

The OAE asserted that, in the Pennsylvania matter, respondent was determined to have violated the equivalent of New Jersey's RPC 5.5(a)(1) (practicing law while ineligible).

For the reasons set forth below, we determine to grant the OAE's motion and impose a reprimand.

Respondent earned admission to the New Jersey bar in 1993 and to the Pennsylvania bar in 1994. She has no prior discipline in New Jersey. Court records reflect that she is currently employed as in-house counsel for Integra LifeSciences, in Princeton, New Jersey. During the time relevant to this matter, she was employed as in-house counsel for Ricoh USA, Inc. (RicoH), in Malvern, Pennsylvania.

Respondent worked as in-house counsel for Ricoh from September 2013 through January 2020. She initially served as assistant general counsel, handling employment law matters, until her August 2014 promotion to vice-president and assistant general counsel. In September 2017, she was promoted to senior vice president, general counsel, and secretary for Ricoh, a position she occupied until January 2020. As general counsel, respondent oversaw Ricoh's "overall legal issues, ethics, compliance, corporate and information security, and regulatory affairs in the United States, Canada and Latin America."

Beginning on July 1, 2008 and continuing during her employment with

Ricoh, respondent maintained her license status in Pennsylvania as “inactive.” According to the definition provided on the Pennsylvania Disciplinary Board’s website, inactive status is defined as “an attorney who is a member of the Pennsylvania bar and who has elected to transfer to this status while not engaged in the practice of law.” To maintain inactive status, the attorney must register annually and is prohibited from practicing law in Pennsylvania.

On September 26, 2017, the Supreme Court of Pennsylvania administratively suspended respondent, effective October 26, 2017, for failure to pay her annual registration fee, in violation of Rule 219 of the Pennsylvania Rules of Disciplinary Enforcement (Pa.R.D.E.). On the same date, Suzanne E. Price, the attorney registrar for the Commonwealth of Pennsylvania, provided respondent with a copy of the suspension order, as well as the forms required for her reinstatement. The registrar informed respondent that she was precluded from practicing law in Pennsylvania as a result of her administrative suspension.¹

Respondent failed to notify anyone, including her employer Ricoh, of her administrative suspension. Further, respondent failed to maintain records of the steps she took to comply with the Pennsylvania disciplinary rules governing

¹ These facts are taken from the Joint Petition in Support of Discipline, filed with the Pennsylvania Disciplinary Board.

suspended attorneys.

Respondent remained administratively suspended until January 6, 2020 when she filed her verified statement of compliance, pursuant to Pa.R.D.E. 217(e)(1), and paid her outstanding fees, thus, restoring her license to inactive status.

On September 24, 2020, respondent and the Pennsylvania Office of Disciplinary Counsel (the ODC) filed a joint petition in support of discipline on consent, pursuant to Pa.R.D.E. 215(d). In the joint petition, respondent admitted that, in connection with her employment at Ricoh, she engaged in the authorized practice of law in Pennsylvania, from October 26, 2017 through January 6, 2020, while she was administratively suspended.² For her misconduct, respondent admitted that she violated the following Pennsylvania Rules of Professional Conduct and Rules of Disciplinary Enforcement:

- (1) Pa. RPC 5.5(a) (lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction);³
- (2) Pa. RPC 5.5(b)(1) (lawyer not admitted in a jurisdiction

² Although respondent has been on inactive status in Pennsylvania since 2008 and, thus, appears to have not been authorized to practice law in Pennsylvania, either on a plenary basis or as in-house counsel, the Joint Petition addressed only respondent's unauthorized practice of law during the period of her administrative suspension, spanning October 2017 to January 2020. The ODC clearly was aware of respondent's extensive inactive status, as recited in the parties' Joint Petition.

³ Pa. RPC 5.5(a) is the equivalent to RPC 5.5(a)(1). Pa. RPC 5.5(b)(1) and Pa. RPC 5.5(b)(2) have no equivalents in the New Jersey Rules of Professional Conduct.

is prohibited from establishing an office or other systematic and continuous presence in the jurisdiction for the practice of law);

- (3) Pa. RPC 5.5(b)(2) (lawyer not admitted in a jurisdiction is prohibited from holding out to the public or otherwise that lawyer is admitted to practice);
- (4) Pa.R.D.E. 203(b)(3) (willful violation of any other provision of the Pennsylvania Rules of Disciplinary Enforcement shall be grounds for discipline);
- (5) Pa.R.D.E. 217(a) (failure to provide notification to clients after disbarment, suspension, administrative suspension or transfer to inactive status);
- (6) Pa.R.D.E. 217(c)(2) (failure to provide notification to professional contacts after disbarment, suspension, administrative suspension or transfer to inactive status);
- (7) Pa.R.D.E. 217(d)(1) (lawyer shall not accept new retainer or engage as attorney in new matters as of date of order of suspension, administrative suspension or transfer to inactive status but may wind up and complete matters pending on date of entry within thirty days of entry of order);
- (8) Pa.R.D.E. 217(e) (failure to submit verified statement regarding compliance within ten days after effective date of suspension, administrative suspension or transfer to inactive status);
- (9) Pa.R.D.E. 217(e)(1) (failure to provide verified statement regarding notice to persons and jurisdictions within ten days after effective date of suspension, administrative suspension or transfer to inactive

status); and

(10) Pa.R.D.E. 217(j)(4) (formerly admitted lawyer may not engage in any form of law related activities in Pennsylvania except in accordance with the requirements in the Rules of Disciplinary Enforcement).

On November 4, 2020, the Supreme Court of Pennsylvania adopted the recommendation of the Pennsylvania Disciplinary Board and suspended respondent for six months.

On December 14, 2020, respondent submitted a copy of the November 4, 2020 Pennsylvania suspension order to our Court. Respondent did not, however, send a copy to the OAE, as R. 1:20-14(a)(1) requires.

On November 29, 2021, the Supreme Court of Pennsylvania reinstated respondent to inactive status in Pennsylvania.

The OAE correctly asserted, in its brief to us and during oral argument, that, based upon New Jersey disciplinary precedent, respondent's unethical conduct warrants lesser discipline than the six-month term of suspension imposed in Pennsylvania. The OAE relied on New Jersey disciplinary precedent, discussed below, to conclude that respondent's misconduct warranted a reprimand.

The OAE emphasized, in mitigation, that respondent has no prior discipline in New Jersey in her twenty-seven years at the bar; she accepted

responsibility and cooperated with the Pennsylvania disciplinary authorities; and she expressed remorse for her misconduct.

In aggravation, the OAE noted that respondent failed to notify the OAE of her Pennsylvania discipline, as R. 1:20-14(a)(1) requires.

Respondent, through counsel, stated she had no objection to the OAE's recommendation that she be reprimanded and emphasized, during oral argument, that she no longer works in Pennsylvania. She also noted that, although she admittedly failed to notify the OAE of her Pennsylvania discipline, she timely, albeit erroneously, notified the Court under cover letter dated December 14, 2020.

Following a review of the record, we determine to grant the OAE's motion for reciprocal discipline. Pursuant to R. 1:20-14(a)(5), "a final adjudication in another court, agency or tribunal, that an attorney admitted to practice in this state . . . is guilty of unethical conduct in another jurisdiction . . . shall establish conclusively the facts on which it rests for purposes of a disciplinary proceeding in this state." Thus, with respect to motions for reciprocal discipline, "[t]he sole issue to be determined . . . shall be the extent of final discipline to be imposed." R. 1:20-14(b)(3).

In Pennsylvania, the standard of proof in attorney disciplinary proceedings is that the "[e]vidence is sufficient to prove unprofessional conduct

if a preponderance of the evidence establishes the conduct and the proof . . . is clear and satisfactory.” Office of Disciplinary Counsel v. Kissel, 442 A.2d 217 (Pa. 1982) (citing In re Berland, 328 A.2d 471 (Pa. 1974)). Moreover, “[t]he conduct may be proven solely by circumstantial evidence.” Office of Disciplinary Counsel v. Grigsby, 425 A.2d 730 (Pa. 1981) (citations omitted). Notably, here, as in the Pennsylvania disciplinary proceeding, respondent stipulated to having engaged in the unauthorized practice of law.

Reciprocal discipline proceedings in New Jersey are governed by R. 1:20-14(a)(4), which provides in pertinent part:

The Board shall recommend the imposition of the identical action or discipline unless the respondent demonstrates, or the Board finds on the face of the record on which the discipline in another jurisdiction was predicated that it clearly appears that:

(A) the disciplinary or disability order of the foreign jurisdiction was not entered;

(B) the disciplinary or disability order of the foreign jurisdiction does not apply to the respondent;

(C) the disciplinary or disability order of the foreign jurisdiction does not remain in full force and effect as the result of appellate proceedings;

(D) the procedure followed in the foreign disciplinary matter was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

(E) the unethical conduct established warrants substantially different discipline.

Subsection (E) applies in this matter because the unethical conduct warrants substantially different discipline.

As the Supreme Court of Pennsylvania found, and as she admitted, respondent violated RPC 5.5(a)(1) by practicing law in Pennsylvania from October 26, 2017 through January 6, 2020, while she was administratively suspended in that jurisdiction and, thus, ineligible to practice law.

In sum, we determine to grant the motion for reciprocal discipline and find that respondent violated RPC 5.5(a)(1). The sole issue left for our determination is the proper quantum of discipline for respondent's misconduct.

Ordinarily, when an attorney practices law while ineligible, and is aware of the ineligibility, either a reprimand or a censure will result, depending on the existence and nature of aggravating factors. See, e.g., In re Perez, 240 N.J. 173 (2019) (reprimand for attorney who, while serving as an attorney for sellers in a real estate transaction, was notified by the buyers' counsel that he was ineligible to practice law; the attorney reassured the buyers' counsel that he would send proof of eligibility, which he did not do in the ensuing week, during which he continued to participate in correspondence, document review, and the provision of a rider related to the transaction; no prior discipline); In re Fell, 219 N.J. 425 (2014) (reprimand for attorney who was ineligible for five months, was aware of his ineligibility, but, nevertheless, represented a matrimonial client; an

aggravating factor was the attorney's prior reprimand; mitigating factors included the attorney's ready admission of his misconduct and the service he provided to his community); In re Moskowitz, 215 N.J. 636 (2013) (reprimand for attorney who was ineligible for more than seven months, but practiced law knowing that he was ineligible to do so); In re D'Arienzo, 217 N.J. 151 (2014) (censure imposed where the attorney's failure to ensure that payment was sent to the New Jersey Lawyers' Fund for Client Protection was deemed "akin to knowledge on his part;" in aggravation, the attorney had an extensive disciplinary history, which included a 2013 reprimand, also for practicing while ineligible); In re Macchiaverna, 214 N.J. 517 (2013) (censure for attorney who knowingly practiced law while ineligible and committed recordkeeping violations; aggravating factors included the attorney's prior reprimand for recordkeeping violations that led to the negligent misappropriation of client funds and his failure to appear on the return date of the Court's order to show cause).

Respondent practiced law in Pennsylvania for a significant time period – October 2017 through January 2020 – despite her knowledge that her Pennsylvania license was administratively suspended. Although respondent engaged in the unauthorized practice of law for a longer period than the attorneys in Perez, Fell, and Moskowitz, who were reprimanded, the aggravating

factors present in D'Arienzo and Macchiaverna, which persuaded us to impose the heightened discipline of a censure, are not present here. Specifically, with the exception of respondent's misrouted notification of her Pennsylvania suspension to the Court rather than to the OAE, an error for which we accord little weight, there is no aggravation to consider.

In mitigation, respondent accepted responsibility for her misconduct; expressed remorse; and has an unblemished twenty-eight-year disciplinary history in New Jersey. In further mitigation, respondent served her six-month suspension in Pennsylvania and has achieved reinstatement to inactive status.

On balance, we determine that a reprimand is the quantum of discipline necessary to protect the public and preserve confidence in the bar.

Member Joseph voted to impose a censure weighing, in aggravation, the significant length of time that respondent practiced law while aware of her ineligibility.

Member Rivera voted to impose an admonition.

Member Hoberman was absent.

We further determine to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs and actual expenses incurred in the prosecution of this matter, as provided in R. 1:20-17.

Disciplinary Review Board
Hon. Maurice J. Gallipoli, A.J.S.C. (Ret.),
Chair



By:

Johanna Barba Jones
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Jami Segota
Docket No. DRB 21-241

Argued: February 17, 2022

Decided: April 29, 2022

Disposition: Reprimand

<i>Members</i>	Reprimand	Censure	Admonition	Absent
Gallipoli	X			
Singer	X			
Boyer	X			
Campelo	X			
Hoberman				X
Joseph		X		
Menaker	X			
Petrou	X			
Rivera			X	
Total:	6	1	1	1



Johanna Barba Jones
Chief Counsel