

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

OFFICE OF DISCIPLINARY COUNSEL	:	No. 116 DB 2011
Petitioner	:	
	:	
v.	:	Attorney Registration No. 48490
	:	
KEVIN MARK KALLENBACH	:	
Respondent	:	(Erie County)

PUBLIC REPRIMAND

Kevin Mark Kallenbach, 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 membership in the bar of this Commonwealth. Yet as repugnant as this task may be, it has been deemed necessary that you receive this public discipline.

Mr. Kallenbach, in March of 2006 you were retained by Stephen W. Kennelley to represent him with regard to his divorce and related matters. Mr. Kennelley paid you \$750. Although you had never represented Mr Kennelley, you did not communicate to him in writing the basis or rate of the fee you were charging.

You never filed Mr. Kennelley's complaint in divorce, but on repeated occasions represented to Mr. Kennelley that his divorce had been filed. You made this same representation to Attorney David Ridge, who represented your client in other matters unrelated to his divorce, and who was seeking information on the status of the divorce. On one occasion, you told Mr. Ridge that Mr. Kennelley needed to execute an Affidavit of Consent in order to complete the divorce action, even though such an action had never been filed. In essence, even though you admitted that you prepared the divorce

documents, you never filed them on behalf of your client, and he terminated your representation in November 2010.

Your actions have violated the following Rules of Professional Conduct:

1. RPC 1.3 – A lawyer shall act with reasonable diligence and promptness in representing a client;
2. RPC 1.4(a)(3) – A lawyer shall keep the client reasonably informed about the status of the matter;
3. RPC 1.5(b) – A lawyer shall communicate the basis or rate of the fee in writing to a client the lawyer has not regularly represented, before or within a reasonable time after commencing the representation.
4. RPC 8.4(c) – It is professional misconduct for a lawyer to engage in dishonesty, fraud, deceit or misrepresentation;
5. RPC 8.4(d) – It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

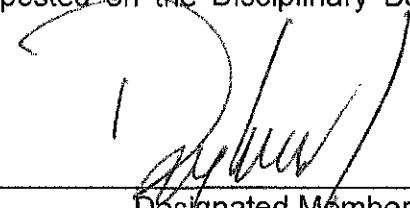
We note that you have been practicing law in the Commonwealth since 1986 and were subjected to a Private Reprimand in 2006 in a divorce matter. Your misconduct in the instant matter started around the time the Private Reprimand was administered.

Several mitigating factors exist in this matter. You accepted responsibility for your actions and have shown remorse for your misconduct. You cooperated with Office of Disciplinary Counsel. Importantly, you have made efforts to remedy the underlying cause of your misconduct by decreasing the number and complexity of cases that you handle as a part-time public defender. In order to ensure that you diligently address your case load, the Board has placed you on probation with a practice monitor for a period of one year. Please be aware that failure to comply with the conditions of probation shall be grounds for reconsideration of this matter.

Mr. Kallenbach, the conduct that has brought you to this moment is in the record of this proceeding and is now fully public. This Public Reprimand is now a matter of public record.

As you stand before the Board today, we remind you of your continuing obligation to adhere to the Rules of Professional Conduct and Rules of Disciplinary Enforcement. This public reprimand is proof that Pennsylvania lawyers will not be permitted to engage in conduct that falls below professional standards.

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 Pittsburgh, Pennsylvania, on June 11, 2013.

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 Frick Building, Suite 1300, 437 Grant Street, Pittsburgh, Pennsylvania, on June 11, 2013.



Kevin M. Kallenbach



**PATRICIA J. KENNEDY, ESQUIRE
PUBLIC DEFENDER OF ERIE COUNTY**

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June 10, 2013

Samuel F. Napoli, Esquire
Disciplinary Counsel
District IV Office
Suite 1300
437 Grant Street
Pittsburgh, PA 15219-6100

Re: Kevin Kallenbach

Dear Mr. Napoli:

I spoke with Mr. Kallenbach and he asked me to write in regard to my willingness to assist him through this proceeding. There are certain tasks of Mr. Kallenbach which I require in order to assist him.

First, he must return all closed/old files. He has started this process by returning at least two years of files, but I am aware that he has more. Second, he must follow the appeal protocol of the Office. The assigned attorney files the Notice of Appeal and works on the file through the 1925b Statement, at which time it is returned and the case is assigned to appellate counsel. I believe that many of the issues he faces stem from his prior disregard of this policy.

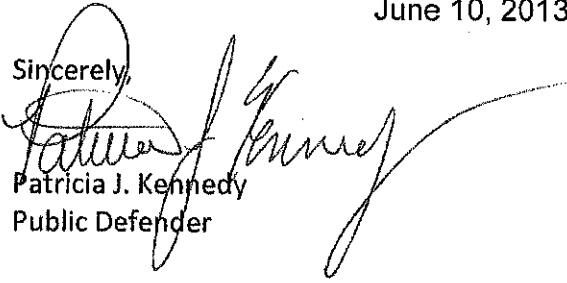
Finally, I must meet with him on a weekly basis. I do not know what kind of help he needs unless he is willing to communicate with me. Unfortunately, the office will be working shorthanded through the summer and I believe a weekly status meeting is the only way to be updated and assist me while supports are needed elsewhere.

I will help Mr. Kallenbach all I can but he must help himself by following these basic and simple requests. If you have any questions or concerns, please contact me.

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Sincerely,

A handwritten signature in black ink, appearing to read "Patricia J. Kennedy", with a long, sweeping horizontal line extending to the right.

Patricia J. Kennedy
Public Defender

Cc: Kevin Kallenbach, APD