

IN THE SUPREME COURT OF PENNSYLVANIA

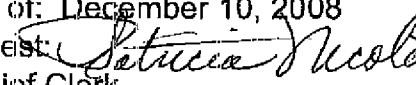
In the Matter of : No. 133 Disciplinary Docket No. 3
: :
CRAIG B. SOKOLOW : No. 128 DB 1995
: :
: Attorney Registration No. 61258
: :
PETITION FOR REINSTATEMENT : (Montgomery County)

ORDER

PER CURIAM:

AND NOW, this 10th day of December, 2008, upon consideration of the Report and Recommendations of the Disciplinary Board dated September 19, 2008, 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: December 10, 2008
Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 133 Disciplinary Docket
: No. 3
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CRAIG B. SOKOLOW : No. 128 DB 1995
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: Attorney Registration No. 61258
PETITION FOR REINSTATEMENT :
: (Montgomery 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 July 23, 2007, Craig B. Sokolow filed a Petition for Reinstatement to the bar of the Supreme Court of Pennsylvania. Petitioner was disbarred on consent by Order of the Court dated April 24, 1997. Office of Disciplinary Counsel filed a Response to

Petition for Reinstatement on December 26, 2007, and does not oppose the request for reinstatement.

A reinstatement hearing was held on March 18, 2008, before a District II Hearing Committee comprised of Chair William J. Gallagher, Esquire, and Members Paul C. Troy, Esquire, and George P. Wood, Esquire. Petitioner was represented by William J. Honig, Esquire. Petitioner presented the testimony of seven witnesses and testified on his own behalf. Petitioner submitted into evidence character letters from seven individuals.

The Hearing Committee filed a Report on June 25, 2008, and recommended that the Petition for Reinstatement be granted.

No Briefs on Exceptions were filed by the parties.

This matter was adjudicated by the Disciplinary Board at the meeting on July 19, 2008.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner is Craig B. Sokolow. He was admitted to the practice of law in Pennsylvania in 1991 and was disbarred on consent by the Supreme Court of Pennsylvania on April 24, 1997. His current business address is 5 Azalea Circle, Lafayette Hill PA 19444.

2. Petitioner was indicted by a federal grand jury and charged with numerous counts of mail fraud and money laundering. He was convicted of these charges and sentenced on August 11, 1995, to a term of 92 months incarceration and three years of supervised release.

3. The misconduct arose from a fraudulent insurance scheme. Petitioner controlled a company called National Independent Business Association, which provided services to small businesses including administration of group health insurance plans. NIBA entered into a contract with Blue Cross for Blue Cross to administer all health insurance claims made by NIBA members over \$25,000. The balance would be made up by NIBA, which was now the direct recipient of members' insurance premiums. Members of NIBA were unaware of this and understood the plan to be fully insured by Blue Cross, when such was not the case. Petitioner's wrongdoing was that he did not forthrightly state that the plan was not fully insured.

4. Blue Cross discontinued its relationship with NIBA. NIBA was taken over and liquidated by the Pennsylvania Insurance Commissioner and Petitioner came under investigation at that time.

5. When Petitioner was sentenced he was ordered to pay restitution in the amount of \$690,246.34. This was for payment of unpaid claimants. This restitution is still marked as outstanding; however, Petitioner believes that the assets seized from him by the

Insurance Commissioner were sufficient to pay those claims, and at no time has the civil division of the United States Attorney's Office sued him or made a claim for any of the restitution.

6. Petitioner attempted to resolve the issue. He and his attorney contacted the Insurance Department and learned the records had been destroyed in 2002.

7. Petitioner completed his incarceration on December 14, 2001, and his supervised release on December 3, 2004.

8. During the time frame of Petitioner's incarceration, he established an employment counseling program to help inmates train for jobs. He was instrumental in establishing a heating and air conditioning program, as well as plumbing, electrical and truck programs.

9. While in prison, Petitioner asked permission of the sentencing judge if upon release he could act as a sentencing consultant, as Petitioner had gained knowledge while imprisoned concerning the sentencing guidelines. Judge James Kelley gave permission to do so as long as Petitioner let everyone know he was not a member of the bar. After his release from prison, Petitioner worked for attorneys in federal cases throughout the United States.

10. Subsequent to the filing of the Petition for Reinstatement, wherein Petitioner listed his consulting practice, Office of Disciplinary Counsel expressed concern

that Petitioner was engaging in the practice of law. Petitioner ceased doing business and removed his website.

11. Petitioner is a member of the Sentencing Guidelines Advisory Group and has attended several conferences in the past seven years where he has been a presenter.

12. During Petitioner's disbarment he performed volunteer work at the Community College of Philadelphia. Petitioner mentored students and helped them with their English and writing course work.

13. Petitioner has worked on the Second Chance Act of 2007 and has been involved in promoting employment programs for formerly incarcerated persons.

14. Petitioner supported himself while disbarred through income received from a family trust. He is also a certified home inspector and licensed for heating and air conditioning and has served as a self-employed tax consultant.

15. Petitioner has fulfilled his Continuing Legal Education requirements for reinstatement. During his disbarment he read and reviewed publications pertaining to the U.S. Sentencing Commission and Federal Defenders Association.

16. If reinstated, Petitioner plans to practice in Philadelphia with an emphasis on federal criminal law and tax law.

17. Petitioner presented the testimony of three witnesses.

18. Dr. David Scheiner is a retired podiatrist and currently is an assistant basketball coach at Community College of Philadelphia. Dr. Scheiner has known Petitioner for over 20 years.

19. Dr. Scheiner credibly testified that prior to his arrest and criminal conviction, Petitioner had a decent reputation in the community. After the arrest and conviction Petitioner's reputation suffered, but has since been rehabilitated to what it was prior to the misconduct.

20. Petitioner expressed recognition of his wrongdoing and remorse to Dr. Scheiner.

21. Arthur Rubin is an educational consultant and has known Petitioner since 1990. He credibly testified that Petitioner currently enjoys a good reputation in the community for honesty and integrity and will not be a detriment to the public if reinstated.

22. Fran Goldsleger is Petitioner's companion and has known him for 17 years. She credibly testified that Petitioner's reputation for honesty and integrity in the community is good. Although Ms. Goldsleger met Petitioner subsequent to his arrest, he was always honest with her about his legal problems.

23. Petitioner called four witnesses who jointly stated that their testimony would be similar to that of Ms. Goldsleger. These witnesses were Linda Rubin, Lee Rubin, Anne Freidman, and a Mr. Bergman, whose first name was not given in the notes of testimony.

24. Petitioner submitted into evidence seven letters from persons who support Petitioner's reinstatement.

25. Petitioner testified on his own behalf. He admitted his wrongdoing and expressed remorse for his actions and the impact on the victims.

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

III. CONCLUSIONS OF LAW

1. The misconduct for which Petitioner was disbarred is not so egregious as to preclude reinstatement. Office of Disciplinary Counsel v. Keller, 506 A.2d 872 (Pa. 1986)

2. Petitioner engaged in a qualitative period of rehabilitation over a ten year period of disbarment sufficient to dissipate the taint of the underlying misconduct. In re Verlin 731 A. 2d 600 (Pa. 1999).

3. Petitioner has the moral qualifications, competency and learning in the law required to practice law in Pennsylvania. Pa.R.D.E. 218(c)(3)(i).

4. Petitioner's resumption of the practice of law will be neither detrimental to the integrity and standing of the bar and administration of justice nor subversive of the public interest. Pa.R.D.E. 218(c)(3)(i).

IV. DISCUSSION

Petitioner seeks readmission to the bar following his disbarment on consent in 1997. Petitioner bears the burden of proof by clear and convincing evidence that he is qualified for readmission. Pa.R.D.E. 218(c)(3)(i).

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

It is helpful for the Board to examine the circumstances surrounding the misconduct which resulted in Petitioner's disbarment. Here, Petitioner was convicted of mail fraud and money laundering incident to a fraudulent insurance scheme. Although this conduct is egregious, the Board cannot find that it is worse than other acts of misconduct previously considered by the Supreme Court.

In the recent matter of Office of Disciplinary Counsel v. Robert E. Faber, 13 DB 1997, 307 Disciplinary Docket No. 3 (Pa. Nov. 7, 2007), Mr. Faber was reinstated following his disbarment for a criminal conviction of mail fraud, wire fraud and aiding and abetting the criminal conduct of others. The underlying misconduct involved participation in

bringing personal injury cases that were fabrications. Although Mr. Faber learned at some point that the claims were false, he did not act to remove himself in a prompt manner and settled two of the cases. In Matter of Perrone, 777 A.2d 413 (Pa. 2001), Mr. Perrone was disbarred following his criminal conviction for filing false and misleading fee petitions which requested payment for legal services purportedly provided to indigent defendants. When considering Mr. Perrone's request for reinstatement some six years following his disbarment, the Court determined that the misconduct in question was not so egregious as to preclude reinstatement. Following the guidance provided by the above cited matters, the Board concludes that Petitioner's misconduct is not so egregious as to preclude reinstatement.

The Board must determine whether Petitioner has met his burden of proving by clear and convincing evidence that his resumption of the practice of law at this time would not have a detrimental impact on the integrity and standing of the bar, administration of justice, or the public interest, and that he 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 consider the amount of time that has passed since Petitioner was disbarred as well as his efforts at rehabilitation. In re Verlin 731 A.2d 600 (Pa. 1999).

Petitioner has been without a license to practice law for approximately ten years. Evaluation of Petitioner's disbarment period suggests that it was a time of successful qualitative rehabilitation, sufficient to dissipate the taint of his misconduct.

During that time Petitioner fulfilled his criminal sentence. He was an active inmate, using his time to educate himself on the sentencing guidelines, and to bring employment programs to the prison in order to help other inmates. Following his release from incarceration in December 2001, Petitioner worked as a sentencing consultant for attorneys involved in federal cases. Most of this work was done by telephone. However, when Office of Disciplinary Counsel expressed disapproval of Petitioner's activities as the potential unauthorized practice of law, Petitioner ceased operating his business. Petitioner supported himself through other modes of employment and remained active in community activities, such as volunteering at the Community College of Philadelphia.

Petitioner completed his Continuing Legal Education credits and reviewed various sentencing guidelines materials in an effort to remain competent and learned in the law. He is a member of the Sentencing Guidelines Advisory Group and has given presentations in that capacity. If reinstated, Petitioner plans to practice law in Philadelphia with an emphasis on federal criminal law and tax law.

Petitioner presented the testimony of three witnesses. These witnesses testified credibly that Petitioner has regained his good reputation in the community and is fit to practice law. Petitioner also presented a joint statement to that effect from four witnesses and submitted seven letters in support of his reinstatement.

Petitioner expressed remorse for his misconduct. He fulfilled his incarceration, completed his supervised release, and paid his fine. As to the restitution ordered as part of the sentence, Petitioner has not completed this requirement and his

position has been that the assets given to the Insurance Commissioner were sufficient to pay those claims. He attempted to resolve the matter and contacted the Insurance Department; however, the records have been destroyed. While there is no single document that discharges Petitioner from liability, the circumstances indicate that conclusion. There is no active enforcement action to collect the sum from Petitioner nor have any individuals or groups taken any legal action to collect any claims that have not been fully recovered.

Considering all of the above facts, the Board is persuaded that Petitioner has engaged in a qualitative period of rehabilitation during his ten year period of disbarment. Petitioner has met his burden of proving that he has the moral qualifications, learning in the law and competency to practice law, and 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.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Craig B. Sokolow, 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: *Charlotte S. Jefferies*
Charlotte S. Jefferies, Board Member

Date: September 19, 2008

Board Member Newman did not participate in the adjudication.