

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1762 Disciplinary Docket No. 3
Petitioner :
 :
v. : No. 136 DB 2011
 :
 :
GERALD C. LIBERACE, : Attorney Registration No. 8827
Respondent : (Delaware County)

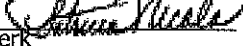
ORDER

PER CURIAM:

AND NOW, this 1st day of May, 2013, there having been filed with this Court by Gerald C. Liberace his verified Statement of Resignation dated February 25, 2013, stating that he desires to resign from the Bar of the Commonwealth of Pennsylvania in accordance with the provisions of Rule 215, Pa.R.D.E., it is

ORDERED that the resignation of Gerald C. Liberace is accepted; he is disbarred on consent from the Bar of the Commonwealth of Pennsylvania retroactive to March 12, 2012; and he shall comply with the provisions of Rule 217, Pa.R.D.E. Respondent shall pay costs, if any, to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.

A True Copy Patricia Nicola
As Of 5/1/2013

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

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

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	:	No. 136 DB 2011
v.	:	
	:	Attorney Registration No. 8827
GERALD C. LIBERACE	:	
Respondent	:	(Delaware County)

RESIGNATION BY RESPONDENT

Pursuant to Rule 215
of the Pennsylvania Rules of Disciplinary Enforcement

BEFORE THE DISCIPLINARY BOARD OF
THE SUPREME COURT OF PENNSYLVANIA

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GERALD C. LIBERACE, :
Respondent : Attorney Reg. No. 8827
:
: (Delaware County)

RESIGNATION
UNDER Pa.R.D.E. 215

GERALD C. LIBERACE hereby tenders his unconditional resignation from the practice of law in the Commonwealth of Pennsylvania in conformity with Pa.R.D.E. 215 ("Enforcement Rules") and further states as follows:

1. He is an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on or about November 20, 1967.

2. By Order dated March 12, 2012, the Supreme Court placed Respondent on temporary suspension pursuant to Rule 214(d)(2), Pa.R.D.E.

3. His attorney registration number is 8827.

4. He desires to submit his resignation as a member of said bar.

5. His resignation is freely and voluntarily rendered; he is not being subjected to coercion or duress and he is fully aware of the implications of submitting this resignation.

6. He is aware that there are presently pending disciplinary proceedings instituted against him pursuant to Rule 214, Pa.R.D.E., relating to his criminal convictions in the Court of Common Pleas of Delaware County of Endangering Welfare of Children (M1), in violation of 18 Pa.C.S.A. §4304(a)(1), and Corruption of Minors (M1), in violation of 18 Pa.C.S.A. §6301(a)(1).

7. The nature of the disciplinary allegations have been made known to him by service of Petition for Discipline, a true and correct copy of which is attached hereto, made a part hereof and marked Exhibit "A".

8. He acknowledges that the material facts upon which the Petition for Discipline (Exhibit "A") is based are true.


9. He submits the within resignation because he knows that he could not successfully defend himself against the charges of professional misconduct set forth in the attached exhibit.

10. He is fully aware that the submission of this Resignation Statement is irrevocable and that he can only apply for reinstatement to the practice of law pursuant to the provisions of Enforcement Rule 218(b).

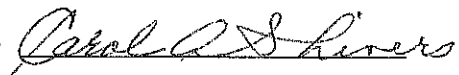
11. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has retained, consulted with and acted upon the advice of counsel in connection with his decision to execute the within resignation.

It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S., Section 4904 (relating to unsworn falsification to authorities).

Signed this 25th day of February, 2013.


GERALD C. LIBERACE
Respondent

WITNESS



BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

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GERALD C. LIBERACE : Attorney Registration No. 8827
:
Respondent : (Delaware County)

PETITION FOR DISCIPLINE

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Esquire, Chief Disciplinary Counsel, and by Harold E. Ciampoli, Jr., Esquire, Disciplinary Counsel, files the within Petition for Discipline and charges Respondent, Gerald C. Liberace, with professional misconduct in violation of the Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement as follows:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62485, Harrisburg, Pennsylvania, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter "Pa.R.D.E.") 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.

THIS FILED COPY CERTIFICATE FILED WITHIN 10
BE A TRUE AND CORRECT COPY

EXHIBIT "A"

FILED

DEC 11 2012

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

2. Respondent, Gerald C. Liberace, was born on April 25, 1941, and was admitted to practice law in the Commonwealth on November 20, 1967.

3. From on or about January 5, 1976, until April 3, 2005, Respondent served as magisterial district judge in Delaware County, Pennsylvania, District Court 32-1-25, Delaware County, Pennsylvania, a part of the Thirty-Second Judicial District encompassing the Township of Haverford-Wards 1, 2, 3, and 7; and from on or about April 4, 2005, until May 2010, as a senior magisterial district judge.

4. By Order dated March 12, 2012, the Supreme Court placed Respondent on temporary suspension.

5. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

CHARGE

6. On or about May 5, 2010, a Presentment was issued by the Twenty-Ninth Statewide Investigating Grand Jury in the case of *Commonwealth v. Gerald Carl Liberace*, CR-0000202-2010, charging Respondent with the following crimes:

- a) Count 1: 18 Pa.C.S.A. §3126(a)(7), Indecent Assault (M1);
- b) Count 2: 18 Pa.C.S.A. §4303(a)(1), Endangering Welfare of Children (M1); and
- c) Count 3: 18 Pa.C.S.A. §6301(a)(1), Corruption of Minors (M1).

7. On or about December 29, 2010, Respondent proceeded to a jury trial in the Court of Common Pleas of Delaware County, presided over by Senior Judge John L. Braxton.

8. At Respondent's trial, the victim "L.H.," an eighteen year-old college student, testified to the following:

- a) In August of 2004, when she was twelve years old, she was in the care of Respondent, her step-father;
- b) Her mother was away with friends for an overnight stay;
- c) During the night L.H. was "scared" and went into the bedroom her mother shared with Respondent;
- d) Respondent rubbed her back, as he had on many occasions when her mother was present; and
- e) On the night in question however, in addition to rubbing her back, Respondent went further and rubbed her "butt" and vaginal area on bare skin for about ten minutes.

9. The evidence at Respondent's trial also included three secretly recorded telephone conversations between the Respondent and L.H. wherein Respondent apologized to L.H. for inappropriate touching.

10. On or about January 5, 2011, the jury found Respondent guilty of Count 2 (Endangering Welfare of Children) and Count 3 (Corruption of Minors); but not guilty of Count 1 (Indecent Assault).

11. On or about March 29, 2011, Judge Braxton sentenced Respondent to three (3) to six (6) months incarceration plus one (1) year probation on each of the two charges to run consecutively; and undergo psychological sexual evaluation and be subject to the rules given sex offenders.

12. On or about March 30, 2011, Respondent filed a timely Notice of Appeal to the Superior Court of Pennsylvania, docketed to 895 EDA 2011.

13. On or about January 10, 2012, the Superior Court of Pennsylvania affirmed Respondent's Judgment of Sentence.

14. On or about February 6, 2012, Respondent filed a timely Petition for Permission to Appeal to the Pennsylvania Supreme Court, docketed to 101 MAL 2012.

15. On or about July 9, 2012, the Supreme Court of Pennsylvania entered an Order Denying Petition for Allowance of Appeal.

16. Respondent has filed no further appeals from the order of the Supreme Court of Pennsylvania.

17. Respondent did not report the fact of his conviction to the Secretary of the Board.

18. By his conduct as alleged in paragraphs 6 through 17 above, Respondent violated the following Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement:

A. **Pa.R.D.E. 203(b)(1)**, which at the time of Respondent's conviction provided that conviction of a crime, which under Enforcement Rule 214 (relating to attorneys convicted of crimes) may result in suspension, shall be grounds for discipline; and

B. **RPC 8.4(b)**, which states that it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects.

WHEREFORE, your Petitioner prays that your Honorable Board appoint, pursuant to Rule 205 of the Pennsylvania Rules of Disciplinary Enforcement, a Hearing Committee to

hear testimony and receive evidence in accordance with Rule 214(f)(1) on the sole issue of the extent of the final discipline to be imposed, and at the conclusion of said hearing, to make such findings of fact, and recommendation for discipline as it may deem appropriate.

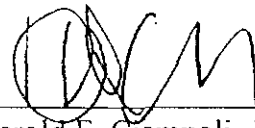
Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

Paul J. Killion

Chief Disciplinary Counsel

By



Harold E. Ciampoli, Jr.

Disciplinary Counsel

Attorney Registration No. 51159

820 Adams Avenue, Suite 170

Trooper, PA 19403

(610) 650-8210

VERIFIED STATEMENT

I, Harold E. Ciampoli, Jr., Disciplinary Counsel, state under the penalties provided in 18 Pa.C.S. §4904 (unsworn falsification to authorities) that:

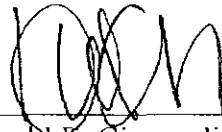
I am a Disciplinary Counsel of the Disciplinary Board of the Supreme Court of Pennsylvania assigned to prosecute this matter pursuant to the Pennsylvania Rules of Disciplinary Enforcement;

I am authorized to make this verified statement; and

The facts contained in the attached Petition for Discipline are true and correct to the best of my knowledge, information and belief.

12/7/12

Date



Harold E. Ciampoli, Jr.
Disciplinary Counsel