

IN THE SUPREME COURT OF PENNSYLVANIA

IN THE MATTER OF : No. 694 Disciplinary Docket No. 3
: :
MARIA DEL SOL MORELL : No. 136 DB 2001
: :
: Attorney Registration No. 62734
PETITION FOR REINSTATEMENT :
: (Out of State)

ORDER

PER CURIAM

AND NOW, this 30th day of May, 2018, the Petition for Reinstatement is granted, and the request to expedite is dismissed as moot. 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 5/30/2018

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

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MARIA DEL SOL MORELL : :
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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 your Honorable Court with respect to the above captioned Petition for Reinstatement.

I. HISTORY OF PROCEEDINGS

By Order of November 18, 2003, the Supreme Court of Pennsylvania suspended Petitioner, Maria Del Sol Morell, for a period of thirty months, retroactive to September 24, 2001. Petitioner filed a Petition for Reinstatement on February 9, 2017. Office of Disciplinary Counsel filed a Response on June 5, 2017.

A reinstatement hearing was held on September 12, 2017, before a District I Hearing Committee. Petitioner introduced into evidence Exhibits P-1 through P-12,

presented character witnesses, and testified on her own behalf. Office of Disciplinary Counsel did not present any witnesses.

Following the submission of briefs by the parties, the Hearing Committee filed a Report on January 9, 2018, and recommended that the Petition for Reinstatement be granted.

The parties did not file briefs on exception to the Committee's recommendation

The Board adjudicated this matter at the meeting on April 11, 2018.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner is Maria Del Sol Morell, born in 1963 and admitted to the practice of law in the Commonwealth in 1991. Petitioner is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania. Currently, Petitioner is a permanent resident of Nicaragua and is required to renew that status every five years. N.T. 201, 202.

2. Following her admission to the bar, Petitioner did not practice law in Pennsylvania and worked in the Washington, D.C. area at a title insurance company. N.T. 145-147, 247-248.

3. Petitioner later obtained a title insurance license and, in 1992, started a title insurance business called Morell Bilingual Settlements. N.T. 148.

4. Petitioner maintained Morell Bilingual Settlements until April 2002. N.T. 148.

5. At the height of her business, Petitioner had a main office in Annandale, Virginia, and a branch office in Maryland, and employed approximately twelve people. N.T. 148, 149.

6. Petitioner's misconduct occurred in 1996 and 1997. On at least fifteen occasions, Petitioner signed HUD-1 forms falsely stating that the buyers provided the down payments, even though she knew that the sellers had provided the down payments. N.T. 153-156. Petitioner did not receive any payments or kickbacks in return for the false information she stated on the HUD-1 forms. N.T. 156.

7. In 1999, the F.B.I. contacted Petitioner about her misconduct. N.T. 157.

8. Petitioner obtained representation and cooperated fully with the F.B.I., including assisting with an undercover operation. N.T. 158, 159.

9. On January 12, 2001, in the United States District Court for the Eastern District of Virginia, Petitioner entered a plea of guilty to one count of making false statements to a financial institution, in violation of 18 U.S.C. § 1014. N.T. 159.

10. On April 20, 2001, Petitioner was sentenced by the Honorable Albert Bryan to a term of three years of probation with restitution in the amount of \$20,024.00 and a fine of \$3,000.00. N.T. 159-161, 208. Petitioner paid the restitution on the day of sentencing as well as all fine and costs. On February 24, 2003, Judge Bryan terminated Petitioner's probation early. N.T. 207-209.

11. Petitioner cooperated with the Office of Disciplinary Counsel and was temporarily suspended by Order of the Supreme Court of Pennsylvania on September 24, 2001. Following a disciplinary hearing, on November 18, 2003, the Court suspended Petitioner for thirty months, retroactive to the date of her temporary suspension. N.T. 161, 162. Reinstatement Questionnaire No. 3(b).

12. Petitioner complied with all post-suspension obligations required by Pa.R.D.E. 217. N.T. 162,163.

13. Petitioner testified credibly at her reinstatement hearing.

14. Since her suspension, Petitioner has never held herself out as an attorney and has not engaged in the practice of law. N.T. 162, 163.

15. In May 2002, Petitioner moved to Nicaragua to begin a new business. She purchased a house and began running a travel hostel for backpackers. N.T. 163-165.

16. Currently, Petitioner owns one hostel, but has owned several in the past. N.T. 165.

17. Petitioner employs five people in a full-time capacity. N.T. 166. She makes on average \$6,000 per year after expenses. N.T. 170.

18. Petitioner is divorced and has four children from her previous marriages. One son is an adult and attends college in Texas, a teen-aged daughter with learning disabilities lives in Nicaragua, and twin, five-year olds reside with Petitioner in Nicaragua. N.T. 150-153, 172.

19. Over the past years, Petitioner was active with a local orphanage in Nicaragua. N.T. 173-174. After the orphanage, she contributed food once a week to a free cafeteria for children run by a Catholic church. N.T. 173-175.

20. Petitioner fulfilled the requirements for Continuing Legal Education necessary for reinstatement. In addition to the courses, one of Petitioner's friends helped her learn to review online corporate documents. N.T. 185, 187; Exhibit P-11.

21. Since July 2016, Petitioner has performed uncompensated paralegal work for Hortencia Torres, Esquire, a Virginia attorney. Petitioner estimated she does one to three hours per week of work. Petitioner has no client contact. She submitted a letter of notification to Office of Disciplinary Counsel pursuant to Pa.R.D.E. 217 advising of her paralegal activities. N.T. 240-243.

22. If reinstated, Petitioner intends to move to Pittsburgh, where she has family, and practice family or immigration law in the Hispanic community. N.T. 179-182, 204-206.

23. Petitioner is aware that she lacks practical legal experience, as she never practiced law after she was admitted to the bar. N.T. 235. Petitioner plans initially to volunteer with a legal organization or experienced attorney to gain practical knowledge of the law, and to continue taking Continuing Legal Education classes and read as much as she can. N.T. 236-237.

24. Office of Disciplinary Counsel questioned Petitioner regarding four Maryland judgments that were not listed in her reinstatement petition. Petitioner noted that she had hired an individual to check outstanding judgments and these judgments

were not found. She first learned about the judgments when Office of Disciplinary Counsel raised the issue. N.T. 188, 189.

25. As soon as Petitioner became aware of the judgments, she sent a letter of explanation to Office of Disciplinary Counsel. N.T. 189; P-12.

26. The first judgment, in the amount of \$342.47, was from the District Court in Montgomery County, Maryland, and involved a messenger service formerly known as Schedule Express. P-10(a). Petitioner attempted to contact the business, but was unable to do so, because it was out of business. This judgment is unpaid because Petitioner cannot find out who to pay. N.T. 189-191. Petitioner made diligent efforts to find representatives of the former company; however, they said they didn't know anything about it. N.T. 191.

27. The second judgment is a debt to the District Court in Montgomery County, Maryland, in the amount of \$1,019.76 owed by Petitioner's old title company, apparently for a business license in Maryland. P-10(b). This judgment has been paid. N.T. 192-194; P-9.

28. Exhibit P-10(d) was for another Montgomery County, Maryland debt, which has been paid. N.T. 195-196; Exhibit P-9.

29. Petitioner may have owed a credit card debt to Monogram Credit. P-10(c). Monogram was taken over by another company. Petitioner contacted that company; however, they had no information about the alleged debt. Petitioner, therefore, was unable to ascertain how much she owed or any other information. N.T. 194-195.

30. Petitioner is current on her tax filings and has filed all federal, state and local taxes and does not owe any tax funds or liens. N.T. 200; Exhibit P-7.

31. Petitioner has never been involved in litigation other than her three divorces. N.T. 201.

32. Petitioner has never been sued in Nicaragua. N.T. 201.

33. Petitioner took full responsibility for her misconduct and expressed regret and remorse for falsifying the HUD-1 documents. N.T. 202. Petitioner credibly testified that she has learned to be “very, very square at everything”. She has realized her “inner strength,” and will never “cut corners” or “cross any lines” in the future. N.T. 183-184, 235.

34. Petitioner testified that she waited many years to request reinstatement because of financial issues, the difficulty of the reinstatement process, and the fact that when she was married to her third husband, a Nicaraguan national, she was not planning to move to the United States. N.T. 202, 203.

35. Petitioner described the reinstatement process as a humbling experience, because it forced her to relive her actions. Even though she has been removed from the practice of law for many years, Petitioner believes that she is capable and smart enough to start a legal career, in Pennsylvania, at this time in her life. N.T. 178.

36. Petitioner presented the credible testimony of five witnesses.

37. Dr. Victor Morell is Petitioner’s brother. He is the Chief of Pediatric Cardiac Surgery for Children’s Hospital of Pittsburgh and Co-Director of the Heart and Vascular Institute for the University of Pittsburgh’s Medical College. N.T. 20. He credibly

testified that Petitioner's current reputation is as a truthful and honest person and she had a good reputation among those who knew her as a peaceful and law-abiding person. N.T. 21-22.

38. Dr. Morell, who attended Petitioner's 2001 sentencing, confirmed that Petitioner has accepted full and complete responsibility for her misconduct and has never tried to minimize her conduct. N.T. 23, 26.

39. Dr. Morell has discussed with Petitioner her plans to return to the Pittsburgh area and practice law by serving the Hispanic population. Dr. Morell had no hesitation in recommending Petitioner's reinstatement to the practice of law. N.T. 28-29.

40. Dr. Evonne Morell is the wife of Dr. Victor Morell and is Petitioner's sister-in-law. Dr. Morell is a pediatric cardiologist at Children's Hospital in Pittsburgh. N.T. 42-43.

41. Dr. Evonne Morell has known Petitioner for approximately eight years and knows other people in the community who know Petitioner. She testified that Petitioner has always accepted responsibility for her misconduct and has expressed significant remorse. N.T. 46.

42. Dr. Evonne Morell testified that Petitioner is an excellent mother and spends a lot of time with her children. N.T. 48.

43. Dr. Evonne Morell supports Petitioner's reinstatement to the practice of law. N.T. 49.

44. Ilka Hamze is a settlement processor for a title company. N.T. 68. She worked for Petitioner for close to ten years at Petitioner's title company in Fairfax,

Virginia and has known Petitioner for many years, keeping in contact with her before, during, and after her guilty plea and sentencing. N.T. 56-59.

45. Ms. Hamze testified that Petitioner has accepted full responsibility for her criminal acts. Ms. Hamze further testified that although Petitioner initially believed she was trying to help people, Petitioner accepted full and complete responsibility for her misconduct, knew what she did was wrong, and set “a huge example for all of us.” “[S]he never tried to hide what she did.” N.T. 60-61, 62, 73.

46. Ms. Hamze testified that Petitioner has a good reputation as a truthful and honest person and as a peaceful and law-abiding person. With all her heart, Ms. Hamze recommended Petitioner’s reinstatement to the practice of law. N.T. 65-66.

47. German Pena is a real estate broker in Maryland, Virginia and Washington, D.C. He has known Petitioner for many years. N.T. 86.

48. Mr. Pena testified that Petitioner has demonstrated sincere remorse for her actions and has learned from her experiences. Before her sentencing, Petitioner called a meeting with all the agents to tell them what she had done wrong, so they would learn from her mistakes. N.T. 101. Mr. Pena believes that Petitioner will represent her profession very well because she is a very honest person, and he has no hesitation in recommending her reinstatement to the practice of law. N.T. 88-91.

49. Victoria Pena is the wife of German Pena and has known Petitioner for 22 years. N.T. 105-106. She is a real estate broker in Virginia. N.T. 106.

50. Ms. Pena is very close friends with Petitioner, has visited her in Nicaragua, and has traveled with Petitioner. N.T. 107.

51. Ms. Pena testified that from her contacts with the people who knew Petitioner in the U.S. and Nicaragua, Petitioner has a very good reputation as a truthful and honest person and as a peaceful and law-abiding person. N.T. 108.

52. Ms. Pena also testified that after Petitioner's misconduct, Petitioner called together the agents of various real estate companies, approximately 50 people, to explicitly explain what she did wrong, and tell them how sorry she was. N.T. 110-112.

53. Ms. Pena testified that Petitioner has changed from the person who committed a criminal act to one who is "extremely admired" by the people in Nicaragua, including those who work for her. N.T. 108, 117. Ms. Pena confirmed the orphanage work performed by Petitioner and described her visit to the orphanage where she saw first-hand how much Petitioner was involved in helping the abandoned children. N.T. 115-118.

54. Petitioner introduced into evidence six letters of reference as to her character. These letters were from her former criminal attorney, a Virginia lawyer; a college classmate; a former employee of her title company; her sister; and a close friend. N.T. 140-141, 260. These letters describe Petitioner as a moral, hardworking individual who is sorry for her prior bad acts. Exhibits P-1 through P-6.

55. Office of Disciplinary Counsel does not oppose Petitioner's reinstatement.

III. CONCLUSIONS OF LAW

1. Petitioner demonstrated by clear and convincing evidence that she has the moral qualifications, competence and learning in the law required for admission to practice in the Commonwealth. Pa.R.D.E. 218(c)(3).

2. Petitioner demonstrated by clear and convincing evidence 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. Pa.R.D.E. 218(c)(3).

IV. DISCUSSION

Petitioner seeks reinstatement to the practice of law in Pennsylvania following her suspension for thirty months, retroactive to September 24, 2001. To gain reinstatement, Petitioner bears 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 neither be 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); ***In the Matter of Lawrence D. Greenberg***, 749 A.2d 434 (Pa. 2000); ***In the Matter of Jerome J. Verlin***, 731 A.2d 600, 602 (Pa. 1999). A reinstatement hearing 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 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).

After reviewing the record, the Board concluded that Petitioner spent her suspension period engaged in genuine rehabilitation. See ***In the Matter of Danielle M. Ross***, 179 DB 2013 (D. Bd. Rpt. 5/10/2016) (S. Ct. Order 6/6/2016); ***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 she is morally qualified, competent and learned in the law, and that her reinstatement will not be detrimental to the public or the profession. Although Petitioner's original misconduct caused her suspension, she has now met her reinstatement burden and the Board recommends that her Petition for Reinstatement be granted.

The record amply supports the Board's assessment that Petitioner is morally fit, competent, learned in the law, and determined to become even more so. The underlying misconduct for which Petitioner was suspended was her criminal conviction for making false statements to a financial institution, for which she was originally sentenced to probation for three years and ordered to pay restitution and fines. Petitioner fully acknowledged her criminal misconduct and that her misconduct warranted suspension of her license to practice law. Petitioner paid restitution and fines in full, on the date of sentencing, and served her subsequently reduced period of probation without incident. Petitioner never tried to minimize or justify her criminal conduct and always expressed genuine and sincere remorse. In fact, prior to sentencing, Petitioner convened a meeting of approximately 50 of her real estate peers to admit to her misconduct. She

wanted them to learn from her actions.

Petitioner's testimony at her reinstatement hearing and the responses she gave in her Reinstatement Questionnaire were credible and revealing, acknowledging both her original actions and her determination to rehabilitate herself. Petitioner sincerely regretted her misconduct and convincingly assured the Hearing Committee, and now this Board, that her failures will not be repeated in the future.

During her lengthy period of suspension, Petitioner lived in Nicaragua, where she ran a backpacker hostel business and raised her family. Petitioner gave back to her Nicaraguan community by starting a small hostel business with local employees, volunteering at an orphanage for abandoned children, and then by donating food on a weekly basis to a free cafeteria sponsored by the Catholic church. Petitioner regained her fitness to practice law by completing her Continuing Legal Education requirements, reviewing legal periodicals online, learning how to conduct online corporate research, and listening to online law classes (for a fee), approximately five hours a week. N.T. 245.

Although Petitioner was eligible to apply for reinstatement more than a decade ago, she delayed filing her petition for a combination of economic and personal reasons. Following her divorce from a Nicaraguan national (who did not wish to leave Nicaragua), she realized it was finally the right time for her to seek reinstatement and begin using her law school education. If reinstated, Petitioner plans to move to the Pittsburgh area, where she has close, supportive family. Acknowledging the fact that she has never practiced law, Petitioner intends to start as a volunteer, perhaps with a legal aid clinic or other organization, and continue taking legal education courses and reading

legal materials. As she gains confidence in her ability to represent clients, she hopes she can focus her practice on the underserved Hispanic community in Beechview, Pittsburgh. N.T. 205-206.

At the reinstatement hearing, Petitioner's five witnesses offered credible and convincing insight into the quality of Petitioner's character. The witnesses had observed Petitioner's acceptance of responsibility and sincere expressions of remorse and unreservedly supported her reinstatement. In addition to this excellent character testimony, Petitioner introduced into evidence six letters of reference in support of her reinstatement from her former criminal attorney, family, friends and colleagues. The heartfelt testimony of the witnesses and the sound documentary evidence demonstrate that Petitioner is a moral, competent, hard-working individual whose reinstatement will not represent a danger to the public, or harm the integrity and standing of the bar.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Maria Del Sol Morell, 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, Member

Date: 5/4/18