

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 917, Disciplinary Docket  
: No. 2 - Supreme Court  
:  
: No. 29 DB 1993 and 36 DB 1994  
[ANONYMOUS] : 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

A Petition for Reinstatement and Supplemental Reinstatement Questionnaire were filed by [Petitioner] on October 23, 1998. By Order of the Supreme Court of Pennsylvania dated December 28, 1995, Petitioner was suspended from the practice of law in Pennsylvania for a period of five years, retroactive to March 30, 1993. This

suspension was based on Petitioner's criminal conviction for unlawful possession of a controlled substance and theft by unlawful taking.

A reinstatement hearing was held on January 22, 1999 before Hearing Committee [ ] comprised of Chair [ ], Esquire, and Members [ ], Esquire, and [ ], Esquire. Petitioner was represented by [ ], Esquire. Office of Disciplinary Counsel was represented by [ ], Esquire.

The Hearing Committee filed a Report on August 24, 1999 and recommended that the Petition for Reinstatement be granted.

No Briefs on Exception were filed by the parties.

This matter was adjudicated by the Disciplinary Board at the meeting of October 5, 1999.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner was born in 1960 and was admitted to practice law in Pennsylvania in 1989. Petitioner currently resides at [ ]. Petitioner is married and has two children.

2. From on or about April 1, 1991 through November 22, 1991, while employed as an Assistant District Attorney for [ ] County, Petitioner stole approximately 46 packets of cocaine from evidence bags held in the evidence room by the District Attorney's Office. Petitioner stole the cocaine for her personal consumption.

3. Petitioner entered a plea of guilty on September 21, 1992 to unlawful possession of a controlled substance and theft by unlawful taking. She was sentenced on October 23, 1992 to a two to five year term of incarceration.

4. Petitioner was placed on temporary suspension from the practice of law by Order of the Supreme Court dated March 30, 1993.

5. Petitioner served eight months of her prison term, which included six months at [ ] Camp, where she successfully completed the program and was paroled on June 4, 1993.

6. On or about June 29, 1993, while shopping in [ ], Petitioner shoplifted several items. She entered a plea of guilty to the charge of retail theft.

7. During the time frame of Petitioner's suspension, she worked as a paralegal for several practitioners in the [ ] area.

8. [A], Esquire, has employed Petitioner for six years to conduct legal research and writing. He testified at the hearing that her work product is excellent.

9. [B], Esquire, has employed Petitioner to assist him in bankruptcy and criminal work. Attorney [B] described Petitioner's work as superb.

10. Petitioner has been very active in Alcoholics Anonymous during her suspension. She attends meetings at least twice per week and is active in helping others in their recovery efforts.

11. Petitioner has been sober for seven years. In addition to AA, she has been active in Lawyers Concerned for Lawyers. [C], Executive Director of LCL, testified that Petitioner is a strong and regular volunteer in LCL, and he believes that she is fully capable of handling the stresses associated with the practice of law, due to the adversity she has already faced in her life.

12. [D], Esquire, Chief Counsel and CFO for the [E], a drug and rehabilitation program, testified that he has known Petitioner for eight years since they met through Lawyers Concerned for Lawyers. He has at least monthly contact with her and believes that she is a strong candidate to remain sober.

13. Petitioner's AA sponsor, [F], testified at the hearing that Petitioner is doing very well in maintaining her sobriety.

14. Several of Petitioner's family members testified at the hearing. These family members have seen very positive changes in Petitioner and believe that she is ready to return to the practice of law.

15. Petitioner testified on her own behalf. She described the positive changes in her life since her conviction and incarceration. She is very anxious to return to the practice of law, as she truly enjoys the work involved. She expressed her remorse for her past actions and feels confident that she can maintain her sobriety even in the face of workplace stress.

16. Petitioner completed her required Continuing Legal Education credits and kept apprised of changes in the law through her work as a paralegal.

### 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 law 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

This matter is before the Disciplinary Board for consideration of Petitioner's Petition for Reinstatement from suspension. An attorney who is suspended from the practice of law for a period exceeding one year may not resume practice until reinstated by order of the Supreme Court of Pennsylvania. Pa.R.D.E. 218(a). In order for Petitioner to gain reinstatement, she has the burden of proving by clear and convincing evidence that she possesses the moral qualifications, competency and learning in the law required for admission to practice law, and that the resumption of the practice of law will neither be detrimental to the integrity of the bar or administration of justice, nor subversive of the public interests. Pa.R.D.E. 218(c)(3)(i).

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 five years retroactive to March 30, 1993. This suspension was imposed as a result of Petitioner's criminal conviction for unlawful possession of cocaine and theft by unlawful taking. Petitioner was employed as an assistant district attorney and during her employment she stole cocaine from the evidence locker for her personal consumption. Petitioner was addicted to cocaine at this time. Petitioner served a jail sentence and was released in June 1993. Several weeks after her release, she was charged with retail theft, to which she pleaded guilty.

At the time of Petitioner's theft of the cocaine, she was addicted to that drug and was stealing to support her habit. After her arrest and conviction she voluntarily sought help in the form of inpatient treatment, individual counseling and psychotherapy, and Alcoholics Anonymous. This therapy of necessity was interrupted by her jail term; however, she recommenced treatment and AA attendance after completing her sentence. She continues to remain involved in AA and Lawyers Concerned for Lawyers. Petitioner has been sober for seven years.

During the time period of Petitioner's suspension, she kept busy by performing research and writing duties for several [ ] area attorneys. These attorneys uniformly praised Petitioner for her legal acumen and her ability to produce timely projects. Petitioner hopes to practice in a small firm setting doing general legal work if she is reinstated.

Seven witnesses testified at the hearing in support of Petitioner's reinstatement. These witnesses believe that Petitioner is fully capable of handling the pressures of the legal profession, in light of the adversity she has confronted in the past. Petitioner is a very strong candidate for continuing sobriety. She has been sober for seven years and has not suffered a relapse. She enjoys the support of her husband and family, as well as that of members of her community. She understands the consequences to her life, both personal and professional, if she lapses into drug use in the future.

Petitioner engaged in very serious misconduct which was addressed by the Supreme Court with a suspension of her license for a period of five years. Petitioner served her term of suspension and has clearly demonstrated her rehabilitation, her competence and character, and her remorse. Her reinstatement to the practice of law in Pennsylvania will not be detrimental to the integrity of the bar or administration of justice, nor will it be subversive of the public interest. 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: \_\_\_\_\_  
Duke George, Jr., Member

Date: November 3, 1999

PER CURIAM:

AND NOW, this 28th day of December, 1999, upon consideration of the Report and Recommendations of the Disciplinary Board of the Supreme Court of Pennsylvania dated November 3, 1999, 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.