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May 5, 2004

CERTIFIED MAIL, R.R.R. & REGULAR MAIL

Howard Gross
c/o Joel Korin, Esq.
KENNEY & KEARNEY, LLP
P.O. Box 5034
Cherry Hill, NJ 08034-0421

RE: In the Matter of Howard Gross
Docket No. DRB 04-059 : 04-058
District Docket No. IV-00-105E
LETTER OF ADMONITION

Dear Mr. Gross:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, in Lennon-Baker, you were retained to represent your client in a claim for injuries sustained in a September 15, 1998 collision between Lennon-Baker's automobile and a vehicle owned by the United States Army. Notwithstanding your duty to prosecute Lennon-Baker's claim diligently, she was forced to resort to self-help in order to resolve the case against the Army. In so doing, you exhibited gross neglect and lack of diligence, in violation of RPC 1.3 and RPC 1.1(a). In addition, you failed to communicate with the client and failed to explain the matter to the extent necessary to permit the client to make informed decisions about the representation, in violation of RPC 1.4(a) and (b).

In the Matter of Howard Gross

The Board dismissed the charge of a violation of RPC 1.5(b), insomuch as the record contains a retainer agreement, signed by Lennon-Baker.

In Cardona, you failed to abide by that aspect of the agreement in lieu of discipline requiring you to attend the New Jersey State Bar Association Diversionary Continuing Legal Education Program. Pursuant to R.1:20-3(i)(2)(C), upon your noncompliance, the matter was restored to triable status, and a complaint was issued, alleging lack of diligence in the underlying matter. The Board found a violation of RPC 1.3 in that matter, a charge you did not deny at the DEC hearing.

Finally, you admitted practicing law from September 30, 2002 to November 20, 2002, while ineligible to do so for your failure to pay the 2002 annual assessment to the CPF, in violation of RPC 5.5(a).


In issuing only an admonition, the Board gave considerable weight to materials offered in mitigation, relating to your drug and alcohol abuse.

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. Rule 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 cost of the disciplinary proceedings be assessed against you. An affidavit of costs will be forwarded under separate cover.

Very truly yours,


Julianne K. DeCore

JKD/sw

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
Patricia B. Santelle, Chair, District IV Ethics Committee
John M. Palm, Secretary, District IV Ethics Committee
Joel Korin, Esq., Respondent's Counsel
Rosalie Cardona, Grievant