

DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

In re Freedman

66 Pa. D. & C.4th 208 (2003) · Decided January 31, 2003

SUMMARY

The Pennsylvania Supreme Court's Disciplinary Board recommended reinstating Allan Hyman Freedman, who had been disbarred on consent in 1992 following drug-related criminal convictions. The court granted reinstatement on April 29, 2003, finding that Freedman had demonstrated the required moral qualifications, legal competency, rehabilitation, and lack of detriment to the public or the integrity of the bar.

CASE DETAILS

COURT	Disciplinary Board of the Supreme Court of Pennsylvania
WRITING FOR THE COURT	Donohue
JURISDICTION	Pennsylvania
DECIDED	January 31, 2003
DISPOSITION	other
PROCEDURAL POSTURE	Petition for reinstatement to the Pennsylvania bar after disbarment on consent; the Disciplinary Board recommended reinstatement, and the petition was granted.
STANDARD OF REVIEW	The petitioner bears the burden of proving by clear and convincing evidence that he possesses the moral qualifications, competency, and learning in the law necessary to practice and that resumption of practice will not be detrimental to the integrity or standing of the bar, the administration of justice, or the public interest.
PRECEDENTIAL VALUE	Published disciplinary decision; persuasive authority on attorney reinstatement standards, subject to the governing Pennsylvania disciplinary rules and controlling Pennsylvania Supreme Court precedent.
PARTIES	Allan Hyman Freedman v. Office of Disciplinary Counsel

TOPICS

administrative law

agency adjudication

PRACTICE AREAS

legal ethics

attorney discipline

bar reinstatement

QUESTIONS PRESENTED

1. Whether Freedman's underlying criminal and disciplinary misconduct was so egregious that it precluded consideration of his petition for reinstatement.
2. Whether Freedman proved by clear and convincing evidence that he possessed the moral qualifications, competency, and learning in the law required for practice in Pennsylvania.
3. Whether Freedman's resumption of practice would be detrimental to the integrity or standing of the bar, the administration of justice, or the public interest.

HOLDINGS

1. Freedman's drug-related misconduct, although serious, was not so egregious or offensive as to preclude reinstatement.
2. Freedman proved by clear and convincing evidence that he possessed the moral qualifications, competency, and learning in the law necessary to practice law in Pennsylvania.
3. Freedman's resumption of practice would not be detrimental to the integrity or standing of the bar, the administration of justice, or the public interest.

KEY QUOTATIONS

"Considering all of the foregoing facts, the board is persuaded that petitioner has demonstrated that he has engaged in a qualitative period of rehabilitation during his nine-year disbarment." (215-216)

"Petitioner has shown that he is ready to accept his obligation as a member of the bar in this Commonwealth." (216)

FACTUAL BACKGROUND

Freedman was disbarred on consent in 1992 after pleading guilty to federal drug-distribution, money-laundering, and tax offenses arising from his participation in a former client's drug operation while addicted to cocaine. He served five years in prison, completed a 500-hour residential drug-treatment program, stopped using illegal drugs in 1988, and completed supervised release early. During the approximately nine years before the reinstatement hearing, he maintained employment, performed substantial community service, completed continuing legal education, maintained legal learning, accepted responsibility, and presented favorable character testimony.

PROCEDURAL HISTORY

Freedman filed a petition for reinstatement on July 20, 2001, after being disbarred on consent by order of the Supreme Court of Pennsylvania on November 19, 1992. A hearing committee held a reinstatement hearing on December 12, 2001, recommended granting the petition, and the Disciplinary Board adjudicated the matter on

August 7, 2002. The Board recommended reinstatement, and the April 29, 2003 order granted the petition and directed Freedman to pay the expenses of the investigation and proceeding.

DISPOSITION

other

CASES CITED

- Office of Disciplinary Counsel v. Keller, 509 Pa. 573, 506 A.2d 872 (1986)
- In re Verlin, 557 Pa. 47, 731 A.2d 600 (1999)
- In re Anonymous No. 47 D.B. 83, 24 D. & C.4th 527 (1994)
- In re Anonymous No. 72 D.B. 86, 33 D. & C.4th 567 (1996)
- In re Anonymous No. 36 D.B. 88, 24 D. & C.4th 519 (1994)