

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 502, Disciplinary Docket
: No. 2 - Supreme Court
:
[ANONYMOUS] : No. 69 DB 1985 - Disciplinary
: Board
:
: Attorney Registration No. []
:
PETITION FOR REINSTATEMENT : ([] County)

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 October 8, 1993, a Petition for Reinstatement was filed, and an appearance entered on behalf of Petitioner by [], Esq. On October 12, 1993, the matter was referred to Hearing Committee [], consisting of [], Esq., Chairman and [], Esq. and [], Esq., Members. On March 17, 1994, the matter was reassigned to the same Hearing Committee to include [], Esq., who replaced [].

The reinstatement hearing was held on March 23, 1994. Petitioner filed a Brief to the Hearing Committee on May 11, 1994 and Office of Disciplinary Counsel filed a Brief on May 19, 1994. Petitioner filed a Reply Brief and request to reopen the record on June 21, 1994.

Following a conference call between the parties, the Hearing Committee granted the request to re-open the record and allow the taking of Petitioner's deposition in order to supplement his prior testimony, but the testimony to be taken was to be limited to the activities engaged in by the Petitioner during the period of his incarceration. Following the submission of the August 4, 1994 deposition testimony of Petitioner, the record was closed by the Hearing Committee.

On February 9, 1995 the Hearing Committee filed its report and recommended that reinstatement be granted. The Office of Disciplinary Counsel did not file exceptions to the Report of the Hearing Committee.

The matter was adjudicated at a meeting of the Disciplinary Board held on March 30, 1995.

II. FINDINGS OF FACT

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

1. The Petitioner, [], was born on August 16, 1937, and admitted to the practice of law in the Commonwealth of

Pennsylvania in 1964. (Exhibit No. P-3).

2. Before his interim suspension as a result of his criminal conviction, the Petitioner practiced law in [] County, Pennsylvania (Exhibit No. P-3).

3. The Petitioner was born in [], Pennsylvania, and currently lives in the house where he was born, which is located at []. (N.T. 79 and Exhibit No. P-3)

4. At the time of the Reinstatement Hearing, the Petitioner was fifty-six (56) years of age. (N.T. 79 and Exhibit No. P-3)

5. The Petitioner started his educational career at [] Elementary School and later went on to high school at [] High School in [], Pennsylvania, where he was the class Treasurer and later President of the Student Council. Petitioner after graduating from [] High School in 1955, attended [] College in [], Pennsylvania, and upon receiving his Undergraduate Degree from [] College, enrolled in the [] School of Law from which he graduated in 1963. (N.T. 80-81 and Exhibit No. P-3)

6. The Petitioner has a record of long service in various religious and charitable organizations in the [] area, including, but not limited to, the Salvation Army and the [] YMCA. (N.T. 86-89 and Exhibit No. P-3)

7. On October 22, 1984, a Federal Grand Jury in the [] District of Pennsylvania returned an indictment of the

Petitioner's and others, which was filed to Criminal No. [] of the United States District Court for the [] District of Pennsylvania. The Indictment in sixteen (16) Counts charged Petitioner and others with violations of the Federal Criminal laws of Conspiracy to commit Mail Fraud and to commit Racketeering in violation of Title 18 U.S.C. Section 371, of Mail Fraud in violation of 18 U.S.C. Section 1341, and of Interstate Transportation in aid of Racketeering in violation of 18 U.S.C. §1952(a)(3) (Exhibit No. P-3).

8. On November 9, 1984, Petitioner entered a plea of Not Guilty to the Indictment of October 22, 1984. (Exhibit No. P-3).

9. Prior to the Trial on the charges of the Indictment of October 22, 1984 before a Jury, Petitioner through his counsel approached the U.S. Attorney and offered to present testimony against persons indicted, and persons then - unindicted who were involved in the transactions which were the factual basis of his Indictment. Petitioner requested that the United States grant him immunity from prosecution in exchange for his cooperation and truthful testimony. United States Attorney [A], who was directing the government's case, indicated that cooperation by Petitioner was important and desirable, but that Petitioner would be required to plead guilty to one (1) of the counts in the Indictment of October 22, 1984. Petitioner rejected

the offer. (Exhibit No. P-3)

10. The charges against the Petitioner were tried to a Jury during the time period from March 26, 1985 to June 24, 1985. (Exhibit No. P-3)

11. During the Trial on the charges lodged against him, the Petitioner took the stand in his own defense and, under oath, knowingly gave perjured testimony with regard to material facts and issues involved in his Trial. The false trial testimony of the Petitioner was in conflict with representations he made to [A] of the United States Attorney's Office prior to his Trial. (Exhibit No. P-3)

12. The Petitioner was never charged with Perjury.

13. On June 24, 1985, the Jury which had heard the case returned its verdict, finding Petitioner Guilty of the charges contained in Counts 1, 2, 3, 7, 9, 12, 13, 14, and 15, and Not Guilty of the remainder of the Counts of the Indictment of October 22, 1984. (Exhibit No. P-3)

14. The Counts on which the Petitioner was found Guilty included a single count of conspiracy, three (3) counts of mail fraud, and five (5) counts of interstate transportation in aid of racketeering. (Exhibit No. P-3)

15. The criminal charges arose out of the Petitioner's representation of a company named [B] and the Petitioner's dealings with an individual by the name of [C], the principal of

said company. (N.T. 91-92)

16. On July 23, 1985, the Honorable [D], Senior District Judge, sentenced Petitioner to a total of twelve (12) consecutive years of imprisonment and a total fine of Sixty-Three Thousand (\$63,000.00) Dollars. The single count of conspiracy (Count 1), accounted for five (5) years and a Ten Thousand (\$10,000.00) Dollar fine, and the three (3) counts of mail fraud (Counts 2, 3, and 7), accounted for seven (7) additional consecutive years of imprisonment and Three Thousand (\$3,000.00) Dollars in fines, and the five (5) counts of interstate transportation in aid of racketeering added four (4) additional five (5) year terms and one additional two (2) year term, concurrent with other imprisonment terms and Fifty Thousand (\$50,000.00) Dollars in fines. (Exhibit No. P-3)

17. On July 24, 1985, Senior U.S. District Judge [D] Ordered Petitioner suspended from practice before the U.S. District Court, [] District of Pennsylvania and referred the matter to the Disciplinary Board of the Supreme Court of Pennsylvania for action. By Order of August 20, 1985, the Supreme Court of Pennsylvania Ordered immediate suspension of the Petitioner. (Exhibit No. P-3)

18. Petitioner appealed his convictions to the United States Court of Appeals for the Third Circuit, which upheld the conviction by Order and opinion of April 28, 1986. The Peti-

tioner's Petition for Certiorari to the United States Supreme Court was denied on January 12, 1987. (Exhibit No. P-3)

19. The Petitioner began serving the sentence at [] Federal Prison Camp, [], Pennsylvania, on March 2, 1987. (Exhibit No. P-3)

20. In late 1985, Petitioner became aware that the United States Attorney was seriously considering prosecution of his wife for her alleged participation in the [B] contract conspiracy; his then wife was at that time his law partner. Petitioner then offered to give truthful testimony against others involved in the [B] matter if the government would refrain from prosecuting his then wife and would join in Petitioner's Motion to Reduce his Sentence to that served by [C], the initiator and "master-mind" of the [B] conspiracy. (Exhibit No. P-3)

21. The government accepted the offer and there was no indictment or prosecution of the Petitioner's former wife, [E]. (Exhibit No. P-3) With three (3) dependent children, the Petitioner wanted to avoid the possibility of both he and his wife being incarcerated. (N.T. 132)

22. The Petitioner had never been subject to any Disciplinary proceedings prior to his conviction in the [B] matter. (Exhibit No. P-3)

23. Petitioner understands and accepts the magnitude of the wrong he committed with regard to the [B] matter. (N.T. 89-

90)

24. Petitioner did not testify before the initial Federal Grand Jury investigating the [B] matter due to death threats made against his son. (N.T. 96) However, following his co-operation, he did testify in the criminal trials of [F] and [G], and this was despite death threats on his own life made to the F.B.I. (N.T. 99).

25. On December 3, 4, and 5 of 1986, Petitioner gave testimony, under oath, as a prosecution witness in the Federal Criminal Trial of [F], [], and [G], [], both of whom were found Guilty. (Exhibit No. P-3)

26. In his testimony during the [F]-[G] Trial, Petitioner acknowledged that he had given perjured testimony in his own trial and stated that his testimony in the second Trial was the same truthful testimony that he would have given had the government granted him immunity prior to his own Trial. (Exhibit No. P-3)

27. Within hours of leaving the stand in the [F]-[G] Trial, Petitioner suffered a massive and near fatal rupture of a major artery. (Exhibit No. P-3)

28. In addition to the health problems the Petitioner suffered after his testimony in the [F]-[G] Trial, the Petitioner's former wife, [E], failed and refused to fulfill an agreement she made with the Petitioner in exchange for his saving

her from prosecution, which caused further emotional and financial hardship on the Petitioner. (N.T. 113-114).

29. Petitioner served four (4) of his twelve (12) years' sentence at []. (N.T. 102)

30. On his first night in prison, Petitioner attended a movie along with the general prison population at [] and on that night, Petitioner was assaulted by another inmate who smashed a pipe across his back. This incident resulted in Petitioner being hospitalized for two (2) days. (N.T. 102)

31. Notwithstanding his being told that he could transfer out of [], [Petitioner] chose to remain there so that he could receive visits from his family. (N.T. 103)

32. While in prison at [], Petitioner suffered a stroke. (N.T. 103)

33. Petitioner was eventually assigned to the Law Library at [] and ran the Law Library for almost three (3) years. The Petitioner's duties at the Law Library were to order books, recommend additional books to the Warden, keep the typewriters in good repair and maintain the Library in good condition. (N.T. 104 and Deposition Testimony of August 4, 1994, 5-6) While serving as the Law Librarian at the [] facility, Petitioner was called upon by many inmates to help them understand their cases because they could not read. (N.T. 104 and Deposition Testimony of August 4, 1994, p.7)

34. The assignment to the Law Library was done by prison officials. (Deposition Testimony of August 4, 1994, p.6)

35. Petitioner felt that his assisting certain inmates in understanding their cases and helping them read would result in these individuals watching over him and protecting him while at []. (N.T. 135 and Deposition Testimony of August 4, 1994, p. 12).

36. Petitioner was never compensated for assisting other inmates. (Deposition Testimony of August 4, 1994, p. 8).

37. Other than reading for them, the majority of the assistance the Petitioner gave other inmates was in filing Federal Habeas Corpus Petitions. (Deposition Testimony of August 4, 1994, p. 9).

38. The completion of the Federal Habeas Corpus Petitions takes no specific legal ability; said Petitions can easily be completed by anyone who can read and write. (Deposition testimony of August 4, 1994, pp. 8-9)

39. In civil matters, the Petitioner directed other inmates to get in touch with the local bar association. (Deposition Testimony of August 4, 1994, p. 20).

40. Petitioner helped those who could not read or write, or afford counsel. (Deposition testimony of August 4, 1994, pp. 7, 15, and 25)

41. While at [], the Petitioner did not actively and voluntarily engage in the practice of law.

42. The Petitioner, while incarcerated, assisted fellow inmates for self-preservation and concern for the disadvantaged, i.e., inability to read or write.

43. On August 28, 1990, Petitioner was released from [] to a half-way house in []. (N.T. 104)

44. The Petitioner's parole was terminated early on November 18, 1993, per a Certificate of Early Termination from the United States Department of Justice, United States Parole Commission, which was dated November 18, 1983. (N.T. 104 and Exhibit No. P-7)

45. Petitioner has made arrangements with the United States Attorney, [A], for the payment of his fine and has been paying the same on a monthly basis since his release from the half-way house. (N.T. 106)

46. Since his release from prison, Petitioner has been gainfully employed in non-legal capacities with [H] Insurance Company. The President of [H] Insurance Company, [I] was a long-time friend of the Petitioner and [I] employed the Petitioner from the day following his arrival at the half-way house to the present. (N.T. 105-106)

47. At [H], Petitioner started performing small tasks and later developed an expertise in conducting claim audits. Additionally, Petitioner revised the claims procedure used by thousands of agents out in the field. (N.T. 110)

48. Eventually, the Vice-President of Claims resigned and Petitioner became the acting Claims Manager and currently remains in that position. (N.T. 110-111)

49. Since his employment at [H] Insurance Company, Petitioner has become involved in audits with the Pennsylvania Insurance Department, California Insurance Department, Georgia Insurance Department, and Florida Insurance Department. Moreover, Petitioner assists in the training of agents with regard to handling claims. (N.T. 111) [I], the President of [H] Insurance Company, has made certain that the Petitioner, during the course of his employment with [H] Insurance Company, has not engaged in the practice of law with regard to his duties at [H]. (N.T. 111)

50. Petitioner additionally testified that he is trying to spend as much of his spare time as he can with his son and has otherwise engaged in charitable and religious activity. (N.T. 115)

51. Petitioner has paid the costs incurred in the prior Disciplinary proceeding. (N.T. 117)

52. Petitioner has kept up with his learning in the law by attending PBI courses at [] (N.T. 9 and 118) Petitioner has also viewed some additional courses. (N.T. 118 and 121 and Exhibit Nos. P-10 and P-11)

53. Petitioner has properly completed the required Reinstatement Questionnaire (Exhibit No. P-3) and his responses

therein have been determined by the Respondent to be substantially correct and complete. (N.T. 5) Petitioner has completed the required continuing legal education courses (Exhibit No. P-9) and regularly reads the advance sheets (N.T. 137)

54. Petitioner testified that his experiences have taught him many lessons, one of them being that "there is nothing in the world that should take one away from the truth and integrity that you have to have to be a lawyer." (N.T. 122-123)

55. Petitioner further testified that, notwithstanding the devastating effects that the [B] case had on his life, he thinks that he is a better person today than he was the day before he got involved with [B] (N.T. 123)

56. Petitioner testified that given the opportunity to practice law again, he would do everything possible to live up to the wonderful statements made by the character witnesses and people who wrote reference letters. (N.T. 123-124)

57. Petitioner presented thirteen (13) character witnesses to testify to his reputation in the community and had fifteen (15) additional witnesses present and available to testify. He also presented approximately sixty-six (66) letters pertaining to his character. (Exhibit Nos. P-4 and P-5)

58. Petitioner in addition to his work at [H] Insurance Company does paralegal work for Attorney [J], who is an attorney in []. (N.T. 137-138)

59. All of the character witnesses called on behalf of the Petitioner believe that the reinstatement of [Petitioner] would not have a detrimental effect upon the integrity of the Bar or the Administration of Justice, nor would it be subversive to the public interest. Additionally, these witnesses testified positively regarding the Petitioner's reputation for being a truthful, law abiding citizen and essentially characterized the [B] incident as an aberration.

60. Suffice it to say, without delving into the background of the thirteen (13) character witnesses called by the Petitioner, the witnesses come from varied and distinguished backgrounds and much weight is given to their opinions.

61. The Petitioner has demonstrated that the resumption of his practice of law in the Commonwealth of Pennsylvania would not be detrimental to the integrity and standing of the Bar, or the Administration of Justice, nor subversive to the public interest. As suggested by many of the character witnesses and persons writing character letters, the Petitioner's readmission to the practice of law could only serve to promote the standing of the Bar in the community at a time when it so desperately needs people like the Petitioner.

62. The Petitioner has demonstrated, by clear and convincing evidence, that he has the moral qualifications, competency and learning in the law to be readmitted to the

practice of law.

III. CONCLUSIONS OF LAW

The misconduct for which Petitioner was disbarred is not egregious so as to preclude immediate consideration of his Petition for Reinstatement.

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

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

IV. DISCUSSION

In any Petition for Reinstatement, the Board is acutely aware that the burden of proof falls squarely upon the Petitioner and that burden is established by Pa. R.D.E. 218(c)(3)(i) which states, inter alia,

"A disbarred or 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 to the public interest."

In order to put a reinstatement petition in proper

perspective, the Supreme Court of Pennsylvania in the case of Philadelphia News, Inc. v. Disciplinary Board, 363 A.2d 779 (Pa. 1976) has set forth the objective of reinstatement proceedings.

"A reinstatement proceeding is a searching inquiry into a lawyer's present professional and moral fitness to resume the practice of law. The object of concern is not solely the transgressions that gave rise to the lawyer's suspension or disbarment but rather, the nature and extent of the rehabilitative efforts he has made since the time the sanctions were imposed, and the degree of success achieved in the rehabilitative process."

Philadelphia News, 363 A.2d at 781.

In the Philadelphia News case, the Supreme Court of Pennsylvania emphasized that the attorney's conduct since his suspension is the focus of the reinstatement proceedings and not the underlying misconduct.

In setting forth the criteria for reinstatement following disbarment, as opposed to suspension, the Supreme Court has firmly established the standards which must be met and the path which must be followed. In Office of Disciplinary Counsel v. Keller, 509 Pa. 573, 506 A.2d 872 (1986) the Supreme Court of Pennsylvania, in addressing a Petition for Discipline requesting disbarment, set forth the following:

"The distinction between these two sanctions is more than a quantitative one. There is a qualitative difference between the sanctions. Although reinstatement is provided for in the case of suspension... and disbarment, Pa. R.D.E. 218, the entitlement

to reinstatement under the two sanctions is materially different. In the case of suspension, the withdrawal of privileges to practice law is for a specified period of time. After the expiration of that period, a suspended attorney can resume the practice of law upon a demonstration of his or her fitness to practice. In contrast, where disbarment has been imposed, the length of the withdrawal of the privilege to practice law has not been previously determined. In disbarment the only expression as to the length of the withdrawal of the license to practice is that it must extend for a period of at least five years...In the case of disbarment, there is no basis for an expectation by the disbarred attorney of the right to resume practice at some future point in time". Id., 506 A.2d 874-875.

The "Keller Threshold" has been set forth as follows"

"When a reinstatement is sought by the disbarred attorney, the threshold question must be whether the magnitude of the breach of trust would permit the resumption of practice without a detrimental effect upon 'the integrity and standing of the bar or the administration of justice nor subversive of the public interest.'" Pa. R.D.E. 218(c)(3)(i). (footnote omitted). Id., 506 A.2d 875.

It can be seen in In Re Anonymous No. 26 D.B. 81, 7 D.&C. 4th 260 at 272-273 (1990), a "qualitative" period of rehabilitation combined with a "quantitative" period of time is necessary. This must be shown in order to demonstrate the extent and success of the rehabilitation efforts made by the person during the period of disbarment.

Office of Disciplinary Counsel, the Respondent in this matter, set forth in the summary of their position that they believed the Petitioner had met the quantifiable aspects of the Board rules that are prerequisites to the Petitioner's reinstatement. The aspects include properly completing the reinstatement questionnaire, the educational requirements related to competency and learning of the law, and the payment of expenses and costs incurred in prior disciplinary proceedings. It is clear from the record of [Petitioner] that the Petitioner, who was the head of the Law Library at [] Prison for three years and who had attended additional courses as well, has met the requirements for legal competency.

The only issue then to be determined is whether or not his conduct was of such a magnitude that it would not permit the resumption of practice. As set forth in The Hearing Committee Report, there are various citations to cases which, when reviewed, show that they are no worse than the Petitioner's crimes: In Re Anonymous, No. 24 D.B. 84, 14 D.&C.4th 235 (1991) (attorney disbarred on consent for misuse of clients funds and neglect was reinstated); In Re Anonymous No. 47 D.B. 86, 14 D.&C.4th, 588 (1992) (attorney disbarred upon resignation following a conviction in federal court for bank fraud was reinstated); In Re Anonymous No. 76 D.B. 82, 14 D.&C.4th 371 (1991) (disbarment for professional misconduct and misappropriation of funds, attorney

subsequently reinstated); In Re Anonymous No. 45 D.B. 84, 15 D.&C.4th 321 (1992) (attorney disbarred based upon federal drug conviction was subsequently reinstated); In Re Anonymous No. 46 D.B. 75, 50 D.&C.3d 170 (1987) (disbarment for bribery and election code violation convictions, attorney reinstated); and In Re Anonymous No. 3 D.B. 81, 3 D.&C.4th 504 (1989) (attorney disbarred for misappropriation of client funds was reinstated); and In Re Anonymous No. 2 D.B. 76, 35 D.&C.3d 143 (1984) (attorney reinstated after pleading guilty to various counts of security fraud).

The conduct of the Petitioner which resulted in his criminal conviction occurred in 1983 and the early part of 1984. More than eleven years have passed since the relevant conduct took place. It has been ten years since the date of Petitioner's disbarment. Coupled with this is the fact that Petitioner admitted his guilt and accepted fault and has shown remorse. In addition, during this period of time, Petitioner began cooperating with the Federal Government and his cooperation played a major part in the indictment and subsequent conviction of [F], [], and [G], []. His cooperation included long debriefing sessions with agents of the Federal Bureau of Investigation and submission to numerous polygraph examinations to confirm the truthfulness of his testimony. Petitioner was incarcerated for a four year period of time at [] during which time, per his representation, his life

was extremely difficult due to the fact that he had been a government witness. Petitioner, subsequent to his release from prison, has made a good faith effort to pay his fine. He has made regular monthly payments on the outstanding balance. Petitioner has undergone the rehabilitative process for a sufficient period of time to allow for his reinstatement to be considered at this time. Through the character witnesses and as set forth above, he has been able to establish his moral qualification to again practice law.

It is interesting to note that upon reviewing Petitioner's activities which directly bear upon his moral integrity, it becomes clear that the Petitioner is a person who has involved himself in many organizations without the ulterior motive of promoting his own self image or his own financial growth. Petitioner is a man who is deeply rooted in his community. He coached underprivileged children at an inner city Y.M.C.A.; he coached baseball and basketball in [] where he lived; he was involved in fund raising for The United Way; he organized key clubs for the Kiwanis and participated in local governmental committees and boards. He seems to be a man who has maintained a healthy relationship with his wife and daughter, as well as his young son, despite the adversity that has beset his life. [Petitioner] attends church with his brother every Sunday and has begun to participate in church programs to the point where

he now seeks to join a prison ministry which helps prisoners at [].

Petitioner has been employed continuously since his release from prison. Since his release, he has been employed by [H] Insurance Company, which is a holding company involved in the insurance industry and operates in 44 states. He at first performed small tasks but is currently acting as Vice President of Claims working with state insurance departments, supervising claims procedures and teaching agents in the field how to deal with clients.

There were sixteen persons who appeared in person at the reinstatement hearing to support Petitioner in his request for reinstatement. These persons who provided evidence, ranged from a former judge to the Third Circuit Court of Appeals to a former Attorney General of the Commonwealth of Pennsylvania and attorneys practicing before the Bar. In addition, there are letters and testimony from friends, local officials, former clients and people closely associated with Petitioner's family and church.

Moreover, it was considered whether the position which Petitioner held at the time of his crime should be a factor in determining whether the "Keller Threshold" had been met. Even with this determination and review it was felt that Petitioner had satisfied the requirements of Rule 218 (c)(3)(i) and the "Keller Threshold", and that there would be no adverse impact by

Petitioner's reinstatement and he should therefore be reinstated for the reasons as stated forth above to the practice of law in the Commonwealth.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania 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: _____
Michael J. Witherel, Member

Date: August 23, 1995

Board Members Paris and Miller dissent.

Board Member Rudnitsky recused.

Board Member Saltz did not participate in the adjudication.

PER CURIAM:

AND NOW, this 2nd day of October, 1995, upon consideration of the Report and Recommendations of the Disciplinary Board of the Supreme Court of Pennsylvania dated August 23, 1995, 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 dissents.

Mr. Justice Montemuro is sitting by designation.