

IN THE SUPREME COURT OF PENNSYLVANIA

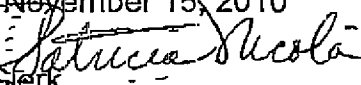
In the Matter of : No. 852 Disciplinary Docket No. 2
:
: No. 91 DB 1990
WALTER D. DELIMAN :
: Attorney Registration No. 40455
:
PETITION FOR REINSTATEMENT : (Lackawanna County)

ORDER

PER CURIAM:

AND NOW, this 15th day of November, 2010, upon consideration of the Report and Recommendations of the Disciplinary Board dated September 13, 2010, 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 November 15, 2010
Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 852 Disciplinary Docket No. 2
: :
: No. 91 DB 1990
WALTER D. DELIMAN : :
: Attorney Registration No. 40455
: :
PETITION FOR REINSTATEMENT : (Lackawanna 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

By Order of the Supreme Court of Pennsylvania dated March 31, 1992, Walter Deliman was suspended from the practice of law for a period of one year and one day. On September 14, 2009, Mr. Deliman filed a Petition for Reinstatement. Office of Disciplinary Counsel filed a Response to Petition on November 18, 2009.

A reinstatement hearing was held on January 20, 2010 before a District III Hearing Committee comprised of Chair Daniel J. Barrett, Esquire, and Members Richard G. Fine, Esquire, and Jeffrey T. McGuire, Esquire. Petitioner appeared pro se. Petitioner testified on his own behalf and presented six exhibits.

The Hearing Committee filed a Report on June 18, 2010 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 17, 2010.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner is Walter D. Deliman. He was born in 1955 and was admitted to the bar in Pennsylvania in 1984. His current business address is 1111 Constitution Ave. NW Rm. 6424, Washington D.C. 20224. He is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

2. On March 31, 1992, Petitioner was suspended from the practice of law for a period of one year and one day.

3. The suspension resulted from Petitioner's lack of diligence, misrepresentation, alteration of a legal document and incompetent representation involving a no-fault divorce and an appeal from a driver's license suspension.

4. Following his suspension, Petitioner found employment at a warehouse and as a janitor before obtaining employment with the Internal Revenue Service in June 2001.

5. Petitioner's initial position with the IRS was as a tax compliance officer. He worked in New York City and Philadelphia before obtaining his current position in Washington D.C. as a tax law specialist.

6. Petitioner is assigned certain publications and tax forms and he is tasked with updating the forms according to the current law. This position is an enhancement from his original position.

7. Petitioner's position with the IRS does not require a law license.

8. Petitioner intends to maintain his current employment following his reinstatement to the practice of law.

9. Petitioner has been arrested for DUI on three occasions. In 1993 he was accepted into the ARD program in Luzerne County and successfully completed it. In 1997 Petitioner entered guilty pleas to two additional DUI offenses in Lackawanna County. This resulted in a sentence of 90 days of home confinement followed by 18 months of supervised release and the loss of his driver's license for six years.

10. Petitioner deeply regrets his DUI convictions and has learned from his mistakes. Petitioner has been sober for more than ten years and attends Alcoholics Anonymous on a regular basis.

11. Petitioner expressed sincere remorse for the actions which led to his suspension. He is sorry for the harm he caused his former clients.

12. Petitioner is seeking reinstatement because he desires to be a member in good standing of the bar after many years of suspended status.

13. Petitioner fulfilled his Continuing Legal Education requirements for reinstatement.

14. Petitioner keeps apprised of the law by reviewing the CCH Federal Tax Weekly and the IRS GuideWire, as well as tax updates e-mailed to him.

15. Petitioner received a Master's in Taxation from Villanova University School of Law in 2007.

16. Office of Disciplinary Counsel does not oppose reinstatement.

III. CONCLUSIONS OF LAW

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

2. Petitioner has demonstrated by clear and convincing evidence that his resumption of the practice of law within the Commonwealth 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).

IV. DISCUSSION

Petitioner is a suspended attorney who seeks readmission to the practice of law in Pennsylvania. Petitioner was suspended for a period of one year and one day by Order of the Supreme Court dated March 31, 1992. Pursuant to Rule 218(a)(1), Pa.R.D.E., an attorney who is suspended for a period exceeding one year may not resume the practice or law until reinstated by the Supreme Court. 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 be subversive of the public interest. Rule 218(c)(3), Pa.R.D.E.

A reinstatement proceeding is a searching inquiry into a lawyer's current 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 has 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's suspension was the result of his neglect, misrepresentation and incompetence in a divorce matter and a license suspension matter, as well as the serious

act of altering an already executed legal document in the divorce matter. Petitioner has been suspended for 18 years. While he had the opportunity to seek reinstatement after his suspension term expired, he chose not to do so. He seeks reinstatement at this time in order that he can be a member in good standing of the bar.

Following Petitioner's suspension, he worked at a warehouse and as a janitor. In 1993, he was arrested for DUI and entered the ARD program, which he successfully completed. In 1997, Petitioner was convicted of two DUIs and was sentenced to 90 days of home confinement plus supervised release, along with the loss of his driver's license for six years. Petitioner used these incidents in his personal life as motivation to stop using alcohol. He began attending AA on a regular basis and has been sober for more than 10 years.

In 2001, Petitioner obtained employment with the IRS and has remained in that employment. Currently he works in Washington, D.C. as a tax law specialist. Petitioner intends to maintain his current employment upon reinstatement. Petitioner enjoys his job and has found success with it. He does not have specific plans to practice law.

Petitioner fulfilled the necessary Continuing Legal Education requirements for reinstatement. In conjunction with his IRS employment, he keeps apprised of current tax law. Petitioner received a Master's in Taxation from Villanova University School of Law in 2007.

Petitioner expressed sincere remorse for his client misconduct as well as his criminal convictions. He believes that he has learned to handle his personal problems and has the ability to conduct himself professionally and in a manner that reflects respect for the law and the profession.

The record supports the conclusion that Petitioner is morally qualified, competent and learned in the law. Furthermore, his readmission to the bar will not be detrimental to the public or the profession.

The Board recommends that the Petition for Reinstatement be granted.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania recommends that Petitioner, Walter D. Deliman, 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: 
David A. Nasatir, Board Member

Date: September 13, 2010