

**IN THE SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL, : No. 2816 Disciplinary Docket No. 3  
 :  
 Petitioner : No. 43 DB 2021  
 :  
 v. : Attorney Registration No. 44873  
 :  
 : (Dauphin County)  
 :  
 PETER RICHARD HENNINGER, JR., :  
 :  
 Respondent :

**ORDER**

**PER CURIAM:**

**AND NOW**, this 7<sup>th</sup> day of September, 2021, 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 Peter Richard Henninger, Jr., is suspended on consent from the Bar of this Commonwealth for a period of two years. Respondent shall comply with all 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 Patricia Nicola  
As Of 09/07/2021

  
Attest:  
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	
Petitioner,	:	No. <b>43 DB 2021</b>
	:	
v.	:	Attorney Reg. No. 44873
	:	
PETER RICHARD HENNINGER, JR.,	:	
Respondent	:	(Dauphin County)
	:	

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

Petitioner, Office of Disciplinary Counsel, by Thomas J. Farrell, Chief Disciplinary Counsel, and Nicholas K. Weiss, Disciplinary Counsel, and Respondent, Peter Richard Henninger, Jr., by his counsel James C. Schwartzman, Esq., file this Joint Petition in Support of Discipline on Consent under Rule 215(d) of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter "Pa.R.D.E.") and respectfully state and aver the following:

1. Petitioner, whose principal office is located at the Pennsylvania 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, Peter Richard Henninger, Jr., was born on August 21, 1960, and was admitted to practice law in the Commonwealth of Pennsylvania on November 20, 1985.

3. Respondent's registered address is 339 West Governor Rd., Frnt 201, Hershey, Pennsylvania 17033-2097.

**FILED**  
**08/04/2021**  
**The Disciplinary Board of the**  
**Supreme Court of Pennsylvania**

4. Pursuant to Pa.R.D.E. 201(a)(1), Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

5. Respondent has no prior history of discipline.

#### SPECIFIC FACTUAL ADMISSIONS

6. On or around December 14, 2014, an elevator door at the Hollywood Casino closed on Marian L. Chesney's left leg, thereby causing injuries to her foot and knee.

7. On December 28, 2014, Ms. Chesney retained Respondent to file a lawsuit against Hollywood Casino.

8. At that time, Respondent provided Ms. Chesney with a written fee agreement.

9. Respondent's fee agreement specified that his fee for the representation would be one-third of any recovery in Ms. Chesney's favor, plus reimbursement for all costs and expenses relative to her legal matter.

10. From December 29, 2014, to December 13, 2016, Respondent compiled information concerning Ms. Chesney's claims against Hollywood Casino.

11. On December 13, 2016, Respondent filed a Praecipe for Writ of Summons with the Dauphin County Court of Common Pleas ("Court").

12. On January 31, 2017, Christopher M. Tretta, Esq. and David B. Forbes, Esq. entered their appearances as counsel for Hollywood Casino.

13. Schindler Elevator Corporation ("Schindler"), through its third-party administrator, Broadspire, subsequently agreed to tender defense of Ms. Chesney's lawsuit and to indemnify Hollywood Casino.

14. In or around September 2017, Broadspire asked Respondent to provide medical records relative to Ms. Chesney's claims as well as a settlement demand.

15. From September 2017, to January 23, 2019, Respondent failed to provide any medical records to Broadspire, or otherwise take any action to advance Ms. Chesney's case.

16. Eventually, Broadspire retained Attorneys Eric A. Weiss and Ben Levine of Marshall Dennehey Warner Coleman & Goggin, P.C. to defend Ms. Chesney's lawsuit.

17. By Order dated January 23, 2019 ("Notice Order"), the Court noted that there had not been any substantial docket activity in Ms. Chesney's case since 2017.

18. The Notice Order afforded Respondent 30 days to file either a Praecipe to mark the matter settled or an administrative application for status conference.

19. In the Notice Order, the Court warned that failure to file either document would result in the dismissal of Ms. Chesney's case with prejudice.

20. The Court mailed a copy of the Notice Order to Respondent on January 23, 2019.

21. Respondent failed to file anything with the Court pursuant to the Notice Order.

22. By Order dated February 27, 2019 ("Dismissal Order"), the Court observed that Respondent had not filed anything in response to the Notice Order, and dismissed Ms. Chesney's case with prejudice.

23. Later that same day, the Court mailed a copy of the Dismissal Order to Respondent.

24. Respondent failed to inform Ms. Chesney about the dismissal of her lawsuit.

25. From March 2019, to July 10, 2019, Ms. Chesney placed numerous phone calls to Respondent, but was unable to speak with him each time.

26. Respondent failed to return any of Ms. Chesney's calls or otherwise communicate with her in any fashion.

27. On July 10, 2019, Ms. Chesney filed a complaint with ODC, wherein she took issue with Respondent's lack of diligence and failure to maintain adequate communications with her.

28. By email dated August 13, 2019, Disciplinary Counsel informed Respondent of Ms. Chesney's complaint.

29. On August 20, 2019, Disciplinary Counsel spoke with Respondent over the phone concerning Ms. Chesney's lawsuit.

30. During that conversation, Respondent admitted that Ms. Chesney's case had gotten "lost in the shuffle" and that he should have been more communicative with Ms. Chesney.

31. Respondent told Disciplinary Counsel that he would reduce his fee to make matters right with Ms. Chesney.

32. As to the status of Ms. Chesney's lawsuit, Respondent claimed that the matter had been the subject of active settlement discussions since the filing of the Praecipe for Writ of Summons.

33. In particular, Respondent advised Disciplinary Counsel that he had received a settlement offer from Hollywood Casino that he needed to share with Ms. Chesney.

34. Respondent's statements to ODC as set forth in Paragraphs 32 and 33 concerning the settlement efforts relative to Ms. Chesney's case were false and Respondent knew they were false at that time.

35. In fact, Respondent had never spoken with or engaged in any settlement negotiations with Attorneys Weiss and Levine.

36. Likewise, Hollywood Casino had not extended any settlement proposal whatsoever.

37. On August 22, 2019, Respondent met with Ms. Chesney at her home.

38. At that time, Respondent apologized for his lack of communication, and explained the terms of the fictitious settlement offer from Hollywood Casino.

39. Respondent's statements to Ms. Chesney concerning the purported settlement offer were false and misleading, in that Hollywood Casino had not made any offer to settle Ms. Chesney's claims.

40. Ms. Chesney agreed to accept the purported settlement during her meeting with Respondent.

41. In response, Respondent told Ms. Chesney to expect the settlement funds in or around the first week of September 2019.

42. At no point thereafter did Respondent receive funds from Hollywood Casino or a related entity pursuant to the alleged settlement of Ms. Chesney's lawsuit.

43. On September 5, 2019, Respondent withdrew \$25,000.00 from his personal checking account ending in 9342 at Northwest Savings Bank ("Northwest").

44. On that same date, Respondent deposited the \$25,000.00 into his law firm's IOLTA account ending in 6232 ("IOLTA Account") at Northwest.

45. The next day, September 6, 2019, Respondent presented Ms. Chesney with a check drawn on the IOLTA Account in the amount of \$25,000.00 ("Settlement Check").

46. The memo line on the Settlement Check indicated that it was the "proceeds of litigation."

47. The memo line was false and misleading, in that no portion of the Settlement Check consisted of "proceeds" from Ms. Chesney's lawsuit.

48. Respondent also provided Ms. Chesney with a settlement sheet, which indicated that Respondent had received \$30,000.00 from GLP Capital, L.P., and that Ms. Chesney's net recovery was \$25,000.00.

49. GLP Capital, L.P. is a real estate investment trust that owns and operates gaming properties, including the Hollywood Casino.

50. Respondent had not received anything from GLP Capital, L.P., and no portion of the Settlement Check consisted of funds received as a result of Ms. Chesney's lawsuit.

51. Accordingly, Respondent's statements on the settlement sheet were false and Respondent knew them to be false at the time.

52. By email dated January 22, 2020, ODC asked Respondent to provide the following information and documentation:

a. identity of any and all accounts which held funds attributable to Ms. Chesney's settlement with Hollywood Casino;

b. copies of the following documents for those accounts for the period of August 1, 2019, to Present:

1) client balances held that comprise the account balance as of August 1, 2019;

2) all transaction records, such as periodic statements, cancelled checks in whatever form, deposited items, and records of electronic transactions;

3) check register or separately maintained ledger, which shall include the payee, date, purpose and amount of each check, withdrawal and transfer, the payor, date, and amount of each deposit, and the matter involved for each transaction;

4) an individual ledger for each trust client, showing the source, amount and nature of all funds received from or on behalf of the client, the description and amounts of charges or withdrawals, the names of all persons

or entities to whom such funds were disbursed, and the dates of all deposits, transfers, withdrawals and disbursements; and

5) monthly reconciliations.

53. On March 2, 2020, Respondent provided the requested documentation to ODC *via* email.

54. Ms. Chesney's individual client ledger reflected that Respondent had received \$25,000.00 from GLP Capital, L.P. on September 5, 2019 ("Payment Check").

55. The individual client ledger for Ms. Chesney was false and misleading, in that Respondent had not received any funds from GLP Capital, L.P. relative to Ms. Chesney's lawsuit or any other matter.

56. Respondent failed to provide a copy of the Payment Check.

57. On March 17, 2020, ODC sent Respondent an email, in which it noted that his records had failed to include a copy of the Payment Check, and asked that he submit a copy thereof by or before March 24, 2020.

58. Respondent failed to produce a copy of the Payment Check on March 24, 2020, or at any point prior thereto.

59. By letter dated March 30, 2020, ODC again requested that Respondent submit a copy of the Payment Check, and asked him to do so on or before April 9, 2020.

60. Respondent failed to provide ODC with a copy of the Payment Check, despite ODC's repeated requests for him to do so.

61. On April 17, 2020, ODC issued a subpoena to Northwest to produce records concerning Respondent's IOLTA Account for the period of September 1, 2019, to October 1, 2019.



62. On that same date, ODC informed Respondent of its subpoena by letters sent to his registered mailing address as well as to his personal residence.

63. By email dated April 24, 2020, ODC provided an electronic copy of the subpoena to Respondent.

64. Respondent did not thereafter contact ODC regarding its subpoena or the Payment Check.

65. The records produced by Northwest showed that Respondent had never deposited any check from GLP Capital, L.P. into the IOLTA Account, and that he had in fact used personal funds to pay Ms. Chesney's alleged settlement.

66. On May 22, 2020, ODC sent Respondent a DB-7 Request for Statement of Respondent's Position Letter ("DB-7 letter").

67. In his response to the DB-7 letter, Respondent finally acknowledged that he had lied to Ms. Chesney and ODC about having obtained a settlement offer from Hollywood Casino when, in fact, he had not engaged any settlement discussions relative to Ms. Chesney's case.

68. Respondent further admitted that he had used personal funds to pay Ms. Chesney's purported settlement.

#### DISCIPLINARY RULE VIOLATIONS

69. Respondent admits to violating the following Rules of Professional Conduct in this matter:

- a. RPC 1.1 – "A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation;"
- b. RPC 1.3 – "A lawyer shall act with reasonable diligence and promptness in representing a client;"

- c. RPC 1.4(a)(2) – “A lawyer shall ... reasonably consult with the client about the means by which the client's objectives are to be accomplished;”
- d. RPC 1.4(a)(3) – “A lawyer shall ... keep the client reasonably informed about the status of the matter;”
- e. RPC 1.4(a)(4) – “A lawyer shall ... promptly comply with reasonable requests for information;”
- f. RPC 1.4(b) – “A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation;”
- g. RPC 1.15(b) – “A lawyer shall hold all Rule 1.15 Funds and property separate from the lawyer’s own property. Such property shall be identified and appropriately safeguarded;”
- h. RPC 1.15(h) – “A lawyer shall not deposit the lawyer’s own funds in a Trust Account except for the sole purpose of paying service charges on that account, and only in an amount necessary for that purpose;”
- i. RPC 3.2 – “A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client;”
- j. RPC 8.1(a) – “An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not knowingly make a false statement of material fact;”
- k. RPC 8.4(c) – “It is professional misconduct for a lawyer to ... engage in conduct involving dishonesty, fraud, deceit or misrepresentation;” and
- l. RPC 8.4(d) – “It is professional misconduct for a lawyer to ... engage in conduct that is prejudicial to the administration of justice.”

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent’s admitted misconduct is a suspension of two years. There is no *per se* discipline for certain misconduct, *see Office of Disciplinary Counsel v. Robert S. Lucarini*, 472 A.2d 186, 190 (Pa. 1983), rather, each case is considered based on the facts and circumstances presented. Nonetheless, dishonesty on the part of an attorney warrants a strict sanction. “Truth is the

cornerstone of the judicial system; a license to practice law requires allegiance and fidelity to truth.” *Office of Disciplinary Counsel v. Robert B. Surrick*, 749 A.2d 441, 449 (Pa. 2000). As a result, the failure to act honestly “suggests an unfitness to practice law.” *Office of Disciplinary Counsel v. Arthur Joseph Werner*, No. 202 DB 2003 (D. Bd. Rpt. 4/27/2005) (S. Ct. Order 8/10/2005). Consistent with those principles, previous disciplinary cases establish that dishonest conduct during a disciplinary investigation merits a suspension. *See, e.g., Office of Disciplinary Counsel v. Ronald James Gross*, No. 174 DB 2014 (D. Bd. Rpt. 3/20/2015) (S. Ct. Order 4/10/2015) (imposing six-month suspension for, *inter alia*, providing client with false information concerning status of his legal matter and engaging in deceptive behavior in response to ODC’s investigation); *In re Anonymous*, No. 126 DB 1992 (Brett K. Kates), 26 Pa. D&C 4th 427 (1995) (imposing six-month suspension for negligently misrepresenting compliance with condition of Informal Admonition to Chief Disciplinary Counsel); and *In re Anonymous*, No. 77 DB 1993 (Robert M. Sitoski), 34 Pa. D&C 4th 214 (1996) (one-year suspension for engaging in behavior to mislead ODC about distribution of settlement proceeds in two client matters).

The outcome of *Werner, supra*, is particularly instructive for the present disciplinary matter. Werner was retained to draft a partnership agreement and papers for a pension plan. Werner received two checks totaling \$7,500.00 for the representation. He thereafter neglected the client matter, often refusing to take and return the client’s calls. When Werner did speak with the client, he misrepresented the status of the client’s matter by falsely claiming that he had drafts prepared. Eventually, the client expressed dissatisfaction with Werner’s performance and requested that he return the client’s file, provide an accounting, and refund the unearned portion of the retainer. Werner ignored the client’s request, thereby prompting the client to file a disciplinary complaint. Upon being advised of the complaint, Werner provided ODC with a copy

of a backdated letter that purported to accompany the client's file, an accounting, and a check for the unearned portion of the retainer fee. In reality, Werner had not sent any such letter to the client. ODC asked Werner to provide additional documents in response to certain concerns it had identified after reviewing the backdated letter. Werner did not respond. After ODC sent Werner a DB-7 letter, he refunded the entirety of the client's retainer. Even though Werner did not have a prior disciplinary history, the Pennsylvania Supreme Court imposed a suspension of one-year and one-day for his neglect of the client's matter and his misrepresentations to ODC.

In *In re Anonymous*, No. 126 DB 90 (William D. Anthony), 22 Pa. D&C 4<sup>th</sup> 163 (1994), the Pennsylvania Supreme Court suspended Anthony for two years for engaging in extensive misrepresentations in two client matters. In the first matter, Anthony represented a husband in a divorce. Over a period of years, Anthony and opposing counsel engaged in intermittent negotiations concerning outstanding issues in support and equitable distribution. Eventually, Anthony sent his client a copy of a purported court order setting forth the terms of an alleged settlement of the outstanding issues. However, no settlement had been reached and the signature of the judge was a forgery. Anthony also provided his client with additional documents and "court orders" relative to the divorce that were complete fabrications.

In the second client matter, Anthony was retained to file suit against a car dealership. Anthony thereafter failed to file any lawsuit on behalf of his client. Nonetheless, Anthony told the client that his case was proceeding. Anthony further advised the client that an arbitration hearing had been scheduled and that the client needed to attend. In reality, there was no arbitration hearing. To further the ruse, Anthony provided the client with a false court subpoena that purported to require the client's attendance at the arbitration hearing. The docket number on the front of the "subpoena" did not match the docket number on the back thereof. The client attended the supposed

arbitration hearing, and waited outside Anthony's office as he "presented his case." Afterward, Anthony told the client that he had won, but cautioned that the matter was going to be appealed to the Court of Common Pleas. Anthony thereafter relayed various "settlement offers" to his client, the final of which was \$7,500.00. As had been the case with the arbitration hearing, the settlement offers were complete fabrications. The client accepted the \$7,500.00 offer, which Anthony paid from personal funds that he had deposited in his IOLTA account. Anthony also provided a copy of the fictitious "settlement" check to the client.

In *Office of Disciplinary Counsel v. Susan Bell Bolno*, No. 162 DB 2000 (D. Bd. Rpt. 12/16/2002) (S. Ct. Order 3/7/2003), the Pennsylvania Supreme Court imposed a two-year suspension based on Bolno's neglect of four client matters over a period of seven years. To conceal her neglect, Bolno made numerous misrepresentations to her clients and third parties. Bolno also fabricated letters in furtherance of her deceptive claims.

The facts presented in *Werner* are similar to those found in Respondent Henninger's matter. In both cases, the underlying issue was neglect. When contacted about the complaint against him, Werner, like Respondent, attempted to mislead and deceive ODC. In further similarity to Respondent, Werner provided ODC with a fabricated letter to substantiate his false claims that he had returned the client's file and refunded his unearned fees. However, Respondent's misconduct is more egregious than the behavior at issue in *Werner*. As a preliminary matter, Werner's neglect did not permanently prejudice his client. This is in contrast to Respondent's misconduct, which resulted in the Court dismissing Ms. Chesney's claims with prejudice. Moreover, the scope and scale of Respondent's deceptive behavior was more extensive than that in *Werner*. Werner's misrepresentations consisted of a single back-dated letter sent to ODC and the subsequent failure to inform ODC that he had not actually sent the letter to the client

as he previously claimed. Here, Respondent made numerous false statements concerning the nonexistent settlement offer from Hollywood Casino. As in *Werner*, Respondent's misrepresentations consisted of affirmative falsehoods and a subsequent failure to inform ODC that those statements were untrue. Respondent could have told ODC the truth at any time, but he chose not to do so. Respondent even provided ODC with falsified financial records that indicated that he had received \$25,000.00 from GLP Capital, L.P. relative to Ms. Chesney's supposed settlement. It was not until after ODC issued a subpoena to Northwest and presented the findings of its review in the DB-7 letter that Respondent admitted his misconduct.

The disposition of this matter must also take into account the fact that Respondent also conveyed the same misleading information to Ms. Chesney as he did to ODC. Respondent's efforts to also deceive Ms. Chesney parallel the behavior found in *In re Anonymous (Anthony)*. Respondent, like Anthony, advanced his misrepresentations to Ms. Chesney by providing her with documentation that appeared to corroborate his claims. Specifically, Respondent gave Ms. Chesney a settlement sheet that falsely indicated that he had received \$30,000.00 on her behalf and had reduced his fee to atone for his earlier lack of diligence and communication. Respondent also annotated the memo line of the Settlement Check with the deceptive description that it represented the "proceeds of litigation." As a result, the suspension for one-year and one-day imposed in *Werner* would not address the full extent of Respondent's misconduct. Instead, the outcome of *In re Anonymous (Anthony)* demonstrates that a suspension of two years is necessary. Such a suspension would align with the discipline imposed in *Bolno*, which also addressed the use of dishonesty to try and conceal neglect.

By entering into this Joint Petition, Respondent has admitted his misconduct, accepted responsibility, and expressed remorse.


Respondent hereby consents to the discipline being imposed upon him by the Supreme Court of Pennsylvania. Attached to this Petition is Respondent's executed Affidavit required by Pa.R.D.E. 215(d), stating that Respondent consents to the recommended discipline and including the mandatory acknowledgements contained in Pa.R.D.E. 215(d)(1) through (4).

WHEREFORE, Petitioner and Respondent respectfully request that your Honorable Board:

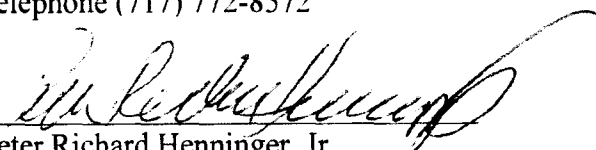
- (a) Approve this Petition and recommend that the Supreme Court of Pennsylvania enter an Order imposing a suspension of two years; and
- (b) Pursuant to Pa.R.D.E. 215(i), enter an order for Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter.

Respectfully submitted.

Date: August 4, 2021

By:   
Nicholas K. Weiss  
Disciplinary Counsel  
Attorney Registration No. 324774  
601 Commonwealth Avenue, Suite 5800  
P.O. Box 62675  
Harrisburg, PA 17106-2675  
Telephone (717) 772-8572

Date: 8/3/21

By:   
Peter Richard Henninger, Jr.  
Respondent  
Attorney Registration No. 44873  
339 W. Governor Road, FRNT 201  
Hershey, PA 17033-2097  
Telephone (717) 533-7113

Date: \_\_\_\_\_

By: \_\_\_\_\_  
James C. Schwartzman, Esq.

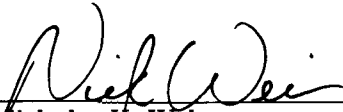
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Respectfully submitted,

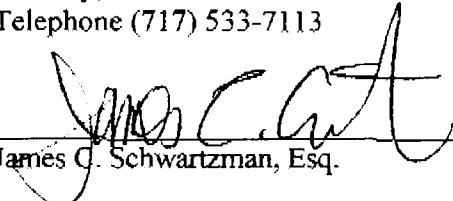
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Date: \_\_\_\_\_

By: \_\_\_\_\_  
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Respondent  
Attorney Registration No. 44873  
339 W. Governor Road, FRNT 201  
Hershey, PA 17033-2097  
Telephone (717) 533-7113

Date: 8/3/21

By:   
James C. Schwartzman, Esq.



Counsel for Respondent  
Attorney Registration No. 16199  
Stevens & Lee, P.C.  
1500 Market Street, East Tower  
18<sup>th</sup> Floor  
Philadelphia, PA 19102  
Telephone (215)751-2863

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA


OFFICE OF DISCIPLINARY COUNSEL, :  
Petitioner, : No. 43 DB 2020  
 :  
v. : Attorney Reg. No. 44873  
 :  
PETER RICHARD HENNINGER, JR., :  
Respondent : (Dauphin County)  
 :

VERIFICATION

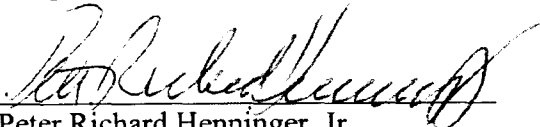
The statements made in the foregoing Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d) are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Respectfully submitted,

Date: August 4, 2021

By:   
Nicholas K. Weiss  
Disciplinary Counsel  
Attorney Registration No. 324774  
601 Commonwealth Avenue. Suite 5800  
P.O. Box 62675  
Harrisburg, PA 17106-2675  
Telephone (717) 772-8572

Date: 8/3/21

By:   
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Respondent  
Attorney Registration No. 44873  
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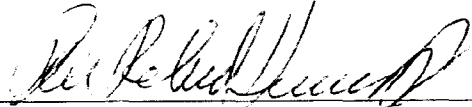
BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	
Petitioner,	:	No. 43 DB 2020
	:	
v.	:	Attorney Reg. No. 44873
	:	
PETER RICHARD HENNINGER, JR.,	:	
Respondent	:	(Dauphin County)
	:	

RESPONDENT'S AFFIDAVIT UNDER RULE 215(d) OF THE  
PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

I, Peter Richard Henninger, Jr., Respondent in the above-captioned matter, hereby consent to the imposition of a two year suspension, as jointly recommended by the Petitioner, Office of Disciplinary Counsel, and myself, in a Joint Petition in Support of Discipline on Consent and further state:

1. My consent is freely and voluntarily rendered; I am not being subjected to coercion or duress; I am fully aware of the implications of submitting the consent;
2. I am aware there is presently pending a proceeding involving allegations that I have been guilty of misconduct as set forth in the Joint Petition;
3. I acknowledge that the material facts set forth in the Joint Petition are true;
4. I consent because I know that if the charges continued to be prosecuted in the pending proceeding, I could not successfully defend against them; and
5. I am represented by counsel, James C. Schwartzman, Esq., in this matter.

By:   
Peter Richard Henninger, Jr.  
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	
Petitioner,	:	No. 43 DB 2020
	:	
v.	:	Attorney Reg. No. 44873
	:	
PETER RICHARD HENNINGER, JR.,	:	
Respondent	:	(Dauphin County)
	:	

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 Pa.R.A.P. 121.

First Class Mail and electronic mail as follows:

Peter Richard Henninger, Jr.  
c/o James C. Schwartzman, Esq.  
Stevens & Lee, P.C.  
1500 Market Street, East Tower  
18<sup>th</sup> Floor  
Philadelphia, PA 19102

[jcsc@stevenslee.com](mailto:jcsc@stevenslee.com)  
[jcsoffice@aol.com](mailto:jcsoffice@aol.com)

Date: August 4, 2021

By:   
Nicholas K. Weiss  
Disciplinary Counsel  
Attorney Registration No. 324774  
601 Commonwealth Avenue, Suite 5800  
P.O. Box 62675  
Harrisburg, PA 17106-2675  
Telephone (717) 772-8572

**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: Nicholas K. Weiss, Esq.

Attorney No. (if applicable): 324774