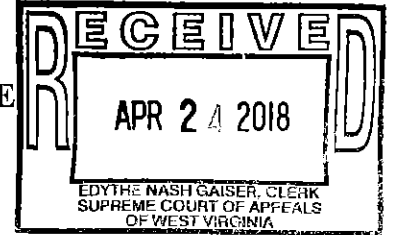


**BEFORE A HEARING PANEL SUBCOMMITTEE
OF THE LAWYER DISCIPLINARY BOARD
STATE OF WEST VIRGINIA**



In Re: PATRICK DOHENY, a member of
The West Virginia State Bar

Bar No.: 8799
Supreme Court No.: 18- 0363
I.D. No.: 17-01-439

**NOTICE OF RECIPROCAL DISCIPLINARY ACTION
PURSUANT TO RULE 3.20 OF THE
RULES OF LAWYER DISCIPLINARY PROCEDURE**

To: Patrick Doheny, Esquire
Post Office Box 23354
Pittsburgh, Pennsylvania 15222

YOU ARE HEREBY notified that a Hearing Panel Subcommittee of the Lawyer Disciplinary Board will, pursuant to Rule 3.20 of the Rules of Lawyer Disciplinary Procedure, take appropriate action against you without conducting a formal hearing upon the following matter unless, pursuant to Rule 3.20(d), you request a formal hearing regarding the formal discipline imposed upon you by the Disciplinary Board of the Supreme Court of Pennsylvania. The Hearing Panel Subcommittee will proceed on the following basis:

1. Patrick Doheny (hereinafter "Respondent") is a lawyer who was admitted to the West Virginia State Bar on October 10, 2001, after successful passage of the Bar Exam. As such, he is subject to the disciplinary jurisdiction of the Supreme Court of Appeals of West Virginia and its properly constituted Lawyer Disciplinary Board. Respondent's West Virginia law license is currently on Active status.

2. On January 5, 2017, Respondent was issued a private reprimand by the Disciplinary Board of the Supreme Court of Pennsylvania.¹ [Attachment A]
3. By Order entered October 19, 2016, the Disciplinary Board of the Supreme Court of Pennsylvania accepted and adopted the findings of the Hearing Committee which had recommended the imposition of a private reprimand. The Hearing Committee also found that Respondent had accepted responsibility for his action “and [found] nothing that would negatively impair Respondent’s fitness to continue to practice law. A practice monitor is unnecessary, as there is no indication that Respondent has an alcohol or other substance abuse problem.” [Attachment B]
4. The Pennsylvania Office of Disciplinary Counsel had previously commenced formal disciplinary proceedings against Respondent based on Respondent’s criminal conviction following a non-jury trial in the Court of Common Pleas of Allegheny County, Pennsylvania. On January 23, 2013, Respondent was convicted of (1) Aggravated Assault by Motor Vehicle while Driving Under the Influence, (2) Driving Under the Influence of Alcohol or Controlled Substance, (3) Driving Under the Influence of Alcohol, high rate of alcohol, (4) Driving Under the Influence of Alcohol or Controlled Substance, and (5) Failure to Keep Right. Respondent had also been charged, but was acquitted of, reckless driving. The convictions arose out of a motor vehicle accident that occurred on the night of October 5, 2011, wherein Respondent’s vehicle crossed the center line of a roadway and collided with a motorcycle traveling

¹This instant reciprocal matter is identified in the Office of Lawyer Disciplinary Counsel by I.D. No. 17-01-439.

in the oncoming direction. The operator of the motorcycle sustained serious bodily injuries and a civil action was also filed due to the accident and which resulted in a settlement.²

5. Respondent was sentenced on June 24, 2013, as follows: (1) placement into a county intermediate punishment program (IPP) for a period of eighteen (18) months which consisted of house arrest, work release, and the wearing of an ankle monitoring device; (2) Probation for a period of four years supervised by the Allegheny County Adult Probation Office subject to the following conditions: (a) payment of restitution in the amount of \$1.00; (b) have no contact with victim; (c) perform 100 hours of community service; and (d) do not operate a motor vehicle unless and until driver's license is restored; (3) court-ordered drug and alcohol evaluation; (4) safe driving classes; and (5) payment of a \$500.00 fine. Respondent's punishment commenced on June 24, 2013, and his probation continued until June of 2017.

² Respondent self-reported his conviction by letter dated February 13, 2013, and the Office of Lawyer Disciplinary Counsel has been investigating the matter under a complaint identified as I.D. No. 13-01-081. On September 23, 2015, the Chair of the Investigative Panel issued a stay on I.D. No. 13-01-081 pending the resolution of Respondent's underlying criminal charges and Pennsylvania disciplinary proceedings. Respondent filed a direct appeal of his criminal conviction in or about January 2014, and the Superior Court of Pennsylvania affirmed Respondent's criminal convictions by Order entered on April 29, 2015. Respondent then filed a Petition for Allowance of an Appeal with the Supreme Court of Pennsylvania on the basis of newly discovered evidence obtained during his direct appeal. The Supreme Court of Pennsylvania denied Respondent's Allowance of an Appeal on February 8, 2016, and the matter became final on March 9, 2016. Respondent next filed a Petition for Post-Conviction Collateral Relief on February 8, 2017, wherein he sought reversal, in the form of acquittal or new trial, of his conviction. An evidentiary hearing was held on June 5, 2017, and by Order entered June 5, 2017, the Court of Common Pleas of Allegheny County dismissed his Petition for Post-Conviction Collateral Relief. Respondent filed a Notice of Appeal of the denial of his Petition for Post-Conviction Collateral Relief on June 9, 2017. Upon information and belief, Respondent's appeal of the dismissal of his Petition for Post-Conviction Collateral Relief remains pending.

6. Pursuant to Rule 3.20(c) of the Rules of Lawyer Disciplinary Procedure, upon receiving notice that a lawyer who is a member has been disciplined in another jurisdiction, the Office of Lawyer Disciplinary Counsel shall, following an investigation pursuant to these Rules, refer the matter to a Hearing Panel Subcommittee for appropriate action.
7. Pursuant to Rule 3.20(d) of the Rules of Lawyer Disciplinary Procedure, if Respondent intends to challenge the validity of the sanction in connection with a disciplinary proceeding, he must request a formal hearing and file with the Office of Lawyer Disciplinary Counsel a full copy of the record of the disciplinary proceedings which resulted in the suspension of his license to practice law.
8. Rule 3.20(e) of the Rules of Lawyer Disciplinary Procedure provides that the Hearing Panel Subcommittee shall refer the matter to the Supreme Court of Appeals with the recommendation that the same discipline be imposed as imposed by the foreign jurisdiction unless it is determined by the Hearing Panel Subcommittee that (1) the procedure followed in the foreign jurisdiction did not comport with the requirements of due process of law; (2) the proof upon which the foreign jurisdiction based its determination of misconduct is so infirm that the Supreme Court of Appeals cannot, consistent with its duty, accept as final the determination of the foreign jurisdiction; (3) the imposition by the Supreme Court of Appeals of the same discipline imposed in the foreign jurisdiction would result in grave injustice; or (4) the misconduct proved warrants that a substantially different type of discipline be imposed by the Supreme Court of Appeals.

9. In the instant case, Senior Lawyer Disciplinary Counsel will request that the Hearing Panel Subcommittee refer this matter to Supreme Court of Appeals with a recommendation of a reprimand. The West Virginia Rules of Lawyer Disciplinary Procedure do not provide for a private reprimand as a permissible sanction. Rule 3.15 of the Rules of Lawyer Disciplinary Procedure [Permissible Sanctions] provides as follows:

A Hearing Panel Subcommittee may recommend or the Supreme Court of Appeals may impose any one or more of the following sanctions for a violation of the Rules of Professional Conduct or pursuant to Rule 3.14: (1) probation; (2) restitution; (3) limitation on the nature or extent of future practice; (4) supervised practice; (5) community service; (6) admonishment; (7) reprimand; (8) suspension; or (9) annulment. When a sanction is imposed, the Hearing Panel Subcommittee or the Court shall order the lawyer to reimburse the Lawyer Disciplinary Board for the costs of the disciplinary proceeding unless the panel or the Court finds the reimbursement will pose an undue hardship on the lawyer. Willful failure to reimburse the Board may be punished as contempt of the Court.

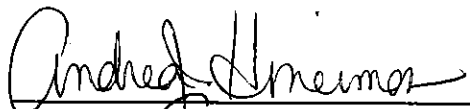
Furthermore, the Supreme Court of Appeals of West Virginia has held that “[u]nder the [West Virginia Constitution] art. III, § 17, which provides that ‘The courts of this state shall be open,’ there is a right of public access to attorney disciplinary proceedings.” Daily Gazette Co. v. Committee on Legal Ethics, 174 W.Va. 359, 365, 326 S.E.2d 704, 711 (1984). Finally, Disciplinary Counsel will seek reimbursement of any costs associated with this proceeding.

10. If Respondent intends to request a formal hearing, Respondent must do so within thirty days of the date of this notice by filing the same with the Office of Lawyer

Disciplinary Counsel and provide a full copy of the Pennsylvania disciplinary proceedings.

DATED this 24th day of April, 2018.

OFFICE OF LAWYER DISCIPLINARY COUNSEL
By Counsel



Andrea J. Hinerman [Bar No. 8041]
Senior Lawyer Disciplinary Counsel
City Center East, Suite 1200 C
4700 MacCorkle Avenue, SE
Charleston, West Virginia 25304
ahinerman@wvdc.org
(304) 558-7999
(304) 558-4015 - *facsimile*

CERTIFICATE OF SERVICE

This is to certify that I, Andrea J. Hinerman, Senior Lawyer Disciplinary Counsel for the Office of Lawyer Disciplinary Counsel, have this day, the 24th day of April, 2018, served a true copy of the foregoing "**NOTICE OF RECIPROCAL DISCIPLINARY ACTION PURSUANT TO RULE 3.20 OF THE RULES OF LAWYER DISCIPLINARY PROCEDURE**" upon Respondent Patrick Doheny, by mailing the same, United States Mail with sufficient postage, to the following address:

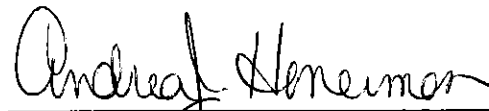
Patrick Doheny, Esquire
Post Office Box 23354
Pittsburgh, Pennsylvania 15222

And upon the Hearing Panel Subcommittee at the following addresses:

Kelly D. Ambrose, Esquire
Office of the Staff Judge Advocate
1703 Coonskin Drive
Charleston, West Virginia 25311

Henry W. Morrow, Jr., Esquire
Post Office Box 459
Charles Town, West Virginia 25414

Dr. K. Edward Grose
2305 Winchester Road
Charleston, West Virginia 25303



Andrea J. Hinerman

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

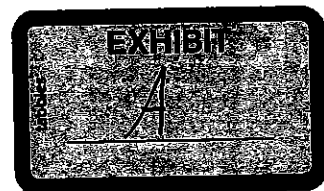
OFFICE OF DISCIPLINARY COUNSEL : No. 39 DB 2016
Petitioner :
v. :
PATRICK J. DOHENY, JR. : Attorney Registration No. 85547
Respondent : (Allegheny County)

PRIVATE REPRIMAND

Mr. Doheny, the record indicates that on January 23, 2013, you were convicted of aggravated assault by vehicle while driving under the influence and related charges. You were sentenced to a county intermediate punishment program for 18 months which consisted of house arrest, work release and wearing an ankle monitoring device, and probation for a period of four years. You have complied with the terms of your criminal sentence and probation. You self-reported your conviction to Office of Disciplinary Counsel.

As a result of what you have done, you have violated the following Rule of Disciplinary Enforcement:

1. Pa.R.D.E. 203(b)(1) – Conviction of a crime shall be grounds for discipline.



It is my duty to reprimand you for your misconduct. Any subsequent violations on your part can only result in further discipline and perhaps more severe sanctions. We sincerely hope that you will conduct yourself in such a manner that future disciplinary action will be unnecessary.

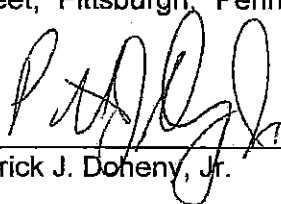


Designated Member *Jane Penny*
The Disciplinary Board of the
Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania, at Pittsburgh, Pennsylvania, on January 5, 2017.

ACKNOWLEDGMENT

The undersigned, Respondent in the above proceeding, herewith acknowledges that the above Private Reprimand was administered in his presence and in the presence of the designated panel of The Disciplinary Board at the Board offices located at the Frick Building, Suite 1300, 437 Grant Street, Pittsburgh, Pennsylvania, on January 5, 2017.



Patrick J. Doherty, Jr.

10/21/16



Julia Frankston-Morris, Esq.
Secretary of the Board

Elaine M. Bixler
Secretary Emerita

Facsimile (717) 231-3382
www.padboard.org

THE DISCIPLINARY BOARD
OF THE

SUPREME COURT OF PENNSYLVANIA

Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 5600
PO Box 62625
Harrisburg, PA 17106-2625
(717) 231-3380

October 19, 2016

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Patrick J. Doheny, Jr.
PO Box 23354
Pittsburgh, PA 15222-6354

Re: Office of Disciplinary Counsel
v. PATRICK J. DOHENY, JR.
No. 39 DB 2016
Attorney Registration No. 85547
(Allegheny County)

Dear Mr. Doheny:

The Disciplinary Board gave consideration to the above proceeding and determined that the matter shall be concluded by a Private Reprimand as provided by Rule 204(a)(6) of the Pennsylvania Rules of Disciplinary Enforcement. A copy of the Order of the Disciplinary Board dated October 16, 2016 is enclosed for your information.

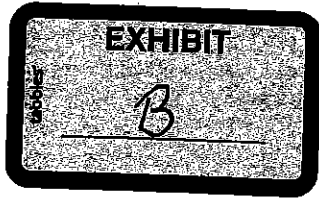
You will be notified in advance of the date scheduled for the administration of the Private Reprimand.

For your information, I am enclosing a copy of §89.205 of the Disciplinary Board Rules and direct your attention specifically to the provisions of paragraph (d) thereof.

Very truly yours,
Elaine M. Bixler
Elaine M. Bixler
Secretary Emerita

EMB/ms
Enclosure

- cc: (with enclosure)
- Robert O. Lampl, Counsel for Respondent
 - Paul J. Killion, Chief Disciplinary Counsel
 - David M. Lame, Disciplinary Counsel
 - Members of Hearing Committee:
 - Lorrie K. Albert, Esq.
 - Laura Cohen, Esq.
 - Richard T. Ting, Esq.



BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

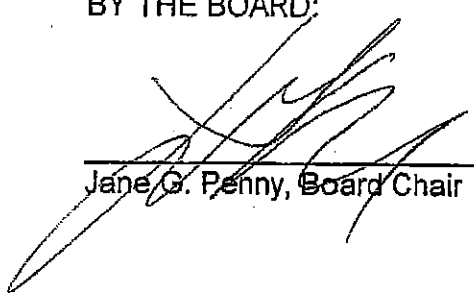
OFFICE OF DISCIPLINARY COUNSEL : No. 39 DB 2016
Petitioner :
v. : Attorney Registration No. 85547
PARICK J. DOHENY, JR. :
Respondent : (Allegheny County)

ORDER

AND NOW, this 19th day of October, 2016, the Report and Recommendation of the Hearing Committee filed August 9, 2016, pursuant to Section 89.181 of the Disciplinary Board Rules, is accepted and; it is

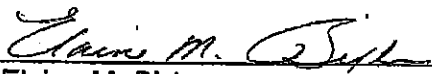
ORDERED that PATRICK J. DOHENY, JR., of Allegheny County shall be subjected to a PRIVATE REPRIMAND by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(a)(6) of the Pennsylvania Rules of Disciplinary Enforcement. Costs shall be paid by the Respondent.

BY THE BOARD:



Jane G. Penny, Board Chair

TRUE COPY FROM RECORD
Attest:



Elaine M. Bixler
Secretary Emerita
The Disciplinary Board of the
Supreme Court of Pennsylvania

Allegheny County Bar Foundation

Balancing the scales of justice through education, philanthropy, and community service

400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219

August 9, 2016

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The Disciplinary Board of the Supreme Court of Pennsylvania
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 5600
P.O. Box 62625
Harrisburg, PA 17106-2625

Re: Office of Disciplinary Counsel v. Patrick J. Doheny, Jr., No. 39 DB
2016, Attorney Registration No. 85547 (Allegheny County)

To the Disciplinary Board:

Following a hearing in the above-referenced case on July 12, 2016, the Hearing Committee found grounds for discipline based on Rule of Disciplinary Enforcement 203(b)(1) (conviction of a crime). After admission and consideration of evidence regarding the appropriate type of discipline, the Hearing Committee recommends that Respondent Patrick J. Doheny, Jr. receive a private reprimand. Both Respondent and Petitioner endorsed the Hearing Committee's determination (see attached Form DB-43 with Respondent and Petitioner's Endorsements). This letter is submitted pursuant to § 89.181(c)(7) of the Rules of the Disciplinary Board to provide a brief summary of the case.

Summary:

This disciplinary proceeding arose as a result of a motor vehicle accident on October 5, 2011, in which Respondent's car crossed the center line of a roadway and collided with a motorcycle, resulting in serious bodily injury to the motorcyclist. On January 23, 2013, Respondent was convicted of (1) Aggravated Assault by Vehicle While Driving Under the Influence, 75 Pa. C.S.A. § 3735.1(a); (2) Driving Under Influence of Alcohol or Controlled Substance, 75 Pa. C.S.A. §§ 3802(a)(1), 3804(b); (3) Driving Under Influence of Alcohol or Controlled Substance, high rate of alcohol, 75 Pa. C.S.A. § 3802(b); (4) Driving Under Influence of Alcohol or Controlled Substance, 75 Pa. C.S.A. § 3802(a)(1); and (5) Driving of the Right Side of Roadway, 75 Pa. C.S.A. § 3301. (Petition ¶ 10; Answer ¶ 10). On February 11, 2013, Respondent self-reported his conviction to the Office of Disciplinary Counsel. (Petition ¶ 15; Answer ¶ 15).

At the disciplinary hearing, Respondent conceded that his convictions provided grounds for discipline. The Hearing Committee reviewed the evidence admitted by both parties, including a statement from Respondent (Respondent's Exhibit 1), and ten third-party character reference letters in support of Respondent (Respondent's Exhibits 2-11).



FILED

8/9/2016

The Disciplinary Board of the
Supreme Court of Pennsylvania

Respondent also testified at the hearing regarding the accident and his actions since the accident. Respondent has complied with the terms of his criminal sentence and probation which included the following:

1. Placement into a county intermediate punishment program for a period of eighteen (18) months which consisted of house arrest, work release and wearing an ankle monitor bracelet;
2. Probation for a period of four (4) years, supervised by Allegheny County Adult Probation Office (in compliance and on-going);
3. Payment of nominal restitution to the victim in the amount of \$1.00;
4. No contact with the victim;
5. 100 hours of community service;
6. No operation of a motor vehicle unless and until driver's license is restored;
7. Court-ordered drug and alcohol evaluation;
8. Safe driving classes; and,
9. Payment of \$500.00 fine.

(Respondent's Exhibit 1).

Based upon Respondent's testimony, supporting evidence, and post-accident and post-conviction conduct, we find that the Respondent has accepted responsibility for his actions and find nothing that would negatively impair Respondent's fitness to continue practicing law. A practice monitor is unnecessary, as there is no indication that Respondent has an alcohol or other substance abuse problem.

Conclusion:

Upon consideration of Respondent's testimony and the evidence, the Hearing Committee recommends that Respondent receive a private reprimand.

Respectfully submitted,



Lorrie K. Albert, Esq.
Hearing Committee Chair

THE DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,
Petitioner

No. 39 DB 2016

vs.

PATRICK J. DOHENY, JR.,

Attorney Registration No. 85547

Respondent

(Allegheny County)

HEARING COMMITTEE DETERMINATION
(Verdict and Recommendation)
UNDER ABBREVIATED PROCEDURE

AND NOW, pursuant to Rule 208(c) of the Pa.R.D.E. (§89.181 of the Disciplinary Board Rules) following the conclusion of a hearing on the above captioned matter, the Hearing Committee announces to the parties to the hearing a determination as follows:

No violation found. Charges are dismissed.

Violation of the following ethical rule(s) has been determined:

PA R D E
PA. R. D. E 203(b)(1)
(a) ~~BEC~~ _____

(b) RPC _____

(c) RPC _____

And the appropriate discipline, if any, recommended by the Hearing Committee is therefore:

Informal Admonition

Private Reprimand

Public Reprimand

Other (specify): _____

This notice is herewith handed to the parties with the directive that they endorse their decision in regard to it and return to the Chairperson within five (5) days hereof.

Hearing Committee

Jan K. Elbert

Chairperson

Paul Allen

Member

Keith

Member

07/12/2016

Date

RESPONDENT ENDORSEMENT

To: Chairperson of Hearing Committee

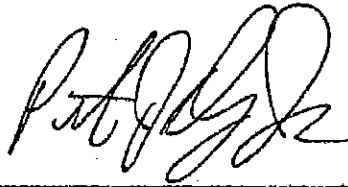
My decision in regard to the determination of the Hearing Committee is as follows:

ACCEPTED

NOT ACCEPTED

7/12/16

Date



Respondent

7/12/16

Date

Robert A. Lamp ^{LAMP}
Counsel for Respondent

PETITIONER ENDORSEMENT

To: Chairperson of Hearing Committee

The decision of the Office of Disciplinary Counsel in regard to the determination of the Hearing Committee is as follows:

ACCEPTED

NOT ACCEPTED

Office of Disciplinary Counsel

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

July 12 2016

Date

By David M. Lane
David M. Lane
Disciplinary Counsel