

IN THE SUPREME COURT OF PENNSYLVANIA

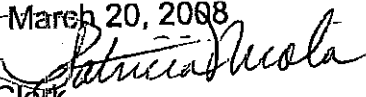
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| OFFICE OF DISCIPLINARY COUNSEL, Petitioner | : | No. 1326 Disciplinary Docket No. 3 |
| | : | No. 125 DB 2007 |
| v. | : | Attorney Registration No. 81787 |
| JOSE VICTOR BERNARDINO, A/K/A JOSEPH BERNARDINO, Respondent | : | (Philadelphia) |

ORDER

PER CURIAM:

AND NOW, this 20th day of March, 2008, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated November 7, 2007, the Joint Petition in Support of Discipline on Consent is hereby granted pursuant to Rule 215(g), Pa.R.D.E., and it is

ORDERED that Jose Victor Bernardino, a/k/a Joseph Bernardino, is suspended on consent from the Bar of this Commonwealth for a period of four years, consecutive to the one-year suspension imposed by this Court on December 14, 2006, at No. 1206 Disciplinary Docket No. 3; and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

A True Copy Patricia Nicola
As of: March 20, 2008
Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

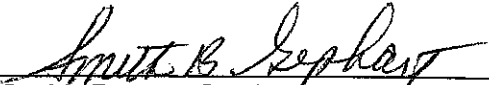
OFFICE OF DISCIPLINARY COUNSEL : No. 125 DB 2007
Petitioner :
v. : Attorney Registration No. 81787
JOSE VICTOR BERNARDINO :
Respondent : (Philadelphia)

RECOMMENDATION OF THREE-MEMBER PANEL
OF THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

The Three-Member Panel of the Disciplinary Board of the Supreme Court of Pennsylvania, consisting of Board Members Smith Barton Gephart, Robert C. Saidis and Donald E. Wright, Jr., has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on October 12, 2007.

The Panel approves the Joint Petition consenting to a four year suspension to run consecutive to the one year suspension ordered on December 14, 2006 at No. 1206 Disciplinary Docket No. 3 and recommends to the Supreme Court of Pennsylvania that the attached Petition be Granted.

The Panel further recommends that any necessary expenses incurred in the investigation and prosecution of this matter shall be paid by the respondent-attorney after the imposition of discipline.


Smith Barton Gephart, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: November 7, 2007

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 125 DB 2007
Petitioner :
 :
v. :
 : Attorney Reg. No. 81787
 :
JOSE VICTOR BERNARDINO, :
Respondent : (Philadelphia)

JOINT PETITION IN SUPPORT OF DISCIPLINE
ON CONSENT UNDER RULE 215(D), PA.R.D.E.

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Alan J. Davis, Disciplinary Counsel, and Respondent, Jose Victor Bernardino, by Samuel C. Stretton, Esquire, file this Joint Petition in Support of Discipline on Consent under Rule 215(d), Pa.R.D.E., and respectfully represent that:

1. Petitioner, whose principal office is situated at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania 17101, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter "Pa.R.D.E."), with the power and duty to investigate all matters involving alleged misconduct of any attorney admitted

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Office of the Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of said Rules.

2. Respondent, Jose Victor Bernardino, was born in 1968, was admitted to practice law in the Commonwealth on July 22, 1998, and was suspended for a period of one year by Order of the Supreme Court of Pennsylvania entered on December 14, 2006 at No. 70 DB 2006. On information and belief, Respondent does not maintain an office for the practice of law, and he resides at 808 N. 25th Street, Philadelphia, PA 19130. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

SPECIFIC FACTUAL AND LEGAL ADMISSIONS

3. The December 14, 2006 Order imposing prior discipline was based upon a Joint Petition in Support of Discipline on Consent Under Pa.R.D.E. 215(d), which was based upon the following facts:

- a. Respondent was admitted to the bar of the Commonwealth of Pennsylvania on July 22, 1998 under the name "Jose Victor Bernardino";
- b. At some point in time, Respondent commenced using the name "Joseph Bernardino" in his practice of law in lieu of Jose Victor Bernardino, although he did not legally change his name;

- c. From September 2002 until June 2004, Respondent was employed by the law firm Oliver Caiola & Gowen (later Oliver & Caiola) ("the Oliver firm"); and
- d. While employed by the Oliver firm, Respondent diverted and misappropriated firm funds and resources, in that, in the course of representation of no fewer than thirty clients who retained him personally ("personal cases") or whose cases were assigned to him by the firm, he failed to properly designate the origination of the file for fee attribution purposes; failed to advise the firm of his involvement in personal cases; worked on personal cases during hours for which he was paid by the firm; utilized firm resources to fund the expenses of personal cases; directed the client, opposing party, or referral counsel to issue payment of settlement or verdict proceeds or referral fees to himself directly rather than to the firm and deposited the funds to his own account without revealing to the firm his receipt of the funds; and/or maintained records of personal representations on a drive of his office computer which was

not on the office central drive and/or on his personal laptop computer.

4. The discipline at No. 70 DB 2006 arose from the following circumstances:

- a. In June, 2004, the Oliver firm confronted Respondent regarding his alleged diversion of firm resources and fees and filed a criminal complaint against him incorporating those allegations with the East Norriton Police Department;
- b. The East Norriton Police Department obtained a search warrant for Respondent's personal computer, but Respondent did not turn the computer over to the police;
- c. In July 2004, the Oliver firm filed a complaint with Petitioner against Respondent;
- d. In September 2004, Respondent's attorney in the criminal matter, Richard Tompkins, Esquire, spoke with Montgomery County Detective Michael Gilbert concerning the Oliver firm's criminal complaint, at which time it was discussed that if Respondent would release his computer to the county detectives and make restitution to the Oliver firm he would not be prosecuted criminally;

- e. In September 2004, Mr. Tompkins released Respondent's computer to the Montgomery County Detectives;
- f. Respondent did not at any time prior to September 2006 offer to the Oliver firm an amount and terms of restitution;
- g. By letter dated January 3, 2005 (Form DB-7), ODC advised Respondent of its concerns arising from the Oliver firm's complaint and requested that Respondent provide information and documentation in response to the complaint;
- h. Between January and approximately November 2005, Respondent and his attorney in the disciplinary matter, Carol Ann Sweeney, Esquire, communicated with Petitioner and responded to subpoenas relating to the Oliver firm's complaint;
- i. At no time did Petitioner advise Respondent or Ms. Sweeney that it had terminated its investigation or made a finding in his favor;
- j. By letter dated April 7, 2006, ODC notified Ms. Sweeney that it had filed a Petition for Discipline in the matter;

- k. On April 12, 2006, the Petition for Discipline was docketed, and Respondent was served on April 18, 2006;
- l. On or about June 5, 2006, Respondent filed an Answer to the Petition signed and dated April 26, 2006;
- m. On September 1, 2006, Respondent entered into a Joint Petition in Support of Discipline on Consent, which was filed with the Disciplinary Board on September 6, 2006, in which he admitted to misconduct including the matters set forth in ¶3.a.-d., *supra*, admitted violating RPC 1.15(a), RPC 1.15(b), RPC 1.15(c), RPC 8.4(c), and Pa.R.D.E. 219(d), via Pa.R.D.E. 203(b)(3), and agreed to make restitution to the Oliver firm in the amount of \$17,500.00 and to discontinue his civil law suit against the firm; and
- n. On October 3, 2006, a three-member panel of the Disciplinary Board approved the Joint Petition and recommended to the Supreme Court that Respondent be suspended for one year, with the conditions set forth in the Joint Petition.

5. On March 10, 2006, while the disciplinary investigation was proceeding, Respondent submitted to the Office of Enrollment and Discipline ("OED") of the United States Patent and Trademark Office ("PTO") an Application for Registration to Practice before that office, dated March 6, 2006, in which, *inter alia*:

a. The applicant is instructed:

Candor and truthfulness are significant elements of fitness relevant to practice before the United States Patent and Trademark Office. You should, therefore, provide the Office of Enrollment and Discipline with all available information, however unfavorable, even if its relevance is in doubt, with regard to the questions asked below. For each question answered "YES," provide a detailed statement setting forth all relevant facts and dates along with verified copies of relevant documents. **Your responses must be updated as necessary, prior to your registration. ... failure to disclose the requested information may result in denial of registration or in disciplinary proceedings under 37 CFR §10.22 should you become registered.**

b. Respondent entered "Jose Victor Bernardino" as his "Legal Name";

c. Respondent failed to respond to question 1b), "Name shown on valid Government ID";

d. In response to question 15, which inquires:

Have any charges ever been preferred against you in connection with your

practice before any Federal or State court, or municipal bureau, commission, office or agency of any kind or character?,

Respondent failed to reveal that he had been notified of allegations of disciplinary misconduct by letter dated January 3, 2005, and that the disciplinary investigation was ongoing;

- e. Respondent checked as applicable Item 14, and inserted jurisdictional information:

I am a member in good standing of the bar of the highest court of a State or Territory of the United States. A list of all said courts and corresponding bar membership number(s) follows: Commonwealth of Pennsylvania, State of New Jersey.

- f. In response to question 19, which inquires:

Have you ever been fired or discharged from any job, or have been asked to resign or quit for conduct involving dishonesty, fraud, misrepresentation, deceit, or any violation of Federal or State laws or regulations?,

and question 20, which inquires:

Have you ever resigned or quit a job when you were under investigation or inquiry for conduct which could have been considered as involving dishonesty, fraud, misrepresentation, deceit or violation of Federal or State laws or regulations, or after receiving notice or been advised of possible investigation, inquiry, or disciplinary action for such conduct?,

Respondent failed to reveal that he had been terminated by the Oliver firm due to, *inter alia*, the matters set forth in ¶¶3.c. and 3d., *supra*;

g. In response to question 22, which inquires:

Are you delinquent on any State or Federal debt? (Include delinquencies arising from Federal or State taxes, loans, overpayment of benefits, and other debits to the U.S. Government and defaults on Federally guaranteed or insured loans such as student and home mortgage loans.)

Respondent stated:

I am currently operating under a plan with the Department of Treasury and the Internal Revenue Service to make monthly payments toward my 1040 Tax Liability for the 2003 Tax Year.

h. Respondent failed to fill in the section marked, "Name shown on valid government ID";

i. Respondent signed the application with an illegible signature under the printed statement:

Upon the basis of the foregoing information and any attached documents, I hereby apply for registration to practice in patent cases before the United States Patent and Trademark Office. I certify that each and every statement or representation in this application is true and correct. (A willfully false statement or certification is a criminal offense

and is punishable by law [18 U.S.C. §1001].)

and

- j. Respondent added a Supplemental Statement for Affirmative Response to Background Information as to Question 22, followed by the following statement, an illegible signature, and the typed name "Joseph Bernardino, Esquire":

I, Joseph Bernardino, verify that after reasonable investigation, the assertions contained above are true and correct to the best of my knowledge, information and belief. I understand the ramifications of failing to exhibit Candor [sic] and truthfulness to the USPTO.

6. By Notice of Incompleteness and Denial of Admission dated March 27, 2006, OED notified Respondent of the denial of his Application for Registration due to the matter in ¶5.b. and c., *supra*.

7. On April 3, 2006, Respondent filed with the PTO a second Application for Registration, dated March 29, 2006, in which, *inter alia*:

- a. in response to Item 1b), Respondent stated, "Jose Victor Bernardino";
- b. Respondent failed to provide the information required by question 15;
- c. Respondent answered "Yes" to question 20 and stated:

On or about June 2004, I was wrongfully accused by a former employer of stealing clients from his firm. An investigation was conducted by the Montgomery County District Attorney's Office and the Attorney Ethics board [sic] with a return of no wrongful conduct.

On or about June 2005, a lawsuit was filed by applicant against my former employer for tortuous [sic] interference with contract and defamation. The action was filed in Philadelphia County, Pennsylvania.

and

d. Respondent signed the Petition "Jose V. Bernardino," under the printed certification of accuracy set forth in ¶5.j., *supra*.

8. Respondent's statements concerning the investigation and actions of the District Attorney's Office and the attorney disciplinary system were knowingly false, in that the allegations in both instances included those set forth in ¶3.d., the allegations were true, the District Attorney's Office had not made a finding of no wrongful conduct but had declined to prosecute, Respondent had been advised of allegations of misconduct by Petitioner, and Petitioner had not advised Respondent or his counsel of the disposition of the disciplinary matter.

9. Respondent failed to reveal the events set forth in ¶¶3.a.-3.d., *supra*, to OED in his Applications and to update his Application as to the events in ¶¶4.a. - 4.n., *supra*.

10. On May 25, 2006, Respondent passed the registration examination.

11. By letter dated June 12, 2006, OED directed Respondent to provide within thirty days specified information and documentation concerning his tax liability and plan and concerning the investigations of the District Attorney's Office and the "Attorney Ethics Board" [sic].

12. By letter dated June 20, 2006, Respondent:

a. advised OED:

2003 Tax Year IRS Liability

My wife and I filed a joint tax return for the 2002 tax year. We were found to owe the government approximately \$5,000.00 in taxes. I entered into a payment plan with the internal revenue service [sic] setting forth a monthly payment of \$150.00. When we received our 2003 refund of \$3,000.00, the IRS applied that refund to the outstanding liability leaving approximately \$800.00 remaining. As of the date of this correspondence, the liability has been paid off. I attach hereto a receipt of an online payment for the total amount outstanding.

False Accusations from former employer

The Montgomery County District Attorney commenced an investigation regarding accusation [sic] from a former employer that I stole files from his office. In response to these accusations, I surrendered a personal laptop computer as well as any and all client files in possession for their evaluation.

During the investigation, I retained the services of an attorney, Richard Tompkins, Esquire, to assist and act as intermediary between myself and the County Detective's Office. On March 16, 2005, I received a carbon copy letter from my attorney to Carol Sweeney, Esquire regarding the Montgomery County District Attorney's position with respect to criminal charges.

With respect to the Ethics Investigation, I attach hereto computer printout copies of the Commonwealth of Pennsylvania's Disciplinary Board website indicating that there is no discipline pending against my license to practice law in Pennsylvania;

- b. forwarded limited documentation concerning his tax matter;
- c. forwarded a copy of a letter dated March 16, 2005, from Mr. Tompkins to Ms. Sweeney stating that the District Attorney's Office had decided not to prosecute Respondent; and
- d. attached a printout from the Pennsylvania Disciplinary Board website showing his status as "ACTIVE," but not reflecting the pendency of the disciplinary matter.

13. Respondent failed to fully disclose to OED the nature of the disciplinary and criminal allegations against him, the accuracy of those allegations, and the status of the

disciplinary prosecution and to provide the Petition for Discipline and Answer.

14. Respondent actively misled OED about the status of the disciplinary matter, in that he knew that the page from the website did not reflect the fact that a file was open and a Petition for Discipline had been filed.

15. Respondent failed to provide to OED complete information and documentation concerning his tax liability, payment plan, compliance with a plan, timely filing of tax returns, and related matters.

16. OED sent to Respondent a Show Cause Requirement dated August 30, 2006, which required that he show cause why his application for registration should not be denied on the basis that he had not met his burden of establishing to the satisfaction of the OED Director that he possessed the good moral character and reputation required to represent applicants before the PTO, and which included copies of the Petition for Discipline and his Answer.

17. On November 1, 2006, Respondent filed with OED a document styled "Applicant's Response to Show Cause Requirement," in which, *inter alia*:

- a. Respondent falsely represented that "the ethics investigation that was not [*sic*] had not come to fruition until approximately April

12, 2006" and that he had responded "based upon the information available to me";

- b. Respondent made the unfounded statement that he was "in a mental mindset that the disciplinary investigation was at a standstill and there was little probability of the imposition of ethics discipline";
- c. Respondent falsely denied that he was aware that he was being charged with misappropriation of firm resources prior to the filing of the Petition for Discipline;
- d. Respondent falsely argued that the allegation that he was aware as of April 26, 2006, that there had not been a return of no wrongful conduct by Petitioner was without merit;
- e. Respondent falsely implied that he was unaware of the pendency of the disciplinary matter and had no obligation to reveal it to OED prior to the filing of the Petition for Discipline; and
- f. Respondent supplied documentation concerning his IRS liabilities, which showed that he filed tax returns for 2002 and 2003 more than a year after extended due dates and was assessed interest and penalties, but he did not prove compliance with a payment plan other

than to show payment and state that the liability was met.

18. This pleading was false and misleading, in that Respondent knew or should have known that the disciplinary matter was pending at the time that he filed his application for registration with the PTO.

19. Respondent failed to respond to a lawful demand for information from OED concerning his tax matters.

20. By Final Decision and Memorandum Opinion dated December 14, 2006, the Director of Enrollment and Discipline denied Respondent's application for registration with the PTO.

21. By his conduct as alleged in paragraphs 4 through 20 above, Respondent violated the following Rules of Professional Conduct:

- a. RPC 3.1, which states, in relevant part: A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law;
- b. RPC 8.1(a), which states, in relevant part: An applicant for admission to the bar, or a lawyer in connection with a bar admission

application..., shall not knowingly make a false statement of material fact;

- c. RPC 8.1(b), which states, in relevant part: An applicant for admission to the bar, or a lawyer in connection with a bar admission application ..., shall not fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions ... authority; and
- d. RPC 8.4(c), which states: It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

22. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension from the practice of law for a period of four years consecutive to the suspension of one year entered at 70 DB 2006 by Order of the Supreme Court of Pennsylvania on December 14, 2006.

23. Respondent hereby consents to that discipline being imposed upon him by the Supreme Court of Pennsylvania.

Attached to this petition is Respondent's executed affidavit required by Rule 215, Pa.R.D.E., stating that he consents to the recommended discipline and which includes the mandatory acknowledgements required by Rule 215(d)(1) through (4), Pa.R.D.E.

24. In support of Petitioner and Respondent's joint recommendation, it respectfully submitted that the following mitigating circumstances are present:

- a. Respondent is remorseful, has admitted engaging in the aforesaid misconduct and has admitted violating the charged Rules of Professional Conduct;
- b. Respondent has cooperated with Petitioner by his consent to receive a suspension of four years, consecutive to the one year suspension he is currently serving.

25. In Pennsylvania, there is no per se discipline for a particular type of misconduct, but instead each case is reviewed individually as established in the case of *Office of Disciplinary Counsel v. Lucarini*, 417 A.2d 186 (Pa. 1983).

26. The imposition of a four year suspension, to run consecutively to the one year suspension that Respondent is currently serving, is consistent with the wide range of sanctions imposed in other cases involving misrepresentations on applications for bar admission.

a. For example, in the case of *In Re Anonymous* 68 DB 93 (34 D. & C. 4th 292) (1996) a three year suspension was imposed for a respondent for having falsely and incompletely answered questions on his application for admission to the Pennsylvania bar. In the matter of *In Re Anonymous* No. 80 DB 94, 36 D. & C. 4th 31 (1996), respondent was denied certification for admission to the Delaware Bar because he failed to disclose prior criminal arrest. He had also failed to reveal his prior criminal history on both New Jersey and Pennsylvania bar applications. A two year suspension was ordered. In *Office of Disciplinary Counsel v. Anonymous* 56 DB 1997 (1998), the Court rejected a recommendation of the Disciplinary Board for a suspension of one year and one day and instead imposed a suspension for a period of two years for a Respondent who failed to disclose on his bar application that he had several arrests. Although *In re Anonymous* 1 DB 1998, 44 D. & C. 4th (1999) did not involve a bar application, the Respondent's dishonesty was demonstrated when he had his client execute a false power of attorney, which the

lawyer then notarized. The lawyer did this a second time when the client lost the first power of attorney. Because of mitigating circumstances, a private reprimand was imposed.

- b. Another respondent was disbarred for obtaining his law license under false pretenses, *Office of Disciplinary Counsel v. Czmus*, 889 A.2d 1197 (Pa. 2005). However, it is respectfully submitted that the circumstances in *Czmus* were far more egregious than that found in the instant matter. In *Czmus*, respondent admitted that "for eighteen years, from 1982-2000 he was incapable of telling the truth in official documents or in official proceedings when it was in his perceived personal interest not to do so." 889 A.2d at 1204. Although Respondent Bernardino's dishonesty is also serious, and would result in what is in essence a five year suspension (four year suspension consecutive to the one year suspension Respondent is currently serving), it does not reach the magnitude or the time period which is present in *Czmus*.

WHEREFORE, Petitioner and Respondent respectfully request that, pursuant to Pennsylvania Rules of Disciplinary Enforcement 215(e) and 215(g), a three-member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and file a recommendation with the Supreme Court of Pennsylvania that Respondent be suspended for a period of four years, consecutive to the one year suspension imposed in 70 DB 2006, and that Respondent be ordered to pay all necessary expenses incurred in the investigation and prosecution in the matter as a condition to the grant of the petition.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION,
Chief Disciplinary Counsel

9/26/07 BY:
Date

Alan J. Davis
Alan J. Davis,
Disciplinary Counsel
Attorney Registration No. 12332
Disciplinary Counsel
Suite 170
820 Adams Road
Trooper, PA 19403

10/4/07 BY:
Date

Samuel C. Stretton
Samuel C. Stretton, Esquire
Counsel for Respondent
Attorney Registration No. 18491
301 South High Street
P.O. Box 3231
West Chester, PA 19381-3231

VERIFICATION

The statements contained in the foregoing Joint Petition in Support of Discipline on Consent under Rule 215(d), Pa.R.D.E., 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.A. §4904, relating to unsworn falsification to authorities.

9/26/07
Date

Alan J. Davis
Alan J. Davis,
Disciplinary Counsel

10/4/07
Date

Samuel C. Stretton
Samuel C. Stretton, Esquire
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 125 DB 2007
Petitioner :
 :
v. :
 : Attorney Reg. No. 81787
 :
JOSE VICTOR BERNARDINO, :
Respondent : (Philadelphia)

AFFIDAVIT UNDER RULE 215 Pa.R.D.E.

Respondent, Jose Victor Bernardino, hereby states that he consents to the imposition of a suspension from the practice of law for a period of four years, consecutive to the one year suspension imposed at No. 70 DB 2006, and further states that:

1. He is an attorney admitted to the Commonwealth of Pennsylvania, having been admitted to the bar on or about July 12, 1998.

2. He desires to submit a Joint Petition in Support of Discipline on Consent pursuant to Pa.R.D.E. 215(d).

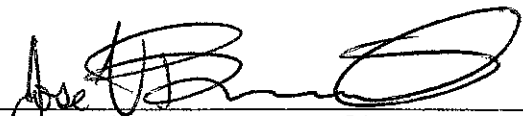
3. His consent is freely and voluntarily rendered; he is not being subject to coercion or duress; and he is fully aware of the implications of submitting this consent.

4. He has consulted with counsel, Samuel C. Stretton, Esquire, in connection with his decision to consent to discipline.

5. He is aware there is presently a proceeding involving allegations that he has been guilty of misconduct as set forth within the accompanying petition.

6. He acknowledges that the material facts within the petition are true.

7. He consents because he knows that if he continues to be prosecuted in the pending proceeding, he cannot successfully defend himself.



Jose Victor Bernardino
Respondent

Sworn to and Subscribed
before me this 4 day
of October, 2007.



Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Cheryl L. McMnamin, Notary Public
West Chester Boro, Chester County
My Commission Expires June 21, 2008
Member, Pennsylvania Association Of Notaries

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 125 DB 2007
Petitioner :
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v. :
 : Attorney Registration No. 81787
JOSE VICTOR BERNARDINO :
Respondent : (Philadelphia)

CERTIFICATE OF SERVICE

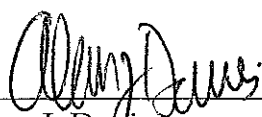
I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 204 Pa. Code §89.22 (relating to service by a participant).

First Class Mail, as follows:

Samuel C. Stretton, Esquire
301 S. High Street
P.O. Box 3231
West Chester, PA 19381
Tele. # (610) 696-4243

Counsel for Respondent

October 11, 2007



Alan J. Davis
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