

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1712 Disciplinary Docket No. 3
Petitioner :
: :
: :
v. : No. 27 DB 2011
: :
: :
JAMES C. KUHN, III, : Attorney Registration No. 19805
Respondent : (Allegheny County)


ORDER

PER CURIAM:

AND NOW, this 25th day of April, 2012, there having been filed with this Court by James C. Kuhn, III, his verified Statement of Resignation dated January 3, 2012, stating that he desires to resign from the Bar of the Commonwealth of Pennsylvania in accordance with the provisions of Rule 215, Pa.R.D.E., it is

ORDERED that the resignation of James C. Kuhn, III, is accepted; he is disbarred on consent from the Bar of the Commonwealth of Pennsylvania; and he shall comply with the provisions of Rule 217, Pa.R.D.E. Respondent shall pay costs, if any, to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.

A True Copy Patricia Nicola
As Of 4/25/2012

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

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

OFFICE OF DISCIPLINARY COUNSEL	:	No. 1712 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 27 DB 2011
v.	:	
	:	Attorney Registration No. 19805
JAMES C. KUHN, III	:	
Respondent	:	(Allegheny County)

RESIGNATION BY RESPONDENT

Pursuant to Rule 215
of the Pennsylvania Rules of Disciplinary Enforcement

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1712 - Disciplinary Docket
: No. 3 - Supreme Court
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JAMES C. KUHN, III, :
Respondent : (Allegheny County)

RESIGNATION
UNDER RULE 215, Pa.R.D.E.

James C. Kuhn, III, hereby states that he is a member of the Bar of the Supreme Court of Pennsylvania and is the Respondent named in the Petition for Discipline filed with the Disciplinary Board of the Supreme Court of Pennsylvania at the number indicated above. In conformity with Rule 215 of the Pennsylvania Rules of Disciplinary Enforcement, he further states as follows:

1. He is an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on October 21, 1974. His attorney registration number is 19805.

2. He wishes to resign from the Bar, his resignation is freely and voluntarily rendered, he is not being subjected to coercion or duress, and he is fully aware of the implications of submitting his resignation.

3. He is aware that there is presently pending an investigation into allegations that he has been guilty of misconduct,

based on his conviction for Possession of Material Depicting the Sexual Exploitation of a Minor in Violation of Title 18, U.S.C. §2252(a)(4)(B), the nature and specifics of which have been made known to him by the Petition for Discipline filed at the number shown above, a copy of which is attached hereto and incorporated herein as Exhibit 1.

4. He acknowledges that the material facts, upon which are predicated the allegations of professional misconduct so lodged against him in said Petition, are true.

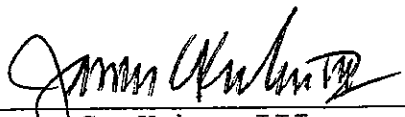
5. He submits his resignation because he knows that he could not successfully defend himself against the said charges of misconduct.

6. He is fully aware that the submission of this Resignation Statement is irrevocable and that he can only apply for reinstatement to the practice of law pursuant to the provisions of Enforcement Rule 218(b).

7. He has not consulted with counsel in regard to submitting his resignation.

In accordance with Rule 215, Pa.R.D.E., this statement is made by the signatory subject to the penalties of 18 Pa.C.S. §4904 (relating to unsworn falsification to authorities).

Signed this 3 day of January, 2012.



James C. Kuhn, III
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
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OFFICE OF DISCIPLINARY COUNSEL, : No. 1712 - Disciplinary Docketed
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:
Respondent : (Allegheny County)

PETITION FOR DISCIPLINE

NOTICE TO PLEAD

To: James C. Kuhn, III

Rule 208(b)(3) of the Pennsylvania Rules of Disciplinary Enforcement provides: Within twenty (20) days of the service of a petition for discipline, the respondent-attorney shall serve an answer upon Disciplinary Counsel and file the original thereof with the Disciplinary Board. Any factual allegation that is not timely answered shall be deemed admitted.

Rule 208(b)(4) provides: Following the service of the answer, if there are any issues raised by the pleadings or if the respondent-attorney requests the opportunity to be heard in mitigation, the matter shall be assigned to a hearing committee or a special master. No evidence with respect to factual allegations of the complaint that have been deemed or expressly admitted may be presented at any hearing on the matter, absent good cause shown.

* * * * *

A copy of your answer should be served upon Disciplinary Counsel at the District IV Office of Disciplinary Counsel, Suite 1300, Frick Building, 437 Grant Street, Pittsburgh, PA 15219-4407, and the original and three (3) conformed copies filed with the Disciplinary Board Executive Office, Pennsylvania Judicial Center, 601 Commonwealth Ave., Ste. 5600, P. O. Box 62625, Harrisburg, PA 17106-2625. [Disciplinary Board Rule §89.3(a)(1)]

Further, pursuant to Disciplinary Board Rule §85.13, your answer, if it contains an averment of fact not appearing of record or a denial of fact, shall contain or be accompanied by a verified-statement signed by you that the averment or denial is true based upon your personal knowledge or information and belief.

EXHIBIT

1

BEFORE THE DISCIPLINARY BOARD OF THE
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PETITION FOR DISCIPLINE

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Susan N. Dobbins, Disciplinary Counsel, files the within Petition for Discipline, and charges Respondent James C. Kuhn, III, with professional misconduct in violation of the Pennsylvania Rules of Disciplinary Enforcement as follows:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, PA 17106-2485, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereafter "Pa.R.D.E."), with the power and the duty to investigate all matters

FILED

NOV 16 2011

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

We hereby certify the within to be
a true and correct copy.

Susan N. Dobbins

involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

2. Respondent, James C. Kuhn, III, was born in 1945. He was admitted to practice law in the Commonwealth of Pennsylvania on October 21, 1974. Respondent's attorney registration mailing address is 60 Boulevard of the Allies, Suite 625, Pittsburgh, PA 15222. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. By Order of the Supreme Court of Pennsylvania dated September 26, 2011, the Rule previously entered by the Court directing Respondent to show cause why he should not be placed on temporary suspension was, after receiving no response from Respondent, made absolute and Respondent was placed on temporary suspension pursuant to Rule 214(d)(2), Pa.R.D.E., effective October 26, 2011.

CHARGE

4. On or about May 13, 2009, Respondent was charged by the grand jury in United States District Court for the Western District of Pennsylvania with one count of Possession of

Material Depicting the Sexual Exploitation of a Minor, in violation of Title 18, U.S.C. §2252(a)(4)(B).

5. On April 27, 2010, Respondent entered into a plea agreement and withdrew his plea of not guilty previously entered on May 22, 2009, and pled guilty in open Court to Count One of the indictment.

6. The Court accepted Respondent's plea of guilty and set his sentencing for August 27, 2010.

7. On August 27, 2010, sentence was imposed by Judge Joy Flowers Conti. Respondent was sentenced to:

(a) 50 months imprisonment;

(b) A 15 year term of supervised release, with all conditions listed and outlined, including but not limited to:

(i) Registration as a convicted sex offender in any state where he resides, is employed, carries on a vocation, or is a student;

(ii) Not possessing any material depicting and/or describing "sexually

explicit conduct" as defined by 18 U.S.C. §2256(2);

(iii) Not possessing any materials depicting and/or describing child pornography as defined by Title 18 U.S.C. §2256(8); and,

(iv) Cooperating in the collection of his DNA as directed by the probation officer.

(c) Forfeiture of his Macintosh iMac computer as set forth on the record; and,

(d) Pay the United States a special assessment under Title 18 U.S.C. §3013 of \$100.

8. Additionally, the standard terms and conditions of federal probation or supervised release were imposed upon Respondent and included, among other things, that he:

(a) Not commit any other federal, state or local crime;

(b) Not leave the jurisdiction without permission; and,

(c) Not possess, purchase, use, distribute, or administer any narcotic or controlled substance except as may be prescribed by a physician.

9. Respondent is currently incarcerated and serving his sentence at FCI Elkton, Federal Correctional Institution, P.O. Box 10, Lisbon, OH 44432.

10. No appeal was filed following Respondent's conviction.

11. The crime of Possession of Material Depicting the Sexual Exploitation of a Minor, in violation of Title 18 U.S.C. §2252(a)(4)(B), is a felony which is punishable by a term of imprisonment of not more than 10 years. This is a serious crime as defined by Rule 214(i), Pa.R.D.E.

12. Respondent did not report his conviction to the Secretary of the Disciplinary Board as required by Rule 214(a), Pa.R.D.E.

WHEREFORE, Petitioner prays that your Honorable Board appoint, pursuant to Rule 205, Pa.R.D.E., a Hearing Committee to hear testimony and receive evidence in accordance with Rule 214(f)(1) on the sole issue of the extent of the final discipline to be imposed, and at the conclusion of said

hearing, to make such findings of fact and recommendation for discipline as it may deem appropriate.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

By *Susan N. Dobbins*

Susan N. Dobbins
Disciplinary Counsel
Attorney Registration No. 52108
The Disciplinary Board of the
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VERIFICATION

The statements contained in the foregoing Petition for 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. §4904, relating to unsworn falsification to authorities.

November 8, 2011
Date

Susan N. Dobbins
Susan N. Dobbins
Disciplinary Counsel