

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2260 Disciplinary Docket No. 3
: :
Petitioner : No. 50 DB 2016
: :
v. : Attorney Registration No. 24691
: :
HERBERT KARL SUDFELD, JR., : (Bucks County)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 22nd day of June, 2020, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board, the Joint Petition in Support of Discipline on Consent is granted, and Herbert Karl Sudfeld, Jr. is suspended on consent from the Bar of this Commonwealth for a period of four years, retroactive to April 8, 2016. Respondent shall comply with all the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 06/22/2020


Attest:
Chief Clerk
Supreme Court of Pennsylvania

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

In the Matter of	:	No. 2260 Disciplinary Docket No. 3
	:	
HERBERT K. SUDFELD, JR.	:	
	:	
	:	No. 50 DB 2016
	:	
	:	Attorney Registration No. 24691
	:	
	:	(Bucks County)

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

Petitioner, the Office of Disciplinary Counsel (“ODC”), by Thomas J. Farrell, Chief Disciplinary Counsel, and Krista K. Beatty, Disciplinary Counsel, and Respondent, Herbert K. Sudfeld, Jr., by and through his counsel, Samuel D. Miller, III, Esquire, 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:

1. ODC, whose principal office is situated at Pennsylvania Judicial Center, 601 Commonwealth Ave., Suite 2700, P.O. Box 62485, Harrisburg, PA 17106 is invested, pursuant to Pa.R.D.E. 207, with the power and duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Enforcement Rules.

2. Respondent was born on June 5, 1951, and was admitted to practice law in the Commonwealth of Pennsylvania on November 22, 1976. Respondent’s attorney registration number is 24691. Respondent’s last registered address is 40 Fox Hill Rd, Doylestown, Pennsylvania 18901.

3. On March 24, 2016, ODC and Respondent filed with the Supreme Court of Pennsylvania a Joint Petition to Temporarily Suspend an Attorney.

4. By Order dated April 8, 2016, the Court granted the Joint Petition to Temporarily Suspend an Attorney, and placed Respondent on temporary suspension.

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

SPECIFIC FACTUAL ALLEGATIONS ADMITTED

6. On February 5, 2016, Respondent was convicted after a federal jury trial on charges of (1) Insider Trading, in violation of 15 U.S.C. §§78j(b) and 78ff; 17 C.F.R. §§ 240.10b-5 and 240.10b-2; and 18 U.S.C. §2, and (2) Making False Statements to Authorities, in violation of 18 U.S.C. §1001 in the criminal matter docketed as *United States v. Herbert K. Sudfeld*, No. 15-CR-330 (E.D.Pa.) in the United States District Court for the Eastern District of Pennsylvania.

7. On July 22, 2016, Respondent was sentenced by the Honorable Cynthia M. Rufe to six months imprisonment, followed by three years of federal supervision.

8. The sentence imposed by Judge Rufe represented a significant downward departure and variance from sentencing guidelines, which suggested a range of 27-33 months incarceration; Judge Rufe rejected the Government's position that a departure/variance was unwarranted and that Respondent should receive a sentence within the guidelines.

9. Respondent was a partner at the law firm of Fox Rothschild, LLP, in its Doylestown office, from 1999 until 2012.

10. In or about August 2011, Harleysville Group, Inc. ("Harleysville") was in discussions with Nationwide Mutual Insurance Company ("Nationwide") regarding a merger deal.

Nationwide was to acquire all of the publicly held shares of common stock of Harleysville for \$60.00 per share, in cash.

11. Harleysville, a subsidiary of Harleysville Mutual Insurance Company, was a publicly traded insurance company. Harleysville stock was registered under Section 12(g) of the Securities Exchange Act of 1934 and was traded on the National Association of Securities Dealers Automated Quotations (“NASDAQ”) under the ticker symbol, “HGIC.” Harleysville specialized in commercial and casualty insurance policies.

12. Nationwide is an insurance and financial service company, focusing on domestic property and casualty insurance.

13. Harleysville was a client of Fox Rothschild.

14. The merger discussions between Harleysville and Nationwide were material, non-public information.

15. On or about September 27, 2011, Respondent learned that his law firm partners represented Harleysville in the merger with Nationwide. Respondent knew the merger was not complete, but imminent.

16. Respondent understood that the information about the impending merger was shared in confidence, and with the expectation that he would not risk exposing the confidence by engaging in stock trades.

17. On or about September 28, 2011, in the morning, Respondent directed his stock broker to purchase 1,000 shares of Harleysville stock under Respondent’s wife’s account.

18. On or about September 28, 2011, in the afternoon, Respondent directed his stock broker to purchase 2,000 shares of Harleysville stock from Respondent’s personal account.

19. Respondent did not tell his broker Respondent was trading on inside information, that he was not permitted to make these trades or that his law firm, Fox Rothschild, represented Harleysville in the merger.

20. Respondent did not disclose his purchases of Harleysville stock to the law firm prior to his trades, and did not obtain approval from the law firm to trade in Harleysville stock.

21. Respondent knew his undisclosed purchase of Harleysville stock, while in possession of material non-public information about Harleysville, violated his fiduciary and other duties of trust and confidence to the law firm's client, Harleysville, and violated the law firm's policy of not trading in securities issued by a law firm client without prior approval.

22. On or about September 29, 2011, before the U.S. stock markets opened, the deal between Harleysville and Nationwide was publicly announced. One day prior to the public announcement of the merger between Harleysville and Nationwide, Harleysville common stock traded in the range of \$31.57 to \$32.48 per share. Following the merger announcement, Harleysville shares rose to a high of \$58.40, an 85 percent increase over the share price prior to the announcement.

23. On or about September 29, 2011, Respondent sold 2,000 shares of Harleysville stock for \$58.30 per share. He also authorized the sale of 1,000 of his wife's shares for the same amount. Respondent netted personal profits of approximately \$75,530 from his unlawful Harleysville trades, in violation of Title 15, United States Code, Sections 78j(b) and 78ff, Title 17 Code of Federal Regulations, Sections 240.10b-5 and 240.10b5-2, and Title 18, United States Code, Section 2.

24. On or about March 6, 2012, agents of the Federal Bureau of Investigation (“FBI”) were investigating the insider trading activity described above.

25. FBI agents questioned Respondent regarding whether he possessed non-public information when he purchased and sold Harleystown stock.

26. Respondent stated to FBI agents that he was not aware of the Harleystown stock transactions until several days to a week after the trades occurred.

27. This statement was false; Respondent knew of and directed the trades.

28. Respondent stated to FBI agents that he told his broker he could not be involved in trades of Harleystown stock due to his position at the law firm.

29. This statement was false; Respondent did not make such statements to his broker.

30. Respondent stated to FBI agents that he did not discuss the Harleystown trades with his broker until after they were completed.

31. This statement was false; Respondent did discuss trades with his broker prior to their completion.

32. Respondent pleaded not guilty to the four count indictment for securities fraud, in violation of 15 U.S.C. §§78j(b), 78ff, and 17 C.F.R. §§ 240.10b-5-2 (Count One)(“insider trading”); and making a false statement in violation of 18 U.S.C. §1001 (Counts Two, Three and Four).

33. Between February 2, 2016 and February 5, 2016, a jury trial took place in *U.S. v. Sudfeld*, No. 15-CR-330 (E.D.Pa.) before the Honorable Cynthia M. Rufe.

34. At the conclusion of the jury trial, Respondent was found guilty on all counts.

35. Respondent faced a guideline imprisonment range of 27-33 months.

36. On July 22, 2016, Respondent was sentenced to serve six-months incarceration, followed by three years federal supervision.

37. Respondent has paid all monetary penalties as part of the judgment of conviction.

38. Respondent's conviction constitutes an independent basis for discipline, pursuant to Rule 203 (b)(1), Pa.R.D.E.

**SPECIFIC RULES OF PROFESSIONAL CONDUCT AND
RULE OF DISCIPLINARY ENFORCEMENT VIOLATED**

Respondent violated the following Rules of Professional Conduct and Rule of Disciplinary Enforcement:

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

40. 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

41. Pa.R.D.E. 203(b)(1), which provides that conviction of a crime shall be grounds for discipline.

SPECIFIC RECOMMENDATION FOR DISCIPLINE

42. ODC and Respondent jointly recommend that the appropriate discipline for Respondent's misconduct is a four-year suspension, retroactive to April 8, 2016, the date of Respondent's temporary suspension.

43. Respondent hereby consents to that discipline being imposed upon him 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. Rule 215(d)(1) through (4).

44. In support of Petitioner and Respondent's joint recommendation, it is respectfully submitted that the following mitigating factors are present:

- a. Respondent tendered, and the SEC accepted, payment of \$91,727 to resolve a civil lawsuit filed against Respondent. This amount included restitution in the amount of \$79,410, plus prejudgment interest in the amount of \$12,337.
- b. The \$91,727 paid by Respondent to the SEC satisfied in full the restitution judgment of \$75,000 set by the Court.
- c. Respondent has admitted engaging in misconduct and violating the charged Rules of Professional Conduct and Rule of Disciplinary Enforcement;
- d. Respondent agreed to be placed on temporary suspension as evidenced by his participation in filing a Joint Petition to Temporarily Suspend an Attorney;
- e. Respondent is remorseful for his misconduct and understands he should be disciplined, as is evidenced by his cooperation with Petitioner and his consent to receiving a four-year suspension;
- f. At his sentencing in federal court, Respondent supplied the Court with witness testimony and 161 character letters, each one attesting to his dedicated support of his community, good character and good reputation. Several of these letters were from lawyers, two were from former employees, several were from clients, and many were from neighbors in his community, all of whom knew about his insider trading offense and supported him unconditionally. For illustrative purposes, four

of these letters are attached to this Joint Petition as Exhibit "A."

- g. Respondent is a former President of the Bucks County Bar Association, a former member of the PBA Board of Governors and former delegate to the PBA. He has served on the board of directors for a local CYO organization, Boy Scouts Council, Bucks County Legal Aid Society and a foster care home counseling and placement organization;
 - h. Shortly after his release from federal prison, Respondent was elected to the Board of Directors of a local non-profit, The State Street Players. Respondent continues to serve this organization and was elected President for the 2019-2020 operating year, despite that at the time, he remained on federal supervision;
 - i. After release from federal prison, Respondent obtained his Pennsylvania Real Estate license, in February 2018. Because he remained on federal supervision, Respondent had been given only a probationary license, but plans to obtain full licensure soon.
 - j. On March 2, 2020, Respondent completed his three-year period of federal supervision, and was released;
 - k. Respondent has completed over 400 hours of community service in excess of what was ordered by the Court at sentencing;
 - l. Respondent has no record of prior discipline in nearly forty (40) years of practice; and
 - m. Respondent has no prior criminal history.
45. Insider trading cases involving Pennsylvania attorneys typically result in discipline

ranging from a lengthy suspension, to disbarment. *See ODC v. Heron*, 1368 DD No. 3, 46 DB 2008 (Pa. Feb. 3, 2010) (Respondent consented to disbarment after guilty conviction for conspiring with neighbor to trade confidential information about each other's respective companies); *ODC v. Bucknum*, 1258 DD No. 3, 188 DB 2006 (Pa. May 30, 2007)(Respondent consented to disbarment after guilty conviction for insider trading; Respondent received confidential information that his company's new drug performed poorly in clinical trials and sold stock before information was publicly released). *See also ODC v. Manoff*, 1701 DD No. 3, 10 DB 2011 (Pa. Dec. 16, 2013)(on consent, Respondent suspended for five years after pleading guilty to two counts securities fraud). Petitioner and Respondent submit that in *Manoff*, unlike the instant matter, Respondent was found to have engaged in a continuing enterprise involving an elaborate scheme, and not a singular incident of greed.

46. In *ODC v. Obod*, 2002 WL 32500940, 65 Pa.D&C4th 112 (Pa. Jan. 31, 2003) respondent received a one-year suspension after his conviction for making false statements to the SEC. Respondent Obod used insider knowledge to his own pecuniary advantage and failed to disclose this when questioned by the SEC. In considering appropriate discipline, the Disciplinary Board weighed "legitimate mitigating factors" including Respondent Obod's "impressive character testimony combined with this long and distinguished career" in recommending that Obod not be required to petition for reinstatement to demonstrate his fitness.

47. Petitioner and Respondent submit that the instant matter is uniquely unlike two recent matters involving convictions for fraud and related offenses. On October 1, 2019, former Municipal Court Judge Joseph O'Neill was suspended for five years for his actions involving fraud upon the court in *ODC v. Joseph James O'Neill*, No. 187 DB 2016, 2326 DD No. 3 (Pa. Oct. 1,

2019). The Supreme Court approved the Disciplinary Board recommendation of a five (5) year suspension, rejecting the Hearing Committee's recommendation of disbarment. Unlike Respondent O'Neill, Respondent Sudfeld is not a public official.

Likewise distinguishable is the recent matter of *ODC v. Arthur J. Smith*, No. 73 DB 2015, 2167 DD No. 3 (Pa. Oct. 3, 2018). Respondent Smith pled guilty to multiple counts of bank fraud, conspiracy to commit money laundering and willful failure to file tax returns. The Court granted a Joint Petition to suspend Respondent Smith for five-years on consent. Unlike Respondent Smith's conduct involving a complex scheme to defraud, Respondent Sudfeld's conviction was based on a singular incident of greed.

48. Other jurisdictions impose less than a five year suspension in cases where, as here, the trading on non-public information was limited and did not involve individual harm. *See In the Matter of Donald John Pochopien*, (Illinois January 19, 2011)(one year suspension) and *Chadwick v. State Bar of California*, 776 P.2d 240 (Cal. 1989)(same). These cases make a distinction between insider-trading involving *a few trades* based on non-public information and *schemes* intending to defraud.

49. Respondent's acts were motivated by a moment of financial greed, and not a widespread scheme to defraud. *See Pochopien, supra; Chadwick, supra*. At sentencing, the Honorable Cynthia M. Rufe concluded that Respondent's lifetime of good deeds, volunteerism and dedication to the bar were grounds for very significant downward departure and variance.

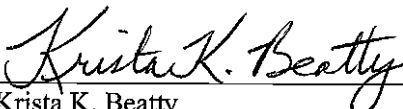
50. A four-year suspension would require Respondent file a petition for reinstatement, demonstrating fitness to practice, and coincides approximately with the time conclusion of Respondent's term of federal supervision.

51. Petitioner and Respondent submit that a four-year suspension, retroactive to the effective date of temporary suspension, is a fair and appropriate resolution based upon the specific facts of this case and analysis of prior cases.

WHEREFORE, Petitioner and Respondent respectfully request that, pursuant to Pennsylvania Rules of Disciplinary Enforcement 215(e), 215(g) and 215(i), a three-member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and file a recommendation with the Supreme Court of Pennsylvania that Respondent receive a four-year suspension, retroactive to the date of his temporary suspension, on April 8, 2016.

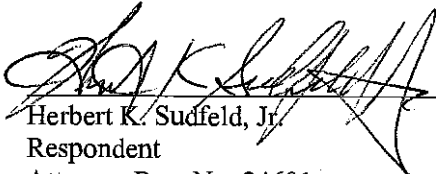
Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL
THOMAS J. FARRELL
Chief Disciplinary Counsel

By: 

Krista K. Beatty
Disciplinary Counsel
Attorney Reg. No. 75211
District II Office
820 Adams Avenue
Suite 170
Trooper, PA 19403
(610) 650-8210

RESPONDENT

By: 

Herbert K. Sudfeld, Jr.
Respondent
Attorney Reg. No. 24691

By: Samuel D. Miller
Samuel D. Miller, III, Esquire
Counsel for Respondent
Attorney Reg. No. 14753

VERIFICATION

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

5/7/2020
Date

Krista K. Beatty

Krista K. Beatty
Disciplinary Counsel
District II Office
Attorney Reg. No. 75211

April 28, 2020
Date

Herbert K. Sudfeld, Jr.

Herbert K. Sudfeld, Jr.
Respondent
Attorney Reg. No. 24691

APRIL 28, 2020
Date

Samuel D. Miller

Samuel D. Miller, III, Esquire
Counsel for Respondent
Attorney Reg. No. 14753

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

In the Matter of : No. 2260 Disciplinary Docket No. 3
: :
HERBERT K. SUDFELD, JR. : :
: : No. 50 DB 2016
: :
: : Attorney Registration No. 24691
: :
: : (Bucks County)

CERTIFICATE OF SERVICE


I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 204 Pa. Code §89.22 (relating to service by a participant).

~~First Class mail and~~ Electronic Mail, as follows:

Samuel D. Miller, III, Esquire
Law Offices of Samuel D. Miller, III, Esquire
1349 Valley Dr.
Lansdale, PA 19446
SDMiller3law@verizon.net

Counsel for Respondent

Dated: 5/7/2020



KRISTA K. BEATTY
Attorney Reg. No. 75211
Disciplinary Counsel
Office of Disciplinary Counsel
District II Office
820 Adams Avenue Suite 170
Trooper, PA 19403

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

In the Matter of	:	No. 2260 Disciplinary Docket No. 3
	:	
HERBERT K. SUDFELD, JR.	:	
	:	No. 50 DB 2016
	:	
	:	Attorney Registration No. 24691
	:	
	:	(Bucks County)

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

COMMONWEALTH OF PENNSYLVANIA:
COUNTY OF BUCKS:

Herbert K. Sudfeld, Jr., being duly sworn according to law, deposes and hereby submits this affidavit consenting to the recommendation of a four-year suspension in conformity with Pa.R.D.E. 215(d) and further states as follows:

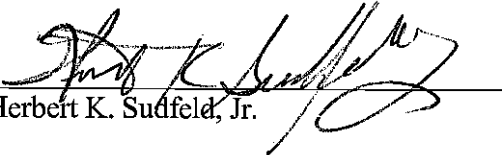
1. He was admitted as an attorney in the Commonwealth of Pennsylvania on or about November 22, 1976.
2. He desires to submit a Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d).
3. His consent is freely and voluntarily rendered; he is not being subjected to coercion or duress, and he is fully aware of the implications of submitting this affidavit.
4. He is aware that there is presently pending a proceeding into allegations that he has been guilty of misconduct as set forth in the Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d) to which this affidavit is attached.
5. He acknowledges that the material facts set forth in the Joint Petition are true.

6. He submits the within affidavit because he knows that if charges predicated upon the matter under investigation were filed, or continued to be prosecuted in the pending proceeding, he could not successfully defend against them.

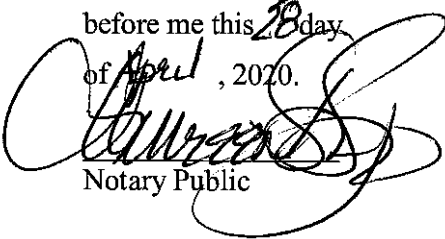
7. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has retained, consulted and acted upon the advice of counsel, in connection with his decision to execute the within Joint Petition.

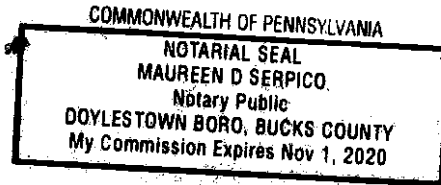
It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904 (relating to unsworn falsification to authorities).

Signed this 28th day of April, 2020.


Herbert K. Sudfeld, Jr.

Sworn to and subscribed
before me this 28 day
of April, 2020.


Notary Public



LAW OFFICE

FOREST N. MYERS

137 Park Place West.

Shippensburg. Pennsylvania 17257

717.532.9046

Fax 717 532.8879

March 21, 2016

Honorable Cynthia M. Rufe
c/o Robert E. Welsh, Jr.
Welsh & Recker, P.C.
2000 Market Street, Suite 2903
Philadelphia, PA 19103

Dear Judge Rufe:

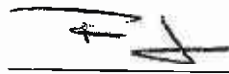
"I am writing this letter to the Court in the hope that it might assist in some small way in Your Honorable Court's decision in sentencing Herbert Sudfeld, Esquire.

I first came to know Herb when he joined the Board of Governors of the Pennsylvania Bar Association while I was serving as a presidential officer. Throughout my term as president elect, president and immediate past president Herb served on the board.

During his service on the Board of Governors, Herb served the lawyers of the Commonwealth with the thought of doing what was best for the profession at large. He was always prepared and willing to state his views on the many issues the board faced. Herb was an important part of our board and worked hard to gain consensus on those issues which divided our board.

I always found Herb to be most receptive to ideas and opinions he may not have agreed with and believe that he can continue to serve the public and community in the future. I hope this letter will assist the Court in determining an appropriate sentence for Herb in this difficult time for him and his family.

Respectfully,



Forest N. Myers



Lindsay
Insurance Group

March 7, 2016

Honorable Cynthia M. Rufe
c/o Robert E. Welsh, Jr.
Welsh & Recker, P.C.
2000 Market Street, Suite 2903
Philadelphia, PA 19103

Dear Judge Rufe:

This letter is intended for the Court in hopes that it will assist in the sentencing of Herb Sudfeld. I have known Herb and his family for approximately 20 years. I have seen his children grow up, go to college and graduate. His wife, Mary Jo, has been employed by Lindsay Insurance Group, Inc. for over 30 years and Herb and I are both Villanova University Alumni. Herb is a family man, committed to his community and works hard.

Herb has never been about himself. He has volunteered countless hours to the boy scouts and the local ballet company when his children were younger. He is involved in his local church and he has served on the boards of nonprofit organizations. Herb has always looked to help others. He is honest and forthright. Anyone who knows Herb would agree with these statements. Over the years I have come across organizations who have benefited from his work as an attorney and I have only heard positive comments.

Herb is a good husband, a good father and a good person. I would respectfully request that the Court take the time to understand the type of high quality person that Herb Sudfeld is and I would urge leniency in this matter.

Respectfully,

Kevin J. Snakard
President
Lindsay Insurance Group, Inc.



CONNER RILEY FRIEDMAN & WEICHLER

Andrew J. Conner
Steven E. "Tim" Riley, Jr.
Phillip B. Friedman*
William P. Weichler
**Also admitted in New York*

March 16, 2016

Honorable Cynthia M. Rufe
c/o Robert E. Welsh, Jr.
Welsh and Recker, PC
2000 Market Street, Suite 2903
Philadelphia, PA 19103

Re: Herbert Sudfeld

Dear Judge Rufe:

I'm sending this letter in the hope that it might assist in imposing sentence on my friend, Herb Sudfeld.

I met Herb in 2011 when he and I began our terms as Zone Governors of the Pennsylvania Bar Association. After our first Board meeting, we met by chance outside the Pro Shop and agreed to play a round of golf together. That round cemented our friendship, and we made it a habit of making sure we played golf often succeeding PBA meetings. Herb's game is better than mine, and while I may have been the beneficiary of some gratuitous scorekeeping by Herb, he was always meticulously honest with respect to his own score.

Over the course of our three years on PBA's Board, we would see each other at least quarterly at our meetings, and would also participate on conference calls. Although we come from different ends of the political spectrum, after processing issues that came before the Board, we almost always reached the same conclusions. Herb was thoughtful, respectful of the opinions of others, and insistent that we have all of the background information necessary to make an informed decision.

In the time I have known Herb, he has exhibited nothing but consummate professionalism, integrity, and honesty. On one occasion, Herb volunteered to re-write some PBA By-Laws that needed to be updated and clarified. I can't imagine a more tedious or boring assignment, but Herb felt it was important to the organization that our by-laws provide appropriate guidance and he was willing to devote the time and effort to make that happen.

17 West Tenth Street ♦ Erie, Pennsylvania 16501
Ph. 814-453-3343 ext. 217 ♦ Fax 814-455-1572
triley@crfwlaw.com ♦ www.crfwlaw.com

March 16, 2016

Page 2

I was stunned when I learned that Herb had been criminally charged, and was deeply saddened when I learned of his conviction. When I reached out to him after the verdict to let him know how badly I felt for him, he reacted with nothing but professionalism and appreciation for our friendship. While I have no personal knowledge as to the matters for which Herb was charged and convicted, I can tell you that Herb is a well-respected leader of the Bar Association not only in his home county and Zone, but statewide. All of the noses in the room pointed toward Herb when he spoke. He is a friend whose character and reputation for integrity during the time I have known him is entirely inconsistent with the person who stands convicted.

I recognize that sentencing guidelines impose significant restrictions on a Judge's ability to impose a sentence, but in my judgment, Herb's conviction is a crushing punishment from which he will never recover irrespective of the outcome of any appeals. He is a good and decent person whom I hope you will find to be deserving of whatever leniency that can be afforded to him.

Respectfully,

A handwritten signature in black ink, appearing to read "Tim Riley". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Tim Riley

Honorable Cynthia M. Rufe
c/o Robert E. Welsh, Jr.
Welsh & Recker, P.C.
2000 Market Street, Ste 2903
Philadelphia, PA 19103

Dear Judge Rufe:

First and foremost, I would like to thank you for your service as a Judge, it must be very challenging under times like these. I am writing this letter on behalf of my father, Herbert Sudfeld, regarding his character and what he means to my family and the community. And that it helps assist you when determining his sentencing.

My father Herb, is my greatest hero. The person I idolize most and aspire to be like. He is a kind, generous man with a huge heart and has made it his mission in life to love and serve others. Family has and always will be his top priority. While growing up, we rarely traveled by plane but rather by car, making multiple stops along the way. He wanted my brother and I to experience the places he went to as a child, expand our cultural and historical knowledge, and appreciate the beauty of what's around us. To my father, a vacation was never about an end destination but about the journey and time spent together as a family.

My father has gone above and beyond as a parent. I am extremely lucky to have someone so dedicated and involved in his children's lives. He made sure to attend every try-out, practice, game, and performance my brother and I ever had. Not only did he attend these events, but most often than not, he was the team's coach. He coached not just for my brother and I, but because he enjoyed being there for others. To teach his players new skills, while also encouraging them to be strong and confident individuals.

For the majority of my childhood, I studied classical ballet with the Dance Theatre of Pennsylvania. My father exceeded your typical "dad's duty" when it came to ballet. He became a Board Member for the non-profit organization early on and also held multiple roles in our yearly production of the Nutcracker. Ballet meant everything to me and I cannot begin to explain the joy it was to have him not just supporting me, but also performing beside me year after year. After I went to college and stopped dancing, he continued to perform and maintained his position on the Board to ensure that the next generation of young dancers could fulfill their dreams and aspirations, as well.

My father has always been an active member of our church community. It was important to him that my brother and I attended Catholic School from kindergarten through high school because he believed in a strong religious foundation in both our education and upbringing. He continuously instilled the importance of our Catholic faith and honoring God in our everyday lives. He encouraged my brother and I to be proactive members of our schools' outreach programs, emphasizing the importance to serve our surrounding community.

As a coach, my father made sure to include everyone, strongest or not. He believed everyone should have the chance to play. As a man of faith, he believed in a strong religious foundation for our personal development. And as a father, he has shown my brother and I the importance of family and supporting one another, no matter the obstacle.

Before you make your decision, I would kindly ask you to consider the incredible amount of positive influence he has had over the lives of our friends, family, community and colleagues. He has truly been heartbroken by this experience over the past few years. So many things he loved has been taken away from him, including his ability to practice law. My father has dedicated his life to others and he has so much

more love and service left to give. It is unimaginable to think my father could spend his final years in jail, away from his family and friends. Please offer my father an opportunity to serve his sentence in a way that he can continue to improve the lives of those around him.

Thank you for your consideration.

Respectfully,

A handwritten signature in cursive script that reads "Alison L. Sudfeld". The signature is written in black ink and is positioned below the word "Respectfully,".

Alison L. Sudfeld

401 E 58th Street, #A9
New York, NY 10022
(215) 262-4650
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LAW OFFICE

FOREST N. MYERS

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717.532.9046

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March 21, 2016

Honorable Cynthia M. Rufe
c/o Robert E. Welsh, Jr.
Welsh & Recker, P.C.
2000 Market Street, Suite 2903
Philadelphia, PA 19103

Dear Judge Rufe:

"I am writing this letter to the Court in the hope that it might assist in some small way in Your Honorable Court's decision in sentencing Herbert Sudfeld, Esquire.

I first came to know Herb when he joined the Board of Governors of the Pennsylvania Bar Association while I was serving as a presidential officer. Throughout my term as president elect, president and immediate past president Herb served on the board.

During his service on the Board of Governors, Herb served the lawyers of the Commonwealth with the thought of doing what was best for the profession at large. He was always prepared and willing to state his views on the many issues the board faced. Herb was an important part of our board and worked hard to gain consensus on those issues which divided our board.

I always found Herb to be most receptive to ideas and opinions he may not have agreed with and believe that he can continue to serve the public and community in the future. I hope this letter will assist the Court in determining an appropriate sentence for Herb in this difficult time for him and his family.

Respectfully,



Forest N. Myers



Lindsay
Insurance Group

March 7, 2016

Honorable Cynthia M. Rufe
c/o Robert E. Welsh, Jr.
Welsh & Recker, P.C.
2000 Market Street, Suite 2903
Philadelphia, PA 19103

Dear Judge Rufe:

This letter is intended for the Court in hopes that it will assist in the sentencing of Herb Sudfeld. I have known Herb and his family for approximately 20 years. I have seen his children grow up, go to college and graduate. His wife, Mary Jo, has been employed by Lindsay Insurance Group, Inc. for over 30 years and Herb and I are both Villanova University Alumni. Herb is a family man, committed to his community and works hard.

Herb has never been about himself. He has volunteered countless hours to the boy scouts and the local ballet company when his children were younger. He is involved in his local church and he has served on the boards of nonprofit organizations. Herb has always looked to help others. He is honest and forthright. Anyone who knows Herb would agree with these statements. Over the years I have come across organizations who have benefited from his work as an attorney and I have only heard positive comments.

Herb is a good husband, a good father and a good person. I would respectfully request that the Court take the time to understand the type of high quality person that Herb Sudfeld is and I would urge leniency in this matter.

Respectfully,

Kevin J. Snakard
President
Lindsay Insurance Group, Inc.



CONNER RILEY FRIEDMAN & WEICHLER

Andrew J. Conner
Steven E. "Tim" Riley, Jr.
Phillip B. Friedman*
William P. Weichler
**Also admitted in New York*

March 16, 2016

Honorable Cynthia M. Rufe
c/o Robert E. Welsh, Jr.
Welsh and Recker, PC
2000 Market Street, Suite 2903
Philadelphia, PA 19103

Re: Herbert Sudfeld

Dear Judge Rufe:

I'm sending this letter in the hope that it might assist in imposing sentence on my friend, Herb Sudfeld.

I met Herb in 2011 when he and I began our terms as Zone Governors of the Pennsylvania Bar Association. After our first Board meeting, we met by chance outside the Pro Shop and agreed to play a round of golf together. That round cemented our friendship, and we made it a habit of making sure we played golf often succeeding PBA meetings. Herb's game is better than mine, and while I may have been the beneficiary of some gratuitous scorekeeping by Herb, he was always meticulously honest with respect to his own score.

Over the course of our three years on PBA's Board, we would see each other at least quarterly at our meetings, and would also participate on conference calls. Although we come from different ends of the political spectrum, after processing issues that came before the Board, we almost always reached the same conclusions. Herb was thoughtful, respectful of the opinions of others, and insistent that we have all of the background information necessary to make an informed decision.

In the time I have known Herb, he has exhibited nothing but consummate professionalism, integrity, and honesty. On one occasion, Herb volunteered to re-write some PBA By-Laws that needed to be updated and clarified. I can't imagine a more tedious or boring assignment, but Herb felt it was important to the organization that our by-laws provide appropriate guidance and he was willing to devote the time and effort to make that happen.

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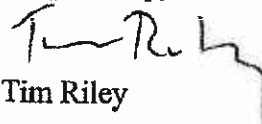
March 16, 2016

Page 2

I was stunned when I learned that Herb had been criminally charged, and was deeply saddened when I learned of his conviction. When I reached out to him after the verdict to let him know how badly I felt for him, he reacted with nothing but professionalism and appreciation for our friendship. While I have no personal knowledge as to the matters for which Herb was charged and convicted, I can tell you that Herb is a well-respected leader of the Bar Association not only in his home county and Zone, but statewide. All of the noses in the room pointed toward Herb when he spoke. He is a friend whose character and reputation for integrity during the time I have known him is entirely inconsistent with the person who stands convicted.

I recognize that sentencing guidelines impose significant restrictions on a Judge's ability to impose a sentence, but in my judgment, Herb's conviction is a crushing punishment from which he will never recover irrespective of the outcome of any appeals. He is a good and decent person whom I hope you will find to be deserving of whatever leniency that can be afforded to him.

Respectfully,

A handwritten signature in black ink, appearing to read "Tim Riley". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Tim Riley

Honorable Cynthia M. Rufe
c/o Robert E. Welsh, Jr.
Welsh & Recker, P.C.
2000 Market Street, Ste 2903
Philadelphia, PA 19103

Dear Judge Rufe:

First and foremost, I would like to thank you for your service as a Judge, it must be very challenging under times like these. I am writing this letter on behalf of my father, Herbert Sudfeld, regarding his character and what he means to my family and the community. And that it helps assist you when determining his sentencing.

My father Herb, is my greatest hero. The person I idolize most and aspire to be like. He is a kind, generous man with a huge heart and has made it his mission in life to love and serve others. Family has and always will be his top priority. While growing up, we rarely traveled by plane but rather by car, making multiple stops along the way. He wanted my brother and I to experience the places he went to as a child, expand our cultural and historical knowledge, and appreciate the beauty of what's around us. To my father, a vacation was never about an end destination but about the journey and time spent together as a family.

My father has gone above and beyond as a parent. I am extremely lucky to have someone so dedicated and involved in his children's lives. He made sure to attend every try-out, practice, game, and performance my brother and I ever had. Not only did he attend these events, but most often than not, he was the team's coach. He coached not just for my brother and I, but because he enjoyed being there for others. To teach his players new skills, while also encouraging them to be strong and confident individuals.

For the majority of my childhood, I studied classical ballet with the Dance Theatre of Pennsylvania. My father exceeded your typical "dad's duty" when it came to ballet. He became a Board Member for the non-profit organization early on and also held multiple roles in our yearly production of the Nutcracker. Ballet meant everything to me and I cannot begin to explain the joy it was to have him not just supporting me, but also performing beside me year after year. After I went to college and stopped dancing, he continued to perform and maintained his position on the Board to ensure that the next generation of young dancers could fulfill their dreams and aspirations, as well.

My father has always been an active member of our church community. It was important to him that my brother and I attended Catholic School from kindergarten through high school because he believed in a strong religious foundation in both our education and upbringing. He continuously instilled the importance of our Catholic faith and honoring God in our everyday lives. He encouraged my brother and I to be proactive members of our schools' outreach programs, emphasizing the importance to serve our surrounding community.

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