

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of	:	No. 1632 Disciplinary Docket No. 3
	:	
ROBERT M. DANENBERG	:	No. 130 DB 2010
	:	
	:	Attorney Registration No. 43657
	:	
PETITION FOR REINSTATEMENT	:	(Allegheny County)

ORDER

PER CURIAM

AND NOW, this 2nd day of December, 2016, the Petition for Reinstatement is granted. Petitioner is directed to pay the expenses incurred by the Board in the investigation and processing of the Petition for Reinstatement. See Pa.R.D.E. 218(f).

A True Copy Patricia Nicola
As Of 12/2/2016

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

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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 this Honorable Court regarding the above-captioned Petition for Reinstatement.

I. HISTORY OF PROCEEDINGS

By Order dated December 16, 2014, the Supreme Court of Pennsylvania suspended Robert M. Danenberg from the practice of law for a period of five years, retroactive to September 27, 2010.

On January 11, 2016, Mr. Danenberg filed a Petition for Reinstatement to the bar of the Supreme Court. Office of Disciplinary Counsel filed a Response to the Petition on March 7, 2016.

A reinstatement hearing was held on May 3, 2016, before a District IV Hearing Committee comprised of Chair Francis C. Rapp, Esquire and Members Jill M. Ondos, Esquire and James R. Burn, Jr., Esquire. Petitioner was represented by Craig E. Simpson, Esquire. Petitioner presented the testimony of three witnesses and testified on his own behalf. Petitioner introduced one exhibit. Office of Disciplinary Counsel did not call any witnesses or introduce any exhibits.

Following the submission of a Brief by Petitioner, the Hearing Committee filed a Report on August 5, 2016, and recommended that the Petition for Reinstatement be granted.

The parties did not file exceptions to the Report and recommendation of the Hearing Committee.

The Disciplinary Board adjudicated this matter at the meeting on October 13, 2016.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner is Robert M. Danenberg. He was born in 1954 and admitted to the practice of law in 1985. His registered attorney address is 2754 Beechwood Boulevard, Pittsburgh, PA 15217. Petitioner is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.
2. Following his admission to the bar, Petitioner practiced law in Wilkes-Barre, Pennsylvania, for approximately three years before moving to Pittsburgh in 1989.

He worked at several law firms prior to operating his own practice between November 1, 1997 and July 28, 2010. N.T. 14-16.

3. On January 8, 2010, pursuant to a plea agreement, Petitioner entered a plea of guilty to conspiracy to commit wire fraud, in violation of 18 U.S.C. §§1349 and 1343. Reinstatement Questionnaire ("RQ") Attachments 3 and 4.

4. Petitioner engaged in mortgage fraud with regard to ten different lenders, and agreed that he caused a loss of \$250,000.00. Although Petitioner earned his usual legal fees for his services in the subject real estate closings, he did not receive any other financial gain from the transactions. RQ Attachment 3; N.T. 18, 19, 67.

5. On May 25, 2010, Petitioner was sentenced to imprisonment of twenty-four months in a federal institution. RQ Attachment 3; N.T. 21, 23.

6. Prior to his sentencing, Petitioner paid full restitution of \$250,000.00. N.T. 22.

7. Petitioner was incarcerated at FCI Morgantown, West Virginia from July 29, 2010 to February 14, 2012. N.T. 21, 22.

8. Following his release from incarceration, Petitioner served a period of home confinement and was ordered to serve three years of supervised release. N.T. 23.

9. Petitioner's supervised release was terminated in May of 2013 after one year, without opposition from the U.S. Attorney or the Federal Probation Office. N.T. 28.

10. By Order of the Supreme Court dated September 27, 2010, Respondent was placed on temporary suspension. RQ Attachment 3.

11. By Order dated August 20, 2014, Petitioner was suspended for a period of five years, retroactive to September 27, 2010. *Id.*

12. Prior to his conviction, Petitioner had no disciplinary record in a legal career spanning approximately twenty-five years. N.T. 16.

13. During his incarceration, Petitioner bettered himself by becoming involved in physical fitness, deepening his involvement in his religion, and taking computer classes. N.T. 24-25.

14. While in prison, Petitioner tutored other inmates in basic personal finance issues. He created the curriculum and taught three adult continuing education classes. The expenses for materials associated with these courses were paid by Petitioner. N.T. 25-26.

15. Petitioner's family stood behind him throughout his conviction, incarceration, and loss of his law license. N.T. 40-41.

16. Petitioner is employed by CECity, a medical technology business located in Homestead, Pennsylvania. Petitioner obtained this employment in May 2012, shortly after his release from home confinement, and he has stayed employed there for four years. N.T. 29.

17. At the time CECity hired Petitioner, it was aware of his background including his conviction, incarceration, and suspension from the practice of law. N.T. 31-32.

18. Although Petitioner works in business development as a CECity "contract specialist," he and the company made certain that he did not engage in the practice of law. N.T. 30-31.

19. Should he be readmitted to the practice of law, Petitioner believes there may be an opportunity for him to perform in-house legal services for CECity. N.T. 38.

20. Petitioner was involved in community and charitable activities prior to his conviction and has continued to be involved in community activities since his release from prison. He serves as a volunteer for the Aleph Institute, a non-profit religious, educational, and humanitarian organization serving the Jewish community, and as a volunteer with the Squirrel Hill Urban Coalition. N.T. 32-33, 36.

21. Petitioner has publicly shared his circumstances with individuals and families affected by incarceration. RQ Question 20, p. 23; N.T. 33-35.

22. In order to maintain his learning in the law, Petitioner took thirty-nine Continuing Legal Education ("CLE") credits in the year preceding the filing of his Petition for Reinstatement, and read the PA Law Weekly and the ACBA Law Journal during his suspension. RQ Questions 19(a) and (b); N.T. 37-39.

23. Petitioner was eligible to file his Petition for Reinstatement in January 2015; however, he spent a year carefully preparing the Reinstatement Questionnaire, in order to ensure that it was as complete as possible. N.T. 39.

24. If reinstated, Petitioner will not seek licensure as a title insurance agent, and will "never act" as a settlement closing attorney. N.T. 48.

25. Petitioner credibly testified about how he took full responsibility for his criminal conduct. Throughout the reinstatement process, he showed sincere remorse, which his character witnesses confirmed during his hearing. He said he was determined to "continue to do good things," and pledged "[i]t will never happen again". RQ Question 20, p. 22-4; N.T. 41-43, 45, 53, 60-61, 66.

26. Petitioner acknowledged that his actions tarnished his reputation, hurt his family, and harmed the legal profession. RQ Question 20, p. 22.

27. Petitioner apologized to the Hearing Committee for his actions. N.T. 44-45.

28. Petitioner offered the credible testimony of three witnesses.

29. David Grundler is Vice-President of Applied Systems Associates, a software company, and is an owner of IDG Improvements, a real estate business. He has known Petitioner for over a decade and is a member of the Western Pennsylvania Real Estate Investors Association, where he first met Petitioner. N.T. 50-51.

30. Mr. Grundler has known Petitioner to be an honest person. Mr. Grundler's knowledge of Petitioner's misconduct has not changed his overall assessment of Petitioner's character or honesty. N.T. 53.

31. Petitioner assisted Mr. Grundler in relocating Mr. Grundler's mother-in-law from Russia, helping her to settle in Squirrel Hill. Mr. Grundler later realized that Petitioner volunteered his assistance while embroiled in his own legal difficulties. N.T. 52-53.

32. In the past, Petitioner helped Mr. Grundler with real estate transactions, and Mr. Grundler unequivocally would hire Petitioner as an attorney upon Petitioner's reinstatement. N.T. 52, 56.

33. Charles Saul, Esquire has been a member in good standing of the Pennsylvania bar for forty-two years and has known Petitioner for many years. Mr. Saul previously testified at Petitioner's criminal sentencing and disciplinary hearing in this matter. N.T. 57-58.

34. Mr. Saul described Petitioner as "an upright person with integrity". In the past, Mr. Saul referred friends and family to Petitioner for legal services, and would do so again if Petitioner's license were reinstated. N.T. 59.

35. Petitioner told Mr. Saul on a number of occasions how sorry he was for his misconduct, and Mr. Saul found Petitioner sincerely remorseful for his past actions. Mr. Saul is confident that Petitioner's reinstatement will not present a danger to the public or have a negative effect on the standing or integrity of the bar. N.T. 59-61.

36. Mr. Saul believed that Petitioner's criminal conduct was an aberration and not consistent with Petitioner's overall reputation for honesty and integrity. N.T. 59.

37. Miles Kirshner, Esquire is Petitioner's brother-in-law and has known Petitioner for forty-five years. Mr. Kirshner credibly testified that the conduct for which Petitioner was convicted "was entirely inconsistent" with Petitioner's character. N.T. 62, 66.

38. Mr. Kirshner believed that Petitioner has demonstrated absolute contrition for his conduct, and would not be a danger to the public in any way if he were reinstated to the practice of law. N.T. 67-68.

39. Office of Disciplinary Counsel does not oppose Petitioner's reinstatement. N.T. 68-69.

III. CONCLUSIONS OF LAW

1. Petitioner met his burden by clear and convincing evidence that he possesses the moral qualifications, competency and learning in the law required for reinstatement to practice law in the Commonwealth of Pennsylvania. Pa.R.D.E. 218(c)(3).

2. Petitioner demonstrated by clear and convincing evidence that his resumption of the practice of law "will be neither detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest." *Id.*

IV. DISCUSSION

Petitioner seeks readmission to the practice of law in Pennsylvania following his suspension for a period of five years, imposed on December 16, 2014, retroactive to September 27, 2010. Petitioner bears the burden of proving by clear and convincing evidence that he is morally qualified, competent and learned in the law and that his resumption of the practice of law will not be detrimental to the integrity and standing of the bar, the administration of justice, or subversive of the public interest. Pa.R.D.E. 218(c)(3); *In the Matter of Jerome J. Verlin*, 721 A.2d 600, 602 (Pa. 1999). A reinstatement proceeding is a searching inquiry into a lawyer's present professional and moral fitness to resume the practice of law. The object of concern is not solely the transgressions that gave rise to the lawyer's suspension, but rather the nature and extent of the rehabilitative efforts made since sanctions were imposed, and "the degree of success achieved in the rehabilitative process". *Philadelphia News., Inc. v. Disciplinary Board of the Supreme Court*, 363 A.2d 779, 780-781 (Pa. 1976).

The Board concludes from the evidence of record that Petitioner has met his reinstatement burden and recommends that he be reinstated to the practice of law.

The underlying misconduct for which Petitioner was suspended was his criminal conviction of conspiracy to commit wire fraud stemming from his engaging in mortgage fraud affecting ten different lenders, and causing a loss of \$250,000.00. This extremely serious misconduct was addressed by the Supreme Court's five-year-suspension of Petitioner from the practice of law. Petitioner made full restitution and served a term of imprisonment for eighteen months, followed by a period of supervised release, which ended after a year.

The record supports the conclusion that Petitioner is morally fit, competent and learned in the law. Petitioner fully acknowledged his criminal conduct and agreed that his behavior warranted suspension of his license to practice law. Petitioner did not attempt to minimize or justify his misconduct and expressed genuine and sincere remorse and regret. His testimony at the reinstatement hearing and his written admissions in the Reinstatement Questionnaire were candid and forthcoming. Petitioner acknowledged that he had "made terrible mistakes in [his] professional and personal judgment that led to serious and unimaginable consequences." RQ Question 20. Petitioner continually expressed gratitude to his family and community of supporters for standing by him.

Petitioner rehabilitated himself during his time of suspension. During his eighteen months in a federal prison, he focused on educational opportunities for himself and other inmates, as well as his physical fitness and religion in an effort to understand the reasons for his misconduct and come to terms with his wrongdoing. After his release from incarceration and home confinement in 2012, Petitioner secured gainful employment with CECity and intends to remain employed with that company, if he is reinstated. Petitioner has given back to his community by actively engaging in volunteer opportunities with the Aleph Institute and the Squirrel Hill Urban Coalition. Petitioner has publicly told his story to others, including persons faced with incarceration, in order to let them know what he went through and how they, too, can find "life after this," recover, rehabilitate, and be successful. N.T. 35-36.

Although Petitioner was eligible to apply for reinstatement in January 2015, he made a deliberate decision to delay filing his petition until January 2016. Petitioner used that additional time to carefully prepare his Reinstatement Questionnaire in order to

ensure that the Hearing Committee, the Board, and the Supreme Court would have the benefit of a completely candid picture of him. N.T. 39-40.

Petitioner's three witnesses provided reliable and credible insight into the quality of Petitioner's character and his competence as a legal practitioner. These witnesses have observed Petitioner's acceptance of responsibility and expressions of remorse and support his reinstatement. The witnesses' testimony left no doubt that Petitioner is well-respected in the legal community and community at large, and that his reinstatement would neither present a danger to the public, nor harm the integrity and standing of the bar.

In addition, Petitioner fulfilled the CLE requirements necessary for reinstatement, and kept abreast of developments in the law by reviewing two legal periodicals. N.T. 37-38.

To conclude, the evidence of record demonstrates that Petitioner's suspension period has been a time of genuine, extensive rehabilitation. *See In the Matter of Danielle M. Ross*, 179 DB 2013 (D. Bd. Rpt. 5/10/2016) (S. Ct. Order 6/6/2016), and *In the Matter of Scott Philip Sigman*, 43 DB 2012 (D. Bd. Rpt. 7/26/2016) (S. Ct. Order 8/17/16). Petitioner met the requirements of Pa.R.D.E. 218(c)(3), by proving that he is morally qualified, competent and learned in the law, and that his reinstatement will not be detrimental to the public or the profession. For all of the above reasons, the Board recommends that his Petition for Reinstatement be granted.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Robert M. Danenberg, be reinstated to the practice of law.

The Board further recommends that, pursuant to Rule 218(f), 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: 

Jane G. Penny, Board Chair

Date: 10/27/16

Board Members Leonard and Goodrich did not participate in the adjudication.