

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

OFFICE OF DISCIPLINARY COUNSEL	:	No. 106 DB 2012
Petitioner	:	
	:	File Nos. C1-10-575 & C1-11-674
v.	:	
	:	Attorney Registration No. 19958
JEFFREY DEAN SERVIN	:	
Respondent	:	(Philadelphia)

PUBLIC REPRIMAND

Jeffrey Dean Servin, you stand before the Disciplinary Board, your professional peers and members of the public for the imposition of a public reprimand. It is an unpleasant task to publicly reprimand one who has been granted the privilege of being a member of the bar of this Commonwealth. Yet as unpleasant as this task may be, it has been deemed necessary that you receive this discipline.

Two client matters lie at the heart of your misconduct. In the Stewart matter, you were retained in 1997 to represent Leslie J. Stewart in his claim against Girard Finance Company, Inc., in regard to Mr. Stewart's bar and restaurant, which was damaged in a fire. Although you filed a civil action in January 2001, you filed a praecipe to discontinue the case without prejudice in July 2001, without seeking your client's permission to do so. In July 2001, the case was discontinued.

Soon thereafter, a second civil action was filed on behalf of Mr. Stewart by your law partner. An arbitration hearing was held at which time a finding was made in favor of Girard and against your client. In December 2002, you filed an appeal of the arbitration award, but failed to take appropriate steps to ensure that the case remained active on the court's docket. You did not inform your client of any terms and conditions

of any settlement or potential settlement nor did you obtain your client's consent to settle the case and/or decline prosecution of his claims. Mr. Stewart's case was never settled, but in June 2003, the case was marked settled by the court. You took no steps to have the civil complaint relisted and the court files in both matters were destroyed as of March 2006.

By letter dated September 25, 2008 to Mr. Stewart, you enclosed a copy and original of the Order and Motion to Reinstate the Complaint, and requested that your client review the motion, sign the affidavit and return it to you for filing. In October 2008, Mr. Stewart returned the signed affidavit to you. You failed to file the Motion with the court. Between October 2008 and January 2010, you assured your client on several occasions that you would file the Motion. You did not communicate with Mr. Stewart after January 2010.

In the second matter, you were retained by Kanwal and Yolanda Edwin to represent the estate of William Richardson, Sr. By letter of June 5, 2006, you stated that the Edwins agreed to pay you a non-refundable \$5,000 retainer to represent the estate and to commence work on the estate. The Edwins signed the fee agreement and presented you with a check in the amount of \$5,000.

By letter dated June 15, 2006, you requested a written status report of an account in Mr. Richardson's name. That is the sole action you took in the estate matter. You failed to prepare and file a petition for grant of letters of administration, identify all estate assets, file an inventory and file a Pennsylvania inheritance tax return. Sometime in 2007, you informed the Edwins that you had lost the Richardson Estate file. The Edwins forwarded to you another set of documents in order for you to complete the estate administration, but you still failed to take any action.

Throughout the representation, the Edwins contacted you via telephone requesting a status report and copies of all correspondence. Each time, you assured the Edwins that you were working on the matter. By e-mail of June 24, 2011, the Edwins informed you that due to your inaction on behalf of the estate, they took matters into their own hands and finalized the estate themselves. The Edwins requested a refund of \$2,300 of the \$5,000 retainer paid to you. Initially, you informed your clients that you felt no responsibility for their situation and that a refund request was "outrageous." However, by check dated August 23, 2012, you reimbursed the Estate of William Richardson, Sr. the amount of \$2,300.

Your actions have violated the following Rules of Professional Conduct in the Stewart matter:

1. RPC 1.1 and 1.3 – In that during your representation of Mr. Stewart, you failed to take the necessary steps to ensure that his case remained active on the court's docket until there was a final settlement, which failure resulted in destruction of the court file before Mr. Stewart's claims were resolved;
2. RPC 1.2(a), 1.4(a), 1.4(a)(3), 1.4(a)(4), 1.4(b) – In that you failed to keep Mr. Stewart apprised of his case, failed to obtain his consent before making decisions regarding the case, and failed to respond to Mr. Stewart's inquiries on the status of his matter;
3. RPC 1.16(d) – In that you failed to take steps to protect Mr. Stewart's interests before and after the court transferred his case to the inventory of inactive cases, by failing to give Mr. Stewart reasonable

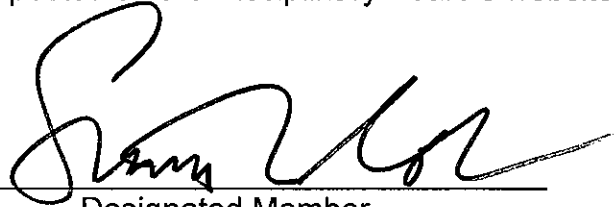
notice that you would not represent him, which notice would have allowed him time to employ other counsel.

Your actions have violated the following Rules of Professional Conduct in the Edwin matter:

1. RPC 1.3 – In that after you were retained by the Edwins to represent the Richardson Estate, you failed to take the steps necessary to complete the estate, which caused the Edwins to complete the estate on their own;
2. RPC 1.16(d) – In that you failed to advise the Edwins that you did not intend to complete the estate and failed to refund the advance payment of fee that had not been earned. As noted above, you did refund the unearned fees to the estate some 14 months following the Edwins initial request;
3. RPC 8.4(c) – In that you assured the Edwins throughout the representation that you were working on the estate, when you were not taking any significant steps to complete the estate.

We note that your appearance before the Board today is not your first encounter with the disciplinary system. You received Informal Admonitions in 2007 and 2004. As you stand before the Board today, we remind you that you have a continuing legal obligation to adhere to the Rules of Professional Conduct and the Rules of Disciplinary Enforcement. Any future instances of misconduct will be dealt with swiftly and severely. This public reprimand is proof that Pennsylvania lawyers will not be permitted to engage in conduct that falls below professional standards. It is strongly urged that you avoid engaging in misconduct in the future.

This Public Reprimand shall be posted on the Disciplinary Board's website at www.padisciplinaryboard.org.



Designated Member
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 Philadelphia, Pennsylvania, on November 16, 2012.

ACKNOWLEDGMENT

The undersigned, Respondent in the above proceeding, herewith acknowledges that the above Public Reprimand was administered in his presence and in the presence of the designated panel of The Disciplinary Board at the Board offices located at 16th Floor, Seven Penn Center, 1635 Market Street, Philadelphia, Pennsylvania, on November 16, 2012.



Jeffrey B. Servin