

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of	:	No. 643 Disciplinary Docket No. 3
	:	
	:	No. 164 DB 2000
MICHAEL W. McCARRIN	:	
	:	Attorney Registration No. 28908
	:	
PETITION FOR REINSTATEMENT	:	(Delaware County)

ORDER

PER CURIAM:

AND NOW, this 12th day of March, 2008, upon consideration of the Report and Recommendations of the Disciplinary Board dated December 13, 2007, 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.

A True Copy Patricia Nicola

As of: March 12, 2008

Attest:


Chief Clerk

Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

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: No. 3
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MICHAEL W. McCARRIN : No. 164 DB 2000
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PETITION FOR REINSTATEMENT : Attorney Registration No. 28908
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: (Delaware 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

By Order of May 25, 2006, the Supreme Court of Pennsylvania suspended the law license of Michael W. McCarrin for a period of five years retroactive to December 28, 2000. Mr. McCarrin filed a Petition for Reinstatement to the bar on June 25, 2007. Petitioner filed a Supplement to Petition for Reinstatement on August 13, 2007. Office of

Disciplinary Counsel filed a Response to Petition for Reinstatement on August 16, 2007, in which it stated it found no basis to oppose the reinstatement.

A reinstatement hearing was held on October 2, 2007, before a District II Hearing Committee comprised of Chair Mary Ann Rossi, Esquire, and Members Daniel B. Huyett, Esquire, and Nicholas J. Caniglia, Esquire. Petitioner appeared pro se. Petitioner presented 11 witnesses and nine exhibits in support of his request for reinstatement.

On October 26, 2007, the Hearing Committee filed a Report and recommended that the Petition for Reinstatement be granted.

This matter was adjudicated by the Disciplinary Board at the meeting on November 7, 2007.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner is Michael W. McCarrin. He was born in 1949 and was admitted to practice law in the Commonwealth of Pennsylvania in 1978. His current address is 2235 N. Providence Rd., Media PA 19063.

2. Petitioner practiced law in Oklahoma from 1977 until 1980. He moved to Philadelphia and worked for two different law firms from 1980 until 1986.

3. In 1986 Petitioner set up his own law practice in Philadelphia and in Media, Delaware County.

4. From 1991 through 1996, Petitioner handled legal affairs for Potamkin

automobile dealerships and for Klaus Reinke, the general manager of Potamkin.

5. In 1994 Petitioner incorporated GKA, Inc., to perform surveys concerning customer satisfaction with the sales and service of Potamkin's dealerships.

6. Petitioner listed himself as president and sole shareholder of GKA, Inc.; listed members of his family as GKA, Inc.'s corporate officers, listed his Media residence as GKA, Inc.'s corporate office, maintained a GKA, Inc. bank account at PNC Bank, and operated GKA, Inc. from his Media law office.

7. The manner in which Petitioner formed and operated GKA, Inc. concealed the fact and extent of the involvement of Klaus Reinke and his wife, Alice Reinke, and their financial interest in GKA.

8. The customer satisfaction surveys were a vehicle to improve customer satisfaction by having the dealership, through GKA, Inc., contact the customer and resolve any issues with the vehicle or service so that when the manufacturer completed its own interview of the customer, the dealership would rate high enough to earn bonuses from the manufacturer.

9. On August 17, 1999, the United States Attorney's Office for the Eastern District of Pennsylvania filed an indictment charging Petitioner with mail fraud, money laundering, engaging in monetary transaction in property derived from specific unlawful activity, and interstate travel in aid of racketeering.

10. By jury verdict dated February 25, 2000, Petitioner was found guilty of nine counts of mail fraud and two counts of engaging in monetary transaction in property

derived from unlawful activity. He was acquitted of all other counts in the indictment.

11. On October 20, 2000, Judge James T. Giles sentenced Petitioner to imprisonment for 24 months, supervised release for two years with conditions, restitution in the amount of \$414,028.00, imposed jointly and severally with Klaus Reinke, to Lloyds of London, forfeiture in the amount of \$31,289.00 and a special assessment.

12. Following the exhaustion of all appeals, Petitioner began his incarceration in November of 2003.

13. Petitioner successfully completed his prison term.

14. Following his release Petitioner secured employment and was able to pay off the debts that were incurred as a result of his conviction.

15. Petitioner completed 36 hours of Continuing Legal Education required for reinstatement.

16. Petitioner has read numerous legal periodicals and opinions while suspended.

17. Since July 17, 2007, Petitioner has been employed by William C. Mackrides, Esquire, as a law clerk.

18. Petitioner introduced by letter the testimony of Mr. Mackrides, a lawyer in Media, Pennsylvania. Mr. Mackrides has known Petitioner since 2000. Petitioner is in the law office on an almost daily basis and has been diligent and skillful in handling matters under Mr. Mackrides' direct supervision. Mr. Mackrides supports Petitioner's readmission to the bar.

19. The letter of William George, Esquire, was admitted into evidence. Mr. George is a lawyer in Media, Pennsylvania, who supports Petitioner's readmission. Mr. George knows Petitioner as an adversary and states that at all times Petitioner was honest and skillful in cases and his word could be relied on without hesitation.

20. Petitioner presented the testimony of eight character witnesses, three of whom are attorneys licensed to practice in Pennsylvania.

21. The witnesses testified credibly to Petitioner's good reputation in the community as a lawyer and as an honest, truthful and sincere person. These witnesses fully support Petitioner's reinstatement to the bar.

22. Petitioner expressed remorse for his misconduct.

23. If reinstated, Petitioner plans to continue his employment with Mr. Mackrides.

24. Office of Disciplinary Counsel does not oppose Petitioner's reinstatement.

III. CONCLUSIONS OF LAW

1. Petitioner has established that he has the moral qualifications, competency and learning in the law required for admission to practice in the Commonwealth of Pennsylvania. Pa.R.D.E. 218(c)(3)(i).

2. Petitioner has established that his resumption of the practice of law will not have a detrimental impact on the integrity and standing of the bar, the administration of justice, or the public interest. Pa.R.D.E. 218(c)(3)(i).

IV. DISCUSSION

This matter is before the Disciplinary Board on a Petition for Reinstatement filed by Michael W. McCarrin. By Order of May 25, 2006, the Supreme Court of Pennsylvania suspended Petitioner for a period of five years, retroactive to December 28, 2000.

Pursuant to Rule 218(a), Pa.R.D.E., an attorney who is suspended for a period exceeding one year may not resume the practice of law until reinstated by the Supreme Court of Pennsylvania. In order for Petitioner to gain reinstatement, he has the burden of proving by clear and convincing evidence that he possesses the moral qualifications, competency and learning in the law required for admission to practice law in this Commonwealth. In addition, Petitioner has the burden of demonstrating that his resumption of the practice of law will not be detrimental to the integrity and standing of the bar or administration of justice, nor subversive of the public interest. Rule 218(c)(3)(i), Pa.R.D.E.

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 which gave rise to the lawyer's suspension, but rather the nature

and extent of the rehabilitative efforts the lawyer has made since the time the sanction was imposed, and the degree of success achieved in the rehabilitative process. Philadelphia News, Inc. v. Disciplinary Board of the Supreme Court, 363 A.2d 779 (Pa. 1976).

Petitioner was convicted of nine counts of mail fraud and two counts of money laundering relating to the customer satisfaction survey scheme with Klaus Reinke. Petitioner was sentenced to 24 months of incarceration, supervised release, and restitution. Petitioner fulfilled all of the terms and conditions of his sentence.

Petitioner secured employment following his release from prison and is currently employed as a legal assistant to William C. Mackrides, Esquire, in Media, Pennsylvania. By letter testimony, Mr. Mackrides described Petitioner as a diligent and skillful legal assistant. Petitioner plans to continue his employment with Mr. Mackrides upon reinstatement.

Petitioner fulfilled his Continuing Legal Education credits and reviewed numerous legal periodicals and cases while on suspension.

Petitioner called upon eight witnesses to provide evidence of his good reputation in the community. These witnesses are fully aware of Petitioner's misconduct and fully support his reinstatement to the practice of law.

Petitioner expressed sincere remorse for his past misconduct; he accepts full responsibility for the lapse of judgment that led to his conviction.

The Board concludes that Petitioner has established the moral qualifications, competency and learning in the law required for admission to practice law in the

Commonwealth. Petitioner's reinstatement will not be detrimental to the integrity and standing of the bar, administration of justice, or to the public interest.

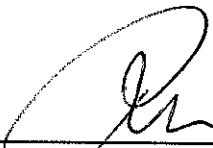
V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Michael W. McCarrin, 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: 
Robert C. Saidis, Board Member

Date: December 13, 2007

Board Members Gentile and Jefferies did not participate in the adjudication.

Board Member Brown recused.