

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 598 Disciplinary Docket No. 3
Petitioner :
 : No. 76 DB 2000
v. :
 : Attorney Registration No. 74505
RICHARD SCOTT BAUMHAMMERS, :
Respondent : (Allegheny County)

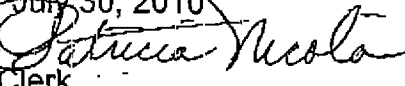
ORDER

PER CURIAM:

AND NOW, this 30th day of July, 2010, upon consideration of the Report and Recommendations of the Disciplinary Board dated May 10, 2010, it is hereby

ORDERED that Richard Scott Baumhammers is disbarred from the Bar of this Commonwealth and he shall comply with all the provisions of Rule 217, Pa. R.D.E.

It is further ORDERED that Respondent's Application for Waiver of Costs is denied and he shall pay costs to the Disciplinary Board pursuant to Rule 208(g), Pa. R.D.E.

A True Copy. Patricia Nicola
As of July 30, 2010
Attest. 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

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RICHARD SCOTT BAUMHAMMERS	:	
Respondent	:	(Allegheny County)

REPORT AND RECOMMENDATIONS OF
THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES
OF THE SUPREME COURT OF PENNSYLVANIA:

Pursuant to Rule 208(d)(2)(iii) of the Pennsylvania Rules of Disciplinary Enforcement, the Disciplinary Board of the Supreme Court of Pennsylvania ("Board") herewith submits its findings and recommendations to your Honorable Court with respect to the above-captioned Petition for Discipline.

I. HISTORY OF PROCEEDINGS

On May 16, 2000, upon the filing of a petition for emergency temporary suspension and related relief, the Supreme Court of Pennsylvania entered an order and rule to show cause providing, in part, that Richard Scott Baumhammers, Respondent, show cause why he should not be placed on temporary suspension pursuant to Pa.R.D.E.

208(f) within ten days. On June 1, 2000, upon consideration of the response to the foregoing order and rule to show cause, the Supreme Court ordered that the rule be made absolute and placed Richard Scott Baumhammers on temporary suspension.

A Petition for Discipline was filed against Respondent on June 18, 2009, following Respondent's conviction for the crimes of criminal homicide, aggravated assault, criminal attempt homicide, ethnic intimidation, institutional vandalism, criminal mischief, arson, firearms not to be carried without a license, recklessly endangering another person, and simple assault. Respondent filed an Answer to Petition for Discipline on August 6, 2009.

A disciplinary hearing was held on November 2, 2009, before a District IV Hearing Committee comprised of Chair Mark E. Mioduszewski, Esquire, and Members Anthony R. Himes, Esquire, and Edwin L. Edwards, Jr., Esquire. Respondent was represented by Caroline M. Roberto, Esquire. Respondent filed a Waiver of Attendance at Hearing because of incarceration at SCI-Greene in Waynesburg, Pennsylvania.

The Hearing Committee filed a Report on January 11, 2010, and recommended that Respondent be disbarred from the practice of law.

This matter was adjudicated by the Disciplinary Board at the meeting on April 14, 2010.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner, Office of Disciplinary Counsel, whose principal office is located at Pennsylvania Judicial Center, 601 Commonwealth Ave., Suite 2700, P.O. Box 62485, Harrisburg, Pennsylvania, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement, with the power and the duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

2. Respondent is Richard Scott Baumhammers. He was born in 1965 and was admitted to practice law in the Commonwealth in 1995. He is currently incarcerated at SCI-Greene, 169 Progress Drive, Waynesburg PA 15379. He is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. On April 28, 2000, Respondent was arrested by law enforcement officials for criminal conduct that included shooting and killing five people and critically wounding a sixth person with a .357 caliber magnum revolver in Allegheny County and Beaver County earlier that day.

4. On May 9, 2001, Respondent was found guilty by a jury of the following crimes:

- a. one count of Aggravated Assault;
- b. one count of Criminal Attempt Homicide;

- c. eight counts of Ethnic Intimidation;
- d. one count of Institutional Vandalism;
- e. two counts of Criminal Mischief;
- f. three counts of Arson;
- g. one count of Firearms Not To Be Carried Without a License;
- h. one count of Recklessly Endangering Another Person;
- i. one count of Criminal Homicide (murder in the first degree);
- j. one count of Simple Assault; and
- k. four counts of Criminal Homicide (murder in the first degree).

5. On September 6, 2001, the Court of Common Pleas of Allegheny County issued five sentences of death to the Respondent as well as 112 ½ to 225 years of imprisonment.

6. Respondent has exhausted his appeals from the conviction through the Pennsylvania appellate courts.

7. Respondent's petition for writ of certiorari was denied by the United States Supreme Court.

III. CONCLUSIONS OF LAW

By his conduct as set forth above, Respondent violated the following Rules of Disciplinary Enforcement:

1. The crimes for which Respondent was convicted are all punishable by a term of imprisonment for one year or upward, and each is a serious crime, pursuant to Rule 214(i), Pa.R.D.E.

2. Conviction of a crime which under Rule 214 may result in suspension is grounds for discipline, pursuant to Rule 203(b)(1), Pa.R.D.E.

IV. DISCUSSION

This matter is before the Disciplinary Board for consideration of the appropriate sanction to address Respondent's criminal convictions for five acts of homicide and related charges.

When an attorney has been convicted of a serious crime, the sole issue to be determined shall be the extent of the final discipline to be imposed. Pa.R.D.E. 214(f)(1). The events surrounding the criminal charges must be examined when determining the appropriate measure of discipline. Office of Disciplinary Counsel v. Valentino, 730 A.2d 479 (Pa. 1999).

Respondent shot and killed five innocent bystanders and critically wounded a sixth. The gravity and magnitude of his crimes far exceed that which this Board has dealt with in the past. In the matter of Office of Disciplinary Counsel v. Casety, 512 A.2d 607

(1986), the respondent shot and killed his girlfriend. He was convicted of voluntary manslaughter and use of a firearm during the commission of a felony. The Supreme Court disbarred Mr. Casety, concluding that his repudiation of society's rules resulted in a forfeiture of his privilege to practice law.

Respondent's conduct in the instant matter is so reprehensible and outside the norms of societal convention that the only appropriate discipline is disbarment.

V. RECOMMENDATION

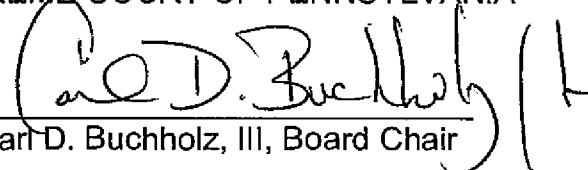
The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, Richard Scott Baumhammers, be Disbarred from the practice of law.

It is further recommended that the expenses incurred in the investigation and prosecution of this matter are to be paid by the Respondent.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By:


Carl D. Buchholz, III, Board Chair

Date: May 10, 2010



THE DISCIPLINARY BOARD
OF THE
SUPREME COURT OF PENNSYLVANIA

Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 5600
PO Box 62625
Harrisburg, PA 17106-2625
Phone: (717) 231-3380 Fax: (717) 231-3381

May 10, 2010

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Respondent	:	(Allegheny County)

**Expenses Incurred in the Investigation and Prosecution
of the above-captioned proceedings***

06/01/2000	12 copies of Supreme Court Order	\$ 6.00
06/03/2009	12 copies of Supreme Court Order	6.00
06/18/2009	12 copies of Petition for Discipline	48.00
08/06/2009	12 copies of Answer to Petition for Discipline	24.00
01/11/2010	12 copies of Report of Hearing Committee	66.00
10/22/2009	Transcript of Pre-Hearing Conference held on September 30, 2009	163.00
11/05/2009	Transcript of Hearing held on November 2, 2009	187.00
05/10/2010	Administrative Fee	<u>250.00</u>
TOTAL AMOUNT DUE		<u>\$ 750.00</u>

**Make Check Payable to PA Disciplinary Board
PAYMENT IS REQUIRED UPON RECEIPT OF ORDER**

* Submitted pursuant to Rule 208(g) of the Pa.R.D.E. and §93.111 of the Disciplinary Board Rules.