

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 852 Disciplinary Docket No. 3
: :
: Nos. 148 DB 2003 & 174 DB 2003
JOSEPH E. HUDAK : :
: Attorney Registration No. 45882
: :
PETITION FOR REINSTATEMENT : (Allegheny County)

ORDER

PER CURIAM:

AND NOW, this 22nd day of October, 2012, upon consideration of the Report and Recommendations of the Disciplinary Board dated July 16, 2012, 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 10/22/2012

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 March 1, 2005, the Supreme Court of Pennsylvania suspended Joseph Edward Hudak for a period of one year and one day, with credit for four and one-half months served. Mr. Hudak filed a Petition for Reinstatement on July 13, 2011. Office of Disciplinary Counsel filed a Response to Petition for Reinstatement on September 15, 2011.

A reinstatement hearing was held on December 8, 2011, before a District IV Hearing Committee comprised of Chair Edwin L. Edwards, Esquire, and Members Steven R. Wolf, Esquire, and Patricia L. Dodge, Esquire. Petitioner appeared *pro se*. Petitioner presented the testimony of two attorneys and testified on his own behalf. He introduced letters from three attorneys. Office of Disciplinary Counsel did not call any witnesses or introduce any exhibits during the hearing.

Following the submission of a Brief by Petitioner, the Hearing Committee filed a Report on April 10, 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 May 23, 2012.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner is Joseph Edward Hudak. He was born in 1955 and admitted to the practice of law in Pennsylvania in 1986. His current home address is 5516 Elgin Street, Pittsburgh, Pennsylvania. Petitioner is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

2. By Order dated March 1, 2005, the Supreme Court of Pennsylvania suspended Petitioner from the practice of law for a period of one year and one day with credit for four and one-half months served.

3. The underlying misconduct involved eight separate clients, wherein Petitioner failed to act with diligence and promptness in handling matters, failed to appear in court, failed to communicate and failed to inform his clients of the status of their matters.

4. Petitioner was admitted to the United States District Court for the Western District of Pennsylvania in 1985, and as no reciprocal discipline was imposed by that jurisdiction, Petitioner continued to practice law subsequent to his suspension in the state courts of Pennsylvania.

5. By Order dated February 27, 2009, Petitioner was suspended from the Bar of the United States District Court for the Western District of Pennsylvania for one year and one day, with credit for four and one-half months served. This suspension was made effective April 17, 2009.

6. Subsequent to Petitioner's suspension in the federal courts, he was employed by Legal Fee Protection in Monroeville, Pennsylvania, performing legal fee auditing in the nature of accounting services.

7. Petitioner's work with Legal Fee Protection is not law-related.

8. Petitioner has taken 39 credit hours of Continuing Legal Education and has fulfilled the requirements for reinstatement.

9. Petitioner read law review articles and other periodicals and treatises during his suspension.

10. If reinstated, Petitioner plans to engage in a small scale litigation practice in Pittsburgh.

11. Petitioner recognizes that the large volume practice he ran prior to his suspension was problematic for him, and to remedy that he plans to employ various

measures to insure that the problems that lead to his suspension do not recur. These measures include improvement of his support staff, maintaining back-up support for his practice, and taking fewer cases.

12. Petitioner expressed sincere remorse for his misconduct. He did not minimize or deny his wrongdoing, and understands the impact of his actions on the profession, the public and his family.

13. Petitioner introduced the credible testimony of two character witnesses. Eric Jobe, Esquire, is a licensed Pennsylvania attorney who worked for Petitioner as a law clerk. He has known Petitioner since 2001. Mr. Jobe believes that Petitioner is remorseful and if reinstated will not engage in the misconduct that previously occurred.

14. Lawrence N. Paper, Esquire, is a licensed Pennsylvania attorney who has known Petitioner for approximately 20 years. While Mr. Paper believes that Petitioner will uphold the ethical, moral and professional standards of the bar, he was unaware of the circumstances of Petitioner's suspension.

15. Petitioner presented three letters of reference from members of the legal profession.

16. Former Judge Donald E. Ziegler of the U.S. District Court for the Western District, Robert O. Lampl, Esquire, and Stanton D. Levenson, Esquire support Petitioner's reinstatement. In particular, Mr. Levenson has had numerous conversations with Petitioner since his suspension and believes that Petitioner has learned from his mistakes and has made an active effort to correct the issues that led to the suspension.

17. The letters submitted by Petitioner are persuasive as to his qualifications for reinstatement.

18. Office of Disciplinary Counsel does not oppose reinstatement.

III. CONCLUSIONS OF LAW

Petitioner has demonstrated by clear and convincing evidence that he has the moral qualifications, competency and learning in the law required for admission to the practice of law in the Commonwealth, and that his 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 his 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 he 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 a searching, diligent inquiry into a lawyer's present professional and moral fitness to resume the practice of law. The object of

concern is not solely the transgressions which gave rise to the lawyer's suspension but rather the nature and extent of the rehabilitative efforts made since the time the sanction was imposed and the degree of success achieved in the rehabilitative process. Philadelphia Newspapers, Inc. v. Disciplinary Board of the Supreme Court, 363 A.2d 779 (Pa. 1976).

Petitioner was suspended in 2005 for his acts of misconduct involving eight separate clients. These acts comprised general neglect of client matters, failure to appear in court, failure to communicate and failure to keep his clients informed of the status of their matters.

Petitioner has served the term of his one year and one day suspension and has been removed from the practice of law in the state courts of Pennsylvania for seven years. Subsequent to his suspension, he continued to practice law in the federal court until his suspension from that jurisdiction in 2009. Petitioner ceased practicing law and obtained employment as a legal fee auditor for a concern known as Legal Fee Protection.

Petitioner is anxious to resume the practice of law in Pittsburgh and anticipates running a small scale litigation practice. He is aware that his large volume practice proved to be problematic in the past, leading to his disciplinary problems. He intends to run a future practice quite differently, taking on fewer cases and utilizing support staff. Petitioner was sincerely remorseful for his misconduct and the impact it had on the profession, the public and his family.

Petitioner has fulfilled his Continuing Legal Education credits necessary for reinstatement and has reviewed various legal articles and books.

Petitioner presented the testimony of Eric Jobe, Esquire, and Lawrence Paper, Esquire, licensed Pennsylvania attorneys. These witnesses were credible and support Petitioner's readmission to the bar. Petitioner's character letters are also indicative of the support he has in the legal community and of the general feeling that his readmission to the bar would be a positive occurrence.

Petitioner has met his burden pursuant to Rule 218(c)(3). The Board recommends that he be reinstated to the practice of law.

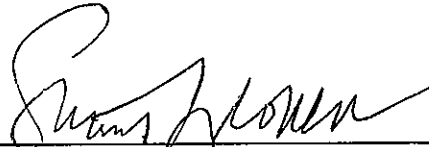
V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Joseph E. Hudak, 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: 
Stewart L. Cohen, Board Chair

Date: July 16, 2012