

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

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 14 DB 2025
Petitioner	:	
	:	File No. C1-24-475
v.	:	
	:	Attorney Registration No. 203620
DAVID MICHAEL KAPLAN,	:	
	:	
Respondent	:	(Philadelphia)

O R D E R

AND NOW, this 13th day of May 2025, in accordance with Rule 208(a)(5), Pa.R.D.E., the determination by a Review Panel of the Disciplinary Board of the Supreme Court of Pennsylvania, in the above captioned matter is accepted; and it is

ORDERED that the said DAVID MICHAEL KAPLAN of Philadelphia, be subjected to a **PUBLIC REPRIMAND WITH CONDITION** by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(b) and Rule 205(c)(8) of the Pennsylvania Rules of Disciplinary Enforcement.

Within thirty (30) days from the date of this Order, Respondent shall submit to the Prothonotary of the Board and Disciplinary Counsel proof that he has:

1. Communicated to his client that he will submit to binding arbitration before the Fee Dispute Committee of the Philadelphia Bar Association if his client files a complaint with that organization.

Failure to comply with the above Condition shall be grounds for reconsideration of this matter and prosecution of formal charges against Respondent under the specific provision of Enforcement Rule 204(b). Costs shall be paid by the Respondent.

BY THE BOARD:



Board Chair

TRUE COPY FROM RECORD
Attest:



Marcee D. Sloan, Prothonotary
The Disciplinary Board of the
Supreme Court of Pennsylvania

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Respondent	:	(Philadelphia)

PUBLIC REPRIMAND

David Michael Kaplan, you appear before the Disciplinary Board for the imposition of a Public Reprimand ordered by the Board on May 13, 2025. As a condition of this reprimand, the Board ordered that you submit proof to the Office of Disciplinary Counsel (“ODC”) and the Board that you communicated to your former client Cheryl McDowell that you will submit to binding arbitration before the Fee Dispute Committee of the Philadelphia Bar Association if Ms. McDowell files a complaint with that organization. You acknowledged your acceptance of this public reprimand by letter sent to the Board dated July 29, 2025.

It is an unpleasant task to publicly reprimand one who has been granted the privilege of membership in the bar of the Commonwealth. Yet as repugnant as this task may be, it has been found necessary that you receive this public discipline.

Attorney Kaplan, the record indicates that you engaged in misconduct in one matter. In March 2024, you were retained by Cheryl McDowell to represent her in obtaining a divorce. You failed to have a written fee agreement. You received three payments from your client totaling \$5,700 between March 8, 2024 and May 22, 2024, which represented an advance payment of your fee. You prepared documents and

commenced a divorce case on June 5, 2024, by filing the documents, but after the divorce complaint was filed, you failed to have your client's husband served within 30 days of the filing date.

After the divorce complaint was filed, Ms. McDowell contacted you and requested that you provide her with an itemized statement showing the amount of fees you had expended and the costs you had incurred. You did not provide your client with an itemized statement at that time.

Sometime before July 22, 2024, Ms. McDowell terminated your services and on July 22, 2024, you withdrew your appearance. In September 2024, Ms. McDowell sent a certified letter to you and requested a copy of a signed fee agreement, an itemized bill, an accounting, and a refund of the unearned portion of the advance payment of your fee. At that time, you failed to provide Ms. McDowell with the requested items and failed to refund any unearned fees.

On October 29, 2024, Office of Disciplinary Counsel ("ODC") sent a letter of inquiry to you regarding this matter. In your December 5, 2024 response, you stated your intent to send Ms. McDowell an itemized bill and return the unearned portion of the fee. By letter of December 16, 2024, ODC requested that you provide copies of the itemized bill and refund check sent to Ms. McDowell. By letters dated December 30, 2024 and January 7, 2025, you provided proof to ODC that you sent an itemized bill to Ms. McDowell and a refund of \$1,366.41.

By your conduct, you violated the following Rules of Professional Conduct ("RPC"):

1. RPC 1.4(a)(4) – A lawyer shall promptly comply with reasonable requests for information.
2. RPC 1.5(b) – When the lawyer has not regularly represented the client, the basis or rate of the fee shall be communicated to the client, in writing, before or within a reasonable time after commencing the representation.
3. RPC 1.15(e) – A lawyer shall promptly deliver to the client or third person any property, including but not limited to Rule 1.15 funds, that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding the property.
4. RPC 1.16(d) – Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled, and refunding any advance payment of fee or expense that has not been earned or incurred.

Attorney Kaplan, your conduct in this matter is public. This Public Reprimand is a matter of public record and shall be posted on the Disciplinary Board's website at www.padisciplinaryboard.org.

It is the Board's duty to reprimand you for your misconduct. We note that you have a prior history of discipline and received discipline in the form of an informal admonition in 2022. Please be aware that subsequent violations of the rules may result in further discipline and more severe sanctions. We sincerely hope that you will conduct yourself in such a manner that future disciplinary action will be unnecessary.

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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 on August 26, 2025.