IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	No. 1872 Disciplinary Docket No. 3
	:	No. 131 DB 2011
v.	:	
	:	Attorney Registration No. 201586
BERNARD JOSEPH HUGHES, Respondent	:	(Philadelphia)

ORDER

PER CURIAM:

AND NOW, this 30th day of January, 2013, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated September 19, 2012, 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 Bernard Joseph Hughes is suspended on consent from the Bar of this Commonwealth for a period of two years, the suspension is stayed in its entirety, and he is placed on probation for a period of two years subject to the following conditions:

1. Respondent shall abstain from using cocaine or any other mind-altering chemical;
2. Respondent shall regularly attend Narcotics or Alcoholics Anonymous meetings on a weekly basis;
3. A sobriety monitor shall be appointed to monitor Respondent in accordance with Disciplinary Board Rule §89.293(c);

4. Respondent shall establish his weekly attendance at Narcotics or Alcoholics Anonymous meetings by providing written verification to the Board on a Board-approved form;

5. Respondent shall undergo any counseling, out-patient or in-patient treatment, prescribed by a physician or alcohol counselor;

6. Respondent shall file with the Secretary of the Board quarterly written reports;

7. With the sobriety monitor, Respondent shall:

   a) meet at least twice a month;

   b) maintain weekly telephone contact;

   c) provide the necessary properly executed written authorizations to verify his compliance with the required substance abuse treatment; and

   d) cooperate fully.

8. The appointed sobriety monitor shall:

   a) monitor Respondent's compliance with the terms and conditions of the order imposing probation;

   b) assist Respondent in arranging any necessary professional or substance abuse treatment;

   c) meet with Respondent at least twice a month, and maintain weekly telephone contact with him;

   d) maintain direct monthly contact with the Narcotics or Alcoholics Anonymous chapter attended by the Respondent;

   e) file with the Secretary of the Board quarterly written reports; and

f) immediately report to the Secretary of the Board any violations by the Respondent of the terms and conditions of the probation.

A True Copy Patricia Nicola
As Of 1/30/2013

Attest: Patricia Nicola
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL Petitioner	:	No. 131 DB 2011
v.	:	Attorney Registration No.201586
BERNARD JOSEPH HUGHES Respondent	:	(Philadelphia)

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 David A. Nasatir, Sal Cognetti, Jr., and Stephen K. Todd, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on December 5, 2011.

The Panel approves the Petition consenting to a two year suspension to be stayed in its entirety and a two year period of probation subject to the conditions set forth in the Joint Petition and recommends to the Supreme Court of Pennsylvania that the attached Joint 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.

David A. Nasatir, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: 9/19/2012

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	No. 131 DB 2011
v.	:	Atty. Reg. No. 201586
BERNARD JOSEPH HUGHES, Respondent	:	(Philadelphia)

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

Petitioner, Office of Disciplinary Counsel ("ODC"), by Paul J. Killion, Chief Disciplinary Counsel, and Harriet R. Brumberg, Disciplinary Counsel, and by Respondent, Bernard Joseph Hughes, Esquire, file this Joint Petition In Support of Discipline on Consent under Pennsylvania Rule of Disciplinary Enforcement (Pa.R.D.E.) 215(d), and respectfully represent that:

I. BACKGROUND

1. Petitioner, whose principal office is located at PA Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62625, Harrisburg, PA 17106-2625, 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 said Rules of Disciplinary Enforcement.

2. Respondent, Bernard Joseph Hughes, was admitted to practice law in the Commonwealth on May 19, 2006.

3. Respondent maintains an office for the practice of law at 2503 S. 11th Street, Philadelphia, PA 19148.

4. Pursuant to Pa.R.D.E. 201(a)(1), Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

II. FACTUAL ADMISSIONS AND VIOLATIONS OF RULES OF PROFESSIONAL CONDUCT

5. Respondent specifically admits to the truth of the factual allegations and conclusions of law contained in paragraphs 1 through 65.

III. CHARGES

CHARGE I: THE PHILADELPHIA TRAFFIC COURT MATTERS

A. Marco P. Zamora Matter

6. Respondent was retained to represent Marco P. Zamora, Citation Number VO0422015, License Number PA 29854154, in Philadelphia Traffic Court.

7. Respondent received a legal fee to represent Mr. Zamora in his Traffic Court matter.

8. On May 3, 2010, Respondent filed an Entry of Appearance form with the Philadelphia Traffic Court on Mr. Zamora's legal matter.

9. Phila. T.C.L.R. 106 provides, in pertinent part:

> **(b) Timing of request.** All requests for continuance must be received by the Philadelphia Traffic Court at least 48 hours before the date set for the trial or hearing....; and
>
> **(d) Requests for Continuance on Trial Date.** All requests for continuances on the day of summary trial or hearing shall be in writing, on the court-approved form, and shall be presented to the presiding judge....

10. Phila. T.C.L.R. 120(b) provides, in pertinent part:

> **(b) Withdrawal of Appearance.** Counsel for a defendant may not withdraw his or her appearance except by leave of court. The request shall be in writing...or may be made orally in open court in the presence of the defendant.

11. Respondent knew Mr. Zamora's Traffic Court matter was scheduled for July 6, 2010 at 9:00 a.m.

12. Respondent failed to arrive timely to represent Mr. Zamora in his legal matter.

13. As a result of Respondent's failure to arrive timely, Mr. Zamora completed a Verified Statement of Defendant, in which he stated that he wanted Respondent to appear to represent him at the July 6, 2010 hearing.

14. Respondent did not comply with:

a. Phila. T.C.L.R. 106(b) and file a request for continuance at least 48 hours before the scheduled trial date;

b. Phila. T.C.L.R. 106(d) and request a continuance with the Honorable Bernice A. DeAngelis on the day of Mr. Zamora's trial; or

c. Phila. T.C.L.R. 120(b) and file a withdrawal of appearance.

15. As a result of Respondent's failure to timely appear and represent Mr. Zamora, Judge DeAngelis continued Mr. Zamora's Traffic Court matter.

16. Traffic Court rescheduled Mr. Zamora's case to September 22, 2010, at 3:00 p.m. in courtroom "E."

17. Respondent knew or should have known that Mr. Zamora's trial was rescheduled for September 22, 2010, at 3:00 p.m. in courtroom "E."

18. Respondent failed to appear on September 22, 2010, at 3:00 p.m. in courtroom "E" for Mr. Zamora's trial.

19. As a result of Respondent's failure to appear, Mr. Zamora completed a Verified Statement of Defendant, in which he stated that he wanted Respondent to appear to represent him at the September 22, 2010 hearing.

20. Mr. Zamora did not waive Respondent's appearance.

21. Respondent did not comply with:

a. Phila. T.C.L.R. 106(b) and file a request for continuance at least 48 hours before the scheduled trial date;

b. Phila. T.C.L.R. 106(d) and request a continuance with Judge DeAngelis on the day of Mr. Zamora's trial; or

c. Phila. T.C.L.R. 120(b) and file a withdrawal of appearance.

22. Respondent failed to act with reasonable diligence and promptness and appear for Mr. Zamora's scheduled trial.

23. On September 22, 2010, Judge DeAngelis proceeded to trial and found Mr. Zamora guilty.

24. Respondent's conduct was prejudicial to the administration of justice in that Respondent's failure to comply with Philadelphia Local Traffic Rules expended the limited time and resources of Philadelphia Traffic Court.

25. Respondent failed to refund Respondent's unearned fee to Mr. Zamora at the termination of Respondent's representation.

B. Kwamaine L. Hand Matter

26. Respondent was retained to represent Kwamaine L. Hand, Citation Number SO2117640, SO2117651, SO2117662, License Number PA 28560373, in Philadelphia Traffic Court.

27. On February 5, 2010, Respondent filed an Entry of Appearance form with the Philadelphia Traffic Court on Mr. Hand's legal matter.

28. On February 16, 2010, Respondent filed a second Entry of Appearance form with the Philadelphia Traffic Court on Mr. Hand's legal matter.

29. Respondent knew Mr. Hand's Traffic Court matter was scheduled for May 19, 2010.

30. Respondent failed to appear on May 19, 2010 to represent Mr. Hand in his legal matter.

31. As a result of Respondent's failure to appeal, the Honorable Earlene Green continued Mr. Hand's legal matter until June 30, 2010.

32. Respondent did not comply with:

a. Phila. T.C.L.R. 106(b) and file a request for continuance at least 48 hours before the scheduled trial date; or

b. Phila. T.C.L.R. 106(d) and request a continuance with Judge Green on the day of Mr. Hand's trial; or

c. Phila. T.C.L.R. 120(b) and file a withdrawal of appearance.

33. Traffic Court rescheduled Mr. Hand's case to June 30, 2010, at 3:00 p.m. in courtroom "E."

34. Respondent knew or should have known that Mr. Hand's trial was rescheduled for June 30, 2010, at 3:00 p.m. in courtroom "E."

35. Respondent failed to appear on June 30, 2010, at 3:00 p.m. in courtroom "E" for Mr. Hand's trial.

36. Respondent did not comply with:

a. Phila. T.C.L.R. 106(b) and file a request for continuance at least 48 hours before the scheduled trial date; or

b. Phila. T.C.L.R. 106(d) and request a continuance with the Judge DeAngelis on the day of Mr. Hand's trial; or

c. Phila. T.C.L.R. 120(b) and file a withdrawal of appearance.

37. Respondent failed to act with reasonable diligence and promptness and appear for Mr. Hand's scheduled trial.

38. Respondent's conduct was prejudicial to the administration of justice in that Respondent's failure to comply with Philadelphia Local Traffic Rules expended the limited time and resources of Philadelphia Traffic Court.

39. By his conduct as alleged in paragraphs 6 through 38 above, Respondent violated the following Rules:

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

b. RPC 1.16(d), which states that upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law; and

c. RPC 8.4(d) (two counts), which states that it is professional misconduct for a lawyer to

engage in conduct that is prejudicial to the administration of justice.

CHARGE II: FAILURE TO APPEAR FOR AN INFORMAL ADMONITION

40. In accordance with Rule 208(a)(2) and (3), Pa.R.D.E., it was determined that Respondent should receive an Informal Admonition as a result of his misconduct during his representation of Joseph Ashton and Mary Jo M. Canavan, ODC File No. C1-10-744.

41. By certified letter dated February 25, 2011, Chief Disciplinary Counsel Paul J. Killion informed Respondent that:

a. a Reviewing Member of a Hearing Committee had directed that Respondent should receive an Informal Admonition for violating RPC 1.3, RPC 1.4(a)(3), RPC 1.4(a)(4), RPC 1.5(b), RPC 1.15(b), RPC 1.15(i), RPC 1.16(d), and RPC 8.4(d);

b. Pursuant to Pa.R.D.E. 208(a)(6) and D.Bd. Rule §87.54, Respondent had the right to demand in writing, within 20 days, that a formal proceeding be instituted against him before a hearing committee, and in the event of such demand, need not appear for the administration of the Informal Admonition

and the matter will be disposed of in the same manner as any other formal hearing; and

c. Pursuant to D.Bd. Rule §87.52, Respondent's neglect or refusal to appear for an informal admonition without good cause shall constitute an independent act of professional misconduct and shall automatically result in formal proceedings relating to such act of misconduct and the grievance upon which such informal admonition was to relate.

42. Respondent received Chief Disciplinary Counsel's certified letter before March 11, 2011.

43. Respondent did not demand that a formal proceeding be instituted against him with regard to the allegations giving rise to the imposition of the Informal Admonition in C1-10-744.

44. As a result of Respondent's failure to demand the institution of formal proceedings against him, Respondent is conclusively deemed to have violated the Rules of Professional Conduct set forth in Chief Disciplinary Counsel February 25, 2011 letter.

45. By certified letter dated March 23, 2011, Chief Disciplinary Counsel informed Respondent that:

a. Respondent had previously been advised of a complaint against him alleging violations of the Rules of Professional Conduct in which it was determined that Respondent should receive an Informal Admonition; and

b. Chief Disciplinary Counsel had scheduled Respondent's Informal Admonition for Friday, April 8, 2010 [*sic*] at 9:20 a.m. in the District I Office of Disciplinary Counsel.

46. Respondent's agent signed for Chief Disciplinary Counsel's letter on March 25, 2011.

47. Respondent received Chief Disciplinary Counsel's letter.

48. Respondent failed to appear for his March 25, 2011 Informal Admonition.

49. By certified letter dated May 13, 2011, Chief Disciplinary Counsel informed Respondent that:

a. Respondent had previously been advised of a complaint against him alleging violations of the Rules of Professional Conduct in which it was determined that Respondent should receive an Informal Admonition; and

b. Chief Disciplinary Counsel had rescheduled Respondent's Informal Admonition for Friday, May 27, 2011 at 10:00 a.m. in the District I Office.

50. Respondent's agent signed for Chief Disciplinary Counsel's letter on May 16, 2011.

51. Respondent received Chief Disciplinary Counsel's letter.

52. Respondent failed to appear for his May 27, 2011 Informal Admonition.

53. By certified letter dated May 31, 2011, from Chief Disciplinary Counsel to Respondent, Chief Disciplinary Counsel requested that Respondent advise him, within five days from Respondent's receipt of the letter, whether Respondent had "good cause" for his failure to appear for "the second time" (emphasis in original) for his Informal Admonition.

54. Respondent received Chief Disciplinary Counsel's letter on June 2, 2011.

55. Respondent did not answer Chief Disciplinary Counsel's letter or provide good cause for his failure to appear for his Informal Admonition.

56. By his conduct as alleged in paragraphs 40 through 55 above, Respondent violated the following Rules:

a. Pa.R.D.E. 203(b)(2), which provides that wilful failure to appear before the Supreme Court, the Board or Disciplinary Counsel for censure, private reprimand or informal admonition, shall be grounds for discipline; and

b. 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.

57. In addition to the foregoing violations resulting from Respondent's failure to appear for an Informal Admonition, Respondent is conclusively deemed to have violated the following Rules of Professional Conduct as a result of Respondent's failure to demand the institution of formal proceedings:

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

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

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

d. RPC 1.5(b), which states that when the lawyer has not regularly represented the client, the basis or rate of the fee shall be communicated to the client, in writing, before or within a reasonable time after commencing the representation;

e. RPC 1.15(b), which states that a lawyer shall hold all funds and property separate from the lawyer's own property. Such property shall be identified and appropriately safeguarded;

f. RPC 1.15(i), which states that a lawyer shall deposit into a Trust Account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred, unless the client gives informed consent, confirmed in writing, to the handling of fees and expenses in a different manner;

g. RPC 1.16(d), which states that upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law; and

h. 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.

IV. JOINT RECOMMENDATION FOR DISCIPLINE

58. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a two-year suspension, stayed in its entirety, and two years of probation with conditions, including the appointment of a sobriety monitor.

59. Respondent hereby consents to the discipline being imposed by the Supreme Court of Pennsylvania.

Attached to this Petition is Respondent's executed Affidavit required by Pa.R.D.E. 215(d), stating that he consents to the recommended discipline and including the mandatory acknowledgements contained in Pa.R.D.E. 215(d)(1) through (4).

60. Petitioner and Respondent respectfully submit that there is the following aggravating factor:

a. Respondent has three open liens against him, which total $56,630.97.

61. Respondent and ODC respectfully submit that there are the following mitigating factors:

a. Respondent has cooperated with ODC and signed ODC's proposed Stipulations of Law and Fact;

b. By virtue of Respondent signing this Discipline on Consent, Respondent has expressed recognition of his violations of the Rules of Professional Conduct;

c. If this matter were to proceed to a hearing, Respondent would be able to establish mitigation under ***Office of Disciplinary Counsel v. Braun***, 520 Pa. 157, 553 A.2d 894 (1989)(*see* November 6, 2011 letter from

Sandra J. Hart, Ph.D., attached hereto as Exhibit "A");

d. Respondent has undergone treatment for substance abuse problems and is going to therapy with a local psychiatrist, attends sobriety meetings, and has voluntarily contacted Lawyers Concerned About Lawyers to obtain a sobriety monitor; and

e. Although Respondent failed to appear to receive an Information Admonition in C1-10-744, Respondent has no discipline of record.

62. A two-year suspension, stayed in its entirety, with two years of probation and a sobriety monitor, is the appropriate quantum of discipline to be imposed based on the totality of facts and circumstances presented here.

Generally, discipline ranges from a private reprimand to a suspension of one-year and one day for attorneys who neglect client matters and fail to appear to receive their private discipline.

In ***Office of Disciplinary Counsel v. Clyde Kevin Middleton***, 106 DB 2002 (8/12/2004), Middleton neglected two client matters and failed to return his unearned fee. A reviewing member approved Disciplinary Counsel's recommendation for an informal admonition in the two

matters. But Middleton failed to appear for his informal admonition and formal charges were filed. Middleton then agreed to accept a private reprimand, but failed to appear for his private reprimand. The matter was referred to the Supreme Court, which directed that Middleton receive a public censure.

The Supreme Court increased an attorney's discipline to one year and one day when an attorney not only neglected client matters and failed to appear for his private discipline, but also failed to appear for his disciplinary hearing. In ***Office of Disciplinary Counsel v. William W. McVay, III***, No. 112 DB 2002 (1/31/2005), McVay neglected two client matters, failed to appear for his private reprimand on these two matters, and failed to comply with conditions to the private reprimand. Subsequently, McVay failed to appear for his formal disciplinary hearing or participate in the disciplinary process. The totality of McVay's conduct warranted that he receive a one-year-and-one-day suspension.

63. Both Middleton and Respondent neglected client matters, failed to return their unearned fees, and failed to appear for the imposition of their informal admonitions. Middleton's subsequent failure to appear for his private reprimand resulted in the Supreme Court directing that

Middleton receive a public censure. While Respondent did not fail to appear for a private reprimand, as he was not instructed to do so, Respondent neglected four client matters, which was double the number of client matters that Middleton neglected. Thus, the totality of Respondent's misconduct mandates that he receive at least a public censure.

But unlike ***McVay***, Respondent has participated in the disciplinary process, expressed remorse for his misconduct, and cooperated with ODC. Therefore, a suspension requiring a reinstatement hearing is not warranted.

64. Respondent's circumstances, however, are dissimilar to Middleton's and McVay's, in that Respondent would likely be able to establish ***Braun*** mitigation. Nonetheless, Respondent has only recently attained sobriety, begun attending sobriety meetings, and instituted therapy sessions with a psychiatrist. (*See* Exhibit A) Given Respondent's nascent recovery, ODC and Respondent recognize that there is a risk that Respondent may revert to his neglectful ways. The stayed suspension and sobriety monitor would not only provide Respondent with motivation and guidance to remain sober but also serve to protect the public and the courts from Respondent.

65. Accordingly, ODC and Respondent jointly request, for Respondent's neglect of four client matters, that Respondent receive a two-year suspension stayed in its entirety and that Respondent be placed on two years of probation with a sobriety monitor.

WHEREFORE, Petitioner and Respondent respectfully request that:

a. Pursuant to Pa.R.D.E. 215(e) and 215(g), the three-member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and file its recommendation with the Supreme Court of Pennsylvania recommending that the Supreme Court enter an Order that Respondent receive a two-year suspension stayed in its entirety, and that Respondent be placed on two years of probation subject to following conditions:

1. Respondent shall abstain from using cocaine or and any other mind altering chemical;

2. Respondent shall regularly attend Lawyers Concerned For Lawyers (LCL) meetings on a weekly basis;

3. A sobriety monitor shall be appointed to monitor Respondent in accordance with Disciplinary Board Rule §89.293(c);

4. Respondent shall furnish Office of Disciplinary Counsel with his sobriety monitor's name, address, and telephone number;

5. Respondent shall establish his weekly attendance at LCL meetings by providing written verification to the Board on a Board approved form on a quarterly basis;

6. Respondent shall undergo any counseling, or out-patient or in-patient treatment, prescribed by a mental health professional;

7. With the sobriety monitor, Respondent shall:

i) meet at least twice a month;

ii) maintain weekly telephone contact;

iii) provide the necessary properly executed written authorizations to verify his compliance with the required substance abuse treatment; and

iv) cooperate fully.

8. The appointed sobriety monitor shall:

i) monitor Respondent's compliance with the terms and conditions of the order imposing probation;

ii) assist Respondent in arranging any necessary professional or substance abuse treatment;

iii) meet with Respondent at least twice a month and maintain weekly telephone contact with Respondent;

iv) maintain direct monthly contact with the Lawyers Concerned For Lawyers chapter attended by the Respondent;

v) file with the Secretary of the Board quarterly written reports; and

vi) immediately report to the Secretary of the Board any violation by the Respondent of the terms and conditions of the probation.

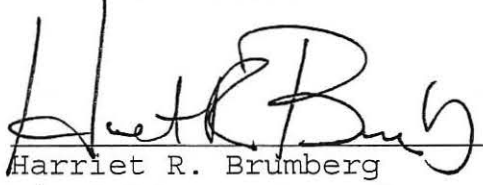
b. Pursuant to Pa.R.D.E. 215(i), the three-member panel of the Disciplinary Board enter an Order for Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter as a condition to the grant of the Petition, and that all expenses be paid by Respondent before the imposition of discipline under Pa.R.D.E. 215(g).

Respectfully and jointly submitted,

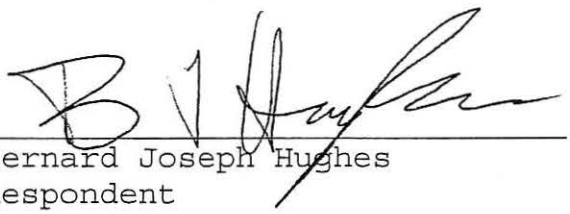
OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

11/30/11
Date

By 
Harriet R. Brumberg
Disciplinary Counsel

11/30/11
Date

By 
Bernard Joseph Hughes
Respondent

SANDRA J. HART, PH.D., CAC DIPL.
THE MEDICAL TOWER BUILDING
255 S. 17TH STREET, SUITE 2708
PHILADELPHIA, PA 19103
215.545.7207
FAX: 215.735.2447

November 6, 2011

To Whom It May Concern:

Bernard Hughes is a forty-two (42) year old divorced caucasian attorney who lives in South Philadelphia. Mr. Hughes has a solo criminal practice in Philadelphia.

According to Mr. Hughes, he has been accused of several incidents of failing to carry out his professional duties because of problems he has had with substance abuse. He currently faces sanctions for these infractions and has been mandated to be evaluated by an appropriately credentialed professional.

Mr. Hughes requested an evaluation from the undersigned. During the clinical interview, Mr. Hughes detailed his issues with drugs and he efforts towards sobriety and recovery.

Mr. Hughes self-describes as "always been a social drinker and drug user". He admits to smoking marijuana regularly from his teens until his late thirties . Beginning in law school, he occasionally used cocaine.

Mr. Hughes was divorced in 2005. After his wife left , Mr. Hughes took in a room-mate. He later realized that his room-mate was using cocaine. He was offered cocaine. Foolishly, Mr. Hughes wanted to prove to himself and to his room-mate that cocaine would have no effect on him. Within a short period of time, Mr. Hughes was addicted.

Again hubris, affected Mr. Hughes decision to fight the addiction alone for one and one-half years. When he realized he was powerless over the addiction, he called his family in Oregon and went home to enter in-patient treatment for thirty (30) days. During this period Mr. Hughes realized he had to leave Philadelphia. However, he did not act quickly enough. Mr. Hughes returned to Philadelphia. He relapsed and became deeply depressed. This continued to late 2010.

His use affected his professional life. Mr. Hughes reported that there were days when he could not get out of bed. He suffered from bouts of paranoia. He would not always be available by telephone. It was during this period in which problems developed which gave rise to the current concerns of the Disciplinary Board.

Since then Mr. Hughes has continued to work to rebuild his life. He moved to South Philadelphia, far away from his former haunts. Mr. Hughes has avoided people, places and things that could put his sobriety at risk. He attends 12 step meetings. He has just discovered the Lawyer's Meeting in Philadelphia and he plans to attend. He will be looking for a sponsor at that meeting. Mr. Hughes has begun therapy with a local psychiatrist. He has voluntarily begun working with a sobriety monitor through LCL. Mr. Hughes believes that he is making progress by studying and trying to practice Stoic philosophy in his everyday life. He will be working his program, one day at a time.

In my opinion, Mr. Hughes' intelligence and intellectual bent may be used as barriers to his continued recovery. However, if he sincerely works the program, gets a strong sponsor who is an attorney; and can go toe-to-toe with him intellectually; he will have a good chance for on-going recovery.

Sincerely,

Sandra J. Hart, Ph.D., CAC Dipl.

Sandra J. Hart, Ph.D., CAC Dipl.
Licensed Psychologist
Certified Addictions Counselor

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	
	:	No. 131 DB 2011
v.	:	
	:	Atty. Reg. No. 201586
BERNARD JOSEPH HUGHES, Respondent	:	(Philadelphia)

VERIFICATION

The statements contained in the foregoing Joint Petition In Support of Discipline on Consent Under Rule 215(d), Pa.R.D.E., are true and correct to the best of our knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

11/22/11
Date

By _____
Harriet R. Brumberg
Disciplinary Counsel

11/30/11
Date

By _____
Bernard Joseph Hughes
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	
	:	No. 131 DB 2011
v.	:	
	:	Atty. Reg. No. 201586
BERNARD JOSEPH HUGHES, Respondent	:	(Philadelphia)

AFFIDAVIT UNDER RULE 215(d), Pa.R.D.E.

Respondent, Bernard Joseph Hughes, hereby states that he consents to the imposition of a two-year suspension, stayed in its entirety, and two years of probation with conditions as specified and as jointly recommended by the Petitioner and Respondent in the Joint Petition In Support of Discipline on Consent, and further states that:

1. His consent is freely and voluntarily rendered; he is not being subjected to coercion or duress; he is fully aware of the implications of submitting the consent; and he has not consulted with counsel, in connection with the decision to consent to discipline;

2. He is aware that there is presently pending a disciplinary proceeding at No. 131 DB 2011 involving allegations that he has committed misconduct as set forth in the Joint Petition;

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

4. He consents because he knows that if the charges pending at No. 131 DB 2011 continue to be prosecuted, he could not successfully defend against them.

Bernard Joseph Hughes

Sworn to and subscribed
before me this 30th
day of November, 2011.

Rosemary B Cullen
Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
ROSEMARY B. CULLEN, Notary Public
City of Philadelphia, Phila. County
My Commission Expires July 22, 2014