

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of	:	No. 1783 Disciplinary Docket No. 3
	:	
MADELINE E. SCHWARTZ	:	No. 77 DB 2010
	:	
	:	Attorney Registration No. 53888
	:	
PETITION FOR REINSTATEMENT	:	(Philadelphia)

ORDER

PER CURIAM

AND NOW, this 22nd day of July, 2019, 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 07/22/2019

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

In the Matter of	:	No. 1783 Disciplinary Docket No. 3
	:	
	:	No. 77 DB 2010
MADELINE E. SCHWARTZ	:	
	:	Attorney Registration No. 53888
	:	
PETITION FOR REINSTATEMENT	:	(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

By Order dated February 6, 2012, the Supreme Court of Pennsylvania suspended Petitioner, Madeline E. Schwartz, from the practice of law for a period of three years. On August 4, 2014, Petitioner filed a Petition for Reinstatement. On February 5, 2016, Petitioner filed with the Board a Request to Withdraw Petition. By Order dated

February 9, 2016, the Board granted Petitioner's Motion to Withdraw without prejudice. On March 15, 2018, Petitioner filed a Petition for Reinstatement. Office of Disciplinary Counsel ("ODC") filed a Response to Petition on June 25, 2018.

Following a prehearing conference on August 16, 2018, a District I Hearing Committee ("Committee") conducted a reinstatement hearing. Petitioner was represented by counsel. She presented five witnesses and testified on her own behalf. Petitioner introduced into evidence nine exhibits. ODC did not call any witnesses and introduced into evidence nineteen exhibits.

On December 12, 2018, Petitioner filed a Brief to the Committee and requested that the Committee recommend to the Board that the Petition for Reinstatement be granted. By letter dated December 17, 2018, ODC stated that it was not filing a brief, as after review of the record, it did not oppose reinstatement.

The Committee filed a Report on February 19, 2019, and recommended that the Petition for Reinstatement be granted.

The Board adjudicated this matter at the meeting on April 10, 2019.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner is Madeline E. Schwartz, born in 1960 and admitted to practice law in the Commonwealth in 1988. Petitioner's registered attorney address is 1347 Christian Street, Philadelphia, PA 19147. Petitioner is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

2. Following her admission to the bar, Petitioner began a solo practice of law with a concentration in domestic relations work. Although she partnered with Felix Gonzalez, Esquire, for a short period of time in the mid-1990s, she primarily maintained a solo practice. N.T. 203-204; Reinstatement Questionnaire ("RQ") No. 2.

Discipline Giving Rise to Suspension

3. From 1994 through 1996, Petitioner represented Gerald Williams in a divorce matter. In 2008, Mr. Williams contacted Petitioner regarding an issue with the court-ordered QDRO relating to his pension. ODC-1 at 15.

4. Petitioner agreed to represent Mr. Williams in having the court enter a new QDRO to reflect that Mr. Williams' ex-wife was entitled to receive \$4,918.09. ODC-1 at 16.

5. Petitioner requested that Mr. Williams pay to her the sum of \$4,918.09, which amount Petitioner would hold in escrow and use to pay Mr. Williams' ex-wife. Mr. Williams sent Petitioner a check in the amount of \$4,918.09 and Petitioner deposited the money in her IOLTA account. ODC-1 at 19, 18, 19.

6. Petitioner converted Mr. Williams' funds to her own use without his knowledge or permission. ODC-1 at 19.

7. From December 5, 2008 through September 28, 2009, Petitioner deposited fees into her IOLTA account that should have been deposited into her operating account. ODC-1 at 19(e).

8. Petitioner neglected Mr. Williams' matter, misrepresented the status of the matter to him, and failed to respond to Mr. Williams' urgent requests for information. ODC-1 at 20-61.

9. In the matters of Reno D'Agostino and Anthony LoMaistro, Petitioner delivered witness fee checks to each of these individuals in the amount of \$25.00. The checks were from an overdrawn account, resulting in these witnesses being burdened with bank charges. ODC-1 at 62-73.

10. Petitioner failed to participate in the disciplinary proceedings that ODC brought against her as a result of her conduct in these matters. ODC-1 at 74, 75.

11. By Order dated February 6, 2012, the Supreme Court suspended Petitioner for three years.

12. Petitioner made restitution of the misappropriated funds. RQ No. 5.

13. As to Gerald Williams, the principal amount of misappropriated funds was \$4,918.09. By letter dated June 12, 2014, Petitioner paid \$6,816.61 to the Pennsylvania Lawyers Fund for Client Security, of which \$1,898.52 was interest. RQ No. 5(c).

14. As to Reno D'Agostino, the principal amount of funds was \$25.00, which Petitioner reimbursed with interest and a bank fee. RQ No. 5(c)

15. As to Anthony LoMaistro, the principal amount of funds was \$25.00, which Petitioner reimbursed with interest and a bank fee. RQ No. 5(c).

Petitioner's Personal History

16. Petitioner married in 1999 and had a son in 2002. N.T. 194.

17. In 2009, Petitioner was diagnosed with breast cancer of the right breast and underwent surgery and radiation. At the same time, her law practice was suffering and she was having financial issues that were affecting her married. N.T. 202-203.

18. In 2010, Petitioner was placed on administrative suspension from the practice of law due to her failure to pay the annual attorney registration fee. ODC-1.

19. In 2011, Petitioner's marriage ended when her husband left. N.T. 203.

20. In late 2011, Petitioner was diagnosed with cancer of the left breast and underwent surgery and radiation. N.T. 202.

21. Petitioner's health, financial and marital problems caused her to suffer depression and anxiety. See N.T. 82, Testimony of Dr. Kirk Heilbrun, Petitioner's mental health expert ("And what I concluded at the end of this report is that she has had times in her life, particularly around that 2011, 2012 period, where she was experiencing significant problems with organization, and anxiety and depression, and so on."); N.T.

160, Testimony of Keith Muszynski, Petitioner's character witness ("Along with the diagnosis of cancer and her husband leaving her, she was extremely stressed out, she was really depressed, she was at a really dark place at the time."); N.T. 223, Testimony of Petitioner ("I was despondent, I was depressed and I really believe that the word would be inconsolable.")

22. On May 28, 2013, Petitioner received a discharge of her debts in bankruptcy. RQ 10(a).

23. In 2014, Petitioner filed a Petition for Reinstatement to the bar, which she later withdrew. Petitioner testified that, in retrospect, she realized that she was not ready to be reinstated, See N.T. 210-213, Testimony of Petitioner ("I knew that I wasn't going to succeed and I made the decision to withdraw. I blamed everybody but myself...it was the lawyer's fault, [ODC]'s fault, it was everyone's fault, but not mine. And it took me a long while to get to the point where I could admit all of this, that I had done it, and that I was willing to make amends...").

24. In 2015, Petitioner's mother died of cancer. N.T. 196.

25. In 2016, Petitioner's divorce was final. Her current relationship with her ex-husband is "great" and they "co-parent very, very well." N.T. 195.

26. In the late summer of 2016, after not having seen or heard from her father for at least ten years, Petitioner received a call from an emergency room in Florida advising her that her father was ill, confused and needed care. N.T. 197.

27. After assessing the situation, Petitioner took on the responsibility of caring for her father, who was suffering from Alzheimer's disease, and moved him to Philadelphia where she could support him and manage his medical care. N.T. 197-199.

28. During this time, Petitioner was suspended from the practice of law and was working for the law firm of Lipschutz & Friedman as a paralegal. N.T. 1978.

29. Due to certain life events, health issues and the escalating needs of her father, Petitioner was sometimes late and missed work during her time at the Lipschutz firm. Petitioner was terminated in December 2017. N.T. 216-217, 219, 255; P-7.

30. Despite the problems with punctuality and attendance, Mr. Lipschutz described Petitioner's work as "adequate." ODC-10.

31. Petitioner testified credibly that she always got her work done, worked through lunch and stayed late to make up for time she was not in the office. N.T. 220-221.

32. After leaving the Lipschutz firm, in January 2018, Petitioner began working for her former law partner, Felix Gonzales. RQ No. 11(a).

33. Petitioner is currently treating for depression, anxiety and ADHD, and has no mental health issues that would prevent her from resuming work as an attorney. N.T. 30.

34. Petitioner takes medication as prescribed and meets with her therapist once per week and her psychiatrist every two months. N.T. 265-66.

Witness Testimony

35. Petitioner presented the testimony of five witnesses, who testified credibly.

36. Kirk Heilbrun, Ph.D, testified as an expert on Petitioner's current mental health. N.T. 13-91.

37. Dr. Heilbrun is a Professor in the Department of Psychology at Drexel University. P-1. He has written extensively in the field of clinical and forensic psychology and has testified as an expert over 300 times and once before in a disciplinary proceeding. P-1; N.T. 14.

38. Dr. Heilbrun met with Petitioner to determine her current functioning and whether she had any mental health issues that would pose an obstacle to her practicing law competently. N.T. 14-19.

39. Dr. Heilbrun described the testing he administered and interview he conducted and stated that the method he employed met the acceptable standards of psychological testing. N.T. 15-17.

40. Dr. Heilbrun testified that, based on his evaluation, Petitioner is "not currently suffering from active symptomology that would affect her ability to work as an attorney." N.T. 29.

41. Dr. Heilbrun opined that, to a degree of psychological certainty, Petitioner is mentally and psychologically capable of resuming the practice of law at this time. N.T. 31.

42. Felix Gonzalez is Petitioner's long-time friend, former law partner, and current employer. He has known her since 1988. N.T. 91-133.

43. Mr. Gonzalez has practiced law for thirty-nine years. He has held positions in government and private practice, including serving as Chief Assistant City Solicitor of Philadelphia and Chief of Tort Litigation for the City of Camden, New Jersey.. N.T. 92.

44. Since January 2018, Petitioner has been employed by Mr. Gonzalez, first as an unpaid intern where Mr. Gonzalez provided mentoring, and then as a secretary/paralegal, where Petitioner drafts legal documents and provides litigation support. N.T. 115-16.

45. Mr. Gonzalez has been very happy with Petitioner's work, describing her as a "terrific lawyer" and her work as "wonderful." N.T. 101-03.

46. Mr. Gonzalez noted that Petitioner speaks fluent Spanish, which is a very good skill for the legal marketplace. N.T. 100, 109.

47. Mr. Gonzalez testified concerning Petitioner's abilities: "I see a person who is steady, I see a person who can think clearly, I see a person that can cooperate. I see a person who cares. I see a person with talent. And she is ready to do it, because if I wasn't confident in her, she wouldn't be working in those kind of cases with me." N.T. 102-03.

48. Mr. Gonzalez testified that Petitioner disclosed to him the misconduct that led to her suspension and other issues that were raised as concerns by ODC, and that she "was contrite about it and realizes her mistake. And that's a step that she's finally ready to admit to totally. And that's why in context with the prior 2014 petition that she

withdrew, she realized it and I realize now too, that she really wasn't ready to pursue and now she is." N.T. 106-08.

49. Mr. Gonzalez testified that Petitioner expressed to him that she was "disappointed in herself" and "penitent" for her misconduct. N.T. 112.

50. Mr. Gonzalez testified that Petitioner is of "high (moral) character. She is trustworthy. She is caring. She is all the elements that you would want in a friend, in a family member, and an attorney." N.T. 108.

51. If Petitioner is reinstated, Mr. Gonzalez intends to hire her as an associate. N.T. 109.

52. James Brennan is an accountant with forty years of experience, has known Petitioner since 1994, and was a client at one point in time. N.T. 133-156.

53. Mr. Brennan testified as to his experience with Petitioner as his lawyer: "I thought she was great, I thought she came to my case with a passion and compassion for me as well as other clients that I was aware of. She was prepared, she was knowledgeable, if she didn't have an answer...she didn't pretend...She was always available." N.T. 136-37.

54. Mr. Brennan testified that he was familiar with Petitioner's misconduct and has discussed it with Petitioner. Based on these discussions and his other interactions with her, Mr. Brennan believes that Petitioner is "sorry for her behavior in the past. She wants to be a role model for her son, and this definitely isn't role model material...And she wants the opportunity to prove to herself and her son that you can

make a mistake, you can fall down and get up, and be better and stronger for it." N.T. 142-43.

55. Keith Muszynski is a business consultant who has known Petitioner for more than twenty years. He is a former client, and Petitioner represented his sister in her divorce. N.T. 156-72.

56. Mr. Muszynski testified that Petitioner was "on top of things, communication was really great, she let me know what was going on from the time I retained her...She really went above and beyond of what I expected as an attorney..." N.T. 158.

57. Mr. Muszynski testified that he is familiar with Petitioner's misconduct. He observed that Petitioner "made a mistake and she learned from it, she regrets it, and she's remorseful and she's really sorry that she did what she did." N.T. 160, 165.

58. Mr. Muszynski testified that Petitioner has the moral qualifications to be an attorney and that her reinstatement would be a benefit to the integrity of the bar. He stated, "[s]he's a great attorney, she's always on top of things, and she's here for her clients...I would recommend her to my close friends or family." N.T. 161.

59. Jennifer Kralle, Esquire, is an Assistant District Attorney with the Philadelphia District Attorney's Office, who has known Petitioner since 1989. N.T. 172-92.

60. Ms. Kralle testified that prior to becoming a lawyer, she worked as a secretary for Petitioner and Petitioner inspired her to attend law school. N.T. 174.

61. Petitioner represented Ms. Kralle's daughter in her divorce in 2005-2006. N.T. 173.

62. Ms. Kralle testified that Petitioner was a "wonderful" lawyer and "...if [Petitioner] was practicing law, she is the person – the only person I would send my daughter to. She is a wonderful advocate, she knows the law inside and out, she's very thorough, she's very articulate, she's very organized." N.T. 173.

63. Ms. Kralle is familiar with Petitioner's misconduct and stated that Petitioner accepted responsibility for her actions and expressed sincere remorse. N.T. 178.

64. Ms. Kralle testified that Petitioner is "ashamed of what happened" and has "taken steps to make sure that this does not happen again. It is just not the Madeline that I know today or the Madeline that I knew years ago." *Id.*

65. Ms. Kralle testified that in her job, she has "to evaluate if somebody has accepted responsibility and what steps, if any, they've taken to rehabilitate themselves." N.T. 191. Based on her experience, Ms. Kralle believes Petitioner's remorse is genuine. *Id.*

66. Despite her thorough knowledge of all that has occurred, Ms. Kralle believes "100 percent" that Petitioner has the moral qualifications to be an attorney. N.T. 192.

Petitioner's Testimony

67. Petitioner testified credibly at the reinstatement hearing.

68. Petitioner admitted to and accepted full responsibility for her past misconduct. At times during her testimony, she was overcome with emotion due to the shame she feels. N.T. 208.

69. Petitioner acknowledged that she was administratively suspended in 2010 for failure to pay her annual attorney registration fee and testified that at the time, she "was really depressed, but it was no excuse." N.T. 205. Petitioner did not open the letter from the Attorney Registration Office advising her of her suspension. N.T. 207.

70. Petitioner admitted that during the time of her administrative suspension, she continued to represent three clients, "who I should not have represented, obviously." N.T. 206.

71. Petitioner admitted that she had been dishonest with the Honorable Robert O. Baldi, a judge before whom she appeared in the Bucks County Court of Common Pleas in 2011, when he asked her about her status and whether her license to practice law was current: "...I told him at the time that I didn't know, but again, I was dishonest. And for that, I'm very ashamed." N.T. 206-07.

72. Petitioner admitted that the facts underlying her three-year suspension are accurate and that she did not participate in the disciplinary process. Petitioner stated, "I feel like I disgraced myself, the profession that I love... and I swore to uphold the integrity and honor and I didn't." N.T. 208.

73. Petitioner acknowledged that she has prior discipline in Pennsylvania: in 2000, she received a private reprimand for failing to timely return a retainer to a client and commingling funds; in 2001, she was suspended for a period of

three months, reciprocal to discipline in New Jersey for not having a bona fide office and telling a bankruptcy judge she could practice law when she could not; and in 2008, she received an informal admonition for commingling funds and not properly preserving \$200.00.

74. Petitioner testified that she was "deeply ashamed" of her earlier misconduct. N.T. 209.

75. Petitioner testified that in 2014, she filed a Notary Public application, which was denied because she was not honest about her disciplinary history. Petitioner stated that, "I was dishonest, I think, because I was ashamed...I don't think I was ready to admit that I was dishonest...it was behavior not indicative of somebody who is ready to come back and be reinstated." N.T. 212-13.

76. Petitioner conceded that she did not advise New Jersey disciplinary authorities of her Pennsylvania suspension because she believed that her former lawyer had done so after the 2014 reinstatement hearing. When she learned that he had not provided the notification, Petitioner believed that she was not required to do so based on her interpretation of the rules. However, after discussing the matter with ethics lawyers in New Jersey prior to the reinstatement hearing, Petitioner believed it was best to send the notification and did so. N.T. 222-23; P-9.

77. Petitioner admitted that she failed to file her required Rule 217 Statement of Compliance with the Board in a timely fashion, and explained that she was very depressed at the time. N.T. 223.

78. Prior to the reinstatement hearing on October 16, 2018, Petitioner took 100 credits of Continuing Legal Education. P-8.

79. Petitioner reads the Legal Intelligencer and reviews court opinion updates daily to maintain her currency in the law. RQ No. 21.

80. Petitioner spent considerable contemplation and reflection coming to understand the magnitude of her derelictions. RQ No. 20.

81. Petitioner has gained insight into the significance of her prior misconduct, how it occurred, how wrongful it was and what steps she must take to ensure that she never again violates the ethics rules. N.T. 225-30.

82. During her suspension, Petitioner has focused on coming to terms with her own actions, treating her depression and anxiety, resolving her financial issues, including paying outstanding taxes, and finalizing her divorce. N.T. 225-27. Petitioner testified that "...recognizing what you've done and being able to absolutely come clean. As difficult as it is that has been a very, very big part. Knowing my strengths and weaknesses has also been a very, very big thing because I realize what I cannot do and I realize what I'm good at." N.T. 227.

83. During her suspension, Petitioner engaged in charitable activities primarily concerned with animal rights organizations. RQ No. 21.

84. If reinstated, Petitioner does not plan to return to a solo practice, feels that she will be most productive practicing law and not managing a law practice, and understands that she "cannot handle the stresses and management of a law practice." N.T. 228.

85. Petitioner plans to work for Mr. Gonzalez, who will hire her as an associate once she is reinstated. N.T. 229, 268.

86. Petitioner testified that she wants her law license back because she loves the law. More importantly, she hopes to teach a lesson to her teenage son that it is possible to be redeemed from misconduct. N.T. 230.

87. ODC filed a response to the Petition for Reinstatement and raised concerns as to Petitioner's: taxes; representation of clients while administratively suspended; termination from employment at the Lipschutz law firm; Notary Public application; failure to report her suspension to the New Jersey disciplinary authorities; and failure to timely file the Statement of Compliance. See, ODC Response to Petition for Reinstatement.

88. After a full hearing and the opportunity to explore these concerns, ODC does not oppose reinstatement.

III. CONCLUSIONS OF LAW

1. Petitioner demonstrated by clear and convincing evidence that she 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 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 for a period of three years, imposed by the Supreme Court of Pennsylvania on February 6, 2012. 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 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. 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 spent her suspension period engaged in genuine rehabilitation. See ***In the Matter of Danielle M.***

Ross, No. 179 DB 2013 (D. Bd. Rpt. 5/10/2016) (S. Ct. Order 6/6/2016); **In the Matter of Scott Philip Sigman**, No. 43 DB 2012 (D. Bd. Rpt. 7/26/2016) (S. Ct. Order 8/17/2016); **In the Matter of Robert P. Maizel**, No. 26 DB 2014 (D. Bd. Rpt. 10/15/2018) (S. Ct. Order 11/16/2018). 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.

The misconduct for which Petitioner was suspended involved converting client funds and neglecting the matters of a client, and issuing bad checks to witnesses. These serious practice violations were aggravated by Petitioner's failure to participate in the disciplinary proceedings or appear at the disciplinary hearing. Although Petitioner's misconduct was serious and caused her suspension from the practice of law, she has met her reinstatement burden and we recommend that the Petition for Reinstatement be granted.

The record amply demonstrates that Petitioner is morally fit, competent, and learned in the law. Petitioner fully acknowledged her misconduct and made full restitution of the misappropriated funds. Petitioner did not minimize her misconduct and has expressed genuine and profound remorse. She was overcome with emotion during her testimony, describing her shame and disappointment in herself with regard not only to her disciplinary misconduct, but other conduct related to her Notary Public application, her failure to inform the New Jersey disciplinary authorities of her suspension in Pennsylvania, and her failure to timely file her Statement of Compliance required by Pa.R.D.E. 217(e). There is no doubt that Petitioner sincerely regrets her misconduct.

Petitioner convincingly assured the Committee and now this Board that the conduct that caused her suspension is not characteristic of the person she is, and her prior wrongdoing will not be repeated in the future.

Petitioner testified to the many negative, difficult and stressful events in her personal life that occurred during the time frame of her misconduct and into her period of suspension, including her divorce, two breast cancer diagnoses, mental health concerns, financial woes, and her parents' health problems, which impacted her ability to meet her professional responsibilities, specifically operating her own law firm as a solo practitioner.

Petitioner has been suspended since 2012. Although she sought reinstatement in 2014, she subsequently withdrew her petition upon realizing that she was not going to be successful. Petitioner explained that at that time, she was still blaming others for her problems and not taking fault with her own actions. Her realization that she was not ready for reinstatement enabled her to make necessary changes in her life. Since that time, Petitioner has spent her period of suspension coming to terms with the magnitude of her misconduct, treating her mental health issues, addressing her financial problems, and finalizing her divorce. Petitioner testified that she understands her strengths and weaknesses, is in a better place and is ready to resume practicing law. Petitioner candidly admitted that she suffers from depression, anxiety and ADHD, for which she takes medication and regularly treats with a therapist and a psychiatrist. The expert testimony of Dr. Heilbrun confirms that Petitioner displays no symptoms of mental illness and is mentally and psychologically capable of resuming the practice of law.

During her suspension, Petitioner has worked as a paralegal for several legal practitioners and firms. Currently, she is employed by Felix Gonzalez, her former law partner for a short time in the mid-1990s, with whom she intends to practice as an associate upon reinstatement. Mr. Gonzalez confirmed that he desires to employ Petitioner and is very happy with her work and confident in her abilities and talent. One of the things Petitioner realized during her period of suspension is that while she loves practicing law, she did not thrive as a solo practitioner due to difficulties managing her law office. She would prefer to concentrate on practicing law, rather than running an office. Petitioner maintained her currency in the law during her suspension by completing 100 hours of Continuing Legal Education, reading the Legal Intelligencer and perusing court opinions on a daily basis.

Petitioner's witnesses credibly testified that she is remorseful and apologetic for her misconduct. They further testified that when Petitioner was practicing law, she was a knowledgeable, prepared and passionate lawyer who cared for her clients. The witnesses offered credible and convincing insight into the quality of Petitioner's character, and noted that Petitioner has worked very hard to overcome her professional and personal struggles so that she can resume practicing law. The compelling testimony demonstrates that Petitioner has truly learned from her experiences, has made positive changes in her life, and is a moral, competent, hard-working individual whose reinstatement will not present a danger to the public or harm the integrity and standing of the bar.

ODC initially raised several concerns regarding Petitioner's reinstatement, but having been satisfied by Petitioner's responses to such concerns, has no opposition to reinstatement. Our review of these concerns leads the Board to the same conclusion. Petitioner credibly testified and sufficiently explained her prior disciplinary history; filing and payment of taxes; representation of three clients while administratively suspended in 2010; circumstances of the termination of her employment with the Lipschutz law firm; Notary Public application; failure to report her suspension to New Jersey disciplinary authorities; and late filing of the Statement of Compliance required by Pa.R.D.E. 217(e). These issues do not pose an impediment to Petitioner's reinstatement.

Upon the record before us, we conclude that 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. Petitioner has demonstrated clearly and convincingly that she is fit to practice law. The Board recommends that the Petition for Reinstatement be granted.

IV. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Madeline E. Schwartz, 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: _____

John F. Cordisco, Member

Date: _____

6/10/19