

**IN THE SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 1937 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 37 DB 2013
v.	:	
	:	Attorney Registration No. 44985
DAVID HAROLD KNIGHT,	:	
Respondent	:	(Bucks County)

**ORDER**

**PER CURIAM:**

**AND NOW**, this 17<sup>th</sup> day of July, 2013, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated April 11, 2013, 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 David Harold Knight is suspended on consent from the Bar of this Commonwealth for a period of one year and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

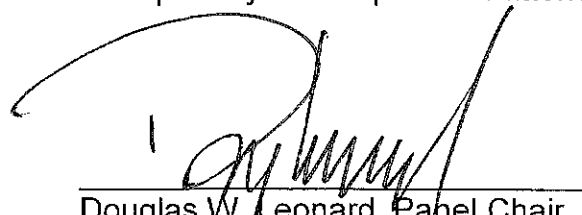
OFFICE OF DISCIPLINARY COUNSEL : No. 37 DB 2013  
Petitioner :  
v. : Attorney Registration No. 44985  
DAVID HAROLD KNIGHT :  
Respondent : (Bucks County)

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 Douglas W. Leonard, Howell K. Rosenberg and Stewart L. Cohen, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on March 13, 2013.

The Panel approves the Joint Petition consenting to a 1 year 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.

  
\_\_\_\_\_  
Douglas W. Leonard, Panel Chair  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

Date: 4/11/2013

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 37 DB 2013  
Petitioner :  
:   
v. :   
: Attorney Reg. No. 44985  
DAVID HAROLD KNIGHT :   
Respondent : (Bucks County)

JOINT PETITION IN SUPPORT  
OF DISCIPLINE ON CONSENT  
PURSUANT TO Pa.R.D.E. 215(d)

Petitioner, the Office of Disciplinary Counsel (hereinafter, "ODC") by Paul J. Killion, Chief Disciplinary Counsel, and Harold E. Ciampoli, Jr., Disciplinary Counsel and Respondent, David Harold Knight (hereinafter, "Respondent"), by and through his counsel, James C. Schwartzman, Esquire, respectfully petition the Disciplinary Board in support of discipline on consent, pursuant to Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 215(d), and in support thereof state:

1. ODC, whose principal office is situated at Pa. Judicial Center, 601 Commonwealth Ave., Suite 2700, P.O. Box 62485, Harrisburg, Pennsylvania, is invested, pursuant to

**FILED**

MAR 13 2013

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

Pa.R.D.E. 207, 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 the aforesaid Enforcement Rules.

2. Respondent, David Harold Knight, was born on July 18, 1960, and was admitted to practice law in the Commonwealth on November 25, 1985. Respondent is on active status and maintains his office at 93 E. Court Street, Doylestown, Pennsylvania 18901. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

**SPECIFIC FACTUAL ALLEGATIONS ADMITTED**

3. In November of 2010, "Jane Doe" was arrested for Driving Under the Influence of Alcohol or Controlled Substance ("DUI").

4. Ms. Doe had previously received an Accelerated Rehabilitative Disposition for a prior DUI.

5. In or about February 2011, Ms. Doe met Respondent at his office on Trenton Road, Levittown, PA. ("First Meeting")

6. Prior to the First Meeting, Respondent and Ms. Doe had never met.

7. At the First Meeting:

- a) Ms. Doe advised Respondent of her previous ARD and her recent arrest for DUI and inquired as to his fee for representation;
- b) Respondent quoted Ms. Doe the fee of \$1,000 to cover the work associated with an anticipated guilty plea agreement;
- c) Ms. Doe advised Respondent that she did not have a lot of money;
- d) After further discussion, the parties agreed that Ms. Doe would perform oral sex on Respondent;
- e) Respondent left his desk and locked his office door; and
- f) After Respondent locked the office door, Ms. Doe performed oral sex on Respondent.

8. A few weeks after the first meeting, Respondent entered his appearance on behalf of Ms. Doe for her DUI matter.

9. On at least two additional occasions after the first meeting, and prior to the conclusion of Ms. Doe's criminal matter, Ms. Doe performed oral sex on Respondent in his Levittown office, after he had locked the door.

10. Respondent represented Ms. Doe until the conclusion of the criminal matter.

11. Although Respondent had never previously represented Ms. Doe, he did not provide her a writing that communicated the basis or rate of his fee.

12. Respondent never billed Ms. Doe for legal services nor collected any monetary payment from Ms. Doe for his legal representation.

**SPECIFIC RULES OF PROFESSIONAL CONDUCT VIOLATED**

Respondent violated the following Rules of Professional Conduct:

- A. **RPC 1.5(b)**, which states that when a lawyer has not regularly represented the client, the basis or rate of the fee shall be communicated to the client, in writing, before or within a reasonable time after commencing the representation; and
- B. **RPC 1.8(j)**, which states that a lawyer shall not have sexual relations with a client unless a consensual relationship existed between them when the client-lawyer relationship commenced.

SPECIFIC RECOMMENDATION FOR DISCIPLINE

13. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a one-year suspension.

14. 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 acknowledgements contained in Rule 215(d)(1) through (4), Pa.R.D.E.

15. In support of Petitioner and Respondent's joint recommendation, it is respectfully submitted that there are several mitigating circumstances:

- a) Respondent has admitted engaging in misconduct and violating the charged Rules of Professional Conduct;
- b) Respondent has cooperated with Petitioner, as is evidenced by Respondent's admissions herein, his agreement to spare Ms. Doe the embarrassment of having to testify in a public proceeding and his agreement to keep her identity anonymous;

- c) Respondent is remorseful for his misconduct and understands he should be disciplined, as is evidenced by his consent to receiving a one-year suspension; and
- d) Respondent has practiced law for over twenty-seven years and has no record of discipline.

16. Effective January 1, 2005, Pennsylvania Rule of Professional Conduct 1.8(j) was amended to prohibit sexual relations between a lawyer and a client regardless of whether the relationship is consensual and regardless of the absence of prejudice to the client. The Comment to the Rule explains the rationale for this prohibition as follows:

The relationship between lawyer and client is a fiduciary one in which the lawyer occupies the highest position of trust and confidence. The relationship is almost always unequal; thus, a sexual relationship between a lawyer and client can involve unfair exploitation of the lawyer's fiduciary role, in violation of the lawyer's basic ethical obligation not to use the trust of the client to the client's disadvantage. In addition, such a relationship presents a significant danger that, because of the lawyer's emotional involvement, the lawyer will be unable to represent the client without impairment of the exercise of independent professional judgment.



There are no reported cases in Pennsylvania involving a violation of RPC 1.8(j). However, other jurisdictions that have dealt with consensual sexual relations between an attorney and client have imposed suspensions of varying degrees depending on the specific aggravating and mitigating facts presented. See, e.g., *Cleveland Bar Association v. Feneli*, 712 N.E.2d 119 (Ohio 1999) (eighteen-month suspension with final six months stayed for attorney who engaged in oral sex with client shortly after commencing representation of her and thereafter suggesting to client she might reduce her fees by performing sexual acts); *Iowa Supreme Court Attorney Disciplinary Board v. McGrath*, 713 N.W.2d 682 (Iowa 2006) (indefinite suspension from practice of law with no possibility of reinstatement for three years where a convincing preponderance of the evidence supported a finding that attorney solicited sexual favors from former clients in payment for legal services); *Akron Bar Association v. Williams*, 819 N.E.2d 677 (Ohio 2004) (two-year suspension, with last eighteen months stayed on compliance with certain conditions for attorney who had sex with a vulnerable client and lied in a deposition under oath about the relationship).

Petitioner and Respondent submit that in this particular case, a one-year suspension is the appropriate discipline after weighing the relevant factors. A significant suspension of one

year is warranted. Respondent was in a position of trust and confidence and engaged in sexual relations in his first meeting with a vulnerable client. However, militating strongly against a more severe sanction is the fact that by agreeing to this Joint Petition for Consent, Respondent has spared Ms. Doe the humiliation and embarrassment associated with testifying in a public proceeding and has also agreed to keep the client's identity anonymous.

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

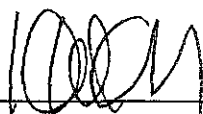
Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

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

Date:

3/6/13

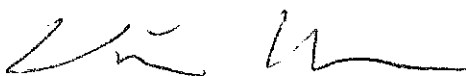


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HAROLD E. CIAMPOLI, JR.  
Disciplinary Counsel  
Attorney Reg. No. 51159  
District II Office  
Suite 170, 820 Adams Avenue  
Trooper, PA 19403  
(610) 650-8210

Date:

2/28/13

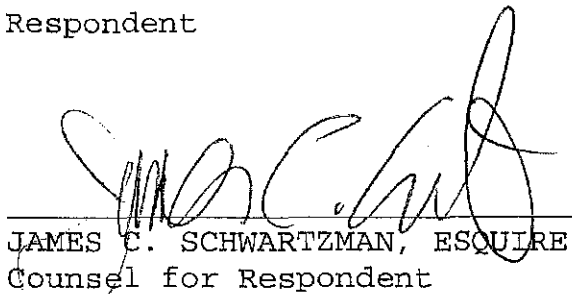


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DAVID HAROLD KNIGHT  
Respondent

Date:

3/5/13



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JAMES C. SCHWARTZMAN, ESQUIRE  
Counsel for Respondent

VERIFICATION

The statements contained in the foregoing *Joint Petition In Support of Discipline on Consent 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.A. §4904, relating to unsworn falsification to authorities.

3/6/13

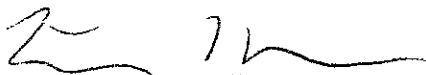
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HAROLD E. CIAMPOLI, JR.  
Disciplinary Counsel

2/28/13

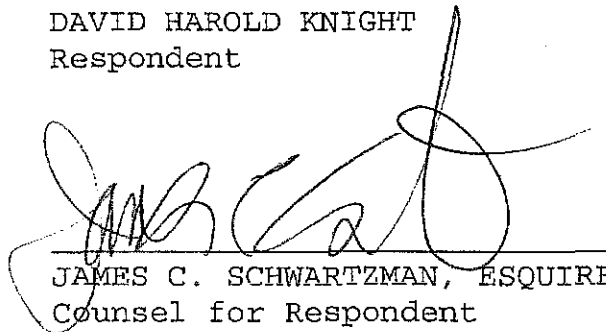
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DAVID HAROLD KNIGHT  
Respondent

3/5/13

Date



JAMES C. SCHWARTZMAN, ESQUIRE  
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE  
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OFFICE OF DISCIPLINARY COUNSEL, : No. DB 2013  
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DAVID HAROLD KNIGHT :   
Respondent : (Bucks County)

AFFIDAVIT

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

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF MONTGOMERY

DAVID HAROLD KNIGHT, being duly sworn according to law, deposes and hereby submits this affidavit consenting to the recommendation of a one-year suspension from the practice of law in the Commonwealth of Pennsylvania in conformity with Pa.R.D.E. 215(d) and further states as follows:

1. He is an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on or about November 25, 1985.

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

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

4. He is aware that there are presently pending investigations into allegations that he has been guilty of misconduct as set forth in the Joint Petition in Support of

Discipline on Consent of which this affidavit is attached hereto.

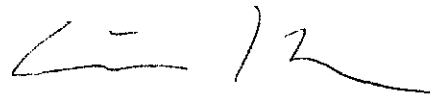
5. He acknowledges that the material facts set forth in the Joint Petition are true.

6. He submits the within affidavit because he knows that if charges predicated upon the matter under investigation were filed, or continued to be prosecuted in the pending proceeding, he could not successfully defend against them.

7. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has retained, consulted and acted upon the advice of counsel, James C. Schwartzman, Esquire, in connection with his decision to execute the within Joint Petition.

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).

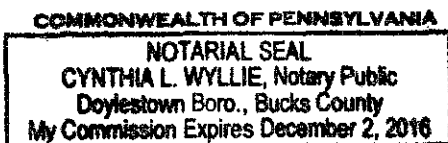
Signed this 2<sup>8<sup>th</sup></sup> day of February 2013.



DAVID HAROLD KNIGHT

Sworn to and subscribed  
before me this 28<sup>th</sup> day  
of FEBRUARY, 2013

  
Notary Public



BEFORE THE DISCIPLINARY BOARD OF THE  
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CERTIFICATE OF SERVICE

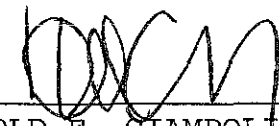
I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 204 Pa. Code §89.22 (relating to service by a participant).

Overnight Mail, as follows:

James C. Schwartzman, Esquire  
Stevens & Lee, P.C.  
1818 Market Street, 29<sup>th</sup> Floor  
Philadelphia, PA 19103

Dated:

3/6/13



HAROLD E. CIAMPOLI, JR.  
Disciplinary Counsel

Attorney Reg. No. 51159  
Office of Disciplinary Counsel  
District II Office  
820 Adams Avenue, Suite 170  
Trooper, PA 19403  
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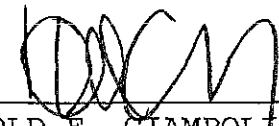
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Dated:

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HAROLD E. CIAMPOLI, JR.  
Disciplinary Counsel

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