

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 971 Disciplinary Docket No. 3
: :
: No. 156 DB 2004
RHONDA McCULLOUGH ANDERSON :
: Attorney Registration No. 82049
: :
PETITION FOR REINSTATEMENT : (Philadelphia)

ORDER

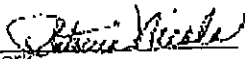
PER CURIAM:

AND NOW, this 2nd day of August, 2011, upon consideration of the Report and Recommendations of the Disciplinary Board dated April 29, 2011, 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.

Mr. Justice McCaffery dissents.

A True Copy Patricia Nicola
As Of 8/2/2011

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 February 23, 2007, the Supreme Court of Pennsylvania suspended Rhonda McCullough Anderson for a period of five years retroactive to October 15, 2004. Ms. Anderson filed a Petition for Reinstatement on May 27, 2009; by letter dated September 15, 2009, Petitioner requested that her Petition for Reinstatement be withdrawn without prejudice. On December 4, 2009, Petitioner filed an amended Petition for

Reinstatement. Office of Disciplinary Counsel filed a Response to the Petition on February 5, 2010. It raised no objections to reinstatement at the time, and reserved the right to raise any objections at the time of the hearing.

On April 15, 2010, a reinstatement hearing was held before a District I Hearing Committee comprised of Chair George D. Bruch, Jr., Esquire and Members Scott H. Mustin, Esquire and Barry I. Gross, Esquire. Petitioner was represented by John W. Morris, Esquire. In addition to her own testimony, Petitioner presented one live witness and introduced five exhibits.

Following the submission of briefs by the parties, the Hearing Committee filed a Report on November 29, 2010 and recommended that the Petition for Reinstatement be granted.

No Briefs on Exceptions were filed by the parties.

This matter was adjudicated by the Disciplinary Board at the meeting on January 19, 2011.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner is Rhonda McCullough Anderson. She was born in 1973 and was admitted to practice law in the Commonwealth of Pennsylvania in 1998. Her current address is 6556 Walnut Park Drive, Philadelphia PA 19120. She is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

2. By Order of February 23, 2007, the Supreme Court of Pennsylvania suspended Petitioner for a period of five years, retroactive to October 15, 2004, the date of Petitioner's temporary suspension from the practice of law.

3. Petitioner was suspended from practice as a result of her guilty plea on August 12, 2004, to a single count of mail fraud relating to her cash payment of \$1,300 to then-City Treasurer Cory Kemp, representing his share of income produced by Petitioner in an asset locator business. In connection with her plea, Petitioner also admitted to improper billing of a welfare-to-work program.

4. Petitioner was sentenced on May 20, 2005, by the Honorable Michael M. Baylson to two years of probation, 100 hours of community service, and restitution of \$9,100.

5. Petitioner has satisfactorily complied with all aspects of her probationary sentence.

6. During her suspension, Petitioner has had the following employment:

(a) 2004 Sankofa Network - assisted in organizing and grant writing for a non-profit organization;

(b) 2005-06 Henry Langsam, Esquire - part time work as a paralegal;

(c) 2006-07 Imani Charter School, Imhotep Charter School - grant writing and development;

(d) 2007 JPA Associates - principal of business providing consulting services to charter and private schools;

(e) 2008 Eastern University - adjunct faculty member.

7. None of Petitioner's employment involved the impermissible practice of law by Petitioner, nor did Petitioner seek or accept legal work during her suspension.

8. During her suspension, Petitioner earned an MBA from LaSalle University in 2006.

9. Petitioner has undertaken significant pro bono activities including volunteer work with the MANNA program, a food outreach service for people living with AIDS, and organizing legal workshops and referral programs at her church.

10. In anticipation of her reinstatement application, Petitioner successfully completed the Continuing Legal Education requirements necessary for reinstatement.

11. Petitioner has regularly reviewed various legal journals and periodicals during her suspension to keep apprised of the current state of the law.

12. If reinstated, Petitioner intends to practice in Philadelphia in the areas of education and nonprofit law.

13. Petitioner testified credibly at her reinstatement hearing as to her rehabilitative efforts and her sincere remorse.

14. Petitioner has accepted full responsibility for her wrongdoing and is determined to avoid further legal or ethical mistakes.

15. Petitioner believes she has matured in her judgment and will not conduct herself in any way detrimental to the public or the bar.

16. Petitioner presented the testimony of Joseph Grimes, Esquire. Mr. Grimes represented Petitioner throughout her guilty plea and has remained in contact with

Petitioner since that time. Mr. Grimes testified to Petitioner's immediate complete and truthful cooperation with the Government, her continuing remorse, and her current reputation for integrity.

17. Petitioner presented three letters in support of her reinstatement.

18. Valerie L. Harrison, Esquire is an Associate University Counsel at Temple University. She has worked closely with Petitioner in church activities for the past seven years. She praised Petitioner's work in organizing legal clinics for the poor and in resolving various problems in the church. Ms. Harrison described Petitioner as "honest and mature," and supports Petitioner's return to the practice of law.

19. Henry I. Langsam, Esquire, has been a member of the Pennsylvania bar for 36 years. Petitioner initially worked for Mr. Langsam as a legal secretary and later as a paralegal. Mr. Langsam states that Petitioner is of good moral character and has expertise in the law. He is confident that Petitioner is extremely unlikely to repeat her misdeeds.

20. George Gossett, Jr., Esquire, was a law school classmate of Petitioner and works with Petitioner in providing legal referral seminars for the poor, through the Legal Ministry at Enon Tabernacle Church. Mr. Gossett states that Petitioner has learned from her problems and has a sincere desire to serve people as an attorney.

III. CONCLUSIONS OF LAW

1. Petitioner has met her burden of proof that she has the moral qualifications, competency and learning in the law required for admission to practice law in the Commonwealth of Pennsylvania. Pa.R.D.E. 218(c)(3).

2. Petitioner has met her burden of proof that her resumption of the practice of law within the Commonwealth will be neither detrimental to the integrity and standing of the bar 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 five years. Pa.R.D.E. 218(c)(3) provides that Petitioner bears the burden of establishing by clear and convincing evidence that she has the moral qualifications, competency and learning in the law required for admission and that her resumption of practice will be neither detrimental to the integrity and standing of the bar nor subversive of the public interest.

A reinstatement proceeding is a searching 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 the lawyer has made since the time the sanction was imposed and the degree of success achieved in the rehabilitative process. Philadelphia News, Inc. v. Disciplinary Board of the Supreme Court, 363 A.2d 779 (Pa. 1976).

The nature of Petitioner's misconduct is her criminal activity of mail fraud. The record is clear that long before her indictment and continuing into the period of her suspension, Petitioner demonstrated remorse and regret for her misconduct. She provided prompt, complete and truthful cooperation with the Government, including testifying at the trial of Cory Kemp. She completed all aspects of her criminal sentence by completing her probation without incident, promptly paying restitution, and performing her required community service with MANNA. She continued to serve that organization of her own volition.

Petitioner showed evidence of her acceptance of responsibility by her voluntary temporary suspension and her subsequent cooperation throughout the disciplinary process which resulted in her five year suspension.

Petitioner presented compelling testimony as to her regret, stating that:

I don't know if remorseful is a word strong enough, and even until this day, I don't think a day goes by that I don't think about what happened and how I regret it. I felt like if I did something wrong, I had to own up to what I did wrong, and I would have to take full responsibility for what happened.

(Tr. 41)

Joseph Grimes, Esquire, was Petitioner's attorney through her criminal proceeding. He testified credibly to Petitioner's initial and enduring regret over her wrongdoing. Similarly, Henry Langsam, Esquire, provide a letter attesting to Petitioner's regret for her misdeeds.

Petitioner's competency and learning in the law are well-documented herein. She completed all of her CLE credits required for reinstatement. She continued to review legal periodicals and keep apprised of the law. Petitioner obtained an MBA from LaSalle University. She worked as a part-time paralegal for Mr. Langsam while attending business school, and worked with various charter schools assisting them in the areas of institutional development and organization. Since 2007, Petitioner has performed similar work as a consultant through the business she set up, known as JPA Associates. Finally, Petitioner teaches law-related courses as an adjunct teacher at Eastern University.

Petitioner has performed significant pro-bono work by organizing legal seminars and referral networks for the poor through her church. Two church colleagues praised Petitioner's diligence and effectiveness in these activities.

Petitioner's good reputation for character and integrity were emphasized by her live witness, Mr. Grimes, and in the letters written on her behalf. She is described as being of "high moral character", "mature and honest", "ethical and precise with a sincere desire to serve people."

The Board notes that Petitioner was aggressively cross-examined by Office of Disciplinary Counsel at the reinstatement hearing on several points. These included Petitioner's mistakes on an initial petition for reinstatement which was withdrawn and corrected without prejudice; and a recent report critical of various practices at charter schools for which Petitioner consulted, which neither named nor implicated Petitioner in any way. We find that these issues in no way preclude Petitioner's reinstatement. We further note that Office of Disciplinary Counsel did not take exception to the Committee's

recommendation of granting reinstatement. Similarly, the Committee questioned Petitioner concerning the inclusion of “esquire” in her e-mail address and the inclusion of her Juris Doctor degree on resumes. There is no evidence, however, that Petitioner sought or accepted legal work during her suspension. In any event, the Committee did not find these issues precluded Petitioner’s reinstatement.

The totality of the record persuades the Board that Petitioner has met her burden of proof by clear and convincing evidence that she has the moral qualifications, competency and learning in the law required for admission to practice and furthermore her resumption of practice will be neither detrimental of the integrity and standing of the bar nor subversive of the public interest.

The Board recommends that the Petition for Reinstatement be granted.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Rhonda McCullough Anderson, 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: 

R. Burke McLemore, Jr., Board Member

Date: April 29, 2011

Board Member Todd did not participate in the adjudication.