

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of	:	No. 1335 Disciplinary Docket No. 3
	:	
	:	No. 164 DB 2007
ANTHONY L. CIANFRANI	:	
	:	Attorney Registration No. 45866
	:	
PETITION FOR REINSTATEMENT	:	(Philadelphia)

ORDER

PER CURIAM:

AND NOW, this 15th day of January, 2014, upon consideration of the Report and Recommendations of the Disciplinary Board dated October 7, 2013, the Petition for Reinstatement is granted.

Pursuant to Rule 218(f), 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 1/15/2014

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

In the Matter of	:	No. 1335 Disciplinary Docket No. 3
	:	
	:	No. 164 DB 2007
ANTHONY L. CIANFRANI	:	
	:	Attorney Registration No. 45866
	:	
PETITION FOR REINSTATEMENT	:	(Philadelphia)

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 March 26, 2008, the Supreme Court suspended Anthony L. Cianfrani from the practice of law for a period of five years. Mr. Cianfrani filed a Petition for Reinstatement on September 19, 2012. Office of Disciplinary Counsel filed a Response to Petition on December 26, 2012.

A reinstatement hearing was held on March 13, 2013, before a District I Hearing Committee comprised of Chair Walter S. Jenkins, Esquire, and Members Joseph

H. Foster, Esquire, and Sarah A. Kelly, Esquire. Petitioner was represented by Samuel C. Stretton, Esquire. Petitioner introduced 10 exhibits and presented the testimony of four witnesses in addition to Petitioner himself.

Following the submission of a brief by Petitioner, the Hearing Committee filed a Report on July 5, 2013, 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 27, 2013.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner is Anthony L. Cianfrani. He was born in 1955 and was admitted to practice law in Pennsylvania in 1986. His current address is 6381 Church Road, Philadelphia PA 19151. Petitioner is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

2. Petitioner, since 1989 and until his suspension in 2006, has practiced law as a sole practitioner. He practiced in Philadelphia in the areas of criminal law, personal injury, civil rights, election law, workers compensation, social security and other matters.

3. During the 22 years Petitioner practiced law prior to his suspension, he tried 40 or 50 criminal cases to a jury verdict and approximately 15 civil cases to a jury

verdict. He has also tried some 100 arbitration cases, and has argued appellate matters in the federal and state courts in Pennsylvania.

4. Pursuant to a Joint Petition in Support of Discipline on Consent, Petitioner was suspended for a period of five years by Order of March 26, 2008.

5. Petitioner's suspension arose out of approximately 11 cases of misuse of client escrow funds from 2004 until 2006.

6. Petitioner acknowledged his wrongdoing and all of the clients who were affected by the misuse of funds have been fully reimbursed.

7. Petitioner fully cooperated with the investigation of Office of Disciplinary Counsel with respect to the matters that led to his suspension.

8. Petitioner complied with the order of suspension by timely closing down his law practice and notifying his clients by mail of his suspension.

9. There is no record of any pending claims against Petitioner from the Pennsylvania Lawyers Fund for Client Security, and Petitioner owes no monies to the Fund.

10. Petitioner agreed to reciprocal discipline issued by the United States District Court for the Eastern District of Pennsylvania.

11. Although the United States Court of Appeals for the Third Circuit was not timely notified of Petitioner's suspension, it is undisputed that Petitioner did not practice in the United States Court of Appeals for the Third Circuit during the time of his suspension, and that he advised the Third Circuit's Clerk's office of his suspension prior to or at the time of filing his reinstatement petition.

12. During the time of his suspension, Petitioner has not practiced law or held himself out as a practicing lawyer.

13. Petitioner has engaged in a variety of activities. While his wife continued her law practice, Petitioner served as a stay-at-home parent for the couple's two young children. Additionally, he managed his parents' medical care, the execution or administration of his parents' estates, and managed real estate.

14. During the period of his suspension, in addition to completing his Continuing Legal Education requirements, Petitioner maintained the currency of his legal knowledge by reading on-line opinions of the Philadelphia Court of Common Pleas and the Pennsylvania Supreme Court. He also reads the *Legal Intelligencer* and other bar publications and advance sheets.

15. Petitioner fulfilled the necessary requirements for Continuing Legal Education in Pennsylvania by his attendance at seminars and programs.

16. In approximately 2011, Petitioner began working as a paralegal for Cianfrani Law LLC, the law office of his wife, Deborah Cianfrani, located in Philadelphia. He gave proper notification to the Disciplinary Board, as required by the Rules of Disciplinary Enforcement. Petitioner did not get paid for his paralegal duties.

17. During the term of his suspension, Petitioner volunteered as a reader for the blind and has participated in neighborhood civic activities and events for his children's school.

18. Petitioner presented the testimony of four character witnesses.

19. Gary Server, Esquire, has practiced law for 25 years and has known Petitioner for 20 years. Mr. Server credibly testified that Petitioner has an excellent reputation in the community as a peaceful and law abiding person and as a truthful and honest person. Mr. Server has no hesitation in recommending the reinstatement of Petitioner.

20. Joseph Evangelista is the office manager for State Representative Angel Cruz and met Petitioner through their mutual connection to Mr. Cruz. He and Petitioner worked together on many cases when Petitioner was a lawyer. Mr. Evangelista credibly testified that Petitioner has a good reputation in the community as a peaceful and law abiding person and as a truthful and honest person.

21. Darlene Marquette, Esquire, has practiced law for 25 years and has known Petitioner since they attended law school at Temple. She credibly testified that Petitioner has accepted full responsibility for his misconduct and has been totally remorseful. Ms. Marquette is aware that Petitioner's reputation in the community as a truthful, honest person is excellent, and she does not hesitate to recommend him for reinstatement.

22. Deborah Cianfrani is Petitioner's wife and has practiced law since 1990. She and Petitioner have always had separate law practices. Petitioner began working for Ms. Cianfrani in July of 2011. He works 30 to 40 hours per week as a paralegal.

23. Ms. Cianfrani is aware of the restrictions on paralegals who are suspended lawyers and she confirmed that Petitioner has no contact with clients and does not give any legal advice. She confirmed that Petitioner does medical document review and requests as well as legal research.

24. Petitioner credibly testified that he is remorseful for his misconduct and ashamed of his actions, and he would never engage in such conduct in the future.

25. If reinstated, Petitioner intends to practice law in partnership with Ms. Cianfrani with a concentration in civil litigation. He also intends to pursue real estate development projects and property management.

III. CONCLUSIONS OF LAW

Petitioner has demonstrated by clear and convincing evidence that he has the moral qualifications, competency and learning in the law required for admission to practice law in the Commonwealth of Pennsylvania, and he has further demonstrated by clear and convincing evidence that his resumption of the practice of law within the Commonwealth of Pennsylvania will be neither detrimental to the integrity and standing of the bar or administration of justice nor subversive of the public interest. Pa.R.D.E. 218 (c)(3).

IV. DISCUSSION

Petitioner seeks readmission to the practice of law in Pennsylvania following a five year suspension. Rule 218(c)(3) requires that a suspended attorney demonstrate by clear and convincing evidence that he 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).

The record supports the conclusion that Petitioner has demonstrated by clear and convincing evidence that he is morally qualified to practice law. There is no dispute that Petitioner was suspended for five years due to misuse of clients' funds over a period of two years. Petitioner has accepted full responsibility for his misconduct. All clients have been repaid and restitution timely made. Petitioner fully cooperated with Office of Disciplinary Counsel in its investigation and submission of a Joint Petition in Support of Discipline on Consent.

During his suspension, Petitioner became the primary caretaker of his two children while his wife worked full-time. Petitioner also took care of other family concerns with his parents and he managed real estate. He maintained his interest in community activities by reading to the blind and helping at his children's school.

Petitioner expressed contrition and remorse for his misconduct. His character witnesses were credible as to Petitioner's good reputation in the community for honesty and truthfulness. These witnesses wholeheartedly endorse Petitioner's reinstatement to the bar.

Petitioner has demonstrated with clear and convincing evidence that he is competent and learned in the law. During his years of suspension, Petitioner maintained his currency in the law by working as a paralegal at his wife's law firm, and by regularly attending Continuing Legal Education courses and reading various legal publications.

Petitioner has demonstrated that his resumption of the practice of law within this Commonwealth will neither be detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest.

The record supports the conclusion that Petitioner is fit to practice law. We recommend that the Petition for Reinstatement be granted.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Anthony L. Cianfrani, 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: _____
Gerald Lawrence, Vice-Chair

Date: October 7, 2013

Board Member Cali did not participate in the adjudication.