

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 3065 Disciplinary Docket No. 3
	:	
Petitioner	:	No. 3 DB 2024
	:	
v.	:	Attorney Registration No. 323897
	:	
STEPHEN WILLIAM DOTTS,	:	(Out of State)
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 9th day of August, 2024, 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 Stephen William Dotts is suspended on consent from the Bar of this Commonwealth for a period of one year and one day. 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 08/09/2024

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 3 DB 2024
Petitioner :
:
v. : Atty. Reg. No. 323897
:
STEPHEN WILLIAM DOTTS, :
Respondent : (Out of State)

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

Petitioner, Office of Disciplinary Counsel ("ODC"), by Thomas J. Farrell, Chief Disciplinary Counsel, and Mark Gilson, Disciplinary Counsel, and Respondent, Stephen William Dotts, 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 that:

I. PARTIES TO DISCIPLINE ON CONSENT

1. ODC, whose principal office is located at PA Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62625, Harrisburg, PA 17106-2625, 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 said Rules of Disciplinary Enforcement.

2. Respondent, Stephen William Dotts, was born in 1988 and admitted to practice law in the Commonwealth on June 12, 2017.

FILED
07/02/2024
The Disciplinary Board of the
Supreme Court of Pennsylvania

3. Respondent's attorney registration address is 812 Branch Road, Newark, DE 19711.

4. On November 15, 2023, the Pennsylvania Supreme Court entered an Order placing Respondent on administrative suspension effective December 15, 2023, for failing to comply with his annual continuing legal education requirements.

5. Respondent remains administratively suspended.

6. Pursuant to Pa.R.D.E. 201(a)(3), Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

II. FACTUAL ADMISSIONS AND VIOLATIONS OF THE RULES OF PROFESSIONAL CONDUCT AND RULES OF DISCIPLINARY ENFORCEMENT

7. At all times relevant to this Joint Petition, Respondent was employed by the Chester County Public Defender's Office as an Assistant Public Defender.

8. By Order dated August 9, 2023, effective September 8, 2023, the Supreme Court of Pennsylvania administratively suspended Respondent from the practice of law in this Commonwealth pursuant to Pa.R.D.E. 217(d) and 219(g) for failing to comply with the annual registration requirements.

9. By letter dated August 9, 2023, mailed to Respondent's address at 812 Branch Road, Newark, DE 19711, Attorney Registrar Suzanne E. Price provided Respondent with a copy of the August 9, 2023 Order, and notified him that he would be transferred to

administrative suspension status and ineligible to practice law or engage in law-related activities effective September 8, 2023.

10. On September 8, 2023, Respondent was administratively suspended from the practice of law in Pennsylvania.

11. On September 11, 2023, while Respondent was suspended from the practice of law, he:

- a. appeared before Chester County Court of Common Pleas Judge Jacqueline Carroll Cody in his capacity as an Assistant Public Defender representing clients in various criminal matters;
- b. failed to notify Judge Cody, his clients, and opposing counsel that he was administratively suspended;
- c. engaged in the unauthorized practice of law while on administrative suspension in the following client matters and in the manner described; to wit:
 - i. *Commonwealth v. Katherine Parscley*, CP-15-CR-0000663-1994 (Respondent represented the client in a bench warrant hearing conducted before the court); and
 - ii. *Commonwealth v. Alexcis Brough*, CP-15-MD-0002461-2023 (Respondent represented the client in a waiver of extradition hearing conducted before the court)

12. On September 12, 2023, while suspended from the practice of law, Respondent:

- a. appeared before Magisterial District Court Judge Marian Vito in his capacity as an Assistant Public Defender representing clients in various criminal matters;
- b. failed to notify Judge Vito, his clients, and opposing counsel that he was administratively suspended;

- c. engaged in the unauthorized practice of law while on administrative suspension in the following client matters and in the manner described; to wit:
 - i. *Commonwealth v. Lisa Karen Sullivan*, MJ-15104-CR-0000137-2023 (Respondent represented the client in a preliminary hearing conducted before the court); and
 - ii. *Commonwealth v. Sadiyah Nasirah Perez*, MJ-15104-CR-0000130-2023 (Respondent represented the client in the waiver of her preliminary hearing, and argued matters relating to bail in a hearing conducted before the court).

13. After court concluded on September 12, 2023, Judge Vito and her staff independently ascertained information that Respondent had been administratively suspended from the practice of law and contacted Respondent for an explanation.

14. Respondent admitted knowing he had been suspended, and explained to Judge Vito that he was "having problems with my fees."

15. That same day (September 12, 2023), Respondent reported his misconduct to ODC by filing an online complaint in which he wrote, *inter alia*, "I was administratively suspended on 9/8. I knew I was suspended, but thought it was a minor billing issue and I represented several clients in bench warrant hearing and preliminary hearings on 9/11 and 9/12."

16. On September 13, 2023, Respondent filed an annual registration form with the Attorney Registration Office, paid the annual attorney's fee and was reinstated to active status and the practice of law in Pennsylvania.

17. On September 26, 2023, ODC sent Respondent a DB-7 Request for Statement of Respondent's Position letter (hereinafter, "DB-7 letter") via certified mail, return receipt requested to his preferred mailing address as noted above, as well as by email to Respondent's email address: swdottsquire@gmail.com.

18. Respondent received the DB-7 letter.

19. Respondent failed to provide a statement of position letter and/or other response to the DB-7 letter within the 30 day period provided under Disciplinary Board Rules § 87.7(b)(2).

20. By email to ODC dated October 31, 2023, sent from Respondent's email address as noted above, Respondent apologized "for the late response," and requested an extension to provide his DB-7 response. Respondent explained that he was "currently 15 days through a 28 day inpatient rehabilitation program for alcohol and have very limited access to my phone/internet."

21. By reply email dated November 1, 2023, ODC informed Respondent that his request for an extension had been approved, and his "response is now due on or before 11/27/23. Please note that no additional requests for an extension will be granted." (emphasis omitted)

22. Despite being granted an additional thirty day extension, Respondent failed to provide a response to the DB-7 letter by the November 27, 2023 deadline.

23. By Order dated November 15, 2023, effective December 15, 2023, the Pennsylvania Supreme Court administratively suspended Respondent pursuant to Pa.R.C.L.E. 111(b) for failing to comply with his mandatory continuing legal education requirements. To date, Respondent remains administratively suspended.

24. On January 5, 2024, ODC filed a Petition for Discipline with the Disciplinary Board.

25. On January 8, 2024, Respondent was personally served a copy of the Petition for Discipline at his residence in the State of Delaware.

26. Respondent failed to file an Answer to the Petition for Discipline.

27. Pursuant to Pa.R.D.E. 208(b)(4), all factual averments contained within the Petition for Discipline are deemed to be admitted by Respondent due to his failure to provide an Answer to the Petition for Discipline.

28. On February 23, 2024, the Disciplinary Board issued *Notice of Prehearing Conference and Hearing* scheduling Respondent's disciplinary case for a prehearing conference on April 29, 2024, and a disciplinary hearing on June 20, 2024.

29. Respondent received a copy of the scheduling notice.

30. On April 29, 2024, Respondent failed to appear for the prehearing conference without providing notice, explanation or good cause.

31. By Order dated April 29, 2024, the Hearing Committee Chair set various deadlines for the parties to exchange witness and exhibit lists, provide their proposed exhibits and file motions in limine and as well as any objections to a parties' proposed evidence.

32. Respondent received a copy of the above-referenced prehearing Order.

33. Respondent failed to provide notice of any witnesses, exhibits or file any motions or objections.

34. On June 20, 2024, a disciplinary hearing was held before a Hearing Committee comprised of three committee members.

35. Respondent appeared at the disciplinary hearing on June 20, 2024 and testified on his own behalf. During his testimony, Respondent, *inter alia*: a) admitted and acknowledged his misconduct and the Rule violations alleged in the Petition for Discipline; b) accepted responsibility and apologized for his actions; and c) expressed embarrassment, regret and remorse for his conduct.

36. While not rising to the level of *Braun* mitigation evidence¹, Respondent testified that he is an alcoholic, suffers from mental health issues and has been diagnosed with depression

¹ *Office of Disciplinary Counsel v. Seymour Braun*, 553 A.2d 894 (Pa. 1989).

and anxiety. Respondent further explained that he attended a 28-day in-patient alcohol rehabilitation program; has been sober for 9 months; regularly attends Alcohol Anonymous meetings; is being treated by both a therapist and psychiatrist; and was prescribed and is taking medication for his illness.

37. Respondent further testified that he has not engaged in the practice of law since September 2023, has been working for his family business during this time period, and is currently seeking employment in a non-legal position. In the future, Respondent hopes to be well enough to return to the practice of law and agrees that it would be appropriate for him to demonstrate his fitness to practice at a hearing prior to being reinstated.

38. By his conduct as alleged in paragraphs 7 through 37 above, Respondent violated the following Rules of Professional Conduct and Rules of Disciplinary Enforcement:

- a. RPC 5.5(a), which states that a lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction;
- b. RPC 5.5(b)(2), which states that a lawyer who is not permitted to practice in this jurisdiction shall not hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction;

- c. RPC 8.4(d), which states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice;
- d. Pa.R.D.E. 217(b), 217(c)(3), and 217(j)(4)(iv), (v), (vi), and (vii), which collectively state that a "formerly admitted attorney" is required to disengage from the practice of law as well as take other specific, delineated action required by the Rule to disengage in pending legal matters and litigation; promptly notify all clients, courts, opposing counsel, and other persons with whom the former attorney may have professional contacts of their administrative suspension status and ineligibility to practice law; refrain from representing oneself as a lawyer; refrain from appearing on behalf of any client in any hearing, proceeding, court or tribunal; refrain from negotiating or transacting a matter for or on behalf of a client with third parties; refrain from contact with clients either in person, by telephone or in writing; refrain from rendering consultation or legal advice to a client; and
- e. Pa.R.D.E. 203(b)(7), which states that the failure by a respondent-attorney without good cause shown to respond to a DB-7 Request for Statement of

Respondent's Position under Disciplinary Board Rules
§ 87.7(b) shall be grounds for discipline.

**III. JOINT RECOMMENDATION FOR DISCIPLINE ON CONSENT OF A ONE YEAR
AND ONE DAY SUSPENSION**

In Pennsylvania, there is no per se discipline for a particular type of misconduct; instead, each case is reviewed individually while being mindful of precedent and the need for consistency. *Office of Disciplinary Counsel v. Lucarini*, 472 A.2d 186, 190 (Pa. 1983). Furthermore, discipline should reflect the facts and circumstances unique to the case, including circumstances that are aggravating or mitigating. *Office of Disciplinary Counsel v. Joshua Eilberg*, 441 A.2d 1193, 1195 (Pa. 1982).

Respondent and ODC respectfully submit the following are aggravating factors:

1. Respondent failed to provide an Answer to the Petition for Discipline;
2. Respondent failed to appear for the Prehearing Conference without notice, explanation or good cause;
and
3. With the exception of a last-minute appearance at the Hearing, Respondent failed to cooperate or participate in the disciplinary proceedings.

Respondent and ODC respectfully also submit the following are mitigating factors:

1. Respondent self-reported his misconduct to disciplinary authorities;
2. Respondent testified at the disciplinary hearing and admitted his misconduct, apologized, accepted responsibility and expressed remorse;
3. Respondent expressed his willingness to accept discipline by entering into this Joint Consent Petition to receive a one year and one day suspension; and
4. Respondent has no prior history of discipline.

Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a one year and one day suspension from the practice of law. Respondent consents to the discipline being imposed upon him by the Supreme Court of Pennsylvania. Attached to this Petition as Exhibit A is Respondent's executed Affidavit required by Pa.R.D.E. 215(d), stating that he consents to the recommended discipline.

The unauthorized practice of law is considered a serious violation of the Rules of Professional Conduct. "[T]he Supreme Court does not tolerate lawyers who take a lax approach to the administrative rules governing the practice of law. Even in situations where lawyers lack disciplinary records and have

otherwise good reputations, the Court finds their conduct contemptuous....” *Office of Disciplinary Counsel v. Harry Forrest, Jr.*, 134 DB 2003 (D.Bd. Rpt. 12/30/04 at 13-14) (S. Ct. Order 3/24/05).

Additionally, the Disciplinary Board has noted that “[a]s a general matter, in numerous cases of the unauthorized practice of law where a respondent-attorney is on administrative suspension or inactive status or has no Pennsylvania law license, a suspension of more than one year has been imposed, requiring the respondent-attorney to petition for reinstatement, in light of the fact that the practice of law without a license is a serious act of professional misconduct.” *Office of Disciplinary Counsel v. John Joseph Garagozzo*, 58 DB 2016 (D.Bd. Rpt. 8/8/17 at 21) (S. Ct. Order 10/6/17) (citing multiple cases wherein a one year and one day suspension was imposed for the unauthorized practice of law).

Lesser discipline than a one year and one day suspension may be appropriate in circumstances where the unauthorized practice was limited in scope or duration or other mitigating factors exist; however, greater discipline has also been imposed where aggravating factors are present. Compare *Office of Disciplinary Counsel v. James J. Vassalo*, 45 DB 2018 (S. Ct. Order 8/17/18) (six month suspension on consent) with *Office of Disciplinary Counsel v. Daniel D’Antonio*, 177 DB 2017 (S. Ct. Order 3/1/18) (two year suspension on consent).

In this case, it is respectfully submitted that mitigating factors are present: Respondent has no prior record of discipline, self-reported his misconduct, and is remorseful for and embarrassed by his conduct and understands that he should be disciplined as evidenced by his consent to receiving a one year and one day suspension. However, Respondent's failure to provide an Answer to a Petition for Discipline, failure to appear for a Prehearing Conference without cause, and overall failure to meaningfully participate in the disciplinary proceedings until his last-minute appearance at a disciplinary hearing are all well-established aggravating factors which outweigh any mitigation. **See D'Antonio, supra.; Garagozzo**, (D.Bd. Rpt. at 21) (citing **Office of Disciplinary Counsel v. Harry Chandler**, 10 DB 2010 (D.Bd. Rpt. 4/15/11) (S. Ct. Order 8/17/11)).

The imposition of a one year and one day suspension is consistent with the range of sanctions imposed in similar cases involving the unauthorized practice of law while administratively suspended coupled with a respondent-attorney's failure to cooperate and/or participate in disciplinary proceedings.

The parties respectfully submit that given the facts of the present matter and the serious nature of the misconduct, a suspension of one year and one day is consistent with the above cited disciplinary authority and will fulfill the goals of the

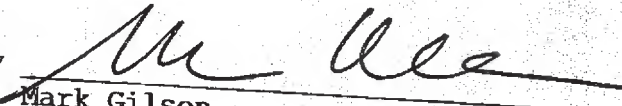
disciplinary system by protecting the public and maintaining the integrity of the courts and the legal profession.

WHEREFORE, Petitioner and Respondent respectfully request that pursuant to Pa.R.D.E. 215, a three-member panel of the Disciplinary Board review and approve the Joint Petition In Support Of Discipline On Consent and file its recommendation with the Supreme Court of Pennsylvania in which it is recommended that the Supreme Court of Pennsylvania enter an Order that Respondent receive a suspension of one year and one day for the conduct set forth herein.

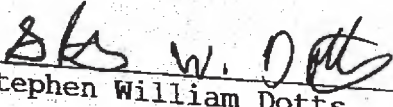
Respectfully and jointly submitted,
OFFICE OF DISCIPLINARY COUNSEL

Thomas J. Farrell
CHIEF DISCIPLINARY COUNSEL

7/2/24
Date

By 
Mark Gilson
Disciplinary Counsel

7/2/24
Date

By 
Stephen William Dotts
Respondent


BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 3 DB 2024
Petitioner :
v. : Atty. Reg. No. 323897
STEPHEN WILLIAM DOTTS, :
Respondent : (Out of State)

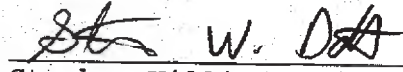
VERIFICATION

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

7/2/24
Date


Mark Gilson
Disciplinary Counsel

7/2/24
Date


Stephen William Dotts
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 3 DB 2024
Petitioner :
:
v. : Atty. Reg. No. 323897
:
STEPHEN WILLIAM DOTTS, :
Respondent : (Out of State)

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

Respondent, Stephen William Dotts, being duly sworn according to law, hereby states that he consents to the imposition of a suspension of one year and one day in conformity with Pa.R.D.E. 215(d), and further states that:

1. His consent is freely and voluntarily rendered; he is not being subjected to coercion or duress; he is fully aware of the implications of submitting the Joint Petition in Support Of Discipline on Consent;

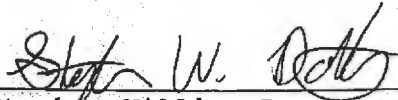
2. He is fully aware that he has the right to consult with an attorney in connection with his decision to consent to discipline. He has not retained, consulted and acted upon the advice of counsel in connection with this decision to execute the within Joint Petition.

3. He is aware that there is presently pending disciplinary proceedings involving allegations that he has been guilty of misconduct as set forth in the Joint Petition In Support Of

Discipline On Consent pursuant to Pa.D.R.E. 215(d), to which this affidavit is attached;

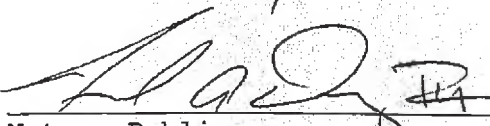
3. He acknowledges that the material facts set forth in the Joint Petition are true; and

4. He submits this affidavit because he knows that if the 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.



Stephen William Dotts
Respondent

Sworn to and subscribed
before me this 2nd
day of July, 2024.



Notary Public

Fred A Drewery III
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires 03/01/2025

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 3 DB 2024
Petitioner :
:
v. : Atty. Reg. No. 323897
:
STEPHEN WILLIAM DOTTS, :
Respondent : (Out of State)

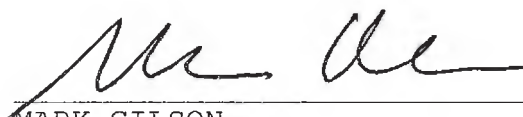
CERTIFICATE OF SERVICE

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:

Stephen William Dotts
812 Branch Road
Newark, DE 19711
swdottsesq@gmail.com

Dated: 7/2/24




MARK GILSON
Disciplinary Counsel
Office of Disciplinary Counsel
District I Office
1601 Market Street
Philadelphia, PA 19103
(215) 560-6296

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