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SUPREME COURT OF NEW JERSEY

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December 4, 2003

CERTIFIED MAIL, R.R.R. & REGULAR MAIL

Edward F. Petit-Clair, Esq.
47 Markham Road
Brick, NJ 08724

RE: In the Matter of Edward F. Petit-Clair
Docket No. DRB 03-309
LETTER OF ADMONITION

Dear Mr. Petit-Clair:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was unethical. Specifically, in 1988, you were retained to represent Poseidon Associates, Inc. ("Poseidon"), and Paulson Engineering, Inc. ("Paulson") to institute legal action against Industrial Crating and Rigging, Inc. Christian and Phyllis Nelson were the president and secretary of the plaintiff corporations, respectively. Christian Nelson signed a retainer agreement and you received a total of \$8,000 for services rendered.

During the course of the litigation, the Nelsons, in their capacity as president and secretary of Paulson, executed a letter agreement, dated June 17, 1989, in which they agreed to give you a security interest in equipment owned by Poseidon and by them individually. In addition, on September 27, 1989, the Nelsons executed and delivered a mortgage on their residence securing your legal fees.

In the Matter of Edward F. Petit-Clair

The Nelsons failed to make payment on the mortgage. As a result, on August 15, 1997, eight years after the execution of the mortgage, you filed a foreclosure action in Chancery Division, Morris County. The trial court concluded that the mortgage was invalid because you failed to comply with the provisions of RPC 1.8(a) by not advising your clients to seek independent counsel. Thereafter, in October 2001, the Appellate Division affirmed the trial court's decision and concluded that you had violated RPC 1.8(a). Petit-Clair v. Nelson, 344 N.J. Super. 538 (2001).

The Board agreed that your conduct was improper, and in violation of RPC 1.8(a). You were also charged with a violation of RPC 8.1(b) for failure to cooperate with disciplinary authorities. In view of your health considerations, and the fact that you ultimately filed an answer admitting your misconduct, the Board did not find a violation in that regard.

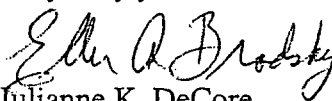
In imposing only an admonition, the Board considered that you have an otherwise unblemished thirty-plus-year career at the bar.

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,

for 
Julianne K. DeCore
Chief Counsel

JKD/paa

- C: Chief Justice Deborah T. Poritz
Associate Justices
Stephen W. Townsend, Clerk, Supreme Court of New Jersey
Mary J. Maudsley, Chair, Disciplinary Review Board
David E. Johnson, Jr., Director, Office of Attorney Ethics
Peter R. Strohm, Chair, District IIIA Ethics Committee
Steven Secare, Secretary, District IIIA Ethics Committee
Christian and Phyllis Nelson, Grievants