

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

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 152 DB 2017
Petitioner	:	
	:	File No. C1-13-649
v.	:	
	:	Attorney Registration No. 79883
RICHARD F. KLINEBURGER, III	:	
Respondent	:	(Out of State)

O R D E R

AND NOW, this 30<sup>th</sup> day of January, 2018, in accordance with Rule 215(g), Pa.R.D.E., the three-member Panel of the Disciplinary Board having reviewed and approved the Joint Application to Amend the Public Reprimand by Striking New York Rule of Professional Conduct 8.4(c) filed in the above captioned matter; it is

ORDERED that the Joint Application is GRANTED and the said RICHARD F. KLINEBURGER, III, be subjected to a **PUBLIC REPRIMAND** for violations of NJ RPC 1.1(a) and 1.4(b) by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(a) and Rule 205(c)(9) of the Pennsylvania Rules of Disciplinary Enforcement.


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

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

OFFICE OF DISCIPLINARY COUNSEL	:	No. 152 DB 2017
Petitioner	:	
	:	
v.	:	
	:	
RICHARD F. KLINEBURGER, III	:	Attorney Registration No. 79883
Respondent	:	(Out of State)

**PUBLIC REPRIMAND**

Richard F. Klineburger, III, 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. Klineburger, you are being reprimanded today in connection with your misconduct involving the representation of your client, Sheena Monnin. Ms. Monnin had been crowned Miss Pennsylvania USA 2012 before becoming a contestant in the Miss USA Pageant, organized and run by the Miss Universe Organization (“MUO”). Ms. Monnin was eliminated from the Miss USA Pageant after the first round of competition and thereafter, made statements on Facebook and on The Today Show claiming that the pageant was “rigged.”

On June 25, 2012, MUO filed an arbitration demand, seeking compensatory damages of \$10 million for breach of contract and related claims. The contract was an agreement between Miss Monnin and MUO. Miss Monnin's copy of the document was not signed by either party.

On June 27, 2012, Ms. Monnin retained you to represent her for the purpose of asserting a claim against MUO on her behalf, in addition to defending its claim against her. Because Miss Monnin's copy of the contract was unsigned, you advised her that she was not bound by any agreement to arbitrate, that MUO could not compel her to appear at an arbitration, and therefore, that she was not obligated either to reply to any communications from the arbitrator or to attend any arbitration hearing. You failed to make any effort to determine whether there existed a signed copy of an agreement between your client and MUO.

Between late June 2012 and November 5, 2012, you repeatedly notified MUO and JAMS arbitration service that you represented Miss Monnin, that she was not subject to the contract, and that she would not participate in any arbitration. In late August 2012, you directed the arbitrator to cease direct contact with Miss Monnin, as she was represented by counsel.

Thereafter, you did not comply with discovery requests in the arbitration matter, did not submit Miss Monnin's share of the arbitration fee, and did not inform your client of a scheduled November 5, 2012 arbitration hearing. You informed the arbitrator that Miss Monnin would not appear at the hearing.

The arbitration hearing was held in New York on November 5, 2012, and neither you nor your client appeared. In December 2012, you withdrew from the representation of Ms. Monnin. On December 13, 2012, you received a copy of the Final Arbitration Award, granting MUO \$5 million in damages. In response to a letter from JAMS demanding payment for services, you sent a letter wherein you stated that you never requested to go forward with arbitration and that you did not represent Miss Monnin with regard to this matter.

On December 17, 2012, in the United States District Court for the Southern District of New York, MUO filed a petition to confirm and convert the arbitration award into a judgment. At that point, your client had retained new counsel, who filed a cross-motion to vacate the award.

On July 2, 2013, the federal district court denied the motion to vacate and confirmed the \$5 million arbitration award. In its written opinion, the court criticized you for your failure to communicate with Miss Monnin and acknowledged that the “dire consequences” that had befallen Miss Monnin were “due, in no small part, to her counsel’s ineptitude.”

Subsequently, Miss Monnin filed a legal malpractice action against you, which eventually settled. In addition, as you are also admitted to practice in New Jersey, you were prosecuted by the New Jersey Office of Attorney Ethics. On December 2, 2016, the Supreme Court of New Jersey entered a public Order imposing a reprimand upon you for your misconduct involving Miss Monnin.

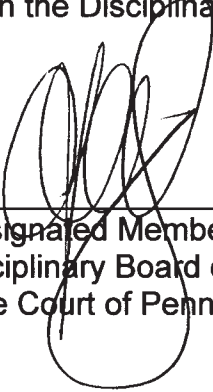
Applying Pennsylvania Rule of Professional Conduct (“RPC”) 8.5(b), titled “Choice of Law,” your conduct in this matter has violated the following New Jersey rules:

1. NJ RPC 1.1(a) – A lawyer shall not handle or neglect a matter entrusted to the lawyer in such manner that the lawyer's conduct constitutes gross negligence.
2. NJ RPC 1.4(b) - A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

Mr. Klineburger, your conduct in this matter is now fully public. This Public Reprimand is a matter of public record.

As you stand before the Board today, we remind you that you have a continuing obligation to abide by 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. Be mindful that any future dereliction will subject you to disciplinary action.

This Public Reprimand shall be posted on the Disciplinary Board's website at [www.padisciplinaryboard.org](http://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 April 3, 2018.

**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 1601 Market Street, Suite 3320, Philadelphia, Pennsylvania, on April 3, 2018.



---

Richard F. Klineburger, III