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SUPREME COURT OF NEW JERSEY

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June 11, 1997

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

Robert S. Ellenport
136 Central Avenue
PO Box 5627
Clark, New Jersey 07066

Re: In the Matter of Robert S. Ellenport
DRB No. 96-386
LETTER OF ADMONITION

Dear Mr. Ellenport:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was unethical. With the approval of the Supreme Court, the Board has concluded that an admonition is the appropriate discipline for your misconduct.

Specifically, on February 19, 1992 you and a client, Estelle Katz, entered into a retainer agreement providing for a contingent fee of thirty-three and one-third percent of the first \$250,000 recovered, in accordance with R. 1:21-7 (c). Thereafter, on March 29, 1993, the fee arrangement was renegotiated to allow for an equal division between you and your client of any amounts recovered in excess of \$60,000. After you obtained a settlement of \$63,000, on March 30, 1993 you prepared a settlement statement awarding you \$19,784.10 (thirty-three and one-third of \$60,000 less costs of \$647.70) and \$1,500 (fifty percent of \$3,000), for a total fee of \$21,284.10. As a result, you received a fee of \$500 in excess of the contingent fee permitted by R. 1:21-7 (c). Your conduct was unethical and in violation of RPC 1.5 (a) (charging an unreasonable fee) and RPC 1.5 (c) (improper contingent fee).

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.


I/M/O Robert S. Ellenport

DRB No. 96-386

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,

By 
Robyn M. Hill

RMH:ms

- c. Chief Justice Deborah T. Poritz
- Associate Justices
- Stephen W. Townsend, Clerk
- Supreme Court of New Jersey
- Lee M. Hymerling, Chair
- Disciplinary Review Board
- David E. Johnson, Jr., Director
- Office of Attorney Ethics.
- Jay Lavroff, Chair
- District XII Ethics Committee
- Nicholas D. Caruso, Secretary
- District XII Ethics Committee
- Edward Kalogi
- Counsel for Respondent
- Estelle Katz
- Grievant