

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1843 Disciplinary Docket No. 3
: :
Petitioner : No. 26 DB 2012
: :
v. : Attorney Registration No. 21341
: :
MARK A. CIAVARELLA, JR., : (Luzerne County)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 1st day of October, 2019, upon consideration of the Verified Statement of Resignation, Mark A. Ciavarella, Jr., is disbarred on consent from the Bar of this Commonwealth, see Pa.R.D.E. 215, and he shall comply with the provisions of Pa.R.D.E. 217. Respondent shall pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 10/01/2019


Attest:
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL :	No. 1843 Disciplinary Docket No. 3
Petitioner :	
:	No. 26 DB 2012
:	
v. :	Board File No. C3-09-199
:	
:	Attorney Registration No. 21341
MARK A. CIAVARELLA, JR. :	
Respondent :	(Luzerne County)

RESIGNATION STATEMENT UNDER RULE 215, PA. R. D. E.

I, Mark A. Ciavarella, Jr., hereby resign from the practice of law in the Commonwealth of Pennsylvania in conformity with Rule 215 of the Pennsylvania Rules of Disciplinary Enforcement (hereafter "Pa.R.D.E."), and further state as follows:

1. I was admitted to the bar of the Commonwealth of Pennsylvania on October 9, 1975. I voluntarily assumed inactive status on January 1, 1996. My registration number is 21341.
2. I desire to resign from the Bar of the Commonwealth of Pennsylvania.
3. This resignation is freely and voluntarily rendered.
4. I am not being subjected to coercion or duress.
5. I am fully aware of the implications of submitting this resignation, including the fact it is irrevocable, and that I can only apply for reinstatement to the practice of law pursuant to the provisions of Pa.R.D.E. 218(b).

FILED
09/17/2019
The Disciplinary Board of the
Supreme Court of Pennsylvania

6. I am fully aware of my right to consult and employ counsel to represent me in the instant proceeding.

7. I am aware of a pending investigation by the Office of Disciplinary Counsel into matters which are also the subject of a criminal prosecution in the United States District Court for the Middle District of Pennsylvania ("District Court"), docketed at No. 3:09-CR-272-2.

8. I acknowledge the material facts related to the Office of Disciplinary Counsel's investigation are more fully set forth in the Joint Petition for Temporary Suspension, filed April 16, 2012, which resulted in the Court's May 7, 2012, Order of Temporary Suspension. The Petition and Order are attached hereto and incorporated herein as "Exhibit A" and "Exhibit B" respectively.

9. On August 17, 2011, I appealed my conviction and sentence to the United States Court of Appeals for the Third Circuit ("Third Circuit").

10. On May 24, 2013, the Third Circuit affirmed all convictions except the conviction for mail fraud at Count 7.

11. On March 3, 2014, the Supreme Court of the United States of America denied my Petition for a Writ of Certiorari, thereby exhausting my direct appellate rights.

12. On January 30, 2015, I timely filed a Motion to vacate my convictions under 28 U.S.C. § 2255.

13. On January 8, 2018, the District Court vacated my convictions for racketeering, money laundering, and conspiracy at Counts 1, 2, and 21, respectively.

14. The District Court further stated its intention to schedule a new trial to determine my guilt or innocence relative to Counts 1, 2, and 21.

15. On March 8, 2018, the United States of America appealed the District Court's decision to the Third Circuit.

16. On March 29, 2019, the Third Circuit affirmed.

17. On July 31, 2019, I filed a Petition for a Writ of Certiorari with the Supreme Court of the United States of America.

18. To date, the Petition for a Writ of Certiorari is pending with the Supreme Court of the United States of America.

19. I acknowledge the foregoing material facts are true.

20. I am submitting this resignation because I know and acknowledge that my conduct violated the following Rules of Professional Conduct (hereinafter "RPC"): 8.4(c) involving dishonesty, fraud, deceit or misrepresentation; and, 8.4(d) engaging in conduct that is prejudicial to the administration of justice.

21. I also know and acknowledge that my criminal conviction, in and of itself, constitutes an independent basis for discipline pursuant to Pennsylvania Rule of Disciplinary Enforcement 203(b)(1).

22. I could not successfully defend against charges predicated upon the misconduct under investigation.

23. I am aware that pursuant to Enforcement Rule 215(c), the fact that I have tendered my resignation shall become a matter of public record immediately upon

delivery of the resignation statement to Disciplinary Counsel or the Secretary of the Board.

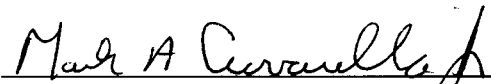
24. Upon entry of the disbarment Order, I will promptly comply with the notice, withdrawal, resignation, trust account, and cease-and-desist provisions of Enforcement Rule 217(a)-(d).

25. After entry of the disbarment Order, I will file a verified statement of compliance, as required by Enforcement Rule 217(e)(1).

26. I am aware that the waiting period for eligibility to apply for reinstatement to the practice of law under Enforcement Rule 218(b) shall not begin until I file the verified statement of compliance required by Enforcement Rule 217(e)(1). However, if the disbarment Order contains a provision that makes the disbarment retroactive to an earlier date, then the waiting period will be deemed to have begun on that earlier date.

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

Signed this 9th day of September, 2019.


Mark A. Ciavarella, Jr., Respondent

9th September 2019
Date


Witness

VERIFICATION

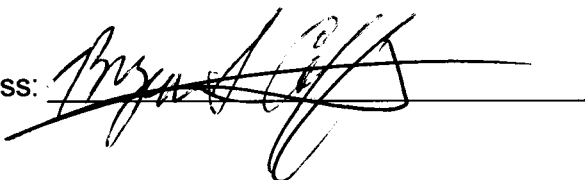
The statements contained in the foregoing Resignation Statement under Rule 215, Pa.R.D.E. are true and correct to the best of my knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities

September 13, 2019
Date

Nicholas K. Weiss
Nicholas K. Weiss
Disciplinary Counsel
Attorney Reg. No. 324774

9-9-19
Date

Mark A. Ciavarella, Jr.
Mark A. Ciavarella, Jr.
Respondent
Attorney Registration No. 21341

Witness: 

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: OFFICE OF DISCIPLINARY COUNSEL

Signature: Nick Weiss

Name: NICHOLAS K. WEISS

Attorney No. (if applicable): 324774