

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1420 Disciplinary Docket No. 3
Petitioner :
 : Nos. 101 and 140 DB 2008
v. :
 : Attorney Registration No. 72126
CHRISTOPHER M. DeMARCO, :
Respondent : (Lancaster County)

ORDER

PER CURIAM:

AND NOW, this 22nd day of April, 2009, there having been filed with this Court by Christopher M. DeMarco his verified Statement of Resignation dated March 2, 2009, 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 Christopher M. DeMarco 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.

A True Copy Patricia Nicola
As of: April 22, 2009
Attest: *Patricia Nicola*
Chief Clerk
Supreme Court of Pennsylvania

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

| | | |
|--------------------------------|---|------------------------------------|
| OFFICE OF DISCIPLINARY COUNSEL | : | No. 1420 Disciplinary Docket No. 3 |
| Petitioner | : | |
| | : | Nos. 101 & 140 DB 2008 |
| v. | : | |
| | : | Attorney Registration No. 72126 |
| CHRISTOPHER M. DEMARCO | : | |
| Respondent | : | (Lancaster County) |

RESIGNATION BY RESPONDENT

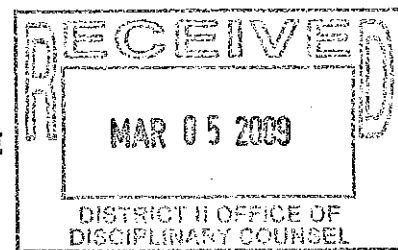
Pursuant to Rule 215
of the Pennsylvania Rules of Disciplinary Enforcement

Re: Office of Disciplinary Counsel
v. CHRISTOPHER M. DEMARCO
No. 1420 Disciplinary Docket No. 3
Nos. 101 & 140 DB 2008
Attorney Registration No. 72126
(Lancaster County)

RECORD OF PRIOR DISCIPLINE

None

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA



OFFICE OF DISCIPLINARY COUNSEL, : Nos. 101 DB 2008 & 140 DB 2008
Petitioner :
 :
vs. : Attorney Reg. No. 72126
 :
CHRISTOPHER M. DEMARCO, :
Respondent : (Lancaster County)

RESIGNATION
UNDER RULE 215, Pa.R.D.E.

CHRISTOPHER M. DEMARCO hereby tenders his resignation from the practice of law in the Commonwealth of Pennsylvania in conformity with Rule 215, Pa.R.D.E. and further states as follows:

1. He is an attorney in the Commonwealth of Pennsylvania, having been admitted on June 10, 1994.
2. He was placed on temporary suspension pursuant to Rule 208(f), Pa.R.D.E. by Order of the Supreme Court of Pennsylvania dated November 18, 2008.
3. He desires to submit his resignation as a member of said bar.
4. 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.
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 set forth in a Petition for Discipline, docketed at No. 140 DB 2008, and a Recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania dated August 27, 2008. A true

and correct copy of the Petition, Recommendation, and November 18, 2008 Order are attached hereto, made a part hereof, and marked Exhibit "A", Exhibit "B", and Exhibit "C", respectively.

6. He acknowledges that the material facts upon which the allegations of misconduct contained in Exhibit "A" and Exhibit "B" are based are true.

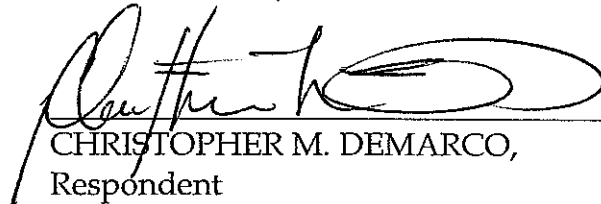
7. He submits the within resignation because he knows that he could not successfully defend himself against the charges of professional misconduct set forth in the attached Exhibit "A" and Exhibit "B" or other charges which might be brought based upon allegations of misconduct.

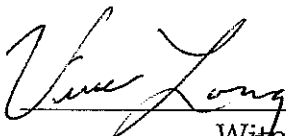
8. He is fully aware that the within resignation statement is irrevocable and that he can apply for reinstatement to the practice of law only pursuant to the provisions of Rule 218, Pa.R.D.E.

9. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He (has) (has not) consulted with counsel in connection with his decision to execute the within resignation.

IT IS UNDERSTOOD that the statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904 (relating to unsworn falsification to authorities).

Signed this ^{2ND} day of March, 2009


CHRISTOPHER M. DEMARCO,
Respondent


Witness

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL : No. ¹⁴⁰ DB 2008
Petitioner :
v. :
: Attorney Registration No. 72126
CHRISTOPHER M. DEMARCO :
Respondent : (Lancaster County)

PETITION FOR DISCIPLINE

NOTICE TO PLEAD

To: CHRISTOPHER M. DEMARCO:

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 II Office of Disciplinary Counsel, 820 Adams Avenue, Suite 170, Trooper, Pennsylvania 19403, 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, : No. 10 DB 2008

Petitioner :

v.

: Attorney Registration No. 72126

CHRISTOPHER M. DEMARCO,

Respondent : (Lancaster County)

PETITION FOR DISCIPLINE

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Esquire, Chief Disciplinary Counsel, and by Harold E. Ciampoli, Jr., Esquire, Disciplinary Counsel, files the within Petition for Discipline and charges Respondent, Christopher M. DeMarco 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 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.

WE HEREBY CERTIFY THE WITHIN TO
BE A TRUE AND CORRECT COPY.

FILED

SEP 10 2008

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

2. Respondent, Christopher M. DeMarco, was born in 1967 and was admitted to practice law in the Commonwealth on June 10, 1994. Respondent's last registered address was 643 West Chestnut Street, Lancaster, PA 17603. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

CHARGE

3. Respondent failed to comply with the Pennsylvania Rules for Continuing Legal Education due April 30, 2006.

4. On or about June 23, 2006, the Pennsylvania Continuing Legal Education Office ("PACLE Office") sent Respondent an Annual CLE Report dated June 23, 2006 ("6/23/2006 Annual CLE Report").

5. The 6/23/2006 Annual CLE Report:

- a) was mailed to Respondent's last registered address of 36 E. King Street, Lancaster, PA 17602-5306;
- b) was received by Respondent;
- c) informed Respondent of the status of his course attendance as currently recorded by the PACLE Board;
- d) informed Respondent that PACLE records indicated that Respondent was NON-COMPLIANT with his CLE requirements and that he had not completed sufficient hours by the compliance deadline for the 2006 Compliance Year ending April 30, 2006;
- e) informed Respondent that a late fee of \$100.00 had been assessed and provided Respondent with an invoice for the Initial Late Fee for Non-Compliance for 2006

Compliance Year ending April 30, 2006;

f) informed Respondent that there was a period of 60 days from the date of the notice to complete the required hours or receive an approved exception as well as pay any required fee which had been assessed;

g) warned that after the expiration of 90 days from the date of the notice, PACLE would prepare a list of those lawyers who continued to be non-compliant and would assess them an additional \$100.00 late fee; and

h) advised that the list would be sent to the Supreme Court of Pennsylvania with the recommendation that those lawyers be involuntarily inactivated for non-compliance.

6. On or about July 6, 2006, Respondent returned the invoice to the PACLE Office and paid his late fee of \$100.00 by check number 4197.

7. On or about September 26, 2006, the PACLE Office sent Respondent an urgent notice, which:

a) was mailed to Respondent's last registered address of 36 E. King Street, Lancaster, PA 17602-5306;

b) was received by Respondent;

c) informed Respondent that PACLE records indicated that Respondent was NON-COMPLIANT with his CLE requirements and had not completed sufficient hours by the compliance deadline for the 2006 Compliance Year ending April 30, 2006;

d) informed Respondent that a second late fee of \$100.00 had been assessed for continued non-compliance and provided Respondent with an invoice for the

Second Late Fee for Non-Compliance for 2006 Compliance Year ending April 30, 2006;

e) informed Respondent that a list of non-compliant attorneys would be submitted to the Pennsylvania Supreme Court on October 26, 2006;

f) warned that if Respondent failed to comply with the PACLE Rules and Regulations within the additional time provided, the Supreme Court would enter an order to involuntarily inactivate his license;

g) advised that once the Supreme Court Order was issued, in order to return to an active status, a non-compliant attorney must complete the then current year's requirement and any unfulfilled requirements from the preceding two compliance years, pay the \$100.00 initial late compliance fee, the \$100.00 second late compliance fee, and the \$100.00 reinstatement fee if not previously paid; and

h) instructed that prior to attending a course, Respondent needed to contact the PACLE Office to obtain a "special attendance verification form."

8. On or about October 25, 2006, Respondent returned the invoice to the PACLE Office and paid his second late fee of \$100.00 by check number 1326.

9. By Order dated November 21, 2006, the Supreme Court of Pennsylvania transferred Respondent to inactive status, pursuant to Rule 111(b), Pa.R.C.L.E.

10. The effective date of Respondent's transfer to inactive status was December 21, 2006.

11. By letter to Respondent dated November 21, 2006, Elaine M. Bixler, Secretary of the Disciplinary Board advised that Respondent:

(a) was to be transferred to Inactive Status effective December 21, 2006, for

failure to comply with the Pennsylvania Rules for Continuing Legal Education due April 30, 2006;

(b) would be required to comply with Rule 217 of the Pa.R.D.E. and §§91.91-91.99 of the Disciplinary Board Rules; and

(c) would be required to comply with the Pa.C.L.E. Board before a request for reinstatement to the Disciplinary Board would be considered.

12. Ms. Bixler's November 21, 2006 correspondence included the following enclosures:

(a) A copy of the certified copy of the November 21, 2006 Supreme Court Order;

(b) Rule 217 of the Pennsylvania Rules of Disciplinary Enforcement and §§91.91-91.99 of the Disciplinary Board Rules;

(c) Forms DB-23(i) and DB-24(i) (Nonlitigation and Litigation Notice of Transfer to Inactive Status);

(d) Form DB-25(i), Statement of Compliance; and

(e) A letter prepared by the CLE Board providing information regarding compliance with Rule 111(b), Pa.R.C.L.E

13. Ms. Bixler's November 21, 2006 correspondence and enclosures were sent by certified mail, return receipt requested, to 1035 Woods Avenue, Lancaster PA 17603.

14. Respondent received Ms. Bixler's November 21, 2006 correspondence and enclosures on November 22, 2006.

15. From November 21, 2006, to December 20, 2006, Respondent was prohibited from accepting any new retainer or engaging as attorney for another in any new case or legal matter of any nature except for the purpose of winding up and completing any matter which was pending on November 21, 2006.

16. From December 21, 2006, to January 15, 2007, Respondent was prohibited from accepting any new retainer or engaging as attorney for another in any new case or legal matter of any nature.

17. From November 21, 2006, to January 15, 2007, Respondent failed to notify or cause to notify his clients and other individuals of his transfer to inactive status and his consequent inability to act as an attorney as required by Pa.R.D.E 217(a)(b) and (c).

18. On November 29, 2006, Respondent attended the "Annual Auto Law Update" CLE course for three substantive credits and one ethics credit.

19. On November 30, 2006, Respondent attended "The Science of Persuasion" CLE course for four substantive credits.

20. On December 7, 2006, Respondent entered his appearance as attorney on behalf of the Petitioner, Pamela Lokey, and filed with the Commonwealth of Pennsylvania, Department of Labor and Industry, Bureau of Workers' Compensation, (hereinafter, "BWC") a *Fatal Claim Petition For Compensation By Dependents of Deceased Employees*.

21. On December 11, 2006, Respondent entered his appearance as attorney on behalf of the Petitioner Wayne Wiggins and filed a *Petition for Penalties* with the BWC.

22. On December 28, 2006, Respondent attended the "General Practitioner's Update" CLE course for four substantive credits and one ethics credit.

23. On December 29, 2006, Respondent attended "George and Ray's Review of Accounting Standards for Industry" CLE course for six and one-half substantive credits.
24. On December 30, 2006, Respondent attended the "Electronic Discovery-Sanctions, Process and Technology" CLE course for four substantive credits and the "Medical Chart Review for Lawyers" CLE course for three substantive credits and one ethics credit.
25. On January 2, 2007, Respondent filed with Judge Robert Benischeck, BWC, and served upon opposing counsel, a *Reply Brief of Claimant*, in the matter of *Lumenada Alamo v. Janus Hotels & Resorts, Inc.*, Bureau Claim No. 2766091.
26. By letter to Judge Kathleen DiLorenzo, BWC, dated January 5, 2007, and copied to opposing counsel, Respondent informed that he should be receiving the WCSMA approval within the next fifteen days in connection with the *Garcia-Rodriguez v. Schaefer Paint Company* matter, Bureau Claim No. 2309294.
27. By letter to Judge Benischeck dated January 9, 2007, and copied to opposing counsel, Respondent advised that he had been unable to secure a private translator and requested a continuance of the January 10, 2007 hearing in the matter of *Leonardo Silva v. Anvil*, Bureau Claim No. 2926117.
28. On January 11, 2007, Respondent appeared before Judge DiLorenzo as attorney on behalf of the claimant in the matter of *Maria Rodriguez v. Fleetwood Enterprises, Inc.*, Bureau Claim No. 2832526 ("Rodriguez matter").

29. By letter to Judge DiLorenzo dated January 11, 2007, and copied to opposing counsel, Respondent filed a *Brief in Opposition to Defendant's Request Reconsideration of Supersedeas* in connection with the Rodriguez matter.

30. The January 5, 2007, January 9, 2007, and January 11, 2007 letters described in the preceding paragraphs were on letterhead with the notation "Law Office Christopher DeMarco."

31. By cover letter to the PACLE Office dated January 11, 2007, Respondent:
- a) returned the Reinstatement Processing Fee Invoice dated November 21, 2006;
 - b) paid the PACLE Office his reinstatement fee in the amount of \$100.00 by check number 4379;
 - c) confirmed his telephone conversation with the PACLE Office of that date at which time Respondent was advised that the Board had received verification of his credit compliance for 2006-2007; and
 - d) requested that his professional license be reinstated.

32. Respondent's actions as described in paragraphs 20-21, 25-30, *supra*, constituted the unauthorized practice of law.

33. By DB-7 REQUEST FOR STATEMENT OF RESPONDENT'S POSITION letter dated April 25, 2007, Petitioner, *inter alia*, alleged that Respondent had engaged in the unauthorized practice of law during the period of November 21, 2006 through January 15, 2007.

34. By STATEMENT OF RESPONDENT'S POSITION dated May 23, 2007, and

transmitted by facsimile to Petitioner on August 7, 2007, Respondent represented, *inter alia*, that during the relevant time period of November 21, 2006, through January 15, 2007, Respondent "believed in good faith that [Respondent had] completed the necessary continuing education credits required by [his] Group classification for the 2006/2007 licensure year." (hereinafter, "Representation")

35. Respondent's Representation was false and he knew or should have known it was false when he made it, because he was aware that he had been placed on inactive status by Court Order dated November 21, 2006.

36. Respondent's Representation was false and he knew or should have known it was false when he made it, because he had received notices from the PACLE Office that informed Respondent that he was non-compliant with his CLE requirements for the 2006 Compliance Year ending April 30, 2006.

37. Respondent's Representation was false and he knew or should have known it was false when he made it, because he had received notices from the PACLE Office that informed Respondent that his failure to take the necessary CLE hours would result in the Supreme Court entering an order to involuntarily inactivate his law license.

38. By his conduct as alleged in paragraphs 3 through 37 above, Respondent violated the following Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement:

A. **RPC 1.16(a)(1)**, which states that, a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if the representation will result in violation of the Rules of Professional Conduct or

other law.

B. **RPC 5.5(a)**, which states that a lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

C. **RPC 8.1(a)**, which states that an applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not knowingly make a false statement of material fact.

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

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

F. **Pa.R.D.E. 217(b)**, which states that a formerly admitted attorney shall promptly notify, or cause to be notified, by registered or certified mail, return receipt requested, all clients who are involved in pending litigation or administrative proceedings, and the attorney or attorneys for each adverse party in such matter or proceeding, of the transfer to inactive status and consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the transfer to inactive status.

G. **Pa.R.D.E. 217(c)**, which requires the formerly admitted attorney to promptly notify, or cause to be notified, of the transfer to inactive status, by registered or certified mail, return receipt requested, all other persons with whom the formerly admitted attorney may at any time expect to have professional contacts under circumstances where

there is a reasonable probability that they may infer that he or she continues as an attorney in good standing.

H. Pa.R.D.E. 217(e), which requires the formerly admitted attorney, within ten days after the effective date of the transfer to inactive status order, to file with the Board a verified statement showing compliance.


I. Pa.R.D.E. 217(j)(4)(iv), which prohibits a formerly admitted attorney from representing himself or herself as a lawyer or person of similar status.

J. Pa.R.D.E. 217(j)(4)(vii), which prohibits a formerly admitted attorney from appearing on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, hearing officer or any other adjudicative person or body.

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 support of the foregoing charges and upon completion of said 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  _____
Harold E. Clampoli, Jr.
Disciplinary Counsel
Attorney Registration No. 51159
820 Adams Avenue, Suite 170
Trooper, PA 19403
(610) 650-8210

VERIFIED STATEMENT

I, Harold E. Ciampoli, Jr., Disciplinary Counsel, state under the penalties provided in 18 Pa.C.S. §4904 (unsworn falsification to authorities) that:

I am a Disciplinary Counsel of the Disciplinary Board of the Supreme Court of Pennsylvania assigned to prosecute this matter pursuant to the Pennsylvania Rules of Disciplinary Enforcement;

I am authorized to make this verified statement; and

The facts contained in the attached Petition for Discipline are true and correct to the best of my knowledge, information and belief.

9/2/08

Date

H E C

Harold E. Ciampoli, Jr.
Disciplinary Counsel



Joseph W. Farrell
Executive Director

Elaine M. Bixler
Secretary of the Board

Facsimile (717) 731-0491
www.padboard.org

THE DISCIPLINARY BOARD
OF THE
SUPREME COURT OF PENNSYLVANIA

First Floor
Two Lemoyne Drive
Lemoyne, PA 17043-1226
(717) 731-7073

August 27, 2008

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David A. Nasatir
Gabriel L. Bevilacqua
* Non-Lawyer Members

REQUEST FOR SUPREME COURT ACTION

Prothonotary
Supreme Court of Pennsylvania
Western District Office
801 City-County Building
Pittsburgh, PA 15219

Attention: John A. Vaskov, Esq., Deputy Prothonotary

Re: Office of Disciplinary Counsel
v. CHRISTOPHER MONROE DEMARCO
No. 101 DB 2008
Attorney Registration No. 72126
(Lancaster County)

Enclosed please find the original and eight (8) copies of a Recommendation of The Disciplinary Board that the Respondent, Christopher Monroe DeMarco, be placed on temporary suspension. A proposed form of an Order is also enclosed.

Mr. DeMarco's current mailing address is: 643 W. Chestnut Street, Lancaster, PA 17603. Respondent is not represented by counsel in this proceeding.

Respectfully,

Elaine M. Bixler
Secretary of the Board

/emb
Enclosures

cc: Christopher Monroe DeMarco, Respondent (w/encl.)
✓ Harold E. Ciampoli, Jr., Disciplinary Counsel (w/encl.)
Paul J. Killion, Chief Disciplinary Counsel (w/encl.)

Exhibit "B"

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. Disciplinary Docket No. 3
Petitioner :
 : No. 101 DB 2008
v. :
 : Attorney Registration No. 72126
CHRISTOPHER MONROE DEMARCO, :
Respondent : (Lancaster County)

ORDER

PER CURIAM

AND NOW, this ____ day of _____, 2008, upon consideration of the Recommendation of the Disciplinary Board dated August 27, 2008, it is hereby

ORDERED that Christopher Monroe DeMarco is placed on temporary suspension pursuant to Rule 208(f), Pa.R.D.E., until further definitive action by this Court. It is further ORDERED that respondent shall comply with the provisions of Rule 217, Pa.R.D.E.

This Order constitutes an imposition of public discipline within the meaning of Rule 402, Pa.R.D.E., pertaining to confidentiality.

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

| | | |
|--------------------------------|---|---------------------------------|
| OFFICE OF DISCIPLINARY COUNSEL | : | No. 101 DB 2008 |
| Petitioner | : | |
| | : | |
| v. | : | Attorney Registration No. 72126 |
| | : | |
| CHRISTOPHER MONROE DEMARCO | : | |
| Respondent | : | (Lancaster County) |

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

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES
OF THE SUPREME COURT OF PENNSYLVANIA:

On July 8, 2008, Petitioner, Office of Disciplinary Counsel, filed with the Board a Petition for Issuance of a Rule to Show Cause why Respondent Should not be Suspended Pursuant to Pa.R.D.E. 208(f)(5). (Appendix "A")

On July 9, 2008, the Disciplinary Board of the Supreme Court of Pennsylvania issued an Order and Rule to Show Cause why Christopher Monroe DeMarco, Respondent, should not be placed on temporary suspension, pursuant to Rule 208(f)(5), Pa.R.D.E. (Appendix "B")

The Rule to Show Cause was served on Respondent on July 17, 2008 and was returnable within thirty (30) days after service.

On August 25, 2008, Petitioner filed a Petition to Make Rule Absolute (Appendix "C")

In accordance with Rule 208(f)(5), Pa.R.D.E., the Disciplinary Board finds that Respondent has refused to comply with a valid subpoena and has materially delayed or obstructed his disciplinary proceeding and respectfully recommends that your Honorable Court consider, pursuant to Rule 208(e), entering an Order placing the Respondent, Christopher Monroe DeMarco, on temporary suspension.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: 
Smith Barton Gephart, Board Chair

Date: August 27, 2008

active status. He is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

3. On June 6, 2008; the Supreme Court of Pennsylvania issued a *subpoena duces tecum* to Respondent commanding him to bring copies of records relating to Petitioner's Complaint File No. C2-06-792 to the District II Office of Disciplinary Counsel on June 26, 2008. A true and correct copy of the June 6, 2008 *subpoena duces tecum* is attached hereto, made a part hereof, and marked Exhibit "A."

4. By cover letter to Respondent dated June 6, 2008, Petitioner enclosed a *Request for Issuance of Subpoena* in connection with the subpoena.

5. The June 6, 2008 letter and enclosures were addressed to Respondent's registered address of 643 W. Chestnut Street, Lancaster, PA 17603 and sent by certified mail, return receipt requested.

6. The June 6, 2008 certified mailing was returned to Petitioner on June 25, 2008, marked "Unclaimed." A true and correct copy of the June 6, 2008 certified mailing that was returned to Petitioner is attached hereto, made a part hereof, and marked Exhibit "B."

7. By cover letter to Respondent dated June 9, 2008, Petitioner enclosed a copy of the June 6, 2008 subpoena.

8. The June 9, 2008 letter and enclosures were addressed to Respondent's registered address of 643 W. Chestnut Street, Lancaster, PA 17603 and sent by certified mail, return receipt requested.

9. The United States Postal Service attempted to deliver the June 9, 2008 certified mailing and returned the item to Petitioner on June 27, 2008.

10. Petitioner's Investigator, Stephen J. Schmitt, attempted to personally serve Respondent with the June 6, 2008 subpoena. A declaration of Investigator Schmitt detailing his attempts to locate and serve Respondent is attached hereto, made a part hereof, and marked Exhibit "C."

11. Pa.R.D.E. 212 provides that "[i]n the event a respondent-attorney cannot be located and personally served with notices required under these rules, such notices may be served upon the respondent - attorney by addressing them to the address furnished by the respondent-attorney in the last registration statement filed by such person in accordance with Enforcement Rule 219(d) (relating to periodic assessment of attorneys)...."

12. On June 26, 2008, in defiance of the subpoena *duces tecum* issued by the Pennsylvania Supreme Court Respondent did not appear at the District II Office of Disciplinary Counsel for the scheduled subpoena return.

13. Respondent did not move to quash the subpoena.

14. Respondent has not contacted Petitioner in any manner in connection with the June 26, 2008 subpoena return and has provided no reason, let alone good reason, for his failure to comply with a valid Supreme Court subpoena.

15. In addition to the June 6, 2008 and June 9, 2008 correspondence referred to above. Petitioner sent two additional letters dated May 30, 2008 and June 19, 2008 to Respondent, by certified mail, return receipt requested.

16. The May 30, 2008 letter was returned to Petitioner on June 19, 2008, marked "unclaimed." A true and correct copy of the May 30, 2008 certified mailing that was returned to Petitioner is attached hereto, made a part hereof, and marked Exhibit "D."

17. The United States Postal Service attempted to deliver the June 19, 2008 certified mailing and a notice was left.

18. Petitioner is investigating files C2-07-846, C2-08-525, and C2-08-541, all of which involve allegations by clients of Respondent who contend that they have not been able to communicate with Respondent for at least the last several months. For example, C2-08-525 involves allegations that Respondent failed to appear for a pre-trial conference scheduled for his client's medical malpractice case on April 24, 2008. Respondent's non-participation has created the possibility the Court may dismiss the case in the near future. Respondent has ignored the client's numerous phone calls and has not communicated with her since July 22, 2007.

19. Petitioner is investigating file C2-07-279 and has recently recommended that formal charges be instituted against Respondent for allegations of unauthorized practice of law while on inactive status and knowingly making a false statement of material fact in connection with a disciplinary matter. In that investigation, while Respondent did respond to Petitioner's initial Letter Request for Statement of Respondent's Position, Respondent failed to respond in any manner to Petitioner's Supplemental Request for Statement of Respondent's Position.

20. Respondent's blatant disregard of a subpoena issued by the Pennsylvania Supreme Court warrants the issuance of a rule to show cause why he should not be placed on temporary suspension.

21. Respondent's conduct in addition to his blatant disregard of the subpoena, including his failure to accept certified mail from Petitioner has materially delayed and obstructed Petitioner's investigation warranting the issuance of a rule to show cause.

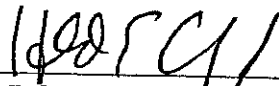
WHEREFORE, Petitioner prays that your Honorable Board issue a Rule upon Respondent, to show cause, if any he has, within thirty (30) days following service of this Rule, as to why Respondent should not be temporarily suspended.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION,
Attorney Reg. No. 20955,
Chief Disciplinary Counsel

By:



HAROLD E. CIAMPOLI, JR.,
Disciplinary Counsel
Attorney Registration Number 51159
Suite 170, 820 Adams Avenue
Trooper, PA 19403
(610) 650-8210

Date:

7/7/08

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

| | | | |
|---------------------------------|---|---------------------------------------|-------------------------|
| OFFICE OF DISCIPLINARY COUNSEL, | : | No. | Disciplinary Docket No. |
| Petitioner | : | | |
| | : | Board File Nos. C2-06-792; C2-07-846; | |
| | : | C2-07-1042; C2-08-525; C2-08-541 | |
| v. | : | | |
| | : | Attorney Reg. No. 72126 | |
| CHRISTOPHER MONROE DEMARCO, | : | | |
| Respondent | : | (Lancaster County) | |

ORDER AND RULE TO SHOW CAUSE

AND NOW, this _____ day of _____, 2008, upon Petition of the Office of Disciplinary Counsel, a Rule is hereby issued upon Respondent to show cause why he should not be placed on Temporary Suspension from the Bar of the Commonwealth of Pennsylvania pursuant to Pa.R.D.E. 208(f)(5).

Smith Barton Gephart, Esquire
Board Chair

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

| | | | |
|---------------------------------|---|---------------------------------------|-------------------------|
| OFFICE OF DISCIPLINARY COUNSEL, | : | No. | Disciplinary Docket No. |
| Petitioner | : | | |
| | : | Board File Nos. C2-06-792; C2-07-846; | |
| | : | C2-07-1042; C2-08-525; C2-08-541 | |
| v. | : | | |
| | : | Attorney Reg. No. 72126 | |
| CHRISTOPHER MONROE DEMARCO, | : | | |
| Respondent | : | (Lancaster County) | |

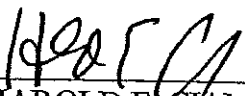
CERTIFICATE OF SERVICE

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, Certified Mail-Return Receipt Requested
and Personal Service, as follows:

Christopher Monroe DeMarco, Esquire (717) 735-7160
643 W. Chestnut Street
Lancaster, PA 17603

Dated: 7/7/08



HAROLD E. CIAMPOLI, JR.,
Disciplinary Counsel
Office of Disciplinary Counsel
Suite 170, 820 Adams Avenue
Trooper, PA 19403
(610) 650- 8210
Attorney Reg. No. 51159

The Commonwealth of Pennsylvania

Supreme Court of Pennsylvania

OFFICE OF DISCIPLINARY COUNSEL OF THE DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

In Re: Confidential Investigation

Complaint File No(s).

C 2 - 06 - 792

SUBPOENA DUCES TECUM

Pa.R.D.E 213(a)(2)

TO: Christopher M. DeMarco
(Records Custodian/Name of Witness)
643 West Chestnut Street
Lancaster, PA 17603

GREETING: WE COMMAND YOU, setting aside all manner of business and excuses whatsoever, to appear in your proper person at the District II Office of Disciplinary Counsel of the Supreme Court of Pennsylvania at 820 Adams Avenue, Suite 170, Trooper, PA 19403

Pennsylvania on the 26th day of June, 2008, at 9:00 o'clock a. m., of that day, then and there to produce and identify the records and documents described below, in a certain investigation pending and undetermined concerning the conduct of a member of the Bar of this Commonwealth. And this you are not to omit, under the penalties provided by law.

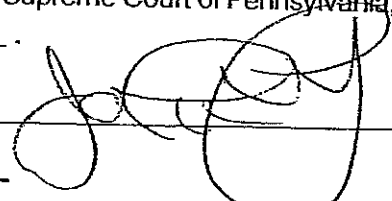
Records and Documents:

1. Copies of monthly statements for January 2005, February 2005 and June 2006 for Wachovia Bank Account #
2. Copy of Check #3178 front and back drawn on February 3, 2005 to Dr. Steven C. Longenecker on Wachovia Bank Account #
3. Copies of Fee Agreements, Letters of Retention, Settlement Agreements, Statements of Distribution, Records of Deposits, Client Ledgers, Check Registers and any other documentation in connection with the receipt, maintenance and disposition of funds you received regarding the estate of Randy Lokey and Workers' Compensation claim #

* Return date to be at least 10 days after date of issuance.

THIS SUBPOENA IS ISSUED in connection with a confidential investigation under The Pennsylvania Rules of Disciplinary Enforcement and YOU ARE WARNED NOT TO BREACH THE CONFIDENTIALITY OF THIS INVESTIGATION under penalty of being found in contempt of the Supreme Court. It shall not be regarded as a breach of confidentiality for a person subpoenaed to consult with an attorney.

Witness the Honorable Chief Justice and Justices of the Supreme Court of Pennsylvania, the 6th day of June, 2008.



Deputy Prothonotary

OF THE
SUPREME COURT OF PENNSYLVANIA

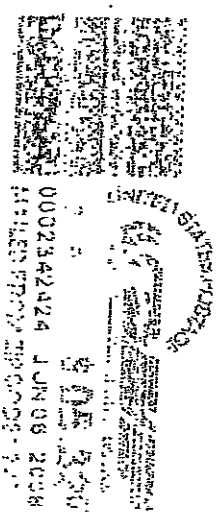
820 Adams Avenue
Suite 170
Trooper, PA 19403



7J5D 3901 9845 1992 8271

RETURN RECEIPT REQUESTED

PERSONAL AND CONFIDENTIAL
Christopher M. DeMarco, Esquire
643 West Chestnut Street
Lancaster, PA 17603

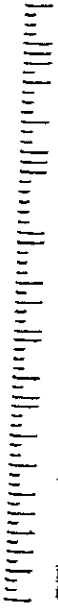


NIXIE 176 SE 1 06 06/25/08

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 19403222845 *2419-05869-25-05

194032228



DECLARATION OF STEPHEN J. SCHMITT

I, STEPHEN J. SCHMITT, hereby declare under penalty of perjury, to the following that:

1. I am an auditor/investigator with the Office of Disciplinary Counsel.
2. On June 11, 2008, I attempted to locate Christopher DeMarco to serve him with a *subpoena duces tecum* directing him to appear at the District II Office of Disciplinary Counsel on June 26, 2008.
3. At approximately 10:00 a.m. I went to Respondent's office at 643 W. Chestnut Street, Lancaster, Pennsylvania. Respondent's office building is a duplex. The outside door was unlocked allowing me access to where Respondent's mail is delivered. Respondent's name was on the mailbox and I observed that there was mail on the floor (too much to fit in the mailbox) addressed to Respondent. I knocked several times on the entry door to Respondent's office, which was locked, but no one answered. I looked through the office window from a porch on the outside of Respondent's office and observed that no one was present and the lights were off.
4. After being unsuccessful at locating Respondent at his office, I travelled to his residence at 1035 Woods Avenue, Lancaster, Pennsylvania. I spoke with Ann DeMarco, Respondent's wife. Mrs. DeMarco informed me that Respondent has a cocaine addiction which was causing him to lose control of his life. Respondent no longer lives at the home on Woods Avenue, although he does come and stay periodically. She does not know where he stays when he is not at home. She does have fairly regular contact with him by phone. Most of the time he doesn't answer directly but sometimes he will respond to messages. In my presence, Mrs. DeMarco called Respondent's cell phone number and work number and left messages on each number that Respondent should call her and me. Their home phone number is listed and she has been receiving phone calls from Respondent's clients, complaining that they are having difficulty contacting him. I left a copy of the subpoena with Mrs. DeMarco and she advised she would deliver it to Respondent if she saw him. She also advised that she would inform Respondent that I wished to meet with him as soon as possible.
5. After speaking with Mrs. DeMarco, I returned to Respondent's office at approximately 11:30 a.m. and then again at 2:00 p.m. Respondent was still not there.
6. On June 12, 2008, I called Respondent's work number at 717-735-7160 and left a voice mail message and provided my telephone number. I explained that I had left a copy of the subpoena with his wife at his residence but that I still wanted to meet with him personally. I then called his cell phone number that had been provided to me by Mrs. DeMarco. The voice mail box was full but allowed me to leave a callback number, which I did.

7. On June 24, 2008, Mrs. DeMarco called and informed me that she had seen her husband and provided him with the subpoena. She tried to discuss the matter but he became angry and said he would handle it. Since then, she has been unable reach him and he has not returned her calls. She is not aware of where he is.

8. As of the date of this declaration, I have not received a call from Respondent.

I hereby declare, under the penalty of perjury and pursuant to 18 Pa. Con. Stat. Ann. §4904 relating to sworn falsification to authorities, that the foregoing is true and correct.

7/2/08

Date


Stephen J. Schmitt, Auditor/Investigator

CONFIDENTIAL

THE DISCIPLINARY BOARD
OF THE

SUPREME COURT OF PENNSYLVANIA

820 Adams Avenue
Suite 170
Trooper, PA 19403



7160 390J 9845 1992 8066

RETURN RECEIPT REQUESTED

PERSONAL AND CONFIDENTIAL
Christopher Monroe DeMarco, Esquire
643 W. Chestnut Street
Lancaster, PA 17603

6-18
JUN 17 2008

NIXIE 176 DE 1 00 05/20/09

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 19403232845

*1503-18178-31-35

1754704400022

Exhibit - D

Thank you for using Return Receipt Service

COMPLETE THIS SECTION ON DELIVERY

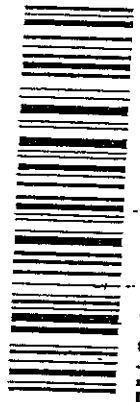
A. Received by (Please Print Clearly) _____ B. Date of Delivery _____

C. Signature _____ Agent Addressee

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

C2-07-846
HEC

2. Article Number



7160 3901 9845 1992 8066

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

PERSONAL AND CONFIDENTIAL
Christopher M. Marie DeMarco, Esquire
643 W. Chestnut Street
Lancaster, PA 17603

PS Form 3811, January 2005

Domestic Return Receipt

RETURN RECEIPT REQUESTED
USPS MAIL CARRIER
DETACH ALONG PERFORATION

Thank you for using Return Receipt Service

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

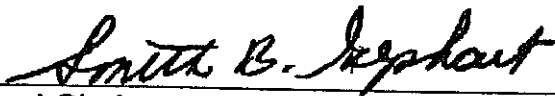
OFFICE OF DISCIPLINARY COUNSEL : No. 101 DB 2008
Petitioner :
v. : File Nos. C2-06-792, C2-07-846,
: C2-07-1042, C2-08-525 & C2-08-541
: Attorney Registration No. 72126
CHRISTOPHER MONROE DEMARCO :
Respondent : (Lancaster County)

ORDER AND RULE TO SHOW CAUSE

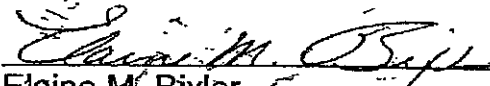
AND NOW, this 9th day of July, 2008, upon Petition of Office of Disciplinary Counsel, a Rule is hereby issued upon Respondent to show cause why he should not be placed on temporary Suspension from the Bar of the Commonwealth of Pennsylvania pursuant to Rule 208(f)(5), Pa.R.D.E.

The Rule to show cause is returnable within thirty (30) days from service of notice of this Order. Respondent is directed to timely serve a copy of any response to the Petition and to this Rule upon the Office of Disciplinary Counsel.

BY THE BOARD:


Board Chair

TRUE COPY FROM RECORD
Attest:


Elaine M. Bixler
Secretary of the Board
The Disciplinary Board of the
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 101 DB 2008
Petitioner :
 : Board File Nos. C2-06-792; C2-07-846;
 : C2- 07-1042; C2-08-525; C2-08-541
v. :
 : Attorney Reg. No. 72126
CHRISTOPHER MONROE DEMARCO, :
Respondent : (Lancaster County)

PETITION TO MAKE RULE ABSOLUTE

Petitioner, the Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Harold E. Ciampoli, Jr., Disciplinary Counsel, respectfully petitions the Disciplinary Board to make absolute the Rule previously issued in this matter pursuant to Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 208(f)(5), and in support thereof states:

1. On or about July 7, 2008, Petitioner filed a *Petition for Issuance Of a Rule To Show Cause Why Respondent Should Not Be Suspended Pursuant To Pa.R.D.E.208(f)(5)* alleging, *inter alia*, that Respondent had disregarded an applicable provision of the Rules of Disciplinary Enforcement and had materially delayed or obstructed his disciplinary proceeding.
2. By Order and Rule to Show Cause dated July 9, 2008, the Disciplinary Board issued a Rule upon Respondent to show cause why he should not be placed on temporary suspension from the Bar of the Commonwealth of Pennsylvania pursuant to Rule 208(f)(5), Pa.R.D.E.

FILED

AUG 25 2008

3. The Rule to Show Cause was returnable within thirty days from service of notice of the Order.

4. The Order and Rule to Show Cause was personally served upon Respondent at his last registered address on July 17, 2008, by Pennsylvania State Constable J. Hatfield. An affidavit of service by Constable Hatfield is attached hereto and marked Exhibit "A."

5. Respondent's response to the Order and Rule to Show Cause was due on or before August 18, 2008.

6. Respondent has failed to file any response to the Order and Rule to Show Cause why he should not be placed on temporary suspension.

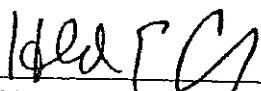
7. Rule 208(f)(5), Pa.R.D.E., provides in part that "if the period for response to the rule to show cause has passed without a response having been filed,...the Board may recommend to the Supreme Court that the respondent-attorney be placed on temporary suspension."

WHEREFORE, Petitioner prays that your Honorable Board make the Rule absolute and prepare and forward to the Supreme Court of Pennsylvania a recommendation that Respondent, Christopher Monroe DeMarco, be placed on temporary suspension.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION,
Attorney Reg. No. 20955,
Chief Disciplinary Counsel

By: 
HAROLD E. CIAMPOLI, JR.,
Disciplinary Counsel
Attorney Registration Number 51159
Suite 170, 820 Adams Avenue
Trooper, PA 19403
(610) 650-8210

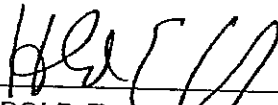
Date: 8/22/08

VERIFICATION

The statements contained in the foregoing *Petition To Make Rule Absolute* 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.A. §4904, relating to unsworn falsification to authorities.

8/22/08

Date



HAROLD E. CIAMPOLI, JR.,
Disciplinary Counsel

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 101 DB 2008
Petitioner :
: Board File Nos. C2-06-792; C2-07-846;
: C2- 07-1042; C2-08-525; C2-08-541
:
: Attorney Reg. No. 72126
CHRISTOPHER MONROE DEMARCO :
Respondent : (Lancaster County)

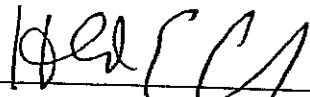
CERTIFICATE OF SERVICE

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:

Christopher M. DeMarco, Esquire (717) 735-7160
643 West Chestnut Street
Lancaster, PA 17603

Dated: 8/22/08


HAROLD E. CIAMPOLI, JR.,
Disciplinary Counsel
Office of Disciplinary Counsel
Suite 170, 820 Adams Avenue
Trooper, PA 19403
(610) 650-8210
Attorney Reg. No. 51159

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. DB
Petitioner :
: Board File Nos. C2-06-792;
: C2-07-846; C2-07-1042;
: C2-08-525; C2-08-541
v. :
: Attorney Reg. No. 72126
CHRISTOPHER MONROE DEMARCO, :
Respondent : (Lancaster County)

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF Lancaster

I, J. Hatfield, being duly sworn according to law, depose
and say that on 7-17-08, at 9:28 AM I did duly serve
(date) (time)
upon Christopher M. DeMarco, Esquire, the Respondent:
a Petition for Issuance of a Rule to Show Cause Why Respondent
Should Not Be Suspended Pursuant to Pa.R.D.E. 208(f)(5) and Order
and Rule to Show Cause by handing the same to Christopher DeMarco
at 643 West Chestnut St Lanc PA
(address)

J. Hatfield Constable
J. Hatfield, Constable

Sworn to and subscribed
before me this 17
day of July, 2008.

Cheryl Hartman
Notary Public



IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1420 Disciplinary Docket No. 3
Petitioner :
v. : No. 101 DB 2008
: Attorney Registration No. 72126
CHRISTOPHER MONROE DeMARCO, :
Respondent : (Lancaster County)

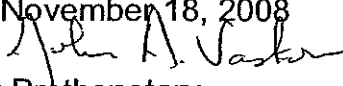
ORDER

PER CURIAM:

AND NOW, this 18th day of November, 2008, upon consideration of the Recommendation of the Disciplinary Board dated August 27, 2008, it is hereby

ORDERED that Christopher Monroe DeMarco is placed on temporary suspension pursuant to Rule 208(f), Pa.R.D.E., until further definitive action by this Court. It is further ORDERED that respondent shall comply with the provisions of Rule 217, Pa.R.D.E.

This Order constitutes an imposition of public discipline within the meaning of Rule 402, Pa.R.D.E., pertaining to confidentiality.

A True Copy John A. Vaskov
As of: November 18, 2008
Attest: 
Deputy Prothonotary
Supreme Court of Pennsylvania