

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1239 Disciplinary Docket No. 3
Petitioner :
v. : No. 22 DB 2007
: Attorney Registration No. 70329
STANLEY SILVER, :
Respondent : (York County)

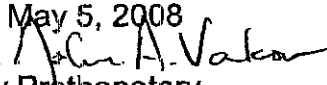
ORDER

PER CURIAM:

AND NOW, this 5th day of May, 2008, upon consideration of the Report and Recommendations of the Disciplinary Board dated November 27, 2007, it is hereby

ORDERED that Stanley Silver is suspended from the Bar of this Commonwealth for a period of six months and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

It is further ORDERED that respondent shall pay costs to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.

A True Copy John A. Vaskov
As of: May 5, 2008
Attest: 
Deputy Prothonotary
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 1239 Disciplinary Docket
Petitioner	:	No. 3
	:	
	:	No. 22 DB 2007
v.	:	
	:	Attorney Registration No. 70329
STANLEY SILVER	:	
Respondent	:	(York County)

REPORT AND RECOMMENDATIONS OF
THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES
OF THE SUPREME COURT OF PENNSYLVANIA:

Pursuant to Rule 208(d)(2)(iii) of the Pennsylvania Rules of Disciplinary Enforcement, the Disciplinary Board of the Supreme Court of Pennsylvania ("Board") herewith submits its findings and recommendations to your Honorable Court with respect to the above-captioned Petition for Discipline.

I. HISTORY OF PROCEEDINGS

On March 22, 2007, the Supreme Court of Pennsylvania referred the matter of Stanley Silver to the Disciplinary Board as a result of Mr. Silver's conviction in the Court of Common Pleas of York County of the crimes of accident involving damage to attended vehicle or property, driving while operating privileges are suspended or revoked and driving within a single lane.

On April 23, 2007, the Office of Disciplinary Counsel filed a Petition for Discipline against Respondent charging him with violations of Rule of Professional Conduct 8.4(b) and Rule of Disciplinary Enforcement 203(b)(1). Respondent did not file an Answer to Petition for Discipline.

A disciplinary hearing was held on July 17, 2007, before a District III Hearing Committee comprised of Chair Daniel J. Distasio, Jr., Esquire, and Members Marc J. Farrell, Esquire, and Daniel J. Barrett, Esquire. Respondent appeared pro se.

The Hearing Committee filed a Report on September 12, 2007, with a majority of the Committee recommending that Respondent be publicly censured before the Supreme Court of Pennsylvania. The dissenting Member recommended a suspension of less than one year.

This matter was adjudicated by the Disciplinary Board at the meeting on November 7, 2007.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Office of Disciplinary Counsel, Petitioner, whose office is located at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania 17101, is invested, under Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement, with the power and the 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 brought in accordance with the various provisions of that Rule.

2. Respondent is Stanley Silver. He was born in 1934 and was admitted to the practice of law in the Commonwealth in 1994. His registered office address is 2228 Bernays Drive, York, PA 17404. Respondent is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. Respondent has no prior history of discipline.

4. On January 17, 2006, at approximately 7:30 p.m., Respondent was driving his brother-in-law's Ford Mustang automobile along North George Street in York and while changing from the left lane to the right lane sideswiped a car being operated by Ashley Gross, who was driving in the right lane.

5. Respondent did not stop at the scene of the accident but continued driving away.

6. Ms. Gross followed the Ford Mustang until she could see the license plate number, which she gave to the police.

7. The police ran the plate number through NCIC and went to the owner's home and was advised that Respondent was driving the car.

8. At the time of the incident on January 17, 2006, Respondent's driver's license was under suspension and he was serving a 60 day sentence on weekends for a previous offense of Driving While Operating Privileges are Suspended or Revoked.

9. On January 31, 2006, the Northern York County Regional Police charged Respondent with the following crimes: Accident Involving Damage to Attended Vehicle or Property in violation of 75 Pa.C.S. §3743(a), a misdemeanor of the third degree; Driving While Operating Privileges are Suspended or Revoked in violation of 75 Pa.C.S. §1543(a), a summary offense; and Driving Within Single Lane in violation of 75 Pa.C.S. §6503(a.1), a summary offense.

10. On July 7, 2006, Respondent appeared before the Honorable John C. Uhler and entered pleas of guilty to the three charges.

11. On September 6, 2006, Judge Uhler, noting that this was Respondent's tenth conviction of driving while under suspension, sentenced Respondent as follows: on Count 1, Accident Involving Damage to Attended Vehicle or Property, to serve a minimum of 45 days to 12 months in prison, and pay a fine of \$2,500, effective October 9, 2006; on Count 2, Driving While Operating Privileges are Suspended or Revoked, to serve 60 days in prison, concurrent with Count 1, and pay a fine of \$500; on Count 3, Driving Within Single Lane, to pay a fine of \$100 and to pay the costs of prosecution.

12. Prior to the time of sentencing, Respondent compensated Ms. Gross for the damage to her car.

13. Respondent did not notify the Disciplinary Board of his conviction as required by Rule 214(a), Pa.R.D.E., which requires an attorney who is convicted of a serious crime pursuant to Rule 214 to report such conviction within 20 days of sentencing.

14. Respondent's driver's license is suspended until 2011.

15. Respondent explained that he continued to drive while his license was suspended because he had work responsibilities and family obligations and was unable to find someone else to do the driving. In the instant matter he had to pick up one of his children.

16. Respondent explained his previous attitude as "I'll pay the fines and do it." (N.T. 10)

17. Respondent recognizes that he cannot drive until he is legally authorized to do so. Respondent expressed remorse for his actions.

III. CONCLUSIONS OF LAW

By his conduct as set forth above, Respondent violated the following Rules:

1. Pa.R.D.E. 203(b)(1) - Conviction of a serious crime, Accident Involving Damage to Attended Vehicle or Property, is an independent ground for discipline.

2. RPC 8.4(b) - It is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, truthfulness or fitness as a lawyer in other respects.

IV. DISCUSSION

This matter is before the Disciplinary Board on a Petition for Discipline charging Respondent with professional misconduct arising out of his criminal conviction for accident involving damage to attended vehicle or property; driving while operating

privileges are suspended or revoked; and driving within a single lane. The incident giving rise to the conviction occurred on January 17, 2006 when Respondent, driving his brother-in-law's automobile at a time when Respondent's license was suspended, collided with a vehicle being operated by another. Respondent failed to stop at the scene and criminal charges ensued. Following Respondent's conviction in the York County Court of Common Pleas, he failed to notify the Disciplinary Board of his conviction. The Honorable John Uhler of the York County Court of Common Pleas advised Office of Disciplinary Counsel of the conviction. The conviction was referred to the Disciplinary Board by the Supreme Court.

Respondent appeared at the disciplinary hearing on July 17, 2007. There was no dispute as to the facts giving rise to the Petition for Discipline. Respondent had no objection to the admission of Petitioner's exhibits and he was the sole witness.

The conduct that violated the Rules of Professional Conduct and Rules of Disciplinary Enforcement is Respondent's conviction for leaving the scene of the accident and driving while his license was suspended or revoked. Respondent served his criminal sentence and compensated the victim for the damage to the other automobile. Respondent has a history of driving while under suspension. The sentencing judge in the instant matter noted that it was Respondent's tenth conviction for such activity. Respondent's continual act of breaking the law aggravates the instant misconduct.

Respondent was candid with the Hearing Committee as to his previous nonchalant attitude about driving while his license was suspended. He took the view that he would try to get rides from properly licensed drivers but if he was unable to do so he would drive himself, especially if work or family situations arose. This was the situation that occurred on January 17, 2006. Respondent's young daughter needed a ride home and he had no one else to get her. Respondent felt that his act of paying the fines associated with his improper driving absolved him of any wrongdoing. Respondent's current attitude is one of remorse for the instant incident and recognition that he cannot drive until he is legally authorized to do so.

Leaving the scene of an accident while driving under suspension is a criminal offense. Respondent cavalierly ignored his obligations under the law in order to address personal issues. Lawyers cannot place their personal obligations higher than their obligations under the law. Respondent's actions call for a short suspension, as the public censure recommended by the Committee is not adequate to address Respondent's irresponsible actions.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, Stanley Silver, be suspended from the practice of law for a period of six months.

It is further recommended that the expenses incurred in the investigation and prosecution of this matter are to be paid by the Respondent.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: Smith Barton Gephart
Smith Barton Gephart, Vice-Chair

Date: November 27, 2007

Board Members Gentile and Jefferies did not participate in the adjudication.