

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 1708 Disciplinary Docket No. 3
: :
ANN ADELE RUBEN : No. 6 DB 2011
: :
: Attorney Registration No. 46495
: :
PETITION FOR REINSTATEMENT : (Philadelphia)

ORDER

PER CURIAM:

AND NOW, this 26th day of June, 2014, upon consideration of the Report and Recommendations of the Disciplinary Board dated April 3, 2014, 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 6/26/2014

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 1708 Disciplinary Docket No. 3
ANN ADELE RUBEN : No. 6 DB 2011
PETITION FOR REINSTATEMENT : Attorney Registration No. 46495
: (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 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 April 28, 2011, the Supreme Court suspended Ann Adele Ruben from the practice of law for a period of one year and one day. Ms. Ruben seeks reinstatement to the bar by Petition filed November 29, 2012. Office of Disciplinary Counsel filed a Response to Petition on April 29, 2013.

A reinstatement hearing was held on July 17, 2013, before a District I Hearing Committee comprised of Chair A. Harold Datz, Esquire, and Members Allan C. Molotsky, Esquire, and Ria C. Momblanco, Esquire. Petitioner was represented at the hearing by Samuel C. Stretton, Esquire.

Following the submission of a brief by Petitioner, the Hearing Committee filed a Report on October 24, 2013 and recommended that Petitioner be reinstated to the practice of law in Pennsylvania.

No Briefs on Exceptions were filed by the parties.

This matter was adjudicated by the Disciplinary Board at the meeting on January 15, 2014.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner is Ann Adele Ruben. She was born in 1959 and was admitted to the practice of law in Pennsylvania in 1986. Her current address is 623 West Cliveden Street, Philadelphia PA 19119. Petitioner is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

2. Petitioner has no other discipline in Pennsylvania but for the suspension from which she is seeking reinstatement.

3. On April 28, 2011, the Pennsylvania Supreme Court suspended Petitioner on consent for a period of one year and one day.

4. Petitioner's suspension arose from her neglect of 17 cases in 2008 and 2009. Specifically, Petitioner had agreed to represent the foreign employees of six companies in immigration matters. Petitioner failed to file the papers that were required for those matters, and she misrepresented the status of those cases. In addition, Petitioner agreed to file a Freedom of Information Act request for a different client. She failed to do so and failed to respond to the client's request for an update on the status of the case.

5. Prior to her misconduct, Petitioner had been a respected lawyer. She began her career at the immigration law firm of Orlow, Fuller, Ruben & Steel, where she was employed from May of 1986 until November of 2009, when she left the firm due to her misconduct. She became a partner at the firm in 1993. (N.T. 237, 238)

6. Following her termination from the firm in 2009, Petitioner set up a small practice in immigration law out of her house until she closed her practice in April of 2011, when she was suspended from the practice of law. She handled approximately ten cases without incident in her small practice. (N.T. 248-250)

7. Petitioner was active in the American Immigration Lawyers Association ("AILA"), was a speaker at Continuing Legal Education classes, authored articles related to the practice of immigration law, and served as the senior editor of the AILA annual handbook on immigration law. (N.T. 241, 242).

8. After Petitioner's misconduct, she sought psychotherapy from Dr. Catherine Bean, who referred her to Dr. Howard Baker for a psychiatric evaluation and concurrent psychiatric treatment. Dr. Baker diagnosed Petitioner with three disorders: Attention Deficit/Hyperactivity Disorder ("ADHD"), dysthymia, which is a chronic and persistent form of depression, and generalized anxiety disorder. (N.T. 251, 252)

9. It is undisputed that there is a causal connection between Petitioner's psychiatric disorders and the misconduct that led to her suspension. Petitioner's disorders were characterized by the inability to focus, intense shame, and the need to hide what she perceived to be grave errors. During the period of misconduct, the symptoms of Petitioner's disorders were aggravated by an increased workload, the death of her ex-husband and grandparents and a recurrence of breast cancer. (N.T. 244-246, 292-293, 294, 297)

10. After being diagnosed with ADHD, dysthymia and generalized anxiety disorder, Petitioner chose to have regular psychotherapy sessions with Dr. Bean. Through these sessions she has developed techniques that enable her to manage her disorders so that she can ultimately return to the practice of law. These techniques include having open and increased communications with co-workers regarding the ability to handle work assignments, creating a quiet and organized workspace, and developing strategies to improve focus and handle stress. Petitioner continues to have regular therapy sessions with Dr. Bean. (N.T. 115 - 117, 118, 252-254)

11. After being diagnosed, Petitioner received psychiatric treatment from Dr. Baker from May 2009 until May 2012. In May 2012, Dr. Marian Droba became Petitioner's treating psychiatrist and continues in that capacity. Petitioner takes the medications Vuivanse and Effexor. These medications have been effective in improving Respondent's focus and alleviating her depression and anxiety. (N.T. 25 - 28, 34-36)

12. Dr. Droba testified at the reinstatement hearing with reasonable medical certainty that Petitioner is in remission from her depression and ADHD and no longer suffers anxiety, and her prognosis is excellent. (N.T. 53-54)

13. Dr. Bean agrees that the disorders are in remission. Petitioner's attention and concentration are normal, and her organizational skills and judgment are consistent with being able to manage the complex tasks required to practice law. (N.T. 54, 55, 115 - 117, 118)

14. Petitioner is committed to continuing her psychological and psychiatric treatment for her disorders, and is committed to monitoring and managing the symptoms of these disorders so that they do not interfere with her everyday life. (N.T. 254-256, 258-262)

15. Petitioner currently works as a paralegal at the Law Offices of Cherylle C. Corpuz, located at 1420 Walnut Street, Suite 1200, Philadelphia, PA 19102. Petitioner has complied with the registration requirements of the Rules of Disciplinary Enforcement and does not hold herself out as an attorney. All of Petitioner's work is supervised by other attorneys who are members in good standing of the bar. Petitioner has no client contact. (N.T. 261-264)

16. Cherylle Corpuz, Esquire testified at the reinstatement hearing. She offered credible testimony that Petitioner's work is sound and thorough, and that there are no issues that would prevent Petitioner from being a successful lawyer upon reinstatement, and as such Ms. Corpuz has no hesitation in recommending Petitioner's reinstatement. Ms. Corpuz indicated her interest in employing Petitioner as an associate once she is reinstated. (N.T. 186-188, 191-196, 198, 200)

17. Numerous witnesses credibly testified on behalf of Petitioner as to her good reputation in the Philadelphia immigration bar where she is known as a knowledgeable, truthful, honest person and as a peaceful and law-abiding individual. Among those testifying as to Petitioner's good character were her current employer,

lawyers who have worked with her, friends and family. (N.T. 103, 153-156, 163 - 169, 175-179, 226-231)

18. Petitioner accepted responsibility and expressed sincere remorse for the misconduct that led to her suspension. During her suspension she worked to understand and change the conditions that led to her misconduct. She has implemented techniques in her workplace that will enable her to be more accountable and productive. Petitioner is eager to return to the practice of law. (N.T. 281,282, 291-293)

19. Petitioner maintained her currency in the law through the legal research she is required to do as part of her present employment. Petitioner also regularly reviews new information relevant to the field of immigration law, constitutional law, and administrative law. Petitioner has completed 36 CLE credits within a year of her reinstatement petition, including the Bridge the Gap seminar. (N.T. 274, 275)

20. If reinstated, Petitioner intends to practice immigration law in Philadelphia at the Law Offices of Cherylle Corpuz.

21. In response to the Petition for Reinstatement, Office of Disciplinary Counsel raised several concerns in a letter dated April 24, 2013. Those concerns included:

- a. Petitioner's failure to report her suspension to the Fourth Circuit;
- b. Petitioner's failure to disclose a civil case filed in the Philadelphia Court of Common Pleas in which she appeared as a defendant;
- c. Petitioner's failure to notify the Third Circuit of her suspension within the time period required by Rule 6 of the Rules of Attorney Disciplinary Enforcement;

d. Following suspension, Petitioner maintained a website and a LinkedIn profile that made it appear that she was still licensed to practice law; and

e. Petitioner continued to be listed as an attorney on a website that is maintained by the National Lesbian, Gay, Bisexual and Transgender Bar Association (“LGBT”).

22. At the hearing, Petitioner addressed each of the concerns raised in the letter of April 24, 2013. Petitioner explained:

a. Petitioner forgot to notify the Fourth Circuit of her suspension, and immediately did so after receiving the letter from Disciplinary Counsel;

b. Petitioner was not aware of the civil case that had been filed against her. In preparing her reinstatement application, she had run a query on the Philadelphia Court of Common Pleas database, but the search did not return any results. In addition, she had never been served with notice of the case;

c. Petitioner did not notify the Third Circuit of her suspension because she had received a communication from the Third Circuit indicating that it was already aware of the suspension;

d. Petitioner took her website down approximately one month after the period of suspension began. She did not accept any business through the website after her suspension, and she only kept it open because one of her former clients was accessing files that were available through a client portal on the website. Petitioner was not aware that she was required

to change her LinkedIn profile, but after receiving notice from Office of Disciplinary Counsel that she was required to do so, she immediately complied;

e. After realizing that the LGBT website listed her as an attorney, Petitioner wrote a letter informing LGBT of her suspension. The website listing was never updated to reflect this change. Petitioner exercises no control over the website listing and cannot maintain it in any way. (N.T. 264-273)

23. Office of Disciplinary Counsel does not oppose Petitioner's reinstatement.

III. CONCLUSIONS OF LAW

Petitioner has satisfied her burden, by clear and convincing evidence, that she has the moral qualifications, competency and learning in the law required for admission to practice law in Pennsylvania, and 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. Pa.R.D.E. 218(c)(3).

IV. DISCUSSION

Petitioner seeks readmission to the practice of law in Pennsylvania following her suspension for a period of one year and one day. Rule 218(c)(3), Pa.R.D.E requires that a suspended attorney demonstrate 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 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 an inquiry into a lawyer's present professional and moral fitness to resume the practice of law. This inquiry considers the nature and extent of the rehabilitative efforts made by the petitioner since the time the sanction was imposed and the degree of success achieved in that process. Philadelphia Newspapers, Inc. v. Disciplinary Board of the Supreme Court, 363 A.2d 779 (Pa. 1976).

It is undisputed that Petitioner's misconduct involving neglect of 17 immigration matters during a two year time frame was caused by psychological disorders, specifically ADHD, dysthymia and generalized anxiety disorder. The symptoms of these disorders include an inability to focus, an intense feeling of shame, and the need to hide mistakes. These symptoms became exacerbated during a time when Petitioner simultaneously experienced an increased workload in her professional life and an increase of difficulties in her personal life.

Petitioner presented credible evidence that she has undergone extensive treatment and rehabilitation for these disorders. Her current treating psychiatrist Dr. Droba and her current treating psychologist Dr. Bean are in agreement that due to medication and cognitive therapy, Petitioner's ADHD and depression are in remission and she no longer suffers from generalized anxiety disorder. Her attention and concentration are normal, and her judgment and organizational skills are consistent with being able to manage the complex tasks required to practice law. Both doctors conclude that she is ready and able to resume the practice of law in a responsible manner.

Petitioner has worked with Dr. Bean to develop strategies that prevent her from repeating the behavior that resulted in the suspension. Among other things, she has learned to be more communicative with co-workers regarding the ability to handle work assignments, more communicative with family and friends in times of stress, and she has learned the importance of a quiet and organized workspace.

Cherylle Corpuz is Petitioner's current employer, and her testimony underscores the fact that Petitioner has implemented these techniques in her current employment as a paralegal. Ms. Corpuz described Petitioner's work as sound and thorough. Ms. Corpuz opined that Petitioner is ready to practice on her own without supervision and she is interested in employing Petitioner as an associate upon reinstatement. Numerous other witnesses provided credible testimony as to Petitioner's good reputation and wholeheartedly endorsed Petitioner's readmission to the bar.

Petitioner has accepted full and total responsibility for her actions and has expressed sincere remorse. She does not blame anyone but herself for the misconduct, nor does she attempt to minimize the seriousness of the past events. From the time that Petitioner was diagnosed with psychological disorders, she has been unwavering in her efforts to educate herself about the disorders and actively address them so as to rehabilitate herself.

Petitioner has maintained her currency in the law through her legal research as a paralegal and through her review of various advance sheets and legal reporters. She has fulfilled her Continuing Legal Education requirements necessary for reinstatement. She eagerly anticipates her reinstatement to practice in a profession she truly enjoys.

Although Office of Disciplinary Counsel initially raised several concerns in response to the Petitioner's request for reinstatement, we conclude from the evidence that Petitioner satisfactorily addressed each concern and these issues do not constitute an impediment to reinstatement. We note that Office of Disciplinary Counsel did not offer any evidence or cross-examination to materially contradict the explanations given by Petitioner, nor did Disciplinary Counsel file objections to the Hearing Committee's recommendation to grant reinstatement.

The Board concludes that Petitioner has met her burden pursuant to Rule 218(c)(3) and recommends that reinstatement be granted.

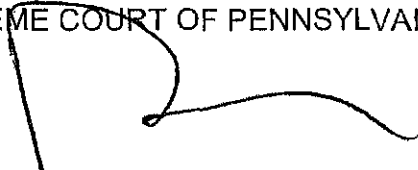
RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Ann Adele Ruben, 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: 
Brian John Cali, Board Member

Date: April 3, 2014