

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 1237 Disciplinary Docket No. 3
: :
SAMUEL MICHAEL PONTIER : No. 17 DB 2007
: :
: (Attorney Registration No. 32229
: (Allegheny County)

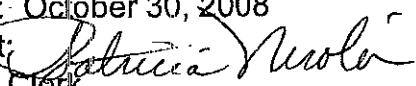
ORDER

PER CURIAM:

AND NOW, this 30th day of October, 2008, there having been filed with this Court by Samuel Michael Pontier his verified Statement of Resignation dated August 19, 2008, stating that he desires to resign from the Bar of the Commonwealth of Pennsylvania in accordance with the provisions of Rule 215, Pa.R.D.E., it is

ORDERED that the resignation of Samuel Michael Pontier is accepted; he is disbarred on consent from the Bar of the Commonwealth of Pennsylvania; and he shall comply with the provisions of Rule 217, Pa.R.D.E. Respondent shall pay costs, if any, to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.

It is further ORDERED that in accordance with the provisions of Rule 215(c)(1), Pa.R.D.E., the resignation statement in this matter is not confidential.

A True Copy Patricia Nicola
As of: October 30, 2008
Attest: 
Chief Clerk
Supreme Court of Pennsylvania

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

OFFICE OF DISCIPLINARY COUNSEL	:	No. 1237 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 17 DB 2007
v.	:	
	:	Attorney Registration No. 32229
SAMUEL MICHAEL PONTIER	:	
Respondent	:	(Allegheny County)

RESIGNATION BY RESPONDENT

Pursuant to Rule 215
of the Pennsylvania Rules of Disciplinary Enforcement

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1237 Disciplinary Docket
: No. 3
:
Petitioner : No. 17 DB 2007
:
vs. :
:
SAMUEL MICHAEL PONTIER, : Attorney Registration No. 32229
:
Respondent : (Allegheny County)

RESIGNATION STATEMENT UNDER RULE 215,
PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Samuel Michael Pontier hereby states that he is a former member of the Bar of the Supreme Court of Pennsylvania, as pursuant to a Joint Petition For Emergency Temporary Suspension Order and Related Relief, filed at the above number, the Supreme Court entered an Order dated February 23, 2007, placing him on temporary suspension from the practice of law, pursuant to Rule 208(f)(2), Pa.R.D.E. In conformity with Rule 215, Pa.R.D.E., he further states as follows:

1. He wishes to resign from the Bar, 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 his resignation.

2. He is aware that there is presently pending an investigation by the Office of Disciplinary Counsel into allegations that he is guilty of misconduct, based upon his being convicted of several crimes, the nature and specifics of which have been made known to him by a Statement of Fact, which is attached hereto as Exhibit 1.

3. He acknowledges that the material facts upon which are predicated the allegations of professional misconduct so lodged against him in the Statement of Facts are true.

4. He submits his resignation because he knows that if charges were predicated upon his having been convicted of these crimes, he could not successfully defend himself against said charges.

5. He is fully aware that an executed Resignation Statement is irrevocable and that once the Supreme Court of Pennsylvania issues an Order disbaring him on consent, he can apply for reinstatement to the practice of law only pursuant to the provisions of Enforcement Rule 218, Pa.R.D.E.

6. He has consulted with counsel in regard to signing and submitting this statement as is shown by endorsement below.

In accordance with Rule 215, Pa.R.D.E., this statement is made by the signatory subject to the penalties of 18 Pa.C.S. §4904 (relating to unsworn falsification to authorities).

Signed this 19th day of August, 2008.

Samuel M. Pontier
Samuel Michael Pontier
Respondent

As counsel for Respondent, I, James Eugene DePasquale, Esquire, have reviewed the foregoing Resignation Statement, and the attached Statement of Facts, and it has been signed and submitted by Respondent only after he consulted with me concerning it.

8-22-08

Date

James E. DePasquale
James Eugene DePasquale, Esquire
Counsel for Respondent

STATEMENT OF FACTS

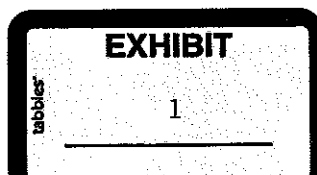
1. Respondent, Samuel Michael Pontier, was born in 1950, was admitted to practice law in the Commonwealth of Pennsylvania in 1980, and his last attorney registration address is 903/906 Grant Building, 310 Grant Street, Pittsburgh, Pennsylvania 15219.

2. On December 29, 2006, Respondent was arrested in Allegheny County, Pennsylvania, by law enforcement officials for the criminal conduct he committed on December 29, 2006 of intentionally setting fire to a house at 10 Rodgers Drive West in O'Hara Township, Allegheny County, co-owned by him and his estranged wife, knowing that his 16 year old daughter, who resided therein and who suffers from cerebral palsy, which rendered her unable to communicate and kept her confined to her bed, was inside the house.

3. According to the Probably Cause Affidavit attached to the Police Criminal Complaint:

(a) Prior to the fire and following a domestic violence incident in the house, O'Hara Township Police had removed Respondent from the house, which he occupied with his estranged wife and two juvenile daughters. Respondent was released from custody and Respondent's estranged wife was advised by police officers to obtain a temporary Protection From Abuse Order against Respondent;

(b) The fire was discovered by O'Hara Township Police Officer Michael Burda and Respondent's estranged wife at about 4:30 p.m. on December 29, 2006, when Officer Burda



came to the house to serve Respondent with the temporary Protection From Abuse Order;

(c) Multiple local fire departments, as well as the O'Hara Township Police Department, responded to the fire;

(d) Firefighters and police officers discovered Respondent's bedridden daughter inside the house and fire fighters removed her from the house;

(e) She was transported to St. Margaret's Hospital for treatment and then transported by helicopter to West Penn Hospital;

(f) Respondent's daughter suffered smoke inhalation and "esophageal burn trauma";

(g) The Allegheny County Deputy Fire Marshall determined that the fire originated in the kitchen, the fire was caused by the application of an open-flamed device such as a match or lighter being applied to combustible material, and the fire was incendiary in nature, meaning that the fire was the result of deliberate action; and,

(h) After being transported to the O'Hara Township Police Station for questioning on December 29, 2006, Respondent admitted during an interview with Allegheny County Police Officers that he intentionally lit the fire

in the kitchen of the house by lighting on fire loose pieces of paper and adding loose-leaf paper to the fire until it became large.

4. Respondent's daughter suffered severe burning in her esophagus, three firefighters were injured while fighting the fire, and the house and all of Respondent's injured daughter's medical equipment were destroyed in the fire.

5. In an Information filed on March 30, 2007 in the Allegheny County Court of Common Pleas at Criminal Action Number CR-0001224-2007, Respondent was charged with the following violations of Title 18 Pa.C.S.A., entitled "Crimes and Offenses":

(a) One count of Criminal Attempt - Criminal Homicide, in violation of §901(a), a felony of the first degree;

(b) One count of Aggravated Assault, in violation of §2702(a)(1), a felony of the first degree;

(c) One count of Arson, in violation of §3301(a)(1)(i) (the fire recklessly placed another person in danger of death or bodily injury, including but not limited to a firefighter, police officer or other person actively engaged in fighting the fire), a felony of the first degree;

(d) One count of Arson, in violation of §3301(a)(1)(ii) (the fire was committed with the purpose

of destroying or damaging an inhabited building or occupied structure of another), a felony of the first degree;

(e) One count of Risking Catastrophe, in violation of §3302(b), a felony of the third degree;

(f) One count of Criminal Mischief, in violation of §3304(a)(1), a felony of the third degree; and,

(g) Three counts of Recklessly Endangering Another Person, in violation of §2705, a misdemeanor of the second degree.

6. On November 13, 2007, Respondent entered a plea of guilty to Aggravated Assault, both counts of Arson, Risking Catastrophe, and one count of Recklessly Endangering Another Person. The remaining charges were withdrawn by the District Attorney.

7. On January 31, 2008, Judge Randal B. Todd sentenced Respondent to five to ten years imprisonment and then five years probation as follows:

(a) As to the count of Aggravated Assault, Respondent was sentenced to imprisonment for a minimum of thirty-six (36) months to a maximum of seventy-two (72) months;

(b) As to the first count of Arson (3301(a)(1)(i)), Respondent was sentenced to imprisonment for a minimum of twenty-four (24) months to a maximum of forty-eight (48)

months to run consecutive to the term of imprisonment imposed for the count of Aggravated Assault;

(c) As to the second count of Arson (3301(a)(1)(ii)), Respondent was sentenced to imprisonment for a minimum of twenty-four (24) months to a maximum of forty-eight (48) months to run concurrent to the term of imprisonment imposed for the first count of Aggravated Assault;

(d) As to the count of Risking Catastrophe, Respondent was sentenced to probation, with conditions, for four (4) years to run consecutive to the term of imprisonment imposed; and,

(e) As to the count of Recklessly Endangering Another Person, Respondent was sentenced to probation for one year to run consecutive to the term of probation imposed for the count of Risking Catastrophe.

8. Each of the above crimes is punishable by imprisonment for one year or upward in Pennsylvania and, therefore, is a "serious crime" as defined by Rule 214(i), Pa.R.D.E.

9. According to Rule 214(d), Pa.R.D.E., upon the filing with the Supreme Court of a certified copy of an Order demonstrating that an attorney has been convicted of a serious crime, the Court, after the issuance of a Rule To Show Cause and consideration of any response, may enter an Order requiring temporary suspension of the

practice of law by the respondent-attorney pending further definitive action under the Rules of Disciplinary Enforcement.

10. Conviction of a crime which under Rule 214 (relating to attorneys convicted of crimes) may result in suspension is grounds for discipline, pursuant to Rule 203(b)(1), Pa.R.D.E.

11. Based upon the above, each aforesaid conviction of Respondent is an independent basis for discipline, pursuant to Rule 203(b)(1), Pa.R.D.E.