

DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

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COLIN T. TAMS
KATHRYN ANNE WINTERLE
ASSISTANT COUNSEL

February 18, 2014

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

Mark L. Breitman, Esq.
c/o Keith A. McKenna, Esq.
The McKenna Law Firm, LLC
96 Park Street
Montclair, New Jersey 07042

Re: **In the Matter of Mark L. Breitman**
Docket No. DRB 13-382
District Docket No. XIV-2010-0270E
LETTER OF ADMONITION

Dear Mr. Breitman:

Enclosed please find a corrected admonition letter in the above referenced matter. The prior letter did not include page two and contained an incorrect DRB Docket No. (13-242).

Very truly yours,

A handwritten signature in cursive script that reads "Isabel Frank".

Isabel Frank
Acting Chief Counsel

IF/sml

c: Chief Justice Stuart Rabner
Associate Justices
Bonnie C. Frost, Chair, Disciplinary Review Board (via email)
Mark Neary, Clerk, Supreme Court of New Jersey
Gail G. Haney, Deputy Clerk,
Supreme Court of New Jersey (w/ethics history)
Charles Centinaro, Director, Office of Attorney Ethics
Christina Blunda Kennedy, Deputy Ethics Counsel,
Office of Attorney Ethics

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January 28, 2014

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

Mark L. Breitman, Esq.
c/o Keith A. McKenna, Esq.
The McKenna Law Firm, LLC
96 Park Street
Montclair, New Jersey 07042

Re: **In the Matter of Mark L. Breitman**
Docket No. DRB 13-382
District Docket No. XIV-2010-0270E
CORRECTED LETTER OF ADMONITION

Dear Mr. Breitman:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Following a review of the record, the Board determined to impose an admonition.

Specifically, in January 2009, you entered into an agreement to purchase the law practice of Anthony Natale. In the course of that transaction, you violated RPC 1.17(c)(3), which provides, in relevant part, that, in the sale of a law practice, the "buyer shall cause an announcement or notice of the purchase . . . to be published in the New Jersey Law Journal." The language "shall cause" placed the obligation to publish squarely with you, the buyer. Your failure to do so violated the rule, an impropriety that you admitted.

The Board dismissed the remaining allegations for lack of clear and convincing evidence of any impropriety on your part. Specifically, the record failed to clearly and convincingly demonstrate that the new files generated under the sale agreement were not part of the business relationships that the Natale law firm had acquired over the years, that is, not part of the intangible assets/goodwill of the law practice that you purchased. Likewise, the proofs did not clearly and convincingly establish that you knew that the Court had temporarily suspended Natale shortly after the sale of his law practice to you and that, consequently, you aided a suspended attorney in the unauthorized practice of law. In fact, the evidence fell short of demonstrating that Natale practiced law, after the sale of his practice. Finally, the record did not clearly and convincingly support a finding that you lied to the OAE that Natale had not performed work on certain real estate files, after the sale.

The Board, therefore, dismissed the charged violations of RPC 1.17(a), RPC 5.5(a), RPC 7.3(d), RPC 8.1(a), and RPC 8.4(a), (c), and (d).

In mitigation, the Board considered that you have had no prior brushes with disciplinary authorities in thirty-three years at the bar and that no clients were harmed.

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.

I/M/O Mark L. Breitman, DRB 13-382

January 28, 2014

Page 3 of 3

Very truly yours,



Isabel Frank
Acting Chief Counsel

IF/sj

c: Chief Justice Stuart Rabner
Associate Justices
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