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January 16, 2015

CERTIFIED MAIL, R.R.R. AND REGULAR MAIL

Mitchell L. Mullen, Esq.
c/o Richard F. Klineburger, III, Esq.
38 North Haddon Avenue
Haddonfield, New Jersey 08033

Re: In the Matter of Mitchell L. Mullen
Docket No. DRB 14-287
District Docket No. IV-2013-0012E
LETTER OF ADMONITION

Dear Mr. Mullen:

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, during a June 8, 2012 email chain, you communicated directly with the grievant, Harry Klemash, in at least three emails, when you knew or should have known he was represented by counsel. The communications involved the subject of the representation. Subsequently, on June 18, 2012, you sent a notice of deposition directly to Mr. Klemash and never attempted to notify his attorney of the deposition date. Your conduct was unethical and a violation of RPC 4.2.

The Board dismissed the alleged violation of RPC 4.4(a) for lack of clear and convincing evidence of any communication in which you were trying to embarrass, delay, or burden Mr. Klemash, or use means that violated his legal rights.

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In imposing only an admonition, the Board considered that your conduct was minor, caused no harm to the grievant, and that you have been a member of the bar for thirty-nine years, with no disciplinary record.

Your conduct 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,


Ellen A. Brodsky
Chief Counsel

EAB/lg

C: Chief Justice Stuart Rabner
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Harry Klemash, Grievant