

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1412 Disciplinary Docket No. 3  
Petitioner :  
 : Nos. 116 and 128 DB 2008  
v. :  
 : Attorney Registration No. 58418  
BERNARD J. McBRIDE, JR., :  
Respondent : (Out Of State)

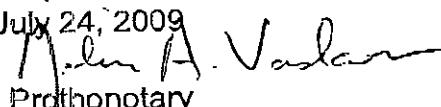
ORDER

PER CURIAM:

AND NOW, this 24<sup>th</sup> day of July, 2009, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated May 15, 2009, 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 Bernard J. McBride, Jr., is suspended on consent from the Bar of this Commonwealth for a period of one year and one day and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

It is further ORDERED that respondent shall pay costs to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.

A True Copy John A. Vaskov  
As of: July 24, 2009  
Attest:   
Deputy Prothonotary  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

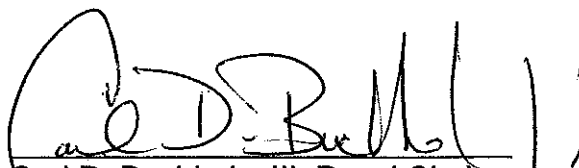
OFFICE OF DISCIPLINARY COUNSEL : No. 1412 Disciplinary Docket No. 3  
Petitioner :  
 : Nos. 116 & 128 DB 2008  
v. :  
 : Attorney Registration No. 58418  
BERNARD J. MCBRIDE, JR. :  
Respondent : (Out of State)

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 Carl D. Buchholz, III, Stewart L. Cohen and Gerald Lawrence, Jr., has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on February 6, 2009. Respondent withdrew his pending Petition for Reinstatement on February 27, 2009.

The Panel approves the Joint Petition consenting to a one year and one day suspension 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 as a condition to the grant of the Petition.

  
Carl D. Buchholz, III, Panel Chair  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

Date: May 15, 2009

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 1195 Disc. Dkt. No. 3  
:   
BERNARD J. McBRIDE, JR. : No. 145 DB 2006  
PETITION FOR REINSTATEMENT :   
:   
:   
OFFICE OF DISCIPLINARY COUNSEL, : No. 1412 Disc. Dkt. No. 3  
Petitioner :   
:   
: Nos. 116 DB 2008 and 128 DB 2008  
v. :   
:   
BERNARD J. McBRIDE, JR., : Attorney Regis. No. 58418  
Respondent : (Out of State)

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

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILION  
CHIEF DISCIPLINARY COUNSEL

Amelia C. Kittredge  
Disciplinary Counsel  
1635 Market Street, 16<sup>th</sup> Floor  
Philadelphia, PA 19103

and

Bernard J. McBride, Jr.  
1814 Mid Ocean Circle  
Sarasota, Florida 34239

**FILED**

FEB 06 2009

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

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

In the Matter of	:	No. 1195 Disc. Dkt. No. 3
	:	
BERNARD J. McBRIDE, JR.	:	No. 145 DB 2006
PETITION FOR REINSTATEMENT	:	
	:	
	:	
OFFICE OF DISCIPLINARY COUNSEL,	:	No. 1412 Disc. Dkt. No. 3
Petitioner	:	
	:	
	:	Nos. 116 DB 2008 and 128 DB 2008
	:	
v.	:	
	:	
BERNARD J. McBRIDE, JR.	:	Attorney Regis. No. 58418
Respondent	:	(Out of State)

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

Office of Disciplinary Counsel ("ODC"), by Paul J. Killion, Esquire, Chief Disciplinary Counsel, and by Amelia C. Kittredge, Esquire, Disciplinary Counsel, and Petitioner and Respondent in the above consolidated proceeding, Bernard J. McBride, Jr. (hereinafter, "Respondent"), file this Joint Petition In Support Of Discipline On Consent Pursuant to Rule 215(d) of the Pennsylvania Rules of Disciplinary Enforcement and respectfully represent that:

1. ODC, whose principal office is located at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania 17101, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement, with the power and duty to investigate all matters involving alleged misconduct of an

attorney admitted to practice law in the Commonwealth of Pennsylvania.

2. Respondent, Bernard J. McBride, Jr., was born on December 25, 1960, and was admitted to practice law in the Commonwealth on June 27, 1990. Respondent's current address is 1814 Mid Ocean Circle, Sarasota, FL 34239.

3. By Order dated November 1, 2002, the Supreme Court of Pennsylvania transferred Respondent to inactive status for non-compliance with Pa.R.D.E. 219, for failure to pay the annual fee. By Order dated October 13, 2006, the Supreme Court of Pennsylvania immediately transferred Respondent's status from inactive pursuant to Pa.R.D.E. 219, to inactive by reason of disability pursuant to Pa.R.D.E. 301(c), based upon a New Jersey Supreme Court Order dated September 21, 2005, which adjudged Respondent disabled. Respondent continues on disability inactive status both in New Jersey and in this Commonwealth.

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

5. On May 29, 2008, Respondent filed a Petition for Reinstatement and Reinstatement Questionnaire (hereinafter, "Questionnaire"), which was docketed at 145 DB 2006.

6. By letter dated July 25, 2008, Chief Disciplinary Counsel Paul J. Killion forwarded to the Supreme Court of

Pennsylvania a certified copy of the County Court Sentence in the County Court of the Twentieth Judicial Circuit in and for Charlotte County, Florida, Case No. 06-429T, pertaining to Respondent's no contest plea and adjudication of guilt for the crime of Driving Under the Influence of Alcohol (level .20 or higher, first offense), in violation of Fla. Stat. Ann. §316.193(4) (hereinafter, "DUI conviction"). In his letter, Mr. Killion stated that with respect to the conviction, Respondent was placed on twelve months reporting probation and required to pay a fine, among other sanctions. The letter further informed the Supreme Court that the crime of which Respondent was convicted is punishable by a term of imprisonment of not more than nine months, and therefore is not a "serious crime" as defined by Rule 214(i), Pa.R.D.E.

7. On August 22, 2008, a Petition for Discipline was filed by ODC, alleging that Respondent violated Rules of Professional Conduct 4.1(a), 8.1(a), 8.4(c), and 8.4(d), in that Respondent made misrepresentations on his Questionnaire concerning the DUI conviction. More specifically, the Petition for Discipline alleged that despite the DUI conviction, in response to a question on the reinstatement Questionnaire asking whether Respondent had ever been arrested or prosecuted for any crime, Respondent responded in the negative, and answered all related questions in similar

manner. A true and correct copy of the Petition for Discipline, docketed at 128 DB 2008, is attached hereto as "Exhibit A."

8. On October 6, 2008, the Supreme Court of Pennsylvania issued an Order directing that the matter of the Respondent's Florida criminal conviction for driving under the influence of alcohol be referred to the Disciplinary Board pursuant to 214(g).

9. On October 29, 2008, ODC filed a second Petition for Discipline alleging that based on the DUI conviction, Respondent violated Rule of Professional Conduct 8.4(b), by committing a criminal act reflecting adversely on his honesty, trustworthiness or fitness as a lawyer in other respects. A true and correct copy of the Petition for Discipline, docketed at 128 DB 2008, is attached hereto as "Exhibit B."

10. The proceedings on the Petition for Reinstatement have been consolidated with the proceedings on the two above-mentioned Petitions for Discipline.

11. After reviewing all the evidence, Respondent has agreed to enter into this Joint Petition.

**SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE**

12. ODC and Respondent jointly recommend the following with respect to the pending Petition for Reinstatement (No.

145 DB 2006), and the two pending Petitions for Discipline (Nos. 116 DB 2008 and 128 DB 2008):

a. that Respondent will withdraw his Petition for Reinstatement upon the filing of this Joint Petition, without prejudice to Respondent refiling the Petition when he is eligible to do so pursuant to Disciplinary Board Rules §89.272(b), which prescribes the "Waiting period" for the Disciplinary Board to entertain a petition for reinstatement from a suspended attorney; and

b. that the appropriate discipline for Respondent's admitted misconduct alleged in the two Petitions for Discipline is a suspension from the practice of law for a period of one year and one day.

13. 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(d), Pa.R.D.E., stating that he consents to the recommended discipline and including the mandatory acknowledgments contained in Rule 215(d)(1) through (4), Pa.R.D.E.

14. In support of ODC's and Respondent's joint recommendation, it is respectfully submitted that:

(a) The mitigating circumstances are as follows:



- (i) Respondent has admitted engaging in misconduct and violating the charged Rules of Professional Conduct;
- (ii) Respondent is remorseful for and embarrassed by his misconduct and understands he should be disciplined, as is evident by his consent to receiving a suspension of one year and one day;
- (iii) Respondent has no prior disciplinary history in Pennsylvania, although he has a history of two public reprimands in the State of New Jersey;
- (iv) Respondent believes that he is no longer disabled, he is extremely desirous of reinstatement to the Pennsylvania Bar, and he wishes to fulfill this term of suspension before petitioning for reinstatement, so that he is able to contend that there is no obstacle to reinstatement because he has admitted the pending misconduct.

15. The discipline contemplated here is intended to pertain to both the DUI conviction and the alleged

misrepresentations in the reinstatement Questionnaire. Therefore, for guidance on the discipline to be imposed, it is necessary to examine discipline in comparable cases involving 1) DUI convictions and 2) misrepresentations in applications for admission and reinstatement to the Bar.

Respondent's DUI conviction did not involve physical injury to another individual. Without accompanying physical injury in an accident arising out of a DUI, discipline for a DUI can be as little as a matter of months. *ODC v. Gallen, 8 DB 2002* ("Disciplinary sanctions for convictions arising from driving under the influence and related crimes have ranged from private discipline to lengthy suspensions. Attorneys convicted of DUI who had a history of DUI arrests and convictions and demonstrated they were alcoholics, have generally been suspended for periods in excess of one year where the incident leading to the conviction involved an injury or fatality.")

Discipline in connection with a misrepresentation on a Bar application or petition for reinstatement, however, has been treated in a much different manner. In recognition of the importance of candor in applications to our Bar and in disciplinary proceedings, the Board and the Supreme Court have imposed substantial suspensions, and even disbarment. *ODC v. Czmus, 586 Pa. 22, 889 A.2d 1197 (2005) (disbarment); In re*

*Anonymous (Russell Wesley Moss)*, 69 DB 2000 (disbarment); *In re Anonymous (Daryl B. Magid)*, 68 DB 1993, 34 Pa. D.&C.4<sup>th</sup> 292 (1996) (three-year suspension for respondent's failure to disclose on Pennsylvania Bar Application that he had also applied to the Ohio Bar, with specific finding that since the Application was verified under 18 Pa.C.S. §4904, respondent engaged in illegal conduct); *In re Anonymous (Ronda B. Goldfein)*, 8 DB 1994, 29 Pa. D.&C.4<sup>th</sup> 315 (1995) (in application to Pennsylvania Bar, respondent failed to disclose **Florida DUI arrest** and all the states to which she had applied to the Bar, for which one-year suspension imposed); *In re Anonymous (Deborah Griffin)*, 20 Pa. D.&C.4<sup>th</sup> 385 (1994) (two-year suspension for indicating on Bar Application that she had never been arrested or prosecuted, when she had pled guilty to a crime in 1984).

In *ODC v. Ferleger*, 51 DB 2004, the petitioner sought reinstatement from inactive status and filed a Special Reinstatement Questionnaire with the Disciplinary Board. In response to an inquiry in the Questionnaire concerning whether he had performed any legal services for clients during the period of inactive status, petitioner stated, *inter alia*, that he had "not accepted cases for years now." (emphasis in original) When Disciplinary Counsel sought additional information on that answer, the petitioner acknowledged that

he had acted inappropriately and filed cases during the period of his inactive status. Based on both the unauthorized practice of law, which was "compounded by the deceptive response in his Reinstatement Questionnaire," a suspension of one year and one day was imposed. Similar discipline is warranted here, as the conduct misrepresented in both *Ferleger* (unauthorized practice), and the instant matter (alcohol impairment rising to the level of a crime), both greatly impact the question of each petitioner's fitness to practice law and, therefore, the adjudication of the reinstatement petition.

16. The proposed disposition not only conforms to similar matters, it is eminently practical and efficient, as it will allow the question of whether Respondent has recovered from his disability, as he contends, to be examined without the adjudication of the charges in the two pending Petitions for Discipline (pertaining to the DUI and the misrepresentation).

WHEREFORE, ODC and Respondent respectfully request that:

- (a) Pursuant to Rule 215(e) and 215(g), Pa.R.D.E., and upon the withdrawal of Respondent's Petition for Reinstatement, the three-member panel of the Disciplinary Board review and approve the above Joint Petition in Support of

Discipline On Consent and file its recommendation with the Supreme Court of Pennsylvania in which it is recommended that the Supreme Court enter an Order:

- (i) Suspending Respondent from the practice of law for a period of one year and one day; and
  - (ii) Directing Respondent to comply with all the provisions of Rule 217, Pa.R.D.E.
- (b) Pursuant to Rule 215(i), the three-member panel of the Disciplinary Board order Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter as a condition to the grant of the Petition and that all expenses be paid by Respondent before the imposition of discipline under Rule 215(g), Pa.R.D.E.

Respectfully submitted

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION  
CHIEF DISCIPLINARY COUNSEL

By Amelia C. Kittredge  
Amelia C. Kittredge  
Disciplinary Counsel

and

By Bernard J. McBride, Jr.  
Bernard J. McBride, Jr.  
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :  
Petitioner :  
: No. 12~~8~~DB 2008  
v. :  
: Atty. Reg. No. 58418  
BERNARD J. McBRIDE, JR., :  
Respondent : (Out of State)

PETITION FOR DISCIPLINE

NOTICE TO PLEAD

To: Bernard J. McBride, Jr.

Rule 208(b)(3) of the Pennsylvania Rules of Disciplinary Enforcement provides: Within twenty (20) days of the service of a petition for discipline, the respondent-attorney shall serve an answer upon Disciplinary Counsel and file the original thereof with the Disciplinary Board. Any factual allegation that is not timely answered shall be deemed admitted.

Rule 208(b)(4) provides: Following the service of the answer, if there are any issues raised by the pleadings or if the respondent-attorney requests the opportunity to be heard in mitigation, the matter shall be assigned to a hearing committee or a special master. No evidence with respect to factual allegations of the complaint that have been deemed or expressly admitted may be presented at any hearing on the matter, absent good cause shown.

\* \* \* \* \*

A copy of your answer should be served upon Disciplinary Counsel at the District I Office of Disciplinary Counsel, Seven Penn Center, 16<sup>th</sup> Floor, 1635 Market Street, Philadelphia, PA 19103, and the original and three (3) conformed copies filed with the Office of the Secretary, the Disciplinary Board of the Supreme Court of Pennsylvania, Two Lemoyne Drive, First Floor, Lemoyne, PA 17043-1226. [Disciplinary Board Rule §89.3(a)(1)].

Further, pursuant to Disciplinary Board Rule §85.13, your answer, if it contains an averment of fact not appearing of record or a denial of fact, shall contain or be accompanied by a verified-statement signed by you that the averment or denial is true based upon your personal knowledge or information and belief.

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :  
Petitioner :  
: No. 12~~8~~ DB 2008  
v. :  
: Atty. Reg. No. 58418  
BERNARD J. McBRIDE, JR., :  
Respondent : (Out of State)

PETITION FOR DISCIPLINE

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Esquire, Chief Disciplinary Counsel, and by Amelia C. Kittredge, Esquire, Disciplinary Counsel, files the within Petition for Discipline and charges Respondent, Bernard J. McBride, Jr., with professional misconduct in violation of the Rules of Professional Conduct as follows:

1. Petitioner, whose principal office is located at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania, 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 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.

**FILED**

AUG 22 2008

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

Use hierarchy certify and within  
to be a true and correct copy.

*Amelia C. Kittredge*



2. Respondent, Bernard J. McBride, Jr., was born on December 25, 1960, and was admitted to practice law in the Commonwealth on June 27, 1990. By Order dated November 1, 2002, the Supreme Court of Pennsylvania transferred Respondent to inactive status for non-compliance with Pa.R.D.E. 219, for failure to pay the annual fee. By Order dated October 13, 2006, the Supreme Court of Pennsylvania immediately transferred Respondent's status from inactive pursuant to Pa.R.D.E. 219, to inactive by reason of disability pursuant to Pa.R.D.E. 301(c), based upon a New Jersey Supreme Court Order dated September 21, 2005, which adjudged Respondent disabled. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

**CHARGE**

3. On March 10, 2006, Respondent was arrested by a law enforcement officer in Charlotte County, Florida for the crime of Driving Under the Influence, in violation of Fl. Stat. §316.193.

4. On March 20, 2006, the State Attorney of the Twentieth Judicial Circuit for Charlotte County, Florida filed an Information in *State of Florida v. Bernard Joseph McBride*, Case No. 06-000429TT, charging Respondent with Driving Under the Influence of alcoholic beverages, with a breath alcohol level of .20 percent or above, a misdemeanor pursuant to Fl.

Stat. 316.193.

5. On May 3, 2006, in the County Court of the Twentieth Judicial District in and for Charlotte County, Florida, Respondent pleaded "No Contest" to Driving Under the Influence (level .20 or more) (first offense) pursuant to subsection (4) of Fl. Stat. §316.193.

6. On May 3, 2006, the Honorable W. Wayne Woodard adjudicated Respondent guilty of the crime of Driving Under the Influence (level .20 or more) (first offense) pursuant to subsection (4) of Fl. Stat. §316.193.

7. On May 3, 2006, Respondent was sentenced as follows: Respondent was placed on twelve months reporting probation; his drivers license was suspended for six months; he was required to attend "DUI School"; he was required to pay a fine and costs of \$1,162.50; he was required to perform fifty hours of community service; he was required to refrain from possession or use of alcohol; his vehicle was impounded for ten days; and an ignition interlock device was installed in his vehicle for six months. A true and correct copy of the County Court Sentence is attached as "Appendix A."

8. On May 29, 2008, Respondent filed a Petition for Reinstatement ("Petition") and a Reinstatement Questionnaire ("Questionnaire") in the Office of the Secretary to the Disciplinary Board.

9. Question 9 of the Questionnaire asked whether Respondent had "ever been investigated, arrested, or prosecuted for any crime (other than a summary motor vehicle violation)...."

10. In response to Question 9, Respondent checked the box which indicated that his response was "No."

11. Question 9 of the Questionnaire also sought information as follows:

- a. in 9(a), the "[n]ature of charges against you and citation(s) to criminal statute(s)";
- b. in 9(b), the "[n]ames and addresses of complaining witnesses";
- c. in 9(c), a copy of the "indictment (or information), docket entries, and judgment and probation/commitment order (or equivalent thereof) and opinion(s)";
- d. in 9(d), the "[n]ame, court and address of trial judge....";
- e. in 9(e), the "[n]ame, organization and address of prosecutor...."; and
- f. in 9(f), "[c]itation or other reference to your criminal case."

12. In response to Questions 9(a) through 9(f), Respondent gave the following answers:

- a. to 9(a), the space for a response was left blank;
- b. to 9(b), he responded "Not Applicable";
- c. to 9(c), he responded "Not Applicable";
- d. to 9(d), he responded "Not Applicable";
- e. to 9(e), he responded "Not Applicable"; and
- f. to 9(f), he responded "Not Applicable."

13. In view of the facts set forth in paragraphs 3 through 7, *supra*, Respondent's answers to Question 9 and its subsections (a) through (f) were false and misleading.

14. By his conduct as alleged in paragraphs 8 through 13 above, Respondent violated the following Rules of Professional Conduct:

- a. RPC 4.1(a), which provides that a lawyer shall not knowingly make a false statement of material fact or law to a third person;
- b. RPC 8.1(a), which prohibits an applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, from knowingly making a false statement of material fact;
- c. RPC 8.4(c), which provides that it is professional misconduct for a lawyer to engage

in conduct involving dishonesty, fraud, deceit or misrepresentation; and

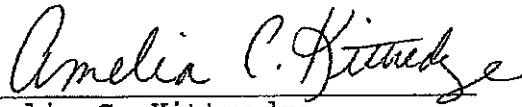
- d. RPC 8.4(d), which provides that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

WHEREFORE, Petitioner prays that your Honorable Board refer this matter, pursuant to Rules 205 and 218(c)(2), Pa.R.D.E., to the Hearing Committee convened to hear Respondent's Petition for Reinstatement docketed at 145 DB 2006, for the purpose of hearing testimony and receiving evidence in support of the foregoing charges, and upon completion of the combined hearing, to make such findings of fact, conclusions of law, and recommendations for disciplinary action as it may deem appropriate.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

Paul J. Killion  
Chief Disciplinary Counsel

By   
Amelia C. Kittredge  
Disciplinary Counsel  
Attorney Registration No. 28760

Seven Penn Center, 16<sup>th</sup> Floor  
1635 Market Street  
Philadelphia, PA 19103  
(215) 560-6296

CASE NO. 06-429T COUNT 1

DEF. NAME McBride, Bernard  
ATTORNEY Smith, Steven  
PLEA NC X G ADMIT \_\_\_\_\_

CHARGE: DUI (level 20 or more)  
DEGREE: M (1st offense)

### COUNTY COURT SENTENCE

- ADJUDICATED GUILTY
- TRANSFER TO FELONY/TRAFFIC
- COUNTY JAIL \_\_\_\_\_ DAYS/MOS
- PLACED ON 12 MOS YRS PROBATION (C.O.S.W.)
- PLACED ON NON-REPORTING PROBATION \_\_\_\_\_ DAYS/MOS
- C.O.S.W. FOR FIRST \_\_\_\_\_ DAYS/MOS
- REMANDED TO SHERIFF
- NO JAIL TIME  NO ADJUDICATION OF GUILT
- WEEKENDS TO START \_\_\_\_\_ DAYS
- ADJUDICATION WITHHELD
- NOLLE PROSEQUI
- SUSP \_\_\_\_\_ DAYS/MOS
- CREDIT TIME SERVED \_\_\_\_\_
- CONCURRENT TO \_\_\_\_\_
- CONSECUTIVE TO \_\_\_\_\_
- SENTENCE SUSPENDED
- OUT OF CASH BOND \$ 1500.00

*\* Cos out of bond  
CT2-Dismissed by state  
\* Bond reinstated by cit.*

### SPECIAL CONDITION

- DRIVERS LICENSE SUSP/REVOKED FOR 6 MOS YEARS  BUSINESS PURPOSE ONLY  ENTER D-6
- ATTEND & COMPLETE DUI SCHOOL PHASE I PHASE II ADVANCED WITHIN 4 MONTHS
- PAY STATE ATTORNEY/COST OF PROSECUTION FEE \$ 25 - DIVERSION FEE \$ \_\_\_\_\_ WITHIN Bond DAYS/MOS
- ENTER JUDGEMENT \$ \_\_\_\_\_ FOR \_\_\_\_\_
- PAY FINE/COST OF \$ \_\_\_\_\_, INCLUDES 5% Y N WITHIN \_\_\_\_\_ DAYS/MOS
- PAY FINE OF \$ 750 - INCLUDES 5% Y N PLUS COST = \$ 1162.50 WITHIN Bond DAYS/MOS
- PAY OUTSTANDING FINE/COSTS WITHIN \_\_\_\_\_ DAYS/MOS COST OF SUPERVISION \$ \_\_\_\_\_ WITHIN \_\_\_\_\_ DAYS/MOS
- COURT FACILITY TRUST FUND \$ \_\_\_\_\_ WITHIN \_\_\_\_\_ DAYS/MOS
- PUBLIC DEFENDER APPLICATION FEE \$ 40 - PUBLIC DEFENDER FEE \$ 50 - WITHIN Bond DAYS/MOS
- PAY DOMESTIC VIOLENCE TRUST FUND \$ \_\_\_\_\_ RAPE CRISIS TRUST FUND \$ \_\_\_\_\_ WITHIN \_\_\_\_\_ DAYS/MOS
- PAY DNR FINE OF \$ \_\_\_\_\_ WITHIN \_\_\_\_\_ DAYS/MONTHS
- PAY DRUG ASSESSMENTS OF \$ \_\_\_\_\_ LAB \$ \_\_\_\_\_
- RESTITUTION ORDERED IN THE AMOUNT OF \$ \_\_\_\_\_ TO \_\_\_\_\_
- WITHIN \_\_\_\_\_ DAYS/MOS  COURT RESERVES \_\_\_\_\_
- PROBATION REVOKED/TERM  PROBATION REINSTAT \_\_\_\_\_
- BEST EFFORT TO OBTAIN VALID FLORIDA DRIVER'S LICENSE \_\_\_\_\_
- COMMUNITY SERVICE 50 HRS W/IN 4 DAYS/MOS  CONVERT \_\_\_\_\_ HRS TO \$ \_\_\_\_\_ W/IN \_\_\_\_\_ DAYS/MOS
- WORK OFF FINES AT \$ \_\_\_\_\_ PER HOUR WITHIN \_\_\_\_\_ DAYS/MONTHS  STATUTORY RATE
- NO CONTACT WITH VICTIM
- NO USE/ POSSESSION OF ALCOHOL
- SUBJECT TO DRUG TEST/SEARCH  AT OWN EXPENSE  EVALUATE FOR TREATMENT/FOLLOW RECOM W/ \_\_\_\_\_ D/M
- ATTEND & COMPLETE DRUG/ALCOHOL COUNSELING IF REQUIRED \_\_\_\_\_
- SUBMIT TO PSYCHOLOGICAL COUNSELING/TESTING
- ATTEND & COMPLETE BATTERERS INTERVENTION PROGRAM / ANGER MANAGEMENT WITHIN \_\_\_\_\_ BARBARA'S/MONTHS
- REPORT TO PROBATION IMMEDIATELY OR UPON RELEASE
- ATTEND & COMPLETE SHOPLIFTERS ALTERNATIVE COURSE WITHIN \_\_\_\_\_ BARBARA'S/MONTHS AT OWN EXPENSE
- MERGE & DISMISS CIVIL CITATION(S)
- 30 DAYS TO APPEAL
- 10 DAYS IMPOUNDMENT OF VEHICLE LISTED ON CITATION BY SHERIFF (70 start 5/13/06)
- IGNITION INTERLOCK DEVICE for 6 mos.
- OTHER: \_\_\_\_\_



CERTIFIED: A TRUE COPY OF THE ORIGINAL  
BY Barbara T. Sloan  
DEPUTY CLERK

DONE AND ORDERED THIS 3 DAY OF May, 2006 IN PUNTA GORDA, FLORIDA

PRESIDING JUDGE \_\_\_\_\_

DEPUTY CLERK P.T.

COPIES TO: DEFENDANT/ATTY \_\_\_\_\_ CCSO/JAIL \_\_\_\_\_ PROBATION \_\_\_\_\_ SAO \_\_\_\_\_  
PAGE \_\_\_\_\_ OF \_\_\_\_\_

APPENDIX A

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :  
Petitioner :  
: No. DB 2008  
v. :  
: Atty. Reg. No. 58418  
BERNARD J. McBRIDE, JR., :  
Respondent : (Out of State)

VERIFICATION

The statements contained in the foregoing Petition for Discipline are true and correct to the best of my knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

8-19-08

Date

Amelia C. Kittredge  
Amelia C. Kittredge  
Disciplinary Counsel

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :  
Petitioner :  
: No. 116 DB 2008  
v. :  
: Atty. Reg. No. 58418  
BERNARD J. McBRIDE, JR., :  
Respondent : (Out of State)

PETITION FOR DISCIPLINE

NOTICE TO PLEAD

To: Bernard J. McBride, Jr.

Rule 208(b)(3) of the Pennsylvania Rules of Disciplinary Enforcement provides: Within twenty (20) days of the service of a petition for discipline, the respondent-attorney shall serve an answer upon Disciplinary Counsel and file the original thereof with the Disciplinary Board. Any factual allegation that is not timely answered shall be deemed admitted.

Rule 208(b)(4) provides: Following the service of the answer, if there are any issues raised by the pleadings or if the respondent-attorney requests the opportunity to be heard in mitigation, the matter shall be assigned to a hearing committee or a special master. No evidence with respect to factual allegations of the complaint that have been deemed or expressly admitted may be presented at any hearing on the matter, absent good cause shown.

\* \* \* \* \*

A copy of your answer should be served upon Disciplinary Counsel at the District I Office of Disciplinary Counsel, Seven Penn Center, 16<sup>th</sup> Floor, 1635 Market Street, Philadelphia, PA 19103, and the original and three (3) conformed copies filed with the Office of the Secretary, the Disciplinary Board of the Supreme Court of Pennsylvania, Two Lemoyne Drive, First Floor, Lemoyne, PA 17043-1226. [Disciplinary Board Rule §89.3(a)(1)]

Further, pursuant to Disciplinary Board Rule §85.13, your answer, if it contains an averment of fact not appearing of record or a denial of fact, shall contain or be accompanied by a verified-statement signed by you that the averment or denial is true based upon your personal knowledge or information and belief.



BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :  
Petitioner :  
: No. 116 DB 2008  
v. :  
: Atty. Reg. No. 58418  
BERNARD J. McBRIDE, JR., :  
Respondent : (Out of State)

PETITION FOR DISCIPLINE

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Esquire, Chief Disciplinary Counsel, and by Amelia C. Kittredge, Esquire, Disciplinary Counsel, files the within Petition for Discipline and charges Respondent, Bernard J. McBride, Jr., with professional misconduct in violation of the Rules of Professional Conduct as follows:

1. Petitioner, whose principal office is located at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania, 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 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.

2008 hereby certify that within  
to be a true and correct copy.

**FILED**

OCT 29 2008

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

2. Respondent, Bernard J. McBride, Jr., was born on December 25, 1960, and was admitted to practice law in the Commonwealth on June 27, 1990. By Order dated November 1, 2002, the Supreme Court of Pennsylvania transferred Respondent to inactive status for non-compliance with Pa.R.D.E. 219, for failure to pay the annual fee. By Order dated October 13, 2006, the Supreme Court of Pennsylvania immediately transferred Respondent's status from inactive pursuant to Pa.R.D.E. 219, to inactive by reason of disability pursuant to Pa.R.D.E. 301(c), based upon a New Jersey Supreme Court Order dated September 21, 2005, which adjudged Respondent disabled. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

CHARGE

3. On March 10, 2006, Respondent was arrested by a law enforcement officer in Charlotte County, Florida, for the crime of Driving Under the Influence, in violation of Fl. Stat. §316.193.

4. On March 20, 2006, the State Attorney of the Twentieth Judicial Circuit for Charlotte County, Florida, filed an Information in *State of Florida v. Bernard Joseph McBride*, Case No. 06-000429TT, charging Respondent with Driving Under the Influence of alcoholic beverages, with a breath alcohol level of .20 percent or above, a misdemeanor pursuant to Fl. Stat. 316.193.

5. On May 3, 2006, in the County Court of the Twentieth

Judicial District in and for Charlotte County, Florida, Respondent pleaded "No Contest" to Driving Under the Influence (level .20 or more) (first offense) pursuant to subsection (4) of Fl. Stat. §316.193.

6. On May 3, 2006, the Honorable W. Wayne Woodard adjudicated Respondent guilty of the crime of Driving Under the Influence (level .20 or more) (first offense) pursuant to subsection (4) of Fl. Stat. §316.193.

7. On May 3, 2006, Respondent was sentenced as follows: Respondent was placed on twelve months reporting probation; his drivers license was suspended for six months; he was required to attend "DUI School"; he was required to pay a fine and costs of \$1,162.50; he was required to perform fifty hours of community service; he was required to refrain from possession or use of alcohol; his vehicle was impounded for ten days; and an ignition interlock device was installed in his vehicle for six months. A true and correct copy of a certified copy of the County Court Sentence is attached as "Appendix A."

8. By his conduct as alleged above, Respondent violated Pennsylvania Rule of Professional Conduct 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.


9. By Order dated October 6, 2008, the Supreme Court of Pennsylvania directed that the matter of Respondent's criminal conviction for driving under the influence of alcohol be referred to the Disciplinary Board pursuant to Pa.R.D.E. 214(g), to be consolidated for hearing with the Petition for Reinstatement pending at No. 145 DB 2006. A true and correct copy of the Supreme Court's Order is attached as "Appendix B."

WHEREFORE, Petitioner prays that your Honorable Board refer this matter, pursuant to the Order of the Supreme Court dated October 6, 2008, to the Hearing Committee convened to hear Respondent's Petition for Reinstatement docketed at 145 DB 2006, for the purpose of hearing testimony and receiving evidence in support of the foregoing charge, and upon completion of the combined hearing, to make such findings of fact, conclusions of law, and recommendations for disciplinary action as it may deem appropriate.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

Paul J. Killion  
Chief Disciplinary Counsel

By   
Amelia C. Kittredge  
Disciplinary Counsel  
Attorney Registration No. 28760

Seven Penn Center, 16<sup>th</sup> Floor  
1635 Market Street  
Philadelphia, PA 19103  
(215) 560-6296

CASE NO. 06-429T COUNT 1

DEF. NAME McBride, Bernard  
ATTORNEY Smith, Steven  
PLEA NC X G    ADMIT   

CHARGE: DUI (level 20 or more)  
DEGREE: M (1st offense)

### COUNTY COURT SENTENCE

- ADJUDICATED GUILTY
- TRANSFER TO FELONY/TRAFFIC
- COUNTY JAIL    DAYS/MOS
- PLACED ON 12 (MOS) YRS PROBATION (C.O.S.W.)
- PLACED ON NON-REPORTING PROBATION    DAYS/MOS
- C.O.S.W. FOR FIRST    DAYS/MOS
- REMANDED TO SHERIFF
- NO JAIL TIME
- WEEKENDS TO START    DAYS
- NO ADJUDICATION OF GUILT
- ADJUDICATION WITHHELD
- NOLLE PROSEQUI
- DISMISSED
- IN WILLFUL VIOLATION
- CREDIT TIME SERVED
- CONCURRENT TO
- CONSECUTIVE TO
- SENTENCE SUSPENDED
- OUT OF CASH BOND \$ 1500.00

*\* cos out of bond  
CT2 - Dismissed by state  
\* Bond reinstated by cit.*

### SPECIAL CONDITION

- DRIVERS LICENSE SUSP REVOKED FOR 6 (MOS) YEARS
- ATTEND & COMPLETE DUI SCHOOL (PHASE I) PHASE II ADVANCED WITHIN 4 MONTHS
- PAY STATE ATTORNEY/COST OF PROSECUTION FEE \$ 25 - DIVERSION FEE \$    WITHIN Bond DAYS/MOS
- ENTER JUDGEMENT \$    FOR
- PAY FINE/COST OF \$   , INCLUDES 5% Y N WITHIN    DAYS/MOS
- PAY FINE OF \$ 750 - INCLUDES 5% (Y) N PLUS COST = \$ 1162.50 WITHIN Bond DAYS/MOS
- PAY OUTSTANDING FINE/COSTS WITHIN    DAYS/MOS
- COURT FACILITY TRUST FUND \$    WITHIN    DAYS/MOS
- PUBLIC DEFENDER APPLICATION FEE \$ 40 - PUBLIC DEFENDER FEE \$ 50 - WITHIN Bond DAYS/MOS
- PAY DOMESTIC VIOLENCE TRUST FUND \$    RAPE CRISIS TRUST FUND \$    WITHIN    DAYS/MOS
- PAY DNR FINE OF \$    WITHIN    DAYS/MONTHS
- PAY DRUG ASSESSMENTS OF \$    LAB \$
- RESTITUTION ORDERED IN THE AMOUNT OF \$    TO    Case#: 06000429T SF
- WITHIN    DAYS/MOS
- PROBATION REVOKED/TERM
- BEST EFFORT TO OBTAIN VALID FLORIDA DRIVER'S LICENSE
- COMMUNITY SERVICE 50 HRS WITHIN 4 (MOS) DAYS/MOS
- WORK OFF FINES AT \$    PER HOUR WITHIN    DAYS/MONTHS
- NO CONTACT WITH VICTIM
- NO USE/ POSSESSION OF ALCOHOL
- SUBJECT TO DRUG TEST/SEARCH
- ATTEND & COMPLETE DRUG/ALCOHOL COUNSELING IF REQUIRED
- SUBMIT TO PSYCHOLOGICAL COUNSELING/TESTING
- ATTEND & COMPLETE BATTERERS INTERVENTION PROGRAM / ANGER MANAGEMENT WITHIN    DAYS/MONTHS
- REPORT TO PROBATION IMMEDIATELY OR UPON RELEASE
- ATTEND & COMPLETE SHOPLIFTERS ALTERNATIVE COURSE WITHIN    DAYS/MONTHS
- MERGE & DISMISS CIVIL CITATION(S)
- 30 DAYS TO APPEAL
- 10 DAYS IMPOUNDMENT OF VEHICLE LISTED ON CITATION BY SHERIFF (TO START 5/13/06)
- IGNITION INTERLOCK DEVICE for 6 mos.
- OTHER:



CERTIFIED: A TRUE COPY OF THE ORIGINAL  
BY [Signature] DEPUTY CLERK

DDC-15

DONE AND ORDERED THIS 3 DAY OF May, 2006 IN PUNTA GORDA, FLORIDA

PRESIDING JUDGE [Signature]

COPIES TO: DEFENDANT/ATTY CCSO/J

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 1412 Disciplinary Docket No. 3  
: :  
BERNARD J. McBRIDE, JR. : Board File No. C1-08-697  
: :  
: (Charlotte County Court for the Twentieth  
: Judicial Circuit of Florida, No. 06-429T)  
: :  
: Attorney Registration No. 58418

ORDER

PER CURIAM:

AND NOW, this 6<sup>th</sup> day of October, 2008, Bernard J. McBride, Jr., having been convicted in the Charlotte County Court for the Twentieth Judicial Circuit of Florida of the crime of driving under the influence of alcohol, it is

ORDERED that this matter be referred to the Disciplinary Board pursuant to Rule 214(g), Pa.R.D.E., to be consolidated for hearing with the Petition for Reinstatement pending at No. 145 DB 2006.

A True Copy Patricia Nicola

As of: October 6, 2008

Attest:   
Chief Clerk

Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 1195 Disc. Dkt. No. 3  
: :  
BERNARD J. McBRIDE, JR. : No. 145 DB 2006  
PETITION FOR REINSTATEMENT : :  
: :  
OFFICE OF DISCIPLINARY COUNSEL : No. 1412 Disc. Dkt. No. 3  
: :  
Petitioner : :  
: :  
v. : Nos. 116 DB 2008 and 128 DB 2008  
: :  
BERNARD J. McBRIDE, JR. : Attorney Regis. No. 58418  
Respondent : (Out of State)

**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. §4904, relating to unsworn  
falsification to authorities.

2-1-09  
Date

Amelia C. Kittredge  
Amelia C. Kittredge  
Disciplinary Counsel

1/26/09  
Date

Bernard J. McBride, Jr.  
Bernard J. McBride, Jr.,  
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 1195 Disc. Dkt. No. 3  
: :  
BERNARD J. McBRIDE, JR. : No. 145 DB 2006  
PETITION FOR REINSTATEMENT : :  
: :  
OFFICE OF DISCIPLINARY COUNSEL : No. 1412 Disc. Dkt. No. 3  
: :  
Petitioner : :  
: Nos. 116 DB 2008 and 128 DB 2008  
v. : :  
: :  
BERNARD J. McBRIDE, JR. : Attorney Regis. No. 58418  
Respondent : (Out of State)

**AFFIDAVIT UNDER RULE 215(d), Pa.R.D.E.**

Respondent, Bernard J. McBride, Jr., hereby states that he consents to the imposition of a suspension for a period of one year and one day, as jointly recommended by the Office of Disciplinary Counsel and Respondent in the Joint Petition In Support Of Discipline On Consent, and further states that:

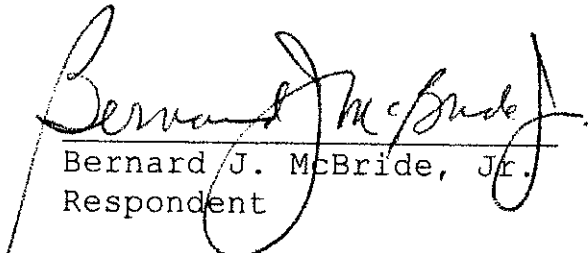
1. His consent is freely and voluntarily rendered; he is not being subjected to coercion or duress; he is fully aware of the implications of submitting the consent to discipline; and he has not consulted or followed the advice of counsel in connection with his decision to consent to discipline;



guilty of misconduct as set forth in the Joint Petition;

3. . He acknowledges that the material facts set forth in the Joint Petition and Exhibits A and B are true; and

4. He consents to the discipline because he knows that if the charges alleged in the above-mentioned Petitions for Discipline continued to be prosecuted in the pending proceeding, he could not successfully defend against them.

  
Bernard J. McBride, Jr.  
Respondent

Before me, the undersigned Notary Public, personally appeared BERNARD MCBRIDE on this 16 day of Jan <sup>2008</sup> 2008, known to me to be the identical person who executed this instrument, and acknowledged to me that he or she executed the same of his or her free and voluntary act and deed for the uses and purposes therein set forth, and in Witness whereof, I have hereunto set my hand and official seal, and I attest this to be a duly executed legal instrument.

151 SHARON E. MATHIAS (SEAL)

NOTARY PUBLIC OR EQUIVALENT (TYPE NAME):



SHARON E. MATHIAS  
MY COMMISSION # DD 458377  
EXPIRES: August 2, 2009  
Booded Thru Budget Notary Services

Commission Expires: Aug 2, 2009