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HEADLINE: Sanctions Against Two Attorneys Abated If They Keep Public Jobs

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BODY:

Departing from the Attorney Grievance Commission's recommendations, the Court of Appeals yesterday ruled that two lawyers could continue working as government attorneys in return for pledges that they would never return to private practice.

And in a strong, lone dissent, Judge Irma S. Raker said the majority was sending the wrong message to the public and the bar.

It's inappropriate to condition the practice of law on whether an attorney finds a job with a governmental unit as opposed to the private sector, Raker said.

"The ethical and professional standards do not differ depending upon whether one is practicing as an attorney in private practice or with the State," she wrote.

Attorney Ronald W. Lawrence was accused by the Attorney Grievance Commission (AGC) of failing to adequately represent clients in six separate incidents in the first six years of practice.

Lawrence said personal tragedies and a clinical depression caused problems in his practice.

He has since closed his practice and now works as a staff attorney with the Injured Worker's Insurance Fund.

The Court of Appeals decided to indefinitely suspend Lawrence, but not implement the suspension if Lawrence agrees to "limit his practice to his employment by the IWIF" and continues his psychiatric care.

In the second case, the AGC charged Sheila Brooks-Tahir with violations of state and federal tax laws for failing to pay employee withholding taxes.

The AGC had previously recommended disciplinary actions against Brooks-Tahir three times.

In the case decided yesterday, however, a majority of the Court of Appeals found that she couldn't pay her taxes because of low income generated by her Salisbury practice and that "she had no intention of cheating or defrauding the taxing authorities."

Brooks-Tahir has found work as a lawyer in the Baltimore City Solicitor's Office, assigned to the Dept. of Housing and Community Development.

As in the Lawrence case, the majority decided to indefinitely suspend her, but not impose the suspension if she agrees never to engage in the private practice of law.

Raker said the majority failed to follow past precedent and in effect, treated Brooks-Tahir differently from other attorneys in similar circumstances.

Attorneys are failing to pay taxes more and more often, Raker noted, and the failure to file employee withholding tax forms and pay the taxes "is serious professional misconduct."