

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 853 Disciplinary Docket No. 3
Petitioner :
 : No. 101 DB 2003
v. :
 : Attorney Registration No. 57360
ROBERT TOLAND, II :
Respondent : (Delaware County)

ORDER

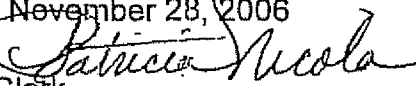
PER CURIAM:

AND NOW, this 28th day of November, 2006, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated November 3, 2006, the Joint Petition to Revoke Probation and Impose Suspension of One Year and One Day is hereby granted, and it is

ORDERED that respondent's probation is revoked, he is suspended from the practice of law in this Commonwealth for a period of one year and one day, and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

A True Copy Patricia Nicola

As of: November 28, 2006

Attest: 
Chief Clerk

Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL : No. 853, Disciplinary Docket No. 3
Petitioner :
v. : No. 101 DB 2003
ROBERT TOLAND, II : Attorney Registration No. 57360
Respondent : (Delaware County)

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

The Three-Member Panel of the Disciplinary Board of the Supreme Court of Pennsylvania, consisting of Board Members Marc S. Raspanti, Min S. Suh, and Louis N. Teti, has reviewed the Joint Petition to Revoke Probation and Impose Suspension of One Year and One Day filed in the above-captioned matter on October 12, 2006.

The Panel approves the Joint Petition and recommends to the Supreme Court of Pennsylvania that the probation of Robert Toland, II, ordered on October 22, 2004, be revoked and that he be suspended from the practice of law for a period of one year and one day.

Date: 11 / 3 / 2006


Marc S. Raspanti, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 853, Disciplinary Docket
Petitioner	:	No. 3, Supreme Court
	:	
	:	No. 101 DB 2003
v.	:	
	:	Attorney Registration No. 57360
ROBERT TOLAND II,	:	
Respondent	:	(Delaware County)

JOINT PETITION TO REVOKE PROBATION
AND IMPOSE SUSPENSION OF ONE YEAR AND ONE DAY

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel and Alan J. Davis, Disciplinary Counsel, and Respondent, Robert Toland II, by John Rogers Carroll, Esquire, files the within Joint Petition To Revoke Probation and Impose Suspension of One Year and One Day, pursuant to Pa.R.D.E. 208(h) and 215, and in support thereof aver as follows:

1. Petitioner, whose principal office is situated at Suite 1400, 200 North Third Street, Harrisburg, PA 17101 is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter "Pa.R.D.E."), with the power and the duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to

FILED

OCT 12 2006

Office of the Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

2. Respondent, Robert Toland II, was born on March 8, 1960, and was admitted to practice law in the Commonwealth of Pennsylvania on December 8, 1989. He maintains a residence at 610 Valley Vievo Lane, Wayne, Pennsylvania 19087.

3. Respondent is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

4. On August 26, 2003, Petitioner filed a Petition for Discipline charging Respondent with violations of the Pennsylvania Rules of Disciplinary Enforcement arising out of his April 2003 conviction for driving under the influence of alcohol or controlled substance.

5. Prior to the filing of that Petition, Respondent had a record of discipline consisting of a private reprimand administered in 1999 as a result of Respondent's conviction in 1997 for driving under the influence of alcohol.

6. In December 2002, Respondent was again arrested for driving under the influence of alcohol, and in April 2003, Respondent pleaded guilty to driving under the influence.

7. In April 2003, Respondent was sentenced to imprisonment of not less than 48 hours, a \$300 fine, and other related provisions.

8. In total, Respondent has been arrested on four occasions for driving under the influence of alcohol. One arrest resulted in Accelerated Rehabilitative Disposition and three resulted in convictions.

9. By Order of the Supreme Court of Pennsylvania dated October 22, 2004, Respondent was suspended from the practice of law for a period of two years, the suspension being stayed in its entirety, and Respondent was placed on probation for a period of two years.

10. One of the conditions of Respondent's probation was that he "shall abstain from using alcohol or any other mind altering chemical."

11. By letter and by quarterly report, both dated June 3, 2005, Thomas J. Stapleton, Jr., Esquire, the Board-appointed Sobriety Monitor for Respondent, notified the Disciplinary Board that Respondent had violated the terms and conditions of his probation as a result of his failure to abstain from the use of alcohol. (A true and correct copy of the June 3, 2005 letter is attached hereto as Exhibit A.)

12. As a result of that failure, Respondent voluntarily signed himself into a rehabilitation facility.

13. By letter dated September 26, 2005, Mr. Stapleton advised the Disciplinary Board that Respondent had returned from the rehabilitation center on September 14, 2005, and had resumed his contacts with Mr. Stapleton and his

attendance at AA meetings. (A true and correct copy of the September 26, 2005 letter is attached hereto as Exhibit B.)

14. On June 20, 2006, Mr. Stapleton advised the Disciplinary Board that Respondent had a relapse, thereby again violating the terms and conditions of his probation as set forth in the Order of the Supreme Court of Pennsylvania dated October 22, 2004. (A true and correct copy of the June 20, 2006 letter is attached hereto as Exhibit C.)

15. On September 8, 2006, Mr. Stapleton advised the Disciplinary Board that Respondent had failed to meet with Mr. Stapleton and appeared to be under the influence of alcohol or other mind altering drug during a telephone conversation, thereby once again violating the terms and conditions of his probation as set forth in the Order of the Supreme Court of Pennsylvania dated October 22, 2004. (A true and correct copy of the September 8, 2006 letter is attached hereto as Exhibit D.)

16. In at least two other matters involving respondents who had been under probation and stayed suspensions, and subsequently violated the terms of their probation, the Supreme Court of Pennsylvania has revoked the probations and imposed suspensions of not less than one year and one day. *In re Anonymous 72 DB 1993 (Fred Lagattuta)*, No. 957 Disciplinary Docket No. 2, 56 D. & C.4th 120 (2001); *In re Anonymous No. 40 DB 1996 (Scott Hazel)*, No. 204 Disciplinary Docket No. 3 (2000).

17. Because this is a joint petition, the parties respectfully suggest that there is no need for a violation of probation hearing to be held, and Respondent knowingly waives his right to such a hearing.

WHEREFORE, in light of Respondent's violation of the terms and conditions of the probation imposed upon him by Order of the Supreme Court of Pennsylvania, Petitioner and Respondent request that your Honorable Board submit a recommendation to the Supreme Court of Pennsylvania that Respondent's probation be revoked and that a suspension of one year and one day be imposed.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION,
Chief Disciplinary Counsel

9/22/06
Date

By:

Alan J. Davis
Alan J. Davis,
Attorney Registration No. 12332
Disciplinary Counsel
Suite 170
820 Adams Road
Trooper, PA 19403

10-4-06
Date

By:

John Rogers Carroll
John Rogers Carroll, Esquire
Attorney Registration No. 2701
Carroll & Brotman, PC
The Curtis Center
601 Walnut Street, Suite 1150 West
Philadelphia, PA 19106

STAPLETON & COLDEN

ATTORNEYS AT LAW

THOMAS J. STAPLETON, JR.
RICHARD L. COLDEN, JR.
STEVEN C. LEACH

5030 STATE ROAD
SUITE 2-600
P. O. BOX 350
DREXEL HILL, PENNSYLVANIA 19026

TELEPHONE (610) 259-1500 ext. 3
FAX (610) 259-5140
sc.law@erois.com

PLEASE REPLY TO:
P. O. BOX 350
DREXEL HILL, PA 19026

June 3, 2005

RECEIVED

JUN 06 2005

Office of the
Secretary of the
Judicial Branch

Ms. Elaine M. Bixler
Secretary of the Disciplinary Board
of the Supreme Court
First Floor
Two Lemoyne Drive
Lemoyne, Pa 17043

Re: Robert Toland, II

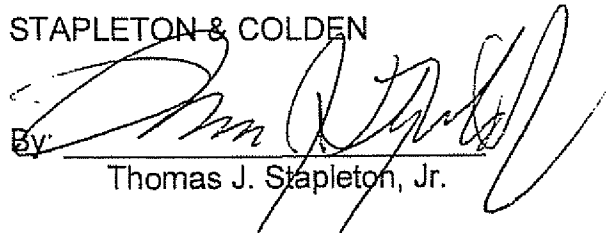
Dear Ms. Bixler :

Your records will indicate I am the Board appointed monitor for Robert Toland, II. I wish to inform you that Mr. Toland contacted my office by telephone on Monday, May 30, 2005. He left a message informing me that he was entering as an inpatient at Hazelden Springbrook Rehabilitation Center, Newberg, Oregon. I have been told by another reliable source that he is in fact in treatment at that facility. I suspect that he will be there a minimum of 28 days.

Sincerely,

STAPLETON & COLDEN

By


Thomas J. Stapleton, Jr.

TJS, JR/me

STAPLETON & COLDEN

ATTORNEYS AT LAW

THOMAS J. STAPLETON, JR.
RICHARD L. COLDEN, JR.
STEVEN C. LEACH

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PLEASE REPLY TO:
P. O. BOX 350
DREXEL HILL, PA 19026

September 26, 2005

Ms. Elaine M. Bixler
Secretary of the Disciplinary Board
of the Supreme Court
First Floor
Two Lemoyne Drive
Lemoyne, Pa 17043

SEP 28 2005

Re: Robert Toland, II

Dear Ms. Bixler :

Your records will indicate I am the Board appointed monitor for Robert Toland, II. I am sending this letter in lieu of the quarterly report that was due on September 19, 2005. Mr. Toland was in treatment for his alcoholism for the period covering the third quarter at Halzelton-Springbrook Rehabilitation Center at Newberg, Oregon

He returned on September 14, 2005 and has resumed weekly telephone contact and personal meeting with me and attendance at AA meetings. I am sure that you and disciplinary counsel will be receiving a more detailed report of his treatment from Mr. Toland or his attorney.

Sincerely,

STAPLETON & COLDEN

By: 

Thomas J. Stapleton, Jr.

TJS,JR/me

STAPLETON & COLDEN

ATTORNEYS AT LAW

THOMAS J. STAPLETON, JR.
RICHARD L. GOLDEN, JR.
STEVEN C. LEACH

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PLEASE REPLY TO:
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June 20, 2006

RECEIVED

JUN 26 2006

Office of the
Secretary
The Disciplinary Board

Ms. Elaine M. Bixler
Secretary of the Disciplinary Board
of the Supreme Court
First Floor
Two Lemoyne Drive
Lemoyne, Pa 17043

Re: Robert Toland, II

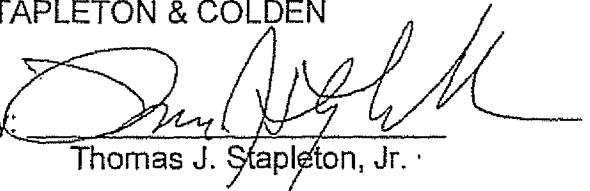
Dear Ms. Bixler:

Your records will indicate I am the Board appointed monitor for Robert Toland, II. I wish to inform you that Mr. Toland has had a relapse. It is my understanding that he is presently in Keystone Treatment Center, Chester, PA.

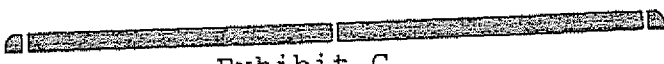
Sincerely,

STAPLETON & COLDEN

By:


Thomas J. Stapleton, Jr.

TJS, JR/me
cc. John Rogers Carroll, Esq.

—  —
Exhibit C

STAPLETON & COLDEN

ATTORNEYS AT LAW

THOMAS J. STAPLETON, JR.
RICHARD L. COLDEN, JR.
STEVEN C. LEACH

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PLEASE REPLY TO:
P. O. BOX 350
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September 8, 2006

Ms. Elaine M. Bixler
Secretary of the Disciplinary Board
of the Supreme Court
First Floor
Two Lemoyne Drive
Lemoyne, Pa 17043

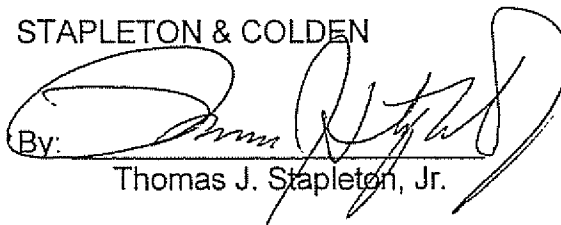
Re: Robert Toland, II

Dear Ms. Bixler:

Your records will indicate I am the Board appointed monitor for Robert Toland, II. I am pained to inform you that Mr. Toland has violated the terms of his monitoring / probation. He failed to meet with me as scheduled last week or call me as scheduled earlier this week. When I spoke with him earlier today by telephone, it was my impression that he was under the influence of either alcohol or some other mind altering drug.

Sincerely,

STAPLETON & COLDEN

By: 
Thomas J. Stapleton, Jr.

TJS, JR/me
cc. John Rogers Carroll, Esq.
Alan J. Davis, Esq.
Robert Toland, II

VERIFICATION

The statements contained in the foregoing Joint Petition To Revoke Probation and Impose Suspension of One Year and One Day are true and correct to the best of my knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

9/22/06
Date

Alan J. Davis
Alan J. Davis
Disciplinary Counsel

10-4-06
Date

John Rogers Carroll
John Rogers Carroll, Esquire
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 853, Disciplinary Docket
Petitioner	:	No. 3 - Supreme Court
	:	
v.	:	No. 101 DB 2003
	:	
	:	Attorney Reg. No. 57360
ROBERT TOLAND II,	:	
Respondent	:	(Delaware County)

AFFIDAVIT OF CONSENT

Respondent, ROBERT TOLAND II, hereby states that he consents to the imposition of a suspension from the practice of law for a period of one year and one day, and further states that:

1. He is an attorney admitted to the Commonwealth of Pennsylvania, having been admitted to the bar on or about December 8, 1989.

2. He desires to submit a Joint Petition To Revoke Probation and Impose Suspension of One Year and One Day.

3. His consent is freely and voluntarily rendered; he is not being subject to coercion or duress; and he is fully aware of the implications of submitting this consent.


4. He has consulted with counsel, John Rogers Carroll, Esquire, in connection with his decision to consent to the imposition of a suspension from

the practice of law for a period of one year and one day.

5. He is aware there is presently pending an investigation involving allegations that he has violated the terms of his probation as set forth within the accompanying Joint Petition.

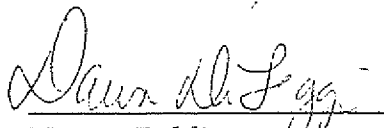
6. He acknowledges that the material facts within the Joint Petition are true.

7. He consents because he knows that if he were to be prosecuted for violating the terms of his probation, he could not successfully defend himself.

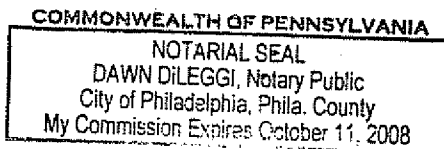


Robert Toland, II
Respondent

Sworn to and Subscribed
before me this 27th day
of Sept., 2006.



Notary Public



BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 853, Disciplinary Docket
Petitioner	:	No. 3, Supreme Court
	:	
	:	No. 101 DB 2003
v.	:	
	:	Attorney Registration No. 57360
ROBERT TOLAND II,	:	
Respondent	:	(Delaware County)

CERTIFICATE OF SERVICE


I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 204 Pa. Code §89.22 (relating to service by a participant).

First Class Mail, as follows:

John Rogers Carroll, Esquire
Carroll & Brotman, PC
The Curtis Center
601 Walnut Street, Suite 1150 West
Philadelphia, PA 19106

Counsel for Respondent

October 10, 2006



Alan J. Davis
Atty. Reg. No. 12332
Disciplinary Counsel
Office of Disciplinary Counsel
Suite 170, 820 Adams Avenue
Trooper, PA 19403
(610) 650- 8210