

IN THE SUPREME COURT OF PENNSYLVANIA

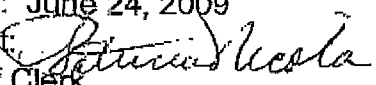
OFFICE OF DISCIPLINARY COUNSEL, : No. 1333 Disciplinary Docket No. 3
Petitioner :
 : No. 177 DB 2007
v. :
 : Attorney Registration No. 68345
ITZCHAK E. KORNFELD, :
Respondent : (Philadelphia)

ORDER

PER CURIAM:

AND NOW, this 24th day of June, 2009, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated May 6, 2009, 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 Itzchak E. Kornfeld is suspended on consent from the Bar of this Commonwealth for a period of two years retroactive to July 1, 2008, and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

A True Copy Patricia Nicola
As of: June 24, 2009
Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA


OFFICE OF DISCIPLINARY COUNSEL : No. 177 DB 2007
Petitioner :
v. : Attorney Registration No. 68345
ITZCHAK E. KORNFELD :
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 Gerald Lawrence, Stewart L. Cohen and Albert Momjian, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on April 17, 2009.

The Panel approves the Petition consenting to a two year suspension retroactive to July 1, 2008 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.


Gerald Lawrence, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: 5-6-09

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
 : No. 177 DB 2007
v. :
 : Atty. Reg. No. 68345
ITZCHAK E. KORNFELD, :
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, Itzchak E. Kornfeld, 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, Office of Disciplinary Counsel ("ODC"), whose principal office is situated at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement ("Pa.R.D.E."), with the power and duty to investigate all matters involving alleged misconduct of any attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all

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

disciplinary proceedings brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.

2. Respondent, Itzchak E. Kornfeld, was born on February 21, 1953, and was admitted to practice law in the Commonwealth of Pennsylvania on June 21, 1993.

3. At all relevant times, Respondent maintained an office for the practice of law at 16 E. Roumfort Road, Philadelphia, PA 19119.

4. On July 1, 2008, Respondent voluntarily transferred to inactive status.

5. Respondent is subject to the jurisdiction of the Disciplinary Board of the Supreme Court. Pa.R.D.E. 201(a)(3).

6. On December 5, 2008, Respondent was personally served with a Petition for Discipline.

7. On January 9, 2009, Respondent filed an Answer to the Petition for Discipline.

II. FACTUAL ADMISSIONS AND VIOLATIONS OF RULES OF PROFESSIONAL CONDUCT

8. Respondent specifically admits to the truth of the factual allegations and conclusions of law contained in paragraphs 1 through 66.

9. At all relevant times, Vintex, LP ("Vintex") was the owner of realty at 1131-1135 Vine Street, Philadelphia, PA.

a. Since 1936, a gasoline station has operated at this site.

b. There were four underground storage tanks at that site.

10. Vintex leased the gasoline station to Sargon, Inc. ("Sargon").

a. John Ciccone was the principal and sole shareholder of Sargon and Vintex.

11. When Mr. Ciccone sought refinancing for the gasoline station, his bank requested performance of a Phase II site assessment for compliance with the Storage Tank and Spill Prevention Act, 35 P.S. § 6021.101, *et. seq.*

a. In January 1994, one or more environmental consulting firm reports determined that the station's soil was contaminated with high levels of MTBE and benzene.

12. In January 2004, Sargon retained Respondent to pursue a claim for indemnification through the Underground Storage Tank Indemnification Fund ("USTIF"), one of five funds under the direction of the Bureau of Special Funds, Commonwealth of Pennsylvania Insurance Department.

13. On February 27, 2004, Respondent filed a claim with USTIF.

14. The USTIF Claim Manager denied Sargon's claim.

15. By letter dated April 15, 2005, Respondent requested a review of the Claim Manager's decision to deny Sargon's claim.

16. By letter dated June 6, 2005, from Respondent to Michael Sullivan, Executive Director of USTIF, with copy to Sargon, Respondent inquired about the status of the "notice of appeal."

17. By letter dated June 14, 2005, from Mr. Sullivan to Respondent, Mr. Sullivan:

- a. informed Respondent that after a thorough review of the entire record, he was upholding the decision of the Claim Manager to deny coverage for Sargon's claim;
- b. set forth his findings and conclusions;
- c. enclosed a two-page Request for Formal Administrative Hearing ("Request Form"), which included an admonition that the Request Form must be received in the Administrative Hearings Office of the Pennsylvania Insurance Department ("AHO") within 35 days of the mailing date of

· USTIF's determination or a request for a formal administrative hearing would be denied as untimely; and

d. informed Respondent that if Respondent wished to appeal his determination, Respondent had to request a review by submitting to the AHO a signed Request Form along with all pages of Mr. Sullivan's letter.

18. Respondent received Mr. Sullivan's letter on or about June 17, 2005.

19. Mr. Ciccone instructed Respondent to file an appeal on behalf of Sargon.

20. Respondent had 35 days from June 14, 2005, or until July 19, 2005, in which to perfect an appeal with the AHO on behalf of Sargon.

21. Respondent failed to file an appeal on or before July 19, 2005.

22. On July 30, 2005, Respondent went to the post office, where he obtained a Certificate of Mailing dated July 30, 2005.

23. Respondent used correction fluid to alter the July 30, 2005 Certificate of Mailing postmark to reflect a mailing date of "July 3, 2005."

24. By letter dated August 17, 2005, from Respondent to the AHO with copy to Sargon, Respondent:

- a. asked for an explanation why neither he nor his client had received a response to the "appeal" that Respondent purportedly filed;
- b. stated that he had mailed a notice of appeal on July 3, 2005; and
- c. stated that he had obtained a Certificate of Mailing to verify the July 3, 2005 mailing.

25. On August 19, 2005, AHO received Respondent's August 17, 2007 letter and docketed it at No. UT05-08-027.

26. After AHO's receipt of Respondent's August 17, 2005 letter, Delores Jean Martin, a/k/a Jeannie Martin, acting assistant hearing administrator of the AHO, conducted a thorough search of incoming-mail logs and checked with the Bureau of Special Funds.

27. Ms. Martin found no evidence that the AHO or Bureau of Special Funds had received a notice of appeal from Respondent.

28. Between June 14, 2005 and August 16, 2005, AHO had not received any communications from Respondent, and Respondent had not sent any.

29. Within a week of Respondent's sending the August 17, 2005 letter, Ms. Martin telephoned Respondent, at which time:

- a. Ms. Martin informed Respondent that after receiving Respondent's August 17 letter, she had searched the AHO mail logs for the months of July and August and checked with the Bureau of Special Funds;
- b. Ms. Martin informed Respondent that neither the AHO nor the Bureau of Special Funds had any record of receiving a request for hearing prior to receipt of Respondent's August 17 letter; and
- c. Respondent told Ms. Martin that he would send to her, by facsimile transmission, the documentation establishing that Respondent had made a timely request for an appeal.

30. Respondent drafted a letter advising that he and his client were appealing USTIF's denial of coverage, addressed the letter to the AHO, and backdated the letter to July 3, 2005.

31. By facsimile letter dated August 26, 2005, from Respondent to Ms. Martin with copy to Sargon, Respondent:

- a. confirmed Respondent's recent telephone conversation with Ms. Martin;
- b. attached a copy of documents that Respondent stated had been "sent to [Ms. Martin's] office on July 3, 2005," including a copy of the backdated July 3, 2005 letter;
- c. attached a copy of the altered Certificate of Mailing, purportedly bearing a postmark of "July 3, 2005," that Respondent said "provides proof of mailing"; and
- d. thanked Ms. Martin for her courtesies.

32. Respondent's use of facsimile transmission prevented Ms. Martin and the AHO from discovering that correction fluid had been affixed to the Certificate of Mailing to obscure the "0" on the "July 30" postmark.

33. On August 26, 2006, the AHO docketed Respondent's facsimile transmission and attachments.

34. By notice dated August 29, 2005, Insurance Commissioner M. Diane Koken appointed James A. Johnson to serve as Presiding Officer for Sargon's appeal.

35. By letter dated August 30, 2005, from Presiding Officer Johnson to Respondent with copy to Mr. Sullivan, Presiding Officer Johnson:

- a. confirmed receipt of Respondent's August 25, 2005 facsimile transmission "purportedly supporting [Respondent's] assertion that the request for administrative hearing ... was mailed on July 3, 2005";
- b. advised that the AHO's records show that the first communication received from Respondent was Respondent's letter dated August 17, 2005;
- c. confirmed Respondent's and Ms. Martin's conversation in which she advised Respondent of her record search with negative results;
- d. informed Respondent that Sargon's appeal was "facially untimely," and consequently an initial decision would have to be made pertaining to the timeliness of the appeal as it related to USTIF's jurisdiction to entertain the appeal;
- e. noted that the printed payment information on the Certificate of Mailing contained a date of July 30, 2005, while the stamped postmark bore a date of July 3, 2005, which was a Sunday;

- f. informed Respondent that the discrepancies raised questions meriting an evidentiary hearing; and
- g. advised Respondent that he had the option of requesting an evidentiary hearing on the timeliness issue to present the original documentation or of withdrawing the appeal by so indicating in writing, at which point the AHO would close the file without further proceedings.

36. By letter dated September 4, 2005, from Respondent to Presiding Officer Johnson with copies to Mr. Sullivan and Sargon, Respondent asked Presiding Officer Johnson to “[k]indly schedule this matter for an Evidentiary Hearing.” (underscore in original)

37. On September 8, 2005, the AHO received and docketed Respondent’s request for an evidentiary hearing.

38. By letter dated September 9, 2005, Traci M. Ribeiro, Esquire, with the law firm of Cozen & O’Connor, forwarded her entry of appearance on behalf of USTIF; on September 13, 2005, the AHO received and docketed the entry of appearance.

39. By Order dated September 9, 2005, Presiding Officer Johnson:

- a. scheduled a hearing for October 10, 2005, at the AHO in Harrisburg, PA; and
- b. advised that the case would be bifurcated, with the October 10 listing to be limited to the issue of the timeliness of the appeal.

40. By Order dated September 20, 2005, Presiding Officer Johnson rescheduled the hearing for October 17, 2005.

41. Prior to October 17, 2005, Respondent attempted to restore the "0" on the postmark on the Certificate of Mailing to its original condition.

- a. Respondent was able to get only a small portion of the previously-obliterated zero to become visible.

42. Prior to October 17, 2005, Respondent completed and endorsed the Request for Formal Administrative Hearing dated July 3, 2005.

43. Prior to October 17, 2005, Respondent drafted a cover letter addressed to the AHO, which:

- a. advised that a notice of appeal had been sent on July 3, 2005;
- b. advised that Respondent had "neglected" to include a Request for Formal Administrative Hearing with the July 3 letter;

- c. indicated that Respondent was now enclosing a copy of the Request for Formal Administrative Hearing;
- d. requested that the AHO forgive Respondent's "oversight"; and
- e. backdated this letter to July 30, 2005.

44. On October 17, 2005, a hearing was held before Presiding Officer Johnson at 901 North Seventh Street, Room 200, Harrisburg, PA.

45. At the October 17, 2005 hearing, Respondent:

- a. testified that on July 3, 2005, he had sent a four-page letter to the Board appealing Mr. Sullivan's denial of coverage;
- b. introduced a copy of the four-page letter purportedly sent on July 3, 2005;
- c. testified that later in July, while working on another file, Respondent found the Request for Formal Administrative Hearing that Respondent had failed to send on July 3, and mailed the Request to the AHO under cover of a letter dated July 30, 2005;
- d. introduced a copy of the July 30, 2005 letter that accompanied the Request for Formal Administrative Hearing;

e. introduced the original Certificate of Mailing dated July 30, 2005, which had been altered by correction fluid on and around the "0" in the postmark; and

f. called Mr. Ciccone as a witness.

46. Respondent's testimony relating to the timely sending of the July 3, 2005 letter to the AHO was false.

47. Respondent's testimony relating to the sending of the July 30, 2005 letter and Request for Formal Administrative Hearing was false.

48. In Respondent's August 17, 2005 letter to the AHO, during Respondent's conversation with Ms. Martin on or about August 19, 2005, and in Respondent's August 26, 2005 facsimile transmission to Ms. Martin, Respondent stated that he had a Certificate of Mailing for a July 3, 2005 mailing.

49. The first time Respondent stated that he did not have a Certificate of Mailing for July 3, 2005 was at the October 17, 2005 hearing.

50. On November 14, 2005, Respondent filed a brief on behalf of Sargon; on December 19, 2005, Ms. Ribeiro filed a brief on behalf of USTIF; on December 19, 2005, Respondent filed a reply brief.

51. In both of his briefs, Respondent stated that his

testimony at the October 17, 2005 hearing was credible and supported proposed findings of fact that Respondent had mailed appeal notices to the AHO on July 3 and July 30, 2005.

52. On December 21, 2005, Presiding Officer Johnson issued a Certification of Question and Recommendation to Dismiss for Lack of Jurisdiction ("Recommendation"), for review by the USTIF Board.

- a. Presiding Officer Johnson found that:
 1. the first document received by AHO relating to Sargon's appeal was Respondent's letter dated August 17, 2005, which was received on August 19, 2005;
 2. the original Certificate of Mailing that Respondent submitted at the hearing bore "unmistakable traces of correction fluid inside, on and around the '0' in the postmark";
 3. the Certificate of Mailing "was [initially] altered or fabricated to support a mailing on July 3, 2005 which in fact did not occur";
 4. the Certificate of Mailing "was [subsequently] altered to support a mailing on July 30, 2005 which in fact did not occur";
 5. "Sargon's evidence was fabricated and the testimony of any mailing in July 2005 [was] not credible"; and
 6. the Certificate of Mailing "for July 2005 was fabricated or altered not once, but twice. When the certificate served the end of establishing a July 3 mailing, a July 30

postmark was altered to become one for July 3. When confronted with the fine print on the payment receipt indicating payment on July 30, Sargon at hearing produced for the first time the certificate with the zero now partially revealed and a document purportedly mailed on that date."

- b. Presiding Officer Johnson recommended to the USTIF Board that Sargon's appeal be dismissed for lack of jurisdiction due to the untimely filing of a request for hearing.

53. By letter dated December 21, 2005, the AHO served Respondent with a copy of the Recommendation.

54. Respondent did not file any exceptions or objections to the Recommendation.

55. The USTIF Board adopted the Recommendation in full.

56. Respondent did not appeal the Board's decision.

57. By Order dated May 1, 2006, the USTIF Board appointed Special Counsel to determine whether to institute disciplinary proceedings against Respondent.

58. On August 7, 2006, the USTIF Special Counsel concluded that proceedings pursuant to 1 Pa. Code §31.28 were warranted to determine whether to suspend or disbar Respondent from the privilege of practicing law before the Board.

59. On September 20, 2007, a Consent Order was

entered into between Bruce Sheller, Chairman of USTIF, and Respondent; the Consent Order, signed by Respondent and Chairman Sheller:

- a. concluded as a matter of law that "Respondent's activities described above constitute unethical and improper conduct before the agency pursuant to 1 Pa. Code §31.28";
- b. found that from June 15 to October 17, 2005, Respondent "suffered from a variety of medical conditions as reported in medical reports kept concurrently by physicians who treated him, which conditions included hypoglycemia";
- c. found that Respondent's treating physicians and an independent medical expert opined that "to a reasonable degree of medical certainty, that Respondent's conditions were a substantial factor in his conduct";
- d. concluded "that the causative relationship between the misconduct of Respondent Kornfeld and his medical condition has been established by clear and convincing evidence to meet the standards in Office of

Disciplinary Counsel v. Braun, 520 Pa. 157, 533 A.2d 894 (1989)"; and

- e. ordered that Respondent be "suspended from the privilege of appearing or practicing before the Board for a period of 30 months."

60. By his conduct, Respondent violated the following Rules of Professional Conduct:

- a. RPC 1.3, which states that a lawyer shall act with reasonable diligence and promptness in representing a client;
- b. RPC 3.4(a), which states that a lawyer shall not unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value or assist another person to do any such act;
- c. RPC 3.4(b), which states that a lawyer shall not falsify evidence, counsel or assist a witness to testify falsely, pay, offer to pay, or acquiesce in the payment of compensation to a witness contingent upon the content of the witness' testimony or the outcome of the case;

- d. RPC 8.4(c), which states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation; and
- e. 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.

III. JOINT RECOMMENDATION FOR DISCIPLINE

61. Discipline ranges from an eighteen-month suspension to disbarment for attorneys who submit altered documents to a tribunal and then make false statements to a tribunal about the altered documents. Generally, attorneys who alter court orders receive greater discipline than attorneys who alter filings submitted to the court. See, e.g., *Office of Disciplinary Counsel v. Cary Bartlow Hall*, No. 80 DB 2006, D.Bd. 9/25/2006 (S.Ct. Order 12/14/2006) (attorney, who failed to file a timely unemployment compensation appeal, submitted a back-dated fax and letter of appeal, falsely advised opposing counsel that the appeal had been timely filed, and testified falsely at an administrative hearing regarding the timeliness of the appeal, received an 18-month suspension on consent); *Office of Disciplinary Counsel v. Daniel E.*

Houlihan, Nos. 208 DB 2003 & 110 DB 2004, D.Bd. Rpt. 1/4/2006 (S.Ct. Order 3/28/2006) (attorney received a four-year suspension for neglecting four client matters; in one client matter, attorney presented a forged Acceptance of Service and testified falsely that the Acceptance of Service was correct); **Office of Disciplinary Counsel v. Barry Franklin Levine**, No. 35 DB 2002, D.Bd. Rpt. 3/18/2004 (S.Ct. Order 4/27/2005) (attorney, who failed to file a Petition and Order in Motions Court, forged name of judge to proposed order, had his legal assistant present forged order to insurance company for the release of funds, and presented a verified motion falsely stating that a judge had signed the order, was suspended for five years); **Office of Disciplinary Counsel v. Holston**, 533 Pa. 78, 619 A.2d 1054 (1993) (attorney, who neglected a client's divorce complaint, created a false divorce decree and certificate, provided the false documents to his client, and lied to the court concerning the origin of the documents, was disbarred).

62. Like Respondent, attorneys Hall, Houlihan, Levine, and Holston neglected client matters and then submitted altered documents to the court to conceal their neglect. Levine and Holston, who forged court orders, received greater discipline than Hall and Houlihan, who

submitted false documents to the court. As did attorneys Hall, Houlihan, Levine, and Holston, Respondent made false statements to the court regarding the altered documents.

The facts of *Hall*, however, are most analogous to the instant matter. Hall failed to file a timely appeal of an unemployment compensation claim and backdated a facsimile appeal to make it appear as if the appeal had been timely filed. Respondent likewise failed to file a timely appeal to an administrative agency. But unlike Hall, Respondent used whiteout to alter a Certificate of Mailing that he faxed to USTIF in an attempt to establish the timeliness of his appeal. Both attorneys testified falsely at administrative hearings regarding the timeliness of their appeals and submitted back-dated letters to corroborate their altered documents. Respondent also submitted a brief to USTIF vouching for the timeliness of the appeal.

Hall received a suspension of eighteen months on consent. Given that Respondent engaged in overt acts of concealment and a three-month pattern of deception, Respondent should receive greater discipline than Hall. A two-year suspension would be the appropriate quantum of discipline for Respondent's violations of RPC 1.3, RPC 3.4(a), RPC 3.4(b), RPC 8.4(c), and RPC 8.4(d).

63. Respondent has no record of discipline, has cooperated with ODC's investigation, and has expressed remorse for his misconduct. ODC understands that if this matter were to proceed to a hearing, Respondent might proffer evidence that he has been treated for Major Depression and Reactive Hypoglycemia, in an attempt to meet his burden of establishing mitigation under *Office of Disciplinary Counsel v. Braun*, 520 Pa. 157, 553 A.2d 894 (1989).

64. Based upon the precedents identified in paragraph 61, and the need to maintain the integrity of the profession, protect the courts, and deter other attorneys from engaging in similar misconduct, Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension of two years.

65. ODC and Respondent jointly recommend that Respondent's suspension be made retroactive to July 1, 2008, the effective date of the Order transferring Respondent to voluntary inactive status.

66. 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).

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:
 1. suspending Respondent from the practice of law for two years, retroactive to July 1, 2008; and
 2. directing Respondent to comply with all provisions of Pa.R.D.E. 217.
- 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

April 15, 2009
Date

By Harriet R. Brumberg
Harriet R. Brumberg
Disciplinary Counsel

14 April 2009
Date

By Itzhak E. Kornfeld
Itzhak E. Kornfeld
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

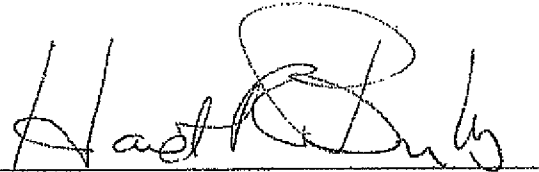
OFFICE OF DISCIPLINARY COUNSEL, :
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 : Atty. Reg. No. 68345
ITZCHAK E. KORNFELD, :
Respondent : (Philadelphia)

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.

4/18/09

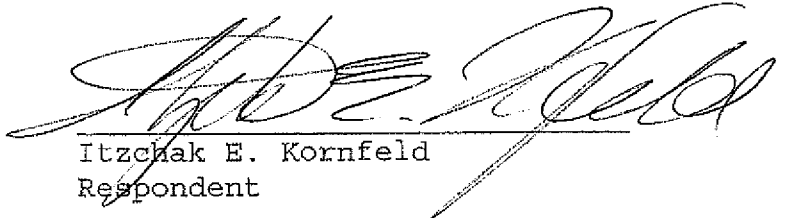
Date



Harriet R. Brumberg
Disciplinary Counsel

14 April 2009

Date



Itzchak E. Kornfeld
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
 Petitioner :
 :
 No. 177 DB 2007
 :
 v. :
 :
 Atty. Reg. No. 68345
ITZCHAK E. KORNFELD, :
 Respondent :
 (Philadelphia)

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


Respondent, Itzchak E. Kornfeld, hereby states that he consents to a two-year suspension, retroactive to July 1, 2008, 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 consulted with counsel in connection with the decision to consent to discipline;

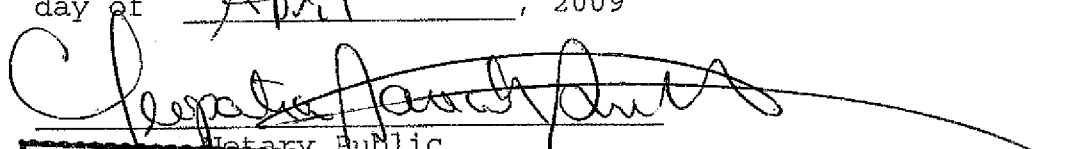
2. He is aware that there is presently pending a proceeding involving allegations that he has been guilty of misconduct as set forth in the Joint Petition;

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 continued to be prosecuted in the pending proceeding, he could not successfully defend against the charges.


Itzhak E. Kornfeld
Respondent

Sworn to and subscribed
before me this 14th
day of April, 2009


Notary Public

