

**IN THE SUPREME COURT OF PENNSYLVANIA**

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

**ORDER**

**PER CURIAM**

AND NOW, this 24<sup>th</sup> day of September, 2015, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board, the Joint Petition in Support of Discipline on Consent is hereby granted, and Danielle M. Ross is suspended on consent from the Bar of this Commonwealth for a period of twenty-six months, retroactive to March 6, 2014, and she shall comply with all the provisions of Pa.R.D.E. 217.

A True Copy Patricia Nicola  
As Of 9/24/2015

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

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

RECOMMENDATION OF THREE-MEMBER PANEL  
OF THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

The Three-Member Panel of the Disciplinary Board of the Supreme Court of Pennsylvania, consisting of Board Members Tracey McCants Lewis, Stefanie B. Porges, and John F. Cordisco, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on July 22, 2015.

The Panel approves the Joint Petition consenting to a twenty-six month suspension retroactive to March 6, 2014 and recommends to the Supreme Court of Pennsylvania that the attached Petition be granted.

The Panel further recommends that any necessary expenses incurred in the investigation and prosecution of this matter shall be paid by the respondent-attorney as a condition to the grant of the Petition.



Tracey McCants Lewis, Panel Chair  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

Date: 9/8/2015

BEFORE THE DISCIPLINARY BOARD  
OF THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL : No. 2020 DD No. 3  
Petitioner :  
: No. 179 DB 2013  
:  
v. : (File No. C3-13-696)  
:  
: Atty Registration No. 92346  
DANIELLE M. ROSS :  
Respondent: (Lackawanna)

JOINT PETITION IN SUPPORT OF DISCIPLINE ON CONSENT  
PURSUANT TO Pa.R.D.E. 215(d)

OFFICE OF DISCIPLINARY COUNSEL  
PAUL J. KILLION

CHIEF, DISCIPLINARY COUNSEL

Julia M. Frankston-Morris  
Disciplinary Counsel  
District III  
Pennsylvania Judicial Center  
601 Commonwealth Ave, STE 5800  
P.O. Box 62675  
Harrisburg, PA 17106

and

Nancy M. Barrasse, Esquire  
Counsel for Respondent  
224 Adams Avenue  
Scranton, PA 18503  
Attorney I.D. No. 71642

FILED

07/22/2015

The Disciplinary Board of the  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD  
OF THE SUPREME COURT OF PENNSYLVANIA

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Respondent: (Lackawanna)

JOINT PETITION IN SUPPORT OF DISCIPLINE ON CONSENT UNDER RULE  
215(d) OF THE PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Petitioner, the Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Julia M. Frankston-Morris, Disciplinary Counsel, Respondent, Danielle M. Ross, and her attorney, Nancy M. Barrasse, Esquire, file this Joint Petition in Support of Discipline on Consent under Rule 215(d) of the Pennsylvania Rules of Disciplinary Enforcement and respectfully aver the following:

1. Petitioner, whose principal office is located at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania, 17106, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereafter "Pa.R.D.E."), with the power and the duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings

brought in accordance with the various provisions of the aforesaid Rules.

2. Respondent, Danielle M. Ross, was born on November 22, 1976, and was admitted to practice law on April 12, 2004.

3. Respondent's registered address is 101 Gibson Street, Jermyn, PA 18433.

4. Respondent is represented by Nancy M. Barrasse, Esquire, 224 Adams Avenue, Scranton, PA 18503.

5. Respondent has no prior history of discipline.

**Specific Factual Admissions and  
Rules of Professional Conduct Violated**

6. On November 1, 2013, Respondent signed a Plea Agreement, wherein she pleaded guilty to Attempt to Evade or Defeat Tax, 26 U.S.C. §7201, a felony, in the matter of **United States of America v. Danielle Ross**, Criminal Case No. 3:13-cr-00022-ARC, in the United States District Court, Middle District of Pennsylvania. On December 16, 2013, Respondent entered her guilty plea.

7. On April 16, 2014, the Honorable A. Richard Caputo sentenced Respondent to a period of incarceration of twelve months, followed by a period of supervised release of one year, and ordered her to make restitution to the Internal Revenue Service in the amount of \$63,124.00.

8. On November 18, 2013, Respondent reported her plea agreement, by and through her counsel, to the Supreme Court of Pennsylvania and copied Amelia C. Kittredge, Counsel in Charge, District III, Office of Disciplinary Counsel, as required by Pa.R.D.E. 214(a).

9. By Order dated February 4, 2014, effective March 6, 2014, the Supreme Court of Pennsylvania granted Respondent and ODC's Joint Petition to Temporarily Suspend an Attorney pursuant to Pa.R.D.E. 208(f).

**DISCIPLINARY RULE VIOLATIONS**

10. Respondent admits she violated the following Rules of Professional Conduct:

a. RPC 8.4(b), which states that it is professional misconduct for an attorney to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; and

b. Pa.R.D.E. 203(b)(1), which states that conviction of a crime is a ground for discipline.

**SPECIFIC JOINT RECOMMENDATIONS FOR DISCIPLINE**

11. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent is a Suspension for a period of twenty-six months, retroactive to the effective date of Respondent's temporary suspension. Respondent hereby

consents to the discipline being imposed upon her by the Supreme Court of Pennsylvania. Attached to this Petition is Respondent's executed Affidavit required by Pa.R.D.E. 215(d), stating that she consents to the recommended discipline and including the mandatory acknowledgments contained in Pa.R.D.E. 215(d) (1) through (4).

12. In support of Petitioner and Respondent's Joint Recommendation, it is respectfully submitted as follows:

a. The aggravating factors are as follows:

i. Respondent pleaded guilty to Attempt to Evade or Defeat Tax, 26 U.S.C. §7201, a felony;

ii. Respondent engaged in conduct wherein she failed to disclose the full extent of her income in her annual federal income tax returns, specifically, omitting monies received from private paying parties involved in cases where she was appointed as the Guardian ad Litem;

iii. during the time of the misconduct, Respondent was an independent contractor for Lackawanna County and served as a full-time Guardian ad Litem for the Court of Common Pleas of Lackawanna County - Family

Division. Although not a public official, her conduct reflected poorly on the Court system; and

- iv. Respondent will be under Court supervision until May 7, 2016.
- b. The mitigating circumstances are as follows:
- i. Respondent has no prior discipline;
  - ii. by and through her Counsel, Respondent promptly notified the Disciplinary Board of her conviction within days of her plea;
  - iii. Respondent has paid the Court-ordered restitution in full; and
  - iv. Respondent has expressed her sincere regret and remorse for the conduct described above and agrees that professional discipline is appropriate given her misconduct.

13. The parties believe, and therefore aver, that their recommendation is consistent with relevant disciplinary case law. Review of prior tax evasion cases shows that some length of suspension requiring formal reinstatement proceedings is an appropriate discipline. Case law indicates that a period of suspension that covers the period of probation or supervised release is preferred. See *In re Anonymous*, No. 75 DB 83, 36 Pa.D.&C.3d 609 (1985) (suspending an attorney who was convicted

of tax evasion from December 1983 to February 1987 which was the duration of his criminal probation); **In re Anonymous**, No. 24 DB 2000 (D.Bd. Rpt. 12/10/01)(S.Ct. Order 2/8/02)(suspending an attorney for three years, retroactive to the date of his temporary suspension, who was convicted of three counts of tax evasion and placed on probation for three years); **In re Anonymous (Dean Ian Weitzman)**, No. 24 DB 2000 (D.Bd. Rpt. 12/10/01)(S.Ct. Order 2/8/02)(imposing a suspension of three years for an attorney who pled guilty to three counts of tax evasion, and was sentenced to three years of probation); **Office of Disciplinary Counsel v. Mark Anthony DeSimone**, No. 11 DB 2002 (D.Bd. Rpt. 10/20/03)(S.Ct. Order 2/3/04)(imposing a suspension for a period of two years and eight months, retroactive to the date of his temporary suspension and covered the respondent's period of supervised release).

14. Based on the above, Petitioner and Respondent believe that imposition of a suspension for twenty-six months, retroactive to March 6, 2014, will be sufficient to recognize the seriousness of Respondent's misconduct, deter similar conduct by other attorneys, protect the public, and coincide with her period of supervised release, which concludes on May 7, 2016.

**WHEREFORE**, the Petitioner and Respondent respectfully request that:

a. Pursuant to Pa.R.D.E. 215, a three-member panel of the Disciplinary Board review and approve the above Joint Petition in Support of Discipline on Consent and file its recommendation with the Supreme Court of Pennsylvania in which it is recommended that the Supreme Court of Pennsylvania enter an Order:

- i. suspending Respondent from the practice of law for twenty-six months retroactive to the effective date of Respondent's Temporary Suspension; and
- ii. directing Respondent to comply with all the provisions of Pa.R.D.E. 217.

Respectfully submitted,

Date: 7/20/15

By:

Juliana  
Julia Frankston-Morris  
Disciplinary Counsel  
District III  
Atty. Registration No. 308715  
Pennsylvania Judicial Center  
601 Commonwealth Ave, STE 5800  
P.O. Box 62675  
Harrisburg, PA 17106  
(717) 772-8572

Date: 7/16/15

By:

Danielle M. Ross  
Danielle M. Ross  
Respondent  
101 Gibson Street  
Jermyn, PA 18433  
Attorney Registration No. 92346

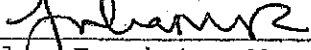
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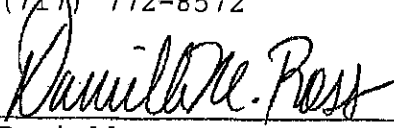
VERIFICATION

The statements contained in the foregoing Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d) are true and correct to the best of my knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

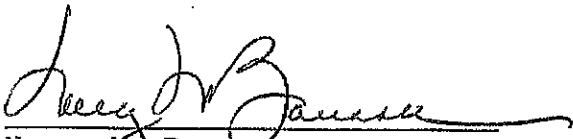
Date: 7/20/15

By:   
Julia Frankston-Morris  
Disciplinary Counsel  
District III  
Atty. Registration No. 308715  
Pennsylvania Judicial Center  
601 Commonwealth Ave, STE 5800  
P.O. Box 62675  
Harrisburg, PA 17106  
(717) 772-8572

Date: 7/16/15

By:   
Danielle M. Ross  
Respondent  
101 Gibson Street  
Jermyn, PA 18433  
Attorney Registration No. 92346

Date: 7/16/2015

By: 

Nancy M. Barrassé  
Counsel for Respondent  
224 Adams Avenue  
Scranton, PA 18503  
Attorney Registration No. 71642

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**RESPONDENT'S AFFIDAVIT UNDER RULE 215(d) OF THE  
PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT**

I, Danielle M. Ross, Respondent in the above-captioned matter, hereby consent to the imposition of a Suspension of twenty-six months, as jointly recommended by the Petitioner, Office of Disciplinary Counsel, and myself, in a Joint Petition in Support of Discipline on Consent and further state:

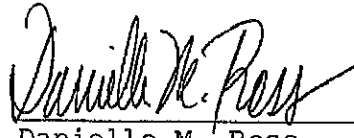
1. My consent is freely and voluntarily rendered; I am not being subjected to coercion or duress; I am fully aware of the implications of submitting the consent;

2. I am aware there is presently an investigation into allegations that I have been guilty of misconduct as set forth in the Joint Petition;

3. I acknowledge that the material facts set forth in the Joint Petition are true;

4. I consent because I know that if the charges against me were prosecuted I could not successfully defend against them; and

5. I am fully aware of my right to consult and employ counsel to represent me in the instant proceeding. I have retained, consulted and acted upon the advice of counsel, Nancy M. Barrasse, Esquire in connection with my decision to execute the within Joint Petition.



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Danielle M. Ross  
Respondent  
101 Gibson Street  
Jermyn, PA 18433  
Attorney Registration No. 92346

BEFORE THE DISCIPLINARY BOARD  
OF THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL : No. 2020 DD No. 3  
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Respondent: (Lackawanna)

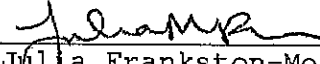
CERTIFICATE OF SERVICE

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 Pa.R.A.P. 121.

First Class Mail, as follows:

Nancy M. Barrasse  
Counsel for Respondent  
224 Adams Avenue  
Scranton, PA 18503

Dated: 7/20/15

  
\_\_\_\_\_  
Julia Frankston-Morris  
Disciplinary Counsel  
District III  
Atty. Registration No. 308715  
Pennsylvania Judicial Center  
601 Commonwealth Avenue, STE 5800  
P.O. Box 6275  
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