

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 648 Disciplinary Docket No. 3
: :
: No. 10 DB 2001
GERARD EMMETT EVANS : :
: Attorney Registration No. 50527
: :
PETITION FOR REINSTATEMENT : (Out Of State)

ORDER

PER CURIAM:

AND NOW, this 15th day of December, 2008, upon consideration of the Report and Recommendations of the Disciplinary Board dated October 3, 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.

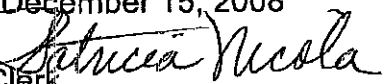
A True Copy Patricia Nicola

As of: December 15, 2008

Attest:

Chief Clerk

Supreme Court of Pennsylvania



BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 648, Disciplinary Docket
: No. 3
:
GERARD EMMETT EVANS : No. 10 DB 2001
:
: Attorney Registration No. 50527
PETITION FOR REINSTATEMENT :
: (Out of State)

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

Gerard Emmett Evans was disbarred on consent by Order of the Supreme Court of Pennsylvania on February 26, 2001, as a result of his conviction in the United States District Court for the District of Maryland on charges of mail fraud and wire fraud. Mr. Evans filed a Petition for Reinstatement to the bar of the Supreme Court of

Pennsylvania on August 31, 2007. Office of Disciplinary Counsel filed a Response to Petition for Reinstatement on January 14, 2008 and does not oppose the reinstatement.

A reinstatement hearing was held on April 30, 2008, before a District I Hearing Committee comprised of Chair Mark Dixon Damico, Esquire, and Members Stewart J. Greenleaf, Jr., Esquire and James E. Gavin, Esquire. Petitioner was represented by George A. Weber, III, Esquire. Petitioner offered the testimony of two witnesses and testified on his own behalf.

The Hearing Committee filed a Report on August 21, 2008 and recommended that the Petition for Reinstatement be granted.

This matter was adjudicated by the Disciplinary Board at the meeting on September 15, 2008.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner is Gerard Emmett Evans. He was born in 1955 and was admitted to practice law in Pennsylvania in 1987. He was disbarred on consent on February 26, 2001. His current business address is 193 B Main St., Annapolis MD 21401.

2. Petitioner was indicted in the United States District Court for the District of Maryland on felony charges of mail fraud and wire fraud. After a trial by jury, Petitioner

was found guilty of mail fraud and aiding and abetting, and wire fraud and aiding and abetting.

3. The criminal charges arose from a scheme engaged in by Petitioner and a Maryland State Representative named Tony Fulton. At that time Petitioner made his living as a lobbyist. Mr. Fulton on several occasions proposed to draft a new bill concerning market share liability which might have adversely affected some of Petitioner's lobbying clients. Mr. Fulton never intended to introduce such legislation, and instead the bill was simply a ploy enabling Petitioner to earn excessive fees from certain clients.

4. On September 29, 2000, Respondent was sentenced to a term of imprisonment of 30 months, a supervised period of release of two years, an assessment of \$900, a fine of \$50,000, and restitution of \$139,000.

5. Petitioner served his sentence at the Federal Prison Camp in Cumberland, Maryland, for eleven months.

6. During Petitioner's confinement he volunteered in a program mentoring juvenile offenders, was the law librarian at the prison and taught GED classes to fellow inmates. Petitioner sent money from his inmate account to police and fire relief agencies in New York City after the events of September 11, 2001.

7. While incarcerated Petitioner participated in a residential drug and alcohol treatment course in order to assist others in counseling and completed approximately 12 hours toward a PhD in American Studies from the University of Maryland.

8. After his release from prison Petitioner rebuilt his professional life and resumed his lobbying activities in Maryland.

9. Petitioner is involved in numerous community activities, including: teaching at the University of Maryland without remuneration; serving on the Board of James MacGregor Burns Academy of Leadership where he is a senior fellow; teaching Sunday School at his church; serving as a member of the fundraising committee at his church; and volunteering with Hope House, a residential drug and alcohol rehabilitation center in Maryland.

10. Petitioner has provided pro bono services to the Davidsonville, Maryland Athletic Association in order to help them obtain a grant.

11. Petitioner fulfilled all of his court ordered responsibilities, including probation and restitution, which was settled for less than the court-ordered amount.

12. Petitioner has taken the required Continuing Legal Education courses necessary for reinstatement and keeps apprised of the law through his lobbying activities and teaching responsibilities.

13. Petitioner's period of disbarment has focused his desire to return to the bar and has emphasized the importance of his duty to uphold the integrity of the legal system.

14. Petitioner accepts responsibility for his involvement in the criminal misconduct and has implemented appropriate safeguards to avoid problems in the future.

15. There have been no complaints filed against him with the Maryland State Ethics Commission as to his lobbying activities.

16. Petitioner presented two witnesses on his behalf.

17. Georgia Sorenson, PhD, has been a professor at the University of Maryland for 27 years and has known Petitioner for 12 years. She knows him to be a loyal and fine person who has integrity.

18. Peter G. Angelos, Esquire, has practiced law for 48 years and is the Chairman and CEO and majority owner of the Baltimore Orioles baseball team. Mr. Angelos has known Petitioner for many years. Petitioner represents the Orioles and its interests before the General Assembly. Mr. Angelos considers Petitioner to have a first rate legal mind and is an individual who is held in high regard by the legislators.

19. Mr. Angelos believes that Petitioner, if readmitted, would conduct himself at the highest level of performance.

III. CONCLUSIONS OF LAW

1. The misconduct for which Petitioner was disbarred is not so egregious as to preclude consideration of the Petition for Reinstatement.

2. A sufficient period of time has passed since the misconduct, during which Petitioner engaged in qualitative rehabilitation.

3. Petitioner has demonstrated through clear and convincing evidence that he possesses the moral qualifications, competency and learning in the law necessary to practice law in the Commonwealth of Pennsylvania.

4. Petitioner's 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.

IV. DISCUSSION

Petitioner seeks reinstatement to the bar of the Supreme Court of Pennsylvania following his disbarment on February 26, 2001, for conviction of mail and wire fraud charges in the fall of 2000.

Reinstatement from disbarment cases present the threshold question of whether the initial act is so egregious as to preclude reinstatement. Office of Disciplinary Counsel v. Keller, 506 A.2d 872 (Pa. 1986). The established precedent suggests that Petitioner's crime, while certainly serious and regrettable, does not serve to impede his request for reinstatement. In the case of In re Perrone, 777 A.2d 413 (Pa. 2001), the petitioner had been disbarred for filing false and misleading fee petitions with the City of Philadelphia concerning the provision of legal services to indigent defendants. The Supreme Court determined that the misconduct was not so egregious as to bar reinstatement. See also, Matter of Verlin, 731 A.2d 600 (Pa. 1999) (attorney's misconduct

in assisting personal injury client in impersonating a dead man at a deposition was not so egregious that it precluded consideration of petition for reinstatement); Matter of Greenberg, 749 A.2d 434 (Pa. 2000) (finding the petitioner's criminal conviction of conspiracy and bankruptcy fraud not so egregious as to preclude reinstatement).

A related question in reinstatement from disbarment cases is whether Petitioner has met his burden of proving by clear and convincing evidence that the resumption of the practice of law would not have a detrimental impact on the integrity and standing of the bar, the administration of justice or the public interest. Pa. R. D. E. 218(c)(3)(i). In order to make this determination, the Board must consider the quantity of time that has passed since Petitioner was disbarred and his efforts at a qualitative rehabilitation. In re Verlin, supra. The challenge presented to Petitioner is showing by clear evidence that sufficient time has passed to dissipate the detrimental impact of his misconduct on the public trust. In re Perrone, supra.

Petitioner was disbarred on consent on February 26, 2001. At the time of the reinstatement hearing on April 30, 2008, Petitioner had been disbarred for slightly more than seven years. A portion of his disbarment was spent in confinement, where he volunteered as a mentor for juvenile offenders and as a GED teacher and law librarian. Petitioner also did course work toward a PhD from the University of Maryland and participated in a program to assist in counseling persons with drug and alcohol issues. Upon his release he resumed his professional lobbying activities and returned to his involvement in many civic activities in his community. Petitioner's period of disbarment

emphasized the importance of his obligation to uphold the integrity of the legal system and brought focus to his desire to return to the legal profession. He expressed regret for his criminal involvement and has implemented safeguards to avoid any such problems in the future. Due to his past misconduct Petitioner has resolved to be more circumspect in his dealings with those he lobbies.

The only firm timetable set by the Supreme Court in reinstatement from disbarment matters is the five year waiting period after disbarment. Pa.R.D.E. 218(b). Whether a sufficient time has passed must be determined by the unique circumstances of each particular case. The record in this case demonstrates that the seven year period of disbarment has been qualitative and meaningful to Petitioner's rehabilitation and has dissipated the impact of the original misconduct on the public trust.

Petitioner bears the burden of proving that he has the moral qualifications, competency and learning in the law required for admission to the bar. Pa.R.D.E. 218(c)(3)(i). Petitioner introduced character testimony to support his qualifications for readmission. Georgia Sorenson, PhD, a professor at the University of Maryland, expressed her opinion that Petitioner is a fine person who has integrity. He is a valued member of the faculty at the University of Maryland and in fact Petitioner was never terminated subsequent to his conviction due to the value he added to the program.

Peter Angelos, Esquire, offered persuasive testimony. Mr. Angelos is a practicing lawyer for 48 years and the Chairman and CEO of the Baltimore Orioles. Mr. Angelos utilizes Petitioner's lobbying services and expressed his opinion that Petitioner has

an excellent reputation and "he is an individual who is held in high regard by the legislators, no matter what the party may be, the party affiliation." Mr. Angelos describe Petitioner as having a first rate legal mind.

Petitioner has fulfilled his required credits for Continuing Legal Education and has kept current on the state of the law through his lobbying activities and teaching responsibilities at the University of Maryland. If reinstated, Petitioner plans to continue employment as a lobbyist.

The Board is persuaded that Petitioner has met his burden of demonstrating by clear and convincing evidence that he is qualified to practice law in the Commonwealth. For these 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 Petitioner, Gerard Emmett Evans, 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 3, 2008

Board Members Baer and Buchholz did not participant in the adjudication.