

IN THE SUPREME COURT OF PENNSYLVANIA

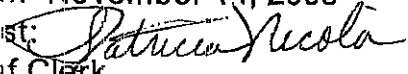
In the Matter of	:	No. 1040 Disciplinary Docket No. 3
	:	:
	:	No. 157 DB 2003
HOWARD GOLDMAN	:	:
	:	Attorney Registration No. 37951
	:	:
PETITION FOR REINSTATEMENT	:	(Philadelphia)

ORDER

PER CURIAM:

AND NOW, this 14th day of November, 2008, upon consideration of the Report and Recommendations of the Disciplinary Board dated August 21, 2008, the Petition for Reinstatement is granted.

Pursuant to Rule 218(e), Pa.R.D.E., petitioner is directed to pay the expenses incurred by the Board in the investigation and processing of the Petition for Reinstatement.

A True Copy Patricia Nicola
 As of: November 14, 2008
 Attest: 
 Chief Clerk
 Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 1040 Disciplinary Docket
: No. 3
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HOWARD GOLDMAN : No. 157 DB 2003
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PETITION FOR REINSTATEMENT : Attorney Registration No. 37951
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: (Philadelphia)

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

On January 2, 2008, Howard Goldman filed a Petition for Reinstatement to the bar of the Supreme Court of Pennsylvania. Petitioner was suspended for one year and one day by Order of the Court dated August 30, 2005. The suspension was based on four client matters in which Petitioner failed to act diligently and neglected to communicate with

those clients. In two matters Petitioner misrepresented the status of the case and the work he had done. Office of Disciplinary Counsel filed a Response on March 6, 2008 and expressed concerns as to several of Petitioner's answers to questions contained in the Reinstatement Questionnaire.

A reinstatement hearing was held on April 14, 2008, before a District I Hearing Committee comprised of Chair Arthur S. Novello, Esquire, and Members Richard P. Haaz, Esquire, and Walter S. Jenkins, Esquire. Petitioner was represented by Stuart L. Haimowitz, Esquire. Petitioner presented the testimony of two witnesses and submitted two character letters. He testified on his own behalf.

The Hearing Committee filed a Report on May 22, 2008 and recommended that reinstatement from suspension be granted.

No Briefs on Exception were filed by the parties.

This matter was adjudicated by the Disciplinary Board at the meeting on July 19, 2008.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner is Howard Goldman. He was born in 1946 and was admitted to the practice of law in Pennsylvania in 1983. His current business address is 1334 Chestnut St., 5th Floor, Philadelphia PA 19103.

2. By Order of the Supreme Court of Pennsylvania dated August 30, 2005, Petitioner was suspended from the practice of law for a period of one year and one day.

3. The suspension was based upon four client matters in which Petitioner failed to act diligently and neglected to communicate with those clients. In two of the matters, Petitioner misrepresented the status of the case and the work he had done.

4. The acts and omissions which gave rise to the suspension occurred during the time period 2001 – 2003.

5. During Petitioner's suspension, he worked in the field of real estate investing. Specifically, he would assist prospective buyers/investors by looking for properties in Philadelphia, Bucks and Montgomery Counties. His work was that of a layperson and he never held himself out as an attorney, realtor, broker or any other licensed professional.

6. During the downturn in the real estate market in 2007, Petitioner derived no income from his real estate activities and lived primarily on an inheritance and from the sale of his marital home, which occurred as a result of his divorce from his wife.

7. During his period of suspension, Petitioner addressed health issues, specifically his Crohn's disease, an illness involving inflammation of the stomach lining, which is now under control.

8. During the period of 2004 through 2007, there were a number of judgments issued against Petitioner. Most of them were debts from his prior practice of

law. Many of them were joint obligations with a former associate. Petitioner has undertaken the payment of these debts himself, including those that were joint obligations. Petitioner provided evidence that he is current with all of these obligations.

9. Petitioner testified credibly before the Hearing Committee. He was extremely remorseful for his prior conduct and has rehabilitated himself from the behavior that led to his suspension.

10. Petitioner timely complied with Pa.R.D.E. 217(e) following his suspension and did timely pay all costs associated with the disciplinary proceedings resulting in his suspension.

11. Petitioner presented the testimony of two witnesses who support Petitioner's reinstatement.

12. Karen Glick is the fiancée of Petitioner and has known him for four years. When they first met Petitioner, was in ill health and was struggling with his mother's serious illness, as well as disciplinary issues. Now, Petitioner has his life in order and is very responsible in all aspects of his life.

13. Richard Gutman has been an attorney since 1973 and has known Petitioner for 25 years. Mr. Gutman is aware of Petitioner's past disciplinary problems. Mr. Gutman described Petitioner's current demeanor as much improved over the past several years. Petitioner has a vigorous attitude toward the practice of law and would not be a detriment to the legal profession if reinstated.

14. Petitioner presented letters from two attorneys who were unable to appear personally. Frederick L. Horn, Esquire, wrote that he has known Petitioner for 24 years and is aware of the disciplinary issues and the personal stresses that Petitioner has weathered. Mr. Horn expressed his opinion that Petitioner is ready to practice law again. Steven P. Barsamian, Esquire, has known Petitioner for more than 30 years. He noted that Petitioner was forthright in sharing his reasons for the suspension, and embarrassed by his actions. Mr. Barsamian expressed his opinion that Petitioner is a changed person and has learned from his mistakes.

15. Even though Petitioner was eligible to seek reinstatement at the end of September of 2006, he chose not to do so as he felt he was not ready to come back to the practice of law at that time. He wanted to get his finances in order and pay outstanding bills.

16. Petitioner fulfilled the requirements for Continuing Legal Education in order to be reinstated. While suspended Petitioner read the Legal Intelligencer to keep apprised of current legal issues.

17. If reinstated, Petitioner intends to practice in Philadelphia with an emphasis on real estate law.

III. CONCLUSIONS OF LAW

1. Petitioner has demonstrated by clear and convincing evidence that he has the moral qualifications, competency and learning in the law required to practice law in Pennsylvania. Pa.R.D.E. 218(c)(3)(i)

2. Petitioner has 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. Pa.R.D.E. 218(c)(3)(i)

IV. DISCUSSION

This matter is before the Disciplinary Board for consideration of Petitioner's request for reinstatement from suspension. Pursuant to Rule 218(a), Pa.R.D.E., an attorney who is suspended for a period exceeding one year may not resume the practice of law until reinstated by the Supreme Court of Pennsylvania. In order for Petitioner to gain reinstatement, he has the burden of proving by clear and convincing evidence that he possesses the moral qualifications, competency and learning in the law required for admission to practice law in this Commonwealth. In addition, Petitioner has the burden of demonstrating that his resumption of the practice of law will not be detrimental to the integrity and standing of the bar or administration of justice, nor subversive of the public interest. Rule 218(c)(3)(i), Pa.R.D.E.

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 the lawyer has made since the time the sanction was 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 (Pa. 1976).

The conduct engaged in by Petitioner involved four counts of client neglect. This conduct occurred during a tumultuous period in Petitioner's life, at a time when his marriage was deteriorating, his mother was dying, and Petitioner was afflicted with Crohn's disease.

Petitioner has expressed sincere remorse for his actions. His period of suspension allowed him the time to organize his life and analyze his feelings about the practice of law. During the time of his misconduct, his practice was very stressful to him and not enjoyable. While suspended, he had the opportunity to work in the real estate field and discovered how much he liked it. This interest has renewed his enthusiasm for practicing law and he intends to engage in real estate law if reinstated.

Petitioner's personal and financial lives are in order. Office of Disciplinary Counsel had initial concerns about Petitioner's default judgments and payment agreements, but these concerns were allayed by Petitioner's evidence that he has undertaken the responsibility to pay his obligations and in fact has done so. Petitioner's

witnesses and letters submitted from attorneys who support his reinstatement demonstrate that others in the community believe Petitioner has changed himself and is ready to practice law.

The record supports the Hearing Committee's recommendation to grant reinstatement. Although Petitioner was eligible in the fall of 2006 to seek reinstatement, he wisely chose to wait until his personal life reflected the changes necessary to demonstrate his fitness to practice law. The evidence of record indeed demonstrates that Respondent is fit to resume the practice of law.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Howard Goldman, be reinstated to the practice of law.

The Board further recommends that, pursuant to Rule 218(e), 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: 
Sal Cognetti, Jr., Board Member

Date: August 21, 2008

Board Member Newman did not participate in the adjudication.