

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1702 Disciplinary Docket No. 3
Petitioner :
v. : No. 253 DB 2010
CALVIN TAYLOR, JR., : Attorney Registration No. 50365
Respondent : (Philadelphia)

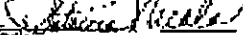
ORDER

PER CURIAM:

AND NOW, this 6th day of April, 2011, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated January 24, 2011, 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 Calvin Taylor, Jr., is suspended on consent from the Bar of this Commonwealth for a period of six months and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

A True Copy Patricia Nicola
As Of 4/6/2011

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

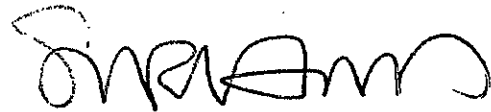
OFFICE OF DISCIPLINARY COUNSEL : No. 253 DB 2010
Petitioner :
v. : Attorney Registration No. 50365
CALVIN TAYLOR, JR. :
Respondent : (Philadelphia)

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, Mark S. Baer, and R. Burke McLemore, Jr., has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on December 16, 2010.

The Panel approves the Joint Petition consenting to a six month 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: January 24, 2011

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : 253 DB 2010
Petitioner :
: ODC File No. C1-10-74
v. :
: Atty. Reg. No. 50365
CALVIN TAYLOR, JR., :
Respondent : (Philadelphia)

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

Petitioner, Office of Disciplinary Counsel ("ODC"), by Paul J. Killion, Esquire, Chief Disciplinary Counsel, and Richard Hernandez, Esquire, Disciplinary Counsel, and by Respondent, Calvin Taylor, Jr., who is represented by James C. Schwartzman, Esquire, file this Joint Petition In Support of Discipline On Consent Under Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 215(d), and respectfully represent that:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania, is invested, pursuant to Pa.R.D.E. 207, with the power and 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

FILED

DEC 16 2010

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

brought in accordance with the various provisions of the Rules of Disciplinary Enforcement.

2. Respondent, Calvin Taylor, Jr., was born in 1956 and was admitted to practice law in the Commonwealth on November 20, 1987. According to attorney registration records, Respondent's public access address is Lassiter & Associates, 30 South 15th Street, Suite 703, Philadelphia PA 19102.

3. Pursuant to Pa.R.D.E. 201(a)(1), Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

4. In connection with ODC File No. C1-10-74, Respondent received a Request for Statement of Respondent's Position (Form DB-7) dated April 5, 2010.

5. By letter dated June 17, 2010, Respondent submitted a counseled response to the DB-7 letter.

6. On November 4, 2010, Respondent's counsel, James C. Schwartzman, Esquire, advised Petitioner that Respondent had agreed to enter into a joint recommendation for consent discipline.

SPECIFIC FACTUAL ADMISSIONS AND
RULES OF PROFESSIONAL CONDUCT AND PENNSYLVANIA RULES OF
DISCIPLINARY ENFORCEMENT VIOLATED

7. Respondent hereby stipulates that the following factual allegations drawn from the DB-7 letter, as referenced above, are true and correct and that he violated the charged Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement as set forth herein.

8. By Order dated December 1, 2009 ("the Order"), effective December 31, 2009, the Supreme Court of Pennsylvania administratively suspended Respondent pursuant to Rule 111(b) of the Pennsylvania Rules for Continuing Legal Education ("Pa.R.C.L.E.") for failure to comply with CLE requirements.

9. By letter dated December 1, 2009, sent to Respondent by certified mail, return receipt requested, Suzanne E. Price, Attorney Registrar:

- a. served Respondent with a copy of the Order;
- b. informed Respondent that he was required to comply with Rules 217 of the Pennsylvania Rules of Disciplinary Enforcement ("Pa.R.D.E.") and §§91.91-91.99 of the Disciplinary Board Rules, as enclosed;
- c. provided Respondent with the Standard Guidance to Lawyers Who have been Administratively Suspended; Form DB-23(a), Nonlitigation Notice

of Administrative Suspension; Form DB-24(a),
Litigation Notice of Administrative
Suspension; Form DB-25(a), Statement of
Compliance; and a letter prepared by the
Continuing Legal Education Board ("CLE Board")
providing information regarding compliance
with Rule 111(b), Pa.R.C.L.E.; and

- d. advised Respondent that in order to resume
active status, he was required to comply with
the CLE Board.

10. On December 3, 2009, Duane Lamont Lassiter, Esquire,
signed the green return receipt card for this letter.

11. Respondent reviewed Ms. Price's December 1, 2009
letter.

12. Respondent knew that as of December 31, 2009, he was
administratively suspended.

13. Respondent violated Pa.R.D.E. 217(e), in that he
did not timely file a verified Statement of Compliance (Form
DB-25(a)) with the Disciplinary Board Secretary within ten
days after the effective date of his administrative
suspension.

14. In the following criminal and civil cases that were
filed in Philadelphia Municipal Court or the Philadelphia
Court of Common Pleas, Respondent violated Pa.R.D.E. 217(b),
Pa.R.D.E. 217(c)(1) and (2), and RPC 1.16(a)(1) by failing to

notify the court and opposing counsel of his administrative suspension as required by said Rules and by failing to withdraw his appearance:

- a. *Commonwealth of Pennsylvania v. William Rios*, MC-51-CR-1131131-2003;
- b. *Commonwealth of Pennsylvania v. Frederico Rivera*, CP-51-CR-0002844-2007;
- c. *Patricia Brown, et al. v. Inna Potetnya*, Docket No. 080100123;
- d. *Commonwealth of Pennsylvania v. William Rios*, MC-51-CR-0036625-2008;
- e. *Anna Pritt v. Samantha Pritt, et al.*, Docket No. 081001977 (Respondent's appearance was withdrawn on February 24, 2010); and
- f. *2332 Carlisle, LP, et al. v. DLG Development Corporation*, Docket No. 090102222.

15. In the *Rivera* case, Respondent engaged in the unauthorized practice of law by representing Mr. Frederico Rivera in a jury trial that commenced on January 12, 2010, and concluded on January 19, 2010.

16. In the *Brown* case, Respondent engaged in the unauthorized practice of law by:

- a. drafting and signing a letter dated January 4, 2009[sic], in which he, *inter alia*, used the

title "Esquire" after his name and advised defense counsel and Joseph L. Hassett, Esquire, Director of the Arbitration Center, that he opposed the defense's request for a continuance of the January 7, 2010 arbitration hearing; and

- b. representing Ms. Patricia Brown and her minor daughter, Miss Zybreaana Knox, at an arbitration hearing that took place on January 7, 2010.

17. Respondent failed to advise his clients in those cases that are set forth in paragraph 14 that:

- a. he had been administratively suspended;
- b. he could not represent them in their legal matters; and
- c. they should retain other counsel.

18. On or about April 1, 2010, Respondent resumed active status.

19. With respect to the *Rivera* and *Brown* cases, Respondent had recklessly misrepresented to his clients, the courts, and opposing counsel that he was eligible to practice law in the Commonwealth of Pennsylvania.

20. By his conduct as alleged in Paragraphs 8 through 19 above, Respondent violated the following Rules of Professional Conduct:

- a. RPC 1.4(b), which states that a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation;
- b. RPC 1.16(a)(1), which states that except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if: (1) the representation will result in violation of the Rules of Professional Conduct or other law;
- c. RPC 5.5(a), which states that a lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so;
- d. RPC 8.4(c), which states that a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

e. 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

f. Pa.R.D.E. 203(b)(3), which states that a wilful violation of any other provision of the Enforcement Rules shall constitute misconduct and shall be grounds for discipline, via:

- (1) Pa.R.D.E. 217(b), which states that a formerly admitted attorney shall promptly notify, or cause to be notified, by registered or certified mail, return receipt requested, all clients who are involved in pending litigation or administrative proceedings, and the attorney or attorneys for each adverse party in such matter or proceeding, of the disbarment, suspension, administrative suspension or transfer to inactive status and consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status. The notice to be given to the client shall advise the prompt substitution of another attorney or attorneys in place of the formerly admitted attorney. In the event the client does not obtain substitute counsel before the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status, it shall be the responsibility of the formerly admitted attorney to move in the court or agency in which the proceeding is pending for leave to withdraw. The notice to be given to the attorney or attorneys for an adverse party shall state the place of residence of the client of the formerly admitted attorney;

- (2) Pa.R.D.E. 217(c)(1), which states that a formerly admitted attorney shall promptly notify, or cause to be notified, of the disbarment, suspension, administrative suspension or transfer to inactive status, by registered or certified mail, return receipt requested, all persons or their agents or guardians to whom a fiduciary duty is or may be owed at any time after the disbarment, suspension or transfer to inactive status;
- (3) Pa.R.D.E. 217(c)(2), which states that a formerly admitted attorney shall promptly notify, or cause to be notified, of the disbarment, suspension, administrative suspension or transfer to inactive status, by registered or certified mail, return receipt requested, 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;
- (4) Pa.R.D.E. 217(e), which states that within ten days after the effective date of the disbarment, suspension, administrative suspension, or transfer to inactive status order, the formerly admitted attorney shall file with the Board a verified statement;
- (5) Pa.R.D.E. 217(j)(4)(iii), which states that a formerly admitted attorney is specifically prohibited from performing any law-related services for any client who in the past was represented by the formerly admitted attorney;
- (6) Pa.R.D.E. 217(j)(4)(iv), which states that a formerly admitted attorney is specifically prohibited from representing himself or herself as a lawyer or person of similar status;
- (7) Pa.R.D.E. 217(j)(4)(v), which states that a formerly admitted attorney is

specifically prohibited from having any contact with clients either in person, by telephone, or in writing, except as provided in paragraph (3);

- (8) Pa.R.D.E. 217(j)(4)(vi), which states that a formerly admitted attorney is specifically prohibited from rendering legal consultation or advice to a client; and
- (9) Pa.R.D.E. 217(j)(4)(vii), which states that a formerly admitted attorney is specifically prohibited from appearing on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, hearing officer or any other adjudicative person or body

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

21. 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 six months.

22. 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.

23. 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 Rules 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 six months;
- 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 six months; and
- e. Respondent's affirmative acts of unauthorized practice of law occurred only in the month of January 2010. At the conclusion of trying the case of *Commonwealth of Pennsylvania v. Frederico Rivera*, which was in mid-January 2010, the trial judge informed Respondent of having received a list of administratively suspended attorneys and that Respondent's name

was on that list. At that point, Respondent advised his employer of his administrative suspension and Respondent's files were immediately transferred to other attorneys. Respondent's employer restricted Respondent's work-related activities to conform with the requirements of Pa.R.D.E. 217(j) until Respondent resumed active status in April 2010.

24. Although not a defense, Respondent underwent several significant personal events that collectively distracted Respondent from attending to his CLE requirements. They are as follows: in 2009, Respondent, a diabetic, was hospitalized because of a serious infection in his left foot that required surgery and caused him to miss time from work; in May 2008, Respondent's family home was destroyed in a fire and his family had to pay for the home's mortgage and a rental apartment until repairs were completed in April 2009; in October 2009, Respondent was told his terminally ill mother might have one year to live; in October 2009, Respondent's twenty-two-year-old daughter was diagnosed with a tumor in her left shoulder and Respondent spent time trying to obtain insurance coverage for an experimental treatment that would avoid surgery, which surgery would leave his daughter with little muscle tissue; in the summer of 2009, Respondent was

told that his daughter's college would not allow her to attend the fall semester because there was a \$19,000.00 overdue tuition balance; and in November and December 2009, Respondent and his wife unsuccessfully tried to raise money to allow his daughter to attend the 2010 spring semester so she could finish her senior year. Respondent experienced financial stress from loss of time at work due to his surgery, the expenses associated with the fire to his home, and the overdue tuition balance owed to his daughter's college.

At ODC's request, Respondent submitted documentation to ODC to corroborate the personal events that are discussed in the preceding paragraph.

25. Attorneys have received six-month suspensions for having engaged in "limited acts" of unauthorized practice of law. In *Office of Disciplinary Counsel v. John V. Buffington*, No. 45 DB 2004 (D.Bd. Rpt. 06/22/05) (S.Ct. Order 09/22/05), Respondent Buffington received a six-month suspension for engaging in the unauthorized practice of law in three legal matters following his transfer to inactive status for failing to comply with CLE requirements. Respondent Buffington also continued to serve as an arbitrator in the Philadelphia Court of Common Pleas after his transfer to inactive status rendered him no longer eligible to serve in that capacity. Respondent Buffington had notice of his transfer to inactive status.

(D.Bd. Rpt. 3) In recommending a six-month suspension, the Disciplinary Board characterized Respondent Buffington's misconduct as "very limited acts of legal representation for a short time frame while on inactive status." (D.Bd. Rpt. 10) Like Respondent Buffington, Respondent Taylor engaged in "limited acts" of unauthorized practice of law. Moreover, both Respondent Taylor and Respondent Buffington share the following mitigating factors: no record of discipline; admission of misconduct; and immediate corrective action. See also *Office of Disciplinary Counsel v. Ruth Ann Price*, No. 113 DB 2006 (Recommendation of the Three-Member Panel of the Disciplinary Board 6/30/06) (S.Ct. Order 10/10/06) (the Court approved a joint petition in support of a six-month suspension based on Respondent Price having engaged in the unauthorized practice of law in three client matters over a period of approximately six months while on CLE inactive status). Cf. *Office of Disciplinary Counsel v. Theodore Q. Thompson*, No. 159 DB 2005 (D.Bd. Rpt. 12/28/06) (S.Ct. Order 3/23/07) (Respondent Thompson received a six-month suspension for, *inter alia*, practicing while on CLE inactive status in at least seven cases from November 2004 through October 2005; "exemplary" record of public service to the community considered in mitigation of discipline).

26. In view of the limited nature of Respondent's unauthorized practice of law, Petitioner and Respondent submit that a six-month suspension is appropriate discipline for Respondent's misconduct after examining precedent and giving consideration to Respondent's admissions and the mitigating circumstances.

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 the Supreme Court enter an Order:
 - (i) suspending Respondent from the practice of law for a period of six months; 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

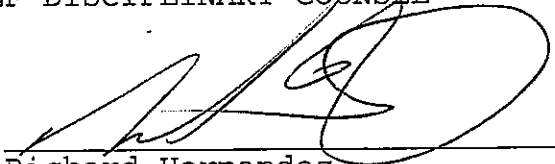
before the imposition of discipline under Rule
215(g), Pa.R.D.E.

Respectfully submitted,

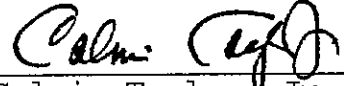
OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

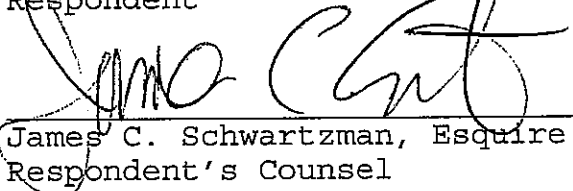
12/14/2010
Date

By 
Richard Hernandez
Disciplinary Counsel

12/9/10
Date

By 
Calvin Taylor, Jr.
Respondent

12/13/10
Date

By 
James C. Schwartzman, Esquire
Respondent's Counsel

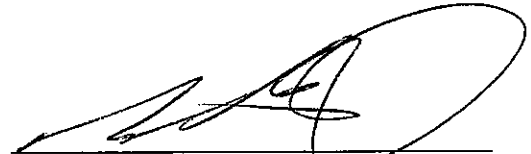
BEFORE THE DISCIPLINARY BOARD OF THE
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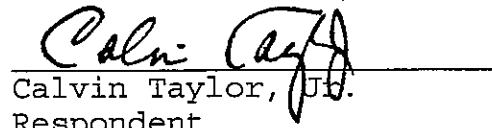
VERIFICATION

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.

12/14/10
Date


Richard Hernandez
Disciplinary Counsel

12/9/10
Date


Calvin Taylor, Jr.
Respondent

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

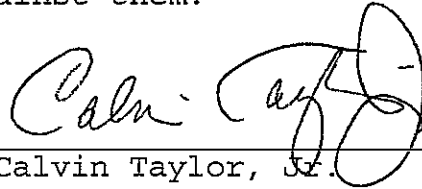
Respondent, Calvin Taylor, Jr., hereby states that he consents to the imposition of a suspension from the practice of law for a period of six months as jointly recommended by Petitioner, Office of Disciplinary Counsel, and Respondent in the Joint Petition In Support Of Discipline On Consent and further 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 James C. Schwartzman, 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.

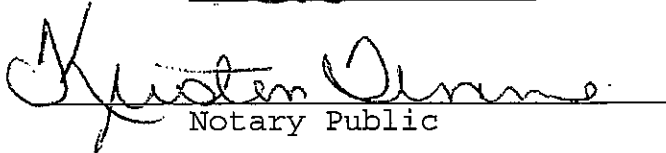


Calvin Taylor, Jr.
Respondent

Sworn to and subscribed

before me this 10th

day of Dec, 2010.


Notary Public

