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 ASSISTANT COUNSEL

February 23, 2006

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

Joseph Jay Lowenstein, Esq.
 c/o Miles R. Feinstein, Esq.
 1135 Clifton Avenue
 Clifton, NJ 07013

RE: In the Matter of Joseph Jay Lowenstein
 Docket No. DRB 06-016
 District Docket Nos. XI-04-0034;
 XI-04-0035; and XI-05-0002
LETTER OF ADMONITION

Dear Mr. Lowenstein:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, in three matters you engaged in gross neglect, pattern of neglect, lack of diligence and failure to communicate with your clients, violations of RPC 1.1(a), RPC 1.1(b), RPC 1.3, and RPC 1.4(a), respectively.

In the first matter, Armando Di Brino retained you to represent him in a personal injury matter. After you, or an associate in your firm, filed a complaint on September 7, 1999, the complaint was not properly served on the defendants. On June 2, 2000, the court dismissed the case for lack of prosecution. The case was not restored to the active trial calendar. You also failed to communicate with the client and to keep him apprised about the status of his case.

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In the second matter, Rolando Rodriguez retained you to represent him in connection with a medical malpractice action for an incident that occurred in 1999. Although you filed a complaint in the matter, it was dismissed because of a clerical error. After you requested additional funds from him, Rodriguez tried to retain another attorney, to no avail. Thereafter, there was a breakdown in communication with the client and the matter was not restored to the active trial calendar. The Board found no clear and convincing evidence, however, of violations of RPC 3.2 (failure to expedite litigation), RPC 3.3 (false statement of material fact or law to a tribunal) or RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). The Board, therefore, dismissed these charges.

In the third matter, Ralph Fernicola retained you in connection with a personal injury matter. Although a complaint was filed, the case was twice dismissed for lack of prosecution: on May 30, 2000, and one year later, on May 26, 2001. The case was ultimately settled by another attorney. During the course of the litigation, you failed to keep Fernicola informed about the status of his case.

In issuing only an admonition, the Board considered that, in more than twenty years of practice, this is your first encounter with the ethics system; that, at the relevant times you were suffering from depression, for which you have obtained treatment; and that you cooperated with ethics authorities.

Your conduct has 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.


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

Very truly yours,


Julianne K. DeCore
Chief Counsel

/ns

c: Chief Justice Deborah T. Poritz
Associate Justices
Stephen W. Townsend, Clerk, Supreme Court of New Jersey
Gail G. Haney, Deputy Clerk, Supreme Court of New Jersey
(w/ethics history)
Mary J. Maudsley, Chair, Disciplinary Review Board
David E. Johnson, Jr., Director, Office of Attorney Ethics
Patrick J. Caserta, Chair, District XI Ethics Committee
Robert L. Stober, Secretary, District XI Ethics Committee
Armando DiBrino, Grievant
Ralph Fernicola, Grievant
Rolando Rodriguez, Grievant