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SUPREME COURT OF NEW JERSEY

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April 24, 2003

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James E. Burden, Esq. Brotman, Graziano & Hubert, PC 3685 Quakerbridge Road Trenton, New Jersey 08619

Re:

In the Matter of James E. Burden

Docket No. DRB 03-014

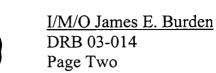
LETTER OF ADMONITION

Dear Mr. Burden:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, on or about November 14, 1998, Susan and Duane Daney met with a partner in the firm where you worked as an associate. At that initial meeting, they discussed Mrs. Daney's potential employment discrimination claim against her prior employer. In response to that meeting, the Daneys forwarded to the partner a written chronology of events.

On April 19, 1999, the Daneys met with you and executed a retainer agreement, as well as authorizations for the release of employment and medical records.

From June 1999 through March 2000, the Daneys had numerous telephone conversations with you. On those occasions, you told them that the partner was either reviewing the file or working on the claim. They were never informed by either phone or correspondence that the firm had not accepted their case or had declined representation. Under the circumstances, they reasonably believed that an attorney-client relationship existed. You did not make it clear to the Daneys that, in the firm's view, it had not yet



agreed to the representation because the partner had not yet signed the fee agreement, nor did you advise them that the partner had not yet had the opportunity to work on the file. Your conduct was unethical and in violation of <u>RPC</u> 1.4(a).

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. \underline{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

/tk

c. Chief Justice Deborah T. Poritz
Associate Justices
Stephen W. Townsend, Clerk, Supreme Court of New Jersey
William O'Shaughnessy, Vice-Chair, Disciplinary Review Board
David E. Johnson, Jr., Director, Office of Attorney Ethics
Frederic L. Shenkman, Chair, District I Ethics Committee
Frank L. Corrado, Jr., Secretary, District I Ethics Committee
Steven Kudatzky, Respondent's counsel
Susan L. Daney, Grievant