

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 2096 Disciplinary Docket No. 3
: :
ROBERT P. MAIZEL : No. 26 DB 2014
: :
: Attorney Registration No. 88670
: :
PETITION FOR REINSTATEMENT : (Philadelphia)

ORDER

PER CURIAM

AND NOW, this 16th day of November, 2018, 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 11/16/2018

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 your Honorable Court with respect to the above captioned Petition for Reinstatement.

I. HISTORY OF PROCEEDINGS

By Order dated November 20, 2014, the Supreme Court of Pennsylvania suspended Robert P. Maizel, Petitioner, from the practice of law for a period of two years on consent. On April 18, 2017, Petitioner filed a Petition for Reinstatement to the bar. Office of Disciplinary Counsel (“ODC”) filed a Response to Petition for Reinstatement on October 16, 2017.

Following a prehearing conference on November 29, 2017, a reinstatement hearing was held on January 10, 2018 before a District I Hearing Committee. Petitioner was represented by counsel and testified on his own behalf. Petitioner introduced the testimony of six witnesses and offered exhibits PET 1, 2, 4, 6-11, 14, 16(a)-(d), 17 and 18, which were admitted into evidence. ODC did not present any witnesses at the hearing and introduced exhibits ODC 1-30, which were admitted into evidence. Subsequent to the hearing, without objection by Petitioner, ODC provided additional exhibits ODC-31 and ODC-32, which were made part of the record.

On March 2, 2018, Petitioner filed a Post-Hearing Memorandum in support of Reinstatement.

On March 26, 2018, ODC filed a Brief to the Hearing Committee.

On May 17, 2018, the Hearing Committee filed a Report and recommended that the Petition for Reinstatement be granted.

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

The Board adjudicated this matter at the meeting on July 20, 2018.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner is Robert P. Maizel, born in 1970 and admitted to the practice of law in the Commonwealth in 2002. Petitioner is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

2. Following his admission to the bar in 2002, Petitioner was employed as an associate attorney at several Philadelphia law firms. N.T. 157-159. In late 2010, Petitioner formed a new entity and began the solo practice of plaintiff-side personal injury law as Maizel Legal Associates. Prior to forming his own law firm, Petitioner had never assumed the responsibility of financial management and those functions, including the handling of IOLTA and operating accounts and distribution of funds, were carried out by other individuals at the firms where he had been employed. N.T. 150-160.

3. At all times relevant, Petitioner maintained an IOLTA account with Citizens Bank, titled MAIZEL LEGAL ASSOCIATES INC PC LAWYER TRUST ACCT BOARD ("IOLTA account"). Petitioner had sole signature authority for the IOLTA account. PET-4.

4. On January 1, 2011, the opening date IOLTA account balance was \$25,145.08. PET-4.

5. Over a period of approximately six months, beginning no later than January 1, 2011, and continuing through June 7, 2011, Petitioner failed to maintain complete records showing the reasons for having transferred funds from the IOLTA account to the checking account or other personal accounts he maintained with Citizens Bank, or for writing checks to himself drawn on the IOLTA account. PET-4; N.T. 172-173.

6. In 2011, Petitioner was notified by his banking institution and then by ODC that his IOLTA account was out of trust. N.T. 161-162.

7. The ensuing investigation by ODC revealed that client monies held in the IOLTA account had been improperly transferred and misused to meet firm operating

or personal obligations in varying amounts ranging from \$1,700.49 to \$67,897.46 and that operating funds had been commingled with client funds by depositing the operating checks in the IOLTA account. PET-4.

8. Petitioner admitted that he knowingly misappropriated fiduciary funds in 2010, and that misapplication of fiduciary funds continued through May of 2011. N.T. 335-336; PET-4.

9. Petitioner promptly hired a bookkeeper and an accountant after the initial notifications. PET-4; N.T. 165.

10. All client distribution obligations were fully met and all clients were paid. N.T. 167-168.

11. Following ODC's investigation and the full assumption of duties by the newly-hired bookkeeper and accountant, no further improprieties occurred with regard to the misuse of client funds or the commingling of those funds with operating funds while Petitioner continued to practice as a solo practitioner until his suspension in 2014. N.T. 165-166.

12. On July 21, 2014, Petitioner entered into a Joint Petition for Discipline on Consent, wherein he admitted his wrongdoing and expressed remorse for his misconduct. PET-4.

13. On November 20, 2014, the Supreme Court of Pennsylvania approved the Joint Petition for Discipline on Consent and ordered that Petitioner be suspended for a period of two years. PET-7.

14. Petitioner credibly testified at the reinstatement hearing on January 10, 2018.

15. Petitioner testified that he started his solo law practice in 2010 without proper administrative support and he lacked experience in handling the daily operations of a law firm, including handling of trust and operating accounts. N.T. 172-173.

16. Petitioner fully admitted his wrongdoing and testified that “I did consent because...I knew I was wrong. I had used...I used client funds. The money had been commingled. It was against the rules. I knew it was wrong... I wanted to accept my punishment.” N.T. 167.

17. Petitioner testified that it was never his intent to steal client funds, and he had mistakenly used funds in the IOLTA account that belonged to his clients and to third parties, as he believed that he was using money that he had earned as fees. N.T. 168-169, 341-342.

18. Petitioner testified, “Well, I understand that I could have really hurt my clients. I embarrassed my profession. I offended colleagues who trusted me. I hurt my family, wife and kids. I let them down. I let myself down. I didn’t live up to myself, as to who I held myself out to be. And who I believed myself to be.” N.T. 176.

19. Petitioner testified that his time of suspension has changed him, in that he has learned his strengths and weaknesses and how to look for help when he needs it. Petitioner testified that he has better clarity and will never engage in wrongdoing in the future. N.T. 224.

20. Petitioner made full disclosure to his friends and family of his wrongdoing during the investigative stages. N.T. 176-177, 178.

21. Following Petitioner's suspension, he failed to notify the United States Court of Appeals for the Third Circuit of the entry of the suspension order, and failed to send certified mailings to clients about the entry of the suspension order, as required by Rule 217, Pa.R.D.E.

22. Although Petitioner testified that he had not been notified of the necessity to send certified mailings to his clients, the Board Secretary had notified Petitioner by letter dated November 21, 2014, that he was required to comply with Rule 217, Pa.R.D.E, and enclosed a copy of that rule. N.T. 353-357.

23. Petitioner testified that he promptly notified all clients in writing of his suspension and of his inability to act as their attorney as of December 22, 2014, the effective date of the suspension order. He did not communicate via certified mail. N.T. 182.

24. Petitioner testified that his procedure in notifying clients of his suspension was directed by his then counsel, and that he followed his counsel's directions. N.T. 356-357. There is no evidence that any client failed to receive written notice of Petitioner's suspension.

25. In response to questions 10(a) and (c) on the Reinstatement Questionnaire, Petitioner failed to disclose four civil cases that were filed in the Philadelphia Court of Common Pleas and twelve civil cases that were filed in the

Philadelphia Municipal Court, in which he was named as a party, several of which resulted in judgments against him. ODC-3 through 18.

26. Petitioner testified that he failed to disclose claims because they were of a personal nature or simply old and inactive (ODC3; ODC-4); that he was simply unaware of some of the claims at the time he completed his Reinstatement Questionnaire (ODC-7-10, 14); that he failed to disclose some claims because they were satisfied or resolved (ODC-11, ODC-12); that he was unaware that some claims were pending, and that since being notified has taken steps to address the open claims (ODC-13, 14, 16); and, that some of the claims arose at or about the time of his suspension, after he had left his firm, and he never received notice of the claims. ODC-17, 18, 19; N.T. 208-224.

27. In February 2017, Petitioner filed his 2015 federal and state income tax returns; those returns were filed late. N.T. 266, 269, 272-273, 278-279; PET-2, p. 11.

28. When Petitioner filed his 2015 federal income tax returns, he entered into an agreement with the Internal Revenue Service to make monthly payments on an installment basis. N.T. 267.

29. Question 10(d) on the Reinstatement Questionnaire asked if Petitioner had "any debts which are 90 days past due." Petitioner did not disclose that he owed 2015 federal and state taxes. N.T. 273, 276-279; ODC-29; PET-2, pp. 11, 19.

30. Petitioner testified that at the time he completed the Questionnaire prior to April of 2017, he did not believe those taxes were past due. N.T. 277.

31. In December of 2017, Petitioner filed his 2016 federal and state income tax returns; those returns were filed late. N.T. 262-263; ODC-30; PET-2, p. 11.

Petitioner testified that the returns were filed late due to delays related to his wife's dental practice. N.T. 262-263.

32. Petitioner owed the Pennsylvania Department of Revenue unpaid state taxes for the years 2011, 2012, and 2013. N.T. 287-288; ODC-23.

33. In October of 2016, the Pennsylvania Department of Revenue obtained an Administrative Wage Garnishment Order so that 10% of Petitioner's gross wages would be garnished by the Saffren & Weinberg law firm (his current employer) and paid to the Department. *Id.*

34. In 2016, Petitioner received referral fee payments totaling \$204,267.00. These fees were properly received from successful resolutions of cases that Petitioner referred to other law firms prior to his suspension. N.T. 197-198, 255-256, 258; ODC-30, 31; PET-2, p. 13; Reinstatement Questionnaire ("RQ") No. 12.

35. Petitioner testified that he used the referral fee payments to pay off credit card and business debts, to reinvest in his wife's growing dental practice, and to satisfy tax liabilities. Petitioner could not recall exactly how much went towards each of these items. N.T. 323, 328. Petitioner also saved a portion of the referral fee payments as an emergency fund. N.T. 200-201, 315.

36. Petitioner testified that he utilized \$9,700 of the referral fee payments to satisfy a 2010 federal tax obligation. N.T. 317-318, 322-323.

37. Petitioner and his wife have outstanding debts individually and collectively. Petitioner has acted in good faith to meet each of the obligations by payment

or arrangement for installment plans. N.T. 213-223, 254-313, 362-363. Petitioner testified he believes he has the fiscal responsibility to be a member of the bar. N.T. 363.

38. Since January of 2015, Petitioner has worked as a paralegal assistant at the Saffren & Weinberg law firm in Jenkintown, Pennsylvania. In that capacity, Petitioner has performed legal research, drafted pleadings, briefs and motions, and answered motions. Petitioner has not had contact with clients or engaged in the unauthorized practice of law. N.T. 183, 185, 189-191.

39. If reinstated, Petitioner intends to remain at Saffren & Weinberg as an associate attorney. RQ No. 20. N.T. 192. He plans to handle his caseload and have no administrative responsibility. N.T. 192.

40. Petitioner fulfilled his Continuing Legal Education requirements necessary for reinstatement. RQ No. 19(a)

41. During his suspension, Petitioner read the Legal intelligencer on a regular basis and read news releases from Lexis/Nexis. He also read and reviewed continuing education books on the topic of employment discrimination. RQ No. 19(b)

42. Petitioner is active in his community through his involvement coaching his children's Little League and basketball teams and through his synagogue work, which includes fundraising and helping at food banks. N.T. 203-204.

43. During his suspension, Petitioner sought therapy with Carol Wolf Wittman, PhD, who through her testimony and three reports provided detailed insight into Petitioner's past behavior and the changes he has undergone to justify his readmission.

44. Dr. Wittman is a licensed counseling psychologist who has treated Petitioner on a weekly basis since 2012. N.T. 41; PET-16(B). She is aware of the details of his professional misconduct. N.T.43.

45. Dr. Wittman testified credibly that Petitioner had a longstanding dysthymia, a mild form of depression, which affected his focus and was a factor in his professional shortcomings related to the misuse and commingling of client funds. N.T. 41-49.

46. Dr. Wittman testified that Petitioner is no longer depressed, has learned to manage the stresses of life, is not as overwhelmed, both personally and professionally, is focused on what he excels at and is capable of dealing with the stress of practicing law again. N.T. 51; PET-16(c) and (d).

47. Dr. Wittman testified that despite Petitioner's depression and the professional problems he experienced, Petitioner never lost focus on his identity as a lawyer and a family man. N.T. 49-50; PET-16(B).

48. Dr. Wittman testified that Petitioner expressed remorse and shame about his actions and the depth of his feelings suggest to her that his misconduct will not happen again. N.T. 51.

49. Dr. Wittman supports Petitioner's reinstatement and testified that he would be an asset to his profession and an extremely productive and positive member of the legal community. N.T. 55; PET-16(D).

50. Petitioner intends to continue counseling with Dr. Wittman after his reinstatement to help with that transition. N.T. 67, 72-7. Dr. Wittman does not foresee any backwards slide in Petitioner's life. N.T. 77.

51. In addition to Dr. Wittman's testimony, Petitioner presented the credible testimony of five witnesses.

52. Simi Kaplin, Esquire, has been a member of the Pennsylvania bar since 2000 and practices at the firm of Kaplin Stewart in Blue Bell, Pennsylvania. She has known Petitioner as a friend for more than ten years through their synagogue and other social events. N.T. 23-26, 27, 36.

53. Ms. Kaplin testified that Petitioner contacted her to tell her of his suspension, which she was surprised to learn. N.T. 26, 30, 33, 34.

54. Ms. Kaplin testified that she continues to view Petitioner as a "great guy...a dedicated parent...[and] supportive spouse. N.T. 27-28.

55. Ms. Kaplin testified that people in the community have a positive view of Petitioner and continue to view him as an honorable person. N.T. 29, 35.

56. Ms. Kaplin testified that she believes Petitioner has the moral qualifications to be readmitted as a member of the bar, that his readmission would not be detrimental to the bar, and she supports his reinstatement. N.T. 29.

57. David Rabbiner is a former FBI Special Agent. He is the Director of Investigative Services and Litigation Support at the Kehoe Law Firm, a class action law firm. N.T. 84. Mr. Rabbiner met Petitioner approximately six months prior to Petitioner's suspension from the practice of law. N.T. 86.

58. Mr. Rabbiner testified that Petitioner was forthright in revealing his suspension and its basis and was impressed with Petitioner's candor in expressing contrition for his wrongful actions. N.T. 88.

59. Mr. Rabbiner testified that Petitioner fully understands the consequences of his wrongful actions and recognizes that reputational damage impacted his career and his family. N.T. 91-92, 101.

60. Mr. Rabbiner testified that Petitioner has very good community and family support and is a person of good character. N.T. 91-94.

61. Mr. Rabbiner supports Petitioner's reinstatement to the bar. N.T. 95.

62. Jeffrey Schaffer, Esquire, has been a member of the Pennsylvania bar since 1987. Currently, he is Petitioner's supervising attorney at the Saffren & Weinberg law firm and ensures that Petitioner does not engage in the unauthorized practice of law. N.T. 107-108. Mr. Schaffer is aware of the nature of Petitioner's misconduct. N.T. 123-124.

63. Mr. Schaffer testified that Petitioner's work quality, writing skills and organizational skills are excellent, and that Petitioner has a full understanding of plaintiff-side personal injury law. N.T. 107-109.

64. Mr. Schaffer testified that Petitioner has the qualifications, training and learning to be a member of the bar again, and he believes Petitioner has a "great deal to add" in helping his law firm. N.T. 112-113.

65. Daniel Jeck has been a member of the Pennsylvania bar since 1992 and is the managing partner of the Philadelphia firm of Eisenberg, Rothweiler, Winkler

Eisenberg & Jeck. He is Petitioner's neighbor and has known him for approximately thirteen years. N.T. 131.

66. Mr. Jeck testified that Petitioner admitted his misconduct to him, took full responsibility for the actions that led to his suspension, and expressed remorse and contrition. N.T. 133-134, 141-143.

67. Mr. Jeck testified as to Petitioner's deep involvement with the community, including coaching Little League and their mutual synagogue work. N.T. 135.

68. Mr. Jeck testified that over the years, he discussed law-related matters with Petitioner and formed the opinion that Petitioner enjoyed being a lawyer, putting cases together and helping his clients, and is very bright and eager to learn. N.T. 136-137.

69. Mr. Jeck testified that he supports Petitioner's reinstatement, because he believes Petitioner would be even more conscientious about practicing law, given what he has gone through, and he should be given another opportunity. N.T. 140.

70. Dr. Lynda Bard has been married to Petitioner for seventeen years and they have two children. N.T. 226-227. Dr. Bard testified that Petitioner told her of his wrongdoing as soon as he received notice of the investigation, and kept her aware of all aspects of his disciplinary matter throughout the proceedings. N.T. 230-231.

71. Dr. Bard testified that Petitioner expressed to her that he wanted to take full responsibility in dealing with his issues. N.T. 231.

72. Dr. Bard testified that she expanded her dental practice during Petitioner's suspension, which included equipment purchases and staff increases. She

further testified that the growth in her practice was beneficial as the family struggled financially without the income from Petitioner's law practice. N.T. 238-239, 249-250.

73. Dr. Bard testified at length concerning the virtues of her husband's devotion to his immediate family, the close bonds he enjoys with members of her family and the strong support he has from their circle of close friends. N.T. 234-247.

74. In addition to the live testimony presented by the foregoing witnesses, Petitioner submitted two letters in support of his request for reinstatement.

75. Rabbi Glenn Ettman is the Senior Rabbi at Congregation Or Ami in Lafayette Hill, where Petitioner and his family attend. He stated that Petitioner is a committed family man and involved in his community, and is morally qualified to return to the practice of law. PET-17.

76. Daniel Strick, Esquire, is a lawyer in Philadelphia who has known Petitioner since 2000. Mr. Strick stated that Petitioner is a highly competent practitioner and a strong advocate, and has the moral and ethical qualifications to be reinstated to the practice of law. PET-18.

III. CONCLUSIONS OF LAW

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

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. Rule 218(c)(3), Pa.R.D.E

IV. DISCUSSION

Petitioner seeks readmission to the practice of law in Pennsylvania following his suspension for a period of two years on consent, imposed by the Supreme Court of Pennsylvania on November 20, 2014. Pursuant to Rule 218(a)(1), 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.

Petitioner bears the burden of proving by evidence that is clear and convincing, 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 or the administration of justice nor subversive of the public interest. Pa.R.D.E. 218(c)(3). This burden is not light, and reinstatement is not automatic. 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 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 of Pennsylvania***, 363 A.2d 779, 780-781 (Pa. 1976).

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

Petitioner presented credible and substantial evidence to show his remorse, rehabilitation, good character, competency and learning in the law. Throughout the disciplinary proceedings and the reinstatement process, Petitioner repeatedly expressed his sincere regret and remorse for his misconduct, repeatedly accepted full responsibility for his actions, and made credible assurances that his misconduct would not be repeated in the future.

Petitioner's difficulties began when he left the practice of law within a law firm setting, where he was employed as an associate and where he had no involvement or responsibility for financial management, and struck out on his own in 2010 without support of a bookkeeper or accountant. Petitioner assumed sole responsibility for all firm and financial management matters, including the handling of his IOLTA and operating accounts. There is no dispute, and Petitioner consented to discipline for his conduct, that over an approximately six month period, beginning no later than January 1, 2011 and continuing through June 2011, Petitioner failed to maintain complete records, commingled and misappropriated client funds. This six month period of admitted misconduct ended approximately seven years ago. In 2011, upon notification by his banking institution and by ODC that his IOLTA account was out of trust, Petitioner addressed his inexperience with handling trust and operating accounts by immediately employing a bookkeeper and an accountant. All client distributions were fully met thereafter and all clients were paid. It is undisputed that following the initial investigation, no further improprieties occurred with regard to the misuse of entrusted funds or the commingling of such funds with

operating funds. Petitioner publicly admitted his wrongdoing in the Joint Petition for Discipline on Consent.

In response to Petitioner's reinstatement and supporting Questionnaire, ODC raised several concerns, which were explored in depth at the reinstatement hearing. The Hearing Committee found that Petitioner satisfactorily addressed each of these concerns and found no impediment to his reinstatement. Upon review of ODC's concerns, and for the following reasons, we conclude that such concerns do not prevent Petitioner's reinstatement.

Following his suspension on November 20, 2014, Petitioner was required by Rule 217, Pa.R.D.E., to notify his clients of his suspension by certified mailings, and to notify other courts of his suspension. Petitioner admits that he failed to notify the United States Court of Appeals for the Third Circuit. Petitioner also admits that he failed to notify clients by certified mail; however, Petitioner timely notified all clients in writing of his suspension and consequent inability to act as their attorney as of the effective date of the suspension order. The intent of the rule is to protect the public by ensuring that clients are aware of the inability of their lawyer to practice law. Although Petitioner did not fulfill the specific requirement of certified mailing, he did write to every client and advise them of his suspension.

In support of his reinstatement, Petitioner filed a Reinstatement Questionnaire on April 6, 2017. Petitioner's responses in the Questionnaire contained omissions and mistakes related to outstanding civil cases and judgments, and failed to disclose that he owed 2015 federal and state taxes. Petitioner credibly testified and

admitted the existence of some of the judgments, that he had not been aware of others or that they had been satisfied, and that he had been in contact with judgment holders to make arrangements to satisfy them. No contrary evidence was submitted by ODC. As to the taxes, while Petitioner agrees that he should have disclosed this debt, there is no evidence that it was intentionally omitted.

ODC posited that Petitioner's precarious financial situation indicated a lack of moral fitness to be reinstated, citing in particular to his failure to use 2016 referral fee payments, which amounted to slightly in excess of \$200,000, to satisfy various tax obligations. Petitioner credibly testified at length as to his current financial challenges, which emerged at about the same time as his admitted misconduct. These challenges include mortgage debt, student loan debt, the costs and debts associated with Dr. Bard's growing dental practice, upon which Petitioner's family relied in the absence of his income as an attorney, as well as other debts. Petitioner testified that he used 2016 referral fee payments to pay off a 2010 federal tax obligation, and paid off credit card debts, some business debts, and invested in his wife's dental practice, in addition to saving some of the referral fees for emergency use.

There is no evidence that Petitioner somehow squandered or spent irresponsibly any of the referral fee payments. While the Board recognizes the magnitude of Petitioner's outstanding debt, Petitioner demonstrated good faith efforts to extinguish the debt, by maintaining continuous employment as a paralegal, through wage garnishments and through agreed upon payment installment plans. As the Board has noted in previous cases, complete satisfaction of all financial obligations is not a

prerequisite to reinstatement. ***Office of Disciplinary Counsel v. Andrew Keith Fine***, No. 115 DB 1995 (D. Bd. Rpt. 1/24/2014) (S. Ct. Order 5/23/2014); ***Office of Disciplinary Counsel v. Richard M. Corcoran***, 74 DB 2009 (D. Bd. Rpt. 6/22/2016) (S. Ct. Order 8/11/2016).

Having concluded that the errors and omissions on Petitioner's Questionnaire and his outstanding debt do not pose barriers for Petitioner's reinstatement, we turn to the evidence of his rehabilitation. During the years since his suspension in 2014, Petitioner has taken steps to make certain he avoids future misconduct by addressing issues that troubled him in the past. Petitioner successfully participated in counseling with Dr. Carol Wolf Wittman to address his dysthymia, a mild form of depression, which Dr. Wittman opined impacted his focus and was a factor in his professional shortcomings. Dr. Wittman credibly testified that Petitioner no longer suffers from dysthymia, has learned to manage the stress of life, is not as overwhelmed as he had been, and is capable of dealing with the stress of practicing law again. Dr. Wittman has personal knowledge of Petitioner's expressions of remorse and shame, and she testified that the depth of his feelings was a reliable indicator that he would not engage in such conduct in the future. Petitioner intends to continue counseling with Dr. Wittman.

During his suspension, Petitioner maintained employment as a paralegal at the Jenkintown law firm of Saffren & Weinberg. Jeffrey Schaffer, Esquire, is Petitioner's supervising attorney and credibly testified that Petitioner has undertaken his paralegal work within the ambit of the ethical rules and has shown himself to be an exceptional worker. Mr. Schaffer attested to Petitioner's excellent writing skills, understanding of

plaintiff-side personal injury law, and organizational skills. If reinstated, Petitioner has been offered a full-time position as an associate lawyer at the firm. This position will not involve administration or financial management. Mr. Schaffer has no hesitation in recommending reinstatement based on Petitioner's moral qualifications, training and learning in the law.

Petitioner fulfilled all continuing education requirements necessary for readmission and kept abreast of developments in the law by reading the Legal Intelligencer on a regular basis, reading news releases for Lexis/Nexis, and reviewing educational materials in the area of employment discrimination. In addition to his employment, Petitioner maintained his involvement in the community by coaching youth sports teams and volunteering at his synagogue.

Petitioner's character witnesses provided trustworthy and favorable insight into the quality of Petitioner's character. These witnesses included lawyers with decades of experience practicing law in the Commonwealth. These witnesses are aware of the details of Petitioner's misconduct and offered credible testimony as to his genuine and frequent expressions of remorse, acknowledgment of wrongdoing and acceptance of responsibility. Each of these witnesses supports Petitioner's reinstatement as a benefit to the public and the legal community.

Under similar circumstances, attorneys have been reinstated to practice law in this Commonwealth. In *In the Matter of Bruce R. Akins, Sr.*, No. 58 DB 1989 (D. Bd. Rpt. 4/4/2017) (S. Ct. Order 5/12/2017), the Supreme Court granted reinstatement in a matter where the petitioner-attorney had been suspended for a period of three years for

commingling personal and entrusted funds on 27 occasions and using the funds for his personal and business purposes. Mr. Akins expressed sincere remorse and an understanding of his misconduct and how to correct his actions for the future, and offered the credible testimony of four character witnesses. Although the Board found that Mr. Akins' financial situation was unstable, it further found that he was attempting to resolve his obligations by entering into repayment agreements, and so concluded that denying Mr. Akins' reinstatement would not serve to improve his situation.

In *In the Matter of Richard M. Corcoran*, 74 DB 2009 (D. Bd. Rpt. 6/22/2016) (S. Ct. Order 8/11/2016), the Supreme Court granted reinstatement in a matter where the petitioner had been suspended for a period of five years for misappropriating entrusted funds, among other acts of misconduct. Mr. Corcoran received counseling, addressed personal issues and established a support system, while maintaining full-time employment. In addition, Mr. Corcoran expressed genuine remorse for his misconduct. Although Mr. Corcoran had significant outstanding debt, the Board concluded he was making legitimate efforts to resolve his obligations.

Similar to the above petitioners, who successfully gained reinstatement after discipline for misconduct involving mishandling of client funds, Petitioner accepted responsibility for his actions, demonstrated sincere remorse, successfully engaged in rehabilitation, including counseling to address underlying issues, has strong family and community support, and worked steadily as a paralegal.

The credible and genuine 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.

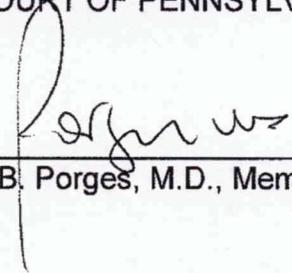
V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Robert P. Maizel, 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: 
Stefanie B. Porges, M.D., Member

Date: 10/15/18