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December 3, 1998

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

Robert Hedesh, Esq.
c/o Frank Cofone, Jr., Esq.
D'Amico & Cofone
118 New Street
New Brunswick, New Jersey 08901

Re: In the Matter of Robert Hedesh
Docket No. DRB 98-347
LETTER OF ADMONITION

Dear Mr. Hedesh:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, on or about February 22, 1994 your law firm, Juman, Juman and Hedesh, was retained to represent grievant Kenneth Jagodowski's father in connection with an August 1992 incident at Raritan Bay Medical Center. Sometime thereafter, Mr. Jagodowski answered interrogatories. By letter dated December 20, 1994, you informed Mr. Jagodowski that his case was being referred to another attorney, Richard Galex, who did not work in your firm. Mr. Jagodowski had neither been informed of this proposed transfer nor given his consent to it. However, both Galex and an attorney with whom Mr. Jagodowski separately consulted declined to take on the case. However, while the second attorney was reviewing the file, during which time no substitution of attorney had been filed, a motion to dismiss the complaint for failure to answer interrogatories was filed. Mr. Jagodowski was not made aware of this motion. On the date that the motion was to be heard, your law firm filed a motion to be relieved as counsel, which was subsequently withdrawn for failure to notify Mr. Jagodowski. On July 14, 1995, the court entered an order dismissing the complaint with prejudice. It was not until September 1995 that Mr. Jagodowski was apprised of the dismissal. In addition, an attorney from your law firm advised Mr. Jagodowski that the firm was not interested in proceeding with the case. Ultimately, your firm made a motion to vacate the dismissal, which was denied. A subsequent appeal was also denied.

Your conduct in this matter violated RPC 1.4(a), in that you failed to communicate with Mr. Jagodowski, explain the problems with the case and inform him that the complaint had been dismissed. In addition, your actions violated RPC 1.16(b), in that you did not give Mr. Jagodowski reasonable notice of your efforts to withdraw from the representation, did not obtain Mr. Jagodowski's consent to the withdrawal and did not make an application to the court, in the absence of consent by Mr. Jagodowski.

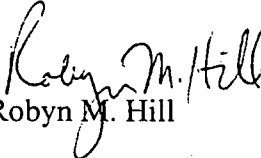
In imposing only an admonition, the Board considered that this was a difficult malpractice case, as it was unclear whether cancer, which ultimately caused the demise of the elder Jagodowski, had caused or contributed to his injury. The Board also noted that no disciplinary infractions had been sustained against you since your admission to the New Jersey bar in 1988.

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

RMH:ms

c. Chief Justice Deborah T. Poritz
Associate Justices
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District VIII Ethics Committee
Kenneth Jagodowski