

# DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

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October 23, 2013

Mark Neary, Clerk  
Supreme Court of New Jersey  
P.O. Box 970  
Trenton, New Jersey 08625-0962

Re: In the Matter of Marc Prentiss Feldman  
Docket No. DRB 13-160  
District Docket No. XA-2011-0020E

Dear Mr. Neary:

The Disciplinary Review Board reviewed the motion for discipline by consent (censure or such lesser discipline as the Board may determine is warranted), filed by the District XA Ethics Committee, pursuant to R. 1:20-10(b). Following a review of the record, the Board determined to grant the motion. In the Board's view, a censure is the appropriate discipline for respondent's violation of RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation).

Specifically, respondent was a network attorney for a legal expense insurance company domiciled in Arizona. The company provided group legal insurance plans, which were offered through employers, as an employee benefit. Respondent, in his capacity as a network attorney, prepared estate planning documents for twelve plan members, none of whom had executed the documents. In

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six instances, the individuals had retained respondent for other services and had not specifically requested the estate planning documents. In three instances, respondent had not even spoken to the clients, before preparing the documents.

In each instance, respondent had submitted claims for his fees that indicated that he had completed the matters. That was untrue, because the estate documents had not been executed. Respondent, nevertheless, certified that he had performed the relevant services and that the information he had submitted was accurate. In all, respondent received \$3,185 to which he was not entitled.

Respondent reimbursed the fees, cooperated fully with the ethics committee by entering into a stipulation of facts, has no ethics history and expressed sincere remorse for his conduct.

In the Board's view, respondent's conduct was not as egregious as the conduct in In re Hecker, 109 N.J. 539 (1988) (six-month suspension for part-time municipal attorney, who, among other things received unreasonable legal fees by submitting bills for services purportedly rendered, totaling \$320,000; in a lawsuit filed by the township, the jury awarded \$110,000 in damages to the township; the attorney filed a meritless appeal for purpose of delay; divested himself of all personal assets to avoid a levy on his assets; acquired tax sales certificates while serving as the municipal attorney without filing a disclosure statement; withheld files from the township after his resignation; and sued township officials before a general election) and in In re Shapiro. 169 N.J. (2001) (three-month suspension for submitting a false certification of services to the adversary; prior private reprimand and six-month suspension for conduct prejudicial to the administration of justice and negligent misappropriation; the attorney's conduct occurred only one and one-half years after his reinstatement to practice, evidencing a failure to learn from prior mistakes).

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated April 23, 2013.
2. Stipulation of discipline by consent, dated April 24, 2013.

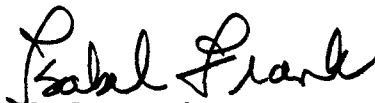
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3. Affidavit of consent, dated April 23, 2013.
4. Ethics history, dated October 22, 2013.

Very truly yours,

  
Isabel Frank  
Acting Chief Counsel

encls.

c: w/o encl:  
Bonnie Frost, Chair, Disciplinary Review Board  
Charles Centinaro, Director  
Office of Attorney Ethics  
Matthew P. O'Malley, Chair  
District XA Ethics Committee  
Caroline Record, Secretary  
District XA Ethics Committee  
Thomas A. Cataldo, Esq., Respondent's Counsel