

**STATE OF VERMONT  
PROFESSIONAL RESPONSIBILITY PROGRAM**

**In re: Daniel W. Ewald  
PRB-028-2026**

**Decision No. 263**

**DECISION AND ORDER  
MOTION FOR REINSTATEMENT TO PRACTICE**

**Introduction**

Attorney Daniel Ewald, the Petitioner, was suspended from the practice of law for a period of six months effective March 8, 2025. *See, In re Ewald*, PRB Decision No. 258 (Feb. 6, 2025). The events which led to his suspension are as follows.

Mr. Ewald represented both grantor and grantees in the purchase and sale of realty. He had represented each of the parties in separate prior transactions. The subject property was a parcel of about 12 acres which was to be subdivided from a 1000-acre lot retained by the grantor. The conveyed lot could be accessed only by means of a discontinued town highway which was then a portion of the land retained. The parties had agreed that the transfer would include an easement over the old town road.

Because of the poor health of the grantor, the parties decided not to await the preparation of a land survey before transferring the property. They agreed upon an initial deed to be superseded by a second deed after the survey was completed. Petitioner prepared deed number one which included the easement and which was signed by the grantor in August 2014. Because he knew the grantor, Petitioner offered to take his acknowledgment to deed number one over the phone instead of in person. However, Petitioner failed to have deed number one recorded. After completion of the survey in December 2014, Petitioner prepared deed number two in which he failed to include the easement. Neither the grantor nor the grantees noticed the omission in deed number two. The grantees apparently were not shown the deed before or at its execution. Deed number two was recorded.

Grantor sold the remaining property to a third party. Petitioner drafted this deed as well. This deed made no reference to an easement reserved for the first grantees.

About five years later, grantees discovered that their recorded deed--deed number two--did not include the easement and they contacted Petitioner about the problem. Petitioner located a copy of deed number one in his files and found that it had not been recorded and that he had not taken the acknowledgement. By this time the grantor had died. Petitioner signed the acknowledgement and backdated it to make it appear as if he had signed it contemporaneously. He made other efforts to correct the easement problem created by his misfeasance, but failed. In a conversation with the grantees, he blamed the problem on the (then-deceased) grantor for not including the easement in the deed number two.

Based upon these facts the Hearing Panel determined that Petitioner had committed five violations of the Rules of Professional Conduct (RPC).

The Panel found that the Petitioner did not provide competent representation to the first grantees in violation of RPC 1.1 in that: (1) he failed to record deed number one and (2), that he failed to include the grantees' easement in deed number two. It further concluded that Petitioner had engaged in a concurrent conflict of interest in violation of RPC 1.7 by representing both grantor and grantees in the purchase and sale of realty. Lastly, the Panel determined that Petitioner had engaged in conduct involving dishonesty, fraud, deceit and/or misrepresentation by: (1) taking the acknowledgment on deed number one posthumously and backdating the same and (2), blaming the grantor for the omission of the easement in deed number two.

In the summer of 2023 Petitioner joined Green Mountain Lawyers, a law firm owned by Peter Damore, Esq. and worked there as an attorney until his suspension. Since March 2025, he has been employed there as a paralegal.

On or about August 20, 2025, Petitioner filed a motion for reinstatement after suspension. Hearing on the motion was conducted by the undersigned Hearing Panel on October 20. Present at the hearing were the Petitioner and his counsel, John J. Boylan, III, Esq. Present also was Disciplinary Counsel Jon Alexander, Esq. Based upon the credible evidence presented, the Hearing Panel finds that the Petitioner has proved the following facts by clear and convincing evidence.

### **Findings of Fact**

Daniel Ewald graduated from Vermont Law School in 1981 and was admitted to the practice of law in the same year. Within a few years he opened a solo practice in Killington, Vermont. He practiced transactional law, mostly involving the purchase and sale of real estate until his suspension in March 2025. Sometime

during the summer of 2023 he began working as a lawyer for Green Mountain Lawyers. After his suspension, he continued to work for the firm as a paralegal.

### **Rule 1.1 Competence**

The prior hearing panel determined that Petitioner failed to provide competent presentation to clients by (1) failing to record deed number one and (2), failing to include an easement with the property description in deed number two.

At the time of the real estate transaction Petitioner had practiced law for over thirty years. Never before had he failed either to record a deed or to describe the property conveyed accurately He acknowledges that he failed to act competently in both instances.

Neither instance involved lack of knowledge of the law or requisite skill, but rather negligence. Petitioner has no explanation for his misfeasance except that he had a solo practice—he did not even have legal secretary--was extremely busy and that he somehow overlooked taking necessary action.

Petitioner's dual acts of negligence in 2014 were aberrational. Similar neglect did not happen before or since. Misfeasance occurred when Petitioner was an over-extended solo practitioner. He has been working—now as a paralegal, but originally as a lawyer--for a fully staffed law office that has systems in place, including software programs, which are designed to avoid the type of omissions that resulted in the misconduct charged here. (Petitioner expects to resume working as a lawyer for the law office if and when he is reinstated to practice.) He understands the importance of paying attention to detail.

### **Rule 1.7 Conflict of Interest: Current Clients**

Petitioner represented both the buyer and seller in a real estate transaction. He had previously represented each of the parties—the parties were related—in prior separate transactions. At the time, he did not recognize the inherent conflict of interest. He admitted that, “I kind of got, over the years a little less sensitive, sensitized to conflicts, potential conflicts.” (Tr. 103.)

After being suspended, Petitioner took sixteen hours of Continuing Legal Education (CLE) courses which focused on conflicts of interest. (104) See exhibits #1 and #2.

Green Mountain Lawyers utilizes software to detect and avoid potential conflicts of interest. Firm engagement letters are designed to identify potential conflicts. The firm is careful to identify the actual client. Petitioner has become

sensitive to possible conflicts of interest. He is adamant that in any given situation, “we’re not representing anyone—any more than one client at a time, period.” (Tr. 115.) (They make an exception for married couples when appropriate.)

**Rule 8.4(c) Engaging in conduct involving dishonesty, fraud, deceit or misrepresentation.**

The Hearing Panel found that Petitioner violated Rule 8.4(c) in two instances. In the first he falsified the acknowledgment on deed number one. The grantor had not executed the deed in his presence and, he had not “taken” the acknowledgment until five years after fact and three years after the grantor’s death. In the second, Petitioner attempted to lay blame for the failure to include the easement in deed number two on the (then-deceased) grantor instead of himself.

Petitioner was unable to provide a specific explanation of why and how he allowed himself to become deceitful. Petitioner attempted to find CLEs on the subject but discovered “there’s very little, almost nothing out there.” (Tr. 104.) Consequently, he engaged in reading on the subject and introspection. Through reading about deceit, he came to understand that deception is a natural survival tactic. As a result, Petitioner decided that mental health counseling might be helpful.

As a result of his therapy sessions, Petitioner understands that when he felt threatened by the exposure of his misfeasance he reacted by attempting to cover-up and by shifting the blame elsewhere. He now has the ability to recognize this tendency and to resist it. He testified as follows:

And so what you have to do is [] we, as attorneys, have to be above that. We cannot, as attorneys, properly represent the public. This is the one job in one area, you can’t be deceitful. You can’t use deceit to your—to try to use it as an advantage [] trying to further your cause. (Tr. 108.)

But what you need to do—it’s the hardest thing to do—is to really dig down inside of yourself, go past the mirror, try and get to the center of your being, and say and figure out what steps left me making these mistakes. And in my case, I got challenged, I got paranoid. . . . [M]y self-esteem was attacked, . . . [T]hat’s why I can determine why I blame-shifted . . . (Tr. 109.)

But again, you have to rise above it. . . (Tr. 109)

. . . And that’s when you have to step back . . . now you go out and just got to disclose to them that you made a mistake, and then get informed consent from them to continue to try to fix the mistake or withdraw. And I mean at

this point, faced with the same situation . . . I would just stop right then and there. It's wrong. I would go no further. (Tr. 111.)

Although the Petitioner has not formally apologized to the clients he harmed, the Panel believes that he is truly remorseful.

Despite the instances of misconduct, Petitioner retains the confidence and support of his employer. Mr. Damore considers him to be one of the most knowledgeable real estate lawyers in the state. He considers the misconduct to be an aberration, an isolated incident in an otherwise admirable legal career. Petitioner also enjoys respect for his skill and integrity by other members of the legal and realty communities.

### **Conclusions of Law**

Administrative Order (A.O.) 9, Rule 26(D) provides (in pertinent part) that at the hearing for reinstatement,

the respondent-attorney shall have the burden of demonstrating by clear and convincing evidence that the respondent has the moral qualifications, competency, and learning required for admission to practice law in the state, and the 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 and that the respondent-attorney has been rehabilitated. . . .

The Panel begins by considering the underlying causes of suspension. See *In re Neisner*, PRB Decision No. 139 at \*9, approved by the Supreme Court Entry Order, 2011 VT 35, 189 Vt. 630, citing *In re Lichtenberg*, PRB Decision No. 1 (December 1990), approved by Supreme Court Entry Order, Docket No. 99-533 (January 2000), *In re Blais*, PRB Decision No. 58 (October 2003), approved by Supreme Court Entry Order, Docket No. 2004-010, (October 2003), and *In re Lane*, PRB Decision No. 108 (April 2008), approved by Supreme Court Entry Order, Docket No. 2008-151 (May 2008).

In each of these cases it was important to identify the precipitating event or behavior that led to the charges of misconduct and to evaluate whether, at the time of the petition for reinstatement, the attorney had sufficient understanding of his situation and had made the necessary changes to assure the Panel both that he had been rehabilitated and that when faced with similar situations upon return to practice, the attorney would not revert to prior behavior.

*In re Neisner* at \*9.

The Panel concludes that the Petitioner understands the events that led him to engage in the misconduct charged. Further, he has taken affirmative steps to effectuate changes that will help to ensure that he will not revert to prior behavior after he is reinstated.

Petitioner is working (as a paralegal) for a law firm that has systems and computer software to ensure that all legal tasks have been completed before a case is closed out. He anticipates that he will continue to work for the firm after reinstatement.

Petitioner has taken sixteen hours of Continuing Legal Education courses to educate himself about conflicts of interest. The law firm has a software program to avoid client conflicts. More to the point, Petitioner is now sensitized to conflict issues and is likely to recognize conflicts when they are presented. The Panel believes that he will err on the side of caution to avoid conflicts of interest.

There is no question that Petitioner's deceitful conduct is more difficult to reconcile. The other misconduct violations were the product of negligence (failing to record a deed and failure to provide an accurate property description in a deed) and lack of analysis (engaging in concurrent conflicts of interest). Petitioner's falsification of the acknowledgment of a deed and his attempt to shift the blame for misfeasance to a deceased client both involve intentional misconduct. Nevertheless, the Panel concludes that a combination of self-directed study, counseling and introspection by the Petitioner has given him the tools required to avoid similar misconduct in the future.

Apart from the aforesaid instances of negligence, the Panel concludes that the Petitioner has proved that he has the requisite knowledge and skill to practice law in the State of Vermont. Petitioner's misfeasance was not due to lack of knowledge or skill, but rather inattention and negligence. There have been no other similar instances in a legal career of over forty years. To the extent that Petitioner lacked sufficient knowledge to identify conflicts of interest, he has now educated himself sufficiently to avoid conflicts in the future.

The Petitioner remains well regarded in the community for honesty and integrity despite the misconduct charges. The Panel concludes that he has rehabilitated himself and 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.

Nevertheless, in order to ensure that Petitioner's rehabilitation is firmly established, the Panel conditions full reinstatement with a period of probation subject to the conditions set forth below.

### **ORDER OF REINSTATEMENT AND CONDITIONS OF PROBATION**

Petitioner Daniel W. Ewald is hereby reinstated to the practice of law in the State of Vermont subject to the following conditions for a period of one year.

1. Within 30 days of the entry date of this order, Petitioner shall write physical letters of apology (not emails) to the following persons described above who were harmed by his conduct: the grantees; the executor of the estate of the grantor; the third-party grantee. Copies of the same shall be sent to Disciplinary Counsel.
2. So long as Petitioner is employed as a lawyer by Green Mountain Lawyers, he shall cause the following to occur.
  - a. All final documents, deeds, trusts, estate plans and the like, that Petitioner prepares (or are prepared for his signature) shall be reviewed by Peter Damore, Esq. or by another Vermont-licensed attorney in the firm with at least five years' experience prior to transmission outside the office.
  - b. That the lawyer so reviewing the Petitioner's work product send a bimonthly report to Disciplinary Counsel attesting that the documents that he or she reviewed over the prior two-month period were drafted properly and competently. The report shall outline the types of documents, the dates they were reviewed and the dates they were transmitted to the client or an external party. The first report will be due on March 1, 2026.
3. If Petitioner is not employed by Green Mountain Lawyers after his reinstatement or if his employment with the firm is discontinued, within 30 days he must file a motion with the Hearing Panel for the appointment of a probation monitor who shall be identified in the motion. The probation monitor will have the duties set forth in paragraph 2. All clients whose documents are subject to review will be required to sign an appropriate limited waiver of

confidentiality (but not attorney-client privilege). Petitioner will be responsible for payment of any fees required by the probation monitor.

4. If Petitioner is not employed by Green Mountain Lawyers after his reinstatement or if his employment with the firm is discontinued, within 30 days he must install a software program or institute another system to track his cases in order to ensure that necessary tasks are completed in a timely manner. Petitioner will provide evidence of the installation or adoption of a tracking system to Disciplinary Counsel within the 30-day period.

It is SO ORDERED this 17<sup>th</sup> day of December 2025,

Hearing Panel No. 10



---

By: Katherine M. Lamson, Esq., Chair



---

By: Michael S. Munson, Esq.



---

By: John O'Keefe, Public Member