

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2093 Disciplinary Docket No. 3
Petitioner :
 : No. 130 DB 2014
v. :
 : Attorney Registration No. 92367
KATHY LAURINO YEATTER, :
Respondent : (Lebanon County)

ORDER

PER CURIAM:

AND NOW, this 7th day of May, 2015, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated April 6, 2015, the Joint Petition in Support of Discipline on Consent is hereby granted pursuant to Pa.R.D.E. 215(g), and it is

ORDERED that Kathy Laurino Yeatter is suspended on consent from the Bar of this Commonwealth for a period of three years, and she shall comply with all the provisions of Pa.R.D.E. 217.

A True Copy Patricia Nicola
As Of 5/7/2015

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA


OFFICE OF DISCIPLINARY COUNSEL : No. 2093 Disciplinary Docket No. 3
Petitioner :
v. : No. 130 DB 2014
KATHY LAURINO YEATTER : Attorney Registration No. 92367
Respondent : (Lebanon County)

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 Lawrence M. Kelly, Douglas W. Leonard, and Howell K. Rosenberg, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on March 4, 2015.

The Panel approves the Joint Petition consenting to a three yearsuspension 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.



Lawrence M. Kelly, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: 4/6/2015

BEFORE THE DISCIPLINARY BOARD
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: Atty Registration No. 92367
KATHY LAURINO YEATTER, :
Respondent: (Lebanon County)

JOINT PETITION IN SUPPORT OF DISCIPLINE ON CONSENT
PURSUANT TO Pa.R.D.E. 215(d)

OFFICE OF DISCIPLINARY COUNSEL
PAUL J. KILLION

CHIEF DISCIPLINARY COUNSEL

Julia M. Frankston-Morris
Disciplinary Counsel
District III
Pennsylvania Judicial Center
601 Commonwealth Ave, STE 5800
P.O. Box 62675
Harrisburg, PA 17106

FILED

MAR 04 2015

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

BEFORE THE DISCIPLINARY BOARD
OF THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2093 DD No. 3
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KATHY LAURINO YEATTER, :
Respondent: (Lebanon County)

**JOINT PETITION IN SUPPORT OF DISCIPLINE ON CONSENT UNDER RULE
215(d) OF THE PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT**

Petitioner, the Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Julia M. Frankston-Morris, Disciplinary Counsel, and the Respondent, Kathy Laurino Yeatter, file this Joint Petition in Support of Discipline on Consent under Rule 215(d) of the Pennsylvania Rules of Disciplinary Enforcement and respectfully aver the following:

1. Petitioner, whose principal office is located at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania, 17106, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereafter "Pa.R.D.E."), 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 the aforesaid Rules.

2. Respondent, Kathy Laurino Yeatter, was born on February 27, 1963, was admitted to practice law in Pennsylvania on April 13, 2004, was transferred to inactive status in July of 2009, and was administratively suspended in October of 2012.

3. Respondent's current registration address is The Evergreen House, 120 Willow Road, Harrisburg, PA 17109; however, she advised the Office of Disciplinary Counsel that she is currently residing at the Bethesda Mission Women's Shelter, 818 N. 20th Street, Harrisburg, PA 17103.

4. By Order dated December 10, 2014, the Supreme Court placed Respondent on Temporary Suspension and she remains in that status.

5. Respondent has no prior history of discipline.

**Specific Factual Admissions and
Rules of Professional Conduct Violated**

6. On May 21, 2014, in a matter docketed at CP-38-CR-1845-2013 in the Court of Common Pleas of Lebanon County and captioned *Commonwealth of Pennsylvania v. Kathy Laurino Yeatter*, Respondent pleaded guilty to one count of Robbery in violation of 18 Pa.C.S. §3701(a)(1)(v), a felony of the third degree, for having committed a Robbery of approximately \$500 at a convenience store in Lebanon County on November 12, 2013.

7. Respondent was sentenced to a fine of \$350 and to a period of 23 months of Restrictive Intermediate Punishment with

conditions, including 30 days in the Lebanon County Correctional Facility, successful completion of an in-patient treatment program at Catholic Charities Evergreen House in Harrisburg, PA, and random drug and alcohol testing throughout the entire sentence.

8. Respondent did not report her conviction to the Secretary of the Disciplinary Board, as required by Pa.R.D.E. 214(a).

9. Respondent is a current resident of the Bethesda Mission Women and Children's Shelter and participant in its recovery program.

10. Respondent began treatment at Gaudenzia Harrisburg Outpatient Services in July of 2014 and continues to date.

DISCIPLINARY RULE VIOLATIONS

11. Respondent admits she violated the following Rule of Professional Conduct and Rules of Disciplinary Enforcement:

a. RPC 8.4(b), which states that it is professional misconduct for an attorney to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.

b. Pa.R.D.E. 203(b)(1), which states that conviction of a crime is a ground for discipline; and

c. Pa.R.D.E. 214(a), which states that an attorney convicted of a crime shall report the fact of such

conviction within 20 days to the Office of Disciplinary Counsel.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

12. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent is a Suspension for a period of three years. Respondent hereby consents to the discipline being imposed upon her by the Supreme Court of Pennsylvania. Attached to this Petition is Respondent's executed Affidavit required by Pa.R.D.E. 215(d), stating that she consents to the recommended discipline and including the mandatory acknowledgments contained in Pa.R.D.E. 215(d)(1) through (4).

13. In support of Petitioner's and Respondent's Joint Recommendation, it is respectfully submitted as follows:

a. The aggravating factors are as follow:

i. Respondent pleaded guilty to one count of Robbery in violation of 18 Pa.C.S. §3701(a)(1)(v), a felony of the third degree, for having committed a Robbery of approximately \$500 at a convenience store; and

ii. Respondent failed to notify the Office of Disciplinary Counsel of her conviction.

b. The mitigating circumstances are as follows:

i. Respondent has no prior discipline;

ii. Respondent successfully completed an inpatient treatment program at Catholic Charities Evergreen House, a term of her sentence;

iii. Respondent has elected to participate in a one-year long recovery program at the Bethesda Mission, in Harrisburg;

iv. Respondent has maintained her sobriety and sought treatment for her mental health issues;

v. Respondent cooperated with the Office of Disciplinary Counsel, as evidenced by the Joint Petition for Discipline; and

vi. Respondent has obtained the attached letters from Sarah Runk, MAR, MA, Counselor/Teacher at the Bethesda Women's Mission and Kate Zombro, BA CII, Drug and Alcohol Counselor at Gaudenzia, Inc., Harrisburg Outpatient Services.

vii. Sarah Runk provided that she has been Respondent's program counselor since July of 2014 and interacts with her on a daily basis. She offered that Respondent has maintained her sobriety, and regularly attends meetings and group therapy. She opines that Respondent has learned to manage her anxiety and depression, which contributed to her addiction. She is confident that Respondent will successfully

complete the program and continue to progress in her recovery.

viii. Kate Zombro provided that she has been Respondent's drug and alcohol counselor since July of 2014. She explained that Respondent continues to attend weekly group and biweekly individual sessions. According to Ms. Zombro, during treatment, Respondent has worked on her substance abuse and mental health issues, reaching many of her goals and remaining sober. Zombro posits that Respondent's untreated substance abuse and mental illness "likely led to the criminal activity that is the subject of her disciplinary action." Zombro continued that Respondent's attendance and participation in the program has been excellent and she attends four or more Alcoholics Anonymous or Narcotics Anonymous meetings each week and communicates with her sponsor daily.

14. The parties believe, and therefore aver, that their recommendation is consistent with relevant disciplinary case law, especially in light of Respondent's mitigating evidence as set forth in two letters by her credentialed counselors. See *Office of Disciplinary Counsel v. Seymour H. Braun*, 553 A.2d 894 (Pa. 1989) (holding that where the evidence of record supports

the finding that a mental disorder was a substantial factor in causing professional misconduct, such evidence may be considered in mitigation of discipline).

15. Prior disciplinary cases provide guidance for the appropriate discipline for a respondent who engaged in criminal activity and was convicted, wherein the activity was the result of mental illness and/or drug addiction. In such cases, where a Respondent provides **Braun** mitigation and can demonstrate a commitment to recovery, a multi-year suspension short of disbarment is appropriate. In a similar matter, **Office of Disciplinary Counsel v. Laurie Jill Besden**, 190 DB 2005 (D.Bd. Rpt. 4/4/08) (S.Ct. Order 7/29/08), the Supreme Court suspended a respondent for three years as a result of her convictions of numerous crimes relating to her substance abuse problems. In the Joint Petition for Discipline on Consent, ODC provided that the respondent procured an expert willing to testify as to the direct relationship between her drug use and convictions and eagerly provided evidence relating to her efforts at recovery and rehabilitation. Other cases support the recommended discipline as well. See **Office of Disciplinary Counsel v. John Mark Logue**, 52 DB 1997 (D.Bd. Rpt. 6/24/98) (S.Ct. Order 8/17/98) (suspending a respondent for three years as a result of his conviction of possession of cocaine with intent to deliver; at his hearing, the respondent offered **Braun** mitigation in the

form of testimony from his treating physician who stated that respondent's misconduct was due to addiction and emotional problems and that he was now committed to sobriety and recovery); *Office of Disciplinary Counsel v. L. Edward Glass*, 5 DB 95 (D. Bd. Rpt. 4/1/97) (S.Ct. Order 5/21/97) (suspending a respondent for two and one-half years for possession of a controlled substance with intent to deliver; at his hearing, the respondent offered **Braun** mitigation in the form of expert testimony as to the relationship between respondent's substance abuse problems and criminal activity and his commitment to sobriety and recovery).

A suspension of three years will serve the goal of the disciplinary system in protection of the public and allow for Respondent, who was only admitted to the Bar approximately one decade ago, to return to her career, once she completes the period of suspension and can demonstrate fitness.

Based on the above, Petitioner and Respondent believe that a suspension of three years is necessary to protect the public, which is an overriding goal of the disciplinary system.

WHEREFORE, the Petitioner and Respondent respectfully request that:

- a. Pursuant to Pa.R.D.E. 215, a 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 of Pennsylvania enter an Order:

- i. suspending Respondent from the practice of law for three years; and
- ii. directing Respondent to comply with all the provisions of Pa.R.D.E. 217.

Respectfully submitted,

3/4/15
Date

Juliana M. Frankston-Morris
Julia M. Frankston-Morris
Disciplinary Counsel
District III
601 Commonwealth Avenue, STE 5800
P.O. Box 62675
Harrisburg, PA 17106
Attorney Registration No. 308715

3/2/15
Date

Kathy Laurino Yeatter
Kathy Laurino Yeatter
Respondent
818 N. 20th Street
Harrisburg, PA 17103
Attorney Registration No. 92367

Witnessed by Sarah Runk 3/2/15

BETHESDA MISSION

Men's Shelter
Women and Children's Shelter
Youth Center
Medical Clinic
Mobile Street Ministry

February 20, 2015
Corysach Ministries

Ms. Frankston-Morris,

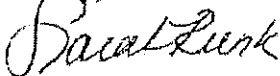
This letter is written on behalf of Kathy Laurino Yeatter, a current resident of the Bethesda Mission Women and Children's Mission and participant of our recovery program. I have been Kathy's program counselor since her arrival on July, 24, 2014. I observe and interact with Kathy on a daily basis.

For the duration of the program, she has maintained sobriety and has done well to comply with our program requirements, such as regular attendance of meetings and groups and completion of program responsibilities. It is my professional opinion that she has significantly improved in such areas as awareness and coping skills, which additionally have decreased her anxiety and depression. Both issues historically contributed to her previous addiction. I am confident that she will meet her goal of finishing this program and her skill development and progress will continue.

If you have any further questions, please contact me at the information listed below.

Thank you.

Sincerely,



Sarah Runk MAR, MA
Counselor/Teacher
Bethesda Women's Mission
818 N. 20th Street
Harrisburg, Pa 17103
717-257-4447

ATTACHMENT 1

P.O. Box 3041, Harrisburg, PA 17105-3041

tel: 717-257-4442 | fax: 717-257-5486 | email: info@BethesdaMission.org | www.BethesdaMission.org



GAUDENZIA, INC.

Harrisburg Outpatient Services
2039 N. 2nd Street
Harrisburg, PA 17102

(717) 233-3424
Fax: (717) 233-6399

Richard Z. Freemann, Jr., Esq.
Chairman of the Board
Gaudenzia, Inc.

Michael Harle, M.H.S.
President/Chief Executive Officer

February 13, 2015

Dear Julia Frankston-Morris,

This letter is to give an update on Kathy Yeatter's progress since beginning treatment at Gaudenzia Harrisburg Outpatient on 7/29/14. I have been Kathy's drug & alcohol counselor since she began treatment.

Kathy began her treatment with 3 groups & 1 individual session per week. She has stepped down treatment & is now attending 1 group per week & 1 individual session biweekly. Her expected discharge will likely occur in late March or early April.

While in treatment, Kathy has worked on many substance abuse & mental health issues. She has completed the majority of her goals & has remained sober. Kathy's untreated substance abuse & mental health issues likely led to the criminal activity that is the subject of her disciplinary action. Her attendance has been excellent & she has fully participated in her treatment. Kathy attends 4+ AA or NA community meetings each week. She also has a sponsor that she works with or talks to daily.

Kate Zombro, BA CII

Kate Zombro, BA CII

ATTACHMENT 2

Helping people help themselves since 1968

Gaudenzia is registered as a charitable organization with the Pennsylvania Department of State's Bureau of Charitable Organizations under the Solicitation of Funds for Charitable Purposes Act. A copy of this official registration and financial information may be obtained from the Pennsylvania Department of State by calling toll free within Pennsylvania, 1-800-732-0999. Registration does not imply endorsement.

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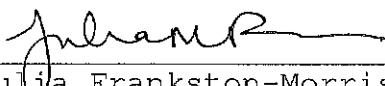
CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of Pa.R.A.P. 121.

First Class Mail, as follows:

Kathy Laurino Yeatter
818 N. 20th Street
Harrisburg, PA 17103
Attorney Registration No. 92367

Dated: 3/4/15



Julia Frankston-Morris
Disciplinary Counsel
District III
Atty. Registration No. 308715
Pennsylvania Judicial Center
601 Commonwealth Avenue, STE 5800
P.O. Box 6275
Harrisburg, PA 17106
(717) 772-8572

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VERIFICATION

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

Date: 3/4/15

By: *Julia Frankston-Morris*
Julia Frankston-Morris
Disciplinary Counsel
District III
Atty. Registration No. 308715
Pennsylvania Judicial Center
601 Commonwealth Ave, STE 5800
P.O. Box 62675
Harrisburg, PA 17106
(717) 772-8572

Date: 3/2/15

By: *Kathy Laurino Yeatter*
Kathy Laurino Yeatter
Respondent
818 N. 20th Street
Harrisburg, PA 17103
Attorney Registration No. 92367

Witnessed by: *Sarah Rusk 3/2/15*

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**RESPONDENT'S AFFIDAVIT UNDER RULE 215(d) OF THE
PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT**

I, Kathy Laurino Yeatter, Respondent in the above-captioned matter, hereby consent to the imposition of a Suspension of three years, as jointly recommended by the Petitioner, Office of Disciplinary Counsel, and myself, in a Joint Petition in Support of Discipline on Consent and further state:

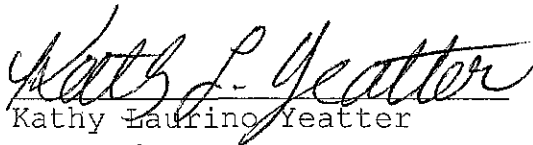
1. My consent is freely and voluntarily rendered; I am not being subjected to coercion or duress; I am fully aware of the implications of submitting the consent;

2. I am aware there is presently an investigation into allegations that I have been guilty of misconduct as set forth in the Joint Petition;

3. I acknowledge that the material facts set forth in the Joint Petition are true;

4. I consent because I know that if the charges against me were prosecuted I could not successfully defend against them; and

5. I acknowledge that I am fully aware of my right to consult and employ counsel to represent me in the instant proceeding. I have not retained, consulted and acted upon the advice of counsel in connection with this decision to execute the within *Joint Petition*.



Kathy Laurino Yeatter

Respondent

818 N. 20th Street

Harrisburg, PA 17103

Attorney Registration No. 92367

Witnessed by: Sarah Reink 3/2/15