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OF THE

SUPREME COURT OF NEW JERSEY

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May 24, 2004

Via Certified Mail, R.R.R. & Regular Mail

Ellan A. Heit, Esq.
61 Hudson Street
Hackensack, New Jersey 07601

RE: In the Matter of Ellan A. Heit
DRB 03-257 (former) and 04-138 (new),
District Docket Nos. IIB-02-038E (former) and
IIB-03-033E (new)
LETTER OF ADMONITION

Dear Ms. Heit:

The Disciplinary Review Board reviewed the motion for discipline by consent (admonition) filed by the District IIB Ethics Committee pursuant to R. 1:20-10(b). Following a review of the record, the Board determined to grant the motion and to impose an admonition.

Specifically, in early 2001, Edythe Fagenson contacted Sanford Dranoff, a New York attorney not admitted in New Jersey, to represent her in a matrimonial matter. Although Ms. Fagenson believed that she had retained Mr. Dranoff as her attorney, Mr. Dranoff had referred the case to you.

The retainer agreement that you prepared did not list your full name and address at the top. It was not until Ms. Fagenson reached the body of the agreement that she realized that she had retained the law firm of Ellan A. Heit. Furthermore, neither the retainer agreement nor the letterhead listed your of counsel

I/M/O Ellan A. Heit

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status to the Dranoff law firm.¹ Your conduct was improper and a violation of RPC 7.1(a)(1) and RPC 7.5(a).

Furthermore, you violated RPC 1.5(e) when you shared the Fagenson fee with Mr. Dranoff, since he did not perform any work on the matter or assume joint responsibility for the representation, with the client's consent.


In imposing an admonition, the Board considered that your division of fees was confined to this single incident and that no disciplinary infractions have been sustained against you since your admission to the New Jersey bar in 1989.

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

/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
Glenn R. Reiser, Chair, District IIB Ethics Committee
Morton R. Covitz, Secretary, District IIB Ethics Committee
Robert Ritter, Respondent's Counsel

¹ Although the stipulation of discipline by consent mentions your of counsel position with the Dranoff firm, the ethics investigative report refers to you as an independent contractor.