

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA


OFFICE OF DISCIPLINARY COUNSEL : No. 115 DB 2022  
Petitioner :  
: File No. C4-21-746  
v. :  
: Attorney Registration No. 36792  
RICHARD E. BOWER :  
Respondent : (Fayette County)

**ORDER**


AND NOW, this 16<sup>th</sup> day of September, 2022, in accordance with Rule 208(a)(5), Pa.R.D.E., the determination by a Review Panel of the Disciplinary Board of the above captioned matter is accepted; and it is

ORDERED that the said RICHARD E. BOWER be subjected to a PUBLIC REPRIMAND by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(a) and Rule 205(c)(8) of the Pennsylvania Rules of Disciplinary Enforcement. Costs shall be paid by the Respondent.

BY THE BOARD:

  
\_\_\_\_\_  
Board Chair

TRUE COPY FROM RECORD  
Attest:

  
\_\_\_\_\_  
Marcee D. Sloan  
Board Prothonotary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

**BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 115 DB 2022
Petitioner	:	
	:	File No. C4-21-746
	:	
v.	:	
	:	Attorney Registration No. 36792
RICHARD E. BOWER,	:	
Respondent	:	(Fayette County)

**PUBLIC REPRIMAND**

Richard E. Bower, you appear before the Disciplinary Board for the imposition of a Public Reprimand ordered by the Board on September 16, 2022. It is an unpleasant task to publicly reprimand one who has been granted the privilege of membership in the bar of the Commonwealth. Yet as repugnant as this task may be, it has been determined necessary that you receive this public discipline.

Mr. Bower, this matter concerns your conflict of interest regarding the prosecution of a criminal case in Fayette County while you served as the District Attorney. The misconduct arose when you appointed a local Fayette County attorney to prosecute criminal charges against your adult son instead of referring the matter to the Pennsylvania Office of the Attorney General (OAG).

On August 7, 2021, Richard Bower, Jr., your adult son, was involved in an automobile accident and was subsequently arrested and charged with Driving Under the Influence of Alcohol and other related charges. At the time of the accident, your son was employed by the Fayette County Bureau of Investigations for the District Attorney's Office, of which you, as District Attorney, had oversight. Because of your relationship to your son, a conflict of interest prevented you, or your office, from prosecuting the

criminal case against him.

Instead of referring the matter to the OAG, as you had done on past occasions when a conflict had presented itself, you formally appointed Samuel Davis, Esquire, to serve as a special prosecutor for your son's criminal case. Mr. Davis had a criminal defense practice in Fayette County, and at the time of his appointment, Mr. Davis was representing clients with active criminal matters who were being prosecuted by your office. You made the special prosecutor appointment pursuant to the authority of 16 P.S. ¶ 1420(b), which gives district attorneys the power to appoint "temporary assistants" to assist in the discharge of duties, but you did not reference any conflict of interest. As a special prosecutor, Mr. Davis was still subject to your influence and control as the District Attorney.

At your son's preliminary hearing, Mr. Davis withdrew the two misdemeanor DUI charges and two summary counts and added a misdemeanor charge of Recklessly Endangering Another Person. Mr. Davis offered your son a tentative plea agreement that included a recommendation for ARD, which would allow your son to avoid a criminal conviction or record.

After news outlets reported that the DUI and other charges against your son were dropped at the preliminary hearing, the OAG, through its spokesperson, publicly stated that, by law, your son's case should have been referred to their office for prosecution due to the conflict of interest. Thereafter, you made a conflict of interest referral to the OAG and they accepted jurisdiction of your son's case.

By your conduct, you violated the following Rules of Professional Conduct (“RPC”):

1. RPC 1.7(a)(2), which provides in pertinent part, that a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if there is a significant risk that the representation of one or more clients will be materially limited by the lawyer’s responsibilities to another client, a former client or third person or by a personal interest of the lawyer.
2. RPC 8.4(d), which provides that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

Mr. Bower, your conduct in this matter is public. This Public Reprimand is a matter of public record and shall be posted on the Disciplinary Board’s website at [www.padisciplinaryboard.org](http://www.padisciplinaryboard.org).

It is the Board’s duty to reprimand you for your misconduct. In mitigation, we note that you have no history of discipline since your admission to the bar in 1982. However, in aggravation we note that as a public official, you abused your power and undermined the public trust. Please be aware that any subsequent violations on your part can only result in further discipline and more severe sanctions, due to your history of discipline. We sincerely hope that you will conduct yourself in such a manner that future disciplinary action will be unnecessary.



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Designated Member  
The Disciplinary Board of the

Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania on December 9, 2022.