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September 30, 1994

Donald D. Phillips, Esq.  
One New York Avenue  
Atlantic City, New Jersey 08401

RE: In the Matter of Donald D. Phillips  
Docket No. DRB 94-254  
LETTER OF ADMONITION

Dear Mr. Phillips:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, in or about September 1989 you were retained by Kim Elias to represent her in connection with a variety of disputes with Clarence Broome. Although you had not regularly represented Ms. Elias before, you did not prepare a written retainer agreement, in violation of RPC 1.5(b). Ultimately, on November 27, 1989, the dispute between Ms. Elias and Mr. Broome was the subject of a settlement agreement, whereby Mr. Broome would be obligated to pay Ms. Elias certain installment payments of \$100 until the total amount of \$1,300 was satisfied. Although Mr. Broome substantially complied with the terms of the agreement until August 1990, thereafter he did not make any additional payments to Ms. Elias. Subsequently, you did very little to protect Ms. Elias' interests. More specifically, after the last payment was received in August of 1990, you waited nine months to send a letter to Mr. Broome's attorney advising him of Mr. Broome's default on his obligations under the settlement agreement. When the attorney informed you that he no longer represented Mr. Broome, again you delayed, for six months, your efforts to communicate with Mr. Broome in writing. When Mr. Broome failed to respond to your letter, you took no additional steps to collect the \$300 balance owed to Ms. Elias. On

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December 2, 1993, you finally forwarded \$300 to Ms. Elias out of your own funds, thereby making her whole. Nevertheless, your failure to act with reasonable diligence and promptness in the resolution of the matter violated RPC 1.3.

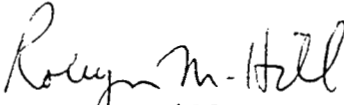
Although the Board was aware that you had been the subject of discipline twice before — a private reprimand and a public reprimand for delay in the disbursement of funds — the Board determined to impose only an admonition for your conduct in the Elias matter, after considering in mitigation that, at the relevant times, you were beset by your own illness as well as the terminal illness of a parent.

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. 1:20-4(f)(2).

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 cost 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/IF/rt

cc: Chief Justice Robert N. Wilentz  
Associate Justices  
Stephen W. Townsend, Esq.  
Clerk, Supreme Court of New Jersey  
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Robert N. McAllister, Esq.  
Secretary, District I Ethics Committee  
David R. Fitzsimons, Jr., Esq.  
Ms. Kim Elias