

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

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 3047 DD3
	:	
Petitioner	:	No. 13 DB 2025
	:	
v.	:	ODC File No. C2-22-883
	:	
	:	Attorney Reg. No. 81894
PAUL M. SCHOFIELD, JR.,	:	
Respondent	:	(Delaware County)

**JOINT PETITION IN SUPPORT
OF DISCIPLINE ON CONSENT
PURSUANT TO Pa.R.D.E. 215(d)**

Petitioner, the Office of Disciplinary Counsel (hereinafter, "ODC") by Thomas J. Farrell, Chief Disciplinary Counsel, and Emily R. Provencher, Disciplinary Counsel and Respondent, Paul M. Schofield, Esquire (hereinafter "Respondent"), by and through his counsel, Richard F. Klineburger, III, Esquire, respectfully petition the Disciplinary Board in support of discipline on consent, pursuant to Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 215(d), and in support thereof state:

1. ODC, whose principal office is situated at Office of Chief Disciplinary Counsel, Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania

<p style="text-align: center;">FILED 02/05/2025 The Disciplinary Board of the Supreme Court of Pennsylvania</p>

17106, is invested, pursuant to Pa.R.D.E. 207, with the power and 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 the aforesaid Enforcement Rules.

2. Respondent was born in 1965 and was admitted to practice law in the Commonwealth on October 5, 1998. Respondent is on active status and his last registered address is 225 Wilmington West Chester Pike, Suite 200, Chadds Ford, Pennsylvania 19317. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. Respondent is also licensed to practice law in New Jersey.

4. Respondent resides in Delaware but is not licensed to practice law in Delaware.

5. Respondent has no prior record of discipline in Pennsylvania.

SPECIFIC FACTUAL ALLEGATIONS ADMITTED

6. Respondent's affidavit stating, *inter alia*, his consent to the recommended discipline is attached as Exhibit A.

Respondent's Delaware Assault Conviction

7. On April 29, 2022, Respondent was a patron at a bar called the Stapler Athletic Association in Wilmington, Delaware, drinking alcohol with a friend (the 53-year-old victim) when the two men started arguing about needing to paint a front porch.

8. Respondent struck or shoulder tackled the victim, causing the victim to fall to the ground.

9. The victim landed on his back, striking the back of his head on floor.

10. When medics arrived, the victim was on the floor breathing but not conscious.

11. Ultimately, the victim suffered brain injuries and went into cardiac arrest.

12. When questioned by police, Respondent said that he was a lawyer and did not feel comfortable speaking with law enforcement without his attorney present.

13. Police noted that Respondent appeared to be emotional as Respondent sat by himself at the crime scene.

14. Respondent was indicted by a grand jury in the State of Delaware and charged with the following offenses: 1) Criminally Negligent

Homicide, in violation of Title 11, Section 631 of the Delaware Criminal Code; and 2) Assault in the Second Degree, in violation of Title 11, Section 612.

15. On November 8, 2023, Respondent pled guilty in the Superior Court of the State of Delaware, *State of Delaware v. Paul Schofield*, Case No. 2209005914, to one count of Assault in the Third Degree, a Class A Misdemeanor in violation of Title 11, Section 611 of the Delaware Criminal Code, which the State of Delaware added to the Indictment.

16. On February 16, 2024, Judge Calvin L. Scott, Jr. imposed a Level V sentence of one year of incarceration but suspended it for one year at Level III and ordered Respondent to serve one year of probation under intensive supervision.

17. The Court also ordered Respondent to pay a fine in the amount of \$1,000.00 plus all surcharges and fees; pay restitution to the victim's wife and the Victim's Compensation Assistance Program totaling \$19,004.00; have no contact with the victim's family; and be evaluated for substance abuse and follow the recommendation for treatment, counselling, and screening.

18. Through his counsel, Respondent reported his conviction to the Office of Disciplinary Counsel in compliance with Pa.R.D.E. 214.

19. Respondent has cooperated with ODC in connection with its investigation and has expressed his willingness to accept the proposed discipline arising from his criminal conviction.

20. Respondent concedes that his conviction is grounds for discipline.

21. Respondent has no other, prior or subsequent, criminal convictions.

22. Respondent has no history of discipline in Pennsylvania.

**SPECIFIC RULE OF PROFESSIONAL CONDUCT AND
RULE OF DISCIPLINARY ENFORCEMENT VIOLATED**

23. Respondent violated the following Rule of Professional Conduct and Rule of Disciplinary Enforcement.

- a) RPC 8.4(b), which provides that it is professional misconduct for a lawyer to commit a criminal act that reflects on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; and
- b) Pa.R.D.E. 203(b)(1) which provides that conviction of a crime is grounds for discipline.

SPECIFIC RECOMMENDATION FOR DISCIPLINE

24. ODC and Respondent jointly request that Respondent receive a Public Reprimand.

25. ODC and Respondent believe the following factors constitute mitigating circumstances in support of their joint request:

- a. Respondent, through his attorney, has cooperated with ODC;
- b. Respondent has no history of discipline in over 25 years as a lawyer in Pennsylvania;
- c. Respondent has no other criminal convictions;
- d. Respondent has accepted responsibility for his actions by pleading guilty in the State of Delaware;
- e. Respondent has demonstrated remorse and regret;
- f. The crime occurred during an isolated, single episode of criminal conduct;
- g. There was no weapon, knife, gun, or object used during the assault;
- h. There was no repeated hitting, punching, kicking, etc. The evidence suggests the physical contact in the assault was a single shove, strike, or "shoulder check";

- i. Respondent's criminal conviction resulted in a probationary sentence with no incarceration;
- j. Respondent's criminal conviction was not related to the practice of law;
- k. Respondent's criminal conviction arose out of an incident involving Respondent's personal life, and the victim was not a client;
- l. Respondent was not convicted of a crime of dishonesty or a breach of trust;
- m. There is no evidence that Respondent demonstrated assaultive or aggressive behavior in the past; and
- n. Respondent is battling significant health issues.

26. While Respondent was initially charged with the crime of Criminally Negligent Homicide, it is important to highlight that Respondent was convicted of one count of Assault in the Third Degree.

27. The State of Delaware was ultimately unable to prove that Respondent caused the death of the victim as required under Criminally Negligent Homicide, in violation of Title 11, Section 631 of the Delaware Criminal Code. After reviewing expert reports regarding the victim's underlying health issues and injuries, the State of Delaware offered a plea

agreement to Respondent, and Respondent pled guilty to a lesser assault charge.

28. Resolving this disciplinary matter with a Public Reprimand will protect the public and maintain the interests of the legal profession and the Bar of the Commonwealth of Pennsylvania.

29. Violations of Pa.R.D.E. 203(b)(1) for assault convictions have resulted in discipline ranging from a Private Reprimand to Public Discipline depending on the facts and circumstances.

Private Reprimand

30. In *In re Anonymous No. 39 DB 1985*, 47 Pa. D.&C.3d 376 (1987), respondent-attorney received a private reprimand. Following the end of a labor union election meeting, respondent-attorney and a union representative engaged in a heated verbal dispute. Respondent-attorney punched the union representative in response to an ethnic slur. Respondent-attorney was convicted of Simple Assault for which he was sentenced to a 30-day suspended prison sentence and ordered to pay the costs. Respondent-attorney had no prior criminal history and no history of discipline. The Hearing Committee and Disciplinary Board recommended a private reprimand, which was imposed.

31. In *In re Anonymous No. 38 DB 2009*, (No. 1471 Disciplinary

Docket No. 3), respondent-attorney and his girlfriend left a Bucks County restaurant on April 26, 2007 at 10:30 p.m. and were both intoxicated. As they proceeded to the parking lot, a verbal altercation ensued. Respondent-attorney entered his car and began to drive out of the parking lot at an unsafe speed. The girlfriend jumped on the hood of the car and fell off as respondent-attorney was driving away. She was found on the asphalt near the car and was unresponsive due to a severe skull fracture. She never regained consciousness and was pronounced dead at the hospital. A jury acquitted respondent-attorney of Homicide by Vehicle but convicted him of Driving Under the Influence and Recklessly Endangering Another Person, a misdemeanor of the second degree. After a disciplinary hearing, the Hearing Committee recommended a private reprimand with one year of probation. The Disciplinary Board accepted that recommendation and administered the private reprimand on October 11, 2011.

Public Reprimand and Public Censure

32. In *Office of Disciplinary Counsel v. Todd Joseph Leta*, 153 DB 2021, (D.Bd. Order 12/27/2021), Leta was subjected to a Public Reprimand and placed on probation with conditions for one year after being convicted of assault. Leta entered the premises of another at night while intoxicated

and confronted the homeowner, displayed a handgun, and threatened to shoot the homeowner. The homeowner was in fear for his life. Leta pled guilty to Terroristic Threats, a misdemeanor of the first degree, Simple Assault, a misdemeanor of the second degree, and related offenses for two years of probation. Leta had no record of discipline.

33. In *Office of Disciplinary Counsel v. Pisanchyn*, 118 DB 2007, (S. Ct. Order 6/11/2009), a joint petition for a Public Censure was approved. Pisanchyn's criminal conviction for Simple Assault, a misdemeanor of the second degree, Recklessly Endangering Another Person, a misdemeanor of the second degree, and Disorderly Conduct, a summary offense, arose out of a bar fight on October 29, 2005 at the Wildcat Saloon where Pisanchyn physically assaulted the victim by punching him in the head several times. The victim sustained multiple injuries including a black eye, recurring migraine headaches, prolonged pain, and hearing loss. Pisanchyn continued the assault after the victim fell to the ground. Pisanchyn was sentenced to county prison but was permitted to serve his sentence on house arrest. He cooperated with ODC and had no prior history of discipline.

34. The present case is similar to *Leta* and *Pisanchyn*, such that they warrant public discipline but do not rise to the level of a suspension.

Like *Leta* and *Pisanchyn*, Respondent was involved in an argument while under the influence of alcohol, which resulted in the assault of the victim. Like *Leta* and *Pisanchyn*, Respondent was not incarcerated after a criminal assault conviction and had no history of discipline. The injuries suffered by the victim who lost his life in the present case are much more significant than the victims in *Leta* and *Pisanchyn*. However, the victim in the present case fell to the floor after a single shove, strike, or shoulder check by the Respondent. There was no repeated hitting, punching, or kicking by the Respondent. Respondent did not use any weapon, knife, gun, or object during the assault.

35. Based on the circumstances presented and precedent, it is jointly recommended to the Disciplinary Board that Respondent receive a Public Reprimand.

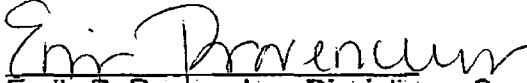
WHEREFORE, Petitioner and Respondent respectfully request that:

- a. Pursuant to Pennsylvania Rules of Disciplinary Enforcement 215(e) and 215(g), a Three-Member Panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent, and schedule imposition of a Public Reprimand; and

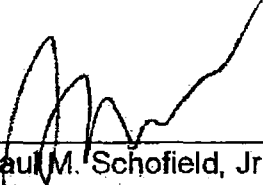
- b. Pursuant to Pa.R.D.E. 215(i), the Three-Member Panel enter an Order for Respondent to pay the necessary expenses in the investigation and prosecution of this matter, and that under Pa.R.D.E. 208(g)(1), all expenses be paid by Respondent within 30 days after the notice of taxed expenses is sent to Respondent.

Respectfully submitted,
OFFICE OF DISCIPLINARY COUNSEL
THOMAS J. FARRELL,
Attorney Registration No. 20955,
Chief Disciplinary Counsel


2/5/2025
DATE


Emily R. Provencher, Disciplinary Counsel
Attorney Registration Number 309804
Office of Disciplinary Counsel District II
820 Adams Avenue, Suite 170
Trooper, Pennsylvania 19403
(610) 650-8210

2/4/2025
DATE


Paul M. Schofield, Jr., Esquire
Attorney Registration Number 81894
Respondent

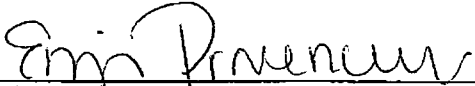
2/4/2025
DATE


Richard F. Klineburger, III, Esquire
Attorney Registration Number 79883
Counsel for Respondent

VERIFICATION


The statements contained in the foregoing *Joint Petition In Support of Discipline on Consent 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.

2/5/2025
DATE



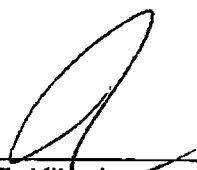
Emily R. Provencher
Disciplinary Counsel

2/4/2025
DATE



Paul M. Schofield, Jr., Esquire
Respondent

2/4/2025
DATE



Richard F. Klineburger, III, Esquire
Counsel for Respondent

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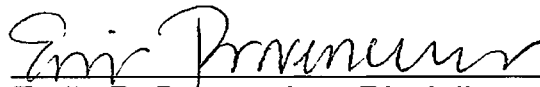
CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 204 Pa. Code §89.22 (relating to service by a participant).

Via email, as follows:

Richard F. Klineburger, III, Esquire
100 South Juniper Street
Third Floor
Philadelphia, PA 19107
rfk@klineburgerandnussey.com
(Counsel for Respondent)

Dated: 2/5/25



Emily R. Provencher, Disciplinary Counsel
Attorney Registration No. 309804
Office of Disciplinary Counsel District II
820 Adams Avenue, Suite 170
Trooper, Pennsylvania 19403
(610) 650-8210

EXHIBIT A

**BEFORE THE DISCIPLINARY BOARD OF THE
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PAUL M. SCHOFIELD, JR.,	:	
Respondent	:	(Delaware County)

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

PAUL M. SCHOFIELD, JR., being duly sworn according to law, deposes and hereby submits this affidavit consenting to the recommendation of a Public Reprimand, in conformity with Pa.R.D.E. 215(d) and further states as follows:

1. He is an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on or about October 5, 1998.
2. He desires to submit a Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d).
3. His consent 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 affidavit.

4. He is aware that there is presently pending a proceeding into allegations that he has been guilty of misconduct as set forth in the Joint Petition in Support of Discipline on Consent Pursuant to Pa.R.D.E. 215(d) to which this affidavit is attached.

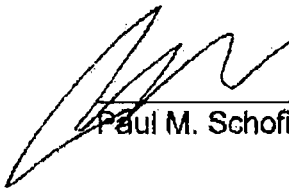
5. He acknowledges that the material facts set forth in the Joint Petition are true.

6. He submits the within affidavit because he knows that if charges predicated upon the matter under investigation were filed, or continued to be prosecuted in the pending proceeding, he could not successfully defend against them.

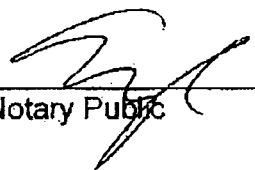
7. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has retained, consulted, and acted upon the advice of Richard F. Klineburger, III, Esquire, in connection with his decision to execute the within Joint Petition.

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 4th day of February, 2025.


Paul M. Schofield, Jr., Esquire

Sworn to and subscribed
before me this 4th
day of February, 2025


Notary Public

MICHAEL ALAN NYE
Notary Public
State of Delaware
My Commission Expires on Mar 10, 2026

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Office of Disciplinary Counsel

Signature: Emily R. Provencher 2/5/25

Name: Emily R. Provencher

Attorney No. (if applicable): 309804