

EXECUTIVE SUMMARY

Complaint Against Attorney Anthony R. Friedman (Bar No. 65531)

Submitted by: Albert B. Pepper Jr., Pro Se

Case Background

- Representation: *Albert Pepper v. Vladimir Gelfand, M.D., Chesterfield MedCenter, et al.*, Case No. 19SL-CC04680.
 - Jurisdiction: 21st Judicial Circuit, St. Louis County, Missouri.
 - Timeline: February 15, 2019 – June 30, 2023.
 - Respondent withdrew following failed mediation and departed The Simon Law Firm P.C. without adequate notice or protection of client interests.
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Core Allegations

1. Misleading Communications

- Guaranteed trial and high assurances of punitive damages “10–20 times compensatory” despite not having any knowledge at time of statement of \$1,000,000 policy cap.
- Failed to correct Complainants unjustified expectations for over three years.
- Respondent falsely assured Complainant early in litigation that statutory caps could be successfully argued as inapplicable but reversed this position at mediation without prior client consultation.

Rules Violated: 4-1.4, 4-7.1(a), 4-7.1(b), 4-8.4(c), 4-8.4(d).

2. Discovery Failures

- No spoliation letter sent to defense prior to litigation.
- Ignored missing medical records noted in deposition.
- Successor counsel later recovered 81 pages (one-third of file) critical to malpractice claim.
- Failed to competently prepare Complainant and key non-party witnesses for deposition,

- Failed to protect Complainant and key non-party witnesses in deposition by not raising timely, waivable objections to the form of questions, thereby allowing prejudicial testimony to be admitted and permanently preserved against the Complainant.

Rules Violated: 4-1.1, 4-1.3, 4-1.4

3. Expert Witness Mismanagement

- Promised 3–5 sessions; arranged only one phone call.
- Provided incomplete medical file to expert.
- Dismissed expert without seeking second opinion, abandoning causation/damages development.

Rules Violated: 4-1.1, 4-1.3, 4-1.4.

4. Dismissal of Client Input

- Ignored repeated requests for case theory and valuation.
- Failed to interview ex-wife and son despite acknowledging urgency.
- Used a single “case weakness” to pressure settlement, disregarding client’s counterarguments.

Rules Violated: 4-1.1, 4-1.3, 4-1.4, 4-8.4(c).

5. Mediation Misconduct

- No preparation, demand letter, valuation metrics, or lien/expense calculations.
- Admitted handling multiple mediations the same day.
- Failed to clarify mediator’s confidentiality assurance.
- Volunteered statutory caps, undermining Complainants negotiation strategy, in direct contradiction to prior assurances that the caps were inapplicable.
- Disclosed privileged client email to opposing counsel without consent.

Rules Violated: 4-1.1, 4-1.3, 4-1.4, 4-1.6, 4-8.4(c), 4-8.4(d).

6. Improper Withdrawal

1. First notice of withdrawal given mid-mediation.
2. Transferred case to junior associate with no trial experience.

Rules Violated: 4-1.16(d), 4-1.4, 4-1.3, 4-8.4(c).

Conclusion

Respondent's conduct demonstrates a **pattern of negligence, dishonesty, and breach of fiduciary duty**, including:

- Misleading promises and misrepresentation of the law.
- Failure to secure critical evidence,
- Breach of confidentiality, and
- Abandonment of client at a critical juncture.

Requested Action: Formal investigation and appropriate discipline to protect the public and uphold the integrity of the legal profession.

Respectfully submitted,

Albert B. Pepper Jr., Pro Se

BEFORE THE OFFICE OF CHIEF DISCIPLINARY COUNSEL

STATE OF MISSOURI

COMPLAINT FOR INVESTIGATION OF ATTORNEY MISCONDUCT

COMES NOW Complainant Albert B. Pepper Jr., pro se, pursuant to Rule 5 of the Rules Governing the Missouri Bar and Judiciary, and respectfully moves the Office of Chief Disciplinary Counsel (OCDC) to investigate Respondent Anthony R. Friedman for violations of the Missouri Rules of Professional Conduct (Supreme Court Rule 4).

I. INTRODUCTION

This complaint alleges a pattern of ethical violations consisting of nonfeasance, misfeasance, and — in one specific and particularly serious respect — malfeasance committed by Respondent during his representation of Complainant in *Albert Pepper v. Vladimir Gelfand, M.D., et al.*, Case No. 19SL-CC04680 (21st Judicial Circuit, St. Louis County, Missouri).

That malfeasance consists of Respondent’s intentional and unauthorized disclosure of Complainant’s privileged attorney-client email to opposing counsel during mediation on June 26, 2023.

Representation lasted from on or about February 15, 2019, until Respondent’s abrupt withdrawal and departure from The Simon Law Firm P.C. on June 30, 2023. (*see*: exhibits - 1, 1a)

The misconduct encompasses failures in competence, diligence, communication, candor, and preservation of client confidentiality.

II. PARTIES

- **Complainant:** Albert B. Pepper Jr., 2200 Varvera Rd., Doe Run, MO 63637. Phone: 314-580-1684; Email: gpckings@gmail.com.
- **Respondent:** Anthony R. Friedman, Missouri-licensed attorney (Bar No. 65531). Current business address: Friedman Law Firm LLC, 6209 Mid Rivers Mall Dr., Suite 204, St. Charles, MO 63304.

III. JURISDICTION

The OCDC has jurisdiction under Rule 5, as Respondent is a Missouri-licensed attorney, and the alleged misconduct occurred within the State of Missouri in connection with Respondent's legal practice.

IV. FACTUAL ALLEGATIONS AND VIOLATIONS

A. Misleading Communications and Unjustified Expectations

Violations: Rule 4-7.1(a), Rule 4-7.1(b), Rule 4-8.4(c)

- At the initial consultation on or about January 1, 2019, Respondent stated: *"We are definitely taking this case to trial"* and *"We are looking at 10 to 20 times punitive damages."*
- These statements created unjustified expectations of case value and trial commitment.
- Respondent later admitted in a telephone conversation on May 24, 2023 at the time of suggesting mediation, just four weeks prior to mediation on June 26, 2023 that he had long known of the \$1,000,000 policy limit but failed to correct Complainant's expectations for over four years.

B. Lack of Competence and Diligence in Discovery

Violations: Rule 4-1.1, Rule 4-1.3. Rule 4-1.4

- Respondent failed to send a spoliation letter to preserve evidence.
- During deposition of defendant Dr. Vladimir Gelfand on 12-9-2022, Respondent suspected portions of Complainant's medical chart were missing (*see*: exhibits - 2, 2a, 2b). He failed to file a Motion to Compel or pursue recovery demonstrating a lack of diligence.
- After Respondent's withdrawal, successor counsel recovered approximately 81 pages of medical records—one-third of the total file—that Respondent failed to secure. These records were critical to establishing malpractice and damages of which successor counsel referred to as being "hand picked" throughout the medical chart. Nature and probative value of recovered items by successor counsel can be established through comparative analysis suggesting spoliation by the defense. (*see*: ESI - case file)
- Respondent's duty of competence and diligence was further breached during the depositions of the Complainant and key non-party family witnesses. This systemic failure involved (1) a lack of adequate preparation, which left witnesses vulnerable to questioning outside their scope of knowledge, and (2) a consistent failure to defend the record by not raising necessary and waivable objections to the form of opposing counsel's questions. (3) failed to protect Complainant's mother and father from harassment by defense counsel and maintain proper decorum causing Complainant's mother and father to leave deposition embittered and weeping. This negligence resulted in inadmissible, speculative, and highly damaging testimony being placed on the record, which was subsequently used by defense counsel (*see*: ESI - case file)

C. Mismanagement of Expert Witnesses

Violations: Rule 4-1.1, Rule 4-1.3, Rule 4-1.4

- Respondent sought evaluation by a Forensic Psychiatrist, representing that 3–5 sessions would occur. Only one telephone conference was arranged. (*see*: exhibits - 3, 3a,)
- Neither the Complainant nor the expert was prepared for the evaluation. During the call, the expert expressed confusion about the scope of retention and the specific opinions being sought. This left Complainant uncertain how to respond, as Complainant did not wish to undermine whatever objectives Respondent had intended, and raised serious concerns about why Respondent had not properly briefed the expert on the purpose of the assessment. (*see*: exhibits - 10, 10a)
- Respondent provided the expert with an incomplete medical file (missing the 81 pages later recovered), undermining the assessment.
- Respondent dismissed the expert without seeking a second opinion, abandoning development of causation and damages theories essential to the malpractice claim. (*see*: exhibits - 4)
- Complainant raised concerns about the inadequacy of expert testimony prior to mediation. Respondent ignored these concerns and proceeded without treatment nor remedy. (*see*: exhibits - 5, 5a)

D. Dismissal of Client Input and Failure to Investigate

Violations: Rule 4-1.1, Rule 4-1.3, Rule 4-1.4, Rule 4-8.4(c)

- Respondent acknowledged urgency to interview Complainant's ex-wife before defense counsel but failed to do so. Respondent also failed to interview Complainant's son, both of whom had primary knowledge of Complainant's condition before and after injury. Complainant encouraged the interview and assessment advising Respondent that both the ex-wife and son would be excellent and affirming character witnesses that could counter defense arguments of Complainant's character, causation and comparative fault. This failure to investigate known, critical witnesses demonstrates a lapse in professional diligence. (*see*: exhibits - 6b)
- Complainant repeatedly requested a case theory and an explanation as to why Respondent was not developing case value. Respondent never shared nor to Complainant's knowledge ever developed a case theory and valuation, leaving Complainant to develop his own case theory and plausible valuation that could have been supported by expert testimony and metrics that were in absentia. (*see*: exhibits - 5, 6a, 6b, 6c, 7, 7a, 7b, 7c, 7d, 8, 8a)
- Respondent cited a single "case weakness" that was solely a matter of comparative fault and used it to pressure Complainant toward mediation, ignoring strategic counterarguments offered by Complainant to mitigate comparative fault having substantial merit and could have been supported by expert witness testimony which Respondent failed to retain. (*see*: exhibits - 4, 6a, 6b, 7a, 7b, 7c, 7d, 8)

E. Misconduct During Mediation (June 26, 2023)

Violations: Rule 4-1.1, Rule 4-1.3, Rule 4-1.4, Rule 4-1.6, Rule 4-8.4(c), Rule 4-8.4(d)

- Respondent recommended mediation but failed to prepare Complainant: no case theory, no demand letter, no valuation metrics, no expert witness testimony, no lien or expense

calculations. We proceeded to mediation having nothing to substantiate a demand amount. (*see*: exhibits - 4)

- Respondent did not explain mediation dynamics to Complainant with regard to the role and the degree of participation each party would have in the negotiation process.
- At the onset of mediation after the introduction of the mediator Respondent took a passive role and left the Complainant negotiating directly with mediator leaving the Complainant vulnerable to making errors and admissions.
- Prior to direct negotiations with the Complainant, Respondent immediately advised the mediator that there were statutory caps. This declaration immediately a) undermined the Complainant's negotiating strategy b) Reduced by over fifty percent the one million dollar insurance policy limit that up until that moment Respondent led Complainant to believe and gave assurance was the scope wherein the negotiations would be conducted. Further aggravating the circumstance was that very early in litigation perhaps even prior to the onset of discovery Respondent told Complainant that "he could successfully argue that statutory caps do not apply because the injury occurred before the statutory caps were codified. This was another misconception created by the Respondent that was left without correction for over three years upon which the Complainant relied.
- When the mediator asked for a "bottom line," Respondent nodded in the affirmative for Complainant to disclose. However, Complainant was apprehensive not being advised by Respondent of the ethical restraints upon the mediator that mirrored attorney client privilege. As a result of Complainant's ignorance, Complainant could not effectually engage with the Mediator sharing arguments and counter-arguments in support of Complainant's position in fear of divulging case theory in an untimely manner.

- During a break in the negotiations Respondent disclosed a privileged email from Complainant to opposing counsel without consent. This email contained Complainant's own trial work product, case theory, counter arguments to defense counsel's primary argument and how the counter arguments could be presented and supported with expert witness testimony, valuation metrics, and state of mind. This unauthorized disclosure of privileged strategy materially and incurably prejudiced Complainant's position." (*see*: exhibits - 7, 7a, 7b, 7c, 7d, 7e) Note: exhibits - 8, 8a, Complainant does not allege that Respondent shared this document dated 6/25/2023 with opposing counsel as do the previous document dated 6/23/25. Complainant includes exhibits - 8, 8a to demonstrate that less than twenty four hours before mediation Complainant is still attempting to petitioning Respondent to share a case theory and in the absence thereof engaged in conjecture of the defense counsel's strategy, plausible counter arguments and seeking correction from Respondent.
- "Respondent made cryptic statements such as 'You have only one arrow in your quiver' and 'The monk never leaves the monastery.' Given that Complainant often employed metaphor and allegory in communications with the Respondent (evident in attached email exhibits), Respondent was deliberately adopting Complainant's communication style. The timing and nature of these statements, when coupled with the lack of preparation and the sudden notice of withdrawal, were not intended as reasoned advice but as coercive pressure to force a settlement favorable to the Respondent's need to bring the case to a conclusion.

F. Improper Withdrawal and Coercion

Violations: Rule 4-1.16(d), Rule 4-1.4, Rule 4-1.3, Rule 4-8.4(c)

- During mediation, Respondent informed Complainant for the first time that he would be leaving The Simon Law Firm within days and would not represent Complainant at trial.
- This was the only notice of withdrawal, delivered at a critical juncture.
- Respondent did not advise Complainant of the date of Respondent's withdrawal nor of how and to whom the case file would be assigned to until an email inquiry by Complainant was made to the Respondent on the morning of Respondent's withdrawal of representation and subsequent departure from Simon Law Firm. (*see*: exhibits -9a)
- Upon withdrawal on June 30, 2023, Respondent transferred the file to a junior associate with no trial experience, failing to protect client interests. Furthermore, the abrupt departure and file transfer unilaterally assigned to successor counsel denied Complainant of available options for continuation of representation and informed consent.

V. CONCLUSION

Respondent's conduct demonstrates a pattern of negligence, lack of candor, and breach of fiduciary duty. By failing to secure discovery, mismanaging expert witnesses, dismissing client input, breaching attorney-client privilege during mediation, and abandoning the client at a critical juncture, Respondent violated the Missouri Rules of Professional Conduct.

WHEREFORE, Complainant Albert B. Pepper Jr. respectfully requests that the Office of Chief Disciplinary Counsel investigate these allegations and impose such discipline as is just and proper to protect the public and the integrity of the legal profession.

Respectfully submitted,

Albert B. Pepper Jr., Pro Se

