

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 3, Disciplinary Docket
: No. 3 - Supreme Court
:
[ANONYMOUS] : No. 76 DB 1991 - Disciplinary Board
:
: Attorney Registration No. []
:
PETITION FOR REINSTATEMENT : ([])

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.

I. HISTORY OF PROCEEDINGS

On September 19, 1996, Petitioner, [], filed a Petition
for Reinstatement. Petitioner was suspended for a period of two
years pursuant to the Order of Supreme Court dated January 21,
1994. The suspension was based on Petitioner's failure to disclose

an arrest and conviction on her bar application. This matter was referred to Hearing Committee [] comprised of Chair [], Esquire, and Members [], Esquire, and [], Esquire. A reinstatement hearing was held on December 16, 1996. Petitioner represented herself. Office of Disciplinary Counsel was represented by [], Esquire. The Committee filed a Report on April 15, 1997 and recommended that the Petition for Reinstatement be granted. No Briefs on Exceptions were filed by the parties.

This matter was adjudicated by the Disciplinary Board at the meeting held on May 1, 1997.

II. FINDINGS OF FACT

The Board makes the findings of fact made by the Hearing Committee.

1. Petitioner was born on October 31, 1953. She was admitted to the bar in Pennsylvania in 1988. She currently resides at []. Petitioner has two children, ages 25 and 14.

2. Petitioner was suspended from the practice of law in Pennsylvania by Order of the Supreme Court of Pennsylvania dated January 21, 1994.

3. Petitioner was suspended as a result of her failure to disclose a 1984 arrest and conviction on her Pennsylvania Bar application. Petitioner was convicted of falsification of a social security number in violation of 42 U.S.C. '408(g). She pleaded guilty and was placed on three years probation.

4. Petitioner has not practiced law in the state courts of Pennsylvania since her suspension. She was able to continue practicing in federal court as she received a reprimand and not reciprocal discipline.

5. During her suspension, Petitioner volunteered as a counselor at [A] Junior-Senior High School. She also volunteered as a clerk and substitute teacher in a G.E.D. program sponsored by [B] Baptist Church in [].

6. Petitioner began working for the Law Office of [C] in October 1996. Petitioner drafted memoranda, and conducted legal research and client interviews in civil and criminal cases.

7. Petitioner has kept apprised of current law by reading legal publications.

8. Petitioner attended CLE courses as required by the Disciplinary Rules.

9. Petitioner presented numerous character witnesses who testified to her reputation in the community as a trustworthy and ethical individual, as well as an excellent litigator. These witnesses included her legal employer and her employers at her volunteer positions, former classmates, church members and attorneys.

10. Petitioner testified that she accepts full responsibility for her actions and has gained new insights as a result of her suspension. She believes that she has much to offer the legal profession due to her unique life experiences.

11. Office of Disciplinary Counsel offered no evidence at the hearing and does not oppose Petitioner's reinstatement.

III. CONCLUSIONS OF LAW

Petitioner has demonstrated, with clear and convincing evidence, that she possesses the moral qualifications, competency, and learning in the law necessary to practice in Pennsylvania.

Petitioner's resumption of the practice of law will not be detrimental to the integrity of the bar nor subversive of the interests of the public.

IV. DISCUSSION

The principal objectives of the disciplinary system are to determine whether an attorney possesses the requisite fitness to practice law and to protect the public from unfit attorneys. Office of Disciplinary Counsel v. Keller, 509 Pa. 573, 506 A.2d 872 (1986). Pursuant to Rule 218(a), Pa.R.D.E., an attorney who is suspended for a period exceeding one year may not resume practice until petitioning for reinstatement and being reinstated by Order of the Supreme Court of Pennsylvania. In order for Petitioner to gain reinstatement to the practice of law in this Commonwealth after suspension, she has the burden of demonstrating by clear and convincing evidence that she possesses the moral qualifications, competency and learning in the law required for admission to practice law. Part of Petitioner's burden also requires that she

demonstrate that her resumption of the practice of law will not be detrimental to the integrity and standing of the bar, nor subversive of the public interest. (Rule 218(c)(3)(i), Pa.R.D.E.)

In determining whether Petitioner clearly demonstrated her present fitness to practice law, the Board considers the nature of Petitioner's misconduct, her present competence and legal abilities, her character, rehabilitation, and the degree of remorse expressed. Philadelphia News, Inc. v. Disciplinary Board of the Supreme Court, 468 Pa. 382, 363 A.2d 779 (1976).

Petitioner was suspended for making a materially false statement on her application for admission to the Pennsylvania Bar.

Petitioner was convicted in 1984 of deceptive use of a false social security number for the purpose of obtaining credit cards.

At the time of the offense, Petitioner was married to an abusive drug user who encouraged Petitioner to participate in the scheme.

Petitioner received a suspended sentence and three years probation. Petitioner neglected to disclose this information in answer to a direct query on the Pennsylvania Bar application.

Petitioner admitted that she furnished a negative response, but explained that she believed her record had been expunged under the Young Offenders Program. Because of this belief, Petitioner erroneously assumed that she had no record when she applied for

admission to Pennsylvania as she had completed her probation. This explanation was found not credible by the Disciplinary Board, as Petitioner was over twenty-six years of age at the time the offense occurred. Petitioner was ultimately suspended for two years by the Supreme Court.

Petitioner expressed sincere remorse for her actions and provided ample evidence of her rehabilitative efforts. Petitioner has been involved in volunteer work with a high school and a G.E.D. program, as well as working in a law office providing support services. Petitioner kept a small practice doing federal work, as her license was not suspended in that jurisdiction. Petitioner is a single mother of a teenager who is autistic and devotes a lot of time to him. Petitioner is eager to return to the practice of law in Pennsylvania and has demonstrated that she is competent and learned in the law. Petitioner believes that her experience has taught her to accept responsibility and has strengthened her integrity, which ultimately will make her a more valuable member of the profession. Petitioner expressed an interest in practicing criminal law, as she enjoys the challenge of litigation.

Character witnesses who testified on behalf of Petitioner described her as a strong, intelligent woman who worked her way out of poverty to build a life for herself and her children. In spite

of obstacles in her path, she has persevered and the witnesses believed she would be a welcome addition to the legal community in []. The attorneys who testified were uniform in their assessment of Petitioner as an excellent litigator.

The record demonstrates that Petitioner has met the requirements for reinstatement from her suspension. Her misconduct was serious and was appropriately addressed by the Supreme Court with a two year suspension of her license to practice law. She has fulfilled the term of her suspension without any problems or questionable activities. She is morally fit, competent and learned in the law. Her eagerness to practice is sincere. Petitioner's reinstatement will benefit the public, as she brings a special perspective to the profession that will aid in her practice. For these reasons, the Board recommends that the Petition for Reinstatement be granted.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, [], be reinstated to the practice of law.

The Board further recommends that, pursuant to Rule 218(e), Pa.R.D.E., Petitioner be directed to pay the necessary expenses incurred in the investigation and processing of the Petition for Reinstatement.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: _____
Mary Watson Carson, Member

Date: June 10, 1997

Board Member Aronchick did not participate in the May 1, 1997
adjudication.

O R D E R

PER CURIAM:

AND NOW, this 29th day of July, 1997, upon consideration of the Report and Recommendations of the Disciplinary Board of the Supreme Court of Pennsylvania dated June 10, 1997, the Petition for Reinstatement is granted.

Pursuant to Rule 218(e), Pa.R.D.E., petitioner is directed to pay the expenses incurred by the Board in the investigation and processing of the Petition for Reinstatement.

Mr, Justice Castille did not participate in this matter.