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October 25, 2004

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

Thomas S. Capron
c/o Dennis J. Barrett, Esq.
310 Main Street
Avon, New Jersey 07717

Re: In the Matter of Thomas S. Capron
Docket No. DRB 04-294
District Docket No. IX-02-015E
LETTER OF ADMONITION

Dear Mr. Capron:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, in April 1993, Anthony Kalwicz retained you to represent him in connection with the refinancing of his mortgage loan. In the course of your representation, you informed Mr. Kalwicz that the prior mortgage would be discharged of record.

In 2001, Mr. Kalwicz sought to refinance the existing mortgage loan. A title search revealed that, although the prior mortgage had been paid off, it had not been discharged of record. Thereafter, Mr. Kalwicz contacted you on several occasions, at which time you assured him that you would take the necessary steps to accomplish the discharge of the mortgage. Despite your assurances, you took no action in that regard.

Subsequently, Mr. Kalwicz retained another attorney, who was successful in having the mortgage discharged of record. Your conduct was unethical and a violation of RPC 1.1(a) (gross neglect).

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In imposing only an admonition, the Board considered that your conduct was confined to a single incident and that no disciplinary infractions have been sustained against you since your admission to the New Jersey bar in 1981.

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 invoice of costs will be forwarded under separate cover.

Very truly yours,



Julianne K. DeCore
Chief Counsel

/tk

c. Chief Justice Deborah T. Poritz
Associate Justices
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Mary J. Maudsley, Chair, Disciplinary Review Board
David E. Johnson, Jr., Director, Office of Attorney Ethics
Susan M. Scarola, Chair, District IX Ethics Committee
Kathleen A. Sheedy, Secretary, District IX Ethics Committee
Anthony K. Kalwicz, Grievant