

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1966 Disciplinary Docket No. 3
Petitioner :
 :
v. : No. 51 DB 2013
 :
 :
BERNARD SNYDER, : Attorney Registration No. 14796
Respondent : (Montgomery County)

ORDER

PER CURIAM:

AND NOW, this 18th day of September, 2013, there having been filed with this Court by Bernard Snyder his verified Statement of Resignation dated July 17, 2013, 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 Bernard Snyder 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 9/18/2013

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 51 DB 2013
Petitioner	:	
	:	
v.	:	Attorney Registration No. 14796
	:	
BERNARD SNYDER	:	
Respondent	:	(Montgomery 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

In the Matter of

BERNARD SNYDER

:
:
:
:
:
:
:
:
:

No. 51 DB 2013

Attorney Registration No. 14796

(Montgomery County)

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

BERNARD SNYDER, Respondent, hereby tenders his resignation from the practice of law in the Commonwealth of Pennsylvania in conformity with Rule 215, Pa.R.D.E. and further states as follows:

1. He is a formerly admitted attorney in the Commonwealth of Pennsylvania having been admitted to the bar on or about June 2, 1958 and is on active status.
2. He desires to submit his resignation as a member of said bar.
3. 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 this resignation.
4. He is aware that there are presently pending investigations into allegations that he has been guilty of misconduct, the nature of which allegations have been made known to him by a Petition For Discipline filed April 22, 2013, a true and correct copy of which is attached hereto.

FILED

AUG 01 2013

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

made a part hereof and marked Exhibit "A."

5. He acknowledges that the material facts upon which the allegations contained in Exhibit "A" are based are true.


6. He submits the within resignation because he knows that he could not successfully defend himself against the charges of professional misconduct set forth in the attached Exhibit "A."

7. He is fully aware that the within resignation statement is irrevocable and that he can apply for reinstatement to the practice of law only pursuant to the provisions of Rule 218, Pa.R.D.E.

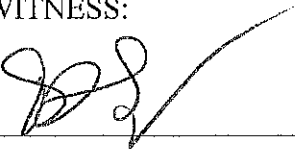
8. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has retained, consulted and acted upon the advice of counsel in connection with this decision to execute the within resignation.

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 *July*, 2013.


Bernard Snyder, Respondent

WITNESS:



BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner : No. 51 DB 2013
v. :
Attorney Reg. No. 14796
BERNARD SNYDER, :
Respondent : (Montgomery County)

PETITION FOR DISCIPLINE

Petitioner, the Office of Disciplinary Counsel, by Paul J. Killion, Chief Disciplinary Counsel, and Harold E. Ciampoli, Jr., Disciplinary Counsel, files the within Petition for Discipline and charges Respondent, Bernard Snyder, with professional misconduct in violation of the Rules of Professional Conduct as follows:

1. Petitioner, whose principal office is situated at Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62485, Harrisburg, Pennsylvania 17106, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter "Pa.R.D.E."), with the power and duty to investigate all matters involving alleged misconduct of any attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of said Rules.

WE HEREBY CERTIFY THE WITHIN TO
BE A TRUE AND CORRECT COPY

Exhibit A

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Office of the Secretary
The Disciplinary Board

2. Respondent, Bernard Snyder, was born On October 22, 1925, and was admitted to practice law in the Commonwealth on June 2, 1958. His attorney registration number is 14796.

3. Respondent is currently on active status and his registered address is 113 Almat Terrace, Philadelphia, PA 19115-2745.

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

CHARGE

5. Philly Family Practice, Inc. (hereinafter "Philly Family"):

- a. is a Pennsylvania corporation that was incorporated on June 5, 2000, as a result of paperwork submitted by Certified Public Accountant Joel Glauser;
- b. operated between June 5, 2000 and September 30, 2003 ("relevant time period");
- c. was located at 4612 North Broad Street, Philadelphia, Pennsylvania; and
- d. purported to provide chiropractic medical and physical therapy treatments and diagnostic services to persons injured in accidents.

6. Joel Glauser was Respondent's accountant.

7. Shortly before Philly Family was incorporated, Respondent signed checks drawn on Respondent's business account to pay: Philly Family's Business tax; Mr. Glauser for the cost of Philly Family's incorporation; and Philly Family's first month rent and security deposit.

8. Hav Moeung and Leon Miller were listed as fifty percent owners of Philly Family during the relevant time period.

9. Leon Miller was approximately seventy five years old at the time Philly Family was incorporated and was a long-time friend of Respondent.

10. Hav Moeung was the son of Respondent's acquaintance, Cheav Moeung, and was approximately twenty-two years old at the time Philly Family was incorporated.

11. Hav Moeung and Leon Miller had never met or communicated with each other.

12. Throughout the relevant time period, Respondent was a proprietor, owner, officer and/or shareholder of Philly Family.

13. Respondent, Philly Family, Hav Moeung, and others conspired to defraud and defrauded insurance companies, including State Farm Fire and Casualty Company and the State Farm Mutual Automobile Insurance Company ("State Farm") during the entire time that Philly Family operated.

14. The conspiracy and scheme to defraud involved the following:

- a. the provision and billing for treatment identified as performed by a physician, when the treatment was rendered by unlicensed and unqualified individuals;
- b. the provision and billing for medically unnecessary treatment;
- c. the billing for treatment that was not administered; and
- d. the provision and billing for treatment by a physician when a physician was not administering the treatment and was not at the medical facility when the treatment was administered.

15. To perpetuate the fraudulent scheme and conspiracy on insurance companies, Philly Family, its owners, and its employees created falsified medical records and pre-determined treatment plans for all patients that represented to insurance companies that the patients of Philly Family were injured when they were not and to substantiate these false or inflated injuries.

16. To obtain payment for medical services from insurance companies and to support further treatment and medical billing to insurance companies, Philly Family, its owners, and its employees prepared falsified medical records containing fictitious complaints of patients; fictitious findings of injuries; and fictitious examination documentation identifying physical findings.

17. Philly Family, its owners, and its employees intended to create falsified medical records, knew the false nature of the medical records, and conspired and agreed to create the falsified medical records with the purposes of securing payment from insurance companies and assisting the successful prosecution of claims and lawsuits of its patients.

18. Throughout the relevant time period, Respondent was an active and knowing participant along with others in a scheme to defraud State Farm by doing acts including, but not limited to, producing and submitting fraudulent medical reports, bills, and other documents, and making representations that were intended to generate payment from State Farm for medical treatment allegedly provided to individuals insured by State Farm.

19. During the relevant times, Respondent fraudulently concealed his involvement in Philly Family.

20. Throughout the relevant time period, Respondent's law practice consisted mostly of representing plaintiffs in personal injury cases.

21. During the relevant times, Philly Family had referred patients to Respondent and Respondent had referred clients to Philly Family.

22. At some point during the relevant time period, approximately forty percent of all the people Respondent represented were treating at Philly Family.

23. On April 18, 2006, an amended civil complaint was filed by State Farm in the United States District Court for the Eastern District of Pennsylvania, captioned *State Farm Mutual Automobile Insurance Company et. al. vs. Philly Family Practice, Inc., et. al.*, docket No. 05-2081, alleging that Respondent and various co-defendants had, *inter alia*:

- a. committed violations of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), Pennsylvania Insurance Fraud Statute and Common Law Fraud; and
- b. participated in a scheme to defraud State Farm by doing acts including, but not limited to, producing and submitting fraudulent medical reports, bills and other documents which were intended to generate payment from State Farm for medical treatment allegedly provided to individuals insured by State Farm.

24. A civil jury trial was held before the Honorable Juan R. Sanchez, on June 16, 17, and 20, 2011, during which time Respondent was represented by attorney Anne M. Dixon, Esquire.

25. At trial, Respondent:

- a. stipulated (after having the opportunity to review two hundred seventeen medical charts and records of patients treated at Philly Practice, over one

hundred deposition transcripts, and the testimony of all witnesses) that the medical records created by Philly Practice were fraudulent; and

- b. testified, *inter alia*, that shortly before Philly Family was incorporated; he made a loan of \$20,000.00 to his acquaintance Cheav Moeung, which Respondent understood was going to be used to start a medical center for Cheav's twenty-two year old son, Hav Moeung.

26. On June 22, 2011, the official verdict slip was filed, in which the jury found the following:

- a. As to State Farm's claim of Statutory Insurance Fraud:
 - i. Respondent had assisted, helped, solicited or conspired in the admitted fraudulent practices at Philly Family Practice, Inc.;
 - ii. Respondent, with the knowledge of their false or fraudulent nature, presented or sent statements, for example, demand letters, medical records, medical reports or medical bills to State Farm;
 - iii. Respondent knowingly benefited directly, or indirectly, from the admitted fraudulent practices at Philly Family Practice, Inc.;

iv. Respondent was the owner, administrator or employee of Philly Family Practice, Inc., and allowed Philly Family Practice, Inc. to engage in common law fraud; and

b. As to State Farm's claim of Common Law Fraud:

i. Respondent participated in the admitted fraudulent practices at Philly Family Practice, Inc.

27. The burden of proof for State Farm to prove its claims based on Statutory Insurance Fraud and Common Law Fraud was a clear and convincing evidence standard.

28. On June 28, 2011, in accordance with the verdict of the jury, it was ordered that judgment be entered in favor of State Farm against Respondent and further ordered that compensatory damages in the amount of \$685,300.00 be awarded to State Farm and punitive damages be awarded to State Farm in the amount of \$400,000.00.

29. On July 13, 2011, Respondent appealed to the United States Court of Appeals for the Third Circuit from the Order of Judgment dated June 28, 2011.

30. On April 10, 2012, Respondent filed a Motion to Withdraw his appeal.

31. By Order dated April 11, 2012, Respondent's appeal to the Third Circuit was dismissed.

32. By his conduct as alleged in Paragraphs 5 through 31 above, Respondent violated the following Rule of Professional Conduct:

- A. RPC 8.4(c), which states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

WHEREFORE, Petitioner prays that your Honorable Board appoint, pursuant to Rule 205, Pennsylvania Rules of Disciplinary Enforcement, a Hearing Committee to hear testimony and receive evidence in support of the foregoing charges and upon completion of said hearing to make such findings of fact, conclusions of law, and recommendations for disciplinary action as it may deem appropriate.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION,
Chief Disciplinary Counsel

BY:



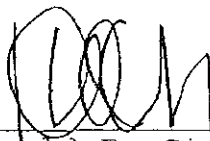
Harold E. Ciampoli, Jr.
Attorney Reg. No. 51159
Office of Disciplinary Counsel
District II Office
Suite 170
820 Adams Avenue
Trooper, PA 19403
(610) 650-8210

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.A. §4904, relating to unsworn falsification to authorities.

4/15/13

Date



Harold E. Ciampoli, Jr.
Disciplinary Counsel