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## SUPREME COURT OF NEW JERSEY

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September 24, 2004

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

Brian C. Freeman, Esq.  
76 South Orange Avenue  
South Orange, New Jersey 07079

Re: In the Matter of Brian C. Freeman  
Docket No. DRB 04-257  
District Docket No. VB-01-031E  
**LETTER OF ADMONITION**

Dear Mr. Freeman:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, In January 1994, you were retained by Thomas Cade to represent him in a legal malpractice action against his former attorney. Cade's ex-wife, Vera Clark, was a paralegal in your office.

Because of your failure to properly supervise Clark's work activities, she was able to sign Cade's name on the retainer agreement and, later, on a release and on a \$1,000 settlement check. Clark never turned over the monies to Cade, alleging that he had authorized her actions.

In another matter in which Clark was the client and Cade the per quod claimant, Clark inserted Cade's name on the release after you notarized her signature, and endorsed his name on a \$2,771.10 settlement check. Clark kept the entire proceeds, allegedly with Cade's permission. Cade denied having consented to Clark's actions in both matters.

Although there was no evidence that you were aware of Clark's improprieties, your conduct was nevertheless unethical and in violation of RPC 5.3(a) (a lawyer shall adopt and maintain reasonable efforts to ensure that the conduct of non-lawyer employees is compatible with the professional obligations of the lawyer) and RPC 5.3(b) (a lawyer having direct supervisory authority over a non-lawyer employee shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer).

In mitigation, the Board considered that no disciplinary infractions have been sustained against you since your admission to the New Jersey bar in 1984 and that you have taken steps to prevent any reoccurrences. The Board cautions you, however, that future similar behavior will subject you to more stern discipline.

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  
Stephen W. Townsend, Clerk, Supreme Court of New Jersey  
Mary J. Maudsley, Chair, Disciplinary Review Board  
David E. Johnson, Jr., Director, Office of Attorney Ethics  
Robert E. Brenner, Chair, District VB Ethics Committee  
Seth Ptasiewicz, Secretary, District VB Ethics Committee  
Thomas R. Ashley, Esq., Respondent's Counsel  
Thomas Cade, Grievant