

DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

ROCKY L. PETERSON, ESQ., CHAIR
MARY J. MAUDSLEY, ESQ., VICE-CHAIR
MATTHEW P. BOYLAN, ESQ.
HON. WARREN BRODY
RUTH JEAN LOLLA
WILLIAM J. O'SHAUGHNESSY, ESQ.
LOUIS PASHMAN, ESQ.
BARBARA F. SCHWARTZ
SPENCER V. WISSINGER, III



RICHARD J. HUGHES JUSTICE COMPLEX
P. O. Box 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
JOANN G. EYLER
ASSISTANT COUNSEL

March 15, 2002

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

John S. Giava, Esq.
17 Academy Street
Newark, New Jersey 07102

Re: In the Matter of John S. Giava
Docket No. DRB 01-455
LETTER OF ADMONITION

Dear Mr. Giava:

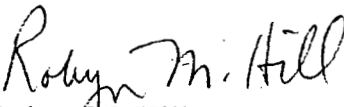
The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, in 1997 you were retained by Daniel and Susie Blue to obtain a wage execution against Annie Thorne, the defaulting buyer of real estate previously owned by the Blues. Without first consulting with your clients, you did not apply for a wage execution, as they had requested, and instead entered into an agreement with Ms. Thorne for the payment of \$200 a month. You were aware at the time that Ms. Thorne was experiencing financial difficulties. Your conduct was unethical and in violation of RPC 1.2(a) and RPC 1.4(b). In addition, when the Blues learned of the agreement and objected to its execution, you failed to timely reply to their reasonable requests for information about the matter. Your conduct was improper and in violation of RPC 1.4(a). Finally, you did not provide the Blues with a contingent fee agreement, in violation of RPC 1.5(b).

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
- Rocky L. Peterson, Chair, Disciplinary Review Board
- David E. Johnson, Jr., Director, Office of Attorney Ethics
- Joseph Gallo, Chair, District VA Ethics Committee
- James Scarpone, Secretary, District VA Ethics Committee
- Lewis Cohn, Respondent's counsel
- Susie and Daniel Blue, Grievants