

**IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT**

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2681 Disciplinary Docket No. 3
	:	
Petitioner	:	No. 102 DB 2020
v.	:	
	:	Attorney Registration No. 60182
JOSEPH NICHOLAS SCIULLI	:	
	:	(Montgomery County)
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 9th day of December, 2020, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board, the Joint Petition in Support of Discipline on Consent is granted, and Joseph Nicholas Sciulli is suspended on consent from the Bar of this Commonwealth for a period of two years, retroactive to October 28, 2020. Respondent shall comply with all the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board. See Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 12/09/2020

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

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

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	No. 2681 Disciplinary Docket No. 3
v.	:	No. 102 DB 2020
JOSEPH NICHOLAS SCIULLI, Respondent	:	Attorney Registration No. 60182 (Montgomery County)

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

Petitioner, the Office of Disciplinary Counsel (“ODC”), by Thomas J. Farrell, Chief Disciplinary Counsel and Dana M. Pirone, Disciplinary Counsel, and Respondent, Joseph Nicholas Sciulli, (“Respondent”) 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. Pursuant to Pa.R.D.E. 207, ODC, whose principal office is situated at Office of Chief Disciplinary Counsel, Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania, 17106, is invested with the power and duty to

FILED
10/20/2020
The Disciplinary Board of the
Supreme Court of Pennsylvania

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 provisions of the Enforcement Rules.

2. Respondent was born on July 27, 1965, and was admitted to practice law in the Commonwealth of Pennsylvania on December 14, 1990.

3. By Order dated July 18, 2018, (the "Order") which became effective on August 17, 2018, the Supreme Court of Pennsylvania administratively suspended Respondent for failure to comply with his Continuing Legal Education ("CLE") requirements.

4. Respondent did not file a Statement of Compliance with respect to the Order of Administrative Suspension.

5. Respondent has not requested that his license be restored to active status.

6. Respondent's registration address is 806 Heckler Hollow Court, Doylestown, Pa 18901.

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

SPECIFIC FACTUAL AND LEGAL ADMISSIONS

Respondent's DUI and Other Convictions

I. ***Com. v. Joseph Nicholas Sciulli, CR-0003568-2018 (Bucks County CCP)***

8. On or about March 14, 2018, Respondent was arrested in Bucks County and charged with Driving Under the Influence of a Controlled Substance, other drug related offenses and a summary related traffic offense.

9. On July 10, 2018, an Information was filed in the Bucks County Court of Common Pleas in the matter captioned *Com. v. Joseph Nicholas Sciulli, CR-0003568-2018* for One Count of Driving Under Influence of a Controlled Substance-Schedule 1 – First Offense, 75 Pa.C.S.A. § 3802(d)(1)(i) (Misdemeanor); One Count of Driving Under the Influence of Controlled Substance-Schedule 2 or 3 – First Offense, 75 Pa.C.S.A. § 3802(d)(1)(ii) (Misdemeanor); One Count of Driving Under the Influence of Controlled Substance-Schedule Metabolite – First Offense, 75 Pa.C.S.A. § 3802(d)(1)(iii) (Misdemeanor); One Count of Driving Under the Influence of Controlled Substance-Impaired Ability - First Offense, 75 Pa.C.S.A. § 3802(d)(2) (Misdemeanor); and One Count of Use/Possession of Drug

Paraphernalia, 35 Pa.C.S.A. § 780-113 § (a)(32) (Misdemeanor) (collectively the "Criminal Charges") and related summary traffic offenses.

10. On May 31, 2019, Respondent, represented by the Bucks County Public Defender's Office, entered a nolo contendere plea to the Criminal Charges.

11. The Court immediately sentenced Respondent to the following:

- (a) Confinement of 72 hours to six months incarceration at the Bucks County Correctional Facility;
- (b) Parole with conditions including a CRN evaluation, treatment in accordance with the evaluation, and complete Alcohol Highway Safety School; and
- (c) Payment of \$1,000.00 in fines, costs associated with the prosecution and \$250.00 lab fee.

II. *Com. v. Joseph Nicholas Sciulli, CR-0000012-2019 (Bucks County CCP)*

12. On or about June 21, 2018, Respondent was arrested in Bucks County and charged with offenses under the Controlled Substance, Drug, Device and Cosmetic Act (the "Act").

13. On January 15, 2019, an Information was filed in the Bucks County Court of Common Pleas in the matter captioned *Com. v. Joseph Nicholas Sciulli, CR-0000012-2019* for One Count of Intentional Possession Controlled Substance By Person Not Registered under the Act in violation

of 35 Pa.C.S.A. § 780-113 §§ (a)(16) (Misdemeanor) and One Count of Use/Possession of Drug Paraphernalia in violation of 35 Pa.C.S.A. § 780-113 §§ (a)(32) (Misdemeanor) (the "Criminal Charges").

14. On May 31, 2019, Respondent, represented by the Bucks County Public Defender's Office, entered a nolo contendere plea to the Criminal Charges.

15. The Court immediately sentenced Respondent to the following:

- (a) Probation for one year consecutive to the sentence imposed under Docket Numbers CR-0003568-2018 and CR-0000416-2019;
- (b) Undergo drug and alcohol treatment per evaluation; and
- (c) Payment of costs associated with the prosecution and a \$250.00 lab fee.

**III. *Com. v. Joseph Nicholas Sciulli*, CR-0000416-2019
(Bucks County CCP)**

16. On or about September 10, 2018, Respondent was arrested in Bucks County and charged with offenses under the Act.

17. On February 11, 2019, an Information was filed in the Bucks County Court of Common Pleas in the matter captioned *Com. v. Joseph Nicholas Sciulli*, CR-0000416-2019 for One Count of Intentional Possession Controlled Substance By Person Not Registered under the Act, in violation of 35 Pa.C.S.A. § 780-113 §§ (a)(16) (Misdemeanor) and One Count of

Possession Marijuana-Small Amount Personal Use in violation of 35 Pa.C.S.A. § 780-113 §§ (a)(31)(i) (Misdemeanor) (the "Criminal Charges").

18. On May 31, 2019, Respondent, represented by the Bucks County Public Defender's Office, entered a nolo contendere plea to the Criminal Charges.

19. The Court immediately sentenced Respondent to the following:

- (a) Probation for one year consecutive to the sentence imposed under Docket Numbers CR-0000012-2019 and CR-0003568-2018;
- (b) Receive drug and alcohol treatment per evaluation; and
- (c) Payment of costs associated with the prosecution and a \$250.00 lab fee.

**IV. *Com. v. Joseph Nicholas Sciulli*, CR-0000945-2019
(Berks County CCP)**

20. On or about February 12, 2019, Respondent was arrested in Berks County and charged with an offense under the Act and unrelated summary offenses.

21. On April 2, 2019, an Information was filed in the Berks County Court of Common Pleas in the matter captioned *Com. v. Joseph Nicholas Sciulli*, CR-0000945-2019 for One Count of Intentional Possession Controlled Substance By Person Not Registered under the Act in violation of 35 Pa.C.S.A. § 780-113 §§ (a)(16) (Misdemeanor), One Count of

Restrictions on Alcoholic Beverages in violation of 75 Pa.C.S.A. § 3809(a) (Summary Offense), and One Count of no Rear Lights in violation of 75 Pa.C.S.A. § 4303 §(b) (Summary Offense).

22. On June 6, 2019, Respondent, represented by the Berks County Public Defender's Office, entered a guilty plea to One Count of Intentional Possession Controlled Substance By Person Not Registered under the Act 35 Pa.C.S.A. § 780-113 §§ (a)(16) (Misdemeanor)

23. The Court immediately sentenced Respondent to the following:

(a) Probation for one year; and

(b) Payment of costs associated with the prosecution.

24. Respondent failed to report the convictions in the Berks County Court of Common Pleas and the Bucks County Court of Common Pleas to the Office of Disciplinary Counsel within 20 days as required by Pa.R.D.E. 214(a).

**V. *Com. v. Joseph Nicholas Sciulli, CR-0008348-2018*
(Montgomery County CCP)**

25. On or about August 1, 2018, Respondent was arrested in Montgomery County and charged with Disorderly Conduct, 18 Pa.C.S.A. § 5503(a)(4) (Misdemeanor, Third Degree), One Count of Use/Possession of Drug Paraphernalia in violation of 35 Pa.C.S.A. § 780-113 §

(a)(32)(Misdemeanor), One Count of Driving Under Influence of a Controlled Substance-Schedule 1 – Second Offense, 75 Pa.C.S.A. § 3802(d)(1)(i) (Misdemeanor) and One Count of Driving Under the Influence of Controlled Substance-Schedule 2 or 3 – Second Offense, 75 Pa.C.S.A. § 3802(d)(1)(ii) (Misdemeanor) (the “Criminal Charges”).

26. On February 15, 2019, an Information was filed in the Montgomery County Court of Common Pleas in the matter captioned *Com. v. Joseph Nicholas Sciulli*, CR-0008348-2018 for One Count of Use/Possession of Drug Paraphernalia, 35 Pa.C.S.A. § 780-113 § (a)(32)(Misdemeanor), One Count of Driving Under Influence of a Controlled Substance-Schedule 1 – Second Offense, 75 Pa.C.S.A. § 3802(d)(1)(i) (Misdemeanor), and One Count of Driving Under the Influence of Controlled Substance-Schedule 2 or 3 – Second Offense, 75 Pa.C.S.A. § 3802(d)(1)(ii) (Misdemeanor).

27. On September 10, 2019, Respondent, represented by counsel, entered a guilty plea to Count One, which was amended, to One Count of Disorderly Conduct, 18 Pa.C.S.A. § 5503(a)(4) (Misdemeanor, Third Degree).

28. Respondent was immediately sentenced to probation for one year beginning September 10, 2019.

29. After a hearing, costs associated with the prosecution were waived.

30. In September 2019, Respondent reported the September 10, 2019 conviction to the Office of Disciplinary Counsel and when he answered the DB-7 Request for Statement of Respondent's Position October 4, 2019.

31. As a result of COVID-19 and confusion resulting from changes in the locations of the Family Services Association Offices attended, and the individuals who made his initial and subsequent drug and alcohol assessments, Respondent was unable to arrange the completion of the 12 hours of personal and group counseling sessions required by the assessment(s) in the time allowed by his original sentence for the DUI case.

32. Although Respondent did complete the remainder of his substance use counseling requirements by attending his joint counseling sessions via ZOOM and completing them on or about July 10, 2020, the aforesaid delay in doing so resulted in a "technical violation" of his parole in the original DUI case in Bucks County, CR-0003568-2018.

33. According to Respondent's parole officer, the maximum date of probation under Case Number CR-0000416-2019 is September 9, 2022 because Respondent violated the original DUI sentence and the

other probation cases were extended because they were consecutive sentences to Respondent's DUI case.

34. Respondent disagrees with the extended maximum date of probation because the technical violation was due to Family Services Association scheduling confusion and unavailability, was his only probation or parole violation proceeding initiated up to the date hereof, and because he purged himself of the technical violation by completing his counseling by July 10, 2020.

35. On March 16, 2020, Respondent provided a facsimile from Family Service Association of Bucks County transmitting its drug and alcohol evaluation from his visit with a counselor on February 14, 2020. The evaluation indicates Respondent has a history of substance abuse and used mind altering substances throughout 2019, until immediately before voluntarily moving into a recovery house sometime during the first week of January 2020.

36. The recovery house rules required Respondent to attend a minimum of four (4) N.A. or A.A. meetings per week, submit to drug testing upon request and randomly, and obtain or maintain employment. Respondent met those recovery house requirements, but

he left the recovery house on good terms in mid-March 2020, in order to reside with his fiancée. He has since attended online N.A. meetings.

37. On September 11, 2020, Respondent provided a letter to Office of Disciplinary Counsel from Family Service Association of Bucks County stating that the case was closed as Respondent had successfully completed the recommendations for: a CRN (on 8-13-2018); Assessment (on 8-13-2018); Alcohol Highway Safety School (on 9-8-2018 and 9-9-2018); and Substance Use Treatment (on 7-10-2020).

38. Respondent acknowledges the seriousness of his misconduct and its negative impact on the legal profession and has expressed his regret and remorse for his actions in the Responses to the DB-7 and DB-7A letters.

39. Respondent cooperated with ODC by entering into a Joint Petition for Temporary Suspension, which was filed with the Court on October 6, 2020.

40. Respondent has completed 25 hours of CLE as part of his desire to learn and resume the practice of law one day.

41. Respondent has no prior history of discipline in Pennsylvania.

**SPECIFIC RULE OF PROFESSIONAL CONDUCT AND
RULES OF DISCIPLINARY ENFORCEMENT VIOLATED**

42. RPC 8.4(b), which states "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";

43. Pa.R.D.E 203(b)(1), which states that "conviction of a crime" is grounds for discipline; and

44. Pa.R.D.E. 214(a), which states that "an attorney convicted of a crime shall report the fact of such conviction within 20 days to the Office of Disciplinary Counsel. The responsibility of the attorney to make such report shall not be abated because the conviction is under appeal or the clerk of the court has transmitted a certificate to Disciplinary Counsel pursuant to subdivision (b)";

SPECIFIC RECOMMENDATION FOR DISCIPLINE

45. ODC and Respondent jointly recommend that an appropriate discipline for Respondent's admitted misconduct is a suspension of two years, to be made retroactive to the date the temporary suspension Order is granted.

46. Precedent establishes suspension of Respondent's license as an appropriate form of discipline due to the nature and circumstances of the criminal behavior for which Respondent was convicted.

47. There are disciplinary cases involving attorneys with no record of discipline that support Petitioner's and Respondent's joint recommendation for a two-year suspension.

48. The parties believe, and therefore aver, that their recommendation is consistent with disciplinary case law involving a respondent who abused controlled substances and was convicted for drug offenses involving personal use or possession of the controlled substance. In a similar matter, *In re John Anthony Costalas*, No. 217 DB 2015 (S.Ct. Order 11/17/2016) the Supreme Court granted a consent petition for a two-year suspension for criminal convictions for violating the Act and DUI. In his first case Costalas pled guilty to two violations under the Act, for which he was sentenced to 36 months of probation with the substance abuse unit. The second criminal conviction case was for DUI and other motor vehicle offenses. This arrest resulted in Costalas violating the terms of his probation and incarceration plus a new term of probation for 36 months. Costalas was also required to undergo long-term in-patient treatment and follow-up care. Similarly, in *In re Ashly Mae Wisher*, No. 118 DB 2005 (S.Ct. Order

9/28/2006) the Supreme Court suspended Wisler for two years (on a Consent Petition) as a result of her conviction of one count of possession of a controlled substance (heroin) in violation of the Act.

49. While the parties do not minimize the seriousness of Respondent's crimes, his misconduct did not involve clients or the commission of other crimes to support his addiction thus potentially warranting a longer suspension. See *In re Franklin Scott Swaney*, Nos. 34 & 140 DB 2012 (S.Ct. 5/23/2014) (three-year suspension for conviction of possession (heroin and cocaine) with intent to distribute, engaging in the unauthorized practice of law while administratively suspended and failing to answer DB-7; no history of discipline).

50. Respondent admits that he must demonstrate his fitness to resume the practice of law and that a two-year suspension would give him the time he needs to demonstrate his sobriety and other factors to consider if he petitions for reinstatement.


51. Moreover, a suspension of two years is sufficiently lengthy to advance the goals of attorney discipline. Those goals are protecting the public, maintaining the integrity of the courts and the legal profession, and specific and general deterrence. See *Office of Disciplinary Counsel v. Keller*, 506 A.2d 872, 875 (Pa.1986); *In re Iulo*, 766 A.2d 335, 338-339 (Pa. 2001).

WHEREFORE, Petitioner and Respondent respectfully request, pursuant to Pennsylvania Rules of Disciplinary Enforcement 215(e) and 215(g), that a three member panel of the Disciplinary Board review and approve this Joint Petition in Support of Discipline on Consent and file a recommendation with the Supreme Court of Pennsylvania that Respondent receive a two year suspension from the practice of law, to be made retroactive to the date of the temporary suspension Order.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL
THOMAS J. FARRELL
Attorney Registration Number 48976
Chief Disciplinary Counsel

10/20/20
DATE



Dana M. Pirone, Disciplinary Counsel
Attorney Registration Number 57221
Office of Disciplinary Counsel, District II Office
820 Adams Avenue, Suite 170
Trooper, PA 19403
(610) 650-8210

10/20/20
DATE

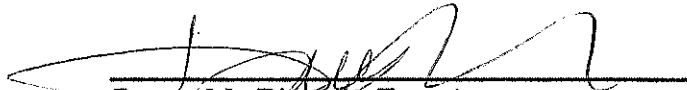


Joseph Nicholas Sciulli
Respondent
Attorney Registration Number 60182

VERIFICATION

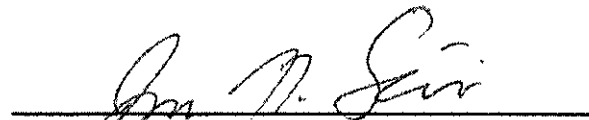
The statements contained in the foregoing *Joint Petition In Support of Discipline on Consent* are true and correct to the best of my knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

10/20/20
DATE



Dana M. Pirone, Esquire
Disciplinary Counsel

10/20/20
DATE



Joseph Nicholas Sciulli
Respondent

EXHIBIT A

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

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	No. 2681 Disciplinary Docket No. 3
v.	:	No. 102 DB 2020
JOSEPH NICHOLAS SCIULLI, Respondent	:	Attorney Registration No. 60182 (Montgomery County)

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

JOSEPH NICHOLAS SCIULLI, being duly sworn according to law, deposes and submits this affidavit consenting to the recommendation of a two year suspension from the practice of law in conformity with Pa.R.D.E. 215(d), and further states as follows:

1. He is an attorney admitted to the Bar of the Commonwealth of Pennsylvania on or about December 14, 1990.
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 is presently pending a proceeding regarding allegations that he has been guilty of misconduct as set forth in the Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d) to which this affidavit is attached.

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

6. He submits this affidavit because he knows that he could not successfully defend against the factual allegations pertaining to the criminal convictions charged in the Petition for Discipline which, are deemed admitted pursuant to Pa.R.D.E. Rule 208(b)(3).

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~~^{for S} has not retained, consulted, and acted upon the advice of counsel in connection with his decision to execute the 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 20th day of October, 2020.



Joseph Nicholas Sciulli
Respondent
Attorney Registration Number 60182

Sworn to and subscribed
Before me on this 20th
day of October, 2020.



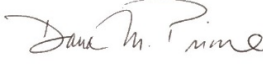
Notary Public

Commonwealth of Pennsylvania - Notary Seal
MELANIE BITTAR, Notary Public
Bucks County
My Commission Expires November 29, 2022
Commission Number 1338335

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Office of Disciplinary Counsel

Signature: 

Name: Dana M. Pirone

Attorney No. (if applicable): #57221