IN RE: GAIL M. THALHEIMER

NO. BD-2008-016

S.J.C. Judgment of Reinstatement entered by Justice Cordy on December 2, 2015.[1]

[1] The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

COMMONWEALTH OF MASSACHUSETTS
BOARD OF BAR OVERSEERS
OF THE SUPREME JUDICIAL COURT

In the Matter of	)	
	)	
GAIL M. THALHEIMER,	)	**SJC No. BD-2008-016**
	)	
Petition for Reinstatement	)	

HEARING PANEL REPORT

I. Introduction

On March 26, 2015, Gail M. Thalheimer filed with the Supreme Judicial Court a pro se petition for reinstatement from an order of indefinite suspension entered by the Court on July 23, 2008. *Matter of Thalheimer*, 24 Mass. Att'y Disc. R. 684 (2008). Bar Counsel opposed the petition. Thereafter, counsel appeared for the petitioner but, due to illness, withdrew prior to the hearing. The petitioner thereafter elected to proceed pro se.

We received evidence under the petition at a hearing held on August 18, 2015. The petitioner testified on her own behalf and called three witnesses: her psychotherapist, Dr. Jane MacDonald; her son, attorney Mark Novinsky; and her former CPA, David Samick. Bar counsel called no witnesses. Twenty-eight exhibits were admitted into evidence. These exhibits included, by agreement, the petitioner's responses to parts one and two of the reinstatement questionnaire (Exs. 18, 19).

We note that the petitioner had previously been allowed to work as a paralegal for her son, 29 Mass. Att'y Disc. R. ___ (Aug. 13, 2013); that a prior petition for reinstatement ("2013 petition") had been denied, 30 Mass. Att'y Disc. R. ___ (Jan. 14, 2014); and that another petition for reinstatement ("2014 petition") was, on the petitioner's motion, dismissed without prejudice by the single justice on March 12, 2015, following a hearing before a different panel of board members. (Ex. 26). The exhibits

and hearing transcript from the 2014 petition were part of the record we considered (Exs. 1-3 and 12-17), as were exhibits from the 2013 petition (Exs. 4-11).

In his January 14, 2014 order denying reinstatement, Justice Cordy echoed the prior hearing panel's "appreciation for the petitioner's accomplishments in her life and profession, and recognized that she 'has started down the path of reform that might result in her eventual reinstatement.'" He expressed his hope that she would continue down that path and, in deference to her "commitment and progress," ordered that she could apply for reinstatement early (September 2014).

The hearing panel considers this to be a close case. However, after considering the testimony and other evidence, the panel recommends that the petition for reinstatement be granted, but only upon certain conditions.

II. Standard

A petitioner for reinstatement to the bar bears the burden of proving that she possesses "the moral qualifications, competency, and learning in the law required for admission to practice law in this Commonwealth, and that [her] resumption of the practice of law will not be detrimental to the integrity and standing of the bar, the administration of justice, or to the public interest." S.J.C. Rule 4:01, § 18(5); *Matter of Daniels*, 442 Mass. 1037, 1038, 20 Mass. Att'y Disc. R. 120, 122-123 (2004) (rescript). See *Matter of Dawkins*, 432 Mass. 1009, 1010, 16 Mass. Att'y Disc. R. 94, 95 (2000) (rescript); *Matter of Pool*, 401 Mass. 460, 463, 5 Mass. Att'y Disc. R. 290, 293 (1988). S.J.C. Rule 4:01, § 18(5) establishes two distinct requirements, focusing, respectively, on (i) the personal characteristics of the petitioner and (ii) the effect of reinstatement on the bar and the public. *Matter of Gordon*, 385 Mass. 48, 52, 3 Mass. Att'y Disc. R. 69, 73 (1982).

In making these determinations, a hearing panel considering a petition for reinstatement "looks to '(1) the nature of the original offense for which the petitioner was [suspended], (2) the petitioner's character, maturity, and experience at the time of [her

suspension], (3) the petitioner's occupations and conduct in the time since [her suspension], (4) the time elapsed since the [suspension], and (5) the petitioner's present competence in legal skills.'" *Daniels*, 442 Mass. at 1038, 20 Mass. Att'y Disc. R. at 122-123, quoting *Matter of Prager*, 422 Mass. 86, 92 (1996), and *Matter of Hiss*, 368 Mass. 447, 460, 1 Mass. Att'y Disc. R. 122, 133 (1975).

III. Disciplinary Background

The petitioner's indefinite suspension was based on the report of a hearing committee, which made certain credibility findings, a vote of the board, and an order by a single justice of the Court. We summarize those findings.

In Count One, the petitioner had represented a client in making a claim for personal injuries sustained in a motor vehicle accident. She filed suit on the client's behalf but failed to answer the defendant's interrogatories. Shortly before the case would have been dismissed for failure to answer the interrogatories, the petitioner settled the case with the defendant. The petitioner did not inform the client of the defendant's offer nor did she receive authority to accept it. Without the client's consent, the petitioner forged the client's signature to the release, deposited the settlement check in her IOLTA account, and disbursed checks payable to herself and to the client's health care providers. The petitioner wrote a check to the client for the net proceeds due to her but did not deliver the check to the client and did not notify her of it; the check was never cashed. The petitioner then intentionally misused the client's funds for over two years, with resulting deprivation; she later made restitution. The petitioner violated Mass. R. Prof. C. 1.15(a), (b), (d), and (e) as then in effect, 1.2(a), 1.4, 8.1(a), and 8.4(c), (d) and (h).

In Count Two, between January 2002 and April 2003, the petitioner intentionally misappropriated IOLTA funds to pay her personal debts and, on at least seven occasions, to cover earlier client obligations. These withdrawals caused constant shortages in her IOLTA account. Throughout this period, the petitioner attempted to alleviate the problem by commingling her own funds with client funds. The petitioner violated Mass. R. Prof.

C. 1.15(a), (b), (d), and (e), as then in effect, and 8.4(c), (d) and (h).

In Count Three, the petitioner was found to have violated numerous rules concerning IOLTA accounts, record-keeping and reconciliation of accounts, including Mass. R. Prof. C. 1.15(f) and 1.15(f)(1)(C)-(E) as in effect since July 1, 2004.

In Count Four, the petitioner was found to have engaged in a non-waivable conflict of interest in a motor vehicle accident case by representing both the driver of the vehicle and her passenger, when the passenger's primary claim was against this driver. Two years later, the petitioner ceased to represent the driver—who retained other counsel—and filed suit against her on behalf of the passenger. Subsequently, recognizing the conflict created by the successive representations, the driver's attorney demanded that the petitioner withdraw. The petitioner ignored the request and continued to try to settle with the driver's insurance company. Ultimately, the court disqualified the petitioner. However, the petitioner did not tell her client that he needed new counsel and failed to withdraw until bar counsel told the client that the petitioner had been disqualified. The petitioner violated Mass. R. Prof. C. 1.4(a), 1.7(a) and (b), 1.9(a), and 1.16(a) and (d).

IV. Findings

A. Learning in the Law

We find that, in accordance with S.J.C. Rule 4:01, § 18, the petitioner has demonstrated that she has the competency and learning in the law required for reinstatement to the practice of law in this Commonwealth. The September 2013 hearing panel, which recommended against reinstatement, nevertheless found that the petitioner had the competency and learning in the law required for reinstatement; the single justice agreed in his January 15, 2014 decision. Accepting that finding as binding upon us (Tr. 5-6), we consider only the time period from September 2013 to the present.

At the hearing, the petitioner was able to explain the changes in the Rules of Professional Conduct concerning waivers of conflicts of interest and that banks now have to be told when an attorney opens a non-IOLTA trust account. (Tr. 136-137). She was

also able to explain the basics of the three-way reconciliation requirements under rule 1.15. (Tr. 137-138). Considering the foregoing testimony additional courses the petitioner has taken since September 2013, including one on the changes to the Rules of Professional Conduct effective July 1, 2015 (Tr. 26), and her regular reading of *Massachusetts Lawyers Weekly*, we find that she has again met this requirement. (Tr. 25-26, 132-134, petitioner; Ex. 18, p. 653; Ex. 22, p. 788; Ex. 27).

B. Moral Qualifications

Our primary concern about whether to recommend reinstatement is whether the petitioner has demonstrated the moral qualifications for readmission.

The petitioner came before us bearing a difficult burden of proof. Her suspension, based on her intentional misuse of funds, the forging of a client's signature to a release, and other grave misconduct, is "conclusive evidence that [s]he was, at the time, morally unfit to practice law...." *Dawkins*, 432 Mass. at 1010-1011, 16 Mass. Att'y Disc. R. at 95 (citations omitted). Unless overcome, that misconduct "continued to be evidence of [her] lack of moral character ... when [s]he petitioned for reinstatement," *Dawkins*, 432 Mass. at 1010-1011, 16 Mass. Att'y Disc. R. at 95, and to the same effect, see *Matter of Centracchio*, 345 Mass. 342, 346 (1963), *Matter of Waitz*, 416 Mass. 298, 304, 9 Mass. Att'y Disc. R. 336, 342 (1993). "Reform is a 'state of mind' that must be manifested by some external evidence ...; the passage of time alone is insufficient to warrant reinstatement." *Waitz*, 416 Mass. at 305, 9 Mass. Att'y Disc. R. at 343; *see also Daniels*, 442 Mass. at 1038, 20 Mass. Att'y Disc. R. at 123. "It [is] incumbent on [the petitioner], therefore, to establish affirmatively that, during [her] suspension period, [she has] redeemed [herself] and become 'a person proper to be held out by the court to the public as trustworthy.'" *Dawkins*, 432 Mass. at 1010-1011, 16 Mass. Att'y Disc. R. at 95 (citations omitted); see also *Matter of Ellis*, 457 Mass. 413, 414, 26 Mass. Att'y Disc. R. 158, 163-164 (2010).

A "fundamental precept of our system is that a person can be rehabilitated."

Matter of Ellis, 457 Mass. at 414, 26 Mass. Att'y Disc. R. at 163. Still, on a petition for reinstatement "considerations of public welfare are dominant. The question is not whether the petitioner has been punished enough." *Matter of Cappiello*, 416 Mass. 340, 343, 9 Mass. Att'y Disc. R. 44, 47 (1993); *Matter of Keenan*, 314 Mass. 544, 547 (1943). "The act of reinstating an attorney involves what amounts to a certification to the public that the attorney is a person worthy of trust." *Daniels*, 442 Mass. at 1039, 20 Mass. Att'y Disc. R. at 123; *Matter of Centracchio*, 345 Mass. at 348.

It has been seven years since the petitioner's indefinite suspension was imposed, and there is no evidence of intervening misconduct. She has successfully worked as a paralegal since August 2013, which also weighs in her favor.

We are persuaded that the petitioner has addressed her ethical shortcomings. As did the hearing panel in 2013, we accept that her remorse about the loss of her license is sincere[1] while acknowledging that "sincere remorse, standing alone, does not equal reform." (2013 panel report, ex. 8, p. BBO 299).

One of the factors we must consider in a reinstatement proceeding is the petitioner's understanding, and acceptance, of the misconduct that led to discipline. *Dawkins*, 432 Mass. at 1011, 16 Mass. Att'y Disc. R. at 95-96; *Matter of Keenan*, 314 Mass. 544, 550 (1943). In this case, the petitioner's testimony before us still contained elements of her wanting to have it both ways: to admit that her conduct was "intentionally negligent," wherein she seemed to acknowledge an element of intent, but then to suggest that her misuse of funds was negligent. For example, the petitioner repeatedly testified that her conduct was intentional and that she had misappropriated IOLTA funds to pay a personal debt. (Tr. 39, 45-46, 53, 55-56, 60-61, petitioner). However, when asked what she meant by "intentional," the petitioner said she "knew that her books were screwed up," that the bookkeeping "was my responsibility," and that "it

[1] Bar counsel also said, "I don't doubt her sincerity. Nobody doubts her sincerity. I don't doubt that she's earnest and tried to work on these issues."

was intentional because I was aware that the bookkeeping was not correct." (Tr. 62-64, petitioner).

She continued that while she used to think her conduct was negligent, she now knew it was intentional (Tr. 65-67, petitioner). Her explanation of that, however, devolved into "it was bad bookkeeping"; "I knew my bookkeeping was messed up and I knew intentionally that I was writing checks and I knew this was going on"; "I did it because I wasn't aware of my bookkeeping and I didn't have the proper help and I just let everything go, and it was intentional." (Tr. 69-71, petitioner).[2]

Following this, however, her testimony returned to unequivocal admissions of intentional misuse of funds and other misconduct: she admitted that she took money to pay other bills or expenses; that her misconduct was intentional; and that she intentionally diverted client funds for personal use. (Tr. 77-78; 148-151, petitioner). She admitted that she used to blame her staff and that she had denied trying to steal money; however, she now says it is all her fault, for which she takes responsibility. (Tr. 155-156, 159, petitioner).

In 2013, the hearing panel was concerned about the "conspicuous lack" of evidence that "the petitioner used her suspension to face her misconduct squarely and to obtain independent advice and correction at a personal level." (Ex. 8, 2013 panel report, p. BBO 300). We find that this is no longer the case. From November 2013 through March 2014, the petitioner was in psychotherapy with Joanne Lind, with visits every other week. (Ex. 20, Dec. 18, 2014 transcript, pp. 61, 65-67). After Ms. Lind could not continue as her therapist because of injuries sustained in a fall, the petitioner saw another therapist (Ex. 20, pp. 148-149), and then began seeing Dr. Jane MacDonald, who has continued as the petitioner's therapist since June 2014. (Tr. 85-86, petitioner; Tr. 181-

[2] Another of her more convoluted explanations was as follows: "It was almost like I was taking from Peter and paying Paul without even knowing I was doing that. I got myself into very bad record-keeping; and frankly, sir, I find that to be very intentional when you cannot keep track of your books. It's not like I took a check out and cashed it. It's not like I took another check out and cashed it. It all got commingled." (Tr. 69, petitioner).

183, MacDonald). Except for cancellations due to weather in the winter of 2015, or vacation, the petitioner has had weekly therapy sessions with Dr. MacDonald since then. (Tr. 182-183, MacDonald).

We received testimony from Dr. MacDonald. She graduated from Wellesley College and earned her master's degree in social work and psychology and her Ph.D. in counseling psychology from the University of Michigan and University of Texas. Her internship was at McLean Hospital. She has been a licensed clinical psychologist in Massachusetts since 1985 and has been affiliated with several Massachusetts hospitals. (Ex. 2). Dr. MacDonald testified credibly that the focus of the petitioner's treatment has been to confront, understand and accept the intentional nature of her misconduct. (Tr. 185, 194-198, MacDonald). Dr. MacDonald found the petitioner to be honest, forthright and engaged. (Tr. 220, 223, 183, MacDonald). Her testing of the petitioner showed that she was not clinically depressed. (Tr. 236-237, MacDonald).

When specifically asked about what has changed since the petitioner's 2013 reinstatement hearing, Dr. MacDonald said she "finally came clean or was forced to come clean," and has "stopped lying about what she had done with the checks, forging the checks and that sort of thing." (Tr. 223, MacDonald). She further said the petitioner now admits "that she purposely mishandled funds, that she signed the check, that she didn't do due diligence in trying to contact [the former client], that she made some effort but it wasn't a thorough effort and that she commingled her personal and other funds and tried to cover it up." (Tr. 243-244, MacDonald).

The petitioner and Dr. MacDonald both testified credibly that the petitioner has worked with her therapist both to accept the intentional nature of her misconduct and to understand why she misused clients funds when, as the petitioner testified, she did not need the money. (Tr. 86-87, 143-144, petitioner). Dr. MacDonald explained that the petitioner's coming to accept the intentional nature of her misconduct was the result of a two-year process. (Tr. 223-224, MacDonald; Tr. 161-162, petitioner). Dr. MacDonald

also testified that the petitioner's misconduct was "out of character" and that she was not likely to repeat it if reinstated. (Tr. 209, MacDonald). As noted above, both the petitioner and Dr. MacDonald testified that the petitioner regularly attended weekly therapy sessions, and testified that the petitioner has promised to continue her sessions.

While we would have preferred a less equivocal statement from the petitioner, we acknowledge that an unequivocal admission of guilt is not an absolute requirement for reinstatement where current moral fitness has otherwise been demonstrated:

> Statements of guilt and repentance may be desirable as evidence that the disbarred attorney recognizes his past wrongdoing and will attempt to avoid repetition in the future. However, to satisfy the requirements of present good moral character in the tests for reinstatement noted above, it is sufficient that the petitioner adduce substantial proof that he has "such an appreciation of the distinctions between right and wrong in the conduct of men toward each other as will make him a fit and safe person to engage in the practice of law."

Matter of Hiss, 368 Mass. at 457, 1 Mass. Att'y Disc. R. at 130 (citations and internal quotations omitted). The petitioner has said enough that, together with the testimony of her therapist, persuades us that she appreciates that her conduct was wrongful and that such misconduct will not recur. In contrast to the 2013 panel report (Ex. 8, pp. 7-8), we now find that "the petitioner has used her suspension to face her misconduct squarely and to obtain independent professional advice and correction [about the intentional nature of her misconduct] at a personal level" that was previously found to be "conspicuously lacking." Moreover, we find that now "she is prepared to accept guidance from others and to address ['the faults in her ethical judgment']." (See Ex. 8, p. 8). Under this test, we find that the petitioner has established her moral fitness to resume the practice of law.

The petitioner's letters from character witnesses (Ex. 26) are all by people who have known her for a long time and who vouched for her character. Attorney Michael Bearse stated he has known the petitioner for over thirty years; that he has discussed the petitioner's actions with her; that she has expressed sincere regret over her actions; and

that, if reinstated, she would not be a risk to repeat that behavior. (p. 803). Abby Jablin has known the petitioner since 1969, when she was a student teacher. They later became apartment mates and they have remained close friends over the years. In addition to stressing that the petitioner is a sincere and caring person, Ms. Jablin stated the petitioner has discussed with her the remorse about her misconduct leading to her suspension and "[she] is engaged in active therapy. Gail has devoted her energies the last few years to rectifying the weaknesses that led to her suspension." (p. 804).

Another writer, Roberta Rodman, has likewise known the petitioner for over thirty years, and described her as a "caring and compassionate friend." She wrote that the petitioner "deeply regrets" the decisions she made that led to her suspension and that "most importantly, she has had many visits with mental health counseling; this has been beneficial to Gail in understanding past behavior and accepting modification." (p. 805). In short, the writers say that the petitioner has learned from her mistakes and now has the moral fitness to be reinstated.

We also think it appropriate to address two other issues that were raised before the prior hearing panel in December 2014; namely, the petitioner's receipt of an $1,800 bonus from her son, attorney Mark Novinsky, in 2013, when she was working for him as a paralegal and which she declared as income (Ex. 20, Dec. 18, 2014 transcript pp. 105-108, 110, 112-130, petitioner; 225-226, 229-232, 240, Novinsky), and her having deducted as business expenses on Schedule C of her 2013 tax return the legal fees and other expenses in connection with her effort to become reinstated as a lawyer. (Ex. 12, pp. 373-374). In December of 2014, the testimony on those issues was confused, and neither the petitioner nor her son could adequately explain what had transpired.

As to the $1,800, we accept the August 2015 testimony of the petitioner and her son (Tr. 94-95, petitioner; Tr. 331-332, Novinsky; Ex. 15; Ex. 12, p. 373) concerning the $1,800 as a one-time bonus payment.

As to the tax deductions, we received testimony from the petitioner's former

CPA, David Samick. In addition to being a certified public accountant, Mr. Samick has a master's degree in taxation. He worked at one of the "big eight" accounting firms for four years before joining his family's accounting firm, where he practiced for forty years before retiring. (Tr. 281-285, Samick). He had been the petitioner's accountant for about thirty years. (Tr. 285-286, Samick). We accepted Mr. Samick as an expert witness. (Tr. 284-285). He testified that he had determined that these expenses were tax deductible, just as legal fees and expenses to defend one's professional license would be deductible. (Tr. 285-286, 289-296). Without gainsaying the accuracy of Mr. Samick's tax advice, on which there was no contrary evidence, we would not in any event hold it against the petitioner that she followed the advice of a qualified tax professional as to what deductions she could take on her tax returns. We therefore do not find that this impugns her moral qualifications to be reinstated.

On balance, we find that the petitioner has demonstrated the moral qualifications for readmission.

C. **Petitioner's Occupation and Conduct Since Her Suspension**

We find that the petitioner has presented adequate evidence to show that she has led "'a sufficiently exemplary life to inspire public confidence once again, in spite of [her] previous actions.'" *Matter of Prager*, 422 Mass. at 92, quoting *Matter of Hiss*, 368 Mass. at 452, 1 Mass. Att'y Disc. R. at 126.

The petitioner's suspension began on July 23, 2008, over seven years before this reinstatement hearing. (Ex. 4, p. 29). There is no evidence of any intervening misconduct. Since her suspension, the petitioner has worked part-time as a substitute elementary school teacher (Ex. 18, p. 653), but has lived mostly on her social security benefits and investment income and dividends. (Ex. 16, pp. 395, 397). Since being allowed to work as a paralegal in August 2013, she has done so for her son, without pay except for the one-time year-end bonus mentioned above. (Ex. 18, p. 653, Tr. 331-332,

Novinsky). This weighs in her favor. She has also engaged in charitable volunteer work (Tr. 84-85, petitioner; Ex. 18, p. 653; Ex. 26, pp. 802-804).

D. Effect of Reinstatement on the Bar, the Administration of Justice and the Public Interest

We must also ensure that the petitioner's "resumption of the practice of law will not be detrimental to the integrity and standing of the bar, the administration of justice, or to the public interest." S.J.C. Rule 4:01, § 18(5). "In this inquiry we are concerned not only with the actuality of the petitioner's morality and competence, but also [with] the reaction to [her] reinstatement by the bar and public." *Matter of Gordon*, 385 Mass. at 52, 3 Mass. Att'y Disc. at 73. "The impact of a reinstatement on public confidence in the bar and in the administration of justice is a substantial concern." *Matter of Waitz*, 416 Mass. at 307, 9 Mass. Att'y Disc. R. at 345.

The petitioner repeatedly testified—and has told others—that she has no intention of practicing law on her own. Rather, she only wants to return to practice law part-time for her son, where she would meet with clients but not try cases or even take depositions. (Tr. 93, 99-100; Ex. 25; Ex. 18, p. 656; Tr. 356, petitioner). Moreover, the petitioner and her son have represented to us that he would maintain strict supervision over his mother, and we find him both credible and sincere in this regard. (Tr. 92-94, petitioner; Tr. 309, 313, 317-321, Novinsky).[3]

The petitioner has stated that she has no interest in handling client money and does not want or intend to do so. (Tr. 315, petitioner). Mr. Novinsky has likewise stated that she will not be a signatory on any account and will not handle funds. (Tr. 313-315, Novinsky).

Given the limitations on the petitioner's practice if reinstated, as well as the strict monitoring of her practice by Attorney Novinsky, we find that her reinstatement would

[3] It is clear that Mr. Novinsky already closely supervises the petitioner's activities as a paralegal in his office. (Tr. 319-321, Novinsky).

not result in any public detriment.

V. Conclusions and Recommendation

The petitioner's learning in the law is sufficient, her charitable and work activities since her suspension are admirable, and we credit her sincere desire to help people. Given that she would work only for her son, who would closely monitor her work, and that she would not handle client funds or be a signatory on any office account, her reinstatement would not be detrimental to the public or the administration of justice. The central issue in this matter is whether the petitioner truly understood and accepted the intentional nature of her misconduct. While the petitioner's expressions of remorse and acceptance of the intentional nature of her misconduct were not stated as we might have preferred, we credit the testimony of Dr. MacDonald and other evidence that she now understands and accepts it.

We recommend that the petitioner be reinstated, subject to a monitoring agreement acceptable to bar counsel that would be executed by both the petitioner and her son. While we leave the wording of the agreement to the parties, we recommend that it require Mr. Novinsky to notify bar counsel if the petitioner seeks to practice law other than under his direct supervision and any conditions he imposes.

We credit Mr. Novinsky's statements that the petitioner will not handle client funds and will not be a signatory on any office bank accounts, so we do not find it necessary to make this a formal condition of the petitioner's reinstatement.

The petitioner has agreed to continue in regular therapy sessions with Dr. MacDonald. (Tr. 86-87, 348, 351-352, petitioner). We recommend that, as another condition of reinstatement, the petitioner continue regular therapy sessions with Dr. MacDonald for at least two years following her reinstatement; that Dr. MacDonald report to bar counsel at least twice a year that the petitioner is continuing her regular therapy sessions; and that Dr. MacDonald notify bar counsel if the petitioner discontinues their therapy sessions within two years of her reinstatement. Dr. MacDonald has agreed to

perform this role.

For the foregoing reasons, we recommend that the petition for reinstatement filed by Gail M. Thalheimer be allowed, subject to the conditions stated above.

Respectfully submitted,
By the Hearing Panel,

Vincent J. Pisegna, Esq., Chair

Michael G. Tracy, Esq., Member

Francis P. Keough, Member

Filed: 10/15/15