

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 57 DB 2023
: :
Petitioner : :
v. : :
: :
NATHANIEL EDMOND STRASSER, : Attorney Registration No. 27554
: :
Respondent : (Erie County)

**BRIEF OF RESPONDENT NATHANIEL EDMOND STRASSER
TO HEARING COMMITTEE**

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Attorney for Respondent

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METHOD OF CITATION USED

Numbers and letters in parentheses indicate documents and locations as follows:

Ans. ___ indicates a (numbered) paragraph of the Answer to Petition for Discipline that Respondent filed on May 1, 2023;

N.T. _____ indicates a page or pages of the notes of testimony from the disciplinary hearing on September 18, 2023;

ODC-_____ at _____ indicates a (numbered) exhibit of the Office of Disciplinary Counsel at Bates stamp pagination; and

Respondent-_____ indicates a (lettered) exhibit of Respondent.

“

TABLE OF AUTHORITIES

<u>Cases</u>	<u>Page(s)</u>
<i>Office of Disciplinary Counsel v. Braun</i> , 553 A.2d 894 (Pa. 1989)	2
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I. STATEMENT OF THE CASE

Respondent concurs as to the Statement of the Case filed by Office of Disciplinary Counsel.

II. PROPOSED FINDINGS OF FACT

Respondent concurs in Petitioner's Proposed Findings of Fact 1-19. Respondent submits the following additional Proposed Findings of Fact;

1. Respondent has no prior disciplinary history.
2. Respondent has a history of substance abuse. He received in-patient substance abuse treatment at the Richard J. Caron Foundation in Warrentonville, Pennsylvania from September 5, 2018 to October 6, 2018, and October 10, 2018 to November 21, 2018. He was then discharged to Prodigal House on November 21, 2018 and was successfully discharged on February 18, 2019. (Copies of records are attached as Exhibit A.)
3. Respondent is currently enrolled in a substance abuse outpatient program at the Dowd Treatment Center in Erie, Pennsylvania. He attends therapy sessions and 12 Step meetings regularly. He also undergoes urine screenings one to two times per week. A copy of a report dated December 17, 2023, from the Dowd Center is attached as Exhibit B.
4. Respondent's misconduct caused no harm to any client.
5. Respondent enjoys a good reputation as a lawyer. Copies of character reference letters are attached as Exhibit C.

III PROPOSED CONCLUSION OF LAW

Respondent violated RPC 1.16(a)(2) and RPC 8.4(b).

IV ARGUMENT

Respondent has a long history of substance abuse. He was molested as a child and has had ongoing issues related to that abuse including depression and substance abuse. Despite his issues, he has served his clients well, both as an Assistant Public Defender and as an Assistant District Attorney. He has absolutely no prior disciplinary history.

Despite his testimony, he is in fact an addict. Like many other professionals, he has a difficult time acknowledging that fact. Denial, according to the American Psychological Association, is “an involuntary ‘defense mechanism’ that aims to ignore negative thoughts or feelings.” *“Addiction Denial and Symptoms, Behaviors and How To Help,”* American Addiction Centers.

Respondent recognizes that his self-representation was inappropriate and deficient. He should have retained counsel. Evidence of his substance abuse history and treatment should have been admitted. The evidence was readily available and was highly relevant to the question of disposition. *Office of Disciplinary Counsel v. Braun*, 553 A.2d 894 (Pa.1989).

Respondent is a good candidate for substance abuse probation. D.Bd. Rule 38.182; *Office of Disciplinary Counsel v. Tomasic*, No. 134 DB 2021. His substance abuse was clearly the factor causing his misconduct. In fact, substance abuse was the misconduct. Respondent has been in constant contact with Lawyers Concerned for Lawyers (LCL) and can identify a sobriety mentor. Respondent will continue substance

abuse counseling as outlined in the Dowd report and will comply with any and all conditions imposed by the Board.

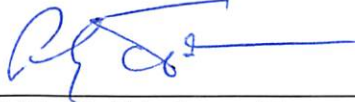
Respondent recognizes that the record before the Committee is deficient. Respondent has attached an abstract of his treatment, previously provided to Office of Disciplinary Counsel. Respondent requested leave to supplement the hearing record which the Committee denied. Nonetheless, the records have been made available and Respondent would still like the opportunity.

The Disciplinary system is designed “to protect the public from unfit attorneys and to maintain the integrity of the legal system.” *Office of Disciplinary Counsel v. Presta*, 134 A.3rd 1027, 1031 (Pa. 2016). It is not to punish the offending attorney. *Office of Disciplinary Counsel v. Cappuccio*, 616 Pa. 439, 48 A.3d, 1231, 1238-39 (2012). In the present case, suspending Respondent for a year and one day as proposed by Office of Disciplinary Counsel is punishment. It is punishment for Respondent’s conduct at the hearing. Respondent clearly has a substance abuse problem which requires continued treatment and monitoring. His substance abuse is not a cause of his misconduct. It is the only cause.

V. CONCLUSION

Respondent respectfully requests that the Hearing Committee recommend to the Disciplinary Board of the Supreme Court of Pennsylvania that Respondent be placed on substance abuse probation for a period of two years.

Respectfully submitted,



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Petitioner :
 :
v. : Attorney Reg. No. 205573
 :
NATHANIEL EDMOND STRASSER, :
Respondent : (Erie County)

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 204 Pa.C.S. § 89.22 (relating to service by a participant).

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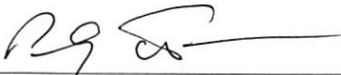
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Dated: 01/02/2024


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