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June 6, 1997

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

Dennis Joy, Esq.
 265 Sparta Avenue
 Sparta, New Jersey 07081

Re: In the Matter of Dennis Joy
 Docket No. DRB 97-105
LETTER OF ADMONITION

Dear Mr. Joy:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, in or about May 1991 you agreed to represent Christie C. Whitehouse and her husband, Gregory Whitehouse, in defending an action brought by a prospective buyer of real estate owned by the Whitehouses. The action sought the return of the \$1,000 deposit being held by the realtors. On or about September 21, 1992, you learned from Mrs. Whitehouse that there was a contract pending for the sale of property. You informed her at that time that, if the sale was consummated, she would no longer have a claim against the former buyer. Mrs. Whitehouse, however, indicated that she still wanted to retain the \$1,000 deposit. You represented to her that you would try to obtain the deposit monies for her. You were unable to do so, however. In February 1993, an order was entered dismissing Mrs. Whitehouse's answer and counterclaim. On July 1993, you sent a voluntary dismissal to plaintiff's attorneys. You did not inform Mrs. Whitehouse of this development. It was your intention to return \$1,000 to Mrs. Whitehouse out of your own funds, but you failed to do so. After the realtors received the voluntary dismissal on July 23, 1993, the deposit was returned to the buyer. It was not until Mrs. Whitehouse undertook an investigation on her own that she learned of the dismissal of the action and that the \$1,000 deposit had been returned to the buyer. Your conduct was unethical and in violation of RPC 1.3. Although you did pursue the case diligently from the time you were retained until September 1992, when you

I/M/O Dennis Joy
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informed Mrs. Whitehouse that she did not have a claim, you failed to act with diligence after you learned that the property had been sold and that you would not be successful in obtaining the return of the deposit. In addition, you violated RPC 1.4 when you failed to keep your client reasonably informed about the status of the matter.


The Board dismissed the allegation that you violated RPC 8.1 (b) by failing to cooperate with the district ethics committee. Although you did not cooperate with the investigation of the matter, you filed a timely answer and you appeared at the committee hearing.

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
- 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.
- James D. Bride, Chair
- District X Ethics Committee
- Bonnie C. Frost, Secretary
- District X Ethics Committee
- Christie Whitehouse, Grievant