

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1684 Disciplinary Docket No. 3
Petitioner :
 : No. 106 DB 2010
v. :
 : Attorney Registration No. 58179
STEVEN M. STEIN, :
Respondent : (Philadelphia)

ORDER

PER CURIAM:

AND NOW, this 31st day of January, 2011, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated November 22, 2010, 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 Steven M. Stein is suspended from the practice of law for a period of one year, the suspension is stayed in its entirety and he is placed on probation for a period of one year, subject to the condition that he shall provide the Office of Disciplinary Counsel with quarterly reports from his accountant attesting to the proper maintenance of his IOLTA account.

A True Copy Patricia Nicola
As-Of 1/31/2011

Attest:
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

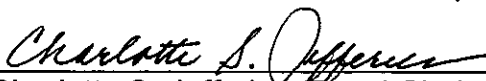
OFFICE OF DISCIPLINARY COUNSEL : No. 106 DB 2010
Petitioner :
v. : Attorney Registration No.58179
STEVEN M. STEIN :
Respondent : (Philadelphia)

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, Stephan K. Todd, and Gerald Lawrence, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on October 22, 2010.

The Panel approves the Petition consenting to a one year suspension to be stayed in its entirety and one year probation subject to the conditions set forth in the Joint Petition and recommends to the Supreme Court of Pennsylvania that the attached Joint 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: November 22, 2010

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
: No. 106 DB 2010
v. :
: Atty. Reg. No. 58179
STEVEN M. STEIN, :
Respondent : (Philadelphia)

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

Petitioner, Office of Disciplinary Counsel ("ODC"), by Paul J. Killion, Chief Disciplinary Counsel, and Harriet R. Brumberg, Disciplinary Counsel, and by Respondent, Steven M. Stein, Esquire, and Respondent's counsel, Samuel C. Stretton, Esquire, file this Joint Petition In Support of Discipline on Consent under Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 215(d), and respectfully represent that:

I. BACKGROUND

1. Petitioner, whose principal office is located at PA Judicial Center, Suite 2700, 601 Commonwealth Avenue, Harrisburg, PA 17106-2485, 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 disciplinary proceedings

FILED

OCT 22 2010

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

brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.

2. Respondent, Steven M. Stein, was born on April 22, 1957, and was admitted to practice law in the Commonwealth on June 13, 1990.

3. Respondent maintains an office for the practice of law at 1128 S. Front Street, Philadelphia, PA 19147.

4. Pursuant to Pa.R.D.E. 201(a)(1), Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

II. FACTUAL ADMISSIONS AND VIOLATIONS OF RULES OF PROFESSIONAL CONDUCT

CHARGE: BARBARA POLINICE MATTER

A. MISHANDLING OF RETAINER FEE

5. Respondent is not a member of The Florida Bar, Federal District Court for the Southern District of Florida, or the Bankruptcy Court for the Southern District of Florida.

6. On October 12, 2006, Ms. Barbara Polinice, a Florida resident, paid \$1,500 in cash to Respondent as his fee to handle Ms. Polinice's bankruptcy matter in the Southern District of Florida.

7. Respondent agreed to split the \$1,500 fee (minus expenses) with Jonathan Greene, Esquire, an attorney licensed to practice law in Florida.

a. Mr. Greene never gave Respondent permission to make personal use of Mr. Greene's portion of the legal fee.

8. On April 8, 2008, Mr. Greene filed a Chapter 7 bankruptcy petition on behalf of Ms. Polinice in the United States Bankruptcy Court for the Southern District of Florida (Ft. Lauderdale), No. 08-14267-RBR.

9. By Order dated July 21, 2008, the bankruptcy court granted Ms. Polinice a discharge of her Chapter 7 bankruptcy petition.

10. On or about July 31, 2007, Respondent opened an IOLTA account at TD Bank, account number 6860251245.

a. From August 23, 2007, until June 23, 2008, the balance in Respondent's TD Bank IOLTA account was \$92.30.

b. From June 23, 2008, until July 21, 2009, the balance in Respondent's TD Bank IOLTA account was "0."

11. From time to time, Mr. Greene would request that Respondent pay Mr. Greene his portion of the legal fee for handling Ms. Polinice's legal matter.

a. Respondent failed to promptly pay Mr. Greene the funds owed to him.

12. On June 11, 2009, Office of Disciplinary Counsel (ODC) served Respondent with a DB-7 Request for Statement of Respondent's Position and requested Respondent's entire client file in Ms. Polinice's bankruptcy matter.

13. On July 1, 2009, Respondent submitted his verified Answer to the DB-7 Request.

14. On July 21, 2009, when the balance in Respondent's IOLTA account at TD Bank was "0," Respondent deposited \$5,000 into that account.

15. By letter dated July 24, 2009, from ODC to Respondent, ODC requested records showing that Respondent sent the money he received from Ms. Polinice to Mr. Greene. Respondent received that letter.

16. On August 4, 2009, Respondent made a \$750 wire transfer from Respondent's IOLTA account at TD Bank to Mr. Greene.

17. By letters dated August 18, September 4, and October 9, 2009, ODC reiterated its request that Respondent provide documentation demonstrating that Respondent sent the money Respondent received from Ms. Polinice to Mr. Greene.

18. Respondent received those letters.

19. Respondent failed to promptly provide ODC with Respondent's client file and documents demonstrating that he paid Mr. Greene his portion of the legal fee.

a. On November 19, 2009, Respondent submitted an amended answer.

20. By facsimile transmitted letter dated October 26, 2009, Respondent, through counsel, Samuel C. Stretton, Esquire, enclosed a copy of the August 4, 2009 wire transfer from Respondent's TD Bank IOLTA account to Mr. Greene.

a. Respondent did not provide records establishing that Respondent held Mr. Greene's legal fee intact in Respondent's IOLTA account.

21. Respondent failed to keep complete records of Respondent's receipt, maintenance, and disposition of the funds he received from Ms. Polinice.

22. Respondent failed to hold the funds he received from Ms. Polinice in an escrow account separate from Respondent's own property.

23. Respondent failed to appropriately safeguard the funds Respondent received from Ms. Polinice, in that he did not place them in an escrow account.

24. By his conduct as set forth in paragraphs 5 through 23 above, Respondent violated the following Rules:

- a. PA RPC 1.15(a)[former], which states that a lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a client-lawyer relationship separate from the lawyer's own property. Such property shall be identified and appropriately safeguarded. Complete records of the receipt, maintenance and disposition of such property shall be preserved for a period of five years after termination of the client-lawyer relationship or after distribution or disposition of the property, whichever is later;
- b. PA RPC 1.15(b) [former], which states that upon receiving property of a client or third person in connection with a client-lawyer relationship, 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 or third person, a lawyer shall promptly deliver to the client or third person any 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. PA RPC 1.15(b)[effective 9-20-08], which states that a lawyer shall hold all Rule 1.15 Funds and property separate from the lawyer's own property. Such property shall be identified and appropriately safeguarded;
- d. PA RPC 1.15(c)(1)[effective 9-20-08], which states that complete records of the receipt, maintenance and disposition of Rule 1.15 Funds and property shall be preserved for a period of five years after termination of the client-lawyer or Fiduciary relationship or after distribution or disposition of the property, whichever is later. A lawyer

shall maintain the following books and records for each Trust Account and for any other account in which Fiduciary Funds are held pursuant to Rule 1.15(1):

- (1) all transaction records provided to the lawyer by the Financial Institution or other investment entity, such as periodic statements, cancelled checks, deposited items and records of electronic transactions; and
 - (2) check register or separately maintained ledger, which shall include the payee, date and amount of each check, withdrawal and transfer, the payor, date, and amount of each deposit, and the matter involved for each transaction;
- e. PA RPC 1.15(e)[effective 9-20-08], which states that except as stated in this Rule or otherwise permitted by law or by agreement with the client or third person, a lawyer shall promptly deliver to the client or third person any property, including but not limited to Rule 1.15 Funds, 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 the property; Provided, however, that the delivery, accounting and disclosure of Fiduciary Funds or property shall continue to be governed by the law, procedure and rules governing the requirements of Fiduciary administration, confidentiality, notice and accounting applicable to the Fiduciary entrustment;
- f. FLA RPC 4-1.15, which states that a lawyer shall comply with The Florida Bar Rules Regulating Trust Accounts, via:
1. FLA Bar Rule 5-1.1(a)(1), which states that a lawyer shall hold in trust, separate from the lawyer's own property, funds and property of clients or third persons that are in a lawyer's

possession in connection with a representation. All funds, including advances for fees, costs, and expenses, shall be kept in a separate bank or savings and loan association account maintained in the state where the lawyer's office is situated or elsewhere with the consent of the client or third person and clearly labeled and designated as a trust account. A lawyer may maintain funds belonging to the lawyer in the trust account in an amount no more than is reasonably sufficient to pay bank charges relating to the trust account;

2. FLA Bar Rule 5-1.1(b), which states that money or other property entrusted to an attorney for a specific purpose, including advances for fees, costs, and expenses, is held in trust and must be applied only to that purpose. Money and other property of clients coming into the hands of an attorney are not subject to counterclaim or setoff for attorney's fees, and a refusal to account for and deliver over such property upon demand shall be deemed a conversion;
3. FLA Bar Rule 5-1.1(e), which states 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;

4. FLA Bar Rule 5-1.2(b), which states the following are the minimum trust accounting records that shall be maintained.

(1) A separate bank or savings and loan association account or accounts in the name of the lawyer or law firm and clearly labeled and designated as a "trust account."

(2) Original or duplicate deposit slips, and, in the case of currency or coin, an additional cash receipts book, clearly identifying:

(A) the date and source of all trust funds received; and

(B) the client or matter for which the funds were received.

(3) Original canceled checks all of which must be numbered consecutively, or, if the financial institution wherein the trust account is maintained does not return the original checks, copies that include all endorsements, as provided by the financial institution.

(4) Other documentary support for all disbursements and transfers from the trust account.

(5) A separate cash receipts and disbursements journal, including columns for receipts, disbursements, transfers, and the account balance, and containing at least:

(A) the identification of the client or matter for which the funds were received, disbursed, or transferred;

(B) the date on which all trust funds were received, disbursed, or transferred;

(C) the check number for all disbursements; and

(D) the reason for which all trust funds were received, disbursed, or transferred.

(6) A separate file or ledger with an individual card or page for each client or matter, showing all individual receipts, disbursements, or transfers and any unexpended balance, and containing:

(A) the identification of the client or matter for which trust funds were received, disbursed, or transferred;

(B) the date on which all trust funds were received, disbursed, or transferred;

(C) the check number for all disbursements; and

(D) the reason for which all trust funds were received, disbursed, or transferred.

(7) All bank or savings and loan association statements for all trust accounts;

5. FLA Bar Rule 5-1.2(c), which states that the minimum trust accounting procedures that shall be followed by all members of The Florida Bar (when a choice of laws analysis indicates that the laws of Florida apply) who receive or disburse trust money or property are as follows:

(1) The lawyer shall cause to be made monthly:

(A) reconciliations of all trust bank or savings and loan association accounts, disclosing the balance per bank, deposits in transit, outstanding checks identified by date and check number, and any other items necessary to reconcile the balance per bank with the balance per the checkbook and the cash receipts and disbursements journal; and

(B) a comparison between the total of the reconciled balances of all trust accounts and the total of the trust ledger cards or pages, together with specific descriptions of any differences between the 2 totals and reasons therefore.

(2) At least annually, the lawyer shall prepare a detailed listing identifying the balance of the unexpended trust money held for each client or matter.

(3) The above reconciliations, comparisons, and listings shall be retained for at least 6 years.

(4) The lawyer or law firm shall authorize, at the time the account is opened, and request any bank or savings and loan association where the lawyer is a signatory on a trust account to notify Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, in the event the account is overdrawn or any trust check is dishonored or returned due to

insufficient funds or uncollected funds, absent bank error.

(5) The lawyer shall file with The Florida Bar between June 1 and August 15 of each year a trust accounting certificate showing compliance with these rules on a form approved by the board of governors; and

6. FLA Bar Rule 5-1.2(d), which states that a lawyer or law firm that receives and disburses client or third-party funds or property shall maintain the records required by this chapter for 6 years subsequent to the final conclusion of each representation in which the trust funds or property were received.

B. MISREPRESENTATIONS TO DISCIPLINARY AUTHORITIES

25. On or before November 19, 2008, Ms. Polinice filed a complaint against Respondent with The Florida Bar.

26. On or before November 19, 2008, Respondent retained Kevin P. Tynan, Esquire, to represent Respondent before The Florida Bar.

27. By letter dated November 19, 2008, Respondent, through Mr. Tynan, wrote to Janet Bradford Morgan, Esquire, Bar Counsel, The Florida Bar; Mr. Tynan wrote that:

- a. Ms. Polinice decided to retain Mr. Greene and the fee that was agreed upon (and paid to Mr. Greene) was \$1,500.

28. In Respondent's verified DB-7 Answer to ODC,
~~dated July 1, 2009, Respondent wrote:~~

a. in ¶3:

Respondent quoted a fee of \$1,500, which was paid. He then sent the money to Attorney Greene; and

b. on p. 5, second paragraph:

The legal fee was paid to the local counsel.

29. The statements in ¶27(a) and ¶28(a) and (b), *supra*, were false, as Respondent's bank records show that it was not until August 4, 2009, that Respondent made a \$750 wire transfer from Respondent's IOLTA account at TD Bank, account number 6860251245, to Mr. Greene.

30. Respondent knowingly made a false statement of material fact to The Florida Bar and to ODC in connection with a disciplinary matter, in that prior to August 4, 2009, Respondent had failed to pay Mr. Greene his portion of the \$1,500 legal fee Respondent received from Ms. Polinice on October 12, 2006.

31. By letter dated August 20, 2009, with a "cc" to Respondent, Mr. Stretton, on behalf of Respondent, advised ODC of Respondent's position, as follows:

Monies were sent to my client, Steven Stein. He then put the

money in the escrow account. . . .
Mr. Stein then held the money in
escrow. At some point in time,
with Mr. Greene's consent, once
the fee had been earned he sent
Mr. Greene \$750.

32. Respondent's letter to ODC is false and misleading in that:

- a. since Respondent had a zero balance in his IOLTA account from June 23, 2008 until July 21, 2009, Respondent failed to "put" and hold the legal fee in his escrow account;
- b. Respondent failed to send Mr. Greene his legal fee "once the fee had been earned," but waited over one year after the bankruptcy discharge, one-and-one-half months after receipt of ODC's June 11, 2009 DB-7 Letter, and several days after ODC's July 24, 2009 letter requesting payment records; and
- c. Respondent failed to include the fact that he had sent \$750 to Mr. Greene on August 4, 2009.

33. On November 19, 2009, Respondent submitted an amended answer.

34. By his conduct as set forth in paragraphs 25

~~through 33 above, Respondent violated the following Rules:~~

- a. PA 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. PA RPC 8.1(b), 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 fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6;
- c. PA RPC 8.4(c), which states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- d. FLA RPC 4-8.1(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. FLA RPC 4-8.1(b), 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 fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary

authority, except that this rule does not require disclosure of information otherwise protected by rule 4-1.6; and

- f. FLA RPC 4-8.4(c), which states that a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation, except that it shall not be professional misconduct for a lawyer for a criminal law enforcement agency or regulatory agency to advise others about or to supervise another in an undercover investigation, unless prohibited by law or rule, and it shall not be professional misconduct for a lawyer employed in a capacity other than as a lawyer by a criminal law enforcement agency or regulatory agency to participate in an undercover investigation, unless prohibited by law or rule.

III. JOINT RECOMMENDATION FOR DISCIPLINE

35. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a one-year suspension, stayed in its entirety, that Respondent be placed on probation for one year, with the condition that during the period of the probation Respondent provide ODC with quarterly reports from his accountant attesting to Respondent's proper handling of the funds in his IOLTA account.

36. Respondent hereby consents to the discipline being imposed by the Supreme Court of Pennsylvania. Attached to this Petition is Respondent's executed Affidavit required by Pa.R.D.E. 215(d), stating that he

consents to the recommended discipline and including the ~~mandatory acknowledgements contained in Pa.R.D.E. 215(d)(1)~~ through (4).

37. Respondent and ODC respectfully submit that there are the following mitigating factors:

- a. Respondent paid the funds owed to Mr. Greene;
and
- b. by virtue of Respondent signing this joint petition for discipline on consent, Respondent has expressed recognition of his violations of the Rules of Professional Conduct.

38. On September 19, 2007, Respondent underwent coronary bypass surgery and had a pacemaker installed. (See "Exhibit A," a letter from Respondent's physician). A serious medical condition may be given some consideration in mitigation. See *In re Anonymous No. 81 DB 87*, 11 Pa. D.&C.4th 393, 404-406 (1991) (finding that during the relevant time period, the respondent experienced, *inter alia*, a physically stressful, debilitating pregnancy, which circumstance was not shown to rise to the level of mitigation under *Office of Disciplinary Counsel v. Braun*, 553 A.2d 894 (Pa. 1989), but nonetheless was given some consideration in mitigation).

39. A one-year suspension, stayed in its entirety,
~~with a one-year period of probation and a condition that~~
during the period of probation, Respondent provide ODC with quarterly reports from his accountant attesting to Respondent's proper handling of funds in his IOLTA account, is the appropriate quantum of discipline for Respondent's misconduct.

Attorneys who mishandle fiduciary funds receive discipline ranging from a private reprimand to disbarment. A private reprimand may be imposed when the mishandling involves negligent bookkeeping, an oversight, or a misunderstanding. An attorney may receive a public censure or a short period of suspension if the misconduct is an isolated incident of misappropriation, the funds are repaid, the amount of the misappropriation is insignificant, the victims do not suffer irreparable harm, or the attorney does not have a record of discipline. See, e.g., *Office of Disciplinary Counsel v. Robert G. Young, No. 6 DB 2002*, D.Bd. Rpt. 9/11/2002 (S.Ct. Order 11/14/2002) (public censure imposed on an attorney who: did not hold \$6,000 intact in his escrow account for three clients; reimbursed the funds; did not prejudice his clients; admitted his wrongdoing; cooperated with Disciplinary Counsel; and had no record of discipline);

Office of Disciplinary Counsel v. Albert B. Mackarey, No.

~~158 DB 2000, 60 Pa. D.&C.4th 129 (2002) (three-month~~

suspension imposed on an attorney who: commingled and converted \$3,700 that he had collected for title insurance premiums; repaid the money to the insurance company; cooperated with ODC; had no record of discipline; and was highly regarded in the legal community).

When an attorney's misappropriation is coupled with misrepresentations to attorney disciplinary authorities, however, the severity of the discipline may be increased. See, e.g., **Office of Disciplinary Counsel v. Grace Smith Folz**, No. 97 DB 2007, D.Bd. Rpt. 1/11/2008 (S.Ct. Order 5/8/2008) (attorney who commingled but did not convert funds, received a two-year suspension on consent where attorney provided false and misleading information to ODC to hide her mishandling of her trust account); **Office of Disciplinary Counsel v. Albert E. Hart, Jr.**, No. 115 DB 1997, D.Bd. Rpt. 12/16/99 (S. Ct. Order 3/23/2000) (attorney who commingled, converted over \$20,000 in client funds, and repaid converted funds in two client matters, then lied to ODC stating that his client gave him permission to use the funds, received a three-year suspension; Disciplinary Board wrote that respondent's "initial lack of candor is a factor which cannot be overlooked"). See also **In re Anonymous No.**

96 DB 85, 44 Pa. D.&C.3rd 326 (1987) (Public Censure imposed on an attorney who neglected client matters and fabricated a letter in an attempt to deceive ODC as to his lack of neglect).

40. Respondent failed to promptly pay a relatively small amount of money (\$750) owed to another attorney in a single client matter. Respondent also failed to hold the fee in an escrow account; Respondent says he kept the fee in an envelope in his desk drawer. In any event, Respondent ultimately paid Mr. Greene his portion of the legal fee. Standing alone, Respondent's isolated instance of misconduct would garner no more than a Public Censure. *Young, supra.* But Respondent's repeated misrepresentations to both ODC and The Florida Bar regarding his payment of the fee to Mr. Greene cannot be overlooked, and accordingly, enhances Respondent's discipline. *Hart, supra.*

41. It appears that Respondent's failure to maintain an escrow account and records of funds received contributed to Respondent's misconduct. ODC recommends that Respondent receive a one-year suspension stayed, and that Respondent be placed on a one-year period of probation. As a condition of Respondent's probation, Respondent must provide ODC with quarterly reports from his accountant

attesting to Respondent's proper maintenance of his IOLTA
~~account. A one-year suspension stayed, and a one-year~~
period of probation with the above-described condition, is
necessary to deter other attorneys from withholding fees
owed to co-counsel and encourage candor in attorney
disciplinary proceedings.

WHEREFORE, Petitioner and Respondent respectfully
request that:

- a. Pursuant to Pa.R.D.E. 215(e) and 215(g), the
three-member panel of the Disciplinary Board
review and approve the Joint Petition in
Support of Discipline on Consent and file
its recommendation with the Supreme Court of
Pennsylvania recommending that the Supreme
Court enter an Order imposing a one-year
suspension, stayed in its entirety, and a
one-year period of probation with the
condition that during the period for
probation, Respondent is to provide ODC with
quarterly reports from his accountant
attesting to Respondent's proper maintenance
of his IOLTA account; and
- b. Pursuant to Pa.R.D.E. 215(i), the three-
member panel of the Disciplinary Board enter

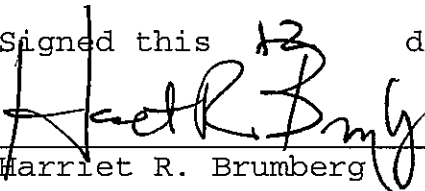
an order for Respondent to pay the necessary
~~expenses incurred in the investigation and~~
prosecution of this matter as a condition to
the grant of the Petition, and that all
expenses be paid by Respondent before the
imposition of discipline under Pa.R.D.E.
215(g).

Respectfully and jointly submitted,


OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

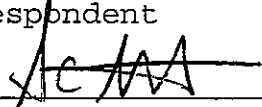
Signed this 12 day of October, 2010.



Harriet R. Brumberg
Disciplinary Counsel



Steven M. Stein, Esquire
Respondent



Samuel C. Stretton, Esquire
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
: No. 106 DB 2010
v. :
: Atty. Reg. No. 58179
STEVEN M. STEIN, :
Respondent : (Philadelphia)

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

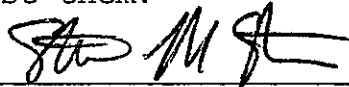
Respondent, Steven M. Stein, hereby states that he consents to the imposition of a one-year suspension, stayed in its entirety, and a one-year period of probation with the condition that during the period of probation, Respondent must provide ODC with quarterly reports from his accountant attesting to Respondent's proper maintenance of his IOLTA account, 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 counsel in connection with the decision to consent to discipline;

2. He is aware that there is presently pending a proceeding involving 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 knows that if the charges pending against him
continue to be prosecuted in the pending proceeding, he
could not successfully defend against them.



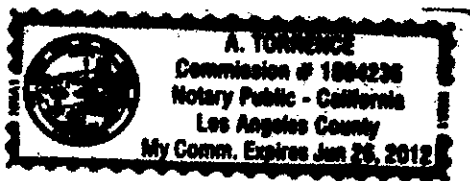
Steven M. Stein

Sworn to and subscribed

before me this 18th

day of Oct. 18, 2010.

Antoinette Torrence
Notary Public



BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA


OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
: No. 106 DB 2010
v. :
: Atty. Reg. No. 58179
STEVEN M. STEIN, :
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.

10/12/10

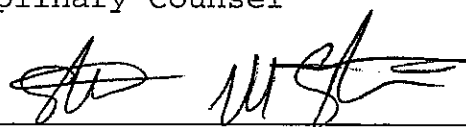
Date



Harriet R. Brumberg
Disciplinary Counsel

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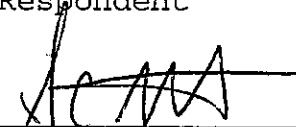
Date



Steven M. Stein, Esquire
Respondent

10/19/10

Date



Samuel C. Stretton, Esquire
Counsel for Respondent

SEP-29-2010 09:31A FROM:

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JEFFREY H. NEWMAN, M.D., F.A.C.S.

5210 Linton Boulevard Suite 301 Delray Beach, FL 33484

TENET FLORIDA PHYSICIANS SERVICES

September 28, 2010

To Whom It May Concern:

Mr. Steven Stein underwent coronary bypass surgery on 9/19/2007. Subsequently, he had heart block and had a pacemaker placed two days later. This patient has had some concerns of being forgetful. There is some evidence of perioperative neuropsychiatric symptoms amongst patients who undergo bypass surgery. It is unclear how long these symptoms last. Without further testing, it is unclear whether this persists with Mr. Stein.

Sincerely,

Jeffrey Newman M.D.

