



February 16, 2010. On February 25, 2010, the Township filed an application to quash the appeal, based on your failure to file post-trial motions. You did not forward the Township's motion to the Reitzes. You filed an Answer to the application to quash, but again did not forward a copy to your clients.

On the same day that you filed the Notice of Appeal, on February 16, 2010 the trial court entered an Order requiring the Reitzes to file a Concise Statement of Matters Complained of on Appeal, no later than March 9, 2010. The trial court received your Concise Statement on March 11, 2010. The trial court directed you to file the appropriate United States Postal Service Form demonstrating timely mailing of the Concise Statement. You received the trial court's order but failed to comply, as you believed you had already provided proof of mailing in your original filing. You did not send the Reitzes copies of the Concise Statement or the Court's Order.

On May 7, 2010, the trial court issued its opinion in connection with the appeal, concluding that the Reitzes' failure to comply with its order to file proof of mailing waived all appealable issues and the appeal had to be dismissed. You received the trial court's opinion but failed to forward a copy to your clients.

On June 7, 2011, the Commonwealth Court ordered the parties to file a status report on the appeal. On or around June 24, 2011, you discontinued the Reitzes' appeal, and failed to send your clients a copy of the notice or specifically inform them of what you had done.

One of the issues the Reitzes believed you were pursuing through the appeal was the issue of their potential entitlement to fees and costs in the underlying litigation. You filed a Petition for Counsel Fees on the same date that you filed the Notice of Appeal. You took no steps to prosecute the Petition for Attorney Fees.

The Reitzes eventually sought the assistance of another lawyer, who requested that the Reitz file be transferred to him by August 24, 2011. You failed to produce the file to the Reitzes or their successor counsel. You produced the file to Office of Disciplinary Counsel on August 12, 2012.

Your actions have violated the following Rules of Professional Conduct:

1. RPC 1.1 – A lawyer shall provide competent representation to a client;
2. RPC 1.2(a) – Subject to paragraphs (c) and (d), a lawyer shall abide by a client's decision concerning the objectives of the representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation;
3. RPC 1.3 – A lawyer shall act with reasonable diligence and promptness in representing a client;
4. RPC 1.4(a)(1) – A lawyer shall promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined by rule 1.0(e), is required by these Rules;
5. RPC 1.4(a)(3) – A lawyer shall keep the client reasonably informed about the status of the matter;
6. 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;

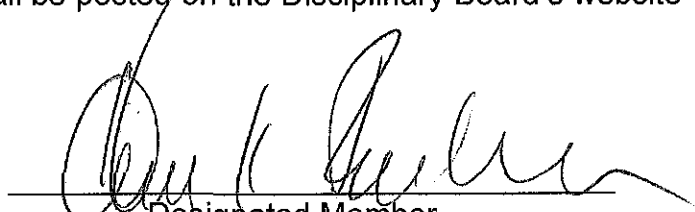
7. RPC 1.5(a) – A lawyer shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee;
8. RPC 1.7(a)(2) – A lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if there is a significant risk that the representation of one or more clients will be materially limited by the lawyer’s responsibilities to another client, a former client or third person or by a personal interest of the lawyer;
9. RPC 1.16(d) – Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client’s interest 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;
10. RPC 3.2 – A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client;
11. 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 since 1979 and have a history of discipline consisting of a Private Reprimand in 2006. You have acknowledged your misconduct and agreed to enter into discipline on consent.

Mr. Breidenbach, 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 that you have a 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. Be mindful that any future dereliction may subject you to disciplinary action.

This Public Reprimand shall be posted on the Disciplinary Board's website at [www.padisiplinaryboard.org](http://www.padisiplinaryboard.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 March 10, 2014.

### **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 16<sup>th</sup> Floor, Seven Penn Center, 1635 Market Street, Philadelphia, Pennsylvania, on March 10, 2014.

  
Douglas B. Breidenbach, Jr.