

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

OFFICE OF DISCIPLINARY COUNSEL	:	No. 51 DB 2015
Petitioner	:	
	:	File No. C1-13-570
v.	:	
	:	Attorney Registration No. 88996
JOHN MARCUS FRANKLIN, JR.	:	
Respondent	:	(Philadelphia)

**PUBLIC REPRIMAND**

John Marcus Franklin, Jr., 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. Franklin, you are being reprimanded today for your conduct in the matter of your client, Carmen Humphrey. In January 2012, Ms. Humphrey retained you to represent her in a dental malpractice matter, which purportedly occurred when Ms. Humphrey was a patient at Temple University's Kornberg School of Dentistry on October 24, 2011, and for which the statute of limitations purportedly expired on October 24, 2013. You failed to recognize the probable expiration of the statute of limitations or take any action to advance the Humphrey Matter, other than to initiate suit by a Writ of Summons on October 31, 2013, which was one week after the statute had purportedly expired. You failed to provide Ms. Humphrey with timely information and advice in order to allow Ms. Humphrey to make informed decisions about the representation. You did not diligently attempt to obtain an expert report and did not

pursue discovery, as you waited to file the Writ. The defendants filed a Praecipe and Rule to File Complaint on November 26, 2013, but you did not file a complaint; instead, you filed a Praecipe to Discontinue the Humphrey Action on December 16, 2013.

Compounding your lack of diligence, you continually provided assurances to Ms. Humphrey that her matter was proceeding in due course, both prior to and subsequent to the filing of the Writ of Summons. These assurances were in the form of responses to Ms. Humphrey's multiple requests for status updates, wherein you made statements concerning the actions you were allegedly taking, when in fact you had taken no action to move the matter forward. Ms. Humphrey eventually contacted Office of Disciplinary Counsel, who sent you a DB-7 Request for Statement of Position dated October 2, 2013. You attempted to have Ms. Humphrey withdraw her complaint after assuring her that "you were on the case," even though you clearly had not taken any action and did not take any after making this assurance to your client.

Most egregiously, even after you filed a Praecipe to Discontinue on December 16, 2013, on two occasions you continued to lead your client to believe that her matter was moving forward. It was not until March 31, 2014 that you notified your client that you could not take her case, and further advised that the statute of limitations on her matter was two years from the time she discovered malpractice had been committed. You were aware when you sent this letter to Ms. Humphrey that the statute had already expired.

Your conduct in this matter has 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)(2) – A lawyer shall reasonably consult with the client about the means by which the client's objectives are to be accomplished.
3. RPC 1.4(a)(3) – A lawyer shall keep the client reasonably informed about the status of the matter.
4. RPC 1.4(a)(4) – A lawyer shall promptly comply with reasonable requests for information.
5. RPC 1.4(b) – A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.
6. RPC 8.4(c) – It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

We note that you were admitted to the practice of law in Pennsylvania in 2002. Since that time, you have received two Informal Admonitions, one in 2008 and one in 2010, as well as the instant Public Reprimand today. Based on this record of discipline, it is our conclusion that a period of probation is necessary and so impose probation for a period of three years with the condition that you avoid more violations of the Rules, and at the end of the probation period, that you submit a sworn certification to the Board that you have complied with such conditions. Please be aware that failure to abide by the terms of the probation shall be grounds for further action pursuant to Rule 208(h), Pa.R.D.E.

Mr. Franklin, 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.

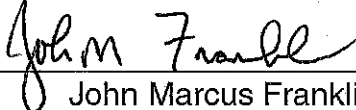
This Public Reprimand shall be posted on the Disciplinary Board's website at [www.padisciplinaryboard.org](http://www.padisciplinaryboard.org).

  
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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, at Philadelphia, Pennsylvania, on June 11, 2015.

### **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 District I Office located at 1601 Market Street, Suite 3320, Philadelphia, PA on June 11, 2015.

  
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John Marcus Franklin, Jr.