

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 168 DB 2021
Petitioner :
 : File No. C2-21-695
v. :
 : Attorney Registration No. 44195
KENNETH SCOTT SAFFREN :
Respondent : (Montgomery County)

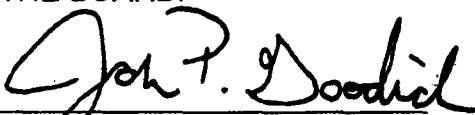
ORDER

AND NOW, this 24th day of January, 2022, in accordance with Rule 208(a)(5), Pa.R.D.E., the determination by a Review Panel of the Disciplinary Board of the above captioned matter is accepted; and it is

ORDERED that the said KENNETH SCOTT SAFFREN be subjected to a **PUBLIC REPRIMAND** by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(a) and Rule 205(c)(8) 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, Board Prothonotary
The Disciplinary Board of the
Supreme Court of Pennsylvania

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

OFFICE OF DISCIPLINARY COUNSEL, Petitioner	:	No. 168 DB 2021
	:	
	:	File No. C2-21-695
v.	:	
	:	Attorney Registration No. 44195
KENNETH SCOTT SAFFREN, Respondent	:	(Montgomery County)

PUBLIC REPRIMAND

Kenneth Scott Saffren, you appear before the Disciplinary Board for the imposition of a Public Reprimand ordered by the Board on January 24, 2022. 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 determined necessary that you receive this public discipline.

Mr. Saffren, the record demonstrates that this matter involves your deficient representation in a personal injury case involving a minor child who sustained injuries in a “slip-and-fall” accident, wherein you failed to timely provide discovery materials and accepted a settlement offer without informing the client and obtaining consent.

On March 23, 2018, Shawnette Johnson-Thompson signed a contingency fee agreement and retained you to represent her and her minor child in a personal injury case against Quality Inn & Suites. On March 18, 2020, you initiated litigation by filing a civil complaint in the Chester County Court of Common Pleas. You failed to timely comply with defense counsel’s informal request for discovery materials and a subsequent court order granting defendant’s motion to compel discovery. As a result of your failure to comply with the court’s order, defense counsel filed a motion requesting

the court impose sanctions against you. Ultimately, you produced the requested discovery materials and defense counsel agreed to withdraw the motion. Thereafter, defense counsel extended a \$5,000 settlement offer to your associate attorney to settle, discontinue and end the civil case; however, the associate failed to communicate the offer to Ms. Johnson-Thompson. Thereafter, you communicated your acceptance of the settlement offer to defense counsel without consulting your client and obtaining her agreement and consent. You mistakenly believed in speaking with the other attorneys in your office that were involved in the case that the offer was acceptable to the client.

By letter dated June 4, 2021, you informed your client that you had agreed to accept an offer to settle the legal matter for \$5,000 without informing her and obtaining her consent. In your letter, you also explained in detail the circumstances surrounding your failure to comply with your obligation to provide discovery materials and admitted that you and your office had failed to adequately represent Ms. Johnson-Thompson. You also advised your client that she had the right to consult with another lawyer regarding the matter. Ultimately you and your client reached a mutual resolution wherein your client agreed to accept the \$5,000 offer and settle the case in return for your agreement to waive all attorney fees and costs and pay Ms. Johnson-Thompson additional compensation in the amount of \$20,000.

The record demonstrated that you have expressed remorse, acknowledged your misconduct, and accepted full responsibility for your actions. Further, you instituted remedial measures in your firm and changed office procedures to avoid a recurrence of this issue, and fully cooperated with Office of Disciplinary Counsel in its investigation of this matter.

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

1. RPC 1.1 – A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.
2. RPC 1.2(a) – A lawyer shall abide by a client’s decisions concerning the objectives of 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. A lawyer shall abide by a client’s decision whether to settle a matter.
3. RPC 1.3 – A lawyer shall act with reasonable diligence and promptness in representing a client.
4. RPC 1.4(a)(1), (2) and (3) – A lawyer shall promptly inform the client of any decision or circumstance with respect to which the client’s informed consent, as defined in Rule 1.0(e), is required by these Rules; reasonably consult with the client about the means by which the client’s objectives are to be accomplished; and keep the client reasonably informed about the status of the matter.
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.

We note that you have a history of discipline consisting of a Public Censure on consent imposed in 2012. Your record of discipline is troubling and should serve as notice to you that you must conduct your practice within the Rules of Professional Conduct.

Mr. Saffren, 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. Any subsequent violations on your part can only result in further discipline and perhaps more severe sanctions. We sincerely hope that you will conduct yourself in such a manner that future disciplinary action will be unnecessary.



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 March 4, 2022.