

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1313 Disciplinary Docket No. 3
Petitioner :
 : No. 144 DB 2007
v. :
 : Attorney Registration No. 55798
JESSE RAYMOND RUHL, :
Respondent : (Philadelphia)

ORDER

PER CURIAM:

AND NOW, this 15th day of December, 2008, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated October 3, 2008, 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 Jesse Raymond Ruhl is suspended on consent from the Bar of this Commonwealth for a period of one year and one day retroactive to January 30, 2008, and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

A True Copy Patricia Nicola

As of: December 15, 2008

Attest:


Chief Clerk

Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA


OFFICE OF DISCIPLINARY COUNSEL : No. 1313 Disciplinary Docket No. 3
Petitioner :
 : No. 144 DB 2007
v. :
 : Attorney Registration No. 55798
JESSE RAYMOND RUHL :
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 Carl D. Buchholz, III, Stewart L. Cohen, and Gerald Lawrence, Jr., has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on August 28, 2008.

The Panel approves the Petition consenting to a one year and one day suspension retroactive to January 30, 2008 and recommends to the Supreme Court of Pennsylvania that the attached Joint 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.


Carl D. Buchholz, III, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: October 3, 2008

BEFORE THE DISCIPLINARY BOARD
OF THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL : No. 1313 Disciplinary Docket No. 3
Petitioner :
: No. 144 DB 2007
:
:
v. : (File Nos. C3-07-517; C3-07-518;
: C3-07-787; and C3-07-818)
:
:
JESSE RAYMOND RUHL : Attorney Registration No. 55798
Respondent: (Philadelphia)

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

The Petitioner, the Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Joseph J. Huss, Disciplinary Counsel, and the Respondent, Jesse Raymond Ruhl, 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 Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania 17101, 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.

FILED

AUG 28 2008

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

2. Respondent, Jesse Raymond Ruhl, was born in 1964, and was admitted to practice law November 13, 1989.

3. Respondent's current registration address is 6374 Overbrook Avenue, Philadelphia, PA 19151.

4. Respondent was transferred to inactive status by Order of the Supreme Court of Pennsylvania on August 25, 2006, for failure to complete requisite CLE courses.

5. By Order of the Supreme Court dated January 30, 2008, Respondent was temporarily suspended following the parties' filing of a Joint Petition to Temporarily Suspend an Attorney Pursuant to Pa. R.D.E. 208(f)(1) on October 4, 2007. This Petition involved misconduct alleged in three complaints (Disciplinary Counsel File Nos. C3-07-517, C3-07-518, C3-07-787) then pending.

6. The instant Petition covers those matters, as well as a subsequently filed fourth complaint (C3-07-818). The relevant facts, and violations of Rules of Professional Conduct attendant to all these matters, are more specifically set forth below.

7. Respondent is not presently represented by counsel. He previously consulted with Attorney Brian J. Tyler, 3621 North Front Street, Harrisburg, PA 17110 in connection with these matters.

8. After previously conferring with Attorney Tyler, and after having had a full and fair opportunity to consult with other counsel of his choosing, Respondent has entered into this Joint Petition.

9. Respondent has no prior history of discipline.

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

Matter I - File No. C3-07-517 (Complainant – Valerie M. Cassell)

10. Respondent admits to violating Rules of Professional Conduct 1.1, involving competent representation; 1.3, involving reasonable diligence and promptness in representing a client; 1.4(a)(1), involving promptly informing the client of any decision or circumstances; 1.4(a)(2), involving consulting with the client about the means by which the client's objectives are to be accomplished; 1.4(a)(3), involving keeping the client reasonably informed about the status of the matter; 1.4(a)(4), involving complying with reasonable requests for information; 1.4(b), involving the explanation of a matter to the extent reasonably necessary to permit the client to make informed decisions, as follows:

a) By letter dated October 14, 2003 from Respondent to Attorney Michael Navitsky, he advised that Valerie Mickiewicz Cassell had requested that he replace Attorney Navitsky as her counsel in a dental malpractice case against her dentist, Dr. William H. Cloyd, for allegedly removing three healthy molars instead of three wisdom teeth during oral surgery that Dr. Cloyd had performed on Ms. Cassell on August 31, 2000 when she was 16 years old. Respondent asked Attorney Navitsky to provide him with Ms. Cassell's documents by that Thursday because he had a meeting scheduled with her that evening and wanted to review the documents prior to the meeting.

b) By letter dated October 15, 2003 from Attorney Navitsky to Respondent, he advised that he had never met with Ms. Cassell about her case and had only spoken with her on one occasion about it. Attorney Navitsky stated that he was never officially retained by Ms. Cassell and agreed to have Respondent pick up her file at his office on Thursday, October 16, 2003.

c) By letter dated October 25, 2003 from Respondent to Ms. Cassell, he stated that he had agreed to take the case on a contingent fee basis of 25% of any settlement prior to listing for trial, 33% after listing the case for trial, and 40% after any appeal.

Respondent explained his fees in detail and also explained how he planned to proceed with the case.

d) By letters dated January 20, 2004 from Respondent to Dr. Cloyd, Yorktowne Dental, Dr. George W. Herrold, and Eastern Dental Insurance Company claim representative, John J. Barry, Respondent stated that he was counsel for Ms. Cassell and was requesting a copy of her entire dental files. Respondent enclosed an authorization for release of the records from Ms. Cassell and stated that he would reimburse them for copying costs.

e) By letter dated February 21, 2004 from Respondent to Dr. Raymond Fonseca, he asked the doctor to assist him and Ms. Cassell in providing an expert report relating to the conduct of Dr. Cloyd. Respondent explained the entire case and stated that his client would be willing to compensate the doctor at a rate of \$350 per hour for his services.

f) On April 23, 2004, Respondent filed a Praecipe for Writ of Summons on behalf of Ms. Cassell in York County titled *Valerie Cassell vs. William H. Cloyd, DMD, et al.*, No. 2004-SU-001263-Y15.

g) There was no activity of record in this case for more than a year and a half from April of 2004 when the Writ of Summons was filed until December 22, 2005 when Respondent filed a praecipe to reissue the summons. The reissued writ of summons was served by the sheriff on January 25, 2006. Ms. Cassell received no communications from Respondent during this period despite repeated calls to him.

h) On January 27, 2006, Attorney John C. Farrell entered his appearance on behalf of the defendant, Dr. Cloyd, and filed a rule to file a complaint in this case. This rule to file a complaint was served on Respondent as counsel for the plaintiff.

i) On February 21, 2006, Attorney Farrell filed a Notice of Default because of Respondent's failure to file a complaint. It was served on Respondent.

j) On February 28, 2006, Respondent filed a civil Complaint on behalf of Ms. Cassell claiming negligence, and breach of contract, and seeking damages in excess of \$50,000.00.

k) On March 24, 2006, Attorney Farrell filed Preliminary Objections and Memorandum of Law in Support of Preliminary

Objections to the civil Complaint. Respondent did not respond to these Preliminary Objections.

l) On April 3, 2006, Attorney Farrell filed a Motion to Compel claiming that on January 25, 2006 the defendant, Dr. Cloyd, had served Fact Interrogatories, Expert Interrogatories, Damage Interrogatories, and a Request for Production of Documents on the plaintiff but had received no response. Respondent did not respond to this Motion.

m) On May 4, 2006, Attorney Farrell filed a Praecipe for Entry of Judgment of Non Pros for failure to file a certificate of merit on behalf of Dr. Cloyd. A judgment of non pros was entered as to Dr. Cloyd on that date and a copy of the judgment was mailed to Respondent. Respondent never advised Ms. Cassell of these events.

n) In May 2006 Ms. Cassell received mailed notice that her suit was dismissed. When she received the dismissal notice, she had no knowledge of what had been occurring in her case. Prior to receiving this notice, she had repeatedly tried to contact Respondent about the status of her case, with no success.

Matter II - File No. C3-07-518 (Complainant – Office of Disciplinary Counsel)

11. Respondent admits to violating Pennsylvania Rules of Disciplinary Enforcement 217(a), involving notification of the disbarment, suspension or transfer to inactive status and the consequent inability of the formerly admitted attorney to act as an attorney; 217(b), involving notification 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 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 or transfer to inactive status; 217(c)(1), involving notification of the disbarment, suspension or transfer to inactive status 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; 217(c)(2), involving notification of the disbarment, suspension or transfer to inactive status, 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; 217(e)(1), within ten days after the effective date of the disbarment, suspension or transfer to inactive status order, the formerly admitted attorney shall file with the Board a verified statement showing that the provisions of the order and these rules have been fully complied with; 217(e)(2), within ten days after the effective date of the disbarment, suspension or transfer to inactive status order, the formerly admitted attorney shall file with the Board a verified statement showing that all other state, federal and administrative jurisdictions to which such person is admitted to practice; and 219(d)(3), involving every person who has filed a statement prescribed by the Administrative Office, any change in the information previously submitted within 30 days after such change, as follows:

a) By Order of the Pennsylvania Supreme Court dated July 26, 2006, Respondent was advised that he would be transferred to inactive status, effective August 25, 2006, for failure to comply with Continuing Legal Education requirements;

b) A certified copy of this Court Order, as well as various forms and instructions relating to Respondent's mandatory compliance with Pennsylvania Rule of Disciplinary Enforcement 217, was mailed to him by the Disciplinary Board Secretary's Office, by certified mail on July 26, 2006, which was returned undelivered, and by first class mail, sent to his registration address (350 West Market Street, York, PA 17401) which was not returned;

c) Respondent has failed to comply with various provisions of Pennsylvania Rule of Disciplinary Enforcement 217 in that:

1. Respondent failed to notify clients, opposing counsel, or other individuals whose notification of his transfer to inactive status is required by Pa.R.D.E. 217(a), (b) and (c);

2. Respondent failed to file a verified statement with the Disciplinary Board Secretary confirming that he has fully complied with the aforesaid notice rules, as required by Pa.R.D.E. 217(e).

d) At some unknown point in time, Respondent closed his office which, according to his most recently submitted registration form, was located at 350 West Market Street, York, PA 17401;

e) At some subsequent point in time, Respondent established an office at 1442 S. 13th Street, Philadelphia, PA 19147;

f) Respondent moved his office without any notice to the Attorney Registration Office that he had relocated. Moreover, he also failed to provide notice of his move to clients, including the aforementioned Valerie M. Cassell.

Matter III - File No. C3-07-787 (Complainant - Office of Disciplinary Counsel)

12. Respondent admits to violating Rules of Professional Conduct 5.5(a), involving the unauthorized practice of law; and 8.4(c), involving dishonesty, fraud, deceit or misrepresentation, as follows:

a) Between August 2006 and September 2007, Respondent, despite his transfer to inactive status effective August 25, 2006, engaged in the practice of law by "representing" at least nine separate persons or entities. He provided legal services including the filing of pleadings in civil suits, representing two criminal defendants at preliminary hearings, drafting a will, negotiating a business purchase agreement, handling of a decedent's estate, incorporating a new business and obtaining requisite

business licenses, permits, and a fictitious name, and other matters.

b) While at least one of these "clients" was aware of Respondent's inactive status and agreed to his "representation" regardless, the remaining "clients" had sought/utilized Respondent's assistance based upon the assumption he was an attorney. They were not aware that he was disqualified from practicing law in Pennsylvania.

Matter IV - File No. C3-07-818 (Complainant - Office of Disciplinary Counsel)

13. Respondent admits to violating Rule of Professional Conduct 1.15(a), involving holding property of clients and third parties separate and apart from the lawyer's own property, as follows:

- a) Between April 2007 and January 2008 Respondent deposited, or caused to be deposited, personal funds into his IOLTA/Attorney Trust Account at Commerce Bank. He also deposited earned "fees", as well as "client funds" (both paid to him by persons he had improperly represented, as aforesaid). These comingled client funds included money advanced to him to pay court costs and fees related to these matters.
- b) The total amount of the "client funds" was \$1,477.90. These funds were disbursed, during the period April 2007 to January 2008, via seven checks drawn on this account. Most of these checks were payable to the Prothonotary of Philadelphia County, or the Philadelphia Register of Wills.

Proposed Conclusions of Law

14. By the conduct described above, Respondent has violated Rules of Professional Conduct 1.1, 1.3, 1.4(a)(1), 1.4(a)(2), 1.4(a)(3),

1.4(a)(4), 1.4(b), 1.15(a), 5.5(a), and 8.4(d), and Pennsylvania Rules of Disciplinary Enforcement 217(a), 217(b), 217(c), 217(e), and 219(d)(3).

Aggravating/Mitigating Circumstances

15. During the course of efforts to serve Respondent with a DB-7 Letter Request for Statement of Respondent's Position in February 2007, Petitioner learned that Respondent no longer maintained an office in York, Pennsylvania. Subsequent investigatory efforts revealed that Respondent had relocated to Philadelphia, but had not left any forwarding address information with Attorney Registration or his clients. Moreover, he had abandoned his York office, leaving behind a substantial amount of personal property, and client files.

16. From approximately February 2007 through August 2007 Petitioner sought to locate Respondent in Philadelphia. These efforts led to Respondent's contacting undersigned Disciplinary Counsel in mid-September 2007.

17. Respondent and undersigned Disciplinary Counsel met in the District III Office of Disciplinary Counsel in Lemoyne on September 20, 2007. Respondent provided full and forthright responses to the DB-7 Letters of Inquiry which had been sent to him as of that date. In addition, Respondent advised Disciplinary Counsel that he had engaged in multiple instances of the unauthorized practice of law (as described above).

18. Subsequent to that meeting, Respondent, with the assistance of his then counsel, Brian Tyler, took possession of the files left behind in York, and

arranged for their storage in a secure location, pending requests from former clients for their return.

19. Respondent has provided correct contact information to the Attorney Registration Office, so that former clients can locate and contact him.

20. Respondent has closed the Commerce Bank IOLTA account described above.

21. Respondent has ceased all unauthorized practice of law activities.

22. Since September 2007, Respondent has been fully and completely cooperative with Petitioner's investigation of these matters, to a degree which is unprecedented in undersigned Disciplinary Counsel's 15 year career.

23. When Respondent was approximately 17 years old he accompanied his father to a construction site. While in very close proximity to his father, he witnessed his father's death when a masonry wall collapsed on top of him.

24. Since that time, Respondent has suffered sporadic, prolonged episodes of severe depression.

25. His mental health was substantially impaired by the terrorist attacks of September 11, 2001, which involved many hundreds of crushing deaths similar to his father's.

26. Between October 2001 and 2007, Respondent was, for long periods, non-functional. He abandoned his York law office, lost his vehicles and other personal property to creditors, and was homeless.

27. He relocated to Philadelphia in 2005. In October 2005 he commenced treatment in a depression research program being run by the Department of Psychiatry at the University of Pennsylvania. In early 2006, he obtained employment at a Starbucks Restaurant in Philadelphia, near the University of Pennsylvania Campus.

28. According to a report submitted to Disciplinary Counsel dated May 13, 2008, Respondent is afflicted with Major Depressive Disorder. He has completed the "acute treatment phase" which lasted from October 2005 until June/July 2007, and then advanced into the "continuation phase." He is now in the "maintenance/follow-up phase."

29. Respondent has benefited substantially from this treatment program.

30. Respondent has repeatedly expressed to Disciplinary Counsel his sincere regret and remorse for the conduct described above, and has repeatedly stated his belief that professional discipline is appropriate given his misconduct.

31. The parties believe, and therefore aver, that their recommendation is consistent with relevant disciplinary case law, including *Office of Disciplinary Counsel v. Sharon Goldin-Didinsky a/k/a Sharon Goldin Ciborowski*, No. 87 DB 2003 (D.Bd. Rpt. 8/27/04, p. 13) (S.Ct. Order 12/13/04) (one-year-and-one-day suspension); *Office of Disciplinary Counsel v. Davis*, 77 Pa. D.&C.4th 563, 575 (2005); and *In re Ferleger*, 78 Pa. D.&C.4th 437, 446 (2005). The parties note the existence here of more misconduct than the unauthorized practice of law. However, the parties further note the presence of substantial mitigation, pursuant

to *Office of Disciplinary Counsel v. Braun*, 553 A2d 894 (Pa. 1989), with respect to Respondent's mental health issues. The parties respectfully submit this mitigation, and the totality of the other circumstances, warrant the imposition of the recommended discipline.

Specific Joint Recommendations for Discipline

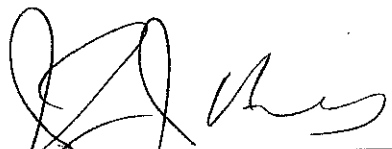
32. The Respondent hereby consents to discipline of a suspension of one (1) year and one (1) day retroactive to January 30, 2008. Attached to this Petition is the Respondent's executed Affidavit required by Rule 215(d) of the Pennsylvania Rules of Disciplinary Enforcement, stating that he consents to the recommended discipline, including the mandatory acknowledgements contained in Rule of Disciplinary Enforcement 215(d)(1) through (d)(4).

WHEREFORE, the Petitioner and Respondent respectfully request, pursuant to Pennsylvania Rules of Disciplinary Enforcement 215(e) and 215(g), that a three member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and order a suspension of one (1) year and one (1) day retroactive to January 30, 2008, for violations of Rules of Professional Conduct 1.1, 1.3, 1.4(a)(1), 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 1.4(b), 1.15(a), 5.5(a), 8.4(c), and 8.4(d), and Pennsylvania Rules of Disciplinary Enforcement 217(a), 217(b), 217(c), 217(e), and 219(d)(3). Further, it is requested that the three member panel order the Respondent to pay the necessary expenses incurred in the investigation in this matter as a condition of

the grant of the Petition, and that all expenses be paid by the Respondent before imposition of discipline under Pennsylvania Rules of Disciplinary Enforcement 215(g).

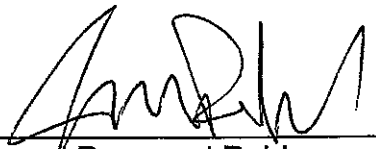
Respectfully submitted,

8/28/08
DATE



Joseph J. Huss
Disciplinary Counsel
District II
Two Lemoyne Drive, Second Floor
Lemoyne, PA 17043
(717) 731-7083
Attorney I.D. No. 27751

August 26, 2008
DATE



Jesse Raymond Ruhl
P.O. Box 22647
Philadelphia, PA 19110-2647
(215) 300-1507
Attorney I.D. No. 55798

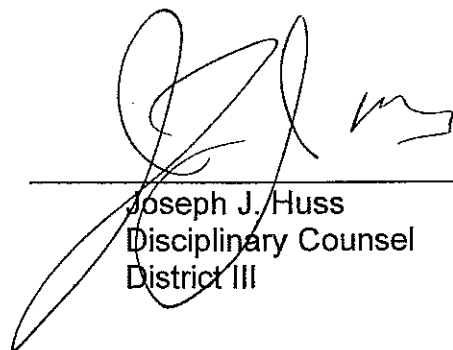
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	:	C3-07-787; and C3-07-818)
	:	
JESSE RAYMOND RUHL	:	Attorney Registration No. 55798
Respondent	:	(Philadelphia)

VERIFICATION

I verify that the statements made in the foregoing *Joint Petition in Support of Discipline on Consent Under Rule 215(d) of the Pennsylvania Rules of Disciplinary Enforcement* is true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

8/28/08
Date



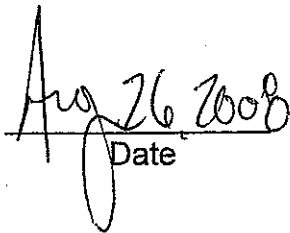
Joseph J. Huss
Disciplinary Counsel
District III

BEFORE THE DISCIPLINARY BOARD
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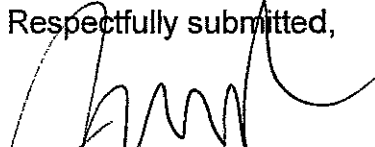
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: Attorney Registration No. 55798
JESSE RAYMOND RUHL :
Respondent : (Philadelphia)

VERIFICATION

The statements contained in the foregoing *Joint Petition in Support of Discipline on Consent* of the Pennsylvania Rules of Disciplinary Enforcement 215(d), are true and correct to the best of my knowledge, information and belief, and are subject to penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.


Date

Respectfully submitted,



Jesse Raymond Ruhl
Respondent
P.O. Box 22647
Philadelphia, PA 19110-2647
Attorney I.D. No. 55798

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

I, Jesse Raymond Ruhl, Respondent in the above-captioned matter, hereby consent to the imposition of a suspension from the practice of law for a period of one year and one (1) day retroactive to January 30, 2008, 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, and am fully aware of the implications of submitting this *Joint Petition*.

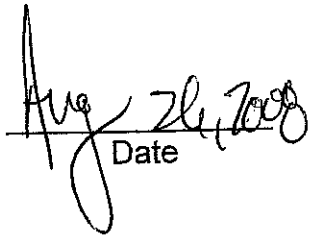
2. I am presently without representation about the matters which are the subject of this *Joint Petition*.

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

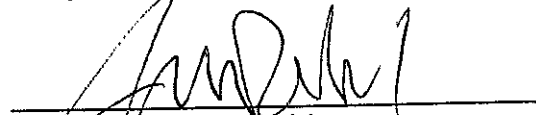
4. I acknowledge that the material facts set forth in the *Joint Petition* are true; and

5. I consent to the imposition of discipline because I know that if the charges against me were prosecuted I could not successfully defend against them.

The statements contained in the foregoing *Affidavit Under Rule 215(d) of the Pennsylvania Rules of Disciplinary Enforcement*, are true and correct to the best of my knowledge, information and belief, and are subject to penalties of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.


Date

Respectfully submitted,



Jesse Raymond Ruhl
Respondent
P.O. Box 22647
Philadelphia, PA 19110-2647
Attorney I.D. No. 55798