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DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

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May 25, 1999

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

Karl A. Fenske, Esq.
26 Park Place, Suite 300
Morristown, NJ 07960

Re: In the Matter of Karl A. Fenske
Docket No. DRB 98-211
LETTER OF ADMONITION

Dear Mr. Fenske:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. With the approval of the Supreme Court, the Board has concluded that an admonition is the appropriate discipline for your misconduct. Specifically, in February 1996 you were retained by David Vorcheimer to represent him in the purchase of a house from Alicia Soukup. The deposit monies were delivered to you to be held in escrow in your trust account. When a dispute arose between the seller and the buyer, you released the deposit to your client without authorization from the other party to the contract and without any legal right to do so. Having undertaken to be the escrow holder of the deposit, you had a duty to keep it intact until the conditions of the escrow agreement were satisfied. Your conduct was unethical and violation of RPC 1.15(a) (failure to safeguard escrow funds).

In mitigation, the Board considered that there was some confusion as to the proper escrow holder and contractual dates. The Board also noted that no disciplinary infractions had been sustained against you since your admission to the New Jersey bar in 1977.

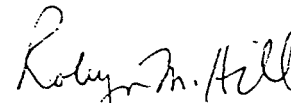
Your conduct adversely reflected not only upon you as an attorney, but also upon all members of the bar. Accordingly, the Board has directed the issuance of this admonition to you. R. 1:20-15 (f) (4).

I/M/O Karl Fenske
DRB 98-211

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

RMH:ms

- c. Chief Justice Deborah T. Poritz
- Associate Justices
- Stephen W. Townsend, Clerk
- Supreme Court of New Jersey
- Lee M. Hymerling, Chair
- Disciplinary Review Board
- David E. Johnson, Jr., Director
- Office of Attorney Ethics.
- William Hinkes, Chair
- District X Ethics Committee
- Bonnie Frost, Secretary
- District X Ethics Committee
- Jon Huston, Esq., Respondent's Counsel
- Alicia Soukup, Grievant