IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2210 Disciplinary Docket No. 3
Petitioner	:	No. 55 DB 2016
v.	:	Attorney Registration No. 48457
ELIZABETH ANN GRAY,	:	(Philadelphia)
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 1st day of June, 2016, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board, the Joint Petition in Support of Discipline on Consent is granted, and Respondent Elizabeth Ann Gray is suspended on consent from the Bar of this Commonwealth for a period of one year and one day. The suspension is stayed in its entirety, and she is placed on probation for a period of two years, subject to the following conditions:

1. Respondent shall abstain from using alcohol, drugs, or any other mood-altering or mind-altering chemicals, except as prescribed by Respondent's treating physicians;
2. Respondent shall attend Alcoholics Anonymous meetings on a weekly basis;
3. Respondent shall obtain a sponsor in Alcoholics Anonymous and maintain weekly contact with that sponsor;

4. A sobriety monitor shall be appointed to monitor Respondent in accordance with Disciplinary Board Rule §89.293(c);
5. Respondent shall furnish her sobriety monitor with her Alcoholics Anonymous sponsor's name, address and telephone number;
6. Respondent shall establish her weekly attendance at Alcoholics Anonymous meetings by providing written verification to the Board on a Board-approved form;
7. Respondent shall undergo any counseling, out-patient or in-patient treatment, prescribed by a physician or alcohol counselor;
8. Respondent shall file quarterly written reports with the Secretary of the Board;
9. With the sobriety monitor, Respondent shall:
    a) meet at least twice monthly;
    b) maintain weekly telephone contact;
    c) provide the necessary properly executed written authorizations to verify her compliance with the required substance abuse treatment; and
    d) cooperate fully.
10. The appointed sobriety monitor shall:
    a) monitor Respondent's compliance with the terms and conditions of the order imposing probation;
    b) assist Respondent in arranging any necessary professional or substance abuse treatment;
    c) meet with Respondent at least twice monthly, and maintain weekly telephone contact with Respondent;

d) maintain direct monthly contact with the Alcoholics Anonymous chapter attended by Respondent;

e) file with the Secretary of the Board quarterly written reports; and

f) immediately report any probation violations by Respondent to the Secretary of the Board.

A True Copy Patricia Nicola
As Of 6/1/2016

Attest: Patricia Nicola
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	No. 55 DB 2016
v.	:	
	:	Attorney Reg. No. 48457
ELIZABETH ANN GRAY, Respondent	:	(Philadelphia County)

JOINT PETITION IN SUPPORT OF DISCIPLINE ON CONSENT PURSUANT TO Pa.R.D.E. 215(d)

Petitioner, the Office of Disciplinary Counsel (hereinafter, "ODC") by Paul J. Killion, Chief Disciplinary Counsel, and Ramona Mariani, Disciplinary Counsel and Respondent, Elizabeth Ann Gray, Esquire (hereinafter "Respondent"), and her counsel Samuel C. Stretton, Esquire, respectfully petition the Disciplinary Board in support of discipline on consent, pursuant to Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 215(d), and in support thereof state:

1. ODC, whose principal office is situated at Office of Chief Disciplinary Counsel, Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania 17106, is invested, pursuant to Pa.R.D.E. 207, with the power and duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in

FILED
4/7/2016
The Disciplinary Board of the
Supreme Court of Pennsylvania

the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Enforcement Rules.

2. Respondent, Elizabeth Ann Gray, was born on May 17, 1961, and was admitted to practice law in the Commonwealth on December 23, 1986. Respondent is on active status and her last registered address is 933 N. Lawrence Street, Philadelphia, PA 19123. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

SPECIFIC FACTUAL ALLEGATIONS ADMITTED

3. Respondent's affidavit stating, *inter alia*, her consent to the recommended discipline is attached hereto as Exhibit A.

4. On October 8, 2013, Whitemarsh Township Police Officer M. Hannon responded to a report of a single vehicle accident in which Respondent was involved.

5. Office Hannon found Respondent at the scene, and had her transported to the local hospital for testing based on his suspicion that she was driving while under the influence of alcohol.

6. Subsequent toxicology tests revealed that Respondent's BAC on that day was .376.

7. As a result, on April 18, 2014, charges were filed against Respondent in the Montgomery County Court of Common Pleas including: DUI: Highest Rate of Alcohol, 75 § 3802 §§ C; DUI Gen Imp/Inc of Driving Safely, 75 § 3802 §§ A1; and Careless Driving, 75 § 3714 §§ A.

8. On January 6, 2014, Springfield Township Police Officer John Fitch stopped Respondent on suspicion that she was driving while under the influence of drugs and alcohol.

9. Subsequent toxicology test revealed that Respondent's BAC on that day was .45.

10. As a result, on September 25, 2014, charges were filed against Respondent in the Montgomery County Court of Common Pleas including: DUI Gen Imp/Inc of Driving Safely, 75 § 3802 §§ A1 and DUI Highest Rte of Alc 75 § 3802 §§ C.

11. On May 26, 2014, Whitemarsh Township Police Officer E. Hopkins stopped Respondent on suspicion that she was driving while under the influence of drugs and alcohol.

12. Subsequent toxicology tests revealed that Respondent's BAC on that day was .269.

13. As a result, on October 3, 2014, charges were filed against Respondent in the Montgomery County Court of Common Pleas including: DUI: Highest Rate of Alcohol, 75 § 3812 §§ C and DUI: Gen Imp/Inc of Driving Safely, 75 § 3802 §§ A1.

14. On September 30, 2014, Philadelphia Police Officers stopped Respondent while driving on the suspicion that she was driving while under the influence.

15. Subsequent toxicology results revealed that Respondent's BAC on that day was .30.

16. As a result, Respondent was arrested on October 1, 2014, and charges were filed against Respondent in the Philadelphia Court of Common Pleas including: DUI Gen Imp/Inc of Driving Safely, 75 § 3802 § A1 (Counts 1 & 3); Recklessly Endangering Another Person, 18 § 2705 (Count 2); DUI Controlled Substance or Metabolite 1st Offense, 75 § 3802 § D1 (Count 4); DUI Controlled Substance - Impaired Ability - 1st Offense, 75 3801 § D2 (Count 5); DUI Controlled Substance - Combination Alcohol/Drugs - 1st Offense 75 §3802 §§ D3 (Count 6).

17. Because the incident in Philadelphia involved another vehicle, Recklessly Endangering Another Person was charged; however, no other person was injured.

18. On October 23, 2014, Respondent appeared in front of Judge Cheryl Austin in the Montgomery County Court of Common Pleas and pled guilty to DUI Highest Rate of Alcohol, 75 § 3802 §§ C in all three Montgomery County cases.

19. On January 5, 2015, Judge Austin sentenced Respondent to undergo imprisonment for not less than 30 days nor more than

six months; and imposed a $1,000.00 fine in each case. The order entered also instructed Respondent to surrender her driver's license by January 8, 2015, at 4 p.m. to the Clerk of Courts.

20. On September 21, 2015, the Honorable Rayford A. Means, issued an Order of Sentence in the Philadelphia case, which, among other things, placed Respondent on probation for a maximum period of 3 years total, gave her credit for time already served, granted immediate parole, required her to pay a $1,000.00 fine, and suspended her driver's license for twelve months.

21. Each of the four DUI incidents was treated as a first offense because Respondent had not yet been convicted in connection with any single DUI incident when each was committed.

22. Nonetheless, due to the multiple criminal convictions Respondent's license to drive has been revoked for at least 7 years, beginning in or around April, 2015.

23. Respondent failed to report any of her criminal convictions to the Office of Disciplinary Counsel, or to the Disciplinary Board Secretary within 20 days as required by Pa.R.D.E. 214(a).

24. Respondent served ninety days at the Montgomery County Correctional Facility, from December 31, 2014 to March 31, 2015.

Thereafter, she immediately went to a rehabilitation program at Eagleville Hospital until April 24, 2015. Respondent has furnished ODC proof of her successful completion of the hospital's inpatient program.

25. After Eagleville, Respondent went directly to a recovery house program, Joy of Living, in Philadelphia, where she stayed until around October 1, 2015. During the first phase of treatment, Joy of Living conducted random urinalysis tests for substance abuse evaluation, all of which were negative for Respondent. Joy of Living also attested to Respondent's active participation in her recovery process.

26. Respondent also completed The Montgomery County Alcohol Highway Safety Program, including a CRN evaluation, Alcohol Highway Safety School and Counseling/Treatment. Respondent completed all requirements for the program by July 29, 2015, and provided proof of the same to ODC.

27. Respondent states that due to her incarceration, she was unaware of the written sentencing Order directing her to surrender her driver's license by January 8, 2015.

28. However, during the time of her incarceration Respondent's attorney sent a copy of her driver's license to PennDot and the license suspension will run effective with her release from jail.

29. Respondent is currently active in both Alcoholics Anonymous ("AA") and Lawyers Concerned for Lawyers ("LCL") and has supplied ODC with the names of her mentor at LCL and her AA Sponsor.

30. Respondent resumed work with her long-time employer in June of 2015.

31. The firm's Managing Partner, Jeffrey Rosenbaum, Esquire, submitted a letter in support of Respondent stating, among other things, that:

a. She has been employed by the firm since 1996, with a hiatus between September of 2013 and June of 2015 while she was struggling with addiction issues;

b. She is "hardworking, honest, and well respected by clients, and members of the Bar ..."

c. She has demonstrated to him "concerted efforts she is making to deal with her substance abuse;" and

d. The firm is providing her with flexibility so that she can put her recovery first.

32. In addition to the criminal cases discussed above, Respondent has two previous DUI convictions between 2000 and 2001, which led to a previous driver's license suspension.

33. Those convictions were not disclosed to ODC. Respondent states that she did not realize she had a reporting requirement in 2001. With respect to the more recent DUI convictions, Respondent takes the position that she did intend to report the new DUIs once she left the recovery house on or around October 1, 2015. However, ODC had already learned of the convictions by that time. Respondent acknowledges that she has been instructed through her counsel that she should have self-reported at the time of her guilty plea.

34. In all other respects Respondent has fully cooperated with ODC and has supplied all other documents and information requested.

35. Respondent is paying the court-imposed fines and restitution in Montgomery and Philadelphia County pursuant to payment plans and is complying with all court-imposed conditions.

36. Respondent is 54 years old, has practiced law for nearly 30 years, and has no history of discipline.

37. With respect to her addiction issues, in 2002 Respondent attended a rehabilitation program for a month in Florida. Thereafter, she was sober for almost eleven years. In 2013 Respondent began drinking again, which she attributes to

additional stress due to changes in her personal situation. Respondent has now been sober since November of 2014.

38. Respondent is a single parent who provides financial support to three college-age children. She describes her income from the practice of law as critical for her childrens' tuition.

SPECIFIC RULES OF PROFESSIONAL CONDUCT AND RULES OF DISCIPLINARY ENFORCEMENT VIOLATED

16. Respondent violated the following Rules of Professional Conduct and Pa.R.D.E.s:

a. RPC 8.4(b), which provides that it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.

b. Pa.R.D.E. 203(b)(1) which provides that Conviction of Crime is grounds for discipline.

c. Pa.R.D.E. 214(a) which provides that an attorney convicted of a crime shall report the fact of such conviction within 20 days to the Office of Disciplinary Counsel.

SPECIFIC RECOMMENDATION FOR DISCIPLINE

ODC and Respondent jointly recommend that an appropriate discipline for Respondent's admitted misconduct is a

suspension of her license for a period of one year and one day, stayed in its entirety, accompanied by a two (2) year period of substance abuse probation governed by Disciplinary Board Rules §89.291 and §82.293.

Unfortunately, there are many cases involving lawyers convicted of one or more DUI offenses. Typically, a first offense for a DUI conviction results in private discipline, with or without probation depending upon the circumstances. ***See ODC v. Anonymous,*** No. 209 DB 2011 (2013) (***citing*** to ***In re Anonymous No. 73 DB 1997,*** 47 Pa.D.&C.4th 526 (1998), ***In re Anonymous*** No. 162 DB 91, 22 Pa.D.&C.4th 187 (1993). In contrast, multiple DUI convictions or a DUI conviction accompanied by other misconduct generally results in either a license suspension or a stayed suspension accompanied by probation.

The suggested discipline here is fully supported by applicable precedent. In ***ODC v. Lawless***, No. 177 DB 2013 (2014) the Pennsylvania Supreme Court approved the same discipline under remarkably similar circumstances. Lawless was arrested and charged five times with DUIs in Delaware and Montgomery County. These incidents all occurred within a ten month period. As a result, each conviction was treated as a first offense. Lawless was incarcerated for a shorter period of time than Ms. Gray, but the Court imposed more conditions on Lawless,

including that he wear an alcohol monitoring bracelet, participate in a 12-Step Alcoholics Anonymous Program, attend Lawyers Concerned for Lawyers, continue treatment with his physician and perform 200 hours of community service. Like Respondent here, Lawless had been in recovery before, having been arrested for a DUI in 1996 followed by inpatient treatment, and had been sober for fifteen years at the time of his relapse.[1] ***See also ODC v. Bonavita,*** 184 DB 2007 (2009) (imposing a two year stayed suspension with probation subject to conditions including a sobriety monitor where Respondent had a DUI and criminal conviction for indecent exposure); ***ODC v. Anonymous,*** No. 212 DB 2010 (2012) (imposing a private reprimand with probation for two years as a result of Respondent's two DUI convictions).

The suspension for one year and one day, stayed in its entirety, and accompanied by two years of probation serves the purpose of protecting the public while enabling Respondent to make positive strides in her recovery, continue to make a positive contribution to the practice of law and to support herself and her children. As noted, Respondent has no history of discipline in her thirty years of practice. Her crimes did not involve any client. She is employed in an apparently stable

[1] Unfortunately for Mr. Lawless, he was unable to comply with the terms of his probation, was the subject of a probation violation hearing, and is currently suspended.

and supportive environment and her employer is fully aware of her circumstance. Further, the Disciplinary Board's experience with sobriety monitors has generally been successful because sobriety monitors have faithfully executed their duties and informed the Board of any probation violation on the part of the Respondent-attorney.

WHEREFORE, Joint Petitioners respectfully pray that your Honorable Board:

a. Approve this Petition; and

b. File with the Supreme Court of Pennsylvania a recommendation that the Supreme Court enter an Order imposing a one year and one day suspension, stayed in its entirety, accompanied by two years of probation, to begin at the same time as the stayed suspension and subject to the following conditions:

1. Respondent shall abstain from using alcohol, drugs, or any other mood-altering or mind-altering chemicals except for those medications prescribed by Respondent's treating physicians;

2. Respondent shall regularly attend meetings of Alcoholics Anonymous on a weekly basis.

3. Respondent shall maintain weekly contact with her sponsor in Alcoholics Anonymous;

4. A sobriety monitor shall be appointed to monitor Respondent in accordance with Disciplinary Board Rule § 89.293(c);

5. Respondent shall furnish her sobriety monitor with her Alcoholics Anonymous sponsor's name, address and telephone number;

6. Respondent shall establish her weekly attendance at Alcoholics Anonymous meetings by providing written verification on a Board approved form to her Sobriety Monitor;

7. Respondent shall undergo any counseling, out-patient or in-patient treatment, prescribed by a physician or alcohol counselor;

8. Respondent shall file with the Secretary of the Board quarterly written reports which, at a minimum, establish her continued compliance with these conditions;

9. With the sobriety monitor, Respondent shall:

   (a) Meet at least twice a month;

   (b) Maintain weekly telephone contact;

   (c) Provide, if necessary, properly executed written authorizations to verify her compliance with any required substance abuse treatment; and

   (d) Cooperate fully.

10. The appointed sobriety monitor shall:

   (a) Monitor Respondent's compliance with the terms and conditions of the order imposing probation;

   (b) Assist Respondent in arranging any professional or substance abuse treatment deemed necessary;

   (c) Meet with Respondent at least twice a month, and maintain weekly telephone contact with Respondent;

   (d) Maintain direct monthly contact with Respondent's Alcoholics Anonymous Sponsor;

(e) File with the Secretary to the Board quarterly written reports which, at a minimum, establish Respondent's continued compliance with these conditions; and

(f) Immediately report to the Secretary to the Board any violations by the Respondent of the terms and conditions of the probation.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL
PAUL J. KILLION,
Attorney Registration No. 20955,
Chief Disciplinary Counsel

4/5/16
DATE

Ramona Mariani,
Disciplinary Counsel
Attorney Registration Number 78466
Office of Disciplinary Counsel
District II Office
820 Adams Avenue, Suite 170
Trooper, PA 19403
(610) 650-8210

3-30-16
DATE

Elizabeth Ann Gray, Esquire
Respondent
Attorney Registration Number 48457

4/2/16
DATE

Samuel C. Stretton, Esquire
Counsel to Respondent
Attorney Registration Number 18491

VERIFICATION

The statements contained in the foregoing *Joint Petition In Support of Discipline on Consent Discipline* are true and correct to the best of my knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

4/5/16
DATE

Ramona Mariani
Ramona Mariani,
Disciplinary Counsel

3-30-16
DATE

Elizabeth Ann Gray, Esquire
Respondent

4/2/16
DATE

Samuel C. Stretton, Esquire
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	No. DB 2016
	:	Board File No. C2-15-527
v.	:	
	:	Attorney Reg. No. 48457
ELIZABETH ANN GRAY, Respondent	:	(Philadelphia County)

AFFIDAVIT

Elizabeth Ann Gray, Esquire ("Respondent") hereby tenders this affidavit in support of the Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d), and further states as follows:

1. She freely and voluntarily consents to the proposed discipline; she is not being subjected to coercion or duress; she is fully aware of the implications of submitting the consent; and she has consulted and followed the advice of counsel in connection with the decision to consent to discipline.

2. She is aware that there is presently pending a proceeding involving allegations that she has been guilty of misconduct as set forth in the Petition.

3. She acknowledges that the material facts set forth in the Petition are true.

[redacted]

Exhibit A

4. She consents because she knows that if charges continued to be prosecuted in the pending proceeding, she could not successfully defend against them.

Signed this 31st day of March, 2016.

Elizabeth Ann Gray
Attorney Registration No. 48457

Sworn to and subscribed
Before me this 31st day
of March, 2016.

Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
KORI N. CRENSHAW, Notary Public
City of Philadelphia, Phila. County
My Commission Expires September 30, 2018

BEFORE THE DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	: No. DB 2016	
ELIZABETH ANN GRAY, Respondent	: Attorney Reg. No. 48457 : (Philadelphia County)	

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 204 Pa. Code §89.22 (relating to service by a participant).

First Class and Overnight Mail, as follows:

Elizabeth Ann Gray
c/o Samuel C. Stretton, Esquire
P.O. Box 3231
301 S. High Street
West Chester, PA 19381-3231

Dated: 4/6/16

RAMONA MARIANI,
Disciplinary Counsel
Attorney Registration No. 78466
Office of Disciplinary Counsel
District II Office
820 Adams Avenue, Suite 170
Trooper, PA 19403
(610) 650-8210