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February 21, 2018

VIA REGULAR MAIL AND E-MAIL

Douglas J. Hull, Esq.
c/o Adam J. Adrignolo, Esq.
Graham Curtin, P.A.
Four Headquarters Plaza
Post Office Box 1991
Morristown, New Jersey 07962-1991

Re: In the Matter of Douglas J. Hull
Docket No. DRB 17-376
District Docket No. IIIA-2015-0021E
LETTER OF ADMONITION

Dear Mr. Hull:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Following a review of the record, the Board determined to impose an admonition.

Specifically, Kenneth Kressler died on January 12, 2013. His estate comprised four assets, two of which were subject to probate – a Wells Fargo bank account, with a balance of \$85,322.68, and a \$9,212.38 refund due from Springpoint at Crestwood, Inc. (Crestwood Manor), where Mr. Kressler had resided when he died.

Mr. Kressler's daughter, Nancy Fremuth, and his wife, Virginia Kressler, were co-executrixes of his estate (the co-executrixes). On April 11, 2013, they retained Novy & Associates (the Novy firm) to assist them in their duties. The matter was assigned to you for handling.

On July 3, 2013, Crestwood Manor issued a \$9,212.38 check to the estate. On August 23, 2013, Wells Fargo issued a \$35,587.75 check, representing about half the value of Mr. Kressler's account. Wells Fargo did not release the remaining \$35,587.62 until October 31, 2014 because the required form L-8, which authorizes the release of account funds in estate matters, had not yet been submitted to the institution. The final distributions were not made until August 5, 2015.

You acknowledged that the estate was "not handled as quickly as it should have been." Your expert, David Hardin, Esq., agreed, stating that the administration of the estate took longer than was customary. Based on the delay, the Board determined that you violated RPC 1.3, which requires a lawyer to "act with reasonable diligence and promptness in representing a client." The Board determined that your lack of diligence did not rise to the level of either gross neglect (RPC 1.1(a)) or a pattern of neglect (RPC 1.1(b)). The Board, thus, dismissed those charges.

The Board dismissed the other charges as well. In the Board's view, the facts did not support the finding that you failed to abide by the co-executrixes' decision regarding the scope of the representation (RPC 1.2(a)). Again, although you tarried in carrying out your duties, your conduct was wholly within the scope of the representation. The Board also determined that the failure-to-communicate charge (RPC 1.4(b)) was not sustained, as there was adequate communication with the co-executrixes through the firm's paraprofessionals. In addition, the Board dismissed the unreasonable fee charge (RPC 1.5(a)), because Mr. Hardin's testimony (that your fees were within the customary range for this type of matter) stood unrefuted.

You also were charged with having violated an unspecified provision of RPC 8.4 in respect of the use of a subaccount within the firm's trust account to collect and disburse estate funds, instead of establishing an estate account. The Board dismissed that charge because the use of a subaccount was based on the firm's longstanding interpretation of its retainer agreement and customary practice. Moreover, the firm has since clarified that provision of the agreement to avoid any future confusion. The Board also dismissed the RPC 8.4 charge, in respect of the disbursement of fees during a period when no work was being performed on the estate, because the disbursements represented the payment of bills for services rendered during the period of activity.

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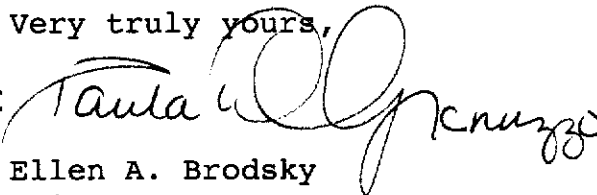
In imposing only an admonition, the Board considered that, at the time of the above infraction, you had an unblemished disciplinary record of more than forty years and that, upon learning of the alternate interpretation of the retainer agreement, the Novy firm modified the agreement to clarify the manner in which the firm collects and disburses estate funds.

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.

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,

By: 

Ellen A. Brodsky
Chief Counsel

EAB:sl

c: See attached list

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c: Chief Justice Stuart Rabner
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