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SUPREME COURT OF NEW JERSEY

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March 27, 2009

**VIA CERTIFIED MAIL, R.R.R. & REGULAR MAIL**

Brian Muhlbaier, Esq.  
c/o Philip B. Seaton, Esq.  
Blank Rome, LLP  
Woodland Falls Corp.  
210 Lake Drive, Ste 200  
Cherry Hill, NJ 08002

Re: **In the Matter of Brian Muhlbaier**  
Docket No. DRB 08-430  
District Docket No. I-06-027E  
**LETTER OF ADMONITION**

Dear Mr. Muhlbaier:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, you agreed to represent seven plaintiffs in a legal malpractice case with the assistance of another attorney. Although the other attorney was to act as the liaison to the plaintiffs, the spokesperson for the plaintiffs directed her requests for information about the status of the case to you. You failed to advise her about the status of the matter and of the dismissal and reinstatement of the complaint. Instead, after the case was reinstated, you assured her that the case was on track. Your conduct was unethical and a violation of RPC 1.4(b). The Board did not find clear and convincing evidence of violations of RPC 1.3, RPC 1.4(c) or RPC 1.5(e)(2), also charged in the ethics complaint.

Typically, failure to communicate with clients, without more, calls for the imposition of an admonition. See, e.g., In the Matter of Alan Zark, DRB 04-443 (February 18, 2005); In the Matter of William H. Oliver, DRB 04-211 (July 16, 2004); In the Matter of Paul A. Dykstra, DRB 00-182 (September 27, 2000); and In the Matter of Beverly G. Giscombe, DRB 96-197 (July 24, 1996).

In imposing only an admonition, the Board considered that you believed that the other attorney was the "go between" with the plaintiffs and that you cooperated fully with the ethics investigation.

Your conduct has adversely reflected not only upon you as an attorney but also upon all members of the bar. Accordingly, the Board has directed the issuance of this admonition to you. R. 1:20-15(f)(4). A permanent record of this occurrence has been filed with the Clerk of the Supreme Court and the Board's office. Should you become the subject of any further discipline, it will be taken into consideration.

The Board has also directed that the costs of the disciplinary proceedings be assessed against you. An invoice of costs will be forwarded under separate cover.

Very truly yours,



Julianne K. DeCore  
Chief Counsel

JKD/

c: Chief Justice Stuart Rabner  
Associate Justices  
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Disciplinary Review Board  
Stephen W. Townsend, Clerk  
Supreme Court of New Jersey  
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Charles Centinaro, Director, Office of Attorney Ethics  
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Frederic L. Shenkman, Secretary, District I Ethics Committee  
Mary Lou Zirnheld, Grievant