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February 24, 2020

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

John M. Breslin, Esq.
Oller & Breslin, LLC
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Re: In the Matter of John Michael Breslin
Docket No. DRB 19-364
District Docket No. XA-2018-0003E
LETTER OF ADMONITION

Dear Mr. Breslin:

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 for your violation of RPC 1.5(b) (failure to set forth in writing the basis or rate of the legal fee). The Board further determined to dismiss the charged violation of RPC 3.2 (failure to treat with courtesy and consideration all persons involved in the legal process) and RPC 8.4(d) (conduct prejudicial to the administration of justice).

Specifically, you represented Daniel Smith and Richard Aho, the tenants in two separate landlord-tenant matters involving the landlord and grievant, Scott D. Ross. Ross proceeded pro se in both cases. You stipulated that you violated RPC 1.5(b) in respect of both the Smith and Aho cases by failing to provide written fee agreements in both client matters.

Further, you made certain contentious communications to Ross in connection with the Smith and Aho matters, and harshly criticized Ross in correspondence to the DEC investigator, in response to her request for an interview. Your communications to and regarding Ross formed the basis for the RPC 3.2 and RPC 8.4(d) charges.

The DEC noted that, although the stipulation did not explicitly set forth an admission by you that your communications to Ross constituted a violation of RPC 3.2, you testified that your direct communications with him violated RPC 3.2. Accordingly, the DEC found that you violated RPC 3.2. Following a thorough review of the unique facts of this case, the Board determined that, although your comments toward Ross were unprofessional and sophomoric, they did not rise to the level of an RPC 3.2 violation.

Historically, the conduct violative of RPC 3.2 involves more egregious and outrageous communications, including physical threats, vulgar language, and communications directed toward court staff. Although not an excuse, the Board notes that you were reacting to Ross's pattern of questionable conduct in the Smith and Aho matters, including his repeated efforts to directly contact your clients, despite their represented status. The record contains no evidence that you intended to intimidate Ross, but, rather, were clumsily attempting to end his improper conduct toward Smith and Aho. The Board cautions you that your communications were close to the line of RPC 3.2 and that, in your future interaction with adversaries, your demeanor and behavior should be much more professional, to avoid violating that Rule.

Finally, the RPC 8.4(d) charge was grounded solely on your communications to Ross and the DEC investigator. Because the record is bereft of evidence that your conduct unduly delayed or prejudiced court operations, the Board dismissed the charge.

In imposing only an admonition, the Board considered that you expressed remorse and ready admission of wrongdoing by entering into the stipulation; you apologized to Ross and the DEC investigator; you have no ethics history in twenty-two years at the bar; your clients were not harmed, and, in fact, you were successful in your representation of both clients, neither of whom participated in the grievance; and the circumstances surrounding the misconduct provided a context, although not an excuse, regarding the impetus for your poor behavior.

Your conduct has adversely reflected not only on you as an attorney but also on 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, this admonition will be taken into consideration.

The Board also has directed that the costs of the disciplinary proceedings be assessed against you. An invoice of costs will be forwarded to you under separate cover.

Very truly yours,



Ellen A. Brodsky
Chief Counsel

EAB/trj

- c: Chief Justice Stuart Rabner
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District XA Ethics Committee (regular mail and e-mail)
Jennifer Lazor, Presenter
District XA Ethics Committee (regular mail and e-mail)
Scott D. Ross, Grievant (regular mail)