

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1290 Disciplinary Docket No. 3
Petitioner :
v. : No. 90 DB 2007
DREW KRISHEN KAPUR, : Attorney Registration No. 35018
Respondent : (Philadelphia)

ORDER

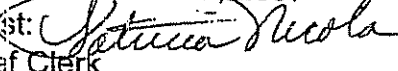
PER CURIAM:

AND NOW, this 7th day of November, 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 Drew Krishen Kapur be subjected to public censure by the Supreme Court.

A True Copy Patricia Nicola

As of: November 7, 2007

Attest: 
Chief Clerk

Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA


OFFICE OF DISCIPLINARY COUNSEL : No. 90 DB 2007
Petitioner :
v. : Attorney Registration No. 35018
DREW KRISHEN KAPUR :
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 Smith Barton Gephart, Mark S. Baer and Robert C. Saidis, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on June 20, 2007.

The Panel approves the Joint Petition consenting to a Public Censure 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.



Smith Barton Gephart, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: July 24, 2007

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : *90 DB 2007*
Petitioner :
:
: No. C1-07-104
v. :
: Atty. Reg. No. 35018
DREW KRISHEN KAPUR, :
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, Drew Krishen Kapur, 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:

I. BACKGROUND

1. Petitioner, whose principal office is situated at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania, is invested, pursuant to Pa.R.D.E. 207, with the power and duty to investigate all matters involving alleged misconduct of any attorney admitted to practice law

FILED

JUN 20 2007

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

in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.

2. Respondent, Drew Krishen Kapur, was born on July 3, 1956, and was admitted to practice law in this Commonwealth on November 9, 1981.

3. Respondent's attorney registration address is 30 S. 17th Street, Philadelphia, PA 19103.

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

5. Respondent specifically admits to the truth of the factual allegations and conclusions of law contained in paragraphs 1 through 22.

6. At approximately 3:00 a.m. on October 16, 2005, Respondent went to 347 Waterford Drive, Delran, New Jersey, and entered his automobile, which had been in a single-car accident and was parked up against an overturned light pole.

7. Respondent informed Patrolman Michael E. McClean of the Delran Police Department that Respondent had:

- a. been driving his automobile;

- b. begun to fiddle with the radio, thereby causing the accident; and
- c. left his automobile to run home and get his wallet.

8. Respondent's statements to Patrolman McClean were false and Respondent knew they were false when Respondent made them because Respondent's son was the driver of the automobile at the time of the accident.

9. Patrolman McClean asked Respondent several times whether Respondent was the driver of the vehicle involved in the accident.

10. Respondent repeatedly answered "Yes."

11. Respondent's answers to Patrolman McClean were false and Respondent knew they were false when Respondent made them.

12. Patrolman McClean advised Respondent that Respondent would be separately charged with Hindering Apprehension if another person was, in fact, driving Respondent's automobile.

13. Patrolman McClean issued Respondent a Motor Vehicle Summons for Careless Driving, N.J.S.A. 39:4-97.

14. Respondent subsequently informed the Delran police that Respondent was not driving Respondent's automobile at the time of the accident.

15. The Delran police charged Respondent with a disorderly persons offense of giving false information to hinder prosecution, in violation of N.J.S.A. 2C:29-3a(7).

16. On April 24, 2006, Respondent:
 - a. appeared before Delran Township Municipal Court Judge Richard E. Andronici;
 - b. pleaded guilty to violating N.J.S.A. 2C:29-3a(7); and
 - c. was assessed fines, penalties, and costs totaling \$364.

17. By his conduct, Respondent violated the following Rules 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; and
- b. 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.

III. JOINT RECOMMENDATION FOR DISCIPLINE

18. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a Public Censure.

19. 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 the mandatory acknowledgements contained in Pa.R.D.E. 215(d)(1) through (4).

20. Petitioner and Respondent respectfully submit that there is the following aggravating circumstance:

- a. On January 11, 2007, Respondent received a Public Censure in New Jersey for the identical conduct described in paragraphs 6-16, *supra*.

21. Petitioner and Respondent respectfully submit that there is the following mitigating circumstance:

- a. Respondent cooperated with ODC's investigation.

22. A Public Censure is within the range of discipline imposed on attorneys who have engaged in misconduct similar to Respondent's misconduct. See, e.g., *Office of Disciplinary Counsel v. McCague*, No. 175 D.B. 2003, D.Bd. Rpt. 9/9/2005 (S.Ct. Order 1/12/2005) (attorney who concealed tobacco and marijuana on his person, attempted to bring the contraband into a prison, lied to prison authorities who repeatedly asked attorney whether he had concealed anything on his person, and was convicted of the summary offense of disorderly conduct, received a Public Censure for violating RPC 8.4(d)). Respondent Kapur

likewise lied to the police when he repeatedly identified himself as the driver of the automobile involved in the traffic accident. Respondent Kapur lied to the police to conceal his son's identity as the driver of the vehicle in order to protect his son, whereas McCague lied to the prison authorities to conceal his attempt to smuggle contraband, which McCague intended his client to use to buy protection while in prison.

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 that Respondent receive a Public Censure; 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,

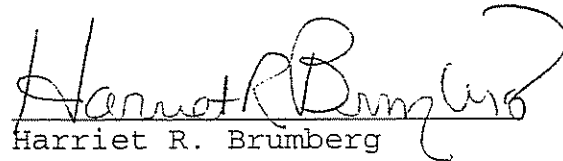
OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

6/12/07

Date

By

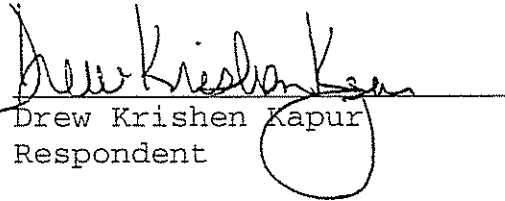


Harriet R. Brumberg
Disciplinary Counsel

6.14.2007

Date

By



Drew Krishen Kapur
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
:
: No. C1-07-104
v. :
: Atty. Reg. No. 35018
DREW KRISHEN KAPUR, :
Respondent: (Philadelphia)

ORDER

PER CURIAM:

AND NOW, this _____ day of _____,
2007, upon consideration of the Recommendation of the
Three-Member Panel of the Disciplinary Board dated
_____, 2007, the Joint Petition in Support of
Discipline on Consent is hereby granted in accordance with
Rule 215(g), Pa.R.D.E., and it is hereby

ORDERED that Drew Krishen Kapur be subjected to public
censure by the Supreme Court.

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
 Petitioner :
 :
 : No. C1-07-104
 :
 : Atty. Reg. No. 35018
 :
v. :
DREW KRISHEN KAPUR, :
 Respondent : (Philadelphia)

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


Respondent, Drew Krishen Kapur, hereby states that he consents to the imposition of a Public Censure, 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;

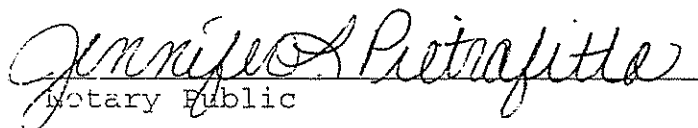
2. He is aware that there is presently pending an investigation involving allegations that he has been guilty of misconduct as set forth in the Joint Petition;

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

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


Drew Krishen Kapur

Sworn to and subscribed
before me this 14th
day of JUNE, 2007


Notary Public

JENNIFER L. PIETRAFITTA
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES AUG. 9, 2009

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :

Petitioner :

:

: No. C1-07-104

v. :

: Atty. Reg. No. 35018

DREW KRISHEN KAPUR, :

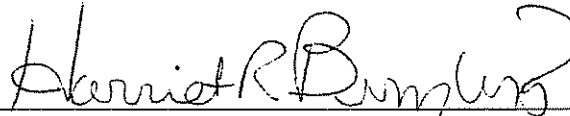
Respondent: (Philadelphia)

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.

6/12/07

Date



Harriet R. Brumberg
Disciplinary Counsel

6.14.2007

Date



Drew Krishen Kapur
Respondent