

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2723 Disciplinary Docket No. 3
: :
Petitioner : No. 69 DB 2020
: :
v. : Attorney Registration No. 78413
: :
BRADLEY ADAM WINNICK, : (Dauphin County)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 24th day of February, 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 Bradley Adam Winnick is suspended on consent from the Bar of this Commonwealth for a period of one year and one day, retroactive to May 22, 2020. 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 02/24/2021


Attest:
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2723 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 69 DB 2020
	:	
v.	:	File No. C3-20-223
	:	
	:	Attorney Registration No. 78413
BRADLEY ADAM WINNICK,	:	
Respondent	:	(Dauphin)

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

Petitioner, Office of Disciplinary Counsel (hereinafter "ODC") by Thomas J. Farrell, Chief Disciplinary Counsel, and Kristin A. Wells, Disciplinary Counsel, and Respondent, Bradley Adam Winnick, 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 in support thereof state:

1. ODC, whose principal office is located at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62485, Harrisburg, PA 17106, is invested, pursuant to Pa.R.D.E. 207, with the power and the 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 the aforesaid Rules.

2. Respondent, Bradley A. Winnick, was born on October 15, 1971, and was admitted to practice law in the Commonwealth of Pennsylvania on December 12, 1996. Respondent's Attorney Registration No. is 78413.

3. Respondent's registered address is 909 Espenshade Court, Hummelstown, Pennsylvania 17036.

4. On May 7, 2020, ODC and Respondent filed a Joint Petition for Temporary Suspension with the Pennsylvania Supreme Court.

5. By Order dated May 22, 2020, the Pennsylvania Supreme Court granted the Joint Petition and placed Respondent on temporary suspension.

6. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

SPECIFIC FACTUAL ALLEGATIONS ADMITTED

7. In or about October 2019, Respondent was charged in Dauphin County, Pennsylvania, with one count Conspiracy – Diversion of Assets (18 Pa.C.S. § 903), one count Tamper with Public Record/Information (18 Pa.C.S. § 4911 §§ A1), and one count Restricted Activities – Conflict of Interest (65 Pa.C.S. § 1103 §§ A).

8. On or about March 5, 2020, Respondent pled guilty to Restricted Activities – Conflict of Interest, an ungraded felony.

9. At the time of his criminal activity, Respondent was the Chief Dauphin County Public Defender.

10. Based on his criminal charges, Respondent was suspended without pay from the Public Defender's Office.

11. The factual basis for Respondent's criminal charges was his decision to offer employees of the Public Defender's Office double compensatory time off for each hour they handed out campaign literature promoting certain candidates, including Judge Royce Morris, at the polls during the 2017 primary and general elections.

12. By letter dated March 13, 2020, Respondent, through counsel, timely notified ODC of his criminal conviction and of his desire to enter into a joint petition for temporary suspension, which, as stated at paragraphs 4 and 5 *supra*, the Pennsylvania Supreme Court granted by Order dated May 22, 2020.

13. On or about June 1, 2020, Respondent was sentenced to eighteen months' probation and ordered to pay approximately \$14,000.00 in restitution.

14. Respondent promptly paid the restitution in full and, by Order dated September 10, 2020, the Dauphin County Court of Common Pleas discharged him from probation.

15. Respondent timely filed a Statement of Compliance pursuant to Pa.R.D.E. 217(e)(1) on June 8, 2020.

SPECIFIC RULES OF PROFESSIONAL CONDUCT VIOLATED

16. By his conduct as alleged in paragraphs 7 through 15, above, Respondent violated the following Rules:

a. RPC 8.4(b), which provides 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"; and

b. Pa.R.D.E. 203(b)(1), which provides that conviction of a crime is a *per se* basis for discipline.

SPECIFIC JOINT RECOMMENDATIONS FOR DISCIPLINE

Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent is a one-year and one-day license suspension, retroactive to the date Respondent was placed on temporary suspension. This recommendation is supported by a careful analysis of prior

decisions.

In *Office of Disciplinary Counsel v. Joan Orié Melvin*, 65 DB 2013 (S. Ct. Order 1/15/2015), the Court accepted Orié Melvin's resignation. Orié Melvin was found guilty by a jury of three counts of Diversion of Services, a third-degree felony (18 Pa.C.S. § 3926(b)), one count of Conspiracy to Engage in Diversion of Services, a third degree felony (18 Pa.C.S. § 903(a)(1)), one count of Misapplying Entrusted Government Funds, a second-degree misdemeanor (18 Pa.C.S. § 4113(a)), and one count of Conspiracy to Commit the Crime of Tampering with or Fabricating Evidence, a second-degree misdemeanor (18 Pa.C.S. § 903(a)). The basis of Orié Melvin's convictions was her use of her Superior Court staff and the staff of her sister, then-Senator Jane Orié, to facilitate and promote Orié Melvin's 2003 and 2009 political campaigns for a position on the Pennsylvania Supreme Court while on Commonwealth time. Orié Melvin was sentenced to, *inter alia*, an aggregate sentence of intermediate punishment (house arrest) for a maximum of three years, with conditions, to be followed by two years' probation. As part of her sentence, Orié Melvin was also removed from her position as a justice of the Pennsylvania Supreme Court and ordered to write apology letters to her staff, the Justices of the Pennsylvania Supreme Court, and every Common Pleas Court and intermediate appellate court judge in Pennsylvania. On appeal, the Superior Court affirmed Orié Melvin's conviction and sentence. She thereafter filed a Petition for Allocatur, but later discontinued the action.

In *Office of Disciplinary Counsel v. William T. Roshko*, 18 DB 2012 (S. Ct. Order 10/22/2012), the Court approved a joint petition for a two-year suspension on consent. Roshko pled guilty to seventeen counts of violating Pennsylvania's election code (25 Pa.C.S. § 3514(M)) based on his having signed and filed seventeen nominating petitions as circulator. These petitions were submitted in connection with Roshko's attempt to run for several elected positions in Bucks

County, Pennsylvania, including District Attorney, District Justice, and Court of Common Pleas Judge. Roshko was sentenced to twenty-three months' probation and costs. In aggravation, it appears that, despite his bald claim to the contrary, Roshko failed to inform ODC of his conviction. However, once his conviction came to light, Roshko cooperated with ODC's investigation and expressed his willingness to accept discipline for whatever term ODC deemed appropriate.

Respondent's misconduct, while similar to *Orie Melvin* and *Roshko*, is factually distinguishable, and warrants lesser discipline. Unlike *Orie Melvin* and *Roshko*, Respondent undertook to provide campaign services not for himself, but others. Based on the criminal investigation, there was no evidence that the candidates for whom the assistance was provided were aware of Respondent's efforts or that there was any type of *quid pro quo* anticipated. Respondent also promptly took full responsibility for his misconduct by submitting a guilty plea, timely reporting his conviction to ODC, agreeing to submit a joint petition for temporary suspension, and consenting to the instant petition for consent discipline. Ultimately, Respondent received a significantly lesser sentence than was imposed in *Orie Melvin* or *Roshko* and was further granted early termination after serving only approximately three months of his probationary term. Further, Respondent has presented a wealth of character letters from members of the legal community and others attesting to the irregular nature of Respondent's misconduct and his high regard in the community.

There is no indication that Respondent's misconduct involved fraud, which would call for a lengthier suspension term. *See e.g., Office of Disciplinary Counsel v. James A. Hickey*, 25 DB 2018 (S. Ct. Order 10/21/2019) (five year suspension on consent for guilty plea to honest services wire fraud and mail fraud involving political corruption by rigging contracts for clients

of Hickey's business consulting firm in exchange for contributions to certain elected officials); *Office of Disciplinary Counsel v. Dale Robert Wiles*, 3 DB 2016 (S. Ct. Order 5/2/2019) (five year suspension on consent for guilty plea to conspiracy to commit mail and wire fraud involving political corruption in the award of a municipal contract to campaign donors of an elected official); *Office of Disciplinary Counsel v. David J. Murphy*, 188 DB 2010 (S. Ct. Order 1/30/2013) (disbarment based on criminal conviction of conspiring with another to forge 64 signatures on nominating petitions in connection with Murphy's re-election as Magisterial District Judge). However, Respondent's position as the Public Defender and the direct correlation between his position and misconduct significantly aggravate this matter, such that a suspension necessitating a reinstatement proceeding is warranted. *See Office of Disciplinary Counsel v. Stacy Parks Miller*, 32 DB 2017 (S. Ct. Order 2/8/2019) ("Respondent betrayed the faith and trust of the public by engaging in misconduct in her official capacity [as District Attorney], including dishonest acts, and this factor weighs heavily in the assessment of discipline."); *Office of Disciplinary Counsel v. Anthony Cappuccio*, 48 A.3d 1231, 1240 (Pa. 2012) ("[T]he fact that a lawyer holds a public office, or serves in a public capacity, as here, is a factor that properly may be viewed as aggravating the misconduct in an attorney disciplinary matter.")

Respondent has no prior disciplinary or criminal record. He has cooperated with ODC, as evidenced by his prior agreement to an emergency temporary license suspension. By entering into this Joint Petition, Respondent has expressed recognition of his violations of the Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement and understanding of the need for discipline.

Respondent hereby consents to the discipline being imposed upon him. Attached to this

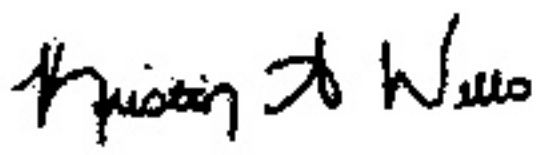
Petition is Respondent's executed Affidavit required by Pa.R.D.E. 215(d), stating that Respondent consents to the recommended discipline and including the mandatory acknowledgements contained in Pa.R.D.E. 215(d)(1) through (4).

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


- (a) Review and approve this Joint Petition and recommend that the Supreme Court of Pennsylvania enter an Order imposing a one-year and one-day license suspension, retroactive to the date of Respondent's temporary suspension; 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: 12/18/2020

By: 
Kristin A. Wells
Disciplinary Counsel
Attorney Registration No. 312080
601 Commonwealth Avenue, Suite 5800
P.O. Box 62675
Harrisburg, PA 17106-2675
Telephone (717) 772-8572

Date: 12/14/20

By: 
Bradley Adam Winnick
Respondent
909 Espenshade Court
Hummelstown, PA 17036
Telephone (717) 418-8129

Date: December 15 2020

By: 
Ellen C. Brotman, Esq.
Respondent's Counsel
Brotman Law
1 South Broad Street, Suite 1500
Philadelphia, PA 19107
Telephone (215) 609-3247

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

OFFICE OF DISCIPLINARY COUNSEL,
Petitioner

v.

BRADLEY ADAM WINNICK,
Respondent

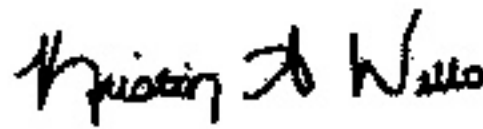
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: (Dauphin)

VERIFICATION

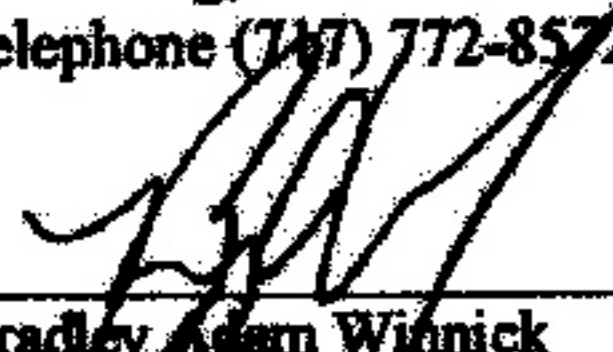
The statements made in the foregoing Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d) are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Respectfully submitted,

Date: 12/18/2020

By: 
Kristin A. Wells
Disciplinary Counsel
Attorney Registration No. 312080
601 Commonwealth Avenue, Suite 5800
P.O. Box 62675
Harrisburg, PA 17106-2675
Telephone (717) 772-8572

Date: 12/14/20

By: 
Bradley Adam Winnick
Respondent
909 Espenshade Court
Hummelstown, PA 17036
Telephone (717) 418-8129

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


OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	No. 2723 Disciplinary Docket No. 3
	:	No. 69 DB 2020
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	:	Attorney Registration No. 78413
BRADLEY ADAM WINNICK, Respondent	:	(Dauphin)

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

I, Bradley Adam Winnick, Respondent in the above-captioned matter, hereby consent to the imposition of a one-year and one-day license suspension, retroactive to the date of my temporary 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, Ellen C. Brotman, Esq., in the instant proceeding.

Date: 12/14/20

By: 
Bradley Adam Winnick
Resident
909 Espenshade Court
Hummelstown, PA 17036
Telephone (717) 418-8129

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	No. 2723 Disciplinary Docket No. 3
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v.	:	File No. C3-20-223
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	:	Attorney Registration No. 78413
BRADLEY ADAM WINNICK, Respondent	:	(Dauphin)

CERTIFICATE OF SERVICE

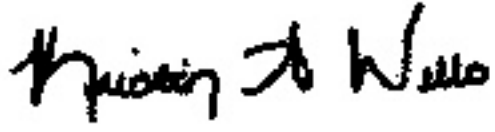
I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of Disciplinary Board Rules and Procedures § 89.22 (service by a participant).

First Class Mail and email as follows:

Bradley Adam Winnick
c/o Ellen C. Brotman, Esq.
Brotman Law
1 South Broad Street, Suite 1500
Philadelphia, PA 19107

ebrotman@ellenbrotmanlaw.com

Date: 12/18/2020


By: _____
Kristin A. Wells
Disciplinary Counsel
Attorney Registration No. 312080
601 Commonwealth Avenue, Suite 5800
P.O. Box 62675
Harrisburg, PA 17106-2675
Telephone (717) 772-8572

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: (Dauphin)

ORDER

PER CURIAM

AND NOW, this ____ day of _____, 2020, 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 Bradley Adam Winnick is suspended on consent from the Bar of this Commonwealth for a period of one-year and one-day, retroactive to the date of his temporary suspension.

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: Kristin A. Wells

Name: Kristin A. Wells

Attorney No. (if applicable): 312080