

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2273 Disciplinary Docket No. 3
: :
Petitioner : No. 82 DB 2016
: :
v. : Attorney Registration No. 86614
: :
JAMES P. KENNEDY, : (Bucks County)
: :
Respondent :
:

ORDER

PER CURIAM

AND NOW, this 11th day of August, 2016, upon consideration of the Verified Statement of Resignation, James P. Kennedy is disbarred on consent from the Bar of the Commonwealth of Pennsylvania, see Pa.R.D.E. 215, and he shall comply with the provisions of Pa.R.D.E. 217. Respondent shall pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 8/11/2016

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

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

OFFICE OF DISCIPLINARY COUNSEL	:	No. 2273 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 82 DB 2016
v.	:	
	:	Attorney Registration No. 86614
JAMES P. KENNEDY	:	
Respondent	:	(Bucks County)

RESIGNATION BY RESPONDENT

Pursuant to Rule 215
of the Pennsylvania Rules of Disciplinary Enforcement

Re: Office of Disciplinary Counsel
v. JAMES P. KENNEDY
No. 2273 Disciplinary Docket No. 3
No. 82 DB 2016
Attorney Registration No. 86614
(Bucks County)

RECORD OF PRIOR DISCIPLINE

None

BEFORE THE DISCIPLINARY BOARD OF
THE SUPREME COURT OF PENNSYLVANIA

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:
JAMES P. KENNEDY, : Attorney Reg. No. 86614
Respondent : (Bucks County)

RESIGNATION
UNDER Pa.R.D.E. 215

James P. Kennedy, Esquire, hereby tenders his unconditional resignation from the practice of law in the Commonwealth of Pennsylvania in conformity with Pa.R.D.E. 215 ("Enforcement Rules") and further states as follows:

1. He was admitted to the bar in the Commonwealth of Pennsylvania on December 19, 2000 and was temporarily suspended by Supreme Court of Pennsylvania Order on June 23, 2016. His attorney registration number is 86614.

2. He desires to submit his resignation as a member of said bar.

3. His resignation 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 resignation.

4. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant

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Office of the Secretary
The Disciplinary Board of the
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proceeding. He has not retained, consulted with, and acted upon the advice of counsel in connection with his decision to execute the within resignation.

5. He is aware that there is presently pending an investigation into allegations that he has been guilty of misconduct, the nature of which allegations are contained in a Petition for Discipline, filed with the Office of the Secretary on July 12, 2016, made a part hereof and marked Exhibit "A".

6. He acknowledges that the material facts upon which the matters contained in Exhibit "A" are based, are true.

7. He submits the within resignation because he knows that he could not successfully defend himself against charges of professional misconduct, in that he was convicted of the crimes, in violation of the Rules of Professional Conduct, Rule 8.4(b), set forth in the attached exhibit.

8. He is fully aware that the submission of this Resignation Statement is irrevocable and that he can only apply for reinstatement to the practice of law pursuant to the provisions of Enforcement Rule 218(b).

9. He is aware that pursuant to Enforcement Rule 215(c) the fact that he has tendered his resignation shall become a matter of public record immediately upon delivery of the resignation statement to Disciplinary Counsel or the Secretary

of the Board.

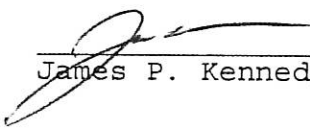
10. Upon entry of the order disbaring him on consent, he will promptly comply with the notice, withdrawal, resignation, trust account, and cease-and-desist provisions of Enforcement Rule 217 (a), (b), (c), and (d).

11. After entry of the order disbaring him on consent, he will file a verified statement of compliance as required by Enforcement Rule 217(e)(1).

12. He is aware that the waiting period of eligibility to apply for reinstatement to the practice of law under Enforcement Rule 218(b) shall not begin until he files the verified statement of compliance required by Enforcement Rule 217(e)(1), and if the order of disbarment contains a provision that makes the disbarment retroactive to an earlier date, then the waiting period will be deemed to have begun on that earlier date.

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

Signed this 25th day of July, 2016.


James P. Kennedy

WITNESS: Eric Fender

BEFORE THE DISCIPLINARY BOARD OF THE
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PETITION FOR DISCIPLINE

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Julia M. Frankston-Morris, Disciplinary Counsel, files this Petition for Discipline and charges Respondent, James P. Kennedy, with professional misconduct in violation of the Rules of Professional Conduct and the Pennsylvania Rules of Disciplinary Enforcement as follows:

1. Petitioner, 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 Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter "Pa.R.D.E."), with the power and the duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of

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Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

2. Respondent, James P. Kennedy, was born on October 13, 1975, was admitted to practice law in Pennsylvania on December 19, 2000, was transferred to voluntary inactive status on April 29, 2011, and was administratively suspended for failure to pay the required inactive fee by Supreme Court Order dated October 18, 2013.

3. By Order dated June 23, 2016, Respondent was placed on temporary suspension pursuant to Pa.R.D.E. 214(d)(2), following his failure to respond to a rule to show cause why he should not be placed on temporary suspension; he remains in that status.

4. Respondent's registered address is 206 Dallas Road, Willow Grove, PA 19090-2412.

5. He is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

CHARGE

6. On August 8, 2013, in a matter docketed at 2:13-cr-00218-ER in the United States District Court for the Eastern District of Pennsylvania, Respondent pleaded guilty to two counts of Mail Fraud, in violation of 18 U.S.C. §1341, felonies, for writing two checks totaling \$3,500 on the account of his employer without the knowledge or consent of the owner in

payment of his credit card bills, and sending them by U.S. Mail.

7. During Respondent's employment, between June of 2007 and February of 2011, Respondent embezzled money from his employer by writing checks to himself and third parties that he was not authorized to write, totaling \$291,530.04.

8. Respondent was sentenced to, *inter alia*, 20 months of imprisonment on each count to run concurrently; 3 years of supervised release on each count to run concurrently; participation in a mental health program for evaluation and/or treatment until discharged with the approval of the Court; completion of at least 50 hours of community service; and payment of restitution in the amount of \$291,530.04 to the Law Office of Gregory Javardian.

9. At the time of Respondent's sentencing, the Honorable Eduardo C. Robreno inquired if Respondent had reported his conviction to the Disciplinary Board, to which Respondent answered that he would do so immediately.

10. Respondent did not report his conviction to the Office of Disciplinary Counsel or to the Secretary of the Disciplinary Board.

11. By his conduct as set forth in Paragraphs 3 through 10, Respondent violated the following Rules of Professional Conduct:

a. Pa.R.D.E 203(b)(1), which states that conviction of a crime shall be grounds for discipline;

b. Pa.R.D.E 214(a), which states that an attorney convicted of a crime shall report the fact of such conviction within 20 days to the Office of Disciplinary Counsel;

c. 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

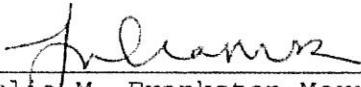
d. RPC 8.4(c), which provides that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

WHEREFORE, Petitioner prays that your Honorable Board appoint, pursuant to Rule 205, Pa.R.D.E., a Hearing Committee to hear testimony and receive evidence in accordance with Rule 214(f) on the sole issue of the extent of the final discipline to be imposed, and at the conclusion of said hearing, to make such findings of fact, conclusions of law, and recommendations for discipline as it may deem appropriate.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

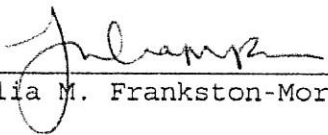
Paul J. Killion
Chief Disciplinary Counsel

By: 

Julia M. Frankston-Morris
Disciplinary Counsel
Attorney Registration No. 308715
820 Adams Avenue, STE 170
Trooper, PA 19403
Telephone (610) 650-8210

VERIFICATION

I, Julia M. Frankston-Morris, Disciplinary Counsel, verify that the statements made in the foregoing Petition for Discipline 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.



Julia M. Frankston-Morris

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AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF MONTGOMERY:

I, Daniel G. Richer, being duly sworn according to law, depose and say that on July 14, 2016 at 8:43 a.m., I did duly serve upon James P. Kennedy, the Respondent, a Petition for Discipline endorsed with Notice to Plead within twenty days (20) by handing same to him at 206 Dallas Road, Willow Grove, Pennsylvania.

Daniel G. Richer

Daniel G. Richer
Auditor

Sworn and subscribed to
before me this 14th
day of July 2016

Denise R. Smith

