

**IN THE SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL, : No. 1513 Disciplinary Docket No. 3  
Petitioner :  
: No. 24 DB 2009  
v. :  
: Attorney Registration No. 72328  
DAR\_ENE CRYSTAL SNOWDEN, :  
Respondent : (Philadelphia)

**ORDER**

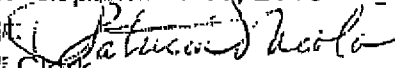
**PER CURIAM:**

**AND NOW**, this 10<sup>th</sup> day of September, 2009, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated July 15, 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 Darlene Crystal Snowden is suspended on consent from the Bar of this Commonwealth for a period of five years retroactive to May 28, 2009, and she shall comply with all the provisions of Rule 217, Pa.R.D.E.

A True Copy Patricia Nicola

As of: September 10, 2009

Attest:   
Chief Clerk

Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

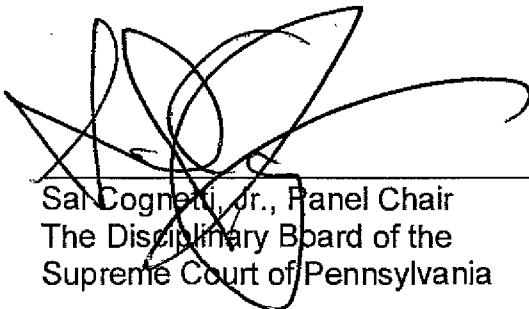
OFFICE OF DISCIPLINARY COUNSEL : No. 24 DB 2009  
Petitioner :  
v. : Attorney Registration No. 72328  
DARLENE CRYSTAL SNOWDEN :  
Respondent : (Philadelphia)

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 Sal Cagnetti, Jr., Douglas W. Leonard and William A. Pietragallo, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on May 26, 2009.

The Panel approves the Petition consenting to a five year suspension retroactive to the date of Respondent's voluntary Inactive Status 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.

  
\_\_\_\_\_  
Sal Cagnetti, Jr., Panel Chair  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

Date: July 15, 2009



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

2. Respondent, Darlene Crystal Snowden, was born on July 18, 1964, and was admitted to practice law in the Commonwealth of Pennsylvania on July 14, 1994.

3. At all relevant times, Respondent maintained an office for the practice of law at 2604 W. Lehigh Avenue, First Floor, Philadelphia, PA 19132.

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

5. On March 5, 2009, Respondent was personally served with a Petition for Discipline.

6. On March 23, 2009, Respondent filed an Answer to the Petition for Discipline.

**II. FACTUAL ADMISSIONS AND  
VIOLATIONS OF RULES OF PROFESSIONAL CONDUCT**

7. Respondent specifically admits to the truth of the factual allegations and conclusions of law contained in paragraphs 1 through 95.

**Charge I: The McClary Matter**

8. Ms. Vergeree Rodgers owned real property located at 1527 Walters Avenue, Sharon Hill, PA 19079 (hereinafter "the property" or "Ms. Rodgers' property").

9. Ms. Rodgers received medical assistance nursing home benefits from the Pennsylvania Department of Public Welfare (DPW).

10. In or around 2006, Granville Nelson, the Power of Attorney for Ms. Rodgers, retained Respondent to assist Ms. Rodgers' sister-in-law and her husband, Josie McClary and Benjamin McClary (hereinafter "the McClarys"), in the purchase of Ms. Rodgers' property.

11. Respondent agreed to do a title search, pay all outstanding taxes owed on the property prior to its sale, and deliver a deed for the property for a fee of \$3,500.

a. Respondent failed to pay all outstanding taxes prior to the sale of the property, as she had agreed.

12. By letter dated January 22, 2007, from Respondent to DPW, Respondent:

a. stated that Respondent was writing on behalf of Ms. Rodgers' personal representative;

b. stated that Ms. Rodgers was currently the recipient of state nursing home benefits;

- c. advised that Ms. Rodgers owned real property located at 1527 Walters Avenue, Sharon Hill, PA 19079, which Ms. Rodgers' power of attorney wanted to liquidate;
- d. explained that there was a buyer for Ms. Rodgers' property;
- e. explained that Respondent wanted to repay the welfare lien prior to Ms. Rodgers' death; and
- f. requested that the Department send Respondent "the appropriate documents" so that the lien could be paid from the proceeds of the sale of Ms. Rodgers' property.

13. By letter dated January 29, 2007, from Ms. Jennifer Hartman, DPW Third Party Liability Program Investigator, to Respondent, Ms. Hartman enclosed a Statement of Claim providing that Ms. Rodgers owed \$15,719.78 in reimbursement to DPW.

14. Respondent received Ms. Hartman's letter.

15. On or before February 18, 2007, Respondent received a personal check in the amount of \$29,500 from the McClarys for the sale of the property.

16. On February 18, 2007, Respondent deposited the \$29,500 check she received from the McClarys into her escrow account at Citizens Bank, account number 621088-787-6.

- a. Respondent withdrew \$50.00 cash from settlement.
- b. Respondent's escrow account was credited with a \$29,450 deposit on February 20, 2007.
- c. A financial spreadsheet of Respondent's escrow account at Citizens Bank, from July 25, 2005 to May 29, 2008, is marked ODC-4.

17. At the time of settlement on the property, Respondent provided a settlement sheet to the McClarys; the settlement sheet stated that the settlement funds were disbursed as follows:

- a. \$15,720 to DPW;
- b. \$3,500 for Respondent's attorney fee;
- c. \$600 to the State of Pennsylvania and Delaware County for transfer taxes;
- d. \$500 for recording fees/power of attorney filing fee/notary fees/ courier fees/miscellaneous escrow;
- e. \$680 held in escrow for utilities;

- f. \$5,000 to Granville Nelson (cousin) for an outstanding debt; and
- g. \$4,000 to be held in escrow for Ms. Rodgers' funeral.

18. Respondent failed to pay DPW's lien from the settlement funds.

19. Respondent failed to hold the settlement funds in escrow to pay for taxes, utilities, and Ms. Rodgers' funeral.

20. Respondent converted, for Respondent's personal and professional use, the settlement funds Respondent deposited into her escrow account.

- a. Respondent's conversion of the settlement funds was knowing and intentional.

21. Respondent used the settlement funds to:

- a. take cash withdrawals;
- b. write a check payable to herself;
- c. make payments to the Register of Wills (Estate of Mary Ball), Knights Abstract Inc., City of Philadelphia, and Prothonotary's Office; and
- d. make payments in other client matters, including writing checks to Marissa Norman,

Levan Coles, Willa Richards, and William Thompson.

22. Respondent recorded the deed for 1527 Walters Avenue, Sharon Hill, PA, on or about March 14, 2007.

23. By April 18, 2007, Respondent depleted all of the settlement funds, leaving an end-of-the-day balance in Respondent's escrow account of \$.92 on that date.

24. After depleting all of the settlement funds, Respondent's escrow account had negative balances on August 6, 7, October 10-17, and December 20, 2007, and January 11-14, 2008.

**A. Unpaid Taxes, Utilities, and Burial Expenses**

25. After the McClarys obtained title to the property, the McClarys began receiving delinquent tax notices from Delaware County.

26. The McClarys informed Respondent that they had received delinquent tax notices from Delaware County.

27. Respondent failed to pay the Delaware County taxes, as she had previously agreed to do.

28. By check No. 1306, dated September 6, 2007, Respondent paid \$1,500 to the Delaware County Tax Claim Bureau, in partial payment of outstanding 2005 taxes; by check No. 1307, dated September 7, 2007, Respondent paid

\$1,271.34 to the Delaware County Tax Claim Bureau, in final payment of outstanding 2005 taxes.

29. On or about September 28, 2007, the McClarys resold the property.

a. At settlement, the McClarys paid all outstanding taxes and utility bills from the proceeds of the resale of the property.

1. The outstanding 2006 tax bill was \$2,771.71, and the sewer bill was \$1,129.16.

30. On September 28, 2007, following the McClarys' settlement on the property:

a. Mr. McClary went to Respondent's office and requested reimbursement for the tax, utility, and funeral bills that Respondent had failed to pay;

b. Respondent wrote five checks from her escrow account, totaling \$8,181.87, made payable "to the Order of Benjamin and Josie McClary," and post-dated the checks to "10/15/07"; and

c. Respondent gave the five checks to Mr. McClary as follows:

1. check No. 1323, in the amount of \$2,771.71, for "2006 R.E. (real estate) taxes";
2. check No. 1324, in the amount of \$231.00, for "Jan. 2007 R.E. taxes";
3. check No. 1325, in the amount of \$1,129.16, for "sewer & trash";
4. check No. 1328, in the amount of \$4,000, for "burial account for Vergeree Rodgers"; and
5. check No. 1329, in the amount of \$50.00, for "use & occupancy."

31. On or about October 18, 2007, Mr. McClary deposited the five checks he received from Respondent into his personal account at Pawtucket Credit Union.

32. By letter dated October 26, 2007, from Pawtucket Credit Union to Mr. McClary, Pawtucket Credit Union notified Mr. McClary that:

- a. check Nos. 1323, 1325 and 1328, totaling \$7,900.87, were returned due to insufficient funds; and
- b. the service charge for the three returned checks was \$45.00.

33. By letter to Respondent dated November 5, 2007, from Mr. McClary to Respondent, Mr. McClary:

- a. advised Respondent that his bank had returned check numbers 1323, 1325, and 1328 due to insufficient funds;
- b. requested that Respondent make immediate restitution by issuing a certified check and/or money order; and
- c. attached the October 26, 2007 letter from Pawtucket Credit Union.

34. Respondent received Mr. McClary's letter.

35. On November 13, 2007, Respondent had a telephone conversation with Mr. McClary, during which Respondent informed Mr. McClary that his checks were "in the mail" and that the settlement sheet would follow.

36. By e-mail dated November 13, 2007, from Mr. McClary to Respondent, Mr. McClary:

- a. confirmed Respondent's agreement that he would be "made whole" for the checks returned due to insufficient funds and the overdraft bank fees; and
- b. requested "a settlement sheet accounting for all the Money [sic]" Respondent had spent.

37. Respondent received Mr. McClary's e-mail.

38. By letter dated November 13, 2007, from Respondent to the McClarys, Respondent:

- a. enclosed a \$45.00 money order as reimbursement for bank fees;
- b. enclosed a \$1,129.16 bank check as a replacement for check No. 1325; and
- c. wrote that the "remaining two checks will be sent under separate cover."

39. Respondent failed to send the "remaining two checks" to Mr. McClary, as she had agreed.

40. On or after December 22, 2007, Respondent gave Mr. McClary a \$2,771.71 bank check.

41. By certified letter dated July 28, 2008, from Mr. McClary to Respondent, Mr. McClary:

- a. demanded that Respondent "make good" on check number 1328, in the amount of \$4,000;
- b. requested a copy of the check Respondent wrote to DPW for \$15,000; and
- c. advised Respondent that if he did not hear from her by August 15, 2008, then he would take "Legal Action."

42. Respondent failed to respond to Mr. McClary's letter.

43. On August 19, 2008, the McClarys filed a Small Claims action against Respondent in the Municipal Court of Philadelphia County.

44. On December 5, 2008, the Court entered judgment in favor of the McClarys; the McClarys received \$2,000 at the bar of the Court and judgment was entered for \$2,367.

#### **B. Unpaid DPW Lien**

45. By letter dated July 16, 2007, from Ms. Hartman to Respondent, Ms. Hartman inquired about the status of the proceeds from the sale of Ms. Rodgers' property.

46. Respondent received Ms. Hartman's letter.

47. Respondent did not respond to Ms. Hartman's letter.

48. By letter dated October 17, 2007, from Ms. Hartman to Respondent, Ms. Hartman:

- a. stated that she has not received any information from Respondent regarding the sale of Ms. Rodgers' property;
- b. explained that DPW's "lien was to be paid to assist in allowing rept [sic] [Ms. Rodgers] to remain on assistance";
- c. noted that to date, she had not heard from Respondent; and

d. requested that Respondent advise her of the status of the sale of Ms. Rodgers' property and when a check could be expected.

49. Respondent received Ms. Hartman's letter.

50. By letter dated November 16, 2007, from Respondent to Ms. Hartman, Respondent:

- a. acknowledged receipt of Ms. Hartman's October 17, 2007 letter;
- b. advised that Respondent "will have a final settlement sheet along with a check sent to Respondent's office within thirty days"; and
- c. stated that Ms. Hartman could call Respondent if she had any questions.

51. On the date Respondent sent Respondent's letter to Ms. Hartman, Respondent's escrow account had a negative balance of \$117.39, and Respondent's escrow account did not show a balance sufficient to satisfy the DPW lien until February 25, 2008.

52. Respondent failed to send the final settlement sheet and \$15,720 check to Ms. Hartman, as Respondent had agreed.

53. By letter dated July 9, 2008, from Ms. Hartman to Respondent, Ms. Hartman requested a status update of Respondent's payment of DPW's lien against Ms. Rodgers.

54. Respondent received Ms. Hartman's letter.

55. Respondent failed to respond to Ms. Hartman's letter.

56. By letter dated December 2, 2008, from Ms. Hartman to Respondent, Ms. Hartman requested a status update of Respondent's payment of DPW's lien against Ms. Rodgers.

57. Respondent received Ms. Hartman's letter.

58. Respondent failed to respond to Ms. Hartman's letter.

59. Respondent received a voice mail message from Ms. Hartman inquiring about the status of Respondent's payment of DPW's lien; Respondent failed to respond to Ms. Hartman's voice mail message.

60. By her 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 1.15(a) [former], which states that a lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a client-lawyer representation separate from the lawyer's own property. Such property shall

be identified and appropriately safeguarded. Complete records of the receipt, maintenance and disposition of such property shall be preserved for a period of five years after termination of the client-lawyer representation;

- c. RPC 1.15(b) [former], which states that upon request by the client or third person, a lawyer shall promptly render a full accounting regarding property of the client or third person in connection with a client-lawyer relationship;
- d. RPC 8.4(b), which states that a lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; and
- e. RPC 8.4(c), which states that a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

**CHARGE II: INFORMAL ADMONITION CONDITION**

61. On or about September 19, 2005, Office of Disciplinary Counsel received a complaint from Lisa A.

Pierce regarding Respondent's handling of the Estate of Joseph Gary.

62. By letter dated November 2, 2006, from Chief Disciplinary Counsel Paul J. Killion, to Respondent, Mr. Killion:

- a. informed Respondent that ODC had completed its investigation of the complaint docketed at No. C1-05-957;
- b. stated that it had been determined that Respondent should receive an Informal Admonition with conditions;
- c. explained that in Respondent's handling of the Estate of Joseph Gary, Respondent violated the following Rules of Professional Conduct: 1.1; 1.3; 1.15(a); and 1.15(b);
- d. set forth the following conditions of Respondent's Informal Admonition:
  1. Within six months of Respondent's receipt of the notice of the Informal Admonition, Respondent shall file all appropriate tax returns and a final accounting of Mr. Gary's estate, and distribute any remaining estate funds;

2. Respondent shall provide to Disciplinary Counsel copies of all tax returns filed with the appropriate taxing authorities, the first and any subsequent accounts filed with Orphans' Court, and all checks and correspondence to beneficiaries relating to the distribution of any estate funds;
3. Within thirty days of Respondent's receipt of the notice of the Informal Admonition and every thirty days thereafter, Respondent shall provide to Disciplinary Counsel a written report detailing the status of all matters enumerated in conditions 1 and 2, *supra*, until estate administration is completed; and
4. that Respondent's non-compliance with any of the conditions would be grounds for Office of Disciplinary Counsel to reconsider the matter and seek greater discipline.

e. advised Respondent that if Respondent did not wish to receive the Informal Admonition with conditions and would like to have the question of Respondent's conduct decided by a formal hearing, then Respondent must notify the Secretary of the Disciplinary Board within the next twenty days.

63. Respondent received Mr. Killion's letter.

64. Respondent did not notify the Secretary of the Disciplinary Board that Respondent wanted a formal hearing.

65. By letter dated November 21, 2006, from Mr. Killion to Respondent, Mr. Killion informed Respondent that he had scheduled Respondent's Informal Admonition with conditions for 9:20 a.m. on December 12, 2006.

66. Respondent received Mr. Killion's letter.

67. On December 12, 2006, Respondent:

a. appeared before Mr. Killion, who administered the Informal Admonition with conditions;

b. signed an acknowledgment of the Informal Admonition with conditions; and

c. received a written acknowledgment of having received an Informal Admonition with conditions.

68. By letter dated January 26, 2007, from Respondent to Disciplinary Counsel Donna M. Snyder, Respondent:

- a. stated that she "believe[d] that the Estate will be closed within 45 days";
- b. claimed that the Inheritance Tax return had been prepared and would be filed on January 29, 2007;
- c. explained that she transferred estate property located at 2606 West Lehigh Avenue, Philadelphia, PA, to herself because the "only way that I could get it off the Sheriff Sale track was to make payment arrangements on the outstanding balance owed for water and sewer that totaled \$28,083.07";
- d. advised that "no one was interested in purchasing the property" (2606 West Lehigh Avenue), the "deed reflects the current fair market value," and she will pay the estate "in three installments beginning on February 20, 2007."
- e. enclosed the December monthly bank statement for the estate account; and

f. stated that she "will file a final account with the court within the next forty five (45) days."

69. By letter dated February 28, 2007, from Respondent to Ms. Snyder, Respondent:

- a. apologized for the delay in sending Respondent's monthly report;
- b. informed Ms. Snyder that the Inheritance Tax return for the Estate had been filed;
- c. explained that Respondent sent in the estimated tax payment of \$545 to the Revenue Department for the Pennsylvania Inheritance Tax; and
- d. advised that Respondent would send the deed transfers for Sydenham Street and the land in Weldon, North Carolina, as soon as the deeds were filed.

70. By letter dated March 19, 2007, from Respondent to Ms. Snyder, Respondent:

- a. enclosed a receipt for the payment of Inheritance Taxes for the Estate of Joseph Gary;

- b. explained that Respondent was in the process of locating the deeds for the Sydenham and North Carolina properties;
- c. advised that Respondent has been in contact with two people interested in purchasing the North Carolina land; and
- d. stated that Respondent was aware that this matter must be finished within the next thirty days.

71. By letter dated April 23, 2007, from Respondent to Ms. Snyder, Respondent:

- a. requested a three-month extension on finalizing matters in the Estate of Joseph Gary;
- b. explained that Respondent would have to file a lawsuit against Citizens Bank; send additional information to the PA Department of Revenue regarding the Inheritance Tax return; locate the mother and her two children; and have a guardian appointed for the two children.

72. Thereafter, Respondent took no further action to complete the Estate of Joseph Gary.

73. By letter dated April 26, 2007, from Ms. Snyder to Respondent, Ms. Snyder:

- a. acknowledged receipt of Respondent's April 23, 2007 letter;
- b. explained that her office did not have the authority to grant Respondent's extension request; and
- c. suggested that Respondent direct her extension request to the Disciplinary Board.

74. Respondent received Ms. Snyder's letter.

75. Respondent did not contact the Disciplinary Board and request an extension of time to complete the conditions of her Informal Admonition.

76. Respondent failed to comply with the conditions attached to her December 12, 2006 Informal Admonition.

77. By letter dated November 25, 2008, from Disciplinary Counsel Harriet R. Brumberg to Respondent, Disciplinary Counsel advised Respondent that:

- a. Respondent had failed to provide monthly reports regarding the Estate of Joseph B. Gary;
- b. advised Respondent that Pa.R.D.E. 204(b) provides that failure to comply with conditions attached to an Informal

Admonition "shall be grounds for reconsideration of the matter and prosecution of formal charges against the respondent-attorney"; and

- c. informed Respondent that if Disciplinary Counsel did not provide a status report on the Estate of Joseph B. Gary, then Disciplinary Counsel would proceed with the prosecution of formal charges.

78. By facsimile letter dated December 5, 2008, Respondent provided a status report of the Estate of Joseph B. Gary, which was still not settled, and advised, *inter alia*, that the legal fee portion of sale proceeds would be paid to counsel retained in North Carolina and to any outstanding real estate taxes.

79. By letter dated December 8, 2008, Disciplinary Counsel acknowledged receipt of Respondent's facsimile and requested further information regarding the status of the Estate.

80. Respondent received Disciplinary Counsel's letter.

81. Respondent did not answer Disciplinary Counsel's letter.

82. By letter dated March 2, 2009, from Disciplinary Counsel to Respondent, sent via facsimile, certified mail, and first class mail, Disciplinary Counsel:

- a. requested that Respondent state, within one week from the date of the letter, whether Respondent has paid the Estate in full for her purchase of 2602 West Lehigh Avenue, Philadelphia, PA;
- b. requested copies of records indicating Respondent's payments to the Estate; and
- c. requested copies of bank statements from the Estate account showing Respondent's deposit of her payments.

83. Respondent received Disciplinary Counsel's letter.

84. Respondent did not answer Disciplinary Counsel's letter.

85. Respondent has failed to provide further status reports concerning the Estate of Joseph B. Gary.

86. Records obtained from the Orphans' Court and Register of Will regarding the Estate.

87. Respondent has failed to complete the administration of the Estate of Joseph B. Gary or withdraw from the representation.

88. By her 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; and
- b. Pa.R.D.E. 203(b)(3) via Pa.R.D.E. 204(b), which provides that conditions may be attached to an informal admonition or private reprimand. Failure to comply with such conditions shall be grounds for reconsideration of the matter and prosecution of formal charges against the respondent/attorney.

### III. JOINT RECOMMENDATION FOR DISCIPLINE

89. ODC represents that there are the following aggravating factors:

- a. Respondent has a record of prior discipline. On June 25, 2004, Respondent received an Informal Admonition with the condition to return funds to her client, for violating RPC 1.3, 1.4(a) [former], 1.4(b) [former], and Pa.R.D.E. 217(a) (C1-03-1315); on December 12, 2006, Respondent received an Informal Admonition with the conditions to provide

monthly reports to ODC and complete estate administration, for violating RPC 1.1, RPC 1.3, RPC 1.15(a)[former], and RPC 1.15(b)[former]. (C1-05-957)

- b. Respondent has failed to make complete restitution. Respondent continues to owe \$15,720 to DPW. After being sued by the McClarys, Respondent has made partial restitution for the unpaid taxes and utilities.

90. ODC and Respondent represent that there are the following mitigating factors:

- a. Respondent has recognized her wrongdoing and signed the joint stipulation admitting to all of her misconduct.
- b. Respondent has agreed that upon signing the Joint Petition for Discipline on Consent, Respondent will simultaneously file with the Disciplinary Board a request for transfer to voluntary inactive status.

91. The knowing conversion of fiduciary funds is a serious breach of ethics. Cases illustrate that a five-year suspension or disbarment may be imposed on attorneys who knowingly convert client funds. An attorney who has converted funds in a single client matter may receive less

discipline than an attorney who has engaged in multiple conversions. Compare *Office of Disciplinary Counsel v. Anthony Dennis Jackson*, 99 DB 2006, D.Bd. Rpt. 12/13/2007 (S.Ct. Order 4/23/2008) (attorney who converted \$33,285 from a wrongful death settlement and neglected one client matter received a five-year suspension), with *Office of Disciplinary Counsel v. Rainone*, 60 DB 2004, D.Bd. Rpt. 5/11/2006 (S.Ct. Order 12/21/2006) (Supreme Court disbarred an attorney who converted over \$26,000 in four client matters and neglected a fifth client matter). But see, *Office of Disciplinary Counsel v. Patricia Renfroe a/k/a Patty M. Renfroe and Patty Michelle Renfroe*, No. 122 DB 2004, D.Bd. Rpt. 8/30/05 (S.Ct. Order 11/1/05) (attorney, who had practiced law for twenty-four years without a record of discipline, disbarred for misappropriating \$155,702 in a single client matter); and *Office of Disciplinary Counsel v. Paul Hammer*, No. 87 DB 2001, D.Bd. Rpt. 9/29/05 (S.Ct. Order 1/5/06) (disbarment ordered for an attorney, with prior record of discipline for dissimilar conduct, who converted \$14,887.88 in one client matter and made partial restitution).

Notably, attorneys who convert client funds and fail to cooperate with the attorney disciplinary system may receive greater discipline than attorneys who cooperate.

Rainone attempted to withdraw his signed, counseled stipulations and acted disrespectfully to the Hearing Committee; Renfroe engaged in "obfuscation" during her disciplinary hearing; and Hammer defied a subpoena and Supreme Court Order. Rainone, Renfroe, and Hammer all were disbarred.

92. Respondent, unlike Rainone, Renfroe, and Hammer, has cooperated with the disciplinary process. Respondent has signed joint stipulations and agreed to submit her request for transfer to voluntary inactive status upon her signing of the Joint Petition for Discipline on Consent. Therefore, Respondent should receive a discipline less than disbarment.

The facts of **Jackson** are most analogous to the instant matter. Both Jackson and Respondent converted funds in one matter and failed to diligently handle another legal matter. Both Jackson and Respondent also had the aggravating factor of a record of private discipline for neglect.

Jackson received a suspension of five years for violating RPC: 1.1; 1.3; 1.4(a)(3); 1.4(a)(4); 1.15(a); 1.15(b); 8.1(a); 8.4(b); and 8.4(c). A five-year suspension would likewise be the appropriate quantum of discipline for Respondent's violations of RPC 1.3, RPC

1.15(a) [former], RPC 1.15(b) [former], RPC 8.4(b), RPC 8.4(c), and Pa.R.D.E. 203(b).

93. Based upon the precedents identified in paragraph 91, *supra*, 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 five years.

94. ODC and Respondent jointly recommend that Respondent's suspension be made retroactive to the date that the Attorney Registrar, pursuant to Pa.R.D.E. 219(j), removes Respondent from the roll of those classified as active attorneys.

95. 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 she 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 five years, retroactive to the date that the Attorney Registrar, pursuant to Pa.R.D.E. 219(j), removes Respondent from the roll of those classified as active attorneys; 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

5/22/09

Date

By



Harriet R. Brumberg  
Disciplinary Counsel

5/22/09

Date

By

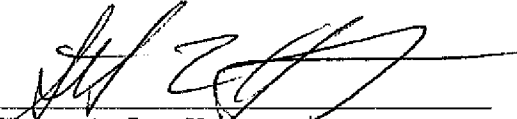


Darlene Crystal Snowden  
Respondent

5/22/09

Date

By



Stuart L. Haimowitz  
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

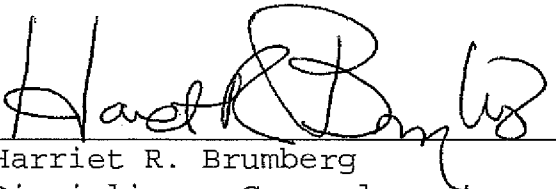
OFFICE OF DISCIPLINARY COUNSEL, :  
Petitioner :  
 : No. 24 DB 2009  
v. :  
 : Atty. Reg. No. 72328  
DARLENE CRYSTAL SNOWDEN, :  
Respondent : (Philadelphia)

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.


5/22/09

Date

  
Harriet R. Brumberg  
Disciplinary Counsel

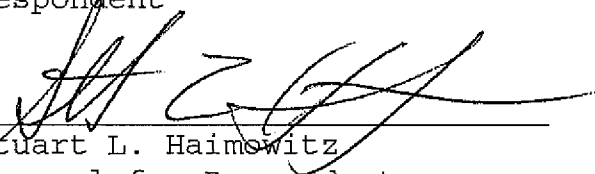
5/22/09

Date

  
Darlene Crystal Snowden  
Respondent

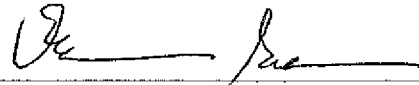
5/22/09

Date

  
Stuart L. Haimowitz  
Counsel for Respondent



4. She consents because she knows that if the charges continue to be prosecuted in the pending proceeding, she could not successfully defend against the charges.

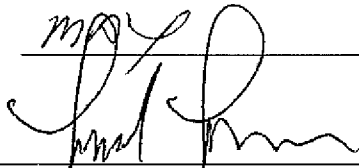


Darlene Crystal Snowden  
Respondent

Sworn to and subscribed

before me this 22<sup>nd</sup>

day of May, 2009



Notary Public

