

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 1611 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 15 DB 2010
v.	:	
	:	Attorney Registration No. 70329
STANLEY SILVER,	:	
Respondent	:	(York County)

ORDER

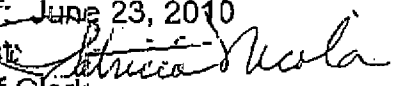
PER CURIAM:

AND NOW, this 23rd day of June, 2010, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated May 11, 2010, 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 Stanley Silver is suspended on consent from the Bar of this Commonwealth for a period of two years and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

A True Copy Patricia Nicola

As of: June 23, 2010

Attest: 

Chief Clerk

Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

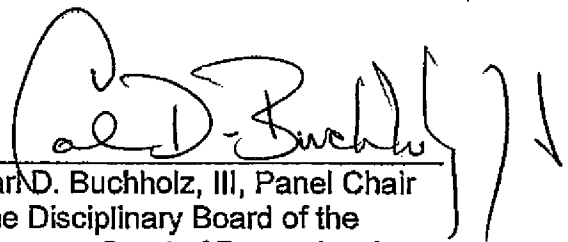
OFFICE OF DISCIPLINARY COUNSEL	:	No. 15 DB 2010
Petitioner	:	
v.	:	Attorney Registration No. 70329
STANLEY SILVER	:	
Respondent	:	(York County)

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 Carl D. Buchholz, III, David A. Nasatir and Gabriel L. Bevilacqua, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on April 20, 2010.

The Panel approves the Joint Petition consenting to a two year suspension 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.


Carl D. Buchholz, III, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: 5/11/2010

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,:

Petitioner

v.

STANLEY SILVER,

Respondent

No. 15 DB 2010

Attorney Registration No. 70329

(York County)

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

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Edwin W. Frese, Jr., Disciplinary Counsel, and Respondent, Stanley Silver, 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:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62485, Harrisburg, PA 17106, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereafter "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 prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

FILED

APR 20 2010

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

2. Respondent, Stanley Silver, was born in 1934, was admitted to practice law in Pennsylvania on January 7, 1994, has a registered office and home address of 23 S. George Street #3, York, Pennsylvania 17401, and is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

SPECIFIC FACTUAL ADMISSIONS AND RULES OF PROFESSIONAL CONDUCT AND DISCIPLINARY ENFORCEMENT VIOLATED

3. Petitioner filed a Petition for Discipline against Respondent with the Secretary of the Disciplinary Board on January 29, 2010, which was personally served on Respondent on February 4, 2010. A true and correct copy of the Petition for Discipline is attached hereto and incorporated herein as Exhibit A.

4. Respondent did not file an Answer to the Petition for Discipline and knows that the factual allegations therein are deemed admitted pursuant to Rule 208(b)(3).

5. Respondent hereby stipulates that the factual allegations set forth in the Petition for Discipline, Exhibit A, are true and correct and that he violated the charged Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

6. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a two-year suspension. The Respondent hereby consents to that discipline being imposed upon him by the

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

7. In support of Petitioner and Respondent's joint recommendation, it is respectfully submitted that there are several mitigating circumstances:

- a. Respondent has admitted engaging in misconduct and violating the charged Rules;
- b. Respondent has cooperated with Petitioner, as is evidenced by Respondent's admissions herein and his consent to receiving a two-year suspension; and,
- c. Respondent is remorseful for his misconduct and understands that he should be disciplined.

8. The Respondent has the following record of discipline: as set forth in Paragraph 3 of the attached Petition for Discipline (Exhibit A), by Order of the Supreme Court of Pennsylvania dated May 5, 2008, Respondent was suspended from the practice of law in the Commonwealth of Pennsylvania for six months and directed to comply with the provisions of Rule 217, Pa.R.D.E., in the case captioned *Office of Disciplinary Counsel v. Stanley Silver*, No. 1239 Disciplinary Docket No. 3 – Supreme Court, and No. 22 DB 2007 – Disciplinary Board.

9. The two-year suspension recommended in this case is consistent with

the two-year suspension imposed in the similar case of *Office of Disciplinary Counsel v. Cavadel*, No. 1302 Disciplinary Docket No. 3 – Supreme Court, Nos. 176 DB 2006 and 5 DB 2007 – Disciplinary Board (Decided March 12, 2008). Therein, the respondent-attorney had been transferred to inactive status in 2003 for failure to comply with his CLE requirements but continued to practice immigration law and preside over mental health commitments. The first Petition for Discipline involved an immigration client the attorney began representing in 2005 and signed a representation form falsely asserting that he was member in good standing of the Pennsylvania Bar. As a result of having represented numerous other immigration clients and falsely asserting he was in good standing with the Pennsylvania Bar, the Board of Immigration Appeals suspended the respondent-attorney for nine months in November 2005, thus effectively terminating his representation of the complaining immigration client. However, the respondent-attorney failed to send his client his file, render an accounting, or refund any unearned fee. A week after being suspended before the Immigration Courts, the respondent-attorney filed a Statement of Compliance with the Disciplinary Board falsely asserting that he had fully complied with the 2003 Order transferring him to inactive status, resulting in his transfer back to active status. In April 2006, the respondent-attorney was reciprocally suspended in Pennsylvania for nine months. The second Petition for Discipline involved the respondent-attorney's holding himself out to a woman, two police officers and a Magisterial District Judge as counsel for an individual while the respondent-attorney was under his nine-month period of suspension.

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 Court enter an Order suspending the Respondent for two years; and,
- 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 Joint Petition, and that all expenses be paid by Respondent before the imposition of discipline under Pa.R.D.E. 215(g).

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

Paul J. Killion
Chief Disciplinary Counsel

4/20/10
Date

By: Edwin W. Frese, Jr.
Edwin W. Frese, Jr.
Disciplinary Counsel

04-16-10
Date

By: Stanley Silver
Stanley Silver
Respondent

VERIFICATION

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

4/20/10
Date

Edwin W. Frese, Jr.

Edwin W. Frese, Jr.
Disciplinary Counsel

04-16-10

Date

Stanley Silver

Stanley Silver
Respondent

SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,:

Petitioner

v.

STANLEY SILVER,

Respondent

No. 15 DB 2010

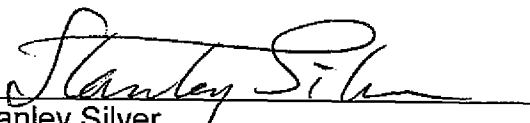
Attorney Registration No. 70329

(York County)

AFFIDAVIT PURSUANT TO RULE 215(d). Pa.R.D.E.

Respondent, Stanley Silver, hereby states that he consents to the imposition of a two-year suspension from the practice of law in the Commonwealth of Pennsylvania, and further states that:

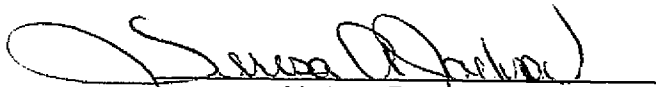
1. His consent is freely and voluntarily rendered; he is not being subjected to coercion or duress; he is fully aware of the implications of submitting the consent; and, he has not consulted with counsel in connection with the decision to consent to discipline;
2. He is aware that there is presently pending a proceeding involving allegations that he is guilty of misconduct as set forth in the attached Petition for Discipline, Exhibit A to 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 against him continue to be prosecuted in the pending proceeding, he could not successfully defend against them.


Stanley Silver
Respondent

Sworn to and subscribed

before me this 16

day of April, 2010.


Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa A. Jackson, Notary Public
City of York, York County
My Commission Expires April 7, 2014
Member, Pennsylvania Association of Notaries

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

Office of Disciplinary Counsel,
Petitioner

No. 15 DB 2010

Stanley Silver,
Respondent

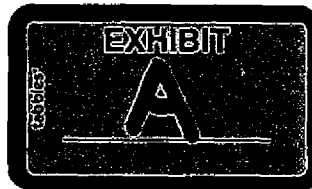
Attorney Registration No. 70329
(York County)

PETITION FOR DISCIPLINE

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Edwin W. Frese, Jr., Disciplinary Counsel, files the within Petition for Discipline, and charges Respondent, Stanley Silver, 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, PA 17106, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereafter "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 prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

We hereby certify the within to
be a true and correct copy.



FILED

JAN 29 2010

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

2. Respondent, Stanley Silver, was born in 1934, was admitted to practice law in Pennsylvania on January 7, 1994, has a registered office and home address of 23 S. George Street #3, York, Pennsylvania 17401, and is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

CHARGE

3. By Order of the Supreme Court of Pennsylvania dated May 5, 2008, Respondent was suspended from the practice of law in the Commonwealth of Pennsylvania for six months and directed to comply with the provisions of Rule 217 of the Pennsylvania Rules of Disciplinary Enforcement ("Pa.R.D.E.") in the case captioned Office of Disciplinary Counsel v. Stanley Silver, No. 1239 Disciplinary Docket No. 3 – Supreme Court, and No. 22 DB 2007 – Disciplinary Board.

4. By letter dated May 6, 2008, the Secretary of the Board sent Respondent a copy of the Court's Order, and also enclosed the following:

- a. Standard Guidance of the Disciplinary Board to Lawyers who have been Suspended One Year or Less.
- b. Rule 217 of the Pa.R.D.E.
- c. Subchapter E, Formerly Admitted Attorneys, of the Disciplinary Board Rules.
- d. Form DB-23, Nonlitigation Notice of Disbarment, Suspension or Transfer to Inactive Status.
- e. Form DB-24, Litigation Notice of Disbarment, Suspension or Transfer to Inactive Status.
- f. Form DB-25, Statement of Compliance.

5. Pursuant to Rule 217(d), Pa.R.D.E., Respondent's suspension became effective in 30 days (June 4, 2008), during which he could wind down his practice; however, Respondent could "... not accept any new retainer or engage as an attorney for another in any new case or legal matter of any nature." Pursuant to Rule 217(j)(1), after the effective date of Respondent's suspension he could not engage in any law related activities except under the direct supervision of a lawyer in good standing; Respondent had no supervisory attorney.

6. In or about May 2008, Yalonda Murray wrote to Respondent requesting his assistance in representing her in a PCRA she wanted to file attacking her York County criminal conviction; she referred Respondent to her mother, Caroline Smith, who would pay his fee; Ms. Murray had until May 1, 2009, to timely file her PCRA.

7. Respondent did not advise either Ms. Murray or Ms. Smith that he was suspended from the practice of law; rather, Respondent initially advised Ms. Smith that he was retired from the practice of law but would assist her daughter in drafting a PCRA Petition but that some other attorney would be appointed to represent her in Court.

8. Ms. Murray and Ms. Smith provided Respondent with detailed information about the case against Ms. Murray and the possibility that some of the witnesses against her may recant their trial testimony.

9. Respondent's Statement of Compliance (Form DB-25) should have been filed within ten (10) days of the effective date of his suspension pursuant to Pa.R.D.E. 217(e), to wit, by June 14, 2008.

10. By letter to Ms. Murray dated July 14, 2008, Respondent indicated that the detailed information she had provided helped him a lot and expressed the opinion that the sentence Judge Dorney imposed was much more that Ms. Murray deserved. Respondent then went on to advise Ms. Murray it would be necessary to attack her trial attorney [Clarence E. Allen, Esquire] as to the effectiveness of his representation or “. . . to have the witnesses who testified against [her] change their story sufficiently so that the facts they gave to the jury to find [her] guilty could be different. Or Gregory might testify to change these facts.” Respondent indicated he wanted to talk to her mother about that possibility.

11. By letter to Ms. Murray dated July 31, 2008, Respondent advised her that he had met with her mother the day before to discuss Ms. Murray's PCRA and set forth four issues Respondent thought could be raised. Respondent also indicated that “Any of these issues must be strong enough to convince a judge that it would have caused [her] trial to end differently.” By handwritten P.S. at the bottom of Respondent's July 31st letter, he wrote: “I'm gonna check out those case citations your mother gave me.”

12. By two-page letter to Ms. Murray dated August 11, 2008, Respondent indicated that he had reviewed the three cases that she had sent him via her mother and provided her with his legal analysis of their applicability to her case; Respondent discussed the possibility that Judge Dorney may have improperly used the “deadly weapon used” guideline, but that he had yet to read any transcript other than the sentencing transcript; Respondent indicated that her mother had arranged for him to meet Gregory and that “If all goes well, I intend to have the witnesses who appeared as

well as those who did not appear at trial sign statements recounting the facts as they really occurred so that we have them in hand for your PCRA hearing. . . "

13. Respondent's August 11th letter also requested that Ms. Murray sign and return to him for filing an *in forma pauperis* application and petition for transcripts which he had drafted and enclosed; Ms. Murray did sign those legal documents and return them to Respondent, which he filed with the Court on August 25, 2008.

14. By letter to Ms. Murray dated August 25, 2008, Respondent advised her that he had filed a petition for transcripts that day, that he hoped it would be granted, that she would be sent whatever order was issued, and to let him know promptly once she received anything; Respondent also indicated that the meeting with Gregory was not set up before her mother's hospitalization and that she should try again.

15. On September 3, 2008, Respondent's Statement of Compliance (Form DB-25) dated August 30, 2008 was filed with the Disciplinary Board; in enumerated paragraph 1 Respondent stated: "That I have am fully ~~complied~~ complying with the provisions of the Order of the Supreme Court, with the applicable provisions of the Pennsylvania Rules of Disciplinary Enforcement and with the applicable Disciplinary Board Rules, and shall pay fee and expenses as I am able;" Respondent certified under penalties provided by 18 Pa.C.S. §4904 (relating to unsworn falsification to authorities) that the foregoing statement was true and correct and contained no misrepresentations or omissions of fact.

16. As Respondent was then counseling Ms. Murray and giving her legal advice regarding a PCRA petition, and had drafted, had Ms. Murray execute and had

filed with the York County Court an *in forma pauperis* petition and petition for transcripts, Respondent's Statement of Compliance contained a material misrepresentation – in that Respondent was not fully complying with the Order and applicable Rules as he was continuing to practice law.

17. By letter to Attorney Clarence E. Allen dated September 12, 2008, Respondent advised Allen that Respondent had been asked to help Ms. Murray prepare a PCRA petition in an effort to reduce her sentence and asked for permission to review Allen's file.

18. By letter to Ms. Murray dated September 12, 2008, Respondent stated that Gregory was very helpful and appeared willing to cooperate, not only in testifying on her behalf but in getting others to do so as well; Respondent indicated that he needed to review the transcripts and was delighted that Judge Dorney ordered their production and directed the County to pay for them; and, Respondent said he would keep on the court reporters to see that the transcripts are done and asked that she send them to him, as well as the briefs that had been filed, if she had them.

19. In Respondent's letter to Ms. Murray of September 12 he also indicated that he had agreed with her mother that she (Ms. Smith) would pay Respondent \$500 at the rate of \$50 per week for him to do everything possible to prepare a solid PCRA petition for Ms. Murray and that once he had all the issues he needed to raise in her petition, Respondent could ask the court to name an attorney to represent her at the PCRA hearing; Respondent again failed to advise Ms. Murray of the real reason that she would need a different attorney to represent her.

20. Thereafter, Ms. Smith made periodic payments to Respondent totaling \$500.

21. By letter to Ms. Murray dated October 16, 2008, Respondent indicated that the Order Judge Dorney entered on August 29 to prepare and mail the transcripts was delivered to the Clerk of Court and District Attorney, where it just sat until Respondent brought it to the Court Administrator, who took a week to deliver it to the stenographers; Respondent stated that Ms. Murray should advise him as soon as she receives them and that he would review them carefully to prepare her PCRA petition, and then, once she had seen it and made any changes she wanted, have it submitted to the court so Respondent could get a hearing date and a decent attorney to represent her at the hearing.

21. Thereafter, Ms. Murray wrote to Respondent inquiring into the status of the PCRA petition but he did not respond directly to her; rather, on occasion, Respondent advised Ms. Smith that he was working on the PCRA.

22. In December 2008, Respondent advised Ms. Smith that he was ill but that he was still going to do Ms. Murray's PCRA and would personally take it to the courthouse before the deadline.

23. On December 18, 2008, Respondent's Verified Statement Pursuant to Enforcement Rule 218(f) dated December 17, 2008, was filed with the Board wherein Respondent stated: "I, Stanley Silver, hereby VERIFY that I have complied with all of the terms and conditions of the Order of Suspension in the above-captioned matter and with Enforcement Rule 217 (relating to formerly admitted attorneys), for which reason I

respectfully request an Order reinstating me to active status;" by separate VERIFICATION Respondent then stated: "I verify that all of the facts set forth and all the statements made in this Verified Statement are true and correct. I understand that any false statements herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities."

24. Respondent's verified statement that he had complied with the terms and conditions of the Order of Suspension was false in that he had been rendering legal services to Ms. Murray for which he had been paid \$500 by her mother.

25. In reliance on Respondent's Verified Statement, by Order dated December 30, 2008, Respondent was reinstated to active status, effective immediately.

26. In early 2009, Ms. Murray wrote Respondent monthly asking if his health had improved and if he was still going to do her PCRA petition and if not to let her know so she could file one herself; again, Respondent failed to directly respond to Ms. Murray but advised Ms. Smith that he was working on the PCRA and that he could represent Ms. Murray at her PCRA hearing.

27. A few weeks before the May 1, 2009 deadline, Respondent informed Ms. Smith that he would file Ms. Murray's PCRA before that deadline; however, Respondent did not do so and failed to advise his client or her mother of that fact.

28. As Respondent failed to have further communication with Ms. Murray or her mother, Ms. Smith went to the courthouse and learned that no PCRA had been filed in her daughter's case.

29. Thereafter, Ms. Murray wrote Respondent two letters requesting that he refund her mother's \$500 and to return the transcripts which Ms. Murray had sent him; Respondent failed to respond.

30. On August 17, 2009, Respondent was called by Disciplinary Counsel Patti S. Bednarik, who read Ms. Murray's letter of complaint dated July 30, 2009 to him; Respondent indicated to Mr. Bednarik that he would refund the \$500 to Ms. Smith and send the transcripts to Ms. Murray; Respondent also indicated that following his investigation he eventually concluded that Ms. Murray did not have grounds to file a PCRA but failed to advise her of that.

31. On September 16, 2009, as Ms. Bednarik had been advised by Ms. Smith that she had not received the \$500 and her daughter had not received her transcripts, Ms. Bednarik called Respondent again and he indicated that he intended to refund the money and send the transcripts shortly.

32. By letter dated September 17, 2009, Disciplinary Counsel Edwin W. Frese, Jr., advised Respondent that he was handling Ms. Murray's complaint and would be sending him a DB-7 Request for Statement of Respondent's Position once he received additional information; Mr. Frese requested that Respondent send him proof that Respondent refunded the \$500 and returned the transcripts, send him a copy of Respondent's fee agreement, and asked whether he had deposited the \$500 in cash into an IOLTA account until earned. Respondent failed to respond.

33. As Respondent did not have Ms. Murray's informed consent, confirmed in writing, to treat the money Ms. Smith paid him in some other manner, Respondent

should have deposited the funds into an IOLTA account and withdrawn them only as earned; however, Respondent treated the periodic payment Ms. Smith made on her daughter's behalf as his own and did not deposit them to an IOLTA account.

34. In September 2009, Respondent did send a Money Order for \$500 to Ms. Smith; however, he did not return Ms. Murray's transcripts until December 2009.

35. On October 1, 2009, Respondent was sent a DB-7 Request for Statement of Respondent's Position. Respondent did not timely respond.

36. As a result of his conduct as set forth in Paragraphs 3 through 35, it is believed and averred that the Respondent has violated the following Rules of Professional Conduct (RPC) and Pennsylvania Rules of Disciplinary Enforcement (PaRDE) in effect at the time of his conduct:

- a. RPC 1.1 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 A lawyer shall act with reasonable diligence and promptness in representing a client.
- c. RPC 1.4(a)(3) A lawyer shall keep the client reasonably informed about the status of the matter.
- d. RPC 1.4(a)(4) A lawyer shall promptly comply with reasonable requests for information.

- e. RPC 1.4(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.
- f. RPC 1.5(a) A lawyer shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee.
- g. RPC 1.15(b) A lawyer shall hold all Rule 1.15 Funds and property separate from the lawyer's own property. Such property shall be identified and appropriately safeguarded.
- h. RPC 1.15(e) Except as stated in this Rule or otherwise permitted by law or by agreement with the client or third person, a lawyer shall promptly deliver to the client or third person any property, including but not limited to Rule c1.15 Funds, that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.
- i. RPC 1.15(i) 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.
- j. RPC 1.15(m) All Qualified Funds which are not Fiduciary Funds shall be placed in an IOLTA Account.
- k. RPC 1.16(a)(1) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw

from the representation of the client if the representation will result in violation of the Rules of Professional Conduct or other law.

- l. RPC 1.16(d) 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.
- m. RPC 3.3(a)(1) A lawyer shall not knowingly make a false statement of material fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer.
- n. RPC 5.5(a) A lawyer shall not practice in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.
- o. RPC 8.4(a) It is professional misconduct for a lawyer to violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.
- p. RPC 8.4(b) 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.
- q. RPC 8.4(c) It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

- r. RPC 8.4(d) It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.
- s. PaRDE 217(c)(2) A formerly admitted attorney shall promptly notify, or cause to be notified, of the disbarment, suspension, administrative suspension or transfer to inactive status, by registered or certified mail, return receipt requested all other persons with whom the formerly admitted attorney may at any time expect to have professional contacts under circumstances where there is a reasonable probability that they may infer that he or she continues as an attorney in good standing. The responsibility of the formerly admitted attorney to provide the notice required by this subdivision shall continue for as long as the formerly admitted attorney is disbarred, suspended, administratively suspended or on inactive status.
- t. PaRDE 217(d) Orders imposing suspension, disbarment, administrative suspension or transfer to inactive status shall be effective 30 days after entry. The formerly admitted attorney, after entry of the disbarment, suspension, administrative suspension or transfer to inactive status order, shall not accept any new retainer or engage as attorney for another in any new case or legal matter of any nature. However, during the period from the entry date of the order and its effective date the formerly admitted attorney may wind up and complete, on behalf of any client, all matters which were pending on the entry date.
- u. PaRDE 217(e)(1) Within ten days after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive

status order, the formerly admitted attorney shall file with the Board a verified statement showing that the provisions of the order and these rules have been fully complied with.

v. PaRDE 217(j) A formerly admitted attorney may not engage in any form of law-related activities in this Commonwealth except in accordance with the following requirements: (1) All law-related activities of the formerly admitted attorney shall be conducted under the supervision of a member in good standing of the Bar of this Commonwealth who shall be responsible for ensuring that the formerly admitted attorney complies with the requirements of this subdivision (j).

w. PaRDE 217(j)(4) Without limiting the other restrictions in this subdivision (j), a formerly admitted attorney is specifically prohibited from engaging in any of the following activities:

- (ii) performing any law-related services from an office that is not staffed by a supervising attorney on a full time basis;
- (v) having any contact with clients either in person, by telephone, or in writing, except as provided in paragraph (3);
- (vi) rendering legal consultation or advice to a client;
- (ix) negotiating or transacting any matter for or on behalf of third parties or having any contact with third parties regarding such a negotiation or transaction;

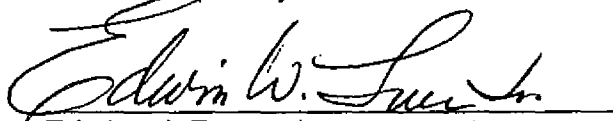
- (x) receiving, disbursing or otherwise handling client funds.

WHEREFORE, Petitioner prays that your Honorable Board appoint, pursuant to Rule 205, Pa.R.D.E., a Hearing Committee to hear testimony and receive evidence in support of the foregoing charges and upon completion of said hearing to make such findings of fact, conclusions of law, and recommendations for disciplinary action as it may deem appropriate.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

Paul J. Killion
Chief Disciplinary Counsel



Edwin W. Frese, Jr.
Attorney Registration No. 09828
Disciplinary Counsel
100 Pine Street, Suite 400
Harrisburg, Pennsylvania 17101
Telephone (717) 772-8572

EDWIN W. FRESE, JR. states that the facts set forth in the foregoing Petition for Discipline are true and correct to the best of his knowledge, information, and belief. This statement is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.



Edwin W. Frese, Jr.