

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1770 Disciplinary Docket No. 3
Petitioner :
v. : No. 121 DB 2011
: Attorney Registration No. 44195
KENNETH SCOTT SAFFREN, :
Respondent : (Montgomery County)

ORDER

PER CURIAM

AND NOW, this 15th day of December, 2011, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated September 16, 2011, the Joint Petition in Support of Discipline on Consent is hereby granted pursuant to Rule 215(g), Pa.R.D.E., and it is

ORDERED that Kenneth Scott Saffren be subjected to public censure by the Supreme Court.

A True Copy Patricia Nicola
As Of 12/15/2011

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA


OFFICE OF DISCIPLINARY COUNSEL : No. 121 DB 2011
Petitioner :
v. : Attorney Registration No. 44195
KENNETH SCOTT SAFFREN :
Respondent : (Montgomery 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 Charlotte S. Jefferies, Sal Cognetti, Jr., and Stephan K. Todd, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on July 21, 2011.

The Panel approves the Joint Petition consenting to a Public Censure and recommends to the Supreme Court of Pennsylvania that the attached Petition be Granted.

The Panel further recommends that any necessary expenses incurred in the investigation and prosecution of this matter shall be paid by the respondent-attorney as a condition to the grant of the Petition.


Charlotte S. Jefferies, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: 9/16/2011

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

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 12/DB 2011
Petitioner	:	
	:	File Nos. C2-10-149
	:	C2-10-215
v.	:	C2-10-297
	:	C2-11-165
	:	
	:	Attorney Reg. No. 44195
KENNETH S. SAFFREN,	:	
Respondent	:	(Montgomery County)

**JOINT PETITION IN SUPPORT
OF DISCIPLINE ON CONSENT
PURSUANT TO Pa.R.D.E. 215 (d)**

Petitioner, the Office of Disciplinary Counsel (hereinafter, "ODC") by Paul J. Killion, Chief Disciplinary Counsel, and Ramona Mariani, Disciplinary Counsel, and Respondent, Kenneth A. Saffren, (hereinafter, "Respondent"), respectfully petition the Disciplinary Board in support of discipline on consent, pursuant to Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 215(d), and in support thereof state:

1. ODC, whose principal office is situated at Disciplinary Board Office of Chief Counsel, Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, Harrisburg, Pennsylvania, is invested, pursuant to Pa.R.D.E. 207, with the power and duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Enforcement Rules.

2. Respondent, Kenneth S. Saffren, was born on August 2, 1960, and was admitted to practice law in the Commonwealth on November 7, 1985. Respondent is on active status and

FILED

JUL 21 2011

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

maintains his office at 815 Greenwood Ave. #22, Jenkintown, PA. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

3. Respondent's affidavit stating, *inter alia*, his consent to the recommended discipline is attached hereto as Exhibit A.

SPECIFIC FACTUAL ALLEGATIONS ADMITTED

File No. C2-10-297, Complaint of Dr. Jennifer DeWald

4. On March 11, 2006, a Sky Chefs' truck struck the wing of an American Airlines airplane shortly before the plane's scheduled departure.

5. Denise Williams, Fatimah Brooks, Renee Alston, Dawn Smith, Christopher White and Veronica Golden Wylie, who were travelling together, were all passengers on the American Airlines flight.

6. Two days later, on March 13, 2006, Ms. Williams went to the emergency room at the Williamsport Hospital & Medical Center seeking medical treatment for a sore neck, back and shoulder which she attributed to the airplane accident.

7. Similarly, within 48 hours of the accident, Fatimah Brooks, Renee Alston, Dawn Smith, Christopher White and Veronica Golden Wylie sought emergency medical attention.

8. Shortly thereafter, Ms. Williams, Ms. Brooks, Ms. Alston, Ms. Smith, Mr. White and Ms. Wylie all engaged Saffren & Weinberg to represent them in connection with a lawsuit against American Airlines and LSG Sky Chefs, with Respondent the attorney primarily responsible for handling the matter.

9. By letters dated March 15, 2006, Respondent wrote to Dr. Jennifer DeWald, a chiropractor treating Ms. Brooks, Ms. Wylie and Ms. Alston in connection with their injuries, and,

among other things, advised her that he represented Ms. Brooks, Ms. Wylie and Ms. Alston, and assured Dr. DeWald that in the event of a recovery on behalf of his clients, the balance due her office would be paid "out of the monies either received from settlement or verdict in this matter."

10. On Friday, March 7, 2008, Respondent filed a lawsuit on behalf of all plaintiffs in the Philadelphia Court of Common Pleas, captioned *Williams et al. v. LSG Sky Chefs et al.*, No. 080301090.

11. In that complaint Respondent alleged, among other things, that Ms. Williams' injuries arose "solely" as a result of the airplane accident.

12. On October 24, 2008, defense counsel Joanna E. Tibbels, Esquire, took Ms. Williams' deposition at Respondent's office; Respondent was present throughout the deposition as Ms. Williams' attorney.

13. During the deposition Ms. Williams, under oath, made a number of false statements, including, among other things, that:

- a. She had not sustained any injuries prior to the accident on March 11, 2006;
- b. She had no muscle pain prior to the accident on March 11, 2006; and
- c. She had not spoken to Respondent prior to retaining him to represent her in the airplane accident.

14. Respondent should have known that the above statements made by Ms. Williams were false, because:

- a. On January 15, 2006, two months before the airplane accident, Ms. Williams was involved in an automobile accident in which she alleged, among other things, neck and mid-back injury;
- b. Ms. Williams had engaged Saffren & Weinberg and Respondent to represent her in connection with that accident;
- c. By letter dated April 10, 2006, Respondent wrote to Ms. Williams' chiropractor, Dr. Mark Hampton, advised him that Respondent represented

Ms. Williams in connection with the automobile accident, and asked that he copy Respondent on any reports, treatment notes and bills.

15. Ms. Williams' deposition was continued so that Ms. Williams could provide Respondent with copies of her chiropractic records; indeed, defense counsel for LSG Sky Chefs repeatedly asked Respondent for copies of Ms. Williams' medical records, including copies of her chiropractic records.

16. Respondent failed to timely provide those records to defense counsel despite the fact that he already had them as a result of Ms. Williams' automobile accident and his letter to Dr. Hampton several years before the deposition.

17. Respondent attributes his failure to provide the medical records to an oversight by his staff, and denies that there was any improper motive.

18. Respondent acknowledges that he should have been more "clear" when describing Ms. Williams' injuries in the complaint filed against LSG Sky Chefs. Nonetheless, Respondent denies deliberately seeking to mislead anyone when describing Ms. Williams' injuries in the complaint as arising "solely" as a result of the airplane accident.

19. Respondent explains that he did not contemporaneously realize that Ms. Williams' testimony was false, although he acknowledges that he should have known it to be false. Respondent also explains that no erroneous testimony was presented at the arbitration in this matter. Although there is no evidence that Respondent took affirmative action to correct his client's testimony there is also no doubt that defense counsel ultimately obtained Ms. Williams' medical records and recognized the false testimony.

20. In or around November of 2009, the case against LSG Sky Chefs settled for a total of \$20,000.00.

21. The General Release signed by Respondent and the clients or Releasers stated, among other things, that “[t]o the best of Releasers’ knowledge and belief, and after investigating the matter, there are no remaining liens related to the Claims or to the medical treatment arising from the said events of March 11, 2006.”

22. That statement was inaccurate, in that Dr. DeWald had outstanding medical bills that had yet to be paid as a result of requested treatment from the March 11, 2006, airplane accident.

23. Respondent explains that at the time he released the settlement funds, he believed that the clients all had health insurance that had already paid Dr. DeWald.

24. On December 15, 2009, defense counsel sent Respondent a check for \$20,000.00, payable to “Saffren & Weinberg” as full and final settlement of all claims in the matter.

25. By letters dated December 21, 2009, Respondent provided the plaintiffs checks for \$2,500.00 each. The accompanying distribution sheet reflects a reduced attorney fee of \$3,814.95 and Reimbursement of Costs of \$2,685.05.

26. Respondent takes the position that at the time of settlement he believed Dr. DeWald to have already been paid, as a result, Respondent failed to advise her of the settlement, or attempt to negotiate a compromise of the medical bills on behalf of the plaintiffs.

27. Shortly after settlement Dr. DeWald learned that the case had settled.

28. Dr. DeWald’s staff telephoned Respondent’s office repeatedly seeking information.

29. Respondent failed to return any of Dr. DeWald’s telephone calls. Respondent states that he did not receive any message from law firm staff that any calls had been made by Dr. DeWald’s staff concerning the clients.

30. By letter dated January 26, 2010, Dr. DeWald wrote to Respondent and, among other things, stated that the total bill for treatment for all three patients was \$8,692.00, and reminded

Respondent that he had provided her with a letter of protection relating to her treatment of all three patients.

31. Respondent claims not to have received Dr. DeWald's letter.

32. After receipt of a letter seeking a statement of respondent's position (hereinafter "DB-7") letter from ODC dated July 8, 2010, Respondent promptly contacted Dr. DeWald and settled her claim.

File C2-10-149, Complaint of Celestine Bullock

33. In June of 2006 Respondent agreed to represent Celestine Bullock in connection with a job-related injury she received on January 19, 2006.

34. Ms. Bullock's matter involved both a workers' compensation claim and a personal injury claim. The workers' compensation claim was resolved by a Decision in Ms. Bullock's favor on November 16, 2007, and she received benefits for approximately 11 months.

35. In the workers' compensation matter neither party disputed the basic facts of the accident. Instead, the employer disputed the extent of Ms. Bullock's injuries. The Decision, while providing Ms. Bullock with benefits, provided less than the amount which she sought.

36. After the conclusion of the workers' compensation case, on January 16, 2008, Respondent filed a complaint in the Philadelphia Court of Common Pleas on Ms. Bullock's behalf raising personal injury claims against Rohm & Haas Technology Lab ("Rohm & Haas").

37. On July 8, 2008, Rohm & Haas filed a Petition to Transfer Venue to Montgomery County. By order dated August 18, 2008, the Honorable Alan Tereshko granted the petition and ordered that the case be transferred to the Court of Common Pleas of Montgomery County. Judge Tereshko further ordered that Ms. Bullock was to bear any costs attendant to the transfer.

38. Respondent failed to take any steps to transfer the case until November of 2009, fifteen months after Judge Tereshko's order. Respondent explains this delay by stating that he thought that the Prothonotary in Philadelphia would automatically send the case to the Prothonotary at the Montgomery County Court of Common Pleas.

39. On February 2, 2010, Rohm & Haas filed a motion for non-pros in the Court of Common Pleas of Montgomery County. Among other things, Rohm & Haas argued that: (1) plaintiff had been non-responsive with respect to discovery requests leading to the filing of a motion to compel in Philadelphia; (2) plaintiff failed to take any steps to transfer the matter to Montgomery County for fifteen months; and (3) plaintiff's lack of diligence in prosecuting the matter caused prejudice to the defendant, as two witnesses were no longer available.

40. On March 22, 2010, Respondent filed an answer opposing the motion. Among other things, Respondent argued that neither witness identified by Rohm & Haas was necessary to its case because the information was readily available in the employer's business records.

41. On February 1, 2010, Ms. Bullock filed a complaint with ODC against Respondent alleging, among other things, failure to communicate with her and provide her with the status in her matter and delay in handling her matter.

42. On April 30, 2010, ODC sent Respondent a letter seeking a statement of his position (hereinafter "Bullock DB-7").

43. Respondent took the position that he could no longer represent Ms. Bullock because she had filed a disciplinary complaint against him, and on June 9, 2010, Respondent filed a Motion seeking to Withdraw as Ms. Bullock's counsel.

44. At that time, the Court had yet to rule on Rohm & Haas's motion for non-pros.

45. Ms. Bullock was unable to obtain new counsel in the matter.

46. On September 30, 2010, the Court granted the motion for non-pros and entered judgment in favor of the defendant.

47. Because Ms. Bullock had been unable to obtain new counsel, Respondent agreed that he would remain in the case for the limited purpose of litigating the non-pros motion; accordingly, on October 13, 2010, Respondent filed a Motion to Open and/or Strike the Order for Non-Pros (the "motion").

48. On April 7, 2011, the Court denied the motion.

49. On April 25, 2011, Respondent filed an appeal to the Superior Court.

50. As of this date the appeal is pending in the Superior Court.

File No. C2-10-215, Complaint of Beltzaida Olivo

51. Candido Olivo sustained a workplace injury on December 22, 2003.¹

52. In 2005, New Jersey counsel referred Mr. Olivo to Saffren & Weinberg for representation in connection with a workers' compensation case against Mr. Olivo's employer, Eureka Stone Quarry. Respondent assumed primary responsibility for the matter.

53. On May 12, 2006, Respondent petitioned for workers' compensation benefits on Mr. Olivo's behalf.

54. The Court scheduled a hearing for October 19, 2006, at which time Respondent and his client appeared and Mr. Olivo testified as to his injuries.

55. Toward the conclusion of the hearing, Respondent told the Judge that "[r]ight now, we're sending him back – one thing he just said, he did go to the Eye Institute in Camden. We are sending him back there to either establish that there is a specific loss to the eye or not. I have not

¹ Candido's wife Beltzaida filed the complaint as she is more fluent in English than Candido. Shortly after the accident, Mr. and Mrs. Olivo moved from New Jersey to South Carolina. Respondent states that the geographic distance limited in-person meetings.

received a report to that effect yet. We know that there is scarring to the eye. We know he's missed time from work. We're trying to get that established at this time." After some clarification, the Court told Respondent, "Well, you've got 90 days in terms of getting your doctor deposed." A final hearing was held on January 29, 2007, for the purpose of putting on the employer's medical evidence.

56. As Respondent failed to produce any medical evidence, the Court wrote to him by letter dated March 2, 2007, and inquired about the delay, asking "Is there any reason why I should not dismiss the petition for failure to prosecute? I will expect an immediate written response." Respondent claims not to have received the letter, and admits that as a result, he never answered. The Petition was dismissed for failure to prosecute by decision circulated April 26, 2007.

57. Respondent failed to write to Mr. Olivo and his wife and tell them that the case had been dismissed, although he claims that he had many telephone conversations with them about the matter. On the other hand, the Olivos state that they did not learn about the dismissal until they wrote directly to the Court and deny that Respondent informed them that their case had been dismissed.

58. Respondent takes the position that he was not required to produce any medical evidence at the hearing, and that the Court could have determined Mr. Olivo's claim for disfigurement without medical testimony, as Mr. Olivo had a visible scar.

59. However, the Court explicitly dismissed the case for a failure to prosecute, stating that:

The claimant was instructed to present medical evidence within 90 days of the October 19, 2006 hearing at the conclusion of that hearing. As no medical evidence was timely produced and no extension was granted we wrote to claimant's counsel on March 2, 2007 inquiring about the delay. That letter concluded "Is there any reason why I should not dismiss the petition for

failure to prosecute? I will expect an immediate written response.” To date claimant’s counsel has failed to respond to the letter of March 2, 2007. . . . the claimant has failed to present evidence in a timely fashion as required by the rules of procedure and the specific directions of the Judge as a direct result the Claim Petition must be dismissed for failure to prosecute.

60. On receipt of the Court’s opinion, Respondent failed to take any corrective measure such as filing an appeal or seeking reconsideration on the basis that the Court had sufficient evidence to make an award based on Mr. Olivo’s disfigurement.

File No. C2-11-165, Complaint of Cindy Downing

61. On or around June 7, 2007, Cindy Downing slipped and fell outside of Curves (a fitness franchise) located in Center City, Philadelphia.

62. Ms. Downing suffered personal injuries for which she received treatment on that day at the Thomas Jefferson University Hospital emergency room, and for which she received chiropractic care for several months thereafter.

63. On or around June 2, 2009, Respondent filed a complaint in the Philadelphia Court of Common Pleas on Ms. Downing’s behalf.

64. On January 27, 2010, a panel of arbitrators awarded Ms. Downing \$22,500.00.

65. Unfortunately, because Respondent had sued the wrong corporate entity, he was unable to enforce the award that had been reduced to judgment.

66. In or around February of 2011, Ms. Downing filed a disciplinary complaint explaining that Respondent had refused to answer her inquiries or pay her the award, and expressed concern that Respondent had simply kept her funds.

67. Disciplinary Counsel informally contacted Respondent’s counsel.

68. Thereafter, Respondent and Ms. Downing’s new attorney entered into negotiations to settle the matter.

69. In or around May of 2011, Respondent and Ms. Downing entered into a confidential settlement agreement disposing of all of her potential claims against Respondent.

SPECIFIC RULES OF PROFESSIONAL CONDUCT VIOLATED

70. Respondent violated the following RPCs:

A. RPC 1.1, which states that a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation;

B. RPC 1.3, which states that a lawyer shall act with reasonable diligence and promptness in representing a client;

C. RPC 1.4(a)(3), which states that a lawyer shall keep the client reasonably informed about the status of the matter;

D. RPC 1.4(a)(4) which states that a lawyer shall promptly comply with reasonable requests for information;

E. RPC 1.15(d)[effective 4-1-88], which states in pertinent part that a lawyer shall place all funds of a client or of a third person in an interest bearing account. All qualified funds received by the lawyer shall be placed in an Interest On Lawyer Trust Account in a depository institution approved by the Supreme Court of Pennsylvania. All other funds of a client or a third person received by the lawyer shall be placed in an interest bearing account for the benefit of the client or third person or in another investment vehicle specifically agreed upon by the lawyer and the client or third party;

F. RPC 1.15(d)[effective 9-20-08], which states in pertinent part that upon receiving Rule 1.15 Funds or property which are not Fiduciary Funds or property, a lawyer shall promptly notify the client or third person, consistent with the requirements of applicable law; and

G. RPC 8.4(d), which states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

SPECIFIC RECOMMENDATION FOR DISCIPLINE OF A PUBLIC CENSURE

These four cases primarily involve neglect and failure to communicate.² In file C2-10-297 the neglect and failure to communicate is with the provider of medical services rather than the clients, as is the case in files C2-10-149 and C2-10-215. The sanction for similar behavior ranges from private reprimand to license suspension of one year and one day. *See Office of Disciplinary Counsel v. Vivian Sye-Payne*, 142 DB 2004 (2006) (finding that attorneys who engage in multiple acts of client neglect and who have a prior record of discipline are candidates for suspension of one year and one day).

Respondent has a prior history of discipline. In file C2-08-47 Respondent received an informal admonition for misconduct relating to his failure to maintain an IOLTA account or seek an exemption from the IOLTA Board from placing qualified funds into an IOLTA account. The facts and circumstances leading to the informal admonition were completely different from those in these cases.

Neglect cases do not always result in license suspension. Generally, a license suspension will be imposed only after a pattern of neglect emerges. The cases collectively suggest that the Court and the Disciplinary Board adopt a progressive discipline approach, meting out increasing sanctions over time in an effort to first provide the attorney with an opportunity to take appropriate corrective and remedial action before suffering the loss of his license. For example, in *Office of Disciplinary Counsel v. Anonymous*, 24 DB 2003 (2004) Respondent received a non-summary private reprimand

² In Dr. DeWald's complaint the evidence also suggested potential violations of RPC 3.3(a)(1), RPC 3.3(a)(3), RPC 4.1(a) and RPC 4.1(b)- all relating to false evidence. These Rules require actual knowledge on the part of the lawyer. Respondent denies knowing that Ms. Williams testified falsely during her deposition. However, Respondent acknowledges that he should have known his client's testimony was false. Respondent's files reveal that he delegates significant day-to-day authority over his caseload to his subordinates. For the limited purposes of this consent petition, ODC has given Respondent the benefit of the doubt.

where he failed to communicate with his client and neglected her divorce case. The case went to formal charges and a hearing because the lawyer had previously received a private reprimand for his neglect in handling seven criminal matters and a divorce. Similarly, in *Office of Disciplinary Counsel v. Anonymous*, 132 DB 2000 (2001) Respondent received a private reprimand after formal proceedings where Respondent neglected his client's personal injury matter and failed to communicate. Respondent had a history of discipline including an informal admonition and in addition, disciplinary counsel introduced evidence demonstrating that two civil cases filed by Respondent had been nolle prossed as a result of his inaction. The Disciplinary Board imposed the private reprimand, but also observed that further instances of neglect would result in public discipline.

Respondent, through the filing of this joint petition, expresses regret and accepts responsibility for his actions. Respondent also recognizes the need to make changes in his practice. To that end, Respondent and his partner have implemented a new messaging system designed to ensure that attorneys are promptly informed of all calls. Respondent states that the practice no longer provides medical practitioners with letters of protection. Significantly, Respondent has made a sincere effort to reduce the overall volume of cases at the firm. At last count, the firm has culled almost 400 files. Considering all of the facts and circumstances, it is respectfully suggested that a public censure is sufficient discipline at this time. Respondent understands that further instances of neglect will not be tolerated and will result in ODC seeking formal charges and a license suspension.

WHEREFORE, Joint Petitioners respectfully pray that your Honorable Board:

- a. Approve this Petition; and
- b. File a recommendation for a public censure and this Petition with the Supreme

Court of Pennsylvania.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION,

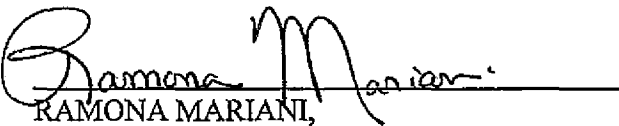
Attorney Reg. No. 20955,

Chief Disciplinary Counsel

Date:

7/19/11

By:



RAMONA MARIANI,

Disciplinary Counsel

Attorney Registration Number 78466

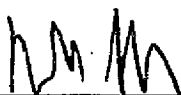
Suite 170, 820 Adams Avenue

Trooper, PA 19403

(610) 650-8210

Date:

7/19/11


KENNETH A. SAFFREN,

Respondent S.

Date:

7/15/11


JAMES C. SCHWARTZMAN,


DANA PIRONE CAROSELLA,

Respondent's Counsel


VERIFICATION

The statements contained in the foregoing *Joint Petition In Support of Discipline on Consent Pursuant to P.A.R.D.E. 215(d)* 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.

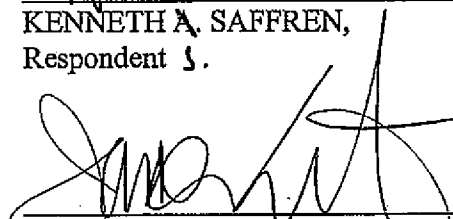
7/19/11
Date


RAMONA MARIANI,
Disciplinary Counsel

7/13/11
Date


KENNETH A. SAFFREN,
Respondent's

7/15/11
Date


JAMES C. SCHWARTZMAN,
DANA PIRONE CAROSELLA,
Respondent's Counsel

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

OFFICE OF DISCIPLINARY COUNSEL,	:	No.	DB 2011
Petitioner	:		
	:	File Nos.	C2-10-149
	:		C2-10-215
v.	:		C2-10-297
	:		C2-11-165
	:		
	:	Attorney Reg. No.	44195
KENNETH S. SAFFREN,	:		
Respondent	:		(Montgomery County)

AFFIDAVIT OF KENNETH S. SAFFREN

Kenneth S. Saffren hereby tenders this affidavit in support of the Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d), and further states as follows:


1. He freely and voluntarily consents to the proposed discipline; he is not being subjected to coercion or duress; he is fully aware of the implications of submitting the consent; and he has consulted and followed the advice of counsel in connection with the decision to consent to discipline.

2. He is aware that there is presently pending a proceeding involving allegations that he has been guilty of misconduct as set forth in the Petition;

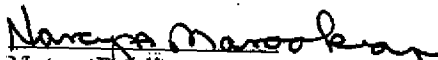
3. He acknowledges that the material facts set forth in the Petition are true.

4. He consents because he knows that if charges continued to be prosecuted in the pending proceeding, he could not successfully defend against them.

Signed this 16th day of AUGUST 2011.


Kenneth S. Saffren
Attorney Reg. No. 44195

Sworn to and subscribed
Before me this 16th day
of AUGUST 2011


Notary Public

Nancy A. Manookian
Notary Public, State of New Jersey
ID 2115741
Commission Expires September 20, 2013

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

OFFICE OF DISCIPLINARY COUNSEL,	:	No.	DB 2011
Petitioner	:		
	:	File Nos.	C2-10-149
	:		C2-10-215
v.	:		C2-10-297
	:		C2-11-165
	:		
	:	Attorney Reg. No.	44195
KENNETH S. SAFFREN,	:		
Respondent	:	(Montgomery 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 §89.2e (relating to service upon counsel).

First Class Mail Service, as follows:

Counsel for Respondent: James C. Schwartzman, Esquire
Dana Pirone Carosella, Esquire
Stevens & Lee, P.C.
1818 Market Street, 29th Floor
Philadelphia, PA 19103

Dated: _____

7/19/11



RAMONA MARIANI,
Disciplinary Counsel
Office of Disciplinary Counsel
District II Office
Suite 170, 820 Adams Avenue
Trooper, PA 19403
(610) 650-8210
Attorney Reg. No. 78466