

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 2236 Disciplinary Docket No. 3
: :
JOHN ANTHONY COSTALAS : No. 217 DB 2015
: :
PETITION FOR REINSTATEMENT : Attorney Registration No. 93501
: :
: (Delaware County)

ORDER

PER CURIAM

AND NOW, this 10th day of June, 2022, the Petition for Reinstatement is granted. Petitioner is ordered to pay the expenses incurred by the Board in the investigation and processing of the Petition for Reinstatement. See Pa.R.D.E. 218(f).

A True Copy Nicole Traini
As Of 06/10/2022

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

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: Attorney Registration No. 93501
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PETITION FOR REINSTATEMENT : (Delaware 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 March 17, 2021, Petitioner, John Anthony Costalas, filed a Petition for Reinstatement from a two year suspension on consent imposed by the Supreme Court of Pennsylvania on November 17, 2016. Office of Disciplinary Counsel (“ODC”) filed a Response on April 14, 2021 and reserved the right to review the evidence before taking a final position.

Following a prehearing conference on May 27, 2021, a District II Hearing Committee held a reinstatement hearing on October 5, 2021. Petitioner introduced Exhibit P-1 and called nine witnesses, including himself. ODC did not introduce any exhibits or call any witnesses. The Committee held the record open to permit Petitioner to supplement the record and on October 8, 2021, Petitioner offered Exhibit P-2.

On November 5, 2021, Petitioner filed a post-hearing brief and requested that the Committee recommend to the Board that his Petition for Reinstatement be granted. ODC filed a post-hearing letter on November 8, 2021, and advised the Committee that it did not oppose reinstatement.

By Report filed on February 7, 2022, the Committee concluded that Petitioner met his reinstatement burden and recommended that the Petition for Reinstatement be granted.

The Board adjudicated this matter at the meeting on April 13, 2022.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner is John Anthony Costalas, born in 1979 and admitted to practice law in the Commonwealth in 2004. His current business address is American Disability Alliance, 1650 Arch Street, Suite 2501, Philadelphia, PA 19103. Petitioner is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

Petitioner's Professional Background as an Attorney

2. Following his admission to the bar, from August 2004 to September 2005, Petitioner was employed by Aivazoglou & Mikropoulos as a full-time attorney handling personal injury, criminal, and workers' compensation matters. Petitioner left for another position. Ex. P-1, at 20; N.T. 106.

3. From September 2005 to March 2007, Petitioner was employed by Carpenter, McCadden & Lane as a full-time attorney handling workers' compensation defense. Petitioner left for another position. Ex. P-1, at 20; N.T. 106-7.

4. From March 2007 to June 2011, Petitioner was employed by Cipriani & Werner as a full-time attorney handling workers' compensation defense, but was terminated for his poor work performance. Ex. P-1, at 20; N.T. 107, 123-24.

5. From June 2011 to September 2012, Petitioner was employed by Pond, Lehocky, Stern & Giordano as a per diem attorney covering workers' compensation hearings, but left for another position. Ex. P-1, at 20; N.T. 107-8, 123.

6. During that same period, Petitioner was self-employed as a contract attorney for "a couple of cases." Ex. P-1, at 20.

7. From September 2012 to December 2014, Petitioner was employed by O'Brien Rulis & Bochicchio as a full-time attorney, but was terminated for a November 2014 arrest and poor work performance. Ex. P-1, at 21; N.T. 108, 117-18, 123-24.

Petitioner's Criminal History

8. Petitioner's discipline on consent was predicated on two guilty pleas related to his substance abuse. Ex. P-1a, at 1; Ex. P-1b, ¶¶ 7-11, 20.

9. On or about November 3, 2014, following a minor car accident, Petitioner was arrested in Delaware County on an outstanding warrant for narcotics "prescription shopping" offenses dating from 2011. On August 26, 2015, Petitioner pled guilty in the Delaware County Court of Common Pleas to two misdemeanor counts of knowingly or intentionally possessing a controlled substance by a person not registered under 35 Pa.C.S.A. § 780-113 §A-161. The court sentenced Petitioner to 36 months of probation in the substance abuse unit. Ex. P-1b, ¶¶ 7-8, 20; Ex. P-1c, at 36-43; N.T. 115, 117-18, 124-25.

10. A little over a month later, on September 29, 2015, police arrested Petitioner for driving under the influence ("DUI") and other vehicular offenses. That arrest violated Petitioner's probation. The court resentenced Petitioner to another 36 months of probation. On October 2, 2015, he was charged for the new criminal conduct. Ex. P-1b, ¶ 9; Ex. P-1c, at 45; N.T. 119-21.

11. On December 10, 2015, Petitioner pled guilty in the Delaware County Court of Common Pleas to the September 2015 DUI offense. Ex. P-1b, ¶ 10; N.T. 121 124-25.

12. On April 12, 2016, the court sentenced Petitioner to 23 months of intermediate punishment with 55 days of incarceration with the balance to be served by electronic home monitoring, long-term inpatient treatment and follow-up

care. Ex. P-1b, ¶ 11; N.T. 121-22.

13. Prior to these two guilty pleas, Petitioner had been arrested for alcohol-related DUI in November 2008, also while in possession of cocaine, and received Accelerated Rehabilitative Disposition (“ARD”). That record was later expunged. Ex. P-1, at 9; Ex. P-1e, at 56; N.T. 116.

14. Petitioner had also been cited for underage drinking in either 1994 or 1995 and again in 1999. Also, in 1994, Petitioner had been cited with reckless endangerment, among other charges. Ex. P-1, at 56, N.T. 117.

15. Petitioner has not yet paid to the Delaware County probation office all the costs and fines associated with his criminal history. He committed to making “a minimum monthly payment of \$50.00 on or about the first of each month beginning in November of 2021” against the outstanding balance of \$2,385.50, and made the first payment on October 7, 2021. Ex. P-2; N.T. 156-57, 171.

Petitioner’s Disciplinary History

16. On December 23, 2015, ODC and Petitioner filed in the Supreme Court of Pennsylvania a Joint Petition to Temporarily Suspend an Attorney due to Petitioner’s criminal conviction. Ex. P-1b, ¶ 5.

17. On January 7, 2016, the Court temporarily suspended Petitioner. Ex. P-1b, ¶¶ 6, 14.

18. On June 8, 2016, ODC and Petitioner filed a Joint Petition in Support of Discipline on Consent and by Order dated November 17, 2016, the Court granted the Joint Petition and suspended Petitioner for a period of two years. Ex.

P-1a; N.T. 139.

19. Until his Petition for Reinstatement filed on March 17, 2021, Petitioner has not sought reinstatement. Accordingly, he has been suspended for more than 5 years.

**Petitioner's Recovery and Employment
After His Incarceration**

20. Petitioner is a recovering addict. Petitioner candidly described his escalating alcohol and drug use beginning in his teen years and how it impacted his personal life and professional endeavors. N.T. 110-124.

21. Prior to his arrest in 2015, Petitioner participated in rehabilitation programs, but admitted that he did so more to appease his family and save his career than to become sober. N.T. 116.

22. Petitioner has not had any narcotics or alcohol since July 18, 2016, immediately prior to the end of his sentence and release from Delaware County's George W. Hill Correctional Facility on July 21, 2016. N.T. 125.

23. Petitioner credibly testified that at some point during his incarceration, he realized that he was tired of what his life had become and if he continued to use drugs, he could end up dead. N.T. 125-126.

24. After his release, Petitioner attended outpatient therapy at Key Recovery in Brookhaven, Pennsylvania, where he participated in three-hour therapy sessions three times per week, which was later reduced to one-hour sessions twice per week. N.T.

25. Since his release, Petitioner has regularly and actively participated

in Narcotics Anonymous (“NA”), including leadership roles, without any relapse in drug or alcohol use. N.T. 54-56, 58, 62, 80, 125-26, 131, 140, 151-52, 164.

26. Initially, Petitioner attended NA meetings on a daily basis. More recently, he attends meetings approximately four times per week. N.T.128, 129.

27. Petitioner has an NA sponsor who helps him work through NA’s 12-step program. N.T. 54-55.

28. Petitioner testified that he intends to continue his NA participation indefinitely, as maintaining his sobriety is a top priority. N.T. 129-130.

29. Petitioner attends meetings of Lawyers Concerned for Lawyers (“LCL”) and serves as a peer volunteer in order to speak confidentially to those in the legal profession who need assistance. N.T. 165.

30. Petitioner testified that he tries to take care of not just his mind but his body by regularly exercising and eating a healthy diet. N.T. 161-162.

31. From March 2017 to July 2019, Petitioner worked for Home Depot as an hourly employee. He left that employment to seek better income opportunities for himself and his family. Ex. P-1, at 12; N.T. 132-33.

32. From July 29, 2019, to present, Petitioner has been employed at American Disability Alliance, located in Philadelphia, in a position that includes administrative, paralegal, and office manager functions. Petitioner has been careful not to engage in the prohibited practice of law. American Disability Alliance handles exclusively Social Security disability claims. Ex. P-1, at 12; N.T. 23, 24-25, 26-27, 135-137.

33. Petitioner and his employer each filed Rule 217(j)(5) Notice of Engagement letters with the Disciplinary Board. The letters were filed late, but they were filed as soon as Petitioner and his employer became aware of the requirement. Ex. P-1g; P-1h; N.T. 29-30.

34. If he is granted reinstatement, Petitioner hopes to work as an attorney at American Disability Alliance. N.T. 150.

35. Petitioner has been transparent about his past addiction and criminal record with his employers. N.T. 25, 41, 134.

36. Petitioner has maintained his legal knowledge by taking all required Continuing Legal Education ("CLE") credits and staying abreast of legal developments by reviewing *The Legal Intelligencer* and *The Philadelphia Bar Reporter*. Ex. P-1i; N.T. 138, 139.

37. Petitioner is current with his tax filings. N.T. 141.

38. Petitioner has never been sued for legal malpractice. N.T. 141.

39. Petitioner is repaying outstanding personal debts and has entered into payment plans with Macy's, Home Depot, and for a student loan. N.T. 144-145.

40. Petitioner is in arrears on a judgment obtained by Wells Fargo for a house foreclosed upon during his incarceration and on a homeowner's association judgment. N.T. 141-143. Petitioner credibly testified that he has not made any payments on the judgments, as he has not had the income to do so. He further testified that he has "every intention" of paying the judgments. N.T. 143-144.

41. Petitioner credibly testified that he has a lot of remorse for his actions that brought disgrace to the bar. N.T. 149. He further testified that he tries “to do better every day and be the best version of myself that I can be. A lot of people, you know, didn’t get the best from me, whether it was personal acquaintances or professional acquaintances, and I want to make right on that. I just want to move on to the best of my ability.” N.T. 149-150.

42. Petitioner’s priorities have shifted, and he exhibits greater concern and regard for others and remorse for his past misconduct. N.T. 63, 72-73, 96-97, 125-26, 149-50.

Petitioner’s Witnesses

Adam Taylor, Esquire.

43. Adam Michael Taylor, Esquire, was admitted to practice in Pennsylvania in 2003 and is a partner at American Disability Alliance. Mr. Taylor serves as Petitioner’s supervisor. N.T. 23

44. In 2019, Mr. Taylor and his partners hired Petitioner to work at their firm in an administrative and paralegal role, handling mail distribution, schedule coordination, and office manager functions. N.T. 24-25, 26.

45. Petitioner was candid with Mr. Taylor about his background and criminal convictions. N.T. 24-25.

46. Mr. Taylor views Petitioner as reliable, efficient, punctual, and diligent. N.T. 28.

47. Mr. Taylor has seen no evidence of continued substance abuse by

Petitioner. N.T. 28-29.

48. According to Mr. Taylor, Petitioner has a good current reputation for being truthful and honest, and the staff look up to him. N.T. 31-32.

49. According to Mr. Taylor, Petitioner has a good current reputation for being law-abiding. N.T. 32-33.

50. Mr. Taylor testified that during Petitioner's employment at American Disability Alliance, he has never held himself out as an attorney, and the duties Petitioner fulfills are strictly administrative and managerial, not legal. N.T. 30-31, 36-38.

51. Mr. Taylor would recommend Petitioner's reinstatement with no hesitation and, if Petitioner were reinstated, he would hire Petitioner as an attorney. N.T. 33-35.

Eric Pearson, Esquire.

52. Eric Pearson, Esquire, was admitted to practice in Pennsylvania in 1997 and is a partner at American Disability Alliance. N.T. 40.

53. Petitioner was candid with Mr. Pearson about his past. N.T. 41.

54. During the time Mr. Pearson supervised Petitioner, Petitioner never held himself out as an attorney. N.T. 42-43.

55. Mr. Pearson testified that Petitioner has been a diligent employee. N.T. 42.

56. Mr. Pearson has seen no indication of a return to drug use by Petitioner and has no concern that the stress of legal practice would push

Petitioner back into drug use. N.T. 43, 45.

57. Mr. Pearson testified that Petitioner has a “stellar” reputation for being law-abiding. N.T. 43.

58. Mr. Pearson has no hesitation in recommending Petitioner’s reinstatement. N.T. 44.

Dana Cooper

59. Dana Cooper is a case development manager at American Disability Alliance. N.T. 47.

60. Petitioner was candid with Ms. Cooper about his addiction and criminal history. N.T. 49.

61. Ms. Cooper testified that Petitioner is “really diligent” and the first person to arrive every morning. N.T. 48, 49-50.

62. Ms. Cooper has seen no indication of a return to drug use by Petitioner. N.T. 49.

63. Ms. Cooper testified that Petitioner has a “definitely good” reputation for being law-abiding and a reputation for being “definitely truthful and honest.” N.T. 50-51.

64. Ms. Cooper has no hesitation in recommending Petitioner’s reinstatement. N.T. 51.

Stephen Gardiner

65. Stephen Gardiner is retired from the United States Merchant Marine and knows Petitioner through NA, where he has acted as Petitioner’s sponsor over

the past five years, directing Petitioner through the 12-step program. N.T. 54.

66. Mr. Gardiner testified that Petitioner is “diligently” working on step 11 of the 12 steps and regularly attends meetings 3 to 4 times a week. N.T. 55, 60.

67. Petitioner serves in NA as a general service representative. N.T. 56.

68. Petitioner helps other members attempting to maintain sobriety. N.T. 57.

69. Petitioner disclosed his past misconduct to Mr. Gardiner. N.T. 61.

70. Mr. Gardiner has not observed any signs of Petitioner’s relapse. He commented that “relapse is not a part of John’s story,” and had no concern about Petitioner reverting to drug use. N.T. 56, 58, 64.

71. Mr. Gardiner testified that Petitioner has an “absolutely good” reputation for being law-abiding and being “definitely truthful and honest.” N.T. 62.

72. Mr. Gardiner has no reservation in recommending Petitioner’s reinstatement. N.T. 62.

Daniel Muss

73. Daniel Muss is a senior financial analyst for a company that does research for pharmaceutical companies and has known Petitioner for approximately 24 years, when they met as college roommates at Duquesne University. N.T. 54, 66.

74. Mr. Muss testified that Petitioner had a drinking and marijuana problem in college. N.T. 67.

75. Following graduation, Mr. Muss witnessed Petitioner’s drug use in

2009 and 2010. He also was aware of Petitioner's drug use in 2012 and 2013. N.T. 67-68.

76. Mr. Muss is aware of no drug use or alcohol relapse by Petitioner since July 18, 2016. N.T. 71, 76.

77. Mr. Muss noted positive changes in Petitioner's behavior, including taking care of himself by going to the gym, being a good partner to his girlfriend, and being a good father. N.T. 72.

78. Mr. Muss testified that Petitioner's priorities have changed during his sobriety and he is focused on providing support for his family. N.T. 72-73.

79. According to Mr. Muss, Petitioner has a good reputation for being law-abiding and being truthful and honest. N.T. 74.

80. Mr. Muss has no hesitation in recommending Petitioner's reinstatement. N.T. 75.

Carley McClintock

81. Carley McClintock is the associate director of regulatory law and intelligence at TEVA Pharmaceutical and has been an NA home group member with Petitioner since 2019. N.T. 80, 81.

82. Ms. McClintock testified that Petitioner regularly participates in NA, including setting up chairs, greeting members, and serving as a business chairperson. N.T. 82.

83. Petitioner disclosed to Ms. McClintock his past misconduct and criminal convictions. N.T. 83-84.

84. Since Ms. McClintock and Petitioner became acquainted, she has seen no slippage in Petitioner's sobriety. N.T. 83.

85. According to Ms. McClintock, Petitioner has a very good reputation for being law-abiding and being truthful and honest. N.T. 84-85.

86. Ms. McClintock has no hesitation in recommending Petitioner's reinstatement. N.T. 85.

Rose Savitz

87. Rose Savitz formerly worked at Aivazoglou & Mikropoulos with Petitioner as a paralegal in 2005. N.T. 87-88, 105.

88. Ms. Savitz testified that she and Petitioner reconnected through NA in 2016. She testified Petitioner regularly attended meetings and demonstrated "a lot of dedication and commitment." N.T. 89-90, 91.

89. Petitioner had also candidly disclosed to Ms. Savitz his past misconduct and criminal convictions. N.T. 92.

90. Since Ms. Savitz and Petitioner became reacquainted through NA, she has seen no slippage in Petitioner's sobriety. N.T. 92.

91. According to Ms. Savitz, Petitioner has a "very good" reputation for being law-abiding and being truthful and honest. N.T. 91-92.

92. Ms. Savitz has no hesitation in recommending Petitioner's reinstatement. N.T. 93.

Stacey Bohl

93. Stacey Bohl is Petitioner's partner. She met him in 2018 while

employed by Home Depot. N.T. 95-96.

94. Ms. Bohl and Petitioner have lived together for the last three years and have a child together. N.T. 96.

95. Ms. Bohl testified that Petitioner is an “awesome” father to their young daughter and a “great step-dad” to Ms. Bohl’s 16-year-old son. N.T. 96, 97.

96. Petitioner disclosed to Ms. Bohl his past drug use and criminal convictions. N.T. 97.

97. Since they have been together, Ms. Bohl has seen no slippage in Petitioner’s sobriety. N.T. 97, 101.

98. According to Ms. Bohl, Petitioner has a “very good” reputation in the community for being law-abiding and being truthful and honest. N.T. 99-100.

99. Ms. Bohl has no hesitation in recommending Petitioner’s reinstatement. N.T. 100.

Miscellaneous Findings of Fact

100. Petitioner’s misconduct resulted from his substance abuse. Ex. P-1b, ¶ 20.

101. Petitioner does not pose a threat to the public or the integrity of the legal system, as demonstrated by his current reputation for being law-abiding. N.T. 33, 43, 50-51, 62, 74, 85, 91-92, 99-100.

102. ODC neither opposed the Petition for Reinstatement nor filed proposed findings of fact or conclusions of law. ODC Letter dated November 8, 2021.

103. Petitioner's testimony was credible.

104. Petitioner's witnesses were credible.

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 practice law in the 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 following his suspension for a period of two years on consent, ordered by the Supreme Court of Pennsylvania on November 17, 2016.

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 of law until reinstated by the Court. In order to gain reinstatement, Petitioner must prove 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). 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 or disbarment, but rather, the nature and extent of the rehabilitative efforts he 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 of Pennsylvania, 363 A.2d 779, 780-781 (Pa. 1976).

The underlying misconduct for which Petitioner consented to a suspension of two years consisted of his criminal convictions for two misdemeanor counts for knowingly or intentionally possessing a controlled substance by a person not registered under the Controlled Substance, Drug and Cosmetic Act and a DUI offense, respectively. Initially, Petitioner was sentenced to 36 months of probation in the substance abuse unit after his August 26, 2015 guilty plea, but he soon violated that probation with the DUI offense on September 29, 2015, to which he pled guilty on December 10, 2015. Petitioner was sentenced to 23 months of intermediate punishment with 55 days of incarceration with the balance to be served by electronic monitoring, long term inpatient treatment, and follow-up care.

Petitioner’s uncontradicted hearing testimony established that he is fit to practice law and qualified for reinstatement. The record demonstrates that Petitioner is an addict whose alcohol and drug use since his teenage years has severely impacted his personal and professional life. Although Petitioner voluntarily participated in inpatient treatment in the past, he explained that he did it to appease his family and save his career,

rather than to truly become sober. Petitioner progressed from alcohol and drugs like marijuana and cocaine to prescription narcotics and eventually, heroin. After experiencing the loss of legal employment and becoming involved in the criminal justice system on several occasions, Petitioner's addiction struck its final blow when Petitioner lost both his personal freedom through incarceration and his professional livelihood through his law license suspension. It was at this nadir that Petitioner realized he was tired of what his life had become and did not want to be someone who was in and out of jail and rehabilitation. Petitioner came to the stark conclusion that if he continued to use drugs at the rate he had prior to incarceration, he might end up dead.

With this newfound willingness to change, Petitioner has taken positive measures to address his addiction and stay sober since his release from incarceration on July 21, 2016. He attended intensive outpatient therapy for six to eight weeks at Key Recovery in Brookhaven, Pennsylvania, where he participated in three-hour therapy sessions three times per week. This later was reduced to one-hour sessions twice per week for another six to eight weeks. Petitioner has been narcotics-free since July 18, 2016 and attributes much of his success to his active participation in NA. Once out of jail, Petitioner attended daily NA meetings for several years and currently attends meetings approximately four times per week. Petitioner has a sponsor to work through the 12-step program and volunteers at NA by serving as a business chairperson. He credibly testified that he intends to continue his NA participation indefinitely, as maintaining his sobriety is a top priority. In addition, Petitioner participates in LCL, attending occasional meetings

and acting as a peer volunteer. Petitioner has improved his emotional and physical wellbeing by engaging in regular exercise and healthy diet.

During his five-year period of suspension, Petitioner maintained steady employment in order to support himself and later, his significant other and their child. Although Petitioner was out of work for about seven months after his release from jail, he obtained employment at Home Depot in March 2017 and worked there as an hourly employee until July 2019. At that point, Petitioner was thinking about his future more clearly, as his daughter had been born recently and he wanted to increase his income. He reached out to some attorney contacts and eventually obtained employment at American Disability Alliance in a position that includes administrative, paralegal, and office manager functions. Petitioner has scrupulously avoided engaging in the practice of law and has not held himself out as eligible to practice law. If reinstated, Petitioner hopes to work for his current employer as an attorney. Attorney Taylor confirmed that his organization is interested in employing Petitioner as an attorney. During his period of suspension, Petitioner maintained his legal knowledge by fulfilling required CLE courses and staying abreast of legal developments through his review of *The Legal Intelligencer* and *The Philadelphia Bar Reporter*.

In addition to addressing his addiction and maintaining stable employment, during his suspension Petitioner demonstrated a good faith effort to satisfy debts and judgments. Petitioner stayed current with his tax filings and addressed his outstanding personal debts by paying down those debts and setting up payment plans for several, including Macy's, Home Depot, and a student loan. Petitioner has a judgment against

him from Wells Fargo for a house foreclosed upon doing his incarceration and a judgment from a homeowner's association. He credibly testified that he has not been able to make payments on those judgments due to his reduced income, but he intends to satisfy them when he is in a better financial position. Petitioner has an outstanding debt to the Delaware County probation office related to his underlying criminal conviction in the amount of \$2,385.50. Petitioner introduced evidence that established he is paying a minimum of \$50 per month on the obligation and made his first payment on October 7, 2021.

Notably, Petitioner communicated genuine remorse for his misconduct, candidly and comprehensively acknowledged his addiction and his criminal misconduct, and admitted that his misconduct warranted suspension of his license to practice law. He did not attempt to cast blame on others or minimize the seriousness of his criminal actions. Petitioner testified that he is trying to do better every day and be the best version of himself that he can be. He is cognizant that for many years, people did not get the best from him, whether personally or professionally, and Petitioner wants to make that right and move on to the best of his ability.

Petitioner's eight character witnesses provided credible and compelling testimony that established Petitioner's moral qualifications and fitness to resume the practice of law. A diverse group of witnesses from different aspects of Petitioner's life – professional, NA, and personal – testified in support of Petitioner's reinstatement. These witnesses collectively opined that Petitioner has made substantial changes in his life, is committed to recovery, and is maintaining his sobriety. These witnesses provided

trustworthy and positive insights into Petitioner's rehabilitated character and competence, and their testimony convincingly established that Petitioner would not pose a threat to the public if he is reinstated.

We conclude from the evidence of record that Petitioner spent his suspension period engaged in genuine rehabilitation. Petitioner met the requirements of Rule 218(c)(3), Pa.R.D.E., by presenting credible evidence to show his moral qualifications, competency and learning in the law. Although Petitioner's original misconduct caused his suspension, he demonstrated via his own testimony and the testimony of his character witnesses, that his reinstatement will not harm the public or be detrimental to the integrity of the profession.

Under similar circumstances, attorneys have been reinstated to practice law in this Commonwealth. See *In the Matter of Robert Toland, II*, No. 104 DB 2009 (D. Bd. Rpt. 11/1/2019) (S. Ct. Order 12/3/2019) (petitioner reinstated following suspension for a period of three years on consent based on multiple DUI convictions; Toland spent seven years rehabilitating himself from addiction through participation in treatment groups and demonstrated dedication to sobriety and renewed stability in his life); *In the Matter of Chrystyna M. Fenchen*, No. 9 DB 2014 (D. Bd. Rpt. 11/23/2016) (S. Ct. Order 12/28/2016) (petitioner reinstated from suspension for one year and one day for DUI convictions that resulted in 18 months imprisonment; Fenchen demonstrated rehabilitation by addressing alcoholism); *In the Matter of Ashly Mae Guernaccini a/k/a Ashly Mae Wisher*, No. 118 DB 2005 (D. Bd. Rpt. 8/5/2015) (S. Ct. Order 8/21/2015) (petitioner reinstated after suspension for a period of two years based upon conviction of

possession of controlled substances; following release from prison, Guernaccini successfully completed treatment and rehabilitation for drug addiction); ***In the Matter of Laurie Jill Besden***, No. 190 DB 2005 (D. Bd. Rpt. 10/21/2009) (S. Ct. Rpt. 12/4/2009) (petitioner reinstated following suspension for a period of three years based upon criminal convictions for violating various drug and identify theft laws, offenses she committed in support of her drug addiction; Besden presented ample and compelling evidence of her involvement in treatment programs, her sincere remorse and acceptance of responsibility, as well as her dedication to sobriety).

Similar to the above petitioners, who successfully gained reinstatement after discipline for criminal misconduct caused by addiction issues, Petitioner has accepted responsibility for his actions, displayed sincere contrition, demonstrated commitment to long-term recovery from addiction, maintained his sobriety, maintained stable employment, addressed his financial obligations, and demonstrated a plan for reentry to the legal profession.

The evidence of record amply demonstrates that Petitioner has successfully met his reinstatement burden under Pa.R.D.E. 218(c)(3), and is morally qualified, competent and learned in the law. His reinstatement will not be detrimental to the public or to the profession. For all of the above reasons, the Board recommends that the Petition for Reinstatement be granted.

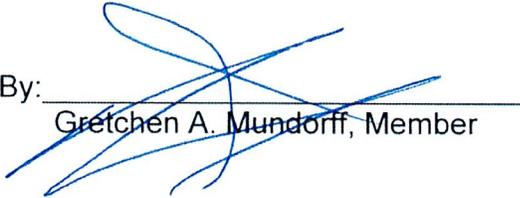
V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Petitioner, John Anthony Costalas, 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: 
Gretchen A. Mundorff, Member

Date: 4/28/22

Chair Lehocky recused.