

ORDER OF THE DISCIPLINARY  
BOARD OF THE SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 874, Disciplinary Docket  
: No. 2- Supreme Court  
[ANONYMOUS] :  
: No. 50 DB 1992 - 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 hereby submits its findings and recommendations to your Honorable Court with respect to the above-captioned Petition for Reinstatement.

I. HISTORY OF PROCEEDINGS

Petitioner, [], was suspended for a period of five years by Order of the Supreme Court of Pennsylvania dated May 3, 1995. The suspension for five years was made retroactive to July 3, 1992 with three (3) years served and two (2) stayed and placed Petitioner on probation for two (2) years subject to the same conditions recommended by the Disciplinary Board. On November 9, 1995, a Petition for

Reinstatement was filed and the Petition was supplemented with an Amended Petition for Reinstatement that was filed on December 29, 1995. A hearing on the Petition for Reinstatement was held on March 18, 1996. The Hearing Committee filed its report on October 7, 1996. The Hearing Committee recommended that Petitioner be reinstated to the bar of the Supreme Court of Pennsylvania with certain conditions. The matter was adjudicated to November 14, 1996 with a meeting of the Disciplinary Board, which concurred with the Hearing Committee's recommendation that the Petitioner be reinstated. However, the Disciplinary Board did not place any conditions upon the reinstatement.

## II. FINDINGS OF FACT

1. Petitioner, [], was born on February 3, 1942, and was admitted to the practice of law in Pennsylvania in 1970. His current address is [].

2. Petitioner was suspended from the practice of law in 1995 after pleading guilty in 1992 to two counts of theft and conspiracy in the Court of Common Pleas of [] County.

3. The Honorable [A] sentenced Petitioner to one-year probation with 100 hours of community service.

4. Petitioner has fully served his sentence.

5. Petitioner has fully complied with the requirements of Rule 217, Pa. R.D.E., as they pertain to his situation and forwarded an Affidavit in compliance with the Disciplinary Board on June 13, 1992.

6. Petitioner has the requisite competency and learning in the law required for admission to the practice of law in this Commonwealth.

7. Petitioner has been keeping abreast of the law by reading the Advance Sheets, the *Pennsylvania Law Weekly* and other periodicals. He also has become computer literate and does research on Lexis. (N.T. 67-69)

8. To maintain his sobriety and absence from gambling, the Petitioner has been regularly attending Alcoholics Anonymous meetings and continues working on the twelve-step program. He regularly attends the weekly meetings of Gamblers Anonymous in [] County. (N.T. 72-73)

9. Petitioner has demonstrated competency and learning in the law by completing the Pennsylvania Basic Practice Course held at [] University from [].

10. Finally, Petitioner has acknowledged that his prior conduct damaged his personal and professional life as well as the life of his family and friends. We are confident that he will avoid such conduct in the future.

### III. DISCUSSION

The primary objective of the disciplinary system is to determine whether the attorney possesses the requisite fitness to practice law and to protect the public from unfit attorneys. Office of Disciplinary Counsel v. Lucarini, 472 A.2d 186 (Pa. 1983). In this fashion, the integrity of the legal system is maintained. Office of Disciplinary Counsel v. Keller, 506 A.2d 872 (Pa. 1986).

According to Pa. R.D.E. 218(a), an attorney who is suspended from practice for a period exceeding one year may not resume practice until

reinstated by order of the Supreme Court of Pennsylvania. In order to be reinstated, an attorney must prove by clear and convincing evidence that the attorney possesses the moral qualifications, competency, and learning in the law required for admission to practice law in the Commonwealth, and that the resumption of the practice of law will be neither detrimental to 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).

Reinstatement proceedings form a searching inquiry into an attorney's present technical and moral ability to resume the practice of law. Philadelphia Newspapers v. The Disciplinary Board of the Supreme Court of Pennsylvania, 468 Pa. 382, 363 A.2d 779 (Pa. 1976).

The acts which gave rise to the discipline are considered, as well as the nature, extent, and success of the rehabilitative efforts made by the attorney during the period of discipline. Id. at 781. Specifically, a "qualitative period of rehabilitation" combined with a "quantitative period of time" is necessary. In re Anonymous No. 26 DB 81, 7 Pa. D&C4th 260, 272 (1990).

Application of the above law to the facts reveals that Petitioner has met the requirements for reinstatement by a showing of clear and convincing evidence. In addition, Petitioner produced evidence of moral qualifications, competency, and learning in the law in the form of testimony, documentary evidence, and witnesses. The Hearing Committee concluded that the Petitioner displayed the requisite degree of knowledge and remorse to qualify for reinstatement. Petitioner has demonstrated his current reputation in the community for restored

honesty and competency, in industry and sobriety in the traditional fashion by testimony from fellow lawyers. The Petitioner has made great strides and efforts of rehabilitation through the twelve-step programs of Alcoholics Anonymous and Gamblers Anonymous and, in addition, has continued community service through Sister [B] in serving the needs of the poor and elderly in the [] area.

As Ordered by the Supreme Court on May 3, 1995, upon reinstatement, Petitioner will be placed on probation for a period of two (2) years, subject to the Conditions as set forth in that Order.

In sum, Petitioner has satisfied every requirement for reinstatement. The Board notes that he has led a productive life since his suspension. Petitioner has demonstrated that if he is allowed to return to the practice of law, he will not only be a productive member of the bar, but of the community as well.

#### IV. RECOMMENDATION

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

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

By: \_\_\_\_\_  
Angelo L. Scaricamazza, Jr., Member

Date: September 9, 1997

Board Member Marroletti did not participate in the November 14, 1996 adjudication.

O R D E R

PER CURIAM:

AND NOW, this 27th day of October, 1997, upon consideration of the Report and Recommendations of the Disciplinary Board of the Supreme Court of Pennsylvania dated September 9, 1997, and the Order entered by this Court on May 3, 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.