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July 23, 2018

**VIA CERTIFIED MAIL, R.R.R., REGULAR MAIL AND E-MAIL**

David Thomas Schlendorf  
c/o Robyn Hill, Esq.  
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Santa Fe, New Mexico 87504  
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**Re: In the Matter of David Thomas Schlendorf**  
Docket No. DRB 18-171  
District Docket No. IIIA-2016-0021E  
**LETTER OF ADMONITION**

Dear Mr. Schlendorf:

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, on January 15, 2015, Ronald Roger retained you in connection with a divorce proceeding. Although both Mr. Roger and you signed a letter fee agreement, you failed to attach thereto the Statement of Client Rights and Responsibilities in Civil Family Actions, as R. 5:3-5(a) requires.

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Similarly, on May 19, 2015, Steven Zadzielski retained you for a municipal court matter, as well as a family court matter. On May 26, 2015, Mr. Zadzielski entered into a second agreement with you regarding "Zadzielski v. Zadzielski and State v. Zadzielski." The letter agreement regarding the family court matter failed to comply with R. 5:3-5(a).

First, R. 5:3-5(a) requires every agreement for services in exchange for a fee in a civil family action to be in writing and signed by the attorney and the client. Only you, and not Mr. Zadzielski, executed the letter agreement.

Second, the agreement did not have annexed thereto the Statement of Client Rights and Responsibilities in Civil Family Actions, as R. 5:3-5(a) requires, and failed to comply with several other requirements of the Rule. Specifically, the agreement did not include a description of legal services not encompassed by the agreement; an explanation of when bills will be rendered; or a statement of expenses and disbursements for which the client is responsible and how they will be billed (R. 5:3-5(a)(2), (a)(5), and (a)(7), respectively).

RPC 1.5(b) requires that, "when a lawyer has not regularly represented the client, the basis or rate of the fee shall be communicated in writing to the client before or within a reasonable time after commencing the representation." In combination with the requirements set forth under R. 5:3-5(a), your failure to comply with the several subsections of that Rule and the absence of any RPC that perfectly encompasses such misconduct, RPC 1.5(b) was properly charged. Therefore, given your admitted violation of R. 5:3-5(a), the Board determined that your conduct in this regard was unethical, and a violation of RPC 1.5(b). The remaining allegations of the complaint were either withdrawn by the presenter at the outset of the disciplinary hearing or dismissed by the Board for lack of clear and convincing evidence.

In issuing an admonition, the Board considered, in mitigation, that you cooperated fully and candidly with the investigator; since your admission to the bar in 1997, you have not been disciplined; you have revised your retainer agreements; and you are a well-respected attorney and, as a certified criminal trial attorney, have assisted many individuals in defense of criminal charges against them.

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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,



Ellen A. Brodsky  
Chief Counsel

EAB/trj

c: Chief Justice Stuart Rabner  
Associate Justices  
Bonnie C. Frost, Chair  
Disciplinary Review Board (e-mail)  
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 (interoffice mail and (e-mail))  
Isabel McGinty, Statewide Ethics Coordinator  
Office of Attorney Ethics (e-mail)  
Linda Rehrer, Chair  
District IIIA Ethics Committee (e-mail)  
Steven Secare, Secretary  
District IIIA Ethics Committee (regular mail and e-mail)