

SUPREME COURT OF PENNSYLVANIA

In the Matter of William James Perrone

899 A.2d 1108 (Pa. 2006) · No. No. 959 Disciplinary Docket No. 2 · Decided June 20, 2006

SUMMARY

The Supreme Court of Pennsylvania granted William James Perrone’s second petition for reinstatement after his disbarment. The court held that Pennsylvania Rule of Disciplinary Enforcement 217(j)(4)(ii) applied to his law-related work as an independent contractor but did not require him to perform that work physically in a supervising attorney’s office. The court also held that his delayed filing of a notice of employment under Rule 217(j)(5) did not demonstrate a lack of fitness for reinstatement and referred the provision to the Disciplinary Board for amendment.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Chief Justice Cappy; Justice Castille; Justice Nigro; Justice Newman; Justice Saylor; Justice Eakin; Justice Baer
JURISDICTION	Pennsylvania
DECIDED	June 20, 2006
DOCKET	No. 959 Disciplinary Docket No. 2
DISPOSITION	other
PROCEDURAL POSTURE	Second petition for reinstatement to the Pennsylvania bar following disbarment. The Supreme Court issued a rule to show cause why reinstatement should not be denied after the Disciplinary Board recommended reinstatement and the Office of Disciplinary Counsel opposed the petition.
STANDARD OF REVIEW	De novo review; the Supreme Court is not bound by the findings or recommendations of the Hearing Committee or Disciplinary Board.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Pennsylvania; majority opinion reinstating a disbarred attorney and interpreting Pa.R.D.E. 217(j).
PARTIES	Office of Disciplinary Counsel v. William James Perrone

TOPICS

statutory interpretation

plain meaning rule

standard of review

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PRACTICE AREAS

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Pennsylvania appellate procedure

QUESTIONS PRESENTED

1. Whether Pa.R.D.E. 217(j)(4) applies to a formerly admitted attorney performing law-related services as an independent contractor.
2. Whether Pa.R.D.E. 217(j)(4)(ii) requires the formerly admitted attorney to perform law-related services physically in the office of a full-time supervising attorney.
3. Whether Perrone's delayed compliance with Pa.R.D.E. 217(j)(5) demonstrated a lack of moral qualifications or otherwise precluded reinstatement.
4. Whether Perrone demonstrated by clear and convincing evidence that reinstatement would not be detrimental to the integrity and standing of the bar, the administration of justice, or the public interest.
5. Whether Perrone possessed the moral qualifications, competency, and learning in the law required for reinstatement.

HOLDINGS

1. Pa.R.D.E. 217(j)(4) applies to all law-related services performed by a formerly admitted attorney, regardless of whether the attorney performs those services as an employee or independent contractor.
2. Pa.R.D.E. 217(j)(4)(ii) requires that a supervising attorney be present at a law office on a full-time basis and monitor the formerly admitted attorney's law-related services; it does not require the formerly admitted attorney to perform every task physically in the supervising attorney's office.
3. Perrone's failure to file the notice required by Pa.R.D.E. 217(j)(5) until notified by the Office of Disciplinary Counsel did not adversely reflect on his fitness to practice law and did not warrant denial of reinstatement.
4. Perrone met his burden of proving by clear and convincing evidence that he possessed the moral qualifications, competency, and learning in the law required for reinstatement and that his resumption of practice would not detrimentally affect the bar, the administration of justice, or the public interest.

KEY QUOTATIONS

“The rule was intended to ensure accountability, not observation of each step of the process by which a disbarred or suspended attorney performs legal research and/or drafts memoranda.” (1114-15)

“Simply put, subsection (j)(4)(ii) requires that there be a supervising attorney at a law office on a full-time basis to monitor the law-related services performed by a disbarred or suspended attorney.” (1115)

“We therefore conclude that Perrone's failure to comply with subsection (j)(5) until notified by ODC does not adversely reflect on his fitness to practice law and should not serve a basis for the denial of his petition for

FACTUAL BACKGROUND

Perrone was disbarred for improperly obtaining public funds through false fee petitions filed as court-appointed counsel for indigent criminal defendants. He completed his criminal probation, made complete restitution, and performed substantial pro bono and community service. During disbarment, he performed paralegal work for attorneys, generally from his home, while submitting his work to supervising attorneys for review; he did not hold himself out as an attorney, provide legal advice, or have client contact. He failed to file the Rule 217(j)(5) notice of employment until the Office of Disciplinary Counsel raised the issue.

PROCEDURAL HISTORY

Perrone was disbarred in 1995 after convictions arising from false fee petitions submitted while serving as court-appointed counsel. The Supreme Court denied his first reinstatement petition in 2001. On his second petition, the Hearing Committee recommended denial based principally on alleged violations of Pa.R.D.E. 217(j), while the Disciplinary Board recommended reinstatement. The Supreme Court conducted de novo review, discharged the rule to show cause, granted reinstatement, and directed Perrone to pay the Board's expenses.

DISPOSITION

other

REMAND INSTRUCTIONS

The petition for reinstatement was granted and Perrone was reinstated. The court referred Pa.R.D.E. 217(j)(5) to the Disciplinary Board for prompt consideration and amendment, and ordered Perrone to pay the Board's expenses.

CASES CITED

- In the Matter of William James Perrone, 565 Pa. 563, 777 A.2d 413 (2001)
- Office of Disciplinary Counsel v. Kiesewetter, 585 Pa. 477, 889 A.2d 47 (2005)
- Office of Disciplinary Counsel v. Keller, 509 Pa. 573, 506 A.2d 872 (1986)
- In the Matter of Verlin, 557 Pa. 47, 731 A.2d 600 (1999)
- Universal Am-Can, Ltd. v. Workers' Compensation Appeal Board (Minteer), 563 Pa. 480, 762 A.2d 328 (2000)
- Hammermill Paper Co. v. Rust Engineering Co., 430 Pa. 365, 243 A.2d 389 (1968)
- J. Miller Co. v. Mixter, 2 Pa. Cmwlth. 229, 277 A.2d 867 (1971)
- Moon Area School District v. Garzony, 522 Pa. 178, 560 A.2d 1361 (1989)
- Feller v. New Amsterdam Casualty Co., 363 Pa. 483, 70 A.2d 299 (1950)
- Cox v. Caeti, 444 Pa. 143, 279 A.2d 756 (1971)
- Murrin v. Rifugiato, 373 Pa. 561, 96 A.2d 865 (1953)

- Commonwealth v. Continental Rubber Works, 347 Pa. 514, 32 A.2d 878 (1943)
- Kelley v. Delaware, Lackawanna & Western Railroad Co., 270 Pa. 426, 113 A. 419 (1921)
- Danielle Viktor, Ltd. v. Department of Labor & Industry, 892 A.2d 781 (Pa. 2005)

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