

Eastern District

OFFICE OF DISCIPLINARY COUNSEL,  
Petitioner

vs.


HAROLD EDWIN CASETY, JR.,  
Respondent

No. 442 Disciplinary Docket, No. 2

J U D G M E N T

ON CONSIDERATION WHEREOF, it is now here ordered and adjudged by this Court that Mr. Casety is DISBARRED as of July 13, 1984, the date of the interim suspension order.


BY THE COURT:

  
Marlene F. Lachman, Esq.  
Prothonotary

Dated: DECEMBER 13, 1985

**TRUE COPY FROM RECORD**

Attest: 12.12.85

  
Marlene F. Lachman, Esq.  
Prothonotary  
Supreme Court of Pennsylvania

(J-146-1985)

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 442, Disciplinary Docket
	:	No. 2, Disciplinary Board
	:	No. 61 DB 84
Petitioner	:	
	:	On Exceptions from the Report
	:	and Recommendation of the
	:	Disciplinary Board of the
v.	:	Supreme Court of Pennsylvania,
	:	Dated July 24, 1985, and
	:	Docketed at No. 61 DB 84
	:	
HAROLD EDWIN CASETY, JR.,	:	
	:	
Respondent	:	Argued - October 22, 1985

OPINION OF THE COURT

MR. JUSTICE PAPADAKOS

FILED: DECEMBER 13, 1985

Harold Edwin Casety, Jr. (Casety) has petitioned this Court from the Finding of Facts and Recommended Discipline of the Disciplinary Board (Board) of this Court recommending that Casety be disbarred from the practice of law.<sup>1</sup> The facts are not in dispute and can be briefly summarized.

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<sup>1</sup> The Disciplinary Board of the Supreme Court exists pursuant to the Pennsylvania Rules of Disciplinary Enforcement, Pa.R.D.E. 205, and is authorized to investigate the conduct of attorneys subject to our discipline. After a hearing committee conducts hearings into an attorney's alleged misconduct, it makes recommendations as to the disposition of the charges filed against an attorney. The full Board then is required to review same and make its final recommendation to us. See Pa.R.D.E. Rules 205, 206, and 208.

As a result of the plea, Casety was sentenced to a term of imprisonment of four years for manslaughter and two years for using a firearm during the commission of a crime. Casety served almost three and one-half (3-1/2) years of his sentence in prison before being paroled. He was permitted to return to Pennsylvania to complete his parole, which he successfully completed on October 20, 1984.

After returning to Pennsylvania, Casety, for the first time, notified the Disciplinary Council of his Californ conviction for voluntary manslaughte <sup>4</sup> After Casety's June 6,

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Footnote No. 3 continued ...

been convicted, be punished by an additional term of imprisonment in the state prison for two years, unless use of a firearm is an element of the offense of which he was convicted.

Section 1203.06(a)(1)(i) provides:

(a) Probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, any of the following crimes:

(1) Any person who personally used a firearm during the commission or attempted commission of any of the following crimes:

(i) Murder.

<sup>4</sup> On August 15, 1984, Casety also informed the Florida Bar of his conviction. The Supreme Court of Florida responded by suspending Casety from the practice of law on November 13, 1984.

1984, notification to the Board, we suspended Casety from the practice of law pursuant to Pennsylvania Rule of Disciplinary Enforcement (Pa.R.D.E.) 214(d), pending final disposition of disciplinary proceedings to be instituted as a result of the conviction.

A Hearing Committee of the Board conducted its investigation on December 11, 1984, where Casety admitted his conviction and his neglect of four years in notifying the Board of his conviction. At that proceeding, Casety presented evidence only as to the nature of the discipline to be imposed. The Hearing Committee found that Casety's conviction and deliberate failure to notify the Board of his conviction warranted a five year suspension, effective July 13, 1984, the date of our interim suspension order.

A panel of the full Board heard Exceptions to the Hearing Committee's recommendation. The Board adopted the Hearing Committee's findings, but based on its review of the facts and violations involved, on July 24, 1985, recommended that Casety be disbarred. We granted Casety's request for oral argument from the Board's findings and recommendations.

Casety acknowledges that his conduct requires that he be disciplined, but contends that a five-year suspension retroactive

If that were all the record revealed, we would disbar Casety with little difficulty. Clearly, he was convicted of a crime under Pa.R.D.E. 214 and thereby violated DR 1-102(A)(1), (3) and (6).<sup>6</sup> In this proceeding, however, Casety's subsequent conduct more than convinces us that disbarment is the only proper discipline. Once Casety was convicted in California, he was obligated by Pa.R.D.E. 214(a) to "report the fact of such conviction to the Secretary of the Board within twenty (20) days of sentencing." Not only did Casety fail to heed this mandatory duty for four years, but he deliberately notified the Administrative Office of Pennsylvania Courts (AOPC) of his intent to remain in active status by executing the AOPC's filing statements for the years 1981, 1982, 1983. He executed his deceitful plan by using a friend's business address for his office address, and having the annual registration fee paid by this

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<sup>6</sup> DR 1-102(A)(1), (3) and (6) provide:

(A) A lawyer shall not:

- 1) Violate a Disciplinary Rule
- 3) Engage in illegal conduct involving moral turpitude.
- 6) Engage in any other conduct that adversely reflects on his fitness to practice law.

below that expected of a lawyer. That conduct coupled with his conviction for voluntary manslaughter requires that we accept the recommendation for discipline. Casety is ordered disbarred as of July 13, 1984, the date of the interim suspension order.

MR. JUSTICE ZAPPALA filed a Dissenting Opinion in which MR. JUSTICE HUTCHINSON joined.

[J-146-1985]

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	:	On Exceptions from the Report
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v.	:	Supreme Court of Pennsylvania,
	:	dated July 24, 1985, and
	:	docketed at No. 61 DB 84
	:	
HAROLD EDWIN CASETY, JR.	:	
	:	
Respondent	:	ARGUED: October 22, 1985

DISSENTING OPINION

JUSTICE ZAPPALA

FILED: DECEMBER 13, 1985

I dissent. I would issue a five-year suspension corresponding to the recommendation of the Disciplinary Board hearing committee and the minority members of the Disciplinary Board. The five-year suspension would be made retroactive to July 13, 1984, the effective date of the interim suspension of Harold Casety by this Court.

Mr. Justice Hutchinson joins in this dissenting opinion.