

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1085 Disciplinary Docket No. 3
Petitioner :
 : Nos. 95 and 219 DB 2005
v. :
 : Attorney Registration No. 61340
NANCY M. BONNER, :
Respondent : (Philadelphia)

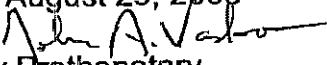
ORDER

PER CURIAM:

AND NOW, this 29th day of August, 2008, upon consideration of the Report and Recommendations of the Disciplinary Board dated March 7, 2008, it is hereby

ORDERED that Nancy M. Bonner is suspended from the Bar of this Commonwealth for a period of three years retroactive to January 28, 2006, and she shall comply with all the provisions of Rule 217, Pa.R.D.E.

It is further ORDERED that respondent shall pay costs to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.

A True Copy John A. Vaskov
As of: August 29, 2008
Attest: 
Deputy Prothonotary
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 1085 Disciplinary Docket
Petitioner	:	No. 3
	:	
v.	:	Nos. 95 & 219 DB 2005
	:	
NANCY M. BONNER	:	Attorney Registration No. 61340
	:	
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 208(d)(2)(iii) of the Pennsylvania Rules of Disciplinary Enforcement, the Disciplinary Board of the Supreme Court of Pennsylvania ("Board") herewith submits its findings and recommendations to your Honorable Court with respect to the above-captioned Petition for Discipline.

I. HISTORY OF PROCEEDINGS

On June 21, 2005, Office of Disciplinary Counsel filed a Petition for Discipline at No. 95 DB 2005 against Nancy M. Bonner, Respondent. The Petition charged Respondent with violations of the Rules of Professional Conduct arising out of her mishandling of two client matters. Respondent did not file an Answer to Petition for Discipline. This Petition was referred to a District I Hearing Committee and a prehearing

conference was held on August 18, 2005. A Joint Petition for Temporary Suspension was filed by Petitioner on October 24, 2005. On December 29, 2005, the Supreme Court of Pennsylvania entered an order temporarily suspending Respondent and referred the matter to the Disciplinary Board.

On March 1, 2007, a Petition for Discipline was filed by Petitioner against Respondent in the matter at No. 219 DB 2005. Respondent did not file an Answer to Petition for Discipline. A Motion to Consolidate Petitions for Discipline was filed by Petitioner on March 1, 2007 and granted by Order of the Disciplinary Board dated March 29, 2007.

A disciplinary hearing was held on May 31, 2007 before a District I Hearing Committee comprised of Chair Nancy B. G. Lassen, Esquire, and Members Patricia Furlong, Esquire, and Mark G. Lionetti, Esquire. Respondent was represented by John Rogers Carroll, Esquire.

Following the submission of briefs by the parties, the Hearing Committee filed a Report on October 19, 2007, finding that Respondent engaged in professional misconduct and recommending that she receive a three year stayed suspension, effective January 28, 2006, with the balance of the suspension stayed on the condition that she satisfy a term of probation with a sobriety monitor following reinstatement.

Petitioner filed a Brief on Exceptions on November 8, 2007.

Respondent filed a Brief Opposing Exceptions on November 27, 2007.

Petitioner filed a Reply Brief to Respondent's Brief on December 13, 2007.

Respondent filed a Reply Brief to Petitioner's Supplement on December 18, 2007.

This matter was adjudicated by the Disciplinary Board at the meeting on January 30, 2008.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner, Office of Disciplinary Counsel, whose principal office is located at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania, is invested pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement, with the power and 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 said Rules of Disciplinary Enforcement.

2. Respondent is Nancy M. Bonner. She was born in 1964 and was admitted to practice law in the Commonwealth in 1991. Her former attorney registration address is 1601 Walnut Street, Suite 901, Philadelphia PA 19102. Respondent is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. Respondent has no prior history of discipline.

4. By Order of the Supreme Court of Pennsylvania dated December 29, 2005, a Joint Petition to Temporarily Suspend Respondent was granted and she was suspended from the practice of law effective January 28, 2006.

Petition for Discipline at No. 95 DB 2005

5. In 2003, Angela K. Clark gave Respondent an \$800 retainer to represent her in a bankruptcy action in the United States District Court for the Eastern District of Pennsylvania.

6. Respondent failed to file the bankruptcy petition on behalf of her client.

7. Thereafter, Respondent misrepresented the status of Ms. Clark's case in a February 14, 2004 telephone call and a February 16, 2004 letter.

8. Respondent's representations to Ms. Clark were false and Respondent knew they were false when she made them.

9. Respondent failed to return any of Ms. Clark's subsequent telephone calls and failed to advise Ms. Clark of the status of her bankruptcy proceedings.

10. Respondent failed to take any meaningful action on Ms. Clark's bankruptcy and failed to promptly return the unearned portion of her fee.

11. By letter dated April 6, 2005, Respondent's attorney in the instant matter returned the entire fee to Ms. Clark.

12. In October 2002, Respondent agreed to represent Norma H. Essex in a personal bankruptcy action and was paid a \$700 fee.

13. Respondent failed to provide a written fee agreement and failed to file Ms. Essex's bankruptcy petition.

14. From October 2002 through January 2004, Respondent failed to respond to Ms. Essex's repeated telephone calls or provide Ms. Essex with information regarding the status of her case.

15. Respondent misrepresented the status of Ms. Essex's case in letters dated January 12, 2004 and January 27, 2004, knowing the letters contained information that was false and misleading because Respondent never filed a bankruptcy action.

16. Following Respondent's instructions, Ms. Essex appeared in bankruptcy court on March 29, 2004. After waiting hours for her case to be called, Ms. Essex learned through the Office of The United States Trustee for the Eastern District that there was no record of her bankruptcy petition ever having been filed. Respondent did not appear in court.

17. By letter dated March 29, 2004, Respondent was contacted by Kevin Callahan, Esquire, of the Trustee's Office and informed that there was no record of a filing on behalf of Ms. Essex, and that Ms. Essex had appeared that day for a hearing. Mr. Callahan asked Respondent to explain why Ms. Essex thought a petition had been filed on her behalf.

18. By letter dated March 30, 2004, Respondent apologized for inconveniencing Ms. Essex and advised that she would make certain Ms. Essex's case proceeded without further delay.

19. From April 2004 through September 2004, Respondent again failed to respond to Ms. Essex's repeated inquiries and failed to proceed with the filing of the bankruptcy petition.

20. On September 20, 2004, Respondent filed Ms. Essex's Chapter 7 bankruptcy petition. Ms. Essex received a discharge from the bankruptcy court on January 3, 2005.

21. By letter dated April 6, 2005, Respondent's attorney in the instant disciplinary proceeding refunded \$511 representing the unearned balance of the fee to Ms. Essex.

Petition for Discipline at No. 219 DB 2005.

22. On January 27, 2003, Respondent was arrested for Driving Under the Influence and related offenses.

23. On August 19, 2003, Respondent entered a plea of guilty and was sentenced to 23 months probation, ten weekends assigned to the Highway Clean-Up Program, and 60 days with an electronic monitor followed by general supervision. Respondent was also ordered to undergo evaluation, attend and complete safe driving school, install an ignition interlock device on her vehicle, undergo drug and alcohol evaluation and follow any and all recommendations, and pay costs of \$300.

24. Respondent failed to comply with the terms of her probation, and a bench warrant was issued on August 26, 2004. The bench warrant was rescinded on

December 23, 2005, and Respondent was permitted to participate in a work release program.

25. On January 27, 2006, Respondent was found in violation of her probation and was sentenced to 30 days to two years less one day imprisonment to run consecutive to another conviction in Montgomery County, with credit for time served on home detention and on detainer. Respondent was also ordered to perform 40 hours community service and submit to DNA testing every six months.

26. Respondent did not report her criminal conviction to the Disciplinary Board as required by the Rules of Disciplinary Enforcement.

27. On June 30, 2003, Respondent was arrested for DUI and related offenses. On August 19, 2003, she was sentenced as found above.

28. On July 28, 2004, Respondent was arrested for DUI - Fourth and Subsequent Offense, a misdemeanor of the first degree, and other related offenses. On August 17, 2005, Respondent entered a guilty plea, and on November 7, 2005, she was sentenced to a term of one to five years imprisonment with credit for time served, payment of \$2,500 in court costs, attendance at Alcohol Highway Safety School, outpatient drug and alcohol treatment and evaluation.

29. Respondent did not report her criminal conviction to the Disciplinary Board as required by the Rules of Disciplinary Enforcement.

30. On June 8, 2002, Respondent was arrested for DUI and related offenses.

31. At the time of her arrest, Respondent falsely identified herself as Susan J. Dougherty, her sister, using a Pennsylvania driver's license she had obtained by taking the identification from her sister.

32. On July 26, 2002, Respondent appeared at an arraignment before a District Justice identifying herself as Susan J. Dougherty, and signed all court documents indicating she was Susan J. Dougherty. On September 20, 2002, Respondent signed a Waiver of Formal Arraignment and submitted a notarized ARD application in the name of Susan J. Dougherty. On November 26, 2002, again identifying herself as Susan J. Dougherty, Respondent appeared in court and received ARD based on a false ARD application.

33. In August 2005, the Montgomery County Police Department discovered Respondent's conduct after the real Susan J. Dougherty was informed that she would not be able to obtain car insurance because of her DUI arrest. On August 17, 2005, Respondent was charged with forgery, identity theft, and other related offenses.

34. On November 7, 2005, Respondent entered a guilty plea to forgery and identity theft. She was sentenced to six to 23 months imprisonment for the forgery and a concurrent sentence of three years probation for identity theft, payment of a fine and compliance with parole conditions.

35. Respondent did not report her conviction to the Disciplinary Board.

36. On March 3, 2004, Rebecca Wilson-Williams paid Respondent \$1,300 to handle her divorce, equitable distribution, child support, and child custody matters. Respondent gave her client a written fee agreement.

37. By letter dated April 13, 2004, Respondent sent her client a divorce complaint to review. Ms. Wilson-Williams returned the executed divorce complaint for filing on April 20, 2004.

38. Respondent received the complaint but failed to promptly file it.

39. Over the next several months, Ms. Wilson-Williams repeatedly called, wrote, e-mailed, and faxed Respondent seeking information on the progress of her divorce. At various times, she complained that she did not get any response to her inquiries, asked for the return of the retainer fee if Respondent was unable to effectively represent her, and requested specific actions be taken in connection with her divorce.

40. Despite receiving her client's messages and correspondence, Respondent did not respond until she hand-delivered a letter to her client on June 10, 2004. Enclosed was a revised divorce complaint that needed to be executed and returned. Ms. Wilson-Williams promptly signed the documents and forwarded them to Respondent.

41. Respondent advised her client of the status of her case on June 24, 2004. On July 19, 2004, a final order of child support was entered. On September 20, 2004, Ms. Wilson-Williams was granted joint custody of her children.

42. On October 12, 2004, Ms. Wilson-Williams inquired about the status of her property division hearing and she continued to make requests for the status of such hearing over the next several months.

43. Respondent did not respond until December 20, 2004, when she asked her client to consider making an offer of settlement and/or to proceed to a Master's Hearing. By fax dated January 17, 2005, Ms. Wilson-Williams provided Respondent with the requested settlement proposal and asked that she be kept informed of the status of the proposal.

44. Respondent did not respond to her client's inquiries regarding the settlement proposal and failed to take any action to schedule a Master's Hearing despite having received the filing fee of \$330.

45. By Order dated March 28, 2005, the Supreme Court of Pennsylvania placed Respondent on inactive status pursuant to Pa.R.C.L.E. 111(b), effective in 30 days. By letter dated March 28, 2005, Respondent was advised of her inactive status by the Disciplinary Board.

46. Despite having received notification that she had been placed on inactive status, Respondent did not promptly notify Ms. Wilson-Williams of her inability to represent her in further proceedings and of the necessity for Ms. Wilson-Williams to retain new counsel.

47. Ms. Wilson-Williams continued to contact Respondent with questions about her case through August 2005 and Respondent continued to act as counsel for Ms. Wilson-Williams.

48. By fax dated September 12, 2005, Ms. Wilson-Williams asked Respondent if she was currently on active status or inactive status and sought written documentation of Respondent's intentions regarding her continued representation.

49. On September 14, 2005, Respondent e-mailed her client and agreed to forward a complete status update, forward her file to new counsel and offered to assist new counsel in the resolution of the matter.

50. Respondent did not follow through on her agreement with her client.

51. Respondent presented evidence that she suffers from alcoholism, major depression, Post Traumatic Stress Disorder resulting from a rape episode when she was a teen, generalized anxiety disorder, and Adult Child of Alcoholics Syndrome.

52. Richard F. Limoges, M.D., a board certified forensic and addiction psychiatrist, testified on behalf of Respondent and opined to a reasonable degree of medical certainty that Respondent's misconduct was caused by her psychiatric disorders and would not have occurred absent these disorders.

53. Dr. Limoges gave Respondent a favorable prognosis for recovery and sees no psychiatric or emotional obstacles that would prevent her from engaging in the practice of law.

54. Respondent has a family history of alcoholism, which includes two alcoholic parents and five siblings who are alcoholics or problems drinkers. Respondent is the seventh of eight children in her family. Respondent started drinking alcohol in high school. Her use of alcohol increased over the next fifteen years to the point that she was drinking more than two six-packs of beer daily in 2001.

55. Despite her repeated arrests for DUI and increasing alcohol consumption, Respondent did not realize she had a drinking problem until August 2004, when she entered Mirmont Treatment Center for a 20 day in-patient program. The incident that prompted her in-patient treatment was her fifth DUI. It was at that time that she realized she was an alcoholic and that she had to do something about it.

56. After her inpatient treatment at Mirmont, Respondent became pregnant. Her child was born in May 2005 with a serious congenital heart defect.

57. In November 2005 Respondent began her prison sentence. After two months she was eligible for work release and has been employed as a full-time paralegal since that time by the Koresko Law Firm in Bridgeport, Pennsylvania. The firm is pleased with her work and is prepared to offer her a position as an attorney.

58. Respondent is supervised at her employment by Jeanne Bonney, Esquire, who is aware of Respondent's alcohol and psychiatric problems and has supervised Respondent since she started work with the law firm.

59. Ms. Bonney described Respondent as a prompt and thorough employee who provides a very professional work product to the firm.

60. Since her treatment at Mirmont, Respondent has been an active participant in Alcoholics Anonymous (AA). As of the date of the hearing she has been sober for three years. She attends two or three AA meetings each week and meets every weekend with her sponsor, Mary Labaree, Esquire.

61. Ms. Labaree is an enthusiastic supporter of Respondent and her efforts to maintain her sobriety, but concedes there is no guarantee that Respondent, or any alcoholic, would not have a relapse.

62. Robert Bonner is Respondent's brother and is the Assistant Dean of Temple's MBA program. He has observed the change in his sister since she became sober, describing her as a more responsible and happier person.

63. Respondent is in a committed relationship with Kevin Monastra, who is her fiancé and the father of her child. Mr. Monastra is also an attorney.

64. Mr. Monastra began his relationship with Respondent while she was still drinking heavily and has seen major changes in her since her sobriety. He supports her sobriety by driving her to AA and appointments. Mr. Monastra took charge of the parental duties to their child while Respondent served her prison sentence.

65. Respondent is participating in counseling sessions for her depression with M. Ingrid Walters, M.D., a psychiatrist. At the time of the hearing, her treatment was by telephone because Dr. Walters had changed office locations and Respondent was unable to get there. Dr. Walters continues to prescribe Zoloft, an antidepressant that has been effective in treating Respondent's depression.

66. From November 29, 2005 to November 11, 2006, Respondent served a sentence of imprisonment for her four DUI convictions. As of the hearing Respondent had not paid the fines, costs and restitution incident to her criminal convictions.

67. Respondent testified on her own behalf. She describes her recovery as a difficult process and something she has to think about every day. She understands that there is no end to stress or problems in life and she believes she has the ability to face these issues and remain sober.

68. Respondent wants to practice law, has always enjoyed practicing law, and feels she is competent to do so.

69. Respondent regrets her misconduct and is sincerely remorseful.

III. CONCLUSIONS OF LAW

By her conduct as set forth above, Respondent violated the following Rules of Professional Conduct and Rules of Disciplinary Enforcement:

1. RPC 1.1 – A lawyer shall provide competent representation to a client.
2. RPC 1.3 – A lawyer shall act with reasonable diligence and promptness in representing a client.
3. RPC 1.4(a), 1.4(a)(3), 1.4(a)(4) – A lawyer shall keep a client informed about the status of a matter and promptly comply with reasonable requests for information.

4. RPC 1.4(b) – A lawyer shall explain a matter to the extent necessary to permit the client to make informed decisions regarding the representation.

5. RPC 1.5(b) – When the lawyer has not regularly represented the client, the basis or rate of the fee shall be communicated to the client in writing, before or within a reasonable time after commencing the representation.

6. RPC 1.16(a)(1) – A lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if the representation will result in violation of the Rules of Professional Conduct or other law.

7. RPC 1.16(a)(2) – A lawyer shall not represent a client, or where representation has commenced, shall withdraw from the representation of a client if the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client.

8. RPC 1.16(d) – Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee that has not been earned. The lawyer may retain papers relating to the client to the extent permitted by other law.

9. RPC 3.2 – A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

10. RPC 5.5(a) – A lawyer shall not practice law in a jurisdiction where to do so would be in violation of the regulations of the legal profession in that jurisdiction, or assist another in doing so.

11. RPC 8.4(b) – It is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.

12. RPC 8.4(c) - It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

13. RPC 8.4(d) – It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

14. Pa.R.D.E. – 203(b)(1) – Conviction of a crime, which under Enforcement Rule 214 (relating to attorneys convicted of crimes) may result in suspension, shall be grounds for discipline.

15. Pa.R.D.E. 214(a) – An attorney convicted of a serious crime shall report the fact of such conviction to the Secretary of the Board within 20 days after the date of sentencing.

16. Pa.R.D.E. 203(b)(3) – Willful violation of any other provision of the Enforcement Rules shall be grounds for discipline, via:

a. Rule 217(b) - A formerly admitted attorney shall promptly notify, or cause to be notified, by registered or certified mail, return receipt requested, 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.

b. Pa.R.D.E. 217(c) - A formerly admitted attorney shall promptly notify, or cause to be notified, of the disbarment, suspension or transfer to inactive status, by registered or certified mail, return receipt requested: (1) 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, and (2) 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.

c. Pa.R.D.E. 217(e) – 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: (1) that the provisions of the order and these rules have been fully complied with; and (2) all other state, federal and administrative jurisdictions to which such person is admitted to practice. Such statement shall also set

forth the residence or other address of the formerly admitted attorney where communications to such person may thereafter be directed.

d. Former Pa.R.D.E. 217(j)(1) – A formerly admitted attorney may not engage in any form of law-related activities in this Commonwealth except in accordance with the following requirements: (1) All law-related activities of the formerly admitted attorney shall be conducted under the direct supervision of a member in good standing of the Bar of this Commonwealth who shall be responsible for ensuring that the formerly admitted attorney complies with the requirements of this subdivision (j).

e. Pa.R.D.E. 217(j)(2) – The only law-related activities that may be conducted by a formerly admitted attorney are the following: (i) legal work of a preparatory nature, such as legal research, assembly of data and other necessary information, and drafting of transactional documents, pleadings, briefs, and other similar documents; (ii) direct communication with the client or third parties to the extent permitted by paragraph (3); and (iii) accompanying a member in good standing of the Bar of the Commonwealth to a deposition or other discovery matter or to a meeting regarding a matter that is not currently in litigation, for the limited purpose of providing clerical assistance to the member in good standing.

f. Pa.R.D.E. 217(j)(3) – A formerly admitted attorney may have direct communication with a client or third party regarding a matter being

handled by the attorney or firm for which the formerly admitted attorney works only if the communication is limited to ministerial matters such as scheduling, billing, updates, confirmation or receipt or sending of correspondence and messages. The formerly admitted attorney shall clearly indicate in any such communication that he or she is a legal assistant and identify the supervising attorney.

g. Pa.R.D.E.217(j)(4) – Without limiting the other restrictions in this subdivision (j), a formerly admitted attorney is specifically prohibited from engaging in any of the following activities: (i) performing any law-related activity for a law firm or lawyer if the formerly admitted attorney was associated with that law firm or lawyer on or after the date on which the acts which resulted in the disbarment or suspension occurred, through and including the effective date of disbarment, or suspension; (ii) performing any law-related service from an office that is not staffed, on a full time basis, by a supervising attorney; (iii) performing any law-related services for any client who in the past was represented by the formerly admitted attorney; (iv) representing himself or herself as a lawyer or person of similar status; (v) having any contact with a client either in person, by telephone, or in writing, except as provided in paragraph (3); (vi) rendering legal consultation or advice to a client; (ix) negotiating or transacting any matter for or on behalf of a client with third parties or having any contact with third parties regarding

such a negotiation or transaction; and (x) receiving, disbursing or otherwise handling client funds.

IV. DISCUSSION

This matter is before the Disciplinary Board for consideration of two Petitions for Discipline filed against Respondent. The charges contained in the Petition allege that Respondent committed professional misconduct in three separate client matters by neglecting her clients' cases, converting funds of a client, and engaging in the unauthorized practice of law after her transfer to inactive status. Further, she is charged with professional misconduct arising out of her criminal convictions for four drunk driving incidents and an incident of identity theft and forgery.

Respondent did not file Answers to the Petitions for Discipline nor did she contest the charges at the disciplinary hearing. She entered into Joint Stipulations of Fact and Law, which were submitted into evidence at the time of the hearing. Respondent testified at the hearing and presented the expert testimony of Richard F. Limoges, M.D., a report from her treating psychiatrist, and the testimony of several witnesses, including her AA sponsor, employer, brother and fiancé, in support of her claim that discipline should be mitigated by her alcoholism and psychiatric disorders. Office of Disciplinary Counsel v. Braun, 553 A.2d 894 (Pa. 1989).

It is uncontested that Respondent has been convicted of criminal offenses and engaged in client misconduct as detailed in the above factual findings. It is uncontested that she committed significant transgressions of professional conduct, as set forth in the above legal conclusions. The sole issue facing the Board is the extent of discipline to be imposed on this Respondent. In determining the appropriate discipline, the events of the misconduct as well as any aggravating and mitigating factors must be considered. Office of Disciplinary Counsel v. Chung, 695 A.2d 405 (Pa. 1997).

Respondent has five arrests and four convictions for DUI. In one instance she falsely identified herself so as to qualify for ARD. She engaged in the unauthorized practice of law and neglected her clients. The evidence of record supports a finding that these instances of misconduct arose directly from her alcoholism and various psychiatric conditions, including depression, anxiety and Post Traumatic Stress Disorder. Dr. Limoges provided a detailed history of Respondent's addiction to alcohol and emotional issues and the direct causal effect these problems had upon her conduct. He gave an opinion that the prognosis for Respondent's continued recovery is excellent and she has no psychiatric or emotional barrier to being a successful practitioner of law. Respondent provided persuasive and compelling testimony as to her struggles with alcoholism and other disorders, her efforts to receive treatment and achieve sobriety, and her current day to day efforts to maintain sobriety by participating in AA and similar programs while working as a paralegal and raising a young child with health issues. The evidence of record is clear and

convincing that Respondent suffers from psychiatric disorders which caused her misconduct. She is entitled to mitigation.

Respondent has no history of discipline and has expressed sincere remorse for her misconduct. She credibly testified that due to her three years of sobriety she is a different person. She accepts that maintaining sobriety is a difficult proposition and will always be part of her life. Her domestic situation is stable and supportive. Respondent is excited about the prospect of eventually returning to the practice of law, which she has always enjoyed, and has been offered a position at the Koresko Firm when she becomes eligible to practice law.

The Hearing Committee has recommended a suspension of three years, retroactive to January 28, 2006, with the balance of the suspension stayed on the condition that she satisfies a three year probation period with a sobriety monitor. The Committee further recommended that Respondent be reinstated to practice subject to the three year probation period. While Respondent agrees with this recommendation, Petitioner argues that the recommendation is not permitted under the rules and a straight three year suspension is more appropriate. The Board agrees with Petitioner that the recommendation is not feasible as Respondent cannot be reinstated without a hearing; however, the Board is persuaded that a suspension of one year and one day retroactive to the date of the temporary suspension is a more appropriate sanction. This recommendation reflects the serious nature of the misconduct while balancing the compelling mitigating factors. Respondent has been removed from the practice of law

since her temporary suspension was ordered on December 29, 2005. The Board does not see the wisdom of an additional three year suspension, as the record clearly demonstrates that Respondent is committed to her recovery, is a valued and effective employee at her law firm, and is handling the daily stresses of life with an impressive amount of determination.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, Nancy M. Bonner , be suspended from the practice of law for a period of one year and one day retroactive to January 28, 2006.

It is further recommended that the expenses incurred in the investigation and prosecution of this matter are to be paid by the Respondent.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: 
Robert E. J. Curran, Board Member

Date: March 7, 2008

Board Member Jefferies did not participate in the adjudication.