

**IN THE SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 3042 Disciplinary Docket No. 3
	:	
	:	No. 33 DB 2024
Petitioner	:	
	:	Attorney Registration No. 209138
v.	:	
	:	(Berks County)
ROARKE THOMAS ASTON,	:	
	:	
Respondent	:	

**ORDER**

**PER CURIAM**

AND NOW, this 4<sup>th</sup> day of September, 2025, 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 Roarke Thomas Aston is suspended on consent from the Bar of this Commonwealth for a period of three years, retroactive to June 6, 2024, with one year to be served. The remaining suspension period is stayed, and Respondent is placed on probation for a period of two years, subject to the following conditions:

1. Respondent shall comply with all conditions and requirements of his criminal probation as directed by the Berks County Court of Common Pleas and the Berks County Office of Probation and Parole, to include weekly testing of urine for alcohol consumption;
2. Respondent shall immediately report to the Board any violations of the terms and conditions of his probation;
3. Respondent shall continue treatment with Dr. Robert Nelson as directed and comply with all conditions or requirements of treatment;

4. Respondent shall obtain alcohol abuse counseling through attendance and participation in either SMART or Alcohol Anonymous meetings during the period of disciplinary probation;

5. Respondent shall attend twelve hours of ethics courses totaling twelve credits for each year of disciplinary probation;

6. Respondent shall file quarterly written reports with the Board Prothonotary which shall reflect his continued compliance with these conditions, and shall attach reports from a mental healthcare practitioner to demonstrate continued treatment, proof of satisfaction of the CLE requirement, and proof of alcohol counseling;

7. Respondent shall not engage in any criminal conduct or commit any criminal acts;

8. Respondent shall not commit any violations of the Rules of Professional Conduct or the Pennsylvania Rules of Disciplinary Enforcement; and

9. Any failure to comply with any of the above-stated conditions will constitute a violation of Respondent's disciplinary probation.

Respondent shall comply with the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board. See Pa.R.D.E. 208(g).

A True Copy Nicole Traini  
As Of 09/04/2025

Attest: Nicole Traini  
Chief Clerk  
Supreme Court of Pennsylvania

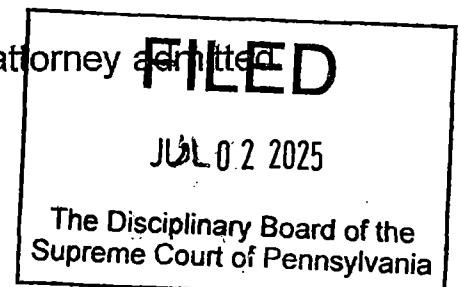
**BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL, :	No. 3042 Disciplinary Docket
Petitioner :	No. 3
v. :	No. 33 DB 2024
:	Attorney Reg. No. 209138
ROARKE THOMAS ASTON , :	(Berks County)
Respondent :	

**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 Mark Gilson, Disciplinary Counsel, and Respondent, Roarke Thomas Aston, ("Respondent"), respectfully petition the Disciplinary Board in support of discipline on consent, pursuant to Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 215(d), and in support thereof state:

1. Pursuant to Pa.R.D.E. 207, ODC, whose principal office is situated at Office of Chief Disciplinary Counsel, Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania, 17106, is invested 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 provisions of the Enforcement Rules.

2. Respondent was born in 1979 and is 45 years old. Respondent was admitted to the practice of law in the Commonwealth of Pennsylvania on October 14, 2008. Respondent's attorney registration number is 209138. Respondent's registered mailing address is: 1976 Woodvale Avenue, Reading, Pennsylvania 19606.

3. By Order dated May 7, 2024, Respondent was temporarily suspended pursuant to a Joint Petition to Temporarily Suspend an Attorney under Pa.R.D.E. 214(d)(5). Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

4. Respondent has no other record of discipline.

#### **SPECIFIC FACTUAL ALLEGATIONS ADMITTED**

##### **A. Respondent's Endangering the Welfare of a Child Conviction** (CP-06-CR-0002109-2023)

5. On May 3, 2023, Respondent was arrested by members of the Berks County District Attorney's Office ("District Attorney's Office") and charged with multiple criminal offenses for having surreptitiously recorded

his minor stepdaughter, N.R., in a state of undress without her consent by use of a covert recording device hidden in the bathroom of the family home.

6. The exact date the recording was made is unknown; however, the recording was taken when N.R. was under the age of 18 and sometime prior to 2016, after which time N.R. left the family home to live with her father in another state. At the time of Respondent's arrest in 2023, N.R. was an adult serving in the military and stationed in Japan.

7. Respondent's wife, Amanda Aston, found the recording device in the pocket of one of Respondent's old coats as she was gathering clothes for him to take following an argument between the couple that resulted in their marital separation and Respondent moving out of the family house. The couple have since divorced.

8. After viewing the recording, Ms. Aston contacted the police and Respondent was subsequently arrested and charged. In her interview with police, N.R. denied Respondent sexually abused her in any way or was otherwise inappropriate with her when she lived in the house.

9. The police investigation failed to uncover any evidence that Respondent engaged in other inappropriate sexual behavior.

10. Respondent fully cooperated with law enforcement. He waived his preliminary hearing, and on November 20, 2023, pled no contest to a

single count of Endangering the Welfare of a Child (18 Pa.C.S.A. § 4304(a)(1)) (M1) ("EWOC") with all other charges being dismissed by the District Attorney's Office.

11. The court sentenced Respondent to two years of reporting probation without conditions other than Respondent have no contact with N.R.

12. Respondent was not convicted of a sex offense. Further, there was no finding Respondent was a sexually violent predator or suffered from a sexual disorder, nor was Respondent subject to any Megan's Law reporting requirements. The court also did not require Respondent to undergo any treatment, counseling, or therapy as a condition of sentence.

13. To date, Respondent has complied with all requirements and conditions of his probation.

14. Respondent fully cooperated with ODC in this matter. He immediately reported both his arrest and conviction and agreed to submit a joint Petition for Temporary Suspension. See *Office of Disciplinary Counsel v. Roarke Thomas Aston*, 33 DB 2024 (3042 DD3) (S.Ct. Order 5/7/24)

15. Following his suspension, Respondent promptly submitted to the Board and ODC a Statement of Compliance under Pa.R.D.E. 217.

16. Respondent has been on temporary suspension for over a year with no reported issues.

**B. Respondent's First Conviction for Driving Under the Influence**  
**(CP-06-CR-0002112-2023)**

17. On April 19, 2023, Respondent was arrested by members of the Exeter Township Police Department in Berks County and charged with Driving Under the Influence/alcohol (75 Pa.C.S.A. § 3802(b) (M) ("DUI").

18. Respondent's DUI arrest occurred on the same night of the argument with his wife that led to his leaving the house and her discovery of the recording device. Police responded to the wife's call, stopped Respondent's car as he was returning home, observed Respondent to be intoxicated, and arrested him for DUI.

19. Following his arrest, Respondent voluntarily submitted to a chemical test that determined his blood alcohol concentration to be .154%.

20. Respondent fully cooperated with law enforcement and self-reported his arrest and subsequent conviction to ODC.

21. Respondent waived his preliminary hearing, and on October 30, 2024, pled guilty to DUI-1<sup>st</sup> offense (ungraded misdemeanor). On that same day, Respondent was sentenced to: serve a mandatory minimum two days to six months of incarceration; submit to random urine testing for the

consumption of alcohol; complete the Alcohol Safe Driving Program; participate in any treatment programs required by the probation department; and pay a \$750.00 fine, costs of prosecution, court costs, and probation supervision fees.

22. To date, Respondent has complied with all requirements and conditions of his probation.

C. Respondent's Second Conviction for Driving Under the Influence  
(CP-06-CR-0000420-2024)

23. On November 12, 2023, Respondent was arrested by members of the Reading Police Department in Berks County and charged with Driving Under the Influence/alcohol (75 Pa.C.S.A. § 3802(c) (M1).

24. Police were called to the scene of a motor vehicle accident where they observed the car Respondent was driving to have struck another parked and unattended car. No injuries were reported to either Respondent or any other person. Police observed Respondent to be intoxicated and arrested him for DUI.

25. Following his arrest, Respondent submitted to a chemical test that determined his blood alcohol concentration to be .168%.

26. Respondent fully cooperated with law enforcement and self-reported his arrest and subsequent conviction to ODC.



27. Respondent waived his preliminary hearing, and on October 30, 2024, pled guilty to DUI-2nd offense (M1). On that same day, Respondent was sentenced to: serve the mandatory minimum 90 days incarceration with 4 days to be served in the county prison and 86 days to be served on electronic monitoring followed by 5 years restrictive DUI probation; participate in 16 hours community service; submit to random urine testing for the consumption of alcohol; complete the Alcohol Safe Driving Program; participate in any treatment programs required by the probation department; pay \$2,432.67 restitution to the owner of the parked car; and pay a \$1500.00 fine, costs of prosecution, court costs, and probation supervision fees.

28. To date, Respondent has complied with all requirements and conditions of his probation.

29. Respondent admitted his misconduct, accepted responsibility, expressed regret and remorse, and apologized for his actions in connection with all three criminal convictions.

30. Respondent's convictions in these three criminal cases violated Pa.R.D.E. 203(b)(1) via Rule 214 (attorneys convicted of crimes) and RPC 8.4(b) (criminal acts that reflect adversely on a lawyer's honesty, trustworthiness or fitness as a lawyer in other respects).

#### D. Complaint of Robert Fennell

(ODC File No. C2-23-817)

31. On January 4, 2023, Respondent was court appointed as conflict counsel to represent defendant Robert Fennell in a criminal case in which Mr. Fennell was charged with aggravated assault and related offenses in Schuylkill County.

32. Respondent did not appear for three consecutive listings of the preliminary hearing—once without providing an explanation to the court—and failed to adequately communicate with Mr. Fennell and respond to his request for information and status updates.

33. On April 20, 2023, the court removed Respondent and appointed new counsel to represent Mr. Fennell. Respondent's representation of Mr. Fennell was limited in duration and his actions do not appear to have caused any significant harm to the client or loss of any legal rights.

34. Mr. Fennell's case was subsequently disposed of by way of a guilty plea to the lesser offense of simple assault. See *Commonwealth v. Robert Fennell*, CP-54-CR-0000775-2023

35. In his DB-7 Statement of Position response, Respondent acknowledged his misconduct, accepted responsibility, expressed remorse, and apologized for his actions.

36. Respondent's conduct in this matter violated RPC 1.3; RPC 1.4(a)(2); and RPC 1.4(a)(3).

E. Complaint of Kenneth Kemp  
(ODC File No. C2-24-719)

37. After being referred to Respondent by another lawyer, Kenneth Kemp contacted Respondent and on March 13, 2024, signed a fee agreement to retain the law firm of Rush/Aston to represent him in petitioning the court for legal guardianship of Mr. Kemp's incapacitated brother, James Adams. At Respondent's request, Mr. Kemp wrote a check for \$1,500.00 payable to "Aston Law."

38. Thereafter, all communications (either by telephone or email) with Mr. Kemp regarding his legal matter were always with Respondent and, as far as Mr. Kemp knew, Respondent was the lawyer representing him in his legal matter.

39. However and unbeknownst to Mr. Kemp, Respondent had requested his partner, William R. Rush, Esquire, handle Mr. Kemp's case due to Attorney Rush's experience in such matters, and Attorney Rush agreed.

40. Respondent, however, failed to inform Mr. Kemp that Attorney Rush (and not Respondent) would be handling the case, and Attorney Rush

had no direct contact with Mr. Kemp despite having agreed to handle the case and Respondent's belief and understanding that Attorney Rush would be representing Mr. Kemp. Adding to the confusion, on April 9, 2024, appearances were entered for both attorneys in the case.

41. Less than a month after entering his appearance, on May 7, 2024, Respondent was suspended by the Pennsylvania Supreme Court and thereafter had no further contact with Mr. Kemp. Respondent failed to notify Mr. Kemp or the Berks County Court of Common Pleas of his suspension and failed to withdraw his appearance.

42. In his DB-7 Statement of Position response, Respondent acknowledged his failure to inform and sufficiently explain matters to his client regarding which firm attorney would be representing Mr. Kemp. Respondent accepted responsibility for his lack of adequate communication, expressed remorse, and apologized for his actions.

43. By way of explanation, Respondent stated that he only entered his appearance in the case so that he could access the court docket, and he understood Attorney Rush's appearance was entered so that he could represent Mr. Kemp.

44. Following his suspension, Respondent believed and assumed that Attorney Rush was going to be handling Mr. Kemp's legal matter. As a

result, Respondent mistakenly assumed he was not required to notify Mr. Kemp or the court of his suspension since he was not acting as Mr. Kemp's lawyer in the case.

45. On November 25, 2024, the court appointed Lauren Butterworth, Esquire, to represent Mr. Adams. More recently on May 7, 2025, Mr. Kemp's matter was resolved and dismissed by the court.

46. Respondent agreed that he failed to adequately communicate with Mr. Kemp and explain the status of representation; further, he admits that he should have notified the client and the court of his suspension and withdrawn his appearance, and for that he is remorseful.

47. On May 15, 2025, Respondent issued a full refund to Mr. Kemp in the amount of \$1,500.00.

48. Respondent's conduct in this matter violated RPC 1.4(a)(2); RPC 1.4(a)(3); RPC 1.4(a)(4); Pa.R.D.E. 217(b); and Pa.R.D.E. 217(c).

F. Complaint of Judge James E. Gavin  
(ODC File No. C2-25-358)

49. On March 10, 2025, a hearing regarding a petition filed by Respondent's ex-wife, Ms. Amanda Rea-Aston, to enforce a post-nuptial agreement she entered into with Respondent was held before Berks County

Judge James E. Gavin. See *Amanda Aston v. Roarke Aston*, Case No. 23-04206 (Berks County)

50. During the hearing, Respondent presented evidence of two checks he wrote to Ms. Aston in different amounts, both dated August 11, 2023, that were drawn on an account titled "Aston Law."

51. During his testimony, Respondent explained that he maintained a single bank account titled "Aston Law," and that he uses the account as his own personal checking account. Respondent further explained the account was opened before he was suspended, was never connected to his law practice, and that "[i]t is a D/B/A ["doing business as" account]. It's in my name too."

52. After the hearing, Judge Gavin notified ODC concerning a potential violation of Rule 217 by Respondent's use of checks bearing an appellation that could be seen as conveying eligibility to practice law.

53. A DB-7 Request for Statement of Respondent's Position letter has not been provided to Respondent regarding this recent complaint; however, the matter was brought to Respondent's attention by ODC during discussions regarding consent discipline, and Respondent is willing to resolve the case without the issuance of a DB-7 letter.

54. Respondent explained that he did not intend to violate Pa.R.D.E. 217(d)(2)'s prohibition against using a form of communication that conveys eligibility to practice law by use of the checks. Respondent further explained that upon reading the requirements of Rule 217 he believed the Rule only applied to IOLTA, trust, client, and other fiduciary accounts maintained in connection with the practice of law as set forth in the Rule. See Pa.R.D.E. 217(d)(3)(ii)

55. Failing to find any specific reference in the Rule to personal accounts or a requirement to close a lawyer's personal account, Respondent did not believe he had to close or re-title his personal checking account and that he had completely complied with Rule 217.

56. When Disciplinary Counsel brought to Respondent's attention the prohibition under subsection (d)(2) and the explanatory "NOTE" to Rule 217 stating that the subsection "prohibit[s] the formerly admitted attorney from using or continuing to use account checks and deposit slips that contain the word 'IOLTA,' 'attorney,' 'lawyer,' 'esquire,' or similar appellation that could convey eligibility to practice in the state courts of Pennsylvania," Respondent acknowledged and agreed he had inadvertently violated Rule 217(d)(2) by continuing to use personal checks titled "Aston Law."

57. After the issue was brought to his attention, Respondent immediately contacted his bank and is currently in the process of addressing the problem by either re-titling the account or closing it completely.

58. Respondent submits his misconduct in this regard was inadvertent. Respondent submitted a very extensive and well-documented Statement of Compliance package that otherwise established his compliance with Rule 217, and there is no evidence to suggest Respondent engaged in the unauthorized practice of law or otherwise held himself out as an attorney while on suspension.

59. Respondent's conduct in this matter violated Pa.R.D.E. 217(d)(2).

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

60. By his conduct as set forth in paragraphs 5 through 59 above, Respondent acknowledges he violated the following Rules of Professional Conduct ("RPC") and Enforcement Rules ("Pa.R.D.E."):

- a. 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;
- b. Pa.R.D.E. 203(b)(1), which provides that conviction of a crime is grounds for discipline;



- c. RPC 1.3, which states that a lawyer shall act with reasonable diligence and promptness in representing a client;
- d. RPC 1.4(a)(2), which states that a lawyer shall reasonably consult with the client about the means by which the client's objectives are to be accomplished;
- e. RPC 1.4(a)(3), which states that a lawyer shall keep the client reasonably informed about the status of the matter;
- f. RPC 1.4(a)(4), which states that a lawyer shall promptly comply with reasonable requests for information;
- g. Pa.R.D.E. 217(b), which states in pertinent part that "[a] formerly admitted attorney shall promptly notify, or cause to be promptly notified, all clients who are involved in pending litigation or administrative proceedings... of the disbarment, suspension, temporary suspension, administrative suspension or transfer to disability inactive status and consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension, temporary suspension, administrative suspension or transfer to disability inactive status;"
- h. Pa.R.D.E. 217(c), which states in pertinent part that "[a] formerly admitted attorney shall promptly notify, or cause to be promptly notified, of the disbarment, suspension, temporary suspension, administrative suspension or transfer to disability inactive status... any other tribunal, court, agency or jurisdiction in which the attorney is admitted to practice;" and
- i. Pa.R.D.E. 217(d)(2), which states in pertinent part that "[i]n addition to the steps that a formerly admitted attorney must promptly take under other provisions of this Rule to disengage from the practice of law, a formerly admitted attorney shall promptly cease and desist from using all forms of communication that expressly or implicitly convey eligibility to practice law in the state courts of Pennsylvania, including but

not limited to professional titles, letterhead, business cards, signage, websites, and references to admission to the Pennsylvania Bar.”

### **MITIGATION**

61. ODC and Respondent respectfully submit that the following are mitigating factors in this case:

- a. Respondent has no prior record of discipline or a prior record of criminal convictions;
- b. Respondent cooperated with law enforcement in his criminal cases as evidenced by his agreement to waive all hearings and enter a plea of either no contest or guilty;
- c. Respondent cooperated with disciplinary authorities as evidenced by his timely reporting of his arrests and convictions;
- d. Respondent agreed to a temporary suspension of his license pending final disposition of all disciplinary matters;
- e. Respondent has admitted his misconduct and accepted responsibility as evidenced by his willingness to enter into consent discipline;
- f. Respondent has expressed regret and remorse for his misconduct, apologized, and understands he should be disciplined;
- g. Neither of Respondent's clients suffered any loss of rights or permanent harm as a result of Respondent's misconduct;
- h. Respondent reimbursed the entire attorney fee to Mr. Kemp; and

- i. Respondent has proffered additional evidence of mitigation, character evidence, letters of support from other attorneys and former clients, and arguments in support of the proposed consent discipline in a *Memorandum in Support of Proposed Consent Discipline*. A copy of Respondent's memorandum is attached as Exhibit A.

62. Additionally, if these matters were to proceed to a hearing Respondent would testify that he has made significant and substantial efforts to address underlying issues related to his abuse of alcohol that are at the root of his criminal convictions and attorney misconduct: to include both in-patient and out-patient treatment; attending both individual and group therapy and counseling sessions; adherence to a drug regimen program designed to address the consumption of alcohol; random urine testing and wearing a monitoring device to detect alcohol consumption; and attending recovery meetings and maintenance group counseling sessions.

63. Respondent has expressed his willingness to accept public discipline in the form of a significant suspension along with a period of probation with enumerated conditions.

#### **SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE**

64. ODC and Respondent jointly recommend that appropriate discipline for Respondent's admitted misconduct is a suspension from the

practice of law for three years, with the last two years stayed and

Respondent to be placed on probation with conditions that he:

- a. comply with all conditions and requirements of his criminal probation as directed by the Berks County Court of Common Pleas and the Berks County Office of Probation and Parole, to include weekly testing of urine for alcohol consumption as directed;
- b. immediately report to the Board and ODC any violations of the terms and conditions of his probation;
- c. obtain alcohol abuse counseling through attendance and participation in either SMART or Alcohol Anonymous meetings during the period of disciplinary probation;
- d. attend twelve hours of ethics courses totaling twelve credits for each year of disciplinary probation;
- e. continue treatment with Dr. Robert Nelson as directed and comply with all conditions or requirements of treatment;
- f. not engage in any criminal conduct or commit any criminal acts;
- g. not commit any violations of the Rules of Professional Conduct or the Pennsylvania Rules of Disciplinary Enforcement; and
- h. acknowledge that the failure to comply with any of the above-stated conditions will constitute a violation of Respondent's disciplinary probation.

65. The parties respectfully request the suspension be made retroactive to June 6, 2024, the effective date of Respondent's temporary suspension.

66. Respondent hereby consents to the discipline being imposed upon him by the Supreme Court. Respondent's affidavit required by Pa.R.D.E. 215 stating, *inter alia*, his consent to the recommended discipline is attached as Exhibit B.

67. It is respectfully submitted that if considered individually in conjunction with the proffered mitigation as outlined above and in the attached memorandum, it is not likely Respondent's three "non-conviction" complaints or his two DUI convictions would necessarily result in the imposition of a suspension. Even when considered collectively, it is unlikely the type of misconduct involved in these matters would support a suspension of more than a year and require a hearing for Respondent to prove his fitness to resume the practice of law.

68. The two complaints related to client matters (Fennell and Kemp) concerned unremarkable allegations involving the lack of diligence and failure to communicate or adequately explain matters to a client in which neither client suffered harm or loss of any legal rights.

69. The complaint relating to Respondent's violation of Rule 217(d)(2) by use of personal checks bearing the appellation "Aston Law" after he was temporarily suspended is de minimus and was inadvertent.

70. Finally, an attorney's conviction for driving under the influence standing alone and without additional aggravating factors rarely results in a suspension, even where the attorney was convicted of more than one DUI or had a prior DUI conviction. *See Office of Disciplinary Counsel v. Edward Walter Wertman*, 150 DB 2021 (public reprimand administered 3/4/22 for two concurrent DUI convictions as well as a conviction for simple trespass all of which respondent failed to report); **C3-23-206** (informal admonition administered 9/27/23 for respondent's second DUI conviction); **C2-21-257** (informal admonition administered 10/29/21 for respondent's second DUI conviction); and **C3-18-903** (informal admonition administered 5/17/19 for respondent's second DUI conviction).

71. The facts underlying Respondent's conviction for endangering the welfare of a child, however, are obviously more concerning. Surreptitiously recording an underage stepdaughter in a state of undress is disturbing. Respondent's negotiated plea, however, was only to a single misdemeanor endangering charge and not a sex offense. Furthermore, the sentence agreed to by the prosecution and accepted by the court called for only a two-year period of probation with no finding that Respondent was a sexual predator, suffered from a sexual disorder, or required imposition of any Megan's Law reporting requirements; nor were any conditions imposed

by the court to suggest Respondent suffered from an underlying mental health issue that required treatment.

72. Additionally, the police investigation revealed this to be an isolated incident that took place approximately 10 years ago, and there was no evidence suggesting Respondent otherwise acted inappropriately with the victim during the time she lived in the family home or had ever engaged in any sexually inappropriate behavior with another person—to include clients—in either his personal or professional life.

73. As with all disciplinary matters predicated on a criminal conviction, the sole issue to be resolved is the extent of discipline to be imposed on Respondent, bearing in mind that the recommended discipline must reflect the facts and circumstances unique to the case, including circumstances that are either aggravating or mitigating, ***Office of Disciplinary Counsel v. Eilberg***, 441 A.2d 1193, 1195 (Pa. 1982), and should “examine the underlying facts involved in the criminal charge to weigh the impact of the conviction upon the measure of discipline.” ***Office of Disciplinary Counsel v. Troback***, 383 A.2d 952, 953 (Pa. 1978).

74. With regard to Respondent’s EWOC conviction, there does not appear to be a disciplinary case directly on point with the facts of the present matter. The closest and most analogous case (described in the Board report

as “a case of first impression” at the time) is ***Office of Disciplinary Counsel v. Clayton William Boulware***, 97 DB 2014 (D.Bd. Rpt. 5/16/13) (S.Ct. Order 9/4/13). In this case, Boulware was charged with committing multiple criminal offenses after he was observed in public using a camera that he had attached to his shoe to surreptitiously record a video up the skirt of an unsuspecting minor female victim as she was grocery shopping in a store with her mother. A search of Boulware’s camera revealed numerous other “up skirt” videos of multiple female victims that Boulware had recorded over a period of weeks at different public locations.

75. In the criminal case, Boulware pled guilty to two counts of invasion of privacy (M2) and was sentenced to three years’ sex offender probation with a condition that he undergo sex offender treatment and have no contact with minors. Boulware reported his conviction to the Board.

76. Following Boulware’s disciplinary hearing, ODC submitted a brief recommending Boulware receive a suspension of one year and one day. Both the Hearing Committee and the Board recommended a 6-month suspension followed by a 3-year period of probation with conditions that Boulware continue and comply with court-ordered sex offender treatment. The Court accepted the Board’s recommendation and imposed a 6-month suspension followed by a three-year period of probation.



77. In reaching their determination that a 6-month suspension with probation was appropriate discipline in that case, the Board noted that "[c]ases involving convictions for sexual misconduct that resulted in the most severe impositions of discipline did not seem to be apposite to the unique facts and circumstances of this case" Bd. Rpt. at p. 14 (citations omitted), and further stated Boulware "does not have a sexual disorder and is not at risk for repeating the behavior which led to his arrest and conviction." The Board also cited to Boulware's "pristine disciplinary record, sincere efforts at rehabilitation, honest admissions of wrongdoing and acceptance of responsibility therefor, as well as the unlikelihood of recidivism" as justification and support for the recommended discipline of a short suspension with probation.

78. Those same mitigating factors are also present in Respondent's case. In addition, Boulware's conduct (unlike Respondent's) was not limited to an isolated incident of a video that was recorded over ten years ago. To the contrary, Boulware's criminal conduct was recent, occurred over a period of weeks, and involved multiple victims and "up skirt" recordings.

79. Furthermore and unlike Respondent, while it was determined that Boulware did not have a sexual disorder, he did suffer from underlying

mental health issues that required him to be placed on special sex offender probation and undergo professional treatment to address his condition.

80. Finally, unlike Boulware Respondent submitted a joint petition agreeing to a temporary suspension, is agreeable and willing to accept the discipline proposed by ODC, and has agreed to submit a consent discipline petition recommending a significant suspension.

81. Based on the rationale used to justify the discipline imposed in the **Boulware** case, the parties submit Respondent's EWOC conviction, coupled with his other disciplinary matters described above, supports approval of the recommended consent discipline.

82. There are other additional mitigating factors present that militate against the imposition of greater discipline. Respondent admitted his misconduct; accepted responsibility; expressed remorse and regret; apologized; cooperated with disciplinary authorities and law enforcement; pled guilty and agreed to an immediate temporary suspension of his license; made restitution; successfully completed all conditions of his sentence; is in full compliance with his probation; and has agreed to accept consent discipline in the form of a significant suspension. Respondent's misconduct related to his EWOC conviction appears to involve an isolated incident that occurred over 10 years ago. There is no evidence Respondent ever engaged

in any other sexually deviant behavior or suffers from a sexual disorder. Respondent's DUI convictions and his misconduct related to two client matters all occurred around the same time period and are apparently connected to his abuse of alcohol during that time and for which Respondent sought treatment and continues to be treated and will be monitored for consumption of alcohol into the foreseeable future. Finally, Respondent's convictions were for crimes arising out of incidents involving his personal life, totally unrelated to the practice of law.

83. Consistent with precedent as set forth above, the underlying facts of Respondent's disciplinary matters and the proffered mitigation, it is respectfully submitted that public discipline in the form of a suspension of three years with one year served and the remaining two years to be stayed with Respondent to be placed on two years of probation with enumerated conditions appears warranted and appropriate, will serve to uphold the integrity of the legal profession, and will act to impress upon Respondent the seriousness of his actions as well as deter him from engaging in similar conduct in the future. Respondent has agreed to accept the proposed discipline.

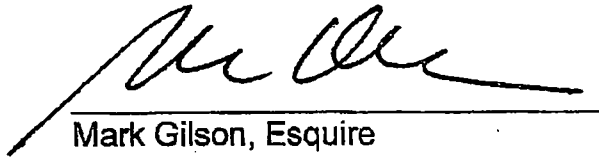
84. Based on Respondent's conviction, the mitigating factors, and precedent established by discipline imposed in similar cases involving

attorneys who engaged in criminal conduct, it is respectfully requested that the Joint Petition in Support of Discipline on Consent Under Rule Pa.R.D.E. 215(d) in which the recommended discipline is a suspension from the practice of law for three years, with the last two years stayed, along with probation with enumerated conditions be approved.


WHEREFORE, Petitioner and Respondent respectfully request, pursuant to Pennsylvania Rules of Disciplinary Enforcement 215(e) and 215(g), that 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 suspension of three years, with the last two years stayed, along with probation with enumerated conditions be approved, to be applied retroactively to the effective date of Respondent's temporary suspension.

Respectfully submitted,  
OFFICE OF DISCIPLINARY COUNSEL  
THOMAS J. FARRELL  
Attorney Registration No. 48976  
Chief Disciplinary Counsel

DATE: 7/2/2025

  
Mark Gilson, Esquire  
Disciplinary Counsel

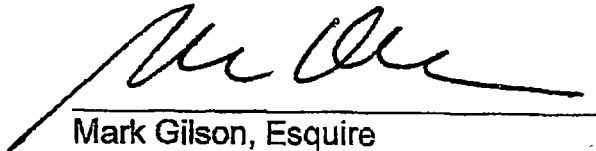
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Roarke Thomas Aston  
Respondent

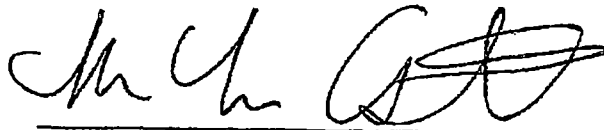
### VERIFICATION

The statements contained in the foregoing *Joint Petition in Support of Discipline on Consent Discipline* 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.

7/2/2025  
DATE

  
Mark Gilson, Esquire  
Disciplinary Counsel

7/2/2025  
DATE

  
Roarke Thomas Aston  
Respondent

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

OFFICE OF DISCIPLINARY COUNSEL,:	:	No. 3042 Disciplinary Docket
Petitioner	:	No. 3
	:	
v.	:	No. 33 DB 2024
	:	
	:	Attorney Reg. No. 209138
ROARKE THOMAS ASTON,	:	
Respondent	:	(Berks County)

**PROPOSED ORDER**

**Per Curiam:**

AND NOW, this      day of      , 2025, 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 Roarke Thomas Aston is suspended on consent from the Bar of this Commonwealth for a period of three years, with one year to be served, retroactive to June 6, 2024. The remaining suspension period is stayed, and he is placed on probation for two years, subject to the following conditions:

1. Respondent shall comply with all conditions and requirements of his criminal probation as directed by the Berks County Court of Common Pleas and the Berks County Office of Probation and Parole, to include weekly testing of urine for alcohol consumption as directed;

2. Respondent shall immediately report to the Board any violations of the terms and conditions of his probation;
3. Respondent shall continue treatment with Dr. Robert Nelson as directed and comply with all conditions or requirements of treatment;
4. Respondent shall obtain alcohol abuse counseling through attendance and participation in either SMART or Alcohol Anonymous meetings during the period of disciplinary probation;
5. Respondent shall attend twelve hours of ethics courses totaling twelve credits for each year of disciplinary probation
6. Respondent shall not engage in any criminal conduct or commit any criminal acts;
7. Respondent shall not commit any violations of the Rules of Professional Conduct or the Pennsylvania Rules of Disciplinary Enforcement; and
8. Any failure to comply with any of the above-stated conditions will constitute a violation of Respondent's disciplinary probation.

Respondent shall comply with the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).



# **EXHIBIT A**

**UNAVAILABLE**

**CONFIDENTIAL DOCUMENT**

# **EXHIBIT B**

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

OFFICE OF DISCIPLINARY COUNSEL, :	No. 3042 Disciplinary Docket
Petitioner :	No. 3
v. :	No. 33 DB 2024
:	Attorney Reg. No. 209138
ROARKE THOMAS ASTON, :	
Respondent :	(Berks County)

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

ROARKE THOMAS ASTON, being duly sworn according to law, deposes and submits this affidavit consenting to the recommendation of a suspension of one year and one day in conformity with Pa.R.D.E. 215(d), and further states as follows:

1. He is a former attorney admitted to the Bar of the Commonwealth of Pennsylvania on or about October 14, 2008, and temporarily suspended by Order dated May 7, 2024.
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 an investigation regarding 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.

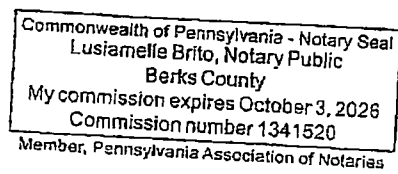
6. He submits this affidavit because he knows that if the charges predicated upon the Joint Petition were to be filed, or continued to be prosecuted at a disciplinary proceeding, he could not successfully defend against them.

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 not retained, consulted and acted upon the advice of counsel in connection with this decision to execute the within Joint Petition.

Signed this 13<sup>th</sup> day of June, 2025  
ch h GB  
Roarke Thomas Aston

Sworn to and subscribed  
Before me on this 13<sup>th</sup>  
day of June, 2025

Lusiamelle Brito  
Notary Public



OFFICE OF DISCIPLINARY COUNSEL,:	No. 3042 Disciplinary Docket
Petitioner :	No. 3
v. :	No. 33 DB 2024
:	Attorney Reg. No. 209138
ROARKE THOMAS ASTON, :	(Berks County)
Respondent :	


### **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 Email, as follows:**

Roarke Thomas Aston  
1976 Woodvale Avenue  
Reading, PA 19606  
roarkeaston@yahoo.com


Dated: 7/2/25

  
\_\_\_\_\_  
MARK GILSON  
Disciplinary Counsel  
Office of Disciplinary Counsel

### **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: 

Name: Mark Gilson

Attorney No.: 46400