

IN THE SUPREME COURT OF PENNSYLVANIA


In the Matter of	:	No. 2927 Disciplinary Docket No. 3
	:	
	:	No. 143 DB 2022
LAURA TESTA MUSI	:	
	:	Attorney Registration No. 88521
PETITION FOR REINSTATEMENT	:	
FROM RETIRED STATUS	:	(Philadelphia)
	:	
OFFICE OF DISCIPLINARY	:	No. 2927 Disciplinary Docket No. 3
COUNSEL	:	
	:	
Petitioner	:	No. 70 DB 2023
	:	
v.	:	Attorney Registration No. 88521
	:	
LAURA TESTA MUSI	:	(Philadelphia)
	:	
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 16th day of October, 2024, upon consideration of the Report and Recommendations of the Disciplinary Board, Laura Testa Musi is suspended from the Bar of this Commonwealth for a period of two years, retroactive to February 23, 2022, with the suspension stayed in its entirety. The Petition for Reinstatement from retired status is granted. Respondent shall pay the expenses incurred in the investigation and processing of this matter.

A True Copy Nicole Traini
As Of 10/16/2024

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

In the Matter of	:	No. 143 DB 2022
	:	
LAURA TESTA MUSI	:	Attorney Registration No. 88521
	:	
PETITION FOR REINSTATEMENT FROM RETIRED STATUS	:	(Philadelphia)
	:	
	:	
OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	No. 70 DB 2023
	:	
v.	:	
	:	Attorney Registration No. 88521
LAURA TESTA MUSI,	:	
Respondent	:	(Philadelphia)

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 and the above captioned Petition for Discipline.

I. HISTORY OF PROCEEDINGS

In 2003, Respondent, Laura Testa Musi, assumed voluntary inactive status of her attorney license and in 2010 assumed retired status; she remains on retired status. On February 23, 2022, Respondent, through counsel, self-reported five separate criminal convictions that occurred between 2010 and 2014, which she had failed to report to Office of Disciplinary Counsel (“ODC”) within 20 days of the date of conviction, as required by Pa.R.D.E. 214(a).

On October 12, 2022, Respondent filed a Petition for Reinstatement from retired status and accompanying Special Reinstatement Questionnaire docketed at No. 143 DB 2022. On April 25, 2023, ODC filed a Petition for Discipline docketed at No. 70 DB 2023, containing one charge based on Respondent’s five criminal convictions. On May 4, 2023, the parties filed a Joint Motion to Consolidate the discipline and reinstatement matters. By Order dated May 4, 2023, the Board granted the Joint Motion and ordered that the matters be consolidated for a hearing. On May 14, 2023, Respondent filed an Answer to the Petition for Discipline.

Following a prehearing conference on September 13, 2023, a District I Hearing Committee held a consolidated hearing on November 8 and 9, 2023. ODC offered into evidence Joint Stipulations of Fact, Law and Exhibits, and Exhibits ODC-1 through ODC-9. Respondent presented the testimony of seven witness, testified on her own behalf, and offered into evidence Exhibits P-1 through P-5.

On December 22, 2023, Respondent submitted a post-hearing brief to the Committee and requested that the Committee recommend to the Board that a sanction

of a private reprimand be imposed for her misconduct and that the Petition for Reinstatement be granted. ODC filed a post-hearing brief to the Committee on January 9, 2024, and requested that the Committee recommend to the Board that Respondent be suspended for two years, with the suspension stayed in its entirety. ODC did not oppose reinstatement.

By Report filed on March 7, 2024, the Committee recommended that Respondent be suspended for two years, stayed in its entirety, retroactive to February 23, 2022, and further recommended that Respondent's reinstatement be granted. The parties did not take exception to the Committee's Report and recommendation. The Board adjudicated this matter at the meeting on April 10, 2024.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Respondent is Laura Testa Musi, born in 1975 and admitted to practice law in the Commonwealth of Pennsylvania in 2002. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

2. Respondent presented substantial credible testimony at the hearing, which testimony detailed that Respondent has endured challenging circumstances since childhood. (N.T. 11/8/23, pp. 13, 128). Respondent's mother was often in ill health and given that her father needed to be fully employed, and her sibling was too young to assist, the burden fell to her to care for her mother and to be responsible for caring for the family

home, including grocery shopping, preparing meals, and oversight of her younger sibling. (N.T.11/9/23, p. 15).

3. Notwithstanding these challenges, Respondent was able to attend and graduate from high school and college (ODC-9 000081; DB-36 ¶ 2), and attend Temple University Beasley School of Law, where she was accepted to the Law Review and participated on Moot Court. (N.T. 11/9/23, p. 18). During her first year of law school, Respondent became an intern with Delaware County President Judge, the Honorable A. Leo Sereni. (DB-36, ¶ 6; N.T. 11/9/23, p. 19). Respondent also became an intern with the Delaware County District Attorney's Office. (*Id.* at pp. 19-20), which internship continued until graduation. (*Id.* at pp. 20-21).

4. Respondent graduated from law school in May 2000. (DB-36, ¶ 2). Thereafter, Respondent joined the Delaware County Court Administrator's Office as the Motion Hearing Administrator, as well as the Arbitration Administrator. (N.T. 11/9/23, p. 22. In 2001, Respondent married her now ex-husband. (*Id.* at 23).

5. Respondent became a member of the Bar on January 28, 2002. (DC-0000081).

6. As a result of a difficult pregnancy, Respondent voluntarily assumed inactive status on July 1, 2003. (N.T. 11/8/23, p.138; N.T. 11/9/23, pp. 23, 29). The birth of her first child followed soon thereafter (*id.*), and the child experienced physical difficulties. (N.T. 11/9/23, p.26). A second child was born on May 17, 2006. (N.T, 11/8/23, p. 139-140; N.T 11/9/23, p. 26).

7. While Respondent was caring for her two children, she continued to assist her parents with maintaining their household as her mother was still facing health challenges, and further assistance was required after her mother underwent required surgery. (N.T. 11/8/23, pp. 140, 153; 11/9/23, pp. 27-28; P-2, Letter from Jane Scaccetti). The responsibility for her parents placed pressure on Respondent's already shaky marriage. (N.T. 11/8/23, pp. 142-143; N.T. 11/9/23, p. 30). Respondent was deeply unhappy from the pressures of her life. (N.T. 11/9/23, p. 30).

8. In the fall of 2009, Respondent and her husband separated. (N.T. 11/9/23, pp. 33-34). On November 9, 2009 Respondent committed her first retail theft and committed her second retail theft a little over a month later on December 14, 2009. She was sentenced to probation in these cases. (ODC-1 and 2, Stip. 6, 7, 9, 10).

9. Respondent assumed retired license status on January 21, 2010. DB-36, Q. 3.

10. Respondent's mother sustained an injury in September 2010 resulting in hospitalization, including in a coma state and intensive care. (N.T. 11/8/23, pp. 14-22, 147-148; N.T. 11/9/23, p. 51). Due to financial pressures and lack of coverage, Respondent's mother went to live with Respondent in February 2011. (N.T. 11/8/23, p. 148; 11/9/23, p. 51).

11. On March 16, 2011, Respondent committed her third retail theft. (ODC-3). As a result, on August 22, 2011, Respondent was sentenced to ten 72-hour periods of confinement. (*id.*). At her second court-ordered stay in jail, Respondent brought prescription medications into the prison. (ODC-4). Given this, Respondent was taken to

solitary confinement for 90 days, and after this stay was then held without bail on the contraband charges. (N.T. 11/9/23, p. 48-49). On January 12, 2012, Respondent was charged with offenses related to bringing drugs into the prison. (ODC-4).

12. On January 17, 2012, Respondent's husband filed emergency petitions for divorce and for full legal and physical custody of their children, and on February 24, 2012, the final divorce decree was entered. (N.T. 11/9/23, p. 120).

13. On May 30, 2012, Respondent was sentenced to two to four years in state prison based upon her felony contraband conviction. (ODC-4).

14. Respondent was released from prison in July 2013 and went to live with her parents. (N.T. 11/9/23, p. 49). Within months of her release, Respondent's father was diagnosed with lung cancer. (*Id.* at 40). Respondent was now responsible for caring for both her incapacitated mother and her father. (N.T.11/8/23, p. 154; N.T.11/9/23, p. 40). Respondent's criminal attorney Mark P. Much testified at the consolidated hearing that during this time, Respondent "was in a downward spiral." (N.T.11/9/23, p. 114).

15. On August 25, 2014, Respondent was in a single vehicle car accident. (ODC-5). Respondent had taken an Ambien the night before to help her sleep. The next morning, still under the influence of the Ambien, the accident occurred. (N.T. 11/9/23, p. 139).

16. On October 21, 2014, Respondent was charged with driving under the influence and possession of a controlled substance. On December 23, 2014, she was sentenced to seventy-two hours to six months of incarceration and granted immediate parole. (ODC-6).

17. On October 24, 2014, the Pennsylvania Department of Parole took Respondent into custody on a detainer. (*Id.*) This was the last time that Respondent would see either of her parents. (N.T. 11/9/23, p. 37). Respondent was sentenced to 18 - 36 months confinement in state prison on the parole violation. (*Id.* at 51).

18. Respondent did not report any of her criminal convictions to ODC during this time frame.

19. During respondent's incarceration in March 2015, her father died. (N.T.11/8/23, p. 156; N.T.11/9/23, pp. 54 – 55). Respondent's mother died less than 6 months later in August 2015. (*Id.*). Respondent testified that after she lost her parents, she "realized ...that she had to fix whatever is broken here. It doesn't matter what is going on out there." (*Id.* at 41). Devastated by the loss of her parents, Respondent was determined to turn her life around. (*Id.* at 58).

20. In prison, Respondent underwent a drug and alcohol evaluation, believing that her issues could possibly be blamed on drugs. (*Id.* at 40). The drug and alcohol evaluation concluded that Respondent's abuse of drugs was a symptom, not the cause, of her issues. (*Id.* at 44). Twice a week, for the next 18 months, Respondent attended therapy.

21. Respondent testified: "the therapy helped me explore the reason I made bad choices, the reason I failed, and ... it didn't matter what the external environment was like. I had failed to make proper choices, and because of those choices, I had given away my freedom, abandoned my children, left my parents, and left myself penniless. And the only way that I could assure that that wasn't going to happen again was to try to

understand what I could so I didn't make those same mistakes but also so that that understanding could help me acquire the tools to deal with whatever I had to deal with in the future." (*Id.* at 44 – 46; see also *id.* at 188). Respondent testified, "I can tell you that there was a lot of factors -- and all of them, everything that happened afterwards were my choices. They were just my failure at handling what was happening." (*Id.* at 188).

22. During her time in prison, Respondent joined a Bible Study Group and took parenting and other classes. (See *Id.* at 58 – 59).

23. Respondent was released from prison on August 10, 2016. (ODC-6). Respondent testified that her first steps were to start therapy and look for work. (N.T. 11/9/23, p. 63). Respondent also renewed her faith and became an active member of her church. (*Id.* at 80).

24. Respondent continued her therapy after prison for an additional two years. (*Id.* at pp. 146 – 47).

25. Respondent testified that her therapy served two purposes: first, she understood that, with her parents gone, her marriage over, and her children and siblings estranged, her release from prison would be a "trial by fire" and that she "had to get ready and get all the tools to make sure that, ... what you thought you worked on really is working and continuing to work." (*Id.* at 144 – 45). The other purpose of the therapy was to ensure that she was "good" and "whole" before she attempted reunification efforts with her children.

26. Respondent testified that she knew that she didn't "deserve" the reunification therapy she sought unless she was "healthy and could return to their lives

fully functional and capable of dealing with whatever things that life threw my way.” (*Id.* 63).

27. In 2019, Respondent sought to modify the existing custody order to permit reunification therapy with her children. (*Id.* at 65). Respondent’s former husband opposed this modification. (*Id.* at 85). While Respondent believed the odds were against her in this litigation, she pursued it anyway because she wanted her children to know that she “was willing to fight and ... was better, and ...was hoping that ... if they were ready, they would want to know (her) again.” (*Id.* at 154). Respondent also stated that she wanted to “show them that I fell down many times and I got back up.” (*Id.*).

28. The custody modification was denied. Respondent did not allow this denial of her attempt to see her children stop her progress. (*Id.* at 159). Despite the loss, she testified that she was proud of the fact that she had been strong enough to undertake the modification proceeding, requiring her to relive all the trauma and embarrassment of her past, all while maintaining her ability to succeed at a demanding job. (N.T. 11/9/23 pp. 85 – 86; see also N.T. 11/8/23, p. 232).

29. At the hearing, Respondent credibly expressed her remorse for her misconduct: “I am so sorry. I’m sorry for everything. Not just what I’ve done to this profession and the reputation of lawyers in general, but to everyone I’ve hurt. And I can’t, I can’t undo what I’ve done, but I’m hoping that the life I’ve led after it with dignity, I’m hoping that I’ve earned redemption...” (*Id.* at p. 185).

30. In November 2016, Respondent accepted a position with the City of Philadelphia Law Department Major Tax Litigation Division as a legal assistant. She

started working in January 2017. (N.T. 11/9/23 p. 64). Within 6 months, Respondent was promoted to Supervisor Legal Assistant and is now Senior Legal Assistant, the highest level that she can achieve in this non-attorney position. (*Id.* at 71).

31. Respondent hopes to be hired as an attorney with the Tax Division if she is reinstated. (See *Id.* at 73 – 74) (“I was making my own victories and creating my own future and ... earning the respect of these people I respected. ... And I valued the work. I ended up finding out that tax law, though it may seem dry, is actually super interesting and I was good at it, and I was able to ...use all the skills I learned in law school and apply them in such a useful way. ... I was in demand. So, I wasn't working for one attorney, I didn't have one person's caseload, I had several, and that's continued.”).

32. In February 2022, inspired by her work at the City of Philadelphia Law Department and encouraged by her supervising attorneys, Respondent decided to petition to reinstate her license to practice law. At that time, she learned of the reporting requirement and through counsel, immediately reported her convictions on February 23, 2022. (*Id.* at pp. 172-173; ODC-8). In describing her readiness to return to the practice of law, Respondent testified: “I know that no matter what happens and no matter how long it takes, that what I've been through in the past has made me a better person.... I believe in second chances, but I also believe in earning the right for this privilege, and I think I have and I'm proud of it.” (N.T. 11/9/23, pp. 74 – 75).

33. Respondent presented credible witnesses in support of her Petition for Reinstatement.

- a. Attorney Brooke Darlington has been admitted to practice in the Commonwealth since 2010 and was Deputy City Solicitor in the Major Tax unit, supervising Respondent's work. At the time of her testimony, Attorney Darlington had been with the Unit for 11 years. Attorney Darlington testified that she had read the Petition for Discipline and the Stipulations in the case and was aware of Respondent's offenses. (See N.T. 11/8/23, p. 42, 52) ("...when I read them, I was like, "What? This is Laura"? I ...couldn't even believe it. Because she's so different now."). Ms. Darlington testified that when Respondent came on the job, she "... was so energetic, so positive, so excited to be there...." (N.T. 11/8/23 p. 46). Ms. Darlington also credibly testified that she was "more impressed with (Respondent) as the years went on," that Respondent had a "great reputation" in the office, and always went "above and beyond." (N.T. 11/8/23, pp. 48 – 49; P-1, Letter of Brooke Darlington) Ms. Darlington also testified credibly that, based on her discussions with Respondent, she believes that Respondent has accepted responsibility for her offenses. (N.T. 11/8/23 at 53). Ms. Darlington finds Respondent to be "trustworthy," "reliable" and "honest," and would wholeheartedly recommend her to be hired as an attorney at the Law Department when she is reinstated. (*Id.* at 48).
- b. Allison Bassman, Respondent's cousin, currently is the Director of Human Resources for a small tech company in New York, overseeing all personnel issues for 150 employees. (N.T. 11/8/23, p. 78). Ms. Bassman was familiar

with all of Respondent's criminal activity. She had a unique perspective on Respondent's wrongdoing, as her own father had committed crimes and been imprisoned around the same time as Respondent's offenses came to light. Ms. Bassman testified that Respondent's conduct "...brought up a lot of pain and ... resentment.... I really felt like what she had done was wrong." (*Id.* at 81). When Respondent was released from prison in 2016, Ms. Bassman believed, based on her experience with her father, that Respondent would be unable to accept responsibility. However, this was not the case. Respondent was "different and ... owned what she did ... and had a very large sense of remorse." (N.T. 11/8/23, p. 82 – 83).

- c. Police Sergeant Candice Gorman credibly testified as a character witness. Sergeant Gorman has been a police officer for over 22 years, and a sergeant for six years. She served with the Audubon Borough Police for 21 years and is a trained observer who "forms opinions of people" for "a living." (N.T. 11/8/23, p. 106). Sergeant Gorman has known Respondent for 17 years through her father's relationship with Respondent's aunt, Jane Scaccetti. Sergeant Gorman credibly testified that she was familiar with Respondent's crimes and had read the Petition for Discipline. (*Id.* at 105). Since Respondent's release from prison, Sergeant Gorman sees Respondent regularly at family functions and has observed "a vast change" in her. (*Id.* at 107). Based on her observations, Sergeant Gorman believes that Respondent has been rehabilitated, is honest, intelligent, and has the

moral qualifications to be an attorney. (*Id.* at 106, 108 – 109). Sergeant Gorman would hire Respondent to represent her “any day.” (*Id.* at 109).

- d. Jane Scaccetti, Respondent’s aunt, credibly testified as a character witness. Ms. Scaccetti is a Certified Public Accountant, who has been a principal and founder of several successful accounting firms. Ms. Scaccetti has also served on several public, private, and not-for-profit boards, including the Philadelphia Foundation, the Center City District Foundation; she is also currently a Trustee for Temple University. (See P-2; N.T. 11/8/23, p. 120 – 23). Ms. Scaccetti has known Respondent since birth, and described how Respondent used to babysit her children. (N.T. 11/8/23, p. 126-127). Ms. Scaccetti is intimately familiar with her criminal conduct, and has been closely involved in her life since Respondent’s return from prison in 2016. (*Id.* at 124, 165). Ms. Scaccetti observed that, upon her return from prison, Respondent started counseling and “working on herself” because “she knew she needed help. She wanted to see her children, ... but she knew that she needed to prove that she was better and healthy.” (*Id.* at 160). Ms. Scaccetti also credibly testified that Respondent “owns” her criminal conduct, never justifies or minimizes it and has never blamed anyone else for her mistakes. (*Id.* at 164, 167 – 168). Ms. Scaccetti testified that Respondent “fell really deep down and dark” and that she is proud of where Respondent is today. (*Id.* at 166). Ms. Scaccetti affirmed that she has “no doubt whatsoever” that Respondent can handle the stress of practice. (*Id.*

at 170). Ms. Scaccetti stated that she has “no concerns” about Respondent’s future mental health, believes that she will be a credit to her profession, and would recommend her to her own accounting firm as a lawyer “in a heartbeat.” (*Id.* at 197 – 198).

- e. Michael Carestio, Ms. Scaccetti’s life partner since 2010, credibly testified as a character witness. Mr. Carestio graduated from Temple University and worked in advertising for 40 years. He spent the last ten years of his career as the Communications Director of Wills Eye Hospital. Mr. Carestio testified that he was present during Respondent’s criminal trials, had read the Joint Stipulations and the Petition for Discipline and was familiar with her offenses. (N.T. 11/8/23, p. 209). He has seen Respondent regularly since she was released from prison in 2016. (*Id.* at 218). When Respondent was released from prison, “[t]he first thing she did was she owned up to what she did. ... She didn’t blame anybody.... She came out, ‘I screwed up and I’m trying to rebuild my life, and I’m looking for help to do that.’ ...She became much closer to the family and the family rallied around her....” (*Id.* at 211 – 12). Mr. Carestio considers Respondent “hard-working,” loyal and trustworthy. (*Id.* at 216). He “absolutely” believes that she has accepted responsibility for her past misconduct. He also believes she has the ability to be a lawyer and would easily manage the stress of practice. (*Id.* at 214, 216).

- f. Amy Testa, Respondent's cousin, credibly testified as a character witness. Ms. Testa is 30 years old and graduated from Drexel University with a degree in Chemical Engineering. She is currently employed as a Supply Specialist for Sunoco. Ms. Testa was familiar with the offenses at issue and had read the Petition for Discipline. (N.T. 11/8/23, p. 228). Respondent is like a "big sister" to Ms. Testa; they have been "very close" since Respondent's return from prison in 2016. At that time, Ms. Testa observed that Respondent had a "will and a determination ... to get her life back right again, to grow, to change, to rehabilitate herself." Ms. Testa observed that Respondent sought therapy, journaled, used the family as a support system and stopped "isolating herself." (*Id.* at 230 – 231, 239). Ms. Testa credibly stated that Respondent has "come out on the other side of this really strong and with a ... concerted effort to grow." (*Id.* at 234). Ms. Testa and Respondent often turn to each other for support in times of stress. Ms. Testa relies on Respondent, who she described as "kind and compassionate" with "really good judgment." (*Id.* at 233, 238). Ms. Testa has observed that Respondent has accepted responsibility for her criminal conduct and "takes full ownership" of her mistakes. (*Id.* at 232). Ms. Testa believes that Respondent has the ability and moral qualifications to be an attorney; Ms. Testa would recommend Respondent as an attorney and would hire her. (*Id.* at 234 – 36).

g. Attorney Mark P. Much is a criminal defense attorney who has been in private practice in Delaware County since 1991. (N.T. 11/9/23, p. 91). Attorney Much met Respondent when she was an intern for the District Attorney's Office in her third year of law school. At that time, Attorney Much thought that Respondent was "bright" and "had a unique combination of common sense and street smarts, and she was very academic." (*Id.* at 92–93). In 2009, when he represented Respondent in her first shoplifting case, his impression was "[m]uch different." He was "shocked" because he had "always known Laura to be a very honest person." (*Id.* at 95). When Respondent left prison in 2016, Attorney Much observed that she "had accepted responsibility She was in therapy and trying to figure out why she did those things, and she was ambitious and ... enthusiastic ... and ... on the road to recovery." (*Id.* at 96). Attorney Much credibly testified that based on his knowledge of her circumstances and her family, he believed that during the time of her offenses, Respondent "had mental health issues." He described the situation which he believed caused these issues: "She lost her way. She retired from the practice of law. She was trying to be the perfect mom and the perfect wife, and she didn't fit into the environment that she found herself in. She had parents that she was caring for, a mother that was a lot of care and a lot of stress on her as a result of that." (*Id.* at 114). Attorney Much testified that he now "admires" Respondent and her "drive" and "will to succeed." He "absolutely" considers himself part of her

support network. Attorney Much also believes, based on his 33 years of practicing criminal defense and observing other criminal defendants, that Respondent is “100 percent rehabilitated.” (*Id.* at 97 – 98). Attorney Much credibly testified that he was not concerned about Respondent’s current ability to handle stress: “She has handled more stress than most. She has handled it with, you know, dignity, humility, and she has overcome. She accepts responsibility... she has never broken down after disappointments, and there’s been many, you know, with her children, she lost both her parents, parents that she was caring for, and she’s always persevered.” (*Id.* 106). Attorney Much believes Respondent has the moral qualifications and competency to be an attorney and stated that he “would not hesitate referring her cases” if she were reinstated. (*Id.* at 99).

34. In lieu of testimony, character letters from Donald Testa and Eileen Testa, Respondent’s aunt and uncle, were admitted into evidence, P-4 and P-5. Both letters credibly attested to Respondent’s rehabilitation, strength of purpose, and acceptance of responsibility. (See, P-4, Letter of Donald Testa, “Lori has shown remarkable resilience and determination throughout this ordeal. She had battled this all head on with amazing fortitude. ...Lori has moved forward every day with humility and determination. She takes responsibility for her convictions and never blames anyone else. ... She is always striving to help others and to be a better person.”) (See, P-5, Letter of Eileen Testa, “Laura has ... own(ed) up to her errors, seeking and admitting she needed help from professionals,

family, and God. ...These trials, and the hard work to overcome them, have made her stronger and more confident in her resilience.”)

35. Respondent also submitted into evidence a character letter from Brian R. Cullin, Esquire. Attorney Cullin was admitted to practice in the Commonwealth in 2014 and was a Deputy City Solicitor for the City Law Department before leaving his position. In his letter in support of Respondent’s reinstatement he credibly described Respondent as “an invaluable asset to both me and the unit as a whole” and “a sterling example of what work ethic and professionalism look like.” Mr. Cullin noted that “Laura has a unique ability to take the high road, de-escalate contentious situations, and disarm cantankerous personalities, while remaining firm and unwavering in getting the job done.” (P-3).

36. Respondent does not pose a threat to the public or the integrity of the legal system.

37. All of Respondent’s witnesses, including Respondent herself, were credible.

38. Office of Disciplinary Counsel does not oppose reinstatement.

III. CONCLUSIONS OF LAW

1. As a result of her criminal convictions, Respondent violated RPC 8.4(b), which provides that it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as lawyer in other respects.

2. Respondent’s criminal convictions are an independent ground for the imposition of discipline pursuant to Rule 203(b)(1), Pa.R.D.E.

3. As a result of her failure to timely report her criminal convictions, Respondent violated Pa.R.D.E. 214(a), which requires that an attorney convicted of a crime report the fact of such conviction within 20 days to the Office of Disciplinary Counsel.

4. Respondent demonstrated 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(d)(3).

IV. DISCUSSION

This matter is before the Board on consolidated Petitions for Discipline and Reinstatement. The disciplinary matter involves Respondent's five criminal convictions between 2010 and 2014 that occurred during her period of retired status: two convictions of retail theft (misdemeanor of the first degree); a third conviction of retail theft—take merchandise (felony of the third degree); a fourth conviction of intentional possession of controlled substance by person not registered (misdemeanor), use/possession of drug paraphernalia (misdemeanor), contraband/controlled substance (felony in the second degree), and possession of controlled substance—contraband/inmate (felony of the second degree); and a fifth conviction of DUI—controlled substance or metabolite—first offense (misdemeanor), and intentional possession of controlled substance by person not registered (misdemeanor). None of these crimes involved clients or the practice of law. Respondent disclosed her criminal history to ODC in February 2022 when she decided to seek reinstatement and realized that she was required to report her convictions.

Respondent stipulated that she was convicted of crimes on five separate occasions and admitted that her convictions constitute a *per se* ground for discipline under Pa.R.D.E. 203(b)(1). Respondent further stipulated that at the time of each conviction, she failed to report the conviction to ODC within the twenty days as required by the Enforcement Rules. This record conclusively demonstrates that Respondent committed misconduct that warrants discipline.

The Board's task is to determine the appropriate level of discipline to address Respondent's misconduct, bearing in mind that the main goals of attorney sanctions are to protect the public from unfit attorneys, maintain the integrity of the legal system, and deter similar misconduct. *Office of Disciplinary Counsel v. Costigan*, 584 A.2d 296 (Pa. 1990); *In re Iulo*, 766 A.2d 225 (Pa. 2001). The recommended discipline must reflect facts and circumstances unique to the case, including circumstances that are aggravating or mitigating, *Office of Disciplinary Counsel v. Joshua Eilberg*, 441 A.2d 1193, 1195 (Pa. 1982), and the Board must "examine the underlying facts involved in the criminal charge to weigh the impact of the conviction upon the measure of discipline." *Office of Disciplinary Counsel v. Frank Troback*, 383 A.2d 952, 953 (Pa. 1978). While there is no *per se* rule of discipline, consistency in the results reached in disciplinary cases is required so that similar misconduct "is not punished in radically different ways." *Office of Disciplinary Counsel v. Robert S. Lucarini*, 472 A.2d 186, 190 (Pa. 1983).

Attorneys who have engaged in misconduct that resulted in multiple criminal convictions, including retail theft and DUI, have received a lengthy term of suspension for the combined convictions. See *Office of Disciplinary Counsel v. Kenneth Gallen*, No. 8

DB 2002 (D. Bd. Rpt. 3/15/2004) (S. Ct. Order 6/24/2004) (the Court suspended Gallen for one year and one day, retroactive to the date of the temporary suspension, for his three separate criminal convictions over a period of three years for multiple counts of DUI, Aggravated Assault by Vehicle while DUI, Recklessly Endangering Another Person, and Disorderly Conduct; Gallen established that he suffered from alcoholism and a psychiatric disorder that caused his misconduct); *Office of Disciplinary Counsel v. Jay Logan Trout*, No. 51 DB 1999 (D. Bd. Rpt. 9/20/2000) (S. Ct. Order 11/13/2000) (the Court imposed a three year suspension, retroactive to the date of temporary suspension, for Trout's seven shoplifting convictions, which he committed to support his heroin addiction, and a conviction for possession of drug paraphernalia); *Office of Disciplinary Counsel v. Nancy M. Bonner*, Nos. 95 & 219 DB 2005 (D. Bd. Rpt. 3/7/2008) (S. Ct. Order 8/29/2008) (Bonner was suspended for three years, retroactive to the date of her temporary suspension, for four DUI convictions and a forgery and identify theft conviction, all of which she failed to report to ODC, as well as her misconduct in mishandling two client matters; Bonner established that her misconduct was caused by an alcohol addiction and psychiatric disorders); *Office of Disciplinary Counsel v. Mark Eugene Johnston*, Nos. 160 DB 2002, 69 & 89 DB 2003 (D. Bd. Rpt. 12/15/2004) (S. Ct. Order 5/13/2005) (the Court suspended Johnston for three years for five separate criminal cases, two of which he was required to report to the Board and failed to do so; Johnston also submitted a false ARD application, violated probation in one matter and his parole in a second matter, and had been the subject of two bench warrants for failure to report to prison).

Based on precedent and the facts of this matter, we agree with the

Committee that a two year period of suspension will serve the goals of the disciplinary system, particularly as a deterrent. Like the respondent-attorneys in the cited matters, Respondent engaged in a string of criminal conduct, not merely an isolated incident of bad behavior. We recognize that Respondent's criminal convictions occurred more than nine years ago at time when she was not practicing law. Yet, Respondent cannot rely upon these circumstances as a basis to avoid sanction for her serious misconduct; otherwise, similarly placed attorneys who seek reinstatement will expect the same resolution. Here, a reasonable approach to discipline is to stay the suspension in its entirety, retroactive to February 23, 2022, the date Respondent disclosed her convictions to ODC. The length of the suspension reflects the seriousness of Respondent's misconduct and advances the goals of the disciplinary system; the stayed nature of the suspension obviates the need for a reinstatement hearing in the future, which would be duplicative in light of the current inquiry testing Respondent's fitness for reinstatement.

Turning to the reinstatement matter, as a retired attorney, Respondent must demonstrate moral qualifications, competency and learning in the law, pursuant to Pa.R.D.E. 218(d)(3). Upon this record, we conclude that Respondent met her reinstatement burden through her own credible testimony, the credible testimony of her character witnesses, and her character letters, and is fit to resume the practice of law. We further conclude that the ample evidence in support of Respondent's reinstatement exceeds the requirements of Pa.R.D.E. 218(d)(3) and also establishes Respondent's fitness under the more stringent standard outlined in Pa.R.D.E. 218(c)(3), which states that a suspended attorney "shall have the burden of demonstrating by clear and

convincing evidence that such person has the moral qualifications, competency and learning in the law required for admission to practice law in this Commonwealth and that the resumption of the practice of law within the Commonwealth by such person will be neither detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest.” See also *Philadelphia Newspapers, Inc., v. Disciplinary Board of the Supreme Court*, 363 A.2d 779 (Pa. 1976), which provides that the chief inquiry in a reinstatement proceeding is the nature and extent of the rehabilitative efforts made by the lawyer since the time the sanction was imposed and the degree of success achieved in that rehabilitative process.

Respondent has not practiced law since 2003, when she voluntarily assumed inactive status and later assumed retired status. Her extensive criminal conduct during those years is set forth above; it has been more than nine years since the last offense and more than seven years since her release from prison. Respondent presented conclusive evidence that she has been rehabilitated from that misconduct. Respondent accepted responsibility for her criminal conduct without reservation, minimization, or blame, and has expressed genuine remorse. Respondent credibly testified that during her imprisonment, she was determined to understand her conduct as a first step to regaining her life, which had spiraled out of control. Respondent commenced bi-weekly therapy sessions in prison and began a process of self-discovery that marked the start of her rehabilitation. Respondent also took parenting classes and joined a Bible study class while in prison. After leaving prison in August 2016, Respondent continued with therapy for an additional two years.

Obtaining employment was an important goal for Respondent, and in November 2016, Respondent secured a job with the City of Philadelphia Law Department Major Tax Litigation Division as a legal assistant. The record established that Respondent excelled at her job, rising to the top level of the division in a nonlegal capacity, to the point that her supervisors encouraged her to reinstate her license so she could practice law and use her skills. Respondent presented strong evidence that she has regained the trust of her extended family, several of whom supported her by testifying on her behalf or writing heartfelt letters. Following her release from prison, Respondent made efforts to reunify with her children, and though not successful and greatly disappointed by the results of that attempt, Respondent did not let it adversely affect her progress.

Respondent's rehabilitative efforts have not gone unnoticed. Seven witnesses comprising a lawyer who supervised Respondent's work at the Tax Division, Respondent's former criminal lawyer, relatives, and friends, credibly and compellingly testified without contradiction that Respondent has accepted responsibility for her actions. These witnesses testified to Respondent's good character, growth as an individual since her criminal activity and imprisonment, dedication, and resilience, and unreservedly support Respondent's return to the practice of law as a morally qualified and competent individual. As well, Respondent's character letters attest to her rehabilitation, strength of purpose, acceptance of responsibility, and professionalism.

We conclude that Respondent has successfully addressed her underlying wrongdoing, she is fit to practice law, and her return to practice will not harm the public, the courts or the profession. On this record, we recommend reinstatement.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, Laura Testa Musi, be Suspended from the practice of law for a period of two years, stayed in its entirety, retroactive to February 23, 2022. And further, the Board unanimously recommends that Laura Testa Musi be reinstated to the practice of law.

The Board recommends that, pursuant to Rules 218(f) and (g), Pa.R.D.E. Respondent be directed to pay all of the necessary expenses incurred in the investigation and processing of the Petition for Discipline and the Petition for Reinstatement.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

S/Robert L. Repard

By: _____
Hon. Robert L. Repard, Member

Date: _____
July 9, 2024