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October 24, 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:

This letter supplements our letter to the Court of October 23, 2013, transmitting the Board's decision to censure respondent for his violation of RPC 8.4(c) in the above referenced matter. Although the stipulation cited violations of other RPCs, the Board found that they were not supported by the stipulated facts.

Specifically, the Board found that RPC 1.2(a), which requires an attorney to abide by a client's decision concerning the scope and objectives of the representation, was inapplicable in this case because there was no representation at issue. The clients or purported clients had not retained respondent to prepare estate planning documents.

Similarly, the Board concluded that RPC 1.5(a) did not apply. Respondent did not charge an unreasonable fee but, rather, improperly obtained a fee for services that he was not

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asked to perform. In this context, RPC 8.4(c) is the relevant rule.

Finally, RPC 1.5(b) requires an attorney who has not regularly represented a client to memorialize the basis or rate of the fee either before or within a reasonable time after the representation has begun. As the Board noted, respondent was not hired to represent certain plan members in the preparation of estate planning documents.

In light of the above, the Board was unable to find that RPC 1.2(a), RPC 1.5(a), and RPC 1.5(b) were violated, despite respondent's admission to the contrary. The sole violation supported by the stipulated facts was that of RPC 8.4(c), for which the Board determined to censure respondent.

Very truly yours,


Isabel Frank
Acting Chief Counsel

c: Bonnie Frost, Chair, Disciplinary Review Board
Charles Centinaro, Director
Office of Attorney Ethics
Matthew P. O'Malley, Chair
District XA Ethics Committee
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