fund. (N.T. 46)

8. Petitioner apologized to Mrs. Frick for his misconduct. (N.T. 96)

9. Since his disbarment, Petitioner has not practiced law.

10. Initially after his disbarment, Petitioner moved to Florida with his oldest daughter so she could attend an elite tennis school. (N.T. 50-51,99)

11. In 2006, Petitioner moved to Virginia to tend to his late mother's estate and obtained his mortgage broker's license. (N.T. 52) His license was subsequently

revoked on May 1, 2009, as Petitioner was working overseas and not interested in renewing the license.

12. Petitioner did not fully and accurately disclose the reasons for his disbarment in his mortgage application filed with the Commonwealth of Virginia in September 2004. (N.T. 90, 124)

13. In 2008, Petitioner was hired by Kellogg Brown & Root ("KBR") and went to Iraq as part of that employment in February 2008 until July 2008. Petitioner was sent to Camp Victory in Baghdad as a senior subcontractor administrator where his duties included ensuring transparency in government expenditures and requiring subcontractors to comply with the terms of the contracts. (N.T. 53-55)

14. Petitioner worked for Combat Support Associates ("CSA") located in Kuwait City from July 2008 until November 2008 where he was responsible for a \$500 million contract involving security, housing, food, transportation, IT and vendor relationships. (N.T. 56)

15. From January 2009 until March 2009, Petitioner worked for Olgoonik Management Services, Ltd., an Alaskan company, as director of procurement and materials. Petitioner returned to Iraq in March 2009 until July 2009 as an advisor to the Department of State under a contract with DynCorp International. (N.T. 57-59)

16. In 2010, Petitioner began working for R4, Incorporated as a procurement director until returning to work for DynCorp as Director of Compliance from June 2011 until September 2011. In December 2011, Petitioner worked with Sean Evans to assist in a joint operation of the Department of State under the Narcotics Law Enforcement Agency in the South Sudan and served as a program director for logistics and planning. (N.T. 60-62)

17. Throughout these positions involving government contracting, Petitioner was responsible for ensuring that contractors did not misuse funds and that funds were properly accounted for or investigated. (N.T. 64)

18. While working for KBR in Iraq, Petitioner was responsible for investigating the whereabouts of about \$2.5 million of missing property. Petitioner found the missing property and identified the individuals responsible. (N.T. 64-66, 126)

19. In June 2012, Petitioner consulted with Crucible, a small defense company, to assist it in putting together a format for the expenditure of an award from the Department of State to assist with a Haitian operation. Petitioner has recently been recruited by Ingersoll Rand to assist as a senior contract manager. (N.T. 94-95)

20. Petitioner has accepted responsibility for his acts of misconduct. (N.T. 89, 117-119)

21. Petitioner regrets his aggressive and combative response to Mrs. Frick's fee petition complaint and the investigation by Office of Disciplinary Counsel. (N.T. 77-78)

22. Petitioner's time and experience in Iraq, Kuwait, and the Sudan have caused him to reassess his values, morals and character. Petitioner has reached a turning point in his life where he now realizes that what is important to him is to assist people and make a difference. (N.T. 69, 106-107)

23. If reinstated, Petitioner desires to assist a corporation with general in-house duties regarding contract operations. (N.T. 93-94, 107-108)

24. Petitioner has fulfilled the necessary requirements of Continuing Legal Education for readmission.

25. Petitioner reads the ABA Journal, National Law Journal, The Lawyer, Federal Acquisition Regulations and online legal news. (N.T. 72; Questionnaire No. 19)

26. Petitioner engaged in legal research as part of his job duties with various contracting companies. He did not engage in law-related activities. (Questionnaire No. 17)

27. Mark Burnett, who resides in Bangor, Maine, testified in support of Petitioner's reinstatement. Mr. Burnett's testimony is credible.

28. Mr. Burnett initially served as a United States Marine, then served in the United States Army National Guard from 1984 until 1999 as an engineer and in recruitment and retention. (N.T. 16)

29. Mr. Burnett worked for KBR and met Petitioner when Petitioner arrived at Camp Victory in Baghdad in January 2008. Mr. Burnett was Petitioner's supervisor for six months and had daily interaction with Petitioner. (N.T. 16-17, 19, 22)

30. During Mr. Burnett's supervision of Petitioner, Petitioner was responsible for overseeing the administration of contracts worth tens of millions of dollars. (N.T. 20)

31. Petitioner and Mr. Burnett worked in Kuwait for CSA for six months. (N.T. 23)

32. Mr. Burnett knows other people who know Petitioner and Petitioner has an outstanding reputation for being truthful, honest and law-abiding. Mr. Burnett is aware that Petitioner improperly commingled funds and was disbarred; however, Mr. Burnett came to the hearing and strongly supports Petitioner's request for reinstatement. (N.T. 21)

33. Mr. Burnett opined that Petitioner's veracity is "unquestioned" and described Petitioner as someone who speaks the truth even if the listener is not going to like it. (N.T. 20)

34. Sean Evans, who resides in Las Vegas, Nevada, traveled to Pennsylvania to testify in support of Petitioner's reinstatement request. (N.T. 26) Mr. Evans' testimony is credible.

35. Mr. Evans met Petitioner in March 2009 at Fort Benning, Georgia where both men were being inducted into the military as civilian contractors and were roommates for several weeks before going to Iraq. (N.T. 29)

36. While in Iraq, the two men interacted on a weekly basis and maintained their friendship upon return to the United States. (N.T. 31)

37. Mr. Evans recruited Petitioner to work with him in the Sudan in December 2011 where they spent approximately three months. During that time, Petitioner was responsible for administering contracts that were funded in increments up to approximately \$5 million. (N.T. 32-33)

38. Mr. Evans knows other people that know Petitioner and discussed with them Petitioner's outstanding reputation for truthfulness, integrity and honesty. (N.T. 33-34)

### III. CONCLUSIONS OF LAW

1. Petitioner's misconduct is not so egregious as to preclude reinstatement. Office of Disciplinary Counsel v. Keller, 506 A.2d 872 (Pa. 1986).



2. Petitioner has demonstrated by clear and convincing evidence that a sufficient period of time has passed since the misconduct. In re Verlin, 731 A.2d 600 (Pa. 1999).

3. Petitioner has demonstrated by clear and convincing evidence that he possesses the moral qualifications, competency and learning in the law required to practice law in Pennsylvania, and his resumption of the practice of law within the Commonwealth 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 of the Supreme Court of Pennsylvania following his disbarment on consent by Order of October 10, 2002. Petitioner's request for readmission is initially governed by the standard set forth by the Supreme Court of Pennsylvania in Office of Disciplinary Counsel v. Keller, 506 A.2d 872 (Pa. 1986). The Keller standard states that when reinstatement is sought by a disbarred attorney, the threshold question must be whether the magnitude of the breach of trust would permit resumption of practice without a detrimental effect upon the integrity and standing of the bar or the administration of justice nor be subversive of the public interest. This inquiry recognizes that some forms of misconduct are so egregious that they will bar the attorney from successfully gaining reinstatement. As a threshold matter, therefore, the Board must determine whether Petitioner's breach of trust was so egregious as to preclude his reinstatement. See In re Verlin, 731 A.2d 600 (Pa. 1999); In re Costigan, 664 A.2d 518 (Pa. 1995).

The nature of Petitioner's breach of trust involved his overbilling of a client and commingling and otherwise mishandling the funds of that client. While this misconduct is very serious and regrettable, the Court has repeatedly declined to find that such acts of misconduct are sufficiently egregious to bar reinstatement. In re Greenberg, 749 A.2d 434 (Pa. 2000) (misappropriation of \$2 million and commission of perjury in bankruptcy proceeding not so egregious as to preclude reinstatement); In re Perrone, 777 A.2d 413 (Pa. 2001) (disbarred attorney's misconduct in filing false and misleading fee petitions to obtain payment of legal services was not so deplorable as to preclude reinstatement). Petitioner's acts of misconduct do not preclude his reinstatement under the Keller standard pursuant to Keller.

A related question in reinstatement from disbarment matters is whether Petitioner has met his burden of proving by clear and convincing evidence that his return to the practice of law would not detrimentally impact the integrity of the bar, the administration of justice, or the public interest. The Board must consider the quantity of time that has passed since Petitioner was disbarred and his efforts at a qualitative rehabilitation, in order to determine whether the negative impact of the misconduct on the public trust has truly been dissipated. In re Verlin, 731 A.2d 600 (Pa. 1999).

Petitioner was disbarred on consent on October 10, 2002, and thus has been removed from the practice of law for nearly ten years as of the date of the reinstatement hearing in June 2012. The only firm timetable set by the Supreme Court in reinstatement from disbarment matters is the five year waiting period after disbarment. Pa.R.D.E. 218(b). Whether sufficient time has passed must be determined by the unique circumstances of each case. The record in this matter demonstrates that the nearly ten year period of

disbarment has been qualitative and meaningful to Petitioner's rehabilitation and has dissipated the impact of the original misconduct on the public trust.

Petitioner presented significant evidence of his rehabilitation, particularly as a result of his experiences in the last five years working as a government contactor in some of the most troubled and dangerous places in the world. Petitioner has candidly acknowledged that he is a different person than the lawyer who committed misconduct in his client's matter. His post-disbarment work experience has instituted in him a strong sense of service, and he desires to return to the legal profession in a compliance capacity, working within organizations to make sure that rules are adhered to. Petitioner presented two strong character witnesses, both of whom worked with Petitioner on his various missions to the Middle East, and who have credibly testified to Petitioner's outstanding reputation for truthfulness and honesty. By all measures, Petitioner's disbarment period of nearly ten years is a sufficient time to permit Petitioner's reinstatement.

Petitioner established his burden of proof pursuant to Pa.R.D.E. 218(c)(3). He has established his moral qualifications through the same evidence of his rehabilitation. He has shown sincere remorse and has accepted responsibility for his actions in how he handled Mrs. Frick's matter, and has a new outlook on his approach to public service and the legal profession. Petitioner has demonstrated his competency and learning in the law by fulfilling continuing legal education requirements and keeping apprised of the status of the law by reading various legal newspapers and journals.

Accordingly, the Board concludes that Petitioner is fit to practice law and recommends that the Petition for Reinstatement be granted.

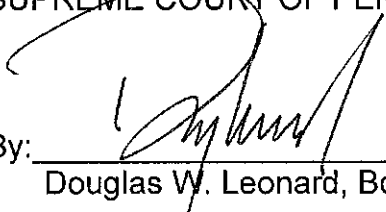
V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Stephen M. Dorr, 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:   
Douglas W. Leonard, Board Member

Date: 2/19/13

Board Members Momjian and Hastie did not participate in the adjudication.