

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1222 Disciplinary Docket No. 3
Petitioner :
 : No. 126 DB 2006
v. :
 : Attorney Registration No. 17520
WILLIAM W. BOYD, :
Respondent : (Lancaster County)

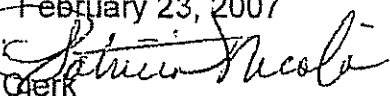
ORDER

PER CURIAM:

AND NOW, this 23rd day of February, 2007, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated December 13, 2006, 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 William W. Boyd is suspended on consent from the Bar of this Commonwealth for a period of two years, and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

It is further ORDERED that respondent shall pay John James Mentzer the outstanding interest and attorney's fees as stipulated.

A True Copy Patricia Nicola
As of February 23, 2007
Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

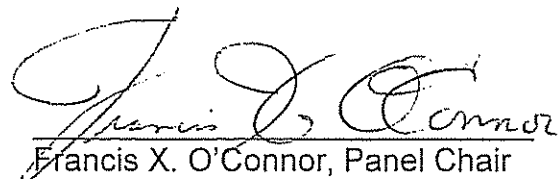
OFFICE OF DISCIPLINARY COUNSEL : No. 126 DB 2006
Petitioner :
v. : Attorney Registration No. 17520
WILLIAM W. BOYD :
Respondent : (Lancaster County)

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 Francis X. O'Connor, Robert C. Saidis and Sai Cognetti, Jr., has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on November 22, 2006.

The Panel approves the Joint Petition consenting to a two year suspension and reimburse client 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.


Francis X. O'Connor, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: December 13, 2006

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 126 DB 2006
Petitioner :
:
v. :
:
: Attorney Reg. No. 17520
WILLIAM W. BOYD, :
Respondent : (Lancaster 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, William W. Boyd (hereinafter, "Respondent"), by and through his counsel, Steven L. Breit, 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 Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania, is invested, pursuant to 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

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

disciplinary proceedings brought in accordance with the various provisions of the aforesaid Enforcement Rules.

2. Respondent, William W. Boyd, was born on March 1, 1948, and was admitted to practice law in the Commonwealth on October 2, 1973. Respondent is on active status and maintains his office at 243 N. Duke Street, Lancaster, Pennsylvania 17062. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

3. Respondent's affidavit stating, *inter alia*, his consent to the recommended discipline is attached hereto as Exhibit A.

SPECIFIC FACTUAL ALLEGATIONS ADMITTED

4. On October 12, 2000, James W. Mentzer died in the County of Lancaster, Pennsylvania.

5. On October 25, 2000, John James Mentzer, (hereinafter, "Mr. Mentzer") Executor of the Estate of James W. Mentzer, retained Respondent to represent him in all proceedings relating to the probate and administration of the Last Will and Testament of James W. Mentzer.

6. Mr. Mentzer was the sole beneficiary of the Mentzer estate.

7. On October 25, 2000, Respondent and Mr. Mentzer executed an Estate Fee Agreement which provided that Respondent would receive a percentage of the gross amount of the Estate of James W. Mentzer as his fee based on the following schedule:

- a) Five percent (5%) of the first \$150,000 of gross probated estate; plus
- b) Four percent (4%) of the second \$150,000 of gross probated estate.

8. The gross probated amount of the Mentzer Estate was \$187,450.37.

9. Pursuant to the terms of the Estate Fee Agreement, Respondent was entitled to a fee of \$8,998.00.

10. On October 25, 2000, Letters Testamentary were granted to Mr. Mentzer.

11. On October 26, 2000, as Counsel for Personal Representative, Respondent filed a *Certification of Notice Under Rule 5.6(a)*.

12. On or about November 2000, Respondent and Mr. Mentzer opened or caused to be opened an account for the Mentzer Estate maintained at the Bank of Lancaster County, account #786967301, titled "James W. Mentzer Estate c/o Boyd Law Associates, 243 N. Duke Street, Lancaster, PA 17602" (hereinafter, "estate account").

13. Respondent and Mr. Mentzer had signatory authority over the estate account.

14. The Inheritance Tax Return for the Mentzer Estate was due to be filed on or before July 12, 2001.

15. On October 18, 2002, as Counsel for Personal Representative, Respondent filed a Status Report Under Rule 6.12 and represented that he reasonably believed that the administration of the Mentzer Estate would be completed by December 31, 2002.

16. By check #1006 in the amount of \$6,000.00 drawn on the estate account and dated January 4, 2001, Respondent remitted to the Register of Wills the prepayment of the estate's inheritance tax.

17. By check #1009 in the amount of \$100,000.00 drawn on the estate account and dated January 18, 2001, Respondent made partial distribution to Mr. Mentzer.

18. By check #1024 in the amount of \$40,000.00 drawn on the estate account and dated December 14, 2001, Respondent made partial distribution to Mr. Mentzer.

19. Respondent caused the following estate account checks to be issued as payment of his fee:

Date	Number	Payee	Description	Amount
12/13/2000	1005	Boyd Law Assoc PC	"interim atty fee Per 10/18 Fee Agreement"	\$3,200.71
01/19/2001	1010	Boyd Law Assoc PC	"2 nd inst. atty fee"	\$2,799.29
02/01/2001	1011	Boyd Law Assoc PC	"atty fee"	<u>\$3,000.00</u>
				<u>\$9,000.00</u>

20. After taking his fee, Respondent caused the following estate checks to be made out to *Boyd Law Associates*:

Date	Number	Payee	Description	Amount
03/23/2001	1013	Boyd Law Assoc PC	—	\$3,000.00
03/29/2001	1014	Boyd Law Assoc PC	—	\$3,000.00
04/06/2001	1015	Boyd Law Assoc PC	—	\$1,500.00
03/14/2001	1016	Boyd Law Assoc PC	—	\$6,000.00
04/12/2001	1017	Boyd Law Assoc PC	—	\$1,500.00
04/18/2001	1018	Boyd Law Assoc PC	—	\$1,500.00
12/18/2001	605	Boyd Law Assoc PC	IOLTA J. Mentzer	<u>\$7,000.00</u>
				\$23,500.00

21. Respondent did not have the permission or authority of Mr. Mentzer to make out the checks described in the preceding paragraph.

22. Respondent was not entitled to any of the funds from the checks described in paragraph 20, *supra*.

23. Respondent deposited checks 1013 through 1018, as described in paragraph 20, *supra*, into his operating/business account maintained at Fulton Bank, titled "Boyd Law Associates," Account No. 011951384 (hereinafter, "business account").

24. Respondent deposited check #605, as described in paragraph 20 *supra*, into his IOLTA maintained at the Bank of Lancaster County, titled "Boyd Law Associates PC PA IOLTA Account," Account No. 703326501 (hereinafter, "IOLTA").

25. Respondent used the \$23,500.00 as described in paragraph 20 through 24, *supra*, for his personal use and enjoyment and for purposes unrelated to the Mentzer Estate.

26. The \$23,500.00 that Respondent deposited into his accounts as described in paragraph 20 through 24, *supra*, were funds belonging exclusively to the Mentzer Estate.

27. Respondent deposited the checks described in paragraph 20 through 24, *supra*, into his business account or IOLTA without the authorization, knowledge, or authority of Mr. Mentzer.

28. On or about August 18, 2004, Mr. Mentzer met with Respondent at Respondent's office and discussed the estate matter.

29. At the August 18, 2004 meeting with Mr. Mentzer, Respondent:

- a) claimed he had forgotten about the scheduled meeting;
- b) advised that the estate account contained only \$100.00;

- c) represented that he had opened a special account to pay the decedent's income tax; and
- d) arranged to meet with Mr. Mentzer again on August 25, 2004.

30. After meeting with Respondent on August 18, 2004, Mr. Mentzer became suspicious of Respondent's conduct in connection with the estate and obtained copies of the bank statements and cancelled checks from the Bank of Lancaster County.

31. Mr. Mentzer retained the services of an accountant, Carl J. Schweiger, CPA, who analyzed the bank account information and advised Mr. Mentzer that Respondent had used his signing authority over the estate checking account and paid himself well in excess of the amount provided for by the October 25, 2000 fee agreement.

32. On August 25, 2004, Mr. Mentzer received a cell phone call and was advised by Respondent or Respondent's staff that his scheduled appointment for that date with Respondent was cancelled due to some medical or other reason.

33. On August 25, 2004, Mr. Mentzer left a note on the door of Respondent's office advising Respondent that Mr. Mentzer had obtained and reviewed the bank statements and accusing Respondent of lying to him.

34. By letter dated August 26, 2004, Respondent admitted to Mr. Mentzer that he had "double billed and paid fees" and had "sometimes not acted with the diligence [he] expect[s] from [him] self."

35. On August 26, 2004, Respondent filed with the Register of Wills, Clerk of Orphan's Court, Lancaster County, the Inheritance Tax Return and Inventory for the Mentzer Estate.

36. By check #2717 in the amount of \$861.90 drawn on Respondent's IOLTA, Respondent paid the Register of Wills a portion of the Mentzer Estate's tax.

37. By letter to Respondent dated September 1, 2004, attorney Jesse C. Robinson:

- a) advised he was representing Mr. Mentzer;
- b) advised he had reviewed various documents and had concluded that Respondent had taken excess fees from the estate in the amount of \$23,500.00; and
- c) advised he was demanding that Respondent pay the amount of excess fees, interest on the excess fees at a rate of 6%, the accountant's professional fees for analyzing the matter, and Mr. Robinson's attorney fees for representing Mr. Mentzer in the matter.

38. By communication to Mr. Robinson dated September 10, 2004, Respondent:

- a) acknowledged that he agreed with the contentions in Mr. Robinson's September 1, 2004 letter;
- b) enclosed a check for Mr. Mentzer in the amount of \$7,500.00; and
- c) represented that the balance would "be coming soon."

39. By check #3059 in the amount of \$1,150.00 drawn on Respondent's Fulton Bank operating account and dated October 1, 2004, Respondent paid the fees of accountant Schweiger.

40. By check #3060 in the amount of \$1,500.00 drawn on the Fulton Bank operating account and dated October 1, 2004, Respondent remitted to Mr. Mentzer a "partial refund of excess fee taken."

41. By *Notice of Inheritance Tax, Appraisement, Allowance or Disallowance of Deductions and Assessment of Tax* dated October 19, 2004, the Commonwealth of Pennsylvania Department of Revenue notified Respondent of \$240.48 tax liability for the Mentzer Estate. (Interest & Penalty of \$167.55 and Balance of Tax due of \$72.93)

42. By check #3075 in the amount of \$1,500.00 drawn on the Fulton Bank operating account and dated October 23, 2004, Respondent remitted to Mr. Mentzer partial re-payment of the excess fees taken.

43. By check #3080 in the amount of \$240.48 drawn on Respondent's Fulton Bank operating account and dated November 5, 2004, Respondent paid the Mentzer Estate tax to the Register of Wills.

44. By letter to Mr. Robinson dated March 3, 2005, Respondent:

- a) claimed he was unable to comply with the February 15 date;
- b) renewed his commitment and obligation to return to Mr. Mentzer the excess fees taken, with interest, and to pay Mr. Robinson's attorney fees; and
- c) signed and enclosed a judgment note to avoid the expense of a suit.

45. By check #3201 in the amount of \$1,000.00 drawn on the Fulton Bank operating account and dated May 13, 2005, Respondent remitted to Mr. Mentzer partial re-payment of the excess fees taken.

46. On June 17, 2005, Respondent delivered to Mr. Robinson's office check #3225 in the amount of \$6,000.00 drawn on the Fulton Bank operating account and made payable to Mr. Mentzer.

47. Check #3225 was processed twice by Mr. Mentzer and was returned both times for non-sufficient funds.

48. By cashier's check #954035 in the amount of \$5,000.00 and dated August 3, 2005, Respondent remitted to Mr. Mentzer partial re-payment of the excess fees taken.

49. By check #3345 in the amount of \$1,638.10 drawn on the Fulton Bank operating account and dated February 21, 2006, Respondent remitted to Mr. Mentzer partial re-payment of the excess fees taken.

50. By check #3376 in the amount of \$4,500.00 drawn on the Fulton Bank operating account and dated April 3, 2006, Respondent remitted payment to Mr. Mentzer constituting re-payment in full of the excess fees taken.

51. From November 22, 2000, to September 20, 2004, Respondent held funds in the estate account.

52. Respondent was required to list the estate account on his Pennsylvania Attorney's Annual Fee Forms for the years 2001-2002, 2002-2003, 2003-2004, 2004-2005.

53. Respondent did not list the estate account on his Pennsylvania Attorney's Annual Fee Forms for the years 2001-2002, 2002-2003, 2003-2004, 2004-2005.

54. Respondent converted, commingled, misappropriated, misapplied, or otherwise misused \$23,500.00 of funds belonging to the Mentzer Estate.

55. Respondent engaged in conduct which constitutes misrepresentation and deceit regarding the amount of funds taken by him from the estate account.

56. Respondent agrees to pay Mr. Mentzer the outstanding interest of \$6,008.59 and attorney's fees of \$6,249.50 by December 1, 2007.

57. Respondent agrees to make payments to Mr. Mentzer of the outstanding interest and attorney fees as follows:

- a) \$1,502.14 interest and \$1,607.37 attorney's fees by March 1, 2007;
- b) \$1,502.14 interest and \$1,607.37 attorney's fees by June 1, 2007;
- c) \$1,502.14 interest and \$1,607.37 attorney's fees by September 1, 2007;
- d) \$1,502.14 interest and \$1,607.37 attorney's fees by December 1, 2007.

SPECIFIC RULES OF PROFESSIONAL CONDUCT AND
RULES OF DISCIPLINARY ENFORCEMENT VIOLATED

58. Respondent violated the following RPCs and Pa.R.D.E.s:

- a. Former RPC 1.15(a), which provided that a lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property.

- b. Former RPC 1.15(b), which provided that upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this Rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and upon request by the client or third person, shall promptly render a full accounting regarding such property.
- 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.
- d. Pa. R.D.E. 219 (d)(1)(iii), which provides that on or before July 1 of each year all persons required by this rule to pay an annual fee shall file with the Administrative Office a signed statement on the form prescribed by the Administrative Office in accordance with the following procedure: The name of each financial institution in this Commonwealth in which the attorney on May 1 of the current year or at any time during the preceding 12 months held funds of a client or a third person subject to Rule 1.15 of the Pennsylvania Rules of Professional Conduct. The statement shall include the name and account number for each account in which the lawyer holds such funds, and each IOLTA Account shall be identified as such.

SPECIFIC RECOMMENDATION FOR DISCIPLINE
TWO YEAR SUSPENSION

Precedent establishes that unauthorized dealings with client funds by an attorney require some form of public

discipline, which will vary depending upon the aggravating or mitigating circumstances. *In re Anonymous No. 67 DB 1992 (Harold E. Krauss)*, 27 Pa. D. &C. 4th 202, 210 (1994). Similar fact patterns have resulted in discipline ranging from two years to disbarment. In *Office of Disciplinary Counsel v. Richard B. Moore*, 158 DB 2003, 1071 Disciplinary Docket No. 3 (Pa. November 10, 2005), the respondent was counsel to the executrix. Over the span of a year, Moore issued seven checks on the estate account payable to himself, totaling \$32,773.00, well in excess of his claimed fee of \$7,478.22. With credit for later documented payments on behalf of the estate, Moore misappropriated about \$19,000.00. This misappropriation included Moore's issuance of estate checks in the amount of \$10,000.00 and \$1,300.00, which Moore characterized as "loans". The Board concurred in the Hearing Committee's recommendation of a two year suspension based on the following mitigating factors:

- 1) The length of time the case had been ongoing;
- 2) Moore's unblemished disciplinary record over a period of 32 years and 3) Moore's impressive record of community involvement. Moore had presented the testimony of a licensed psychologist who had diagnosed him with a major depression in partial remission and a residual reactive

mood disorder which the Board found was not causally linked to Moore's misconduct. The Supreme Court suspended Moore for a period of two years.

In *Office of Disciplinary Counsel v. John T. Olshock*, No. 28 DB 2002, 862 Disciplinary Docket No. 3 (Pa. October 24, 2003) Olshock was retained to act as counsel for an executor of an estate and handle all matters relating to the administration of the estate. Olshock was provided with pre-signed blank Estate Account checks. Over a period of eight months Respondent issued five checks to himself totaling \$16,500.00 which represented his fees. In the following six months, Respondent issued to himself an additional eighteen checks. These payments were not related to estate expenses and were issued without the executor's knowledge and/or consent. Olshock had no explanation for why he had taken an extra \$18,000.00 other than he had vision problems and did not keep good records.

In recommending a suspension of three years, the Board considered the following as mitigating factors: 1) Olshock made prompt restitution in full to the heirs of the estate prior to the investigation of the Office of Disciplinary Counsel; 2) Olshock had taken remedial steps in his practice to prevent any re-occurrence of misconduct;

3) Olshock was very remorseful and recognized his wrongdoing; 4) Several character witnesses testified about Olshock's good reputation in the community and ability as a lawyer; and 5) Olshock had been a licensed attorney since 1979 and had no history of discipline. However, the Board stressed that "[t]he taking of \$18,000.00 cannot be excused upon a generalized statement of poor bookkeeping and a substandard office arrangement." The Board also found that Olshock's public position as First Assistant District Attorney was an aggravating factor because he had been specifically entrusted with the protection of the public. The Supreme Court concurred with the Board and suspended Olshock for three years.

In *Office of Disciplinary Counsel v. Evans*, 152 DB 2000, 69 Pa.D. and C.4th (2002), Evans was an executor of an estate and in that capacity issued checks payable to himself in an amount \$90,000.00 over and above the fees claimed by him. Evans also failed to diligently represent the estate and made misrepresentations on his attorney annual fee form. Evans represented himself at his disciplinary hearing and offered no exhibits nor did he present the testimony of any witnesses. Evans testified on his own behalf that he did not pay appropriate attention to

the estate and that he did not realize that he had taken more than he was entitled and that he believed the estate owed him "substantial amounts of money." The Board noted that Evans offered no mitigating circumstances to justify a sanction less than disbarment and found that the sheer amount of money taken belied Evan's assertion that his misconduct was inadvertent. The Supreme Court disbarred Evans. See also; *In re Anonymous No. 132 DB 1988 (Charles S. Morrow)*, 7 Pa. D. & C. 4th 331 (1990) (conversion of approximately \$4,300.00 in client funds for 16 months prior to restitution being made mitigated by respondent's disciplinary history containing only an informal admonition in 33 years of practice, respondent's cooperation with ODC, and respondent's good reputation in the legal community and the public at large resulted in a two-year suspension); *In re Anonymous No. 50 DB 1987 (James C. Evans)*, 3 Pa. D. & C. 4th 627 (1989) (deposit of a client's \$15,000.00 check into a personal non-segregated account and converting those funds for office and personal expenses mitigated by an unblemished disciplinary record for 40 years, full restitution including seven percent interest on the principal, cooperation with ODC, and remorse resulted in a two-year suspension.)

The following factors in Respondent Boyd's case warrant a two-year suspension in the instant proceeding:

- 1) Respondent misappropriated \$23,500.00 of client funds;
- 2) Respondent has been practicing law for over 33 years and has a history of discipline of an informal admonition administered on June 21, 2005 in connection with File C2-04-519 for violations of RPC 1.4(a); RPC 1.15(a) and RPC 1.15(b). In that case Respondent had received notification from his clients that the check he had originally remitted to them had been returned for insufficient funds. Respondent did not respond for three months and delivered the clients' funds only after he had been notified by the Client Security Fund. Additionally, Respondent's IOLTA balance fell below the \$5,493.23 he was required to hold on the clients' behalf;
- 3) Respondent has made restitution to Mr. Mentzer of the excess fees taken and accounting fees incurred by Mr. Mentzer. Respondent had acknowledged his misconduct to the Mentzers and their new attorney and had commenced restitution efforts prior to the intervention of ODC. Respondent stipulates that he will reimburse Mr. Mentzer for interest and attorney fees expended;
- 4) Respondent admits his misconduct, has expressed remorse and is exhibiting cooperation in submitting this joint petition.

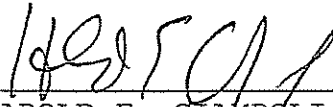
WHEREFORE, Joint Petitioners respectfully pray that your Honorable Board:

- a. Approve this Petition; and
- b. File this Petition with the Supreme Court of Pennsylvania with the recommendation that Respondent be suspended for two years and the direction that Respondent pays Mr. Mentzer the outstanding interest and attorney's fees.

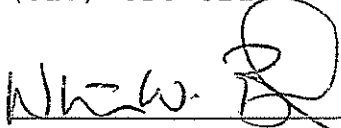
Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL
PAUL J. KILLION,
Attorney Reg. No. 20955,
Chief Disciplinary Counsel

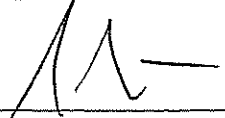
Date: 11/14/06


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

Date: 11/17/06


WILLIAM W. BOYD, Esquire
Respondent

Date: 11/22/06


STEVEN L. BREIT, Esquire
Attorney 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.

11/14/06
Date

H. E. Ciampoli, Jr.
HAROLD E. CIAMPOLI, JR.,
Disciplinary Counsel

11/17/06
Date

W. W. Boyd
WILLIAM W. BOYD
Respondent

11/17/06
Date

S. L. Breit
STEVEN L. BREIT, Esquire
Attorney for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 126 DB 2006
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WILLIAM W. BOYD :
Respondent : (Lancaster County)

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

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF LANCASTER

WILLIAM W. BOYD, 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 October 2, 1973.
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, Steven L. Breit 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 17th day of Nov., 2006


WILLIAM W. BOYD

Sworn to and subscribed
before me this 17 day
of November 2006


Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Thelma J. Webbere, Notary Public
City Of Lancaster, Lancaster County
My Commission Expires Dec. 31, 2007
Member, Pennsylvania Association Of Notaries

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 126 DB 2006
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WILLIAM W. BOYD, :
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CERTIFICATE OF SERVICE

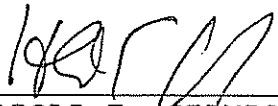
I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 204 Pa. Code §89.22 (relating to service by a participant).

First Class and Overnight Mail, as follows:

Steven L. Breit, Esquire
36 E King Street
Lancaster, PA 17062

Dated:

11/21/06



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