

Mandel and son win back right to practice law

By Joel McCord
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ANNAPOLIS — Former Gov. Marvin Mandel and his son, Gary Mandel, yesterday won back their rights to practice law as the Court of Appeals reinstated the former governor to the bar and lifted the suspension it imposed on his son.

Neither move came as a surprise. The state's highest court said in May it would lift the younger attorney's suspension, imposed in 1986 after he was convicted of forging prescriptions for the pain-killer Dilaudid, once it had documentary proof he was "presently drug-free."

In a brief order, the court said the younger Mr. Mandel should be allowed to practice law, agreeing with Stuart H. Brager, the doctor who concluded that he "does not have an addictive personality and does not suffer from any effects or use . . ." of

addictive drugs.

The former governor's reinstatement to the bar became inevitable last week when the U.S. Supreme Court left intact a federal appeals court ruling that wiped out his 1977 criminal conviction on mail fraud and racketeering charges.

That ruling ended the 14-year fight over the race-track scandal that drove Mr. Mandel from office and cleared the way for the return of his license to practice law.

Melvin Hirshman, the lawyer for the state's Attorney Grievance Commission, said last week that chances were good that the court, which includes two judges appointed by Mr. Mandel, would restore him to the bar.

It is unclear what Mr. Mandel plans. He could not be reached yesterday. But one of his attorneys, Ar-

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nold M. Weiner, noting that he and his associates have worked on the case since 1975, said, "Al Figinski, Stuart Berger and I are thrilled that the final curtain has come down and this drama has had a happy ending."

Mr. Mandel, who has been a consultant to Triangle General Contractors, a Hanover construction firm, said last week that he doubted he would run for public office again, but added that he would be involved in state politics.

The former governor was voluntarily suspended from the practice of law in 1977, and disbarred in 1982, because he and five co-defendants were convicted of taking part in a mail-fraud scheme that involved gifts of clothing, jewelry and interest

in land in return for Mr. Mandel's support of legislation to benefit Marlboro Race Track.

The co-defendants, W. Dale Hess, brothers Harry W. Rodgers III and William A. Rodgers, Irvin Kovens and Ernest N. Cory Jr., owned or had interests in the track.

The scheme, prosecutors said then, defrauded the citizens of Maryland of the honest services of Mr. Mandel as their governor. He served 19 months in federal prison but continued to press appeals after his release, arguing that he and his associates were wrongly charged because mail-fraud statutes did not cover such cases.

Finally, the Supreme Court in 1987 agreed with that argument in an unrelated case.

Mr. Mandel used that decision to

ask the U.S. District Court in Baltimore to reconsider his conviction, and Judge Frederic N. Smalkin overturned their convictions, based on the high court's ruling.

The 4th U.S. Circuit Court of Appeals upheld that decision last December. The Justice Department, seeking to have the conviction reinstated, asked the Supreme Court to review the case, but the justices declined last week.

Gary Mandel was convicted in 1985 on four counts of forging prescriptions for Dilaudid, a pain-killer to which he had become addicted while being treated for a back injury. He served four months in a work-release program and performed 150 hours of community service.

The same federal appeals court that wiped out his father's conviction

upheld the decision in the younger Mr. Mandel's case. That court is now reviewing the younger Mr. Mandel's request for a new trial, he said yesterday.

"This is good news," said Mr. Mandel, who has worked as a small-airplane pilot since his suspension from the bar. "I just talked to the clerk's office, and they said I could start practicing law again this afternoon."

His father, however, must take the attorney's oath and pay into the Client Security Trust Fund, which the state bar association has established to pay lawyer malpractice claims, before he can begin to practice law.

Reporter C. Fraser Smith contributed to this article.