

IN THE SUPREME COURT OF PENNSYLVANIA


OFFICE OF DISCIPLINARY COUNSEL, : No. 1276 Disciplinary Docket No. 3
Petitioner :
 : No. 91 DB 2007
v. :
 : Attorney Registration No. 201346
EDWARD JOHN KING, :
Respondent : (Philadelphia)

ORDER

PER CURIAM:

AND NOW, this 19th day of September, 2007, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated July 24, 2007; 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 Edward John King is suspended on consent from the Bar of this Commonwealth for a period of one year, retroactive to August 1, 2007, and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

A True Copy John A. Vaskov
As of: September 19, 2007
Attest: 
Deputy Prothonotary
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

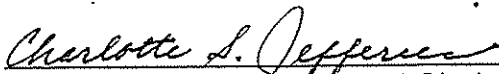
OFFICE OF DISCIPLINARY COUNSEL : No. 91 DB 2007
Petitioner :
v. : Attorney Registration No. 201346
EDWARD JOHN KING :
Respondent : (Philadelphia)

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 Charlotte S. Jefferies, William A. Pietragallo and Francis X. O'Connor, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on June 26, 2007.

The Panel approves the Joint Petition consenting to a one year suspension retroactive to the effective date of any Order of temporary 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.


Charlotte S. Jefferies, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: July 24, 2007

* A majority of the Panel (two members) approves the Joint Petition. One member, Francis X. O'Connor, disapproves and thus dissents.

3. Respondent received a Request for Statement of Respondent's Position (Form DB-7) dated May 17, 2007.

4. Respondent did not submit a response to the DB-7 letter; rather, Respondent agreed to enter into a joint recommendation for consent discipline.

5. On June 22, 2007, Respondent and Petitioner executed a Joint Petition to Temporarily Suspend an Attorney, which was mailed to the Supreme Court of Pennsylvania on June 22, 2007.

**SPECIFIC FACTUAL ADMISSIONS AND
RULES OF PROFESSIONAL CONDUCT VIOLATED**

6. On August 21, 1993, at approximately 11:12 p.m., a police officer with the North Wildwood Police Department placed Respondent under arrest after observing him and another individual at a property located at 212 East 18th Avenue, North Wildwood, New Jersey.

- a. Respondent was apprehended in the rear yard of 210 East 18th Avenue, North Wildwood, New Jersey.
- b. Respondent was charged with violating local ordinance 68.4, for having trespassed at 210 East 18th Avenue, North Wildwood, New Jersey.
- c. Respondent was issued a summons and directed to appear at North Wildwood Municipal Court on August 23, 1993.
- d. Respondent appeared for court on August 23,

1993, and agreed to pay a \$100.00 fine and court costs of \$25.00.

7. On May 29, 1994, at approximately 4:43 a.m., two police officers with the North Wildwood Police Department placed Respondent under arrest after responding to a report of a fight taking place at a WAWA located at 303 New Jersey Avenue, North Wildwood, New Jersey.

- a. Respondent was placed under arrest after two victims of the fight, Mr. William Callahan and Ms. Kimberly Sloan, identified Respondent and two other individuals as having been involved in striking Mr. Callahan.
- b. Respondent was charged in a Complaint with violating N.J.S. 2C:12-1a1, which is a "Disorderly Persons Offense."
- c. Respondent was issued a summons and directed to appear at North Wildwood Municipal Court on May 31, 1994, at 1:00 p.m.
- d. The criminal case filed against Respondent was assigned docket number C94-000419, and assigned a trial date of June 21, 1994.
- e. Respondent received written notification to appear in court on June 21, 1994.
- f. On June 21, 1994, the court dismissed the criminal case filed against Respondent.

8. On January 5, 2002, Respondent completed an Application for Admission ("the Application") to Villanova University School of Law.

a. Respondent certified that the information he provided in the Application was complete and accurate.

9. In the Application, Respondent checked off "No" in response to Question 18, which inquired if Respondent had "ever been arrested, given a written warning, taken into custody, accused formally or informally, or convicted for violating the law for any offense other than a minor traffic violation."

10. In August 2002, Respondent matriculated at Villanova University School of Law, and he graduated with a Juris Doctorate Degree in May 2005.

11. On April 13, 2005, Respondent electronically filed with the Pennsylvania Board of Law Examiners an Application for Permission to Sit for the Pennsylvania Bar Examination and for Character and Fitness Determination ("the Pennsylvania Bar Application"), therein applying to sit for the July 2005 bar examination.

a. Respondent verified that the statements of fact made by him in the Pennsylvania Bar Application were true and correct and that they were made subject to the penalties of 18

Pa.C.S. §4904, relating to unsworn falsification to authorities.

- b. Respondent further verified that he had not omitted any facts or matters pertinent to the Pennsylvania Bar Application.

12. In the Pennsylvania Bar Application, Respondent:

- a. answered "No" in response to the question under the heading "DOCUMENTS-ALTERED OR FALSIFIED," which inquired if Respondent had "ever altered or falsified any official or unofficial document or copy thereof (e.g., bar application or examination result letter, recommendation letter, transcript, report, law school application, etc.)";
- b. answered "No" in response to the question under the heading "CRIMINAL-CRIMINAL HISTORY," which inquired if Respondent had "ever been arrested, charged, cited, accused, or prosecuted for any crime by a law enforcement agency, or [had] you ever been the subject of any investigation by a law enforcement agency, civil or administrative agency, professional organization, corporation, board, or any other agency (including, but not limited to the lawyer Disciplinary Board, Attorney General's

Office, government entity, law firm, etc.)”;

and

- c. answered “No” in response to the question under the heading “MISCELLANEOUS-ISSUES,” which provided that if Respondent had “any information (event, incident, occurrence, etc.) that was not specifically addressed and/or asked of you in the electronic application and/or in the instructions that could be considered a character issue, you are required to provide a detailed explanation for each event, incident/occurrence. Do you have any additional issues to disclose before submitting your application?”

13. The omissions and representations set forth in the previous paragraph were material to the Pennsylvania Bar Application.

14. The omissions and representations set forth in paragraph 12, *supra*, were material to Respondent’s qualifications to practice law and to the inquiry into Respondent’s qualifications to be conducted by the Pennsylvania Board of Law Examiners.

15. On March 31, 2005, Respondent filed with the State of New Jersey Committee on Character (“the Committee”) a Certified Statement of Character (“the New Jersey Bar

Application"), therein applying to sit for the July 2005 bar examination.

- a. Respondent certified that the answers provided by him in the New Jersey Bar Application were true and correct.

16. In the New Jersey Bar Application, Respondent checked off "No" in response to the question under the heading "LEGAL PROCEEDINGS," which inquired if Respondent had "ever been charged with, taken into custody for, arrested for, indicted, tried for, pled guilty to, or convicted of, the violation of any law (other than a minor traffic violation) or been the subject of a juvenile delinquent or youthful offender proceeding."

17. The omissions and representations set forth in the previous paragraph were material to the New Jersey Bar Application.

18. The omissions and representations set forth in paragraph 16, *supra*, were material to Respondent's qualifications to practice law and to the inquiry into Respondent's qualifications to be conducted by the Committee.

19. By his conduct as alleged in Paragraphs 6 through 18 above, Respondent violated the following Rules of Professional Conduct:

- a. Pennsylvania 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;

- b. Pennsylvania RPC 8.4(c), which states it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- c. Pennsylvania 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;
- d. New Jersey 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;
- e. New Jersey RPC 8.4(c), which states it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation; and
- f. New Jersey 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.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

20. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension from the practice of law for a period of one year, retroactive to the effective date of the Order for Temporary Suspension that the parties anticipate will be entered upon the Supreme Court of Pennsylvania's consideration and grant of the Joint Petition to Temporarily Suspend an Attorney.

21. 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, including the mandatory acknowledgements contained in Rule 215(d)(1) through (4), Pa.R.D.E.

22. 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

and his consent to receiving a suspension of one year;

- c. Respondent has no record of discipline;
- d. Respondent is remorseful for his misconduct and understands he should be disciplined, as is evidenced by his consent to receiving a suspension of one year; and
- e. Respondent, through counsel, self-reported his misconduct to Petitioner.

23. Precedent suggests that Respondent's misconduct warrants a suspension of one year. The case of *In re Ronda B. Goldfein No. 8 DB 94*, 29 Pa. D.&C.4th 315 (1995) supports a one-year suspension. In *Goldfein*, the attorney was arrested while a third-year law student on charges of possession of a controlled substance and driving under the influence; the charge of possession of a controlled substance was nolle prossed. *Id.* at 317. Respondent Goldfein disclosed her arrest in her bar applications to the States of Florida, New York, and Delaware; however, she failed to disclose her arrest in her bar applications to the States of New Jersey and Pennsylvania. *Id.* at 318-19. Respondent Goldfein also failed to disclose in her bar applications to the States of New Jersey and Pennsylvania that she had failed the Florida and Delaware bar examinations and had twice failed the New York bar examination. *Id.* at 319. Lastly, Respondent Goldfein

failed to list her complete employment history in her Pennsylvania bar application. *Id.* at 320.

In mitigation, Respondent Goldfein had no record of discipline, expressed remorse for her misconduct, and presented favorable character evidence. *Id.* at 320-321. Respondent Goldfein attributed her omissions and misrepresentations in the New Jersey and Pennsylvania bar applications to carelessness and to having forgotten her prior arrest with the passage of time. *Id.* The Disciplinary Board concluded that Respondent Goldfein acted carelessly and lacked the "intent to deceive the board of law examiners," even though the failure to list her arrest "must be viewed with ... skepticism." *Id.* at 322. The Disciplinary Board recommended a three-month suspension; the Pennsylvania Supreme Court suspended Respondent Goldfein for one year.

Respondent's omissions and misrepresentations in his New Jersey and Pennsylvania Bar Applications are no more egregious than the omissions and misrepresentations made by Respondent Goldfein in her New Jersey and Pennsylvania bar applications. Furthermore, Respondent's explanation to Petitioner that he did not report his August 1993 arrest because he forgot about the incident is similar to Respondent Goldfein's claim that she forgot about her arrest. Respondent's explanation to Petitioner that he did not report his May 1993 arrest because

he did not believe that his detention was an "arrest" is supported by the arrest report, which shows that Respondent was not: given Miranda warnings; fingerprinted; photographed; given monetary bail or bond; arraigned; or indicted. Therefore, on the issue of state of mind at the time of completion of the bar applications, Respondent has presented as persuasive a case as Respondent Goldfein had presented.

24. Petitioner and Respondent submit that a one-year suspension is appropriate discipline for Respondent's misconduct after considering precedent and weighing the mitigating factors.

WHEREFORE, Petitioner and Respondent respectfully request that:

- a. Pursuant to Rule 215(e) and 215(g), Pa.R.D.E., the three-member panel of the Disciplinary Board review and approve the above Joint Petition In Support Of Discipline On Consent and file its recommendation with the Supreme Court of Pennsylvania in which it is recommended the Supreme Court enter an Order:
 - (i) suspending Respondent from the practice of law for a period of one year to run retroactive to the effective date of Respondent's temporary suspension; and

(ii) directing Respondent to comply with all
of the provisions of Rule 217, Pa.R.D.E.

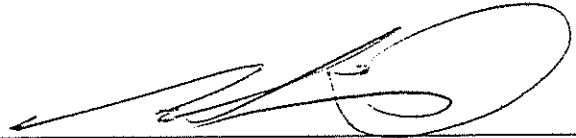
b. Pursuant to Rule 215(i), the three-member panel of the Disciplinary Board order Respondent to pay the necessary expenses incurred in the investigation of this matter as a condition to the grant of the Petition and that all expenses be paid by Respondent before the imposition of discipline under Rule 215(g), Pa.R.D.E.

Respectfully submitted,


OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

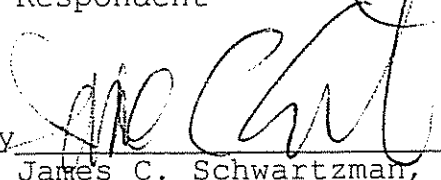
By


Richard Hernandez
Disciplinary Counsel

By


Edward John King, Esquire
Respondent

By


James C. Schwartzman, Esquire
Respondent's Counsel

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
: No. DB 2007
v. :
: Atty. Reg. No. 201346
EDWARD JOHN KING, :
Respondent : (Philadelphia)

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

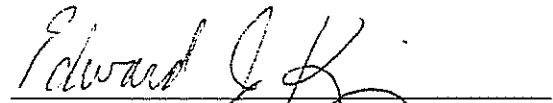
Respondent, Edward John King, hereby states that he consents to the imposition of a suspension from the practice of law for a period of one year, retroactive to the effective date of any Order of temporary suspension, as jointly recommended by Petitioner, Office of Disciplinary Counsel, and Respondent in the Joint Petition In Support Of Discipline On Consent, and further states that:

1. His consent is freely and voluntarily rendered; he is not being subjected to coercion or duress; he is fully aware of the implications of submitting the consent; and he has consulted with James C. Schwartzman, Esquire, in connection with the decision to consent to discipline;

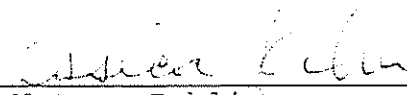
2. He is aware that there is presently pending an investigation into allegations that he has been guilty of misconduct as set forth in the Joint Petition;

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

4. He consents because he knows that if charges predicated upon the matter under investigation were filed, he could not successfully defend against them.


Edward John King, Esquire
Respondent

Sworn to and subscribed
before me this 22nd
day of June, 2007.



Notary Public

JESSICA KUHN
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES JULY 30 2007

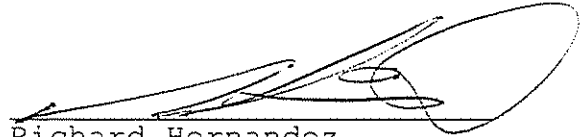
BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
: No. DB 2007
v. :
: Atty. Reg. No. 201346
EDWARD JOHN KING, :
Respondent : (Philadelphia)

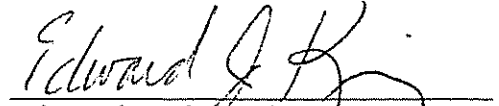
VERIFICATION

The statements contained in the foregoing Joint Petition
In Support of Discipline on Consent Under Rule 215(d),
Pa.R.D.E. are true and correct to the best of our knowledge or
information and belief and are made subject to the penalties
of 18 Pa.C.S. §4904, relating to unsworn falsification to
authorities.

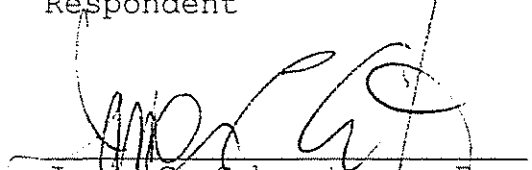
6/22/2007
Date


Richard Hernandez
Disciplinary Counsel

6/22/07
Date


Edward John King, Esq.
Respondent

6/28/07
Date


James E. Schwartzman, Esq.
Respondent's Counsel