

DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

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ASSISTANT COUNSEL

September 25, 2000

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

Andrew J. Brekus, Esq.
402 Kings Highway South
Cherry Hill, New Jersey

Re: In the Matter of Andrew J. Brekus
Docket No. DRB 00-187
LETTER OF ADMONITION

Dear Mr. Brekus:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, in the course of your representation of Deborah A. Murphy, you filed a complaint on her behalf after the expiration of the statute of limitations. Defendants then filed a motion to dismiss the complaint with prejudice, which was granted. Thereafter, you failed to advise Ms. Murphy, in writing, that she had a potential malpractice claim against you or that she should seek separate legal advice about the potential claim. In or about January 1998, you entered into a verbal agreement with Ms. Murphy, whereby the potential malpractice claim against you would be settled for \$8,000 plus the payment of reasonable medical expenses. You did not prepare a written agreement, thereby leaving Ms. Murphy with no document to enforce the settlement.

On February 24, 1998, you paid Ms. Murphy \$3,000. You made no further payments after that date.

Your conduct was unethical and in violation of RPC 1.8(a) and (h), in that you failed to advise your client of a potential malpractice against you; failed to advise her to consult with independent counsel about that claim; and failed to advise her that separate representation in the agreement to settle the malpractice claim was appropriate.

The Board also directed that you pay forthwith the \$5,000 balance owed to Ms. Murphy and submit proof of payment to the Office of Attorney Ethics within seven days of receipt of this letter.

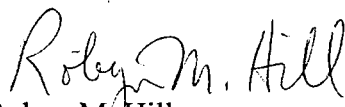
In imposing only an admonition, the Board considered that you are ready, willing and able to pay the balance of the settled claim. The Board also noted that no disciplinary infractions have been sustained against you since your admission to the bar in 1986.

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
- Andrew Kushner, Chair
- District IV Ethics Committee
- Mark Kancher, Secretary
- District IV Ethics Committee
- F. J. Fernandez-Vina, Esq., Respondent's counsel
- Deborah Murphy, Grievant