

Beck

# DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

MARY J. MAUDSLEY, ESQ., CHAIR  
WILLIAM J. O'SHAUGHNESSY, ESQ., VICE-CHAIR  
MATTHEW P. BOYLAN, ESQ.  
ROBERT C. HOLMES, ESQ.  
RUTH JEAN LOLLA  
LOUIS PASHMAN, ESQ.  
BARBARA F. SCHWARTZ  
HON. REGINALD STANTON  
SPENCER V. WISSINGER, III



RICHARD J. HUGHES JUSTICE COMPLEX  
P. O. BOX 962  
TRENTON, NEW JERSEY 08625-0962  
(609) 292-1011

ROBYN M. HILL  
CHIEF COUNSEL

ISABEL FRANK  
DEPUTY CHIEF COUNSEL

LILLIAN LEWIN  
DONA S. SEROTA-TESCHNER  
COLIN T. TAMS  
ELLEN A. BRODSKY  
JOANN G. EYLER  
ASSISTANT COUNSEL

April 24, 2003

**Certified Mail - R.R.R. and Regular Mail**

James E. Burden, Esq.  
Brotman, Graziano & Hubert, PC  
3685 Quakerbridge Road  
Trenton, New Jersey 08619

Re: In the Matter of James E. Burden  
Docket No. DRB 03-014  
**LETTER OF ADMONITION**

Dear Mr. Burden:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, on or about November 14, 1998, Susan and Duane Daney met with a partner in the firm where you worked as an associate. At that initial meeting, they discussed Mrs. Daney's potential employment discrimination claim against her prior employer. In response to that meeting, the Daney's forwarded to the partner a written chronology of events.

On April 19, 1999, the Daney's met with you and executed a retainer agreement, as well as authorizations for the release of employment and medical records.

From June 1999 through March 2000, the Daney's had numerous telephone conversations with you. On those occasions, you told them that the partner was either reviewing the file or working on the claim. They were never informed by either phone or correspondence that the firm had not accepted their case or had declined representation. Under the circumstances, they reasonably believed that an attorney-client relationship existed. You did not make it clear to the Daney's that, in the firm's view, it had not yet

I/M/O James E. Burden

DRB 03-014

Page Two


agreed to the representation because the partner had not yet signed the fee agreement, nor did you advise them that the partner had not yet had the opportunity to work on the file. Your conduct was unethical and in violation of RPC 1.4(a).

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 affidavit of costs will be forwarded under separate cover.

Very truly yours,

  
Robyn M. Hill

/tk

c. Chief Justice Deborah T. Poritz  
Associate Justices  
Stephen W. Townsend, Clerk, Supreme Court of New Jersey  
William O'Shaughnessy, Vice-Chair, Disciplinary Review Board  
David E. Johnson, Jr., Director, Office of Attorney Ethics  
Frederic L. Shenkman, Chair, District I Ethics Committee  
Frank L. Corrado, Jr., Secretary, District I Ethics Committee  
Steven Kudatzky, Respondent's counsel  
Susan L. Daney, Grievant