

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

In the Matter of	:	No. 508, Disciplinary Docket
	:	No. 3 – Supreme Court
	:	
SHARON BRASS-COREY	:	No. 25 DB 1999 - Disciplinary Board
A/K/A SHARON A. L. BRASS	:	
	:	Attorney Registration No. 34664
	:	
PETITION FOR REINSTATEMENT	:	(Bucks 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 June 28, 2005, Sharon Brass-Corey A/K/A Sharon A.L. Brass, filed a Petition for Reinstatement to the bar of the Supreme Court of Pennsylvania. By Order of April 12, 1999, Petitioner was disbarred on consent by the Supreme Court of Pennsylvania.

On August 25, 2005, Office of Disciplinary Counsel filed a Response to Petition for Reinstatement setting forth its intent not to oppose the reinstatement.

A reinstatement hearing was held on November 28, 2005 before a District II Hearing Committee comprised of Chair Mark Dixon Damico, Esquire, and Members Lindley M. Cowperthwait, Esquire, and Kathryn A. Meloni, Esquire. Petitioner was represented by John Rogers Carroll, Esquire.

The Hearing Committee filled a Report on March 28, 2006 and recommended that Petitioner be reinstated to the practice of law.

No Briefs on Exception were filed by the parties.

This matter was adjudicated by the Disciplinary Board at the meeting on May 10, 2006.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner is Sharon A.L. Brass, formerly known as Sharon Brass-Corey. She was born in 1955 and was admitted to the practice of law in the Commonwealth in 1981. Her current business address is 2735 Terwood Road, Willow Grove PA 19040.

2. After her admission to the bar, Petitioner was employed at Sidkoff, Pincus, Greenberg & Green in Philadelphia, eventually reaching partnership status in 1985.

3. From 1989 until May 1991, Petitioner was employed by John M. McClure, Esquire, in Doylestown, as a part-time associate.

4. Petitioner worked briefly for Lewis Katz, Esquire, in Philadelphia in 1993, before leaving the practice of law due to mental and emotional problems.

5. Petitioner was disbarred on consent on April 12, 1999, by Order of the Supreme Court of Pennsylvania.

6. Petitioner's resignation was prompted by her 1998 guilty plea to two counts of unsworn falsification to a police officer in Bucks County, Pennsylvania, in which she falsely accused her estranged husband of assaulting her.

7. Petitioner was sentenced to two years county probation with psychiatric treatment. She successfully completed her probationary sentence.

8. Petitioner has experienced multiple physical and mental health issues since December 1986, the occasion of her daughter's birth, after which Petitioner suffered from severe postpartum depression.

9. Petitioner used alcohol to help her relax and to sleep. She drank heavily during the depressive period, which lasted about seven months.

10. Petitioner realized she was drinking too much. She obtained prescription medication to help her sleep and cut back on her alcohol consumption.

11. Petitioner gave birth to a son in 1990. She again suffered severe postpartum depression. This depression was worse than the 1986-1987 episode.

12. Petitioner resumed drinking alcohol during her depression to calm her nerves and to help her sleep.

13. In June 1992, Petitioner was arrested for shoplifting a pair of sunglasses when she left a store without realizing that she had not paid for them. Petitioner had left her credit card on the store counter. Petitioner pleaded guilty to retail theft and paid a fine and costs.

14. Following the shoplifting episode, Petitioner attempted to get help for her drinking and managed to stay sober for a few months. The drinking began again following an emotional breakdown that occurred in late 1993.

15. Petitioner was arrested on December 15, 1993, for driving under the influence of alcohol after she totaled her car in an accident.

16. Petitioner pleaded guilty to DUI and was sentenced to two days to one year in the Bucks County prison. She was also fined and lost her driver's license for one year.

17. Petitioner spent several weeks in the psychiatric unit at Belmont Hospital in Philadelphia following this arrest.

18. While at Belmont Hospital, Petitioner went through detoxification and received some treatment for alcoholism, but she was primarily given mental health counseling.

19. Petitioner's drinking problems continued through the mid-1990's. Petitioner began attending Alcoholics Anonymous meetings and had some periods of

abstinence, the longest lasting one year, but she was unable to maintain her sobriety. It was not until she performed volunteer work at Livengrin Alcohol Treatment Center in Bensalem that she was finally able to stop drinking for longer periods of time.

20. By the late 1990's, Petitioner had begun to suffer major health problems as a result of her drinking, primarily cirrhosis of the liver. Petitioner had damaged her liver to such an extent that the blood could not perfuse through her liver and she was bleeding to death from her abdomen. Petitioner had end stage liver disease.

21. Petitioner had trouble keeping her blood count up because of the cirrhosis and she suffered periods of confusion due to her low blood count.

22. By the fall of 1997, Petitioner had completely stopped drinking and was actively involved in the 12 step program of Alcoholics Anonymous. She was placed on the liver transplant list in 1999 after she had achieved more than one year of sobriety.

23. In July 1999, Petitioner's doctors were unable to induce any liver regeneration and she was moved to the top of the transplant list because of her critical condition.

24. On August 5, 1999, Petitioner received a life saving liver transplant at Albert Einstein Medical Center in Philadelphia.

25. Following her liver transplant, Petitioner spent nine days in the hospital. She weighed only 88 pounds when she was released. Careful medical monitoring continued over the next nine months due to the possibility that her body would reject the liver.

26. Petitioner was determined to build herself up again physically. She joined a health club and began a serious exercise program. She eventually won several medals at the Transplant Olympics in 2002.

27. As a result of her liver transplant, Petitioner will be on immunosuppressant medication for the rest of her life. The only medical limitation on her practice of law is that she not return to trial practice due to the stressful nature of that practice.

28. Petitioner credits her liver transplant and her experience with Alcoholics Anonymous for changing her life. At the time of the reinstatement hearing, Petitioner had been sober for more than eight years and was still immersed in the AA program.

29. After completing her physical rehabilitation, Petitioner sought volunteer opportunities in the fields of disability and drug and alcohol treatment.

30. Petitioner has been a volunteer in the Family Services Buddy Program of Bucks County for the past four years providing assistance and companionship to people suffering from AIDS.

31. In 2001, Petitioner joined the Bucks County Council on Alcoholism and Drug Dependence (BCCADD) and became a member of its Board of Directors in 2002.

32. Petitioner began working with ProACT, a grassroots group affiliated with BCCADD, and formed its Act 106 Committee, which tries to educate the recovering community about Pennsylvania's addiction treatment law.

33. In recognition of her outstanding volunteer efforts in the areas of addiction and recovery, Petitioner won the 2004 Philadelphia Law Enforcement and Legal Achievement Award from the Caron Foundation.

34. Petitioner has served as a volunteer track official for the Pennsylvania Interscholastic Athletic Association.

35. In November 2001, Petitioner became an emergency substitute teacher for the Central Bucks School District.

36. Petitioner went to Temple University in August 2002 to pursue her teaching certificate in health and physical education. She received her teaching certificate in May of 2005.

37. Petitioner was recognized by Temple and the Pennsylvania State Alliance for Health, Physical Education, Recreation and Dance as an Outstanding Future Professional in the field.

38. In September 2005 Petitioner accepted a position in the Central Bucks School District as a health and physical education teacher at two schools in the district.

39. Petitioner has performed secretarial and legal research for Bruce Shaw, Esquire, a sole practitioner in Willow Grove, since December 2004.

40. Petitioner has fulfilled her requirements for Continuing Legal Education credits and kept current on the law by reading the Legal Intelligencer and the Health Law Prof Blog.

41. Petitioner presented several character witnesses at the reinstatement hearing.

42. Charlotte DeGroot, a recovering alcoholic who has been in AA for ten years, is Petitioner's sponsor. She describes Petitioner as very active in the program and some one who "truly loves AA". (N.T. 16). Ms. DeGroot confirms that Petitioner has been sober for the three and a half years she has known her in AA.

43. Kathy McQuarrie has been associated with Petitioner through ProACT. She indicated that Petitioner is devoted to repairing every aspect of her life that was destroyed during her addiction, including her legal career.

44. Babette Benham is a client advocate for ProACT. She knows people who admire Petitioner and think of her as a good support system.

45. Ernest Gash is a school teacher and a participant in Alcoholics Anonymous for more than 18 years. He indicated that Petitioner is very helpful to other recovering addicts and has been his spiritual advisor.

III. CONCLUSIONS OF LAW

1. Petitioner's misconduct, while serious, is not so egregious as to preclude reconsideration of her Petition for Reinstatement.

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

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

IV. DISCUSSION

Petitioner's request for reinstatement to the bar following disbarment is initially governed by the standard set forth by the Supreme Court of Pennsylvania in Office of Disciplinary Counsel v. Keller, 506 A.2d 872 (Pa. 1986). The Keller opinion articulates a threshold question which must be addressed before the requirements of Pa.R.D.E. 218(c)(3)(i) are considered. This threshold inquiry is whether the magnitude of the breach of trust would permit the resumption of practice without detrimental effect upon the integrity and standing of the bar or the administration of justice, nor be subversive of the public interest. Keller thus requires a determination that the original misconduct is not so offensive as to preclude reinstatement.

The case at bar does not present a difficult resolution to the threshold question. Petitioner was disbarred on consent following her conviction of two counts of unsworn falsification to authorities based on her false report to the police that her estranged husband had assaulted her. At the time Petitioner made the false report she

was suffering from cirrhosis of the liver due to alcoholism. When confronted with evidence that her estranged husband was at a different location at the time of the assault, Petitioner admitted she was confused and later pleaded guilty to the charges. Her action constituted a single act of misconduct. There was no pattern of deception and no aggravating factors. Petitioner was sincerely remorseful for her misconduct. While making unsworn falsifications to authorities is serious, the offenses are graded as second degree misdemeanors. Other attorneys have been reinstated despite far more serious misconduct than that engaged in by Petitioner. See In re Joseph Robert Rydzewski, No. 158 DB 1996 & 105 DB 1998, No 287 Disciplinary Docket No. 3 (Pa. March 20, 2004)(petitioner reinstated after disbarment for mail fraud and theft from his law firm); In re Verlin, 713 A.2d 600 (Pa. 1999)(petitioner reinstated after disbarment for criminal conspiracy, perjury, false swearing and theft by deception).

Having concluded that the nature of Petitioner's misconduct will not preclude consideration of her petition for reinstatement, the Board must consider whether Petitioner has met her burden of proving by clear and convincing evidence that her resumption of the practice of law at this time would not have a detrimental impact on the integrity and standing of the bar, the administration of justice or the public interest, and that she has the moral qualifications, competency and learning in the law required for admission to practice law in Pennsylvania. Pa.R.D.E. 218(c)(3)(i). In order to make this determination, the Board must examine the quantity of time that has passed since Petitioner was disbarred and her efforts at a qualitative rehabilitation. In re Verlin, 731 A.2d 600 (Pa. 1999). The

challenge presented to Petitioner is showing that sufficient time has passed to dissipate the detrimental impact of her misconduct on the public trust. In re Perrone, 777 A.2d 413 (Pa. 2001).

Petitioner was disbarred on consent on April 12, 1999. At the time of her reinstatement hearing on November 28, 2005, she had been disbarred for approximately six and a half years. The evidence of record demonstrates that Petitioner has convincingly shown that her activities during her years of disbarment have dissipated the wrong she inflicted on the public by her criminal misconduct. Petitioner has related a rather extraordinary history of rehabilitation during disbarment, coming full circle from a mentally and physically unwell person into a life of healthy activity and dedicated service to others.

Petitioner was an alcoholic for many years. She attributes her initial reliance on alcohol to the bout of postpartum depression she suffered following the birth of her first child in 1986. Although she was able to cut back on her alcohol intake after seven or eight months, she began drinking again after a second bout with postpartum depression in 1990. This second depression was more severe and Petitioner was not able to cease her alcohol use for any lengthy period of time. During this period of time Petitioner found herself in trouble with the law on several occasions; she was arrested for shoplifting sunglasses in 1992 and arrested in 1993 for driving under the influence of alcohol. Petitioner was finally able to stop drinking in 1997 and has remained sober since that time.

Unfortunately, Petitioner's alcoholism exacted a tremendous toll on her body, resulting in her medical diagnosis of cirrhosis of the liver. As a result of her disease, she

had trouble keeping her blood count up and suffered periods of confusion due to low blood count. It was during this time of her life that Respondent was charged with and convicted of two counts of unsworn falsification to authorities and took a disbarment on consent from the practice of law.

Petitioner's particular health situation was dire in 1999; consequently she was moved to the top of the liver transplant list. On August 5, 1999, Petitioner received a life saving liver transplant. Following Petitioner's release from the hospital and her nine month medical monitoring, she determined to change her life in many ways. She embarked on a serious physical exercise program to build herself up from her weakened circumstances. Petitioner became very involved in Alcoholics Anonymous, and actively sought volunteer opportunities in the fields of disability and drug and alcohol treatment. Petitioner is currently a volunteer with people suffering from AIDS, is a member of the Board of Directors of the Bucks County Council on Alcoholism and Drug Dependence, and is affiliated with ProACT, a grassroots organization focusing on addiction recovery. Additionally, Petitioner returned to her alma mater, Temple University, to pursue a teaching certificate in health and physical education. She received her certification in 2005 and currently teaches in the Central Bucks School District. In her personal life, Petitioner married a man she met in recovery and began the process of rebuilding her relationship with her children from her former marriage.

Witnesses at the reinstatement hearing provided additional evidence of Petitioner's recovery and rehabilitation. The credible testimony of Charlotte DeGroot,

Kathy McQuarrie, Babette Benham and Ernest Gash supports Petitioner's contention that she is dedicated to her recovery from alcoholism and is a changed person.

Petitioner bears the burden of proving that she has the moral qualifications, competency and learning in the law required for admission to the bar. Pa.R.D.E. 218(c)(3)(i). As indicated above, Petitioner's positive moral qualifications have been established through character testimony and her own candid testimony as to her recovery from alcoholism and her service to others. Petitioner has proven her competency and learning in the law by fulfilling her requirements for Continuing Legal Education and keeping current on the state of the law through her part-time employment performing legal research for Bruce Shaw, Esquire, a sole practitioner in Willow Grove. Petitioner has also kept apprised of the law in the areas of addiction treatment, liability in the gymnasium, and health-related issues, which are areas of personal interest to her. Petitioner has expressed a strong commitment to helping others in the fields of health and alcohol and drug addiction. She believes that her law license would be an asset to the organizations for which she volunteers.

The evidence of record is compelling and persuasive. Petitioner deserves a second opportunity to put her considerable energy to use as a licensed attorney. It is the Board's recommendation that Petitioner be reinstated to the practice of law.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Sharon Brass-Corey, A/K/A Sharon A. L. Brass 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: _____
Marc S. Raspanti, Board Member

Date: June 14, 2006

O R D E R

PER CURIAM:

AND NOW, this 19th day of September, 2006, upon consideration of the Report and Recommendations of the Disciplinary Board dated June 14, 2006, 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.