

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of	:	No. 1027 Disciplinary Docket No. 3
	:	
	:	No. 118 DB 2005
	:	
ASHLY MAE GUERNACCINI	:	
A/K/A ASHLY MAE WISHER	:	Attorney Registration No. 87053
	:	
PETITION FOR REINSTATEMENT	:	(Allegheny County)
	:	
	:	

ORDER

PER CURIAM:

AND NOW, this 21st day of August, 2015, upon consideration of the Report and Recommendations of the Disciplinary Board, the Petition for Reinstatement is granted.

Petitioner is directed to pay the expenses incurred by the Board in the investigation and processing of the Petition for Reinstatement. See Pa.R.D.E. 218(f).

A True Copy Patricia Nicola
As Of 8/21/2015

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

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A/K/A ASHLY MAE WISHER	:	
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PETITION FOR REINSTATEMENT	:	(Allegheny 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 dated September 28, 2006, the Supreme Court of Pennsylvania suspended Ashly Mae Guernaccini for a period of two years, retroactive to August 3, 2005. Ms. Guernaccini filed a Petition for Reinstatement to the bar on July 14, 2014.

A reinstatement hearing was held on December 10, 2014, before a District IV Hearing Committee comprised of Chair Philip K. Kontul, Esquire and Members Melaine Shannon-Rothey, Esquire and Matthew T. Mangino, Esquire. Petitioner appeared *pro se*.

Petitioner testified on her own behalf and presented eight (8) letters supporting her reinstatement. Office of Disciplinary Counsel presented no testimony or evidence and did not object to Petitioner's testimony or evidence.

Following the submission of a brief by Petitioner, the Hearing Committee filed a Report on May 28, 2015 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 on July 25, 2015.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner is Ashly Mae Guernaccini. She was born in 1975 and was admitted to the practice of law in the Commonwealth of Pennsylvania in 2001. Her attorney registration address is 34 La Jolla Street, Watsonville, California 95076. Petitioner is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.
2. Other than the suspension from which she is seeking reinstatement, Petitioner has no record of prior discipline in Pennsylvania.
3. On September 28, 2006, the Pennsylvania Supreme Court suspended Petitioner for a period of two years, retroactive to August 3, 2005.¹

¹ At the time Petitioner was suspended, she was admitted to practice under the name Ashly Mae Wisher.

4. Petitioner's suspension was based upon her 2005 conviction in the Court of Common Pleas of Allegheny County of the crimes of possession of controlled substance, drug, device or cosmetic – second or subsequent offense. She was sentenced to six months of probation. Her first offense consisted of a guilty plea in June 2004 to a charge of possession of a controlled substance, heroin, for which she received a sentence of three months of probation without verdict. In addition, in 2004, after having been transferred to inactive status, Petitioner entered an appearance on behalf of a client in the Allegheny County Court of Common Pleas. She subsequently withdrew her appearance.

5. Petitioner served two sentences of probation in full and paid all costs associated with these convictions.

6. Petitioner sought treatment for her drug addiction in 2004 and successfully completed a four month and 10 days rehabilitation program at Narconon of Northern California ("Narconon"). N.T. 9.

7. Petitioner has remained sober since that time, has had no relapses, and has remained drug and alcohol free since October 2004. Petitioner continues morning maintenance meetings with her support group through Narconon, her employer. N.T. 26, 27.

8. Petitioner has a firm support system in place consisting of her family and co-workers, who provide the necessary structure to ensure that Petitioner does not relapse in her recovery. N.T. 10, 29-30, 31-32.

9. Petitioner is currently employed as the Director of Legal Affairs for Narconon. Petitioner began her work experience with Narconon in 2005 as a counselor. She was promoted to case supervisor a couple of years later, followed by a promotion to rehabilitation services supervisor. Approximately two and one half years prior to the

reinstatement hearing, she was offered the position as Director of Legal Affairs. N.T. 11–13.

10. In her capacity as Director of Legal Affairs, Petitioner coordinates with outside counsel, gathering information and providing it to counsel as required. N.T. 14–15.

11. Petitioner has done extensive research and has become familiar with federal codes and regulations, and has attended labor law conferences. N.T. 39-41.

12. While on suspension, Petitioner has not practiced law or held herself out as an active attorney.

13. Petitioner has completed the requisite 36 hours of Continuing Legal Education required for reinstatement. Questionnaire No. 19(a).

14. Petitioner has accepted full responsibility for the misconduct that led to her suspension and has expressed sincere and genuine remorse for her misconduct.

15. Petitioner is committed to her recovery and is eager to practice law with the hope of becoming in-house counsel for Narconon. Questionnaire No. 18.

16. Petitioner presented eight (8) character letters evidencing her fitness to practice law as well as her competency in the legal field. Of the eight, three practicing attorneys presented the opinion that Petitioner should be reinstated to the practice of law. Pet. Exhs. 1- 8.

III. CONCLUSIONS OF LAW

1. Petitioner established by clear and convincing evidence that she possesses the moral qualifications, competency and learning in the law required for

admission to the practice of law in the Commonwealth of Pennsylvania. Rule 218(c)(3), Pa.R.D.E.

2. Petitioner established by clear and convincing evidence that her resumption of the practice of law within the Commonwealth will be neither detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest. Rule 218(c)(3), Pa.R.D.E.

IV. DISCUSSION

Petitioner seeks readmission to the practice of law in Pennsylvania following her suspension for a period of two years, retroactive to August 3, 2005. Rule 218(c)(3), Pa.R.D.E. requires that a suspended attorney demonstrate by clear and convincing evidence that she has the moral qualifications, competency and learning in the law required for admission to practice law and that the petitioner's 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. A reinstatement proceeding is an 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 made since the time the sanction was imposed and the degree of success achieved in the rehabilitative process. *Philadelphia Newspapers, Inc. v. Disciplinary Board of the Supreme Court*, 363 A.2d 779 (Pa. 1976).

Petitioner pled guilty on two occasions to misdemeanor Possession of a Controlled Substance, once in 2004 and once in 2005. Petitioner is extremely remorseful

for her misconduct and has acknowledged her wrongdoing. Petitioner suffered from drug addiction and has taken measures to seek and receive appropriate treatment for her condition. In 2004, she entered an intensive inpatient rehabilitation program at Narconon for a period of four months and ten days and successfully completed the program. Petitioner has been sober since October 2004. She continues to attend daily therapy sessions and counts family and co-workers among her strong support system to ensure her continued sobriety.

Petitioner has remained gainfully employed by Narconon since 2005, working her way through various promotions to her current position as Director of Legal Affairs. In this capacity she coordinates with outside legal counsel and conducts extensive research into issues of labor, health care and corporate law. Petitioner is confident in her abilities to practice law ethically and looks forward to the opportunity to become in-house counsel for Narconon.

Petitioner submitted eight (8) letters of reference, including three from attorneys admitted to the bar in California who work with Petitioner as outside counsel. Each praised her integrity, diligence and professionalism, and each support her readmission to the bar. These letters are indicative of the support Petitioner has received from members of her community and the general feeling that her readmission would be a positive circumstance.

Petitioner has demonstrated her competency and learning in the law by fulfilling her Continuing Legal Education requirements necessary for reinstatement and maintaining her currency in the law through her many research projects for Narconon.

Petitioner has met her burden pursuant to Rule 218(c)(3), Pa.R.D.E. 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, Ashly Mae Guernaccini, a/k/a Ashly Mae Wisher, be reinstated to the practice of law.

The Board further recommends that, pursuant to Rule 218(f), 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: 
John F. Cordisco, Board Member

Date: August 5, 2015