

IN THE SUPREME COURT OF PENNSYLVANIA

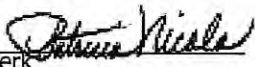
OFFICE OF DISCIPLINARY COUNSEL, : No. 2020 Disciplinary Docket No. 3
: :
Petitioner : No. 179 DB 2013
: :
v. : Attorney Registration No. 92346
: :
DANIELLE M. ROSS, : (Lackawanna County)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 6th day of June, 2016, the Petition for Reinstatement is granted. Petitioner is directed to pay the expenses incurred by the Board in the investigation and processing of this Petition. See Pa.R.D.E. 218(f).

A True Copy Patricia Nicola
As Of 6/6/2016

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 2020 Disciplinary Docket No. 3
: :
: No. 179 DB 2013
DANIELLE M. ROSS : :
: Attorney Registration No. 92346
: :
PETITION FOR REINSTATEMENT : (Lackawanna County)

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

By Order dated September 24, 2015, the Supreme Court suspended Danielle M. Ross on consent for a period of twenty-six months retroactive to March 6, 2014. Ms. Ross filed a Petition for Reinstatement on October 14, 2015. Office of Disciplinary Counsel filed a Response to Petition for Reinstatement on November 12, 2015, followed by a Supplemental Response filed on February 3, 2016.

A reinstatement hearing was held on February 18, 2016, before a District III Hearing Committee comprised of Chair Joseph D. Burke, Esquire, and Members

James L. Goldsmith, Esquire and Kevin C. McNamara, Esquire. Petitioner was represented by Joseph G. Price, Esquire. Petitioner presented three witnesses and testified on her own behalf. She presented a single exhibit consisting of six letters. Office of Disciplinary Counsel did not call any witnesses and did not offer any exhibits into evidence.

Following the submission of a brief by Petitioner, the Hearing Committee filed a Report on March 31, 2016 and recommended that the Petition for Reinstatement be granted.

No Briefs on Exception were filed by the parties.

This matter was adjudicated by the Disciplinary Board at the meeting on April 21, 2016.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner is Danielle M. Ross. She was born in 1976 and was admitted to the practice of law in Pennsylvania in 2004. Her attorney registration address is 240 Penn Avenue, Scranton, PA 18503. Petitioner is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

2. Following her admission to the bar, Petitioner worked as an associate attorney at Mattise & Kelly, P.C., in Scranton, Pennsylvania. In 2008, she became the full-time Guardian ad Litem ("GAL") for the Lackawanna County Court of Common Pleas. Petitioner remained the GAL until February 2012. N.T. 11.

3. By Order of the Supreme Court of Pennsylvania dated February 4, 2014, Petitioner was temporarily suspended from the practice of law in Pennsylvania.

4. By Order dated September 24, 2015, the Supreme Court suspended Petitioner on consent for a period of 26 months, retroactive to March 6, 2014.

5. The underlying misconduct involved Petitioner's entry of a guilty plea on December 16, 2013, to Attempt to Evade or Defeat Tax, 26 U.S.C. §7201, a felony.

6. The basis of Petitioner's conviction was her failure to disclose the full extent of her income in her annual federal income tax returns for the years 2008 through 2010. Specifically, Petitioner omitted monies received from private paying parties involved in cases where she was appointed the GAL. Joint Petition in Support of Discipline on Consent, ¶¶6.

7. As a result of the guilty plea, on April 16, 2014, Petitioner was sentenced to a period of incarceration of twelve months, followed by a period of supervised release of one year and an order to make restitution to the Internal Revenue Service in the amount of \$63,124.00. Joint Petition in Support of Discipline on Consent, ¶¶7.

8. Petitioner served one year in prison. Her supervised release concluded on May 7, 2016. N.T. 13, 15.

9. Petitioner has satisfied the restitution portion of her sentence totaling \$63,124.00, which represented the back taxes, but has not paid the remaining penalties and interest, which total approximately \$88,000. N.T. 23; Reinstatement Questionnaire No. 10(c).

10. Petitioner's current payment plan with the IRS is \$100.00 per month; she intends to rectify the outstanding judgments against her by entering into a

payment plan that is commensurate with her income. To that end she has been communicating with the IRS. N.T. 22-24; Reinstatement Questionnaire No. 10(c).

11. During her suspension, Petitioner has been employed at the Needle Law Firm as a paralegal. Her work consists primarily of research and writing. N.T. 11, 15.

12. Petitioner thoroughly enjoys her paralegal work, which has rekindled her desire to practice law. N.T. 16.

13. Petitioner is engaged in an education program and is working towards obtaining a Ph.D. in clinical psychology. N.T. 16.

14. Petitioner has fulfilled her Continuing Legal Education requirements for reinstatement. N.T. 16; Petitioner's Reinstatement Questionnaire, pp. 16-17.

15. Petitioner takes full responsibility for her criminal acts. She self-reported her criminal conduct to the Disciplinary Board and cooperated fully in moving forward with her suspension from the practice of law. N.T. 12, 13.

16. Petitioner's remorse for her misconduct is genuine. She reflected particularly on the pain it caused her two minor daughters, her family, her colleagues and the court system. N.T. 14.

17. If she is successful in her request for readmission, Petitioner intends to reenter the practice of law and will continue her employment with the Needle Law Firm concentrating on civil, criminal and workers' compensation cases. N.T. 20.

18. Three witnesses testified on behalf of Petitioner.

19. Timothy Kelly, Esquire was admitted to the bar in Pennsylvania in 1982 and has known Petitioner since 2000. Mr. Kelly hired Petitioner as a paralegal in

or around 2000 and hired her as an associate attorney at Mattise & Kelly upon her admission to the bar in 2004. N.T. 25.

20. Petitioner worked for Mr. Kelly for four years, during which time she represented clients in workers' compensation and social security disability matters and did a very good job. N.T. 26.

21. Mr. Kelly is associated with the Needle Law Firm and rehired Petitioner as a paralegal in May 2015. N.T. 26-27.

22. Petitioner has done excellent work for Mr. Kelly drafting pleadings, demand letters, memoranda, briefs and discovery. N.T. 27.

23. Mr. Kelly strongly endorsed Petitioner's reinstatement on the basis of her work quality and her moral character. N.T. 28.

24. Nancy Barrasse, Esquire was admitted to the bar in Pennsylvania in 1993 and first met Petitioner on a professional basis when Petitioner was hired as the GAL. N.T. 32, 33.

25. Ms. Barrasse described in favorable terms her personal dealings with Petitioner while Petitioner served in the position of GAL. Ms. Barrasse found Petitioner to be well-prepared and very effective in the position. N.T. 33.

26. When Petitioner stepped down as the GAL, she went to work for Ms. Barrasse, who represented Petitioner before the Disciplinary Board in the discipline action that led to Petitioner's suspension. N.T. 34-35.

27. Ms. Barrasse testified favorably as to Petitioner's moral qualifications and competency as a practicing attorney, and believes that Petitioner is an excellent attorney who has much to offer to the bar and the community. N.T. 35-36.

28. David Solfanelli, Esquire was admitted to the bar in Pennsylvania in 2004 and has known Petitioner since late 2011.

29. Mr. Solfanelli represented Petitioner in conjunction with the criminal tax charges that were brought against her. N.T. 39.

30. Mr. Solfanelli witnessed Petitioner's sense of embarrassment and her acceptance of responsibility for her actions. He believes that she has absorbed positive lessons from her difficult experiences. N.T. 41-42.

31. Mr. Solfanelli has remained in contact with Petitioner throughout her criminal ordeal, incarceration and release from confinement. N.T. 41.

32. Mr. Solfanelli indicated that Petitioner has the moral qualifications, competency and learning in the law to be reinstated to the bar in Pennsylvania and she is tremendously respected within her community. N.T. 41-43.

33. Petitioner submitted a series of letters in support of her efforts to be reinstated to the practice of law. These letters support the proposition that Petitioner is fit and ready for reinstatement. Petitioner's Exhibit 1.

34. Petitioner's misconduct was a personal tax issue and did not involve any clients.

35. Petitioner does not pose a threat to the public or the integrity of the legal system.

36. Office of Disciplinary Counsel does not oppose reinstatement.

III. CONCLUSIONS OF LAW

Petitioner has met her burden of proving by evidence that is clear and convincing that she has the moral qualifications, competency and learning in the law required for admission to practice law in the Commonwealth, and that her 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. Rule 218(c)(3), Pa.R.D.E.

IV. DISCUSSION

Petitioner seeks readmission to the practice of law in Pennsylvania following her suspension on consent for a period of twenty-six months, retroactive to March 6, 2014. Petitioner has the burden of proving by clear and convincing evidence that she is morally qualified, competent and learned in the law and that her 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. Rule 218(c)(3), Pa.R.D.E; *In the Matter of Jerome J. Verlin*, 731 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 which gave rise to the lawyer's suspension, but rather the nature and extent of the rehabilitative efforts made since the time the sanction was imposed and the degree of success achieved in the rehabilitative process. *Philadelphia Newspapers, Inc. v. Disciplinary Board of the Supreme Court*, 363 A.2d 779, 780-81 (Pa. 1976).

We conclude from the evidence of record that Petitioner has met her burden and we recommend that the Petition for Reinstatement be granted.

The underlying misconduct for which Petitioner consented to a twenty-six month suspension was her criminal conviction in the United States District Court, Middle District of Pennsylvania, of attempt to evade or defeat tax. Petitioner failed to disclose the full extent of her income in her annual federal income tax returns for the years 2008 through 2010, by omitting monies received from private paying parties involved in cases where she was appointed as the GAL. Petitioner served a one year term of imprisonment followed by supervised release for one year, which concluded May 7, 2016. Petitioner satisfied restitution to the Internal Revenue Service in the amount of \$63,124.00. Still outstanding are certain judgments, for which Petitioner is seeking a payment plan with the IRS. It is Petitioner's intention to rectify these outstanding judgments in the timeliest fashion possible.

The record supports the conclusion that Petitioner is morally qualified, competent and learned in the law. Petitioner fully acknowledged her criminal misconduct and that such misconduct deserved suspension. Petitioner did not attempt to minimize or justify her misconduct and expressed obvious and sincere remorse and regret. Her testimony at the reinstatement hearing and her written statements in the Reinstatement Questionnaire are candid and forthcoming, expressing disappointment in herself and determination to avoid such conduct in the future. Her enjoyment of the law and her commitment to honorably serve the legal profession in the future have been clearly and convincingly expressed throughout the reinstatement proceedings.

Petitioner's witnesses provided reliable and favorable insight into the quality of Petitioner's character and her competence as a legal practitioner. These witnesses have observed Petitioner's expressions of remorse and support her reinstatement. The testimony was compelling and persuasive that despite Petitioner's

personal struggles, she has endeavored to maintain a positive outlook and a good work ethic. Their testimony left no doubt that Petitioner is well-regarded and respected in her community. Petitioner's character letters are indicative of the support she has received from members of her community and the general feeling that her readmission to the bar would be positive for the community.

The evidence of record reflects that Petitioner is a talented lawyer. Her employer, Mr. Kelly, has praised the high quality of her work product. She has kept abreast of developments in the law since the time of her suspension and has fulfilled the CLE requirements necessary for readmission. If reinstated, Petitioner plans to work for the Needle Law Firm and the evidence suggests that she will have no difficulty transitioning back to practice.

Petitioner has met her burden of proof that her resumption of the practice of law within the Commonwealth will be neither detrimental to the integrity and standing of the bar nor subversive of the public interest. The misconduct that resulted in Petitioner's suspension was a personal tax matter that was not connected to her ethical representation of clients. She has demonstrated clearly and convincingly that she is fit to practice law. Based on the totality of facts and circumstances particular to this matter, the Board recommends that the Petition for Reinstatement be granted.

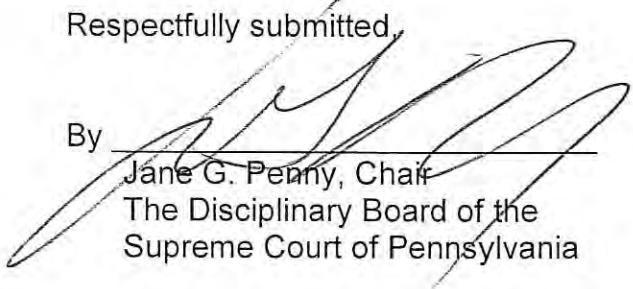
V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that reinstatement of Petitioner, Danielle M. Ross, be granted.

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,

By



Jane G. Penny, Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date 5/10/16

Board Member Cordisco did not participate in the adjudication.