

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 969 Disciplinary Docket No. 3
Petitioner	:	Supreme Court
	:	
v.	:	No. 87 DB 2003
	:	
SHARON GOLDIN-DIDINSDKY	:	Attorney Registration No. 60749
a/k/a SHARON GOLDIN CIBOROWSKI	:	
Respondent	:	(Out of State)

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 26, 2003, Office of Disciplinary Counsel filed a Petition for Discipline against Respondent, Sharon Goldin-Didinsky (also known as Sharon Goldin-Ciborowski), charging her with violations of the Rules of Professional Conduct relating to allegations of her unauthorized practice of law.

A disciplinary hearing was held on February 3, 2004 before Hearing Committee 3.05 comprised of Chair Henry Amos Goodall, Jr., Esquire, and Members Anne C. Shapiro, Esquire, and James D. Campbell, Jr., Esquire. Respondent appeared by telephone at the hearing.

The Hearing Committee filed a Report on May 11, 2004, finding that Respondent violated the Rules as charged in the petition and recommending that Respondent receive a public censure.

On June 1, 2004, Petitioner filed a Brief on Exceptions to the Report, contending that the sanction recommended by the Committee was too lenient, and instead recommending that Respondent be suspended for one year and one day.

This matter was adjudicated by the Disciplinary Board at the meeting of July 17, 2004.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner, whose principal office is located at 200 North Third Street, Suite 1400, Harrisburg, Pennsylvania 17101, 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 the aforesaid Rules.

2. Respondent was born in 1963 and was admitted to the practice of law in Pennsylvania in 1990. Her last registered address with Attorney Registration is 607 Beacon Street, Moorestown, New Jersey 08057. Her current address is 7704 Saratoga Ridge Court, Springfield VA 22153.

3. Respondent was transferred to inactive status for failure to file her annual registration form and pay her annual registration fee on December 16, 1995, and she remains on inactive status. She is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

4. Respondent has no record of prior discipline.

Charge I: Gauntlett v. Robinson Matter

5. On October 10, 2001, Naomi Gauntlett filed a landlord-tenant complaint against Damon Robinson, which was docketed to No. LT-234-01 in the court of District Justice Thomas R. Shiffer, Jr., District 43-3-02 located in Stroudsburg, Pennsylvania.

6. Judge Shiffer rendered a default judgment in favor of Ms. Gauntlett for possession and costs and arrears in the amount of \$577.40 on October 23, 2001.

7. On October 25, 2001, Respondent faxed a letter to District Justice Shiffer in which she stated that she had been retained to represent the defendant.

a. this letter bore a letterhead which referred to Respondent as “Esquire” but did not reveal that she is on inactive status and ineligible to practice law in Pennsylvania

b. The letterhead provided that her office was located at 1705 Pine Ridge, Bushkill PA 18235 and contained an e-mail address, lawblonde7@aol.com.

c. This same letterhead was used in all of Respondent's correspondence with the District Justice's office.

d. Respondent stated certain grounds of concern but did not state any request for relief.

8. Respondent did not maintain an office for the practice of law at 1705 Pine Ridge, Bushkill, PA 18235.

9. On October 26, 2001, District Justice Shiffer sent Respondent a copy of the judgment and advised her that her client's alternative was to proceed under Pa.R.C.P.D.J. 1002(B) and 1008(B).

10. On October 31, 2001, a Notice of Appeal and Rule to File Complaint was filed in the Court of Common Pleas of Monroe County on Mr. Robinson's behalf under Respondent's signature.

11. On November 1, 2001, Respondent wrote a letter to Elizabeth Bensinger Weekes, counsel for Ms. Gauntlett, enclosing a copy of the Notice of Appeal and requesting certain actions on behalf of her client.

12. On November 7, 2001, Respondent wrote to Ms. Weekes indicating that her client was paying rent into the Prothonotary, and seeking certain rights under the Landlord Tenant Law.

13. The letterhead bore a different address at 730 Milford Road, East Stroudsburg, Pennsylvania, but contained the same email address.

14. The address given was that of Janet Menist, an accountant, with whom Respondent discussed renting space for a law office. Respondent never maintained an office at that address.

15. The letterhead did not reveal that Respondent was on inactive status and unable to practice law in Pennsylvania.

16. Ms. Weekes filed a Complaint with the Court of Common Pleas on November 19, 2001 and served it on Respondent by mail. No answer was filed.

17. On January 7, 2002, Ms. Weekes filed a Petition to Release Rent and a Praecipe for Supersedeas relating to Mr. Robinson's failure to pay rent into escrow. On January 9, 2002, a judge of the Court of Common Pleas entered an order authorizing the release of rent to Ms. Gauntlett. A copy of the order was mailed to Respondent as Mr. Robinson's counsel.

18. On January 16, 2002, Joyce L. Stoddard, Court Administrator of Monroe County, sent Respondent a letter questioning her status as a Pennsylvania attorney and requesting that Respondent provide a copy of her attorney registration card.

19. On January 18, 2002, Respondent sent Ms. Stoddard an e-mail in which she stated "I have been a livensed [sic] attorney since 1990 when I passed the bar

inboth [sic] NJ and PA – under my maiden name of Sharon Goldin.” The e-mail concluded, “I wish that prior to writing an accusatory letter to several parties and judges that you would have completed your homework. For your reference I have attached a copy of my resume.”

20. According to the resume, Respondent engaged in the general practice of law from July 2001 through the date of transmission to the Court Administrator.

21. On January 22, 2002, Ms. Stoddard replied to Respondent’s e-mail requesting again that Respondent fax a copy of her attorney registration card.

22. On January 23, 2002, Respondent replied to Ms. Stoddard’s e-mail message as follows,

I do not have my attorney ID card as I believe I had previously been on inactive status in Pa since I was not living in PA, but rather Florida. Once I moved to PA I wrote to the bar asociation[sic] asking them to place me on active status. As I am in the process of moving my admission certificate is packed but we will try to locate it and I will fax it ASAP. I am one of the most ethical people around and I am very upset about this complaint, namely

because[sic] Ms. Weeks[sic] could not contact me when I called her or respond to my letters, but then goes ahead and makes a complaint about me.

23. On January 24, 2002, Respondent sent Ms. Stoddard an e-mail with a copy of her admission certificate attached. This did not disclose that Respondent was on inactive status.

24. On February 25, 2002, Respondent sent Ms. Stoddard another e-mail in which she stated,

I just got off the phone with Suzanne Price and the PA Bar Association. My Attorney ID# is 60749. It is my understanding that my name and reputation are being slandered in Monroe County as I have received several calls that the police are looking for me and that I am nothing more than a paralegal. However, as I advised you a simple call to the Bar Association using the name Goldin-Didinsky would show that I was admitted to the bar. However, I am no longer living in Pennsylvania and have never had a practice in pa, i[sic] was simply helping a friend for free in eviction proceedings. If you have any further questions I can be contacted at the above e-mail address.

25. No answer to the complaint was ever filed and on January 18, 2002, judgment by default was entered against Mr. Robinson in the amount of \$1,600 plus

interest. A copy of the judgment was mailed to Respondent as counsel of record, but was returned to the court with the notation "Moved, Left no Address Unable to Forward."

Charge II – Commonwealth v. Salgado Matter

26. On October 29, 2001, Santiago Salgado received a traffic citation for speeding.

27. On November 14, 2001, Respondent faxed a letter to JoLana Krawitz, the District Justice of Saylorsburg, Pennsylvania, stating,

Please be advised that I represent the interest of Santiago Salgado, III in the above matter. Pursuant to my conversation with Linda in your offices today please be advised that my client will be pleading not guilty to the above citation. I will be forwarding a copy of the citation and the \$50 collateral under separate cover tomorrow.

28. The letterhead of the November 14, 2001 letter bore the address of 730 Milford Road, East Stroudsburg, Pennsylvania. Respondent has never maintained an office at the address. The address given was that of Janet Menist, an accountant whom Respondent once discussed renting space for a law office, but never did.

29. The letterhead failed to reveal that Respondent was on inactive status and not eligible to practice law in Pennsylvania.

30. On January 9, 2002, District Justice Krawitz filed a Notice of Trial in the Salgado case for January 22, 2002.

31. By fax to District Justice Krawitz transmitted on January 18, 2002, reciting the same email and post office addresses, Respondent stated,

Please be advised that I represent the interest of Santiago Salgado, III in the above matter. The above matter is scheduled for hearing on January 12, 2002. At this time it is respectfully requested that a continuance be granted in the above matter as he broke his ankle last night and has a doctor's appointment on Tuesday.

[The date of January 12, 2002 was in error as the hearing was scheduled for January 22, 2002.]

32. On January 29, 2002, District Justice Krawitz issued a Notice of Continuance rescheduling the hearing for February 14, 2002.

33. The Court mailed a copy of the Notice to Respondent at the address of 730 Milford Road, East Stroudsburg, the same address Respondent used in her fax of eleven days earlier. The letter was returned indicating no forwarding address.

34. On February 14, 2002, a hearing was held before District Justice Krawitz. Neither Respondent nor the defendant appeared at which point the District Justice found the defendant guilty and sentenced him to fines, costs and restitution in the amount of \$154.00

35. On March 13, 2002, a Notice of Appeal on behalf of Santiago Salgado was filed in the Monroe County Court of Common Pleas. Mr. Salgado signed the notice of appeal. He was subsequently found guilty. No counsel appeared on his behalf.

36. During the matters complained of herein and throughout these proceedings, Respondent has been consumed with caring for her terminally ill child, as well as her two other children, one of whom is also ill, and the breakup of a difficult marital relationship.

37. Respondent received no compensation in the Robinson and Salgado matters.

III. CONCLUSIONS OF LAW

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

1. RPC 5.5(b) – A lawyer shall not practice law in a jurisdiction where to do so would be in violation of regulations of the profession in that jurisdiction;
2. RPC 7.1(a) – A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services;
3. RPC 7.5(a) – A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1;
4. RPC 7.5(b) – A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction, but identification of the lawyer in

an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located;

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

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

7. Pa.R.D.E. 217(d) – The formerly admitted attorney, after entry of the disbarment, suspension or transfer to inactive status order, shall not accept any new retainer or engage as attorney for another in any new case or legal matter of any nature.

IV. DISCUSSION

This matter is before the Disciplinary Board on a Petition for Discipline filed against Respondent charging violations of the Rules of Professional Conduct arising from her alleged unauthorized practice of law. Petitioner bears the burden of proof by clear and convincing evidence that Respondent committed misconduct. Office of Disciplinary Counsel v. Surrick, 749 A.2d 441 (Pa. 2000). The Board concludes that Petitioner has met its burden.

The facts demonstrate that Respondent was placed on inactive status in 1995 for failure to file her annual registration form and pay her annual fee. In 2001 she practiced law in Pennsylvania by performing legal work for Damon Robinson. This legal work entailed contacting a District Justice regarding a complaint filed against her client,

filing an appeal, and taking certain actions in Common Pleas Court. Respondent affirmatively represented to the Court Administrator for Monroe County that she was licensed to practice law in Pennsylvania, when in fact she was not. Respondent later engaged in similar conduct before a District Justice on behalf of a criminal litigant, Santiago Salgado. In both of these instances Respondent used letterhead indicating an office address in Pennsylvania, when in fact she had no office at the address listed, or anywhere else in Pennsylvania. It could reasonably be concluded from the letterhead that Respondent was an active Pennsylvania attorney. No evidence was presented that Respondent charged or collected a fee from either of her clients.

All of these facts lead to the conclusion that Respondent held herself out as an active lawyer and practiced law in Pennsylvania at a time when she was not permitted to do so.

Although Respondent did not appear in person at the hearing, she participated by telephone. She presented no witnesses, but spoke on her own behalf. Respondent is involved in very difficult personal circumstances, including caring for her terminally ill son and another son who is ill. She is undergoing a difficult divorce. She appears to have little interest in the disciplinary proceedings against her nor greatly cares about the ultimate result. She does not believe that she has done anything wrong. Respondent believes her actions were a simple matter of trying to help some friends. Respondent has a full time non-legal job in Virginia and has indicated through correspondence to Disciplinary Counsel that she does not wish to practice law in Pennsylvania.

The Supreme Court of Pennsylvania has considered several instances of lawyers practicing while on inactive status, and recently has established a line of cases indicating that the appropriate sanction for such conduct is suspension for one year and one day.

In the matter of Office of Disciplinary Counsel v. Holder, No.131 DB 1999 (Pa. 2001), after being transferred to inactive status for failing to comply with continuing legal education requirements, the attorney appeared in five criminal court cases over a period of three months. This attorney had a history of private discipline. The Supreme Court suspended this attorney for one year and one day.

The case of Office of Disciplinary Counsel v. Moeller, No. 53 DB 2000 (Pa. 2002) involved an attorney who was admitted in Pennsylvania but inactive for many years and practiced actively in New Jersey. He entered into an agreement with a company to review living trust applications on behalf of Pennsylvania clients. He created stationery that showed a Pennsylvania office address. In reality it was a mail drop arrangement at an accounting office. This attorney reviewed documents, issued letters and mailed executed documents to Pennsylvania courts, all without ever speaking to a client. The Supreme Court ordered this attorney suspended for one year and one day.

In the matter of Office of Disciplinary Counsel v. Wayne, 118 DB 2000 (Pa. 2002), the attorney was transferred to inactive status for failure to comply with CLE and failure to pay the annual assessment. During the term of his inactive status, he continued to represent clients and entered his appearance in three matters in state court. This attorney was suspended for one year and one day.

The Supreme Court has clearly determined that practicing law while on inactive status is a serious disciplinary offense. A lawyer has an affirmative duty to maintain his or her licensure in good order. Respondent in the instant matter has failed to fulfill her obligation to maintain her license, and practiced law in two instances subsequent to her transfer to inactive status. Respondent led the courts to believe that she had an office in Pennsylvania by providing letterhead with a fraudulent address. She was evasive with the court administrator when directly questioned about her admission status in Pennsylvania. She apparently saw the need to provide false information, which suggests that she knew she was not allowed to practice in Pennsylvania at that time. Moreover, it is clear from the record that Respondent does not consider her actions to be of serious consequence. The Board is persuaded that a suspension of one year and one day is the appropriate sanction.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania recommends that the Respondent, Sharon Goldin-Didinsky a/k/a/ Sharon Goldin Ciborowski, be suspended from the practice of law for a period of one year and one day.

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: _____
Smith Barton Gephart, Member

Date: August 27, 2004

Board Member O'Connor dissented and would recommend a two year suspension.

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL : No. 969 Disciplinary Docket No. 3
Petitioner : Supreme Court
:
:
v. : No. 87 DB 2003 – Disciplinary Board
:
SHARON GOLDIN-DIDINSKY : Attorney Registration No. 60749
a/k/a SHARON CIBOROWSKI :
Respondent : (Out of State)
:
:

DISSENTING OPINION

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES
OF THE SUPREME COURT OF PENNSYLVANIA:

The report and recommendation of the Disciplinary Board is that the Respondent be suspended from the practice of law for a period of one year and one day. I respectfully dissent.

As the Board member who reviewed the full file and all the exhibits of this case, I concur that the public censure recommended by the Hearing Committee in the report filed May 11, 2004 is too lenient. In my view, the recommendation of my respected fellow members of the Disciplinary Board is also too lenient.

The Respondent falsified her position for an extended period of time and misrepresented her status as a member of the Bar of this Commonwealth to numerous individuals.

A review of the transcript and exhibits shows the following facts:

- 1) The Respondent on numerous occasions held herself out to various courts as a person licensed to practice law in the Commonwealth.
- 2) The Respondent used letterhead falsely stating an address in the Commonwealth.

- 3) The Respondent used letterhead falsely stating she was on active status.
- 4) The Respondent did not have an office at the address on her letterhead.
- 5) The Respondent never had an office at the address on her letterhead.
- 6) The Respondent did not correct her misstatements.
- 7) The Respondent sent an email to the Prothonotary of The Monroe County Court that I perceive to be abusive and demeaning and totally lacking in respect for an elected official trying to fulfill her obligations.
- 8) The Respondent indicated to the Prothonotary that she was licensed to practice law and did so practice.
- 9) The Respondent was not authorized to practice law.
- 10) The Respondent submitted information to the Prothonotary of The Monroe County Court with intent to mislead her as to Respondent's status as a member of the Bar.
- 11) The Respondent, in an email to Disciplinary Counsel indicated she had not practiced law for over ten years.
- 12) The resume submitted to the Prothonotary of The Monroe County Court indicated she was involved in the active practice of law from July 2001 to the present.
- 13) The Respondent refused to accept mail from Disciplinary Counsel.
- 14) Other items mentioned in the majority report.

I have considered the mitigating factors brought up by the majority concerning the lack of compensation, an alleged ill child and the breakup of her marriage, but note the lack of evidence to support these claims.

In my review of this file I see numerous false statements being made to District Courts, a Court of Common Pleas, a Prothonotary, Disciplinary Counsel, a member of the Bar and others. With that in mind, I question the statements made by phone to the Hearing Committee.

In addition to the foregoing, the record does not reflect any admission by the Respondent that she did wrong, any remorse or acceptance of her position and of the severity of the charges.

This Court has administered harsher punishment in other cases. In re Anonymous Nos. 78 DB 84 & 38 DB 85, 39 Pa. D. & C. 3d 131 (1986), In re Anonymous No. 48 DB 97, 42 Pa. D. & C. 4th 254 (1999), and In re Anonymous Nos. 71 DB 99 & 126 DB 99, 62 Pa. D. & C. 4th 547 (2001).

It is my position that due to the totality of the situation, the continual lies of the Respondent, her failure to appear at the hearings, efforts to evade service and her misleading statements, a more severe punishment should be administered.

The Respondent has shown a total disregard for elected and appointed officials who have tried to do their jobs.

It is clear the Monroe County Prothonotary had a right and an obligation to inquire as to the Respondent's ability to practice law in that county. My belief is that the Respondent had no right to question the authority of the Prothonotary, to demean her and to attempt to mislead her. The bully tactics of the Respondent are not proper legal responses.

The office of Disciplinary Counsel went to great lengths to afford the Respondent an opportunity to respond to the charges. A review of the record shows the Respondent went to great lengths to avoid service, response and appearance.

I believe that the light sentence recommended by the Board may encourage actions such as those undertaken by the Respondent and that a more severe response is needed.

The record supports a suspension of at least two years and I so recommend.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: _____
Francis X. O'Connor, Member

Date: August 27, 2004

PER CURIAM:

AND NOW, this 13th day of December, 2004, upon consideration of the Report and Recommendations of the Disciplinary Board and Dissenting Opinion dated August 27, 2004, it is hereby

ORDERED that SHARON GOLDIN-DIDINSKY a/k/a SHARON GOLDIN CIBOROWSKI, be and she is SUSPENDED from the Bar of this Commonwealth for a period of one year and one day, 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.