

DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

LEE M. HYMERLING, ESQ., CHAIR
JAMES R. ZAZZALI, ESQ., VICE-CHAIR
MICHAEL R. COLE, ESQ.
HON. PAUL R. HUOT
MARY J. MAUDSLEY, ESQ.
ROCKY L. PETERSON, ESQ.
BARBARA F. SCHWARTZ
WILLIAM H. THOMPSON, D.D.S.



RICHARD J. HUGHES JUSTICE COMPLEX
CN 962
TRENTON, NEW JERSEY 08625
(609) 292-1011

ROBYN M. HILL
CHIEF COUNSEL
ISABEL FRANK
DEPUTY CHIEF COUNSEL
PAULA T. GRANUZZO
LILLIAN LEWIN
DONA S. SEROTA-TECHNER
ASSISTANT COUNSEL

July 24, 1996

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

Harmon H. Lookhoff, Esq.
CONFIDENTIAL - REDACTED

RE: In the Matter of Harmon H. Lookhoff
Docket No. DRB 96-201
LETTER OF ADMONITION

Dear Mr. Lookhoff:

Pursuant to R. 1:20-10, the Disciplinary Review Board reviewed the motion for discipline by consent filed by the District XIII Ethics Committee. After a review of the record, the Board determined to grant the motion.

Specifically, in 1989 you were retained by Pauline and Michael Burns, the minority shareholders of a family-owned business known as Burns Beverage Company, to institute litigation in their behalf against the majority shareholder, Joan Burns. Before filing suit, you spoke with the attorney for John Burns, whereupon it was agreed that the company would be sold. Sometime thereafter, Patricia Ward, another minority shareholder, made it clear that she did not want you to represent her. After the business was sold and the minority shareholders received substantial sums of money, they refused to pay the fee you were looking for, as a result of which you filed suit against all of the minority shareholders, including Ms. Ward. Eventually, the suit was voluntarily dismissed without prejudice. In seeking a fee from a non-client you violated RPC 1.5(a). The Board considered, however, that you consulted with counsel prior to filing suit and that you honestly believed that you were entitled to the fee from Ms. Ward.

I/M/O Harmon H. Lookhoff
Docket No. DRB 96-201
Page Two

In addition, in the course of your representation of Abe Rakoff, a \$600 check made out to a company in which you had an interest was mistakenly sent to you, instead of Mr. Rakoff. Over the next year or so, you and Mr. Rakoff argued over who was entitled to the funds. Ultimately, when it was determined that the monies were rightfully Mr. Rakoff's, you agreed to pay Mr. Rakoff in full. Your failure to safeguard the property of another, however, violated RPC 1.15(b).

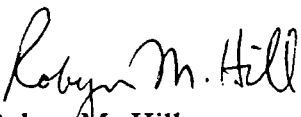
In mitigation, the Board considered that you strongly, albeit mistakenly, believed that you had a legitimate claim against Ms. Ward and that Mr. Rakoff has been made whole.

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/dm

c: Chief Justice Deborah T. Poritz
Associate Justices
Stephen W. Townsend, Clerk
Supreme Court of New Jersey
Lee M. Hymerling, Esq., Chair
Disciplinary Review Board
David E. Johnson, Jr., Esq., Director
Office of Attorney Ethics
Thomas J. Savage, Esq., Chair
District XIII Ethics Committee
Julie M. Marino, Esq., Secretary
District XIII Ethics Committee
Frederick E. Popovitch, Esq.
Counsel for respondent