

# DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

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ASSISTANT COUNSEL

April 3, 1996

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

Gerald A. Dienst, Esq.  
1861 Hooper Avenue  
Toms River, New Jersey 08753

RE: In the Matter of Gerald A. Dienst  
Docket No. DRB 95-489  
LETTER OF ADMONITION

Dear Mr. Dienst:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, the law firm of Roche & Carter, of which you were an associate, was retained by Darnell Terry to represent her in a lawsuit. The file was assigned to you. Despite your duty to represent your client's interests responsibly, you failed to notify her of an arbitration date scheduled for March 2, 1993 and failed to disclose to her the results of the arbitration, which included the rendering of a \$10,000 award. In addition, you failed to advise Ms. Terry that you were filing a motion to enlarge the time to file a request for a trial de novo, that the motion was denied and that a judgment embodying the award was entered. Your conduct was unethical and in violation of RPC 1.4(a) and (b) and RPC 1.3.

In mitigation, the Board considered that your failure to communicate to Ms. Terry the results of the arbitration was the direct result of your superiors' decision not to notify the client. The Board also noted that no disciplinary infractions had been sustained against you since your admission to the New Jersey bar in 1965.

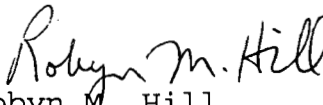
I/M/O Gerald A. Dienst  
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Your conduct adversely reflected not only upon you as an attorney but also upon all members of the bar. Accordingly, the Board has directed the issuance of this admonition to you. R.1:20-15(f)(4).

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 Robert N. Wilentz  
Associate Justices  
Stephen W. Townsend, Clerk  
Supreme Court of New Jersey  
Lee M. Hymerling, Esq., Chair  
Disciplinary Review Board  
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William Gold, Esq., Chair  
District VB Ethics Committee  
Charles B. Clancy III, Esq., Secretary  
District VB Ethics Committee  
Peter W. Kenney, Esq.  
Counsel for respondent  
Darnell Terry  
Grievant