

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2131 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 19 DB 2015
	:	
v.	:	Attorney Registration No. 16643
	:	
ROBERT J. KERNS,	:	(Montgomery County)
Respondent	:	
	:	

ORDER

PER CURIAM

AND NOW, this 22nd day of February, 2016, upon consideration of the Verified Statement of Resignation, Robert J. Kerns is disbarred on consent from the Bar of the Commonwealth of Pennsylvania, retroactive to February 6, 2015, see Pa.R.D.E. 215, and he shall comply with the provisions of Pa.R.D.E. 217. Respondent shall pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

Justice Eakin did not participate in the consideration or decision of this matter.

A True Copy John A. Vaskov, Esquire
As Of 2/22/2016

Attest: 
Deputy Prothonotary
Supreme Court of Pennsylvania

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

OFFICE OF DISCIPLINARY COUNSEL	:	No. 2131 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 19 DB 2015
v.	:	
	:	Attorney Registration No. 16643
ROBERT J. KERNS	:	
Respondent	:	(Montgomery 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

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2131 Disciplinary Docket
Petitioner	:	No. 3
	:	
	:	
v.	:	No. 19 DB 2015
	:	
	:	Atty. Registration No. 16643
ROBERT J. KERNS,	:	
Respondent	:	(Montgomery County)

RESIGNATION
UNDER Pa.R.D.E. 215

Robert J. Kerns, 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 24, 1972 and placed on temporary suspension by Supreme Court Order dated February 6, 2015. His attorney registration number is 16643.

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

3. 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.

4. 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.

5. 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 conviction in the Court of Common Pleas of Montgomery County, Pennsylvania.

6. The impact of a no contest plea establishes that the material facts are true. He acknowledges that he has entered a plea of no contest to the crime of Indecent Assault, 18 Pa.C.S.A. §3126(a)(1), a misdemeanor of the second degree. A true and correct copy of the Sentencing Order is attached hereto and marked Exhibit A.

7. He acknowledges that the crime to which he has pled no contest is punishable by imprisonment.

8. He acknowledges that the conviction constitutes a *per se* ground for discipline under Rule 203(b)(1), Pa.R.D.E.

9. He acknowledges that under Rule 214(f)(1), Pa.R.D.E., he would be entitled to the institution of a formal proceeding before a hearing committee in which the sole issue to be determined would be the extent of discipline to be imposed.

10. He submits the within resignation because he knows that he could not successfully defend himself against the charges of professional misconduct as a result of the above-stated plea of no contest.

11. 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) and (c).

12. He is aware that pursuant to Enforcement Rule 215(c) the fact that he has tendered his resignation shall become a matter of public record immediately upon delivery of the resignation statement to Disciplinary Counsel or the Secretary of the Board.

13. Upon entry of the order disbaring him on consent, he will promptly comply with the notice, withdrawal, resignation, trust account, and cease-and-desist provisions of Enforcement Rule 217(a), (b), (c) and (d).

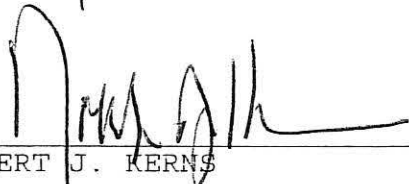
14. After entry of the order disbaring him on consent, he will file a verified statement of compliance as required by Enforcement Rule 217(e)(1).


15. He is aware that the waiting period for eligibility to apply for reinstatement to the practice of law under Enforcement Rule 218(b) shall not begin until he files the verified statement of compliance required by Enforcement Rule 217(e)(1), and if the order of disbarment contains a provision that makes the disbarment

retroactive to an earlier date, then the waiting period will be deemed to have begun on that earlier date.

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

Signed this ^X 18th day of ^X JANUARY 2016.

^X 
ROBERT J. KERNS

WITNESS: 

Commonwealth of Pennsylvania

Charge(s) and Bill(s) of Information

VS

CR 4496-14

Robert J. Kerns

CT.1 AGG. IND. ASSLT (w/o Consent) CT.2 AGG. IND. ASSLT
 (Of an Uncon. Pers) CT.3 IND. ASSLT w/o Consent CT.4 IND.
 ASSLT w/o Consent CT.5 IND. ASSLT (Of an Unconscious Person)
 CT.6 S.A.

	TRIAL	OPEN GUILTY PLEA	SENTENCE
DATE		November 24, 2014	Same
JUDGE		John L. Braxton	
COURTROOM		4	
COMMONWEALTH'S ATTY		Daniel Dyer Atty Gen'l	
DEFENDANT'S ATTY		Brian McMonagle	
COURT REPORTER		Jennifer McMonagle	Bellegaci
COURT CLERK		Rakany Watson	

AND NOW, 24th day of November 20 14

☒ The Court finds that the defendant has knowingly, intelligently and voluntarily entered a plea of guilty with reference to the following Bills of Information and the Court accepts the guilty plea:

CR 4496-14 CT.3 INDECENT. ASSULT w/o Consent (m2)

☒ The Court accepts the terms of the plea agreement and sentence will be imposed in accordance with it.

☒ The motion of the District Attorney to nol pros the following Bill(s) of Information is granted: All Remaining counts Costs on: ☒ Defendant ☐ County.

☐ The Court sustains a motion for judgment of acquittal as to Bill(s) of Information:

☐ The Court overrules a motion for judgment of acquittal as to Bill(s) of Information:

☐ After trial, the Jury/Court finds the defendant: True and correct Copy
Certified from the record
 Guilty of the following Bill(s) of Information This..19..Day of..Dec..20..14
 Not guilty of the following Bill(s) of Information _____
 Jury sworn: _____ Jury Returns: _____ Trial Days: Ann Thonburg Weiss
 Clerk of Courts

☒ The Court directs that the defendant forthwith register with the Adult Probation Department for:
☐ PPI Evaluation ☐ House Arrest Suitability Assessment ☐ SIP/RIP Assessment
☐ Pre-Sentence Investigation and Report ☒ Commencing Supervision ☐ Sexually Violent Predator Assessment
☐ Sentence deferred: Defendant remanded without bail/released on same bail/remanded pending posting of bail in the increased amount of \$_____, pending sentencing.
☐ 90 Day Rule is waived on the record.
☐ Special Conditions: _____

☐ Defendant's PA driver's license ☐ attached ☐ affidavit submitted ☐ to be surrendered by _____
☐ Blood Alcohol Content _____ ☐ _____ Offense ☐ Refusal

REVISED 4-13 WRC

BY THE COURT:

EXHIBIT "A"

AND NOW, This 24th Day of November, 2014

- ☐ Defendant is sentenced to undergo Imprisonment for not less than _____ years nor more than _____ years in such State Correctional Institution as shall be designated by the Deputy Commissioner for Programs, Department of Corrections, and sent to the State Correctional Institution at Graterford/Muncy for this purpose. Commitment to date from _____
- ☐ R.R.R.I. Minimum _____ months ☐ Not R.R.R.I. Eligible
- ☐ DA Waives R.R.R.I. Objection ☐ DA waives objection to any duplicate time credit issues
- ☐ **Consecutive/concurrent** to all previously imposed sentences ☐ Costs on the County
- ☐ Eligible for boot camp ☐ Credit for time served from _____
- ☐ Defendant is sentenced to undergo Imprisonment for not less than _____ months nor more than _____ months in the Montgomery County Correctional Facility. Commitment to date from _____ ☐ Credit for time served from _____
- ☐ **Consecutive/concurrent** to all previously imposed sentences ☐ Costs on the County.
- ☐ Eligible for Work Release ☐ Is not eligible for good-time credit
- ☐ Defendant is sentenced to Intermediate Punishment for a period of _____ months; the first _____ months of which is to be served in the following Restrictive Intermediate Punishment Program from: _____ ☐ House Arrest
- ☐ Defendant is sentenced to Restrictive Intermediate Punishment (RIP) Program for a period of _____ months. All treatment and supervision pursuant to 42 P.S. §9763, §9804, et seq.
- ☐ Defendant is sentenced to State Intermediate Punishment (SIP) Program for a period of twenty-four (24) months pursuant to 61 P.S. §4104, et seq.
- CT. 3 ☒ Defendant is sentenced to Restorative Sanctions **Probation and/or** _____ for a period of 2 months/years in the custody of:
- ☒ Montgomery County Adult Probation/Parole Department ☐ PA Board of Probation and Parole
- CT. 3 ☒ **Consecutive/concurrent** to _____ ☒ To date from: Nov. 24, 2014
- ☒ Defendant is sentenced to pay the costs of prosecution, and a fine of \$ 500.00 and restitution of \$ 153.39 to Deb Boyles within the first _____ months of supervision/release from custody in monthly installments as directed, and as authorized by law.
- ☐ Determination of guilt without further penalty _____ ☐ Bills merge for sentencing purposes

CONCURRENT/CONSECUTIVE SENTENCE	CONCURRENT/CONSECUTIVE SENTENCE
Information No. _____ sentence is _____	Information No. _____ sentence is _____
<input type="checkbox"/> R.R.R.I. Min. _____ <input type="checkbox"/> Not R.R.R.I. Eligible and is to run concurrently/consecutively with/to sentence imposed on Info. # _____	<input type="checkbox"/> R.R.R.I. Min. _____ <input type="checkbox"/> Not R.R.R.I. Eligible and is to run concurrently/consecutively with/to sentence imposed on Info. # _____

SPECIAL CONDITION(S) OF SENTENCE(S)

- ☐ Outpatient Treatment ☐ Inpatient Treatment ☐ PPI Evaluation and recommended treatment
- ☐ CRN Evaluation and Treatment ☐ Alcohol Highway Safety School or Safe Driving School
- ☐ Community Service: _____ hours at site to be determined, within _____ months/years. ☒ Comply with Megan's Law 42 PA C.S. 9799.15 registration requirements
- ☒ Defendant shall comply with any special conditions of probation/parole/state intermediate punishment imposed by the Montgomery County Adult Probation/Parole Dept, or the PA Board of Probation and Parole.
- ☒ Defendant shall pay the monthly offender supervision fee. ☐ Offender supervision fee is waived
- ☐ Eligible to Participate in a Reentry Plan ☐ Do not send to collection agency
- ☒ To be evaluated for ☒ Sex Offender, ☐ Addiction, ☐ Mental Health, Supervision
- ☐ Anger Management ☐ D/V Counseling ☐ Parenting Classes ☐ No contact with _____
- ☐ Parole authority retained pursuant to 75 P.S. 3804D and 3815
- ☒ Other: Tier 2 I