

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

In the Matter of : Nos. 730 & 872, Disciplinary Docket
: No. 3 – Supreme Court
: PATRICK M. CASEY : Nos. 62 DB 2002 & 30 DB 2004 -
: Disciplinary Board
: PETITION FOR REINSTATEMENT : Attorney Registration No. 49129
: (Butler 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 December 12, 2005, Patrick M. Casey filed a Petition for Reinstatement to the bar of the Supreme Court of Pennsylvania. By Order of the Supreme Court of Pennsylvania dated May 8, 2002, the Court imposed discipline upon Mr. Casey by suspending him from the practice of law for a period of three months. Mr. Casey was

suspended for an additional three months by Order of the Supreme Court dated February 25, 2004. This suspension was consecutive to the May 8, 2002 suspension. These suspensions were the result of reciprocal discipline from the State of New Jersey. At the time of the imposition of the discipline, Petitioner was on inactive status in the Commonwealth of Pennsylvania, having been transferred by Order of the Supreme Court, effective January 28, 1989, for failure to pay the annual attorney assessment.

Office of Disciplinary Counsel filed a Response to Petition for Reinstatement on March 20, 2006 and indicated it did not oppose the reinstatement.

A reinstatement hearing was held on June 7, 2006, before a District IV Hearing Committee comprised of Chair John D. Goetz, Esquire, and Members Charles J. Avalli, Esquire, and Robert J. Behling, Esquire. Petitioner was represented by John E. Quinn, Esquire. Petitioner offered the testimony of five witnesses and the reports of his expert psychiatrist. Petitioner testified on his own behalf.

The Hearing Committee filed a Report on August 1, 2006 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 September 20, 2006.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner is Patrick M. Casey. He was born in 1957 and was admitted to practice law in the Commonwealth of Pennsylvania in 1987. His current business address is 214 Morgan Ctr., Butler PA 16001.

2. Petitioner never practiced law in Pennsylvania but relocated to New Jersey after obtaining admission in that jurisdiction in 1987.

3. Petitioner worked for two law firms in the Atlantic City area, practicing largely in the area of civil litigation. He went into solo practice in 1994 and remained a sole practitioner until 1999.

4. Petitioner was suspended from the practice of law in New Jersey for three months by Order of the Supreme Court of New Jersey dated October 29, 2001, as a result of client neglect, delay and failure to communicate in several matters.

5. Petitioner was suspended from the practice of law in New Jersey for three months by Order of the Supreme Court of New Jersey dated May 6, 2003, as a result of client neglect, delay and failure to communicate in several matters. In connection with the New Jersey disciplinary proceedings, Petitioner repaid the sum of \$2000 to the New Jersey Client Security Fund.

6. The Supreme Court of Pennsylvania imposed reciprocal discipline based on the suspension in New Jersey.

8. Petitioner's disciplinary problems, and the failure of his practice in New Jersey, stemmed from his chronic alcoholism.

9. Petitioner's drinking patterns increased through college, law school and the early days of his professional life, leading to his addiction to alcohol.

10. By the period 1998 through 2000, Petitioner was drinking frequently through the day and night, but for the brief periods when he was hospitalized for his alcoholism.

11. Petitioner's marriage and family life was destroyed by his drinking. He divorced in 2000 and has had very little contact with the three daughters from his marriage.

12. Petitioner returned to the Pittsburgh area in 2001 and was barely functioning. He did not practice law on his return to Pittsburgh, nor did he perform any other meaningful work. He continued drinking and failed at several sobriety attempts.

13. In January of 2002, Petitioner entered the Ellen O'Brien Gaiser addiction center in Butler, Pennsylvania. He remained there for 90 days and achieved sobriety.

14. Petitioner decided to stay in Butler following his release from the addiction center due to the fact that he made connections with local people in the Alcoholics Anonymous groups.

15. Petitioner attends seven to ten AA meetings per week and participates in Lawyers Concerned for Lawyers meetings. He has been a volunteer speaker on alcoholism for Lawyers Concerned for Lawyers and for Duquesne University.

16. Petitioner was recently named to the Board of Directors of the Ellen O'Brien Gaiser addiction center. He believes this position of responsibility gives him a further commitment to sobriety.

17. Petitioner has been sober since January 29, 2002 and intends to remain abstinent from alcohol.

18. Petitioner has learned to handle his personal problems and is confident that he can be a better attorney than he was in the past. He has set goals for himself both professionally and personally, including regaining contact with his three grown daughters.

19. Petitioner met Attorney James Donohue at a lawyer meeting in October or November of 2002 and began working as a legal assistant for Mr. Donohue at his law firm in Butler shortly thereafter.

20. During Petitioner's employment with Mr. Donohue, he has read the advance sheets, Pennsylvania Lawyers Magazine, the Allegheny County Lawyers Journal and other periodicals.

21. Petitioner took in excess of 50 Continuing Legal Education credits and has satisfied the requirements for continuing education in order to be reinstated.

22. If reinstated, Petitioner plans to practice civil litigation in Allegheny and Butler Counties, either in a small firm or as a sole practitioner.

23. Ann McAllister, J.D. M.D., is a board certified psychiatrist who also possesses a law degree. She has extensive experience in drug and alcohol programs. Dr. McAllister evaluated Petitioner at the request of his legal counsel, initially on two visits in June of 2005, with a follow-up visit on May 19, 2006.

24. Dr. McAllister's report was accepted into evidence at the reinstatement hearing. She opined that: (1) Petitioner's prognosis for continued sobriety is excellent as

long as he adheres to his daily regimen of accountability to his twelve-step program and to his sponsor; (2) Petitioner has a full and complete understanding of the disease of alcoholism and its progression and that alcoholism will be part of his life from “this moment forward”; (3) Petitioner has successfully sought to surround himself with an extensive network of support; (4) Petitioner has a notable lack of negative influence that would possibly impede his progress to remain sober; (5) Petitioner lacks any evidence of psychiatric co-morbidity; and (6) Petitioner is emotionally and mentally fit for the practice of law, is presently sober and has “substantial likelihood of maintaining sobriety and does not pose any risk to prospective clients, the public or the administration of justice.”

25. Petitioner presented the testimony of five witnesses, largely regarding his ongoing sobriety efforts.

26. The testimony of the five witnesses is credible.

27. Mark Flaherty, Esquire, has long been active in Lawyers Concerned for Lawyers and the Pittsburgh Lawyers group. He first made Petitioner's acquaintance in October 2002 through Petitioner's attendance at the Pittsburgh Lawyers meetings. Mr. Flaherty described Petitioner as an active member of the sobriety groups and believes he will remain sober so long as he continues with his efforts.

28. Vincent E. Zappa, Esquire, is a Pittsburgh lawyer who has known Petitioner since high school. Mr. Zappa maintained contact with Petitioner over the years and was aware of his alcoholism. Mr. Zappa made numerous efforts to convince Petitioner to attend rehabilitation, but met with little success. After Petitioner achieved sobriety, Mr.

Zappa described Petitioner as a different person. Mr. Zappa believes that Petitioner's reinstatement will not be injurious to the public or subversive to the administration of justice.

29. Theodore Blair, Esquire, came to know Petitioner through the Pittsburgh Lawyers meetings. He described Petitioner as being active in the sobriety groups and believes that his reinstatement to the bar would not be harmful to the public.

30. Raymond J. Conlon, Esquire, is a Butler County lawyer who came to know Petitioner through Petitioner's employment with Attorney Donohue. Mr. Conlon had many conversations with Petitioner regarding the law and Mr. Conlon believes Petitioner is an excellent candidate for readmission.

31. James Logan, Esquire, is a Pittsburgh attorney. Mr. Logan became acquainted with Petitioner through the Pittsburgh lawyers group. He believes Petitioner is operating at a high level of competence and has a great prognosis for continued sobriety. He believes Petitioner's reinstatement would not be harmful to the public.

III. CONCLUSIONS OF LAW

1. 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).

2. 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. Pa.R.D.E. 218(c)(3)(i).

IV. DISCUSSION

This matter is before the Disciplinary Board on a Petition for Reinstatement filed by Patrick M. Casey. Petitioner was placed on inactive status in 1989 and was subsequently suspended by Supreme Court Order dated May 8, 2002, for a period of three months. A further suspension was imposed on February 25, 2004, for a period of three months. These suspensions were the result of reciprocal discipline from the State of New Jersey. While typically suspensions for one year or less do not require a petition for reinstatement, Petitioner's inactive status for more than three years dictates that this matter proceed under Rule 218(c)(3)(i). See Pa.R.D.E. 218(f)(2)(ii). Petitioner bears the burden of proof by clear and convincing evidence that he possesses the moral qualifications, competency and learning in the law required for admission to practice law in this Commonwealth. In addition, Petitioner has the burden of demonstrating that his resumption of the practice of law will not be 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)(i).

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 which gave rise to the lawyer's suspension, but rather the nature and extent of the rehabilitation efforts the lawyer has made since the time that sanction

was imposed, and the degree of success achieved in the rehabilitation process. Philadelphia News, Inc. v. Disciplinary Board of the Supreme Court, 363 A.2d 779 (Pa. 1976).

The evidence of record is clear that Petitioner's disciplinary problems which resulted in his suspension from the practice of law were caused in substantial part by his alcoholism. Petitioner relayed a sad and moving history of his struggle with alcohol, beginning in his college years, and culminating in the disintegration of his marriage and family life, his law practice and any semblance of a normal lifestyle. Petitioner effectively reached rock bottom after his move back to Pittsburgh, when at one point in time he was surreptitiously living in the laundry room of his mother's apartment building. Fortunately, Petitioner found help at the Ellen O'Brien Gaiser addiction center in Butler and was able to achieve sobriety after a 90 day inpatient stay. Petitioner has been sober since January 2002 and by all accounts has maintained his sobriety. Five witnesses gave credible testimony as to Petitioner's concerted efforts to continue his sobriety. Petitioner attends seven to ten sobriety meetings per week; is actively involved in the Lawyers Concerned for Lawyers group; has given speeches to various audiences on his experiences; and has recently been named to the Board of Directors of the Gaiser addiction center. Petitioner produced a competent medical report of his expert psychiatrist, Dr. Ann McAllister, who gave Petitioner a favorable prognosis for continued sobriety. Petitioner's credible testimony confirms his strong commitment to sobriety.

Equally clear is the evidence of Petitioner's competence and learning in the law. He has been employed since 2002 as a legal assistant for James Donohue, a Butler County attorney. His employment consists of legal research and writing, as well as answering telephones and filing documents. Although Petitioner has not had contact with the legal profession as a licensed professional, since approximately 1999, he believes that he currently possesses a good understanding of the state of the law. Petitioner fulfilled his continuing legal education requirements for reinstatement. Petitioner is eager to resume practicing law in either a small firm or a sole practitioner setting.

Based on the totality of the evidence, the Board concludes that Petitioner has met with clear and convincing evidence his burden of proving that he is morally qualified, competent and learned in the law. Furthermore, the Board concludes that Petitioner's readmission will not be detrimental to the integrity and standing of the bar or the administration of justice, nor subversive of the public interest.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Patrick M. Casey, 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: _____
Marc S. Raspanti, Board Member

Date: October 20, 2006

Board Member Baer did not participate in the adjudication

ORDER

PER CURIAM:

AND NOW, this 27th day of December, 2006, upon consideration of the Report and Recommendations of the Disciplinary Board dated October 20, 2006, 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.