

book

DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY.

LEE M. HYMERLING, ESQ., CHAIR
JAMES R. ZAZZALI, ESQ., VICE-CHAIR
HON. WARREN BRODY
MICHAEL R. COLE, ESQ.
RUTH JEAN LOLLA
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 08625-0962
(609) 292-1011

ROBYN M. HILL
CHIEF COUNSEL

ISABEL FRANK
DEPUTY CHIEF COUNSEL

LILLIAN LEWIN
DONA S. SEROTA-TESCHNER
COLIN T. TAMS
ELLEN A. BRODSKY
ASSISTANT COUNSEL

October 28, 1997

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

Brad J. Spiller, Esq.
Brenner and Brenner
126 North Broadway
Camden, New Jersey 08120

Re: In the Matter of Brad J. Spiller
Docket No. DRB 97-262
LETTER OF ADMONITION

Dear Mr. Spiller:

The Committee on Attorney Advertising ("CAA") has concluded that your conduct in the above matter was improper, and has recommended to the Board that you be admonished. Specifically, on or about October 24, 1996 you caused a targeted direct-mail solicitation letter to be sent to an individual whose home was in foreclosure. That letter did not have the word "ADVERTISEMENT" prominently displayed in capital letters on the top of the first page of the text. Similarly, the letter did not make reference to the "downside" of bankruptcy or the alternatives other than bankruptcy that might be available to the debtor. In addition, the envelope in which the letter was sent was stamped with the aforementioned phrase and the notices required by RPC 7.3 (b) (4) (ii) (iii), but did not, either itself or on an affixed label, bear the word "ADVERTISEMENT" prominently displayed in capital letters on its face. Your conduct in this regard violated RPC 7.3 (b) (4) (i), RPC 7.1 (a) (1) and RPC 5.3 (a). The latter violation was predicated on the conduct of an independent contractor hired by you to attend to your targeted mailing.

The Board also determined to require that, for a period of two years, you submit to the CAA any and all advertisements, solicitations or related communications, in order to obtain the CAA's pre-publication approval, pursuant to R 1:19A-2 (d) and R 1:19A-3.

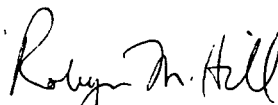
I/M/O Brad J. Spiller
DRB 97-262

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, Chair
Disciplinary Review Board
David E. Johnson, Jr., Director
Office of Attorney Ethics.
Lewis P. Sengstacke, Esq., Respondent's Counsel
Israel Dubin, Esq.
Committee on Attorney Advertising