

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of	:	No. 1204 Disciplinary Docket No. 3
	:	
	:	No. 80 DB 2006
CARY BARTLOW HALL	:	
	:	Attorney Registration No. 85747
	:	
PETITION FOR REINSTATEMENT	:	(Montgomery County)

ORDER

PER CURIAM:

AND NOW, this 2nd day of February, 2009, upon consideration of the Report and Recommendations of the Disciplinary Board dated December 2, 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: February 2, 2009

Attest:

Chief Clerk

Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

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	:	No. 3
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	:	Attorney Registration No. 85747
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

Cary Bartlow Hall was suspended for a period of 18 months by Order of the Supreme Court of Pennsylvania dated December 14, 2006. Mr. Hall filed a Petition for Reinstatement to the bar of the Supreme Court of Pennsylvania on May 14, 2008. Office

of Disciplinary Counsel filed a Response to Petition on July 9, 2008, and indicated that after investigation it did not oppose the Petition at that time.

A reinstatement hearing was held on September 3, 2008, before a District II Hearing Committee comprised of Chair Mary Ann Rossi, Esquire, and Members Ronald H. Levine, Esquire, and Sharon H. McKenna, Esquire. Respondent appeared pro se and testified on his own behalf.

The Hearing Committee filed a Report on October 7, 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 November 12, 2008.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner is Cary Bartlow Hall. He was born in 1970 and was admitted to the bar in Pennsylvania in 2000. He was also admitted to the bar in Maryland in 1995 and in New Jersey in 2000. Petitioner's current address is 637 East Broad St., 2nd Fl., Souderton PA 18964.

2. By Order of the Supreme Court of Pennsylvania dated December 14, 2006, Petitioner was suspended from the practice of law for a period of 18 months.

3. The acts of misconduct giving rise to Petitioner's suspension were his filing of a back-dated appeal to cover his timely failure to file the appeal, and his subsequent lies to a tribunal concerning the timeliness of the appeal.

4. Since his suspension, Petitioner has been employed by Bergey's Wholesale Parts in Colmar, Pennsylvania, as an auto parts delivery driver.

5. Since December 2006, Petitioner has not practiced law but has performed legal research and litigated matters on his own behalf, such as a Chapter 7 bankruptcy, land-lord tenant issues, and alimony and child support issues connected with his divorce.

6. Petitioner was unable to obtain employment in a legal support staff position, despite numerous job solicitations and advertisement replies.

7. During his suspension, Petitioner sought treatment from a therapist to help him cope with stressors in his life. He intends to continue to seek therapy if life circumstances rise to a level that causes him difficulty.

8. Petitioner's suspension period has reinforced his desire to practice law again. If reinstated, he intends to practice law with a firm in southeastern Pennsylvania, particularly Montgomery County.

9. Petitioner fulfilled his Continuing Legal Education course credits and read legal periodicals to keep apprised of the law.

10. Petitioner submitted three writing samples in support of his contention that he is learned in the law.

11. Petitioner offered nine letters of reference from attorneys and a judge for whom he clerked, which were admitted into evidence without objection. Petitioner offered no testimony of any of the individuals.

12. Petitioner is ashamed of his misconduct and has learned from his experiences. He feels that his actions were a complete anomaly as to how he has lived his life and he will not repeat his misconduct in the future.

13. Petitioner was reciprocally suspended in New Jersey and will not be permitted to apply for reinstatement in that jurisdiction until he is reinstated in Pennsylvania.

14. Petitioner advised Maryland of his disciplinary status in Pennsylvania and New Jersey, although his notification was not done in a timely manner according to Maryland's disciplinary rules.

15. Petitioner admitted that his late notification was a mistake and something he should have done promptly upon his suspension in Pennsylvania.

16. Office of Disciplinary Counsel does not oppose reinstatement.

III. CONCLUSIONS OF LAW

1. Petitioner has met his burden of proof 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.

2. Petitioner has met his burden of proof 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 or justice nor subversive of the public interest.

IV. DISCUSSION

Petitioner seeks reinstatement to the bar of the Supreme Court of Pennsylvania following his suspension for a period of eighteen months.

Pursuant to Rule 208(a), Pa.R.D.E., an attorney who is suspended for a period exceeding one year may not resume the practice of law until reinstated by the Supreme Court of Pennsylvania. In order for Petitioner to gain reinstatement, he has the burden of proving 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. Rule 218(c)(3)(i), Pa.R.D.E.

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 rehabilitative efforts the lawyer had 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, 363 A.2d 779 (Pa. 1976).

Petitioner was suspended after he backdated an appeal to conceal his failure to timely file it, and later lied to a tribunal about the timeliness of the appeal. Petitioner has apologized for his actions and is thoroughly ashamed of himself. He understands that he breached his responsibilities to his client, the tribunal and the profession.

Petitioner's suspension has been a difficult time for him. Despite many attempts to obtain law-related employment, he was unable to do so and finally took a job driving a delivery truck for an auto parts store. This job enables him to survive, though a portion of his wage is garnished for child support. His financial situation is precarious and he is anxious to resume the practice of law so he can better support his three children. Petitioner endured significant stress during the time frame of his misconduct and suspension, and sought the treatment of a therapist to learn how to deal with personal stressors. According to Petitioner, this treatment basically provided him with the opportunity to talk to someone about the difficulties occurring in his life. Therapy remains an outlet for Petitioner should he feel continued stress.

In anticipation of the reinstatement process, Petitioner took his required Continuing Legal Education courses and reviewed legal periodicals. He did legal research on issues impacting his personal life and feels that this kept him apprised of changes in the law. In support of his reinstatement, Petitioner introduced three writing samples and nine letters of reference from fellow attorneys and a judge.

Petitioner has met his burden of proving with clear and convincing evidence that he has the moral qualifications, competency and learning in the law required for admission to practice law in Pennsylvania, and he has further demonstrated by clear and convincing evidence that his resumption of the practice of law within the Commonwealth will be nether 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, Cary Bartlow Hall, 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: 
David A. Nasatir, Board Member

Date: December 2, 2008

Board Members Gentile, Jefferies, Bevilacqua and Leonard did not participate in the adjudication.