

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

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|---------------------------------|---|---------------------------------|
| OFFICE OF DISCIPLINARY COUNSEL, | : | No. 8 DB 2018 |
| Petitioner | : | |
| | : | File Nos. C2-17-212 |
| v. | : | |
| | : | Attorney Registration No. 87504 |
| MARK ERIC ELVIN | : | |
| Respondent | : | (Chester County) |

ORDER

AND NOW, this 30th day of January, 2018, in accordance with Rule 208(a)(5), Pa.R.D.E., the determination by a Review Panel of the Disciplinary Board of the above captioned matter is accepted; and it is

ORDERED that the said Mark Eric Elvin be subjected to a **PUBLIC REPRIMAND** by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(a)(5) and Rule 205(c)(8) of the Pennsylvania Rules of Disciplinary Enforcement.

Costs shall be paid by the Respondent.


BY THE BOARD:



Board Chair

TRUE COPY FROM RECORD

Attest:



Marcee D. Sloan, Prothonotary
The Disciplinary Board of the
Supreme Court of Pennsylvania

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| OFFICE OF DISCIPLINARY COUNSEL Petitioner | : | No. 8 DB 2018 |
| v. | : | |
| MARK ERIC ELVIN Respondent | : | Attorney Registration No. 87504 (Chester County) |

PUBLIC REPRIMAND

Mark Eric Elvin, you stand before the Disciplinary Board, your professional peers and members of the public for the imposition of a Public Reprimand. It is an unpleasant task to publicly reprimand one who has been granted the privilege of membership in the bar of this Commonwealth. Yet as repugnant as this task may be, it has been deemed necessary that you receive this public discipline.

Mr. Elvin, the record indicates that on May 17, 2012, you were operating a vehicle in Delaware County and lost control of that vehicle, entered the oncoming lane of travel and struck a motorcycle head-on. The motorcycle flipped over the hood of your vehicle and the operator and passenger were thrown off the motorcycle and landed on the ground nearby where your vehicle had come to a stop. You made no attempt to get out of your vehicle and said nothing to the operator and passenger of the motorcycle. You drove your vehicle away from the scene and parked. When the state trooper arrived at the scene and questioned you about whether you had been drinking, you hesitated at first then falsely represented that you had gone inside your house after the accident and had a few drinks of alcohol because you had been so upset. After investigation, the trooper arrested you under suspicion of DUI and you provided a breath sample which indicated a BAC of .118. Your representation to the trooper that

you had imbibed alcohol after the accident was false and you knew it to be false, because you had been drinking before the accident and were intoxicated at the time of the accident.

As a result of the accident, the motorcycle operator received scrapes, bruises and lacerations and was released after one day in the hospital. The passenger sustained a broken hip which required surgery and a 16-day hospitalization.

On February 22, 2013, you entered a plea of guilty in the Court of Common Pleas of Delaware County to Count 1, accidents involving death or personal injury, a misdemeanor of the first degree; Count 2, endangering another person, a misdemeanor of the second degree; and Count 3, driving under the influence of alcohol or controlled substance, general impairment, an ungraded misdemeanor.

On February 22, 2013, you were sentenced by Judge Michael F.X. Coll. Under Count 3, you were ordered to undergo imprisonment for a minimum of 16 days, to be served as 48 hours for eight weekends, to a maximum of six months. Under Count 1, you were sentenced to one year of probation, consecutive to the sentence of incarceration. Under Count 2, you were sentenced to one year of probation, consecutive to all of the foregoing sentences. You were fined and ordered to complete a CRN and drug and alcohol evaluation, and to pay the costs of prosecution.

Although you had an obligation to report the fact of your conviction within 20 days to Office of Disciplinary Counsel, you failed to do so.

As a result of what your conduct, you have violated the following Rule of Professional Conduct ("RPC") and Pennsylvania Rules of Disciplinary Enforcement ("Pa.R.D.E."):


1. RPC 8.4(b) – 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.
2. Pa.R.D.E. 203(b)(1) – Conviction of a crime is grounds for discipline.
3. Pa.R.D.E. 214(a) – An attorney convicted of a crime shall report the fact of such conviction within 20 days to the Office of Disciplinary Counsel.

It is my duty to reprimand you for your misconduct. Any subsequent violations on your part can only result in further discipline and perhaps more severe sanctions. We sincerely hope that you will conduct yourself in such a manner that future disciplinary action will be unnecessary.

Mr. Elvin, your conduct in this matter is now fully public. This Public Reprimand is a matter of public record.

As you stand before the Board today, we remind you that you have a continuing obligation to abide by the Rules of Professional Conduct and Rules of Disciplinary Enforcement. This Public Reprimand is proof that Pennsylvania lawyers will not be permitted to engage in conduct that falls below professional standards. Be mindful that any future dereliction will subject you to disciplinary action.

This Public Reprimand shall be posted on the Disciplinary Board’s website at www.padisciplinaryboard.org



Designated Member
The Disciplinary Board of the
Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania, at Philadelphia, Pennsylvania, on April 3, 2018.

ACKNOWLEDGMENT

The undersigned, Respondent in the above proceeding, herewith acknowledges that the above Public Reprimand was administered in his presence and in the presence of the designated panel of The Disciplinary Board at the Board offices located at the 1601 Market Street, Suite 3320, Philadelphia, Pennsylvania, on April 3, 2018.



Mark Eric Elvin