

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 1897 Disciplinary Docket No. 3
: :
CLARENCE C. BURRIS, III : No. 177 DB 2012
: :
: Attorney Registration No. 28184
: :
: (Out of State)
PETITION FOR REINSTATEMENT :

ORDER

PER CURIAM

AND NOW, this 2nd day of July, 2018, 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.

A True Copy Patricia Nicola
As Of 7/2/2018

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

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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 February 21, 2013, the Supreme Court of Pennsylvania indefinitely suspended Petitioner, Clarence C. Burris, III, reciprocal to the Orders of the Board of Immigration Appeals dated March 20 and April 25, 2012. On February 27, 2017, Petitioner filed a Petition for Reinstatement. Office of Disciplinary Counsel filed a Response on August 17, 2017.

A reinstatement hearing was held on November 6, 2017, before a District I Hearing Committee. Petitioner testified and introduced nine exhibits into evidence without objection. Office of Disciplinary Counsel introduced sixteen exhibits into evidence without objection.

Petitioner filed a post-hearing brief. Office of Disciplinary Counsel advised it would not file a brief. The Hearing Committee filed a Report on February 16, 2018, and recommended that the Petition for Reinstatement be granted.

Neither party filed exceptions to the Committee's Report.

The Board adjudicated this matter at the hearing on April 11, 2018.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner is Clarence C. Burris, III, who was born in 1953 and was admitted to the practice of law in the Commonwealth in 1978. Petitioner is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

2. Petitioner has never practiced law in the Commonwealth of Pennsylvania. N.T. 10.

3. Following his admission to practice law, Petitioner was employed from 1978 through September 1988 as a staff attorney at the Federal Energy Regulatory Commission in Washington, D.C. From September 1988 through July 1999, Petitioner was a partner in Alsogoff & Burris, a consulting firm in Washington, D.C. Reinstatement Questionnaire ("RQ") No. 2(d).

4. In September 1987, Petitioner founded a business called Chinese Martial Arts Institute, which he ran until 2015. From August 2009 through February 2013, Petitioner was an agent for a security company known as AT-RISK International, LLC, located in Chantilly, Virginia. RQ No. 2(d); N.T. 33-34, 35-37.

5. On May 15, 1995, the Supreme Court of Pennsylvania transferred Petitioner to inactive status, and on September 1, 2010, Petitioner was administratively suspended from the practice of law in Pennsylvania, due to his failure to comply with Continuing Legal Education requirements. Petitioner complied with the requirements of Pa.R.D.E. 217 applicable to formerly admitted attorneys.

6. By Order of the Board of Immigration Appeals dated March 20, 2012, Petitioner was placed on immediate suspension, and by Order of April 25, 2012, Petitioner was indefinitely suspended from practice before the Board, the Immigration Court and the Department of Homeland Security.

7. By Order dated February 21, 2013, the Supreme Court of Pennsylvania indefinitely suspended Petitioner reciprocal to the Order of the Board of Immigration Appeals.

8. The basis for Petitioner's suspension by the Board of Immigration Appeals was that in 2010, 2011 and 2012, while on administrative suspension in Pennsylvania and unable to practice law, he signed various documents, including entries of appearance and appeal paperwork in matters before that Board for individuals associated with the Chinese Martial Arts Institute. N.T. 48, 49, 50.

9. Following his suspension, Petitioner continued running Chinese Martial Arts until 2015, when the business ceased operating, and worked for the AT-RISK

security firm through December 2016, As part of that position, Petitioner provided security and oversight for the Golden State Warriors professional basketball team. N.T. 35, 36, 37, 41, 42.

10. At the date of the reinstatement hearing, Petitioner was employed at a security firm known as Paul Collins and Associates, located in McLean, Virginia. N.T. 41-42.

11. Starting in 2011 until the present, Petitioner has served as a deputy sheriff for the City of Falls Church, Virginia. This position is uncompensated and requires approximately eight hours per week of work. N.T.17, 37.

12. Petitioner has not practiced law or held himself out as a licensed attorney during his suspension. N.T. 83.

13. Petitioner expressed sincere remorse and contrition for his actions which resulted in the suspension. N.T. 28, 50.

14. Petitioner credibly accepted responsibility for “playing fast and loose with the rules.” N.T. 28.

15. Petitioner credibly testified that his experience with the disciplinary system has been “eye-opening” and he will not repeat the misconduct in the future. Petitioner candidly admitted that when he was admitted in 1978, he was not that familiar with the rules of ethics. He plans to file his annual attorney registration form and fulfill his Continuing Legal Education requirements in a timely manner. N.T. 74 - 75.

16. In its response to the Petition for Reinstatement, Office of Disciplinary Counsel raised several concerns.

17. In response to Question 10(a) of the Reinstatement Questionnaire, Petitioner failed to disclose a civil action from 1992 involving his former wife. He credibly testified that he was not aware of the matter and had no knowledge of the case. N.T. 51-53.

18. Petitioner credibly testified that during a period of financial hardship in 2012 and 2013, he accepted loans from family and friends. He has since repaid those loans. N.T. 55-57.

19. Petitioner credibly testified that he refiled 2015 federal and Virginia tax returns due to discrepancies that had been pointed out by Office of Disciplinary Counsel's auditor. Petitioner explained that he did his best to file his taxes accurately. N.T. 57-60.

20. Petitioner credibly testified that in earlier documents provided to Office of Disciplinary Counsel in or around 2012, he inaccurately described the basis for his suspension as his misconduct in a "single" matter, when in fact he had engaged in the unauthorized practice of law in several instances. ODC-1, ODC-9. Petitioner acknowledged those multiple instances and testified that he was not trying to be less than straightforward with Office of Disciplinary Counsel. N.T. 48-51.

21. Petitioner fulfilled his Continuing Legal Education requirements for reinstatement, and purchased books, law journals and on-line legal subscriptions during his suspension to maintain familiarity with the law, particularly in the area of immigration. Petitioner's Exhibit 9.

22. If reinstated, Petitioner is not certain he will practice law in Pennsylvania. He testified that his main reason for seeking reinstatement is to restore his name and credibility. N.T. 29-30.

23. Petitioner intends to continue with the security work he has done in the past, but might seek to practice immigration law, if reinstated before the Board of Immigration Appeals. N.T. 69-73.

24. Petitioner introduced four letters of reference attesting to Petitioner's good moral character.

25. Sheriff Stephen S. Bittle of the Falls Church, Virginia Sheriff's Office attested to Petitioner's moral character, sound judgment, above average competency and ability to competently learn, administer and enforce laws. Petitioner's Exhibit 1.

26. Samuel Scott, CEO of Elite Training Group, is familiar with Petitioner's martial arts business and described Petitioner as an upstanding and inspiring leader within the community. Petitioner's Exhibit 2.

27. Frederick A. Henry is a retired Brigadier General, United States Army, and Vice-President of Unisys Corporation. He has known Petitioner more than 14 years, and is aware of Petitioner's work instructing "hundreds of aspiring martial artist[s] throughout the Washington Metropolitan region." He described Petitioner as highly regarded among his peers. Petitioner's Exhibit 3.

28. John Gallagher is the Executive Vice-President of AT-RISK, International, LLC, and stated that Petitioner has provided outstanding instruction to agents, candidates and trainees in its program. Petitioner's Exhibit 4.

29. Office of Disciplinary Counsel does not oppose reinstatement.

III. CONCLUSIONS OF LAW

1. Petitioner demonstrated by clear and convincing evidence that he has the moral qualifications, competency and learning in the law required for admission to the practice of law in this Commonwealth. Rule 218(c)(3), Pa.R.D.E.

2. Petitioner demonstrated by clear and convincing evidence that his 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. Rule 218(c)(3), Pa.R.D.E.

IV. DISCUSSION

Petitioner seeks readmission to the practice of law in Pennsylvania following his indefinite suspension imposed by the Supreme Court of Pennsylvania on February 21, 2013. This suspension was reciprocal to the indefinite suspension imposed by the Order of the Board of Immigration Appeals, dated April 25, 2012. Petitioner's misconduct involved his unauthorized practice of law before the Board of Immigration Appeals. During the time frame 2010, 2011 and 2012, while on administrative suspension in Pennsylvania and prohibited from practicing law, Petitioner signed documents in several matters, including entries of appearance and appeal paperwork.

Petitioner bears the burden of proving by evidence that is clear and convincing, that he is morally qualified, competent and learned in the law and that his resumption of the practice of law will not be 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). This burden is not light, and reinstatement is not automatic. A reinstatement

proceeding is a searching 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 that 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 News, Inc. v. Disciplinary Board of the Supreme Court of Pennsylvania***, 363 A.2d 779, 780-781 (Pa. 1976).

We conclude from the evidence of record that Petitioner has met his reinstatement burden and we recommend that the Petition for Reinstatement be granted.

Petitioner offered substantial and credible evidence that he is morally qualified, competent and learned in the law. Petitioner has been removed from the practice of law for five years. Although his suspension before the Board of Immigration Appeals is "indefinite," Petitioner is permitted to apply for reinstatement in Pennsylvania, pursuant to Pa.R.D.E. 218.

Petitioner accepted responsibility for his actions and expressed sincere remorse for them. The Hearing Committee found Petitioner to be earnest and contrite in his explanations of his misconduct and in his sincere statements that he will not repeat his misconduct in the future. Petitioner admitted that as a younger attorney, he was not fully aware of his ethical obligations, but now understands that if he wants to practice law, he must register as an attorney each year and fulfill his annual Continuing Legal Education requirements.

While suspended, Petitioner has maintained employment with several security firms, and volunteered his time as a deputy sheriff in Falls Church, Virginia. Petitioner fulfilled all administrative and educational requirements necessary for

readmission by completing Continuing Legal Education classes and keeping abreast of developments in the law by reviewing legal journals and online legal websites. Although uncertain whether he will pursue a legal career, Petitioner seeks reinstatement to restore his name and credibility.

Office of Disciplinary Counsel initially raised several concerns regarding Petitioner's reinstatement, but having been satisfied by Petitioner's responses to such concerns, has no opposition to reinstatement. Our review of these concerns leads the Board to the same conclusion. Petitioner credibly testified and explained his finances, tax returns, omission of a civil case on his Reinstatement Questionnaire, and statements regarding the extent of his misconduct. These issues do not pose an impediment to Petitioner's reinstatement.

Under similar circumstances, attorneys have been reinstated to practice law in this Commonwealth. In ***Matter of Jill Carol Castellini***, 110 DB 2012 (D. Bd. Rpt. 12/11/2015) (S. Ct. Order 12/21/2015), the petitioner practiced law for one year while on administrative suspension for failing to fulfill her Continuing Legal Education requirements. She consented to a one year and one day period of suspension. In seeking reinstatement, the petitioner was extremely remorseful, admitting that she failed to pay attention to her responsibilities as an attorney, and demonstrating her intent to fully abide by the rules in the future. The Board concluded that the petitioner met her reinstatement burden, and the Court granted the petitioner's reinstatement. In ***Matter of Steven C. Feinstein***, No. 142 DB 2011 (D. Bd. Rpt. 9/17/2014) (S. Ct. Order 12/16/2014), the petitioner engaged in the unauthorized practice of law in multiple client matters while on administrative suspension, following which he consented to a suspension for one year

and one day. At his reinstatement hearing, the petitioner expressed sincere remorse and demonstrated rehabilitation. Upon review of the Board's recommendation, the Court granted the reinstatement petition.

Upon this record, the Board concludes that Petitioner met his reinstatement burden and is fit to resume the practice of law.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Clarence C. Burris, III 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: Tracey McCants Lewis
Tracey McCants Lewis, Member

Date: 5/16/18