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April 16, 2004

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

A. Harold Kokes, Esq.
c/o Mark Roddy, Esq.
1021 S. Main Street
Pleasantville, New Jersey 08232

Re: In the Matter of A. Harold Kokes
Docket No. DRB 04-060
District Docket No. IIIB-02-005E
LETTER OF ADMONITION

Dear Mr. Kokes:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, you represented Hector Velazquez, who had been indicted for a series of sexual assaults upon two minor females. One of the alleged victims was the daughter of Mr. Velazquez' girlfriend, Luz Escobar. Ms. Escobar and her daughter, K.T., were scheduled to be interviewed by the assistant prosecutor assigned to the case and his investigator. Ms. Escobar was concerned that the prosecutor would attempt to either coerce K.T. into making false statements against Mr. Velazquez or misconstrue her statements in a way that would lead to Mr. Velazquez' conviction. Therefore, Ms. Escobar contacted you the day before the interview, seeking guidance on how to tape-record the conversations.

In response to Ms. Escobar's request, you contacted William Taggart, a licensed private investigator who was working with you in the defense of Mr. Velazquez. You asked Mr. Taggart if

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he would be willing to assist Ms. Escobar. Mr. Taggart provided Ms. Escobar with a recording device and instructed her on how to use it for the meeting with the prosecutor. Ms. Escobar then recorded the interview that took place on August 30, 2001. Because she was a party to the conversation, her conduct was not illegal.

Approximately two weeks before the trial, you personally handed a copy of the tape to the prosecutor. On the trial date, September 17, 2001, you and the prosecutor appeared before the court in connection with a series of pre-trial motions in the Velazquez matter. When the court inquired as to how the tape came to be presented to you, you replied that the interview had been consensually taped by one of participants to the conversations, "at no direction of me or even recommendation of me." Although your role in the taping incident was confined to putting Ms. Escobar and Ms. Taggart together, once you were questioned by the court you had an obligation to disclose the extent of your involvement. Your conduct was improper and a violation of RPC 3.3(a)(5) (a lawyer should not knowingly fail to disclose to a tribunal a material fact with knowledge that the tribunal may tend to be misled by such failure).

In imposing only an admonition, the Board considered that, after the court gave you ten minutes to consult with an attorney, you quickly disclosed to the court your participation in the tape-recording incident. The Board also noted that no disciplinary infractions have been sustained against you since your admission to the New Jersey bar in 1991.

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).

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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
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David E. Johnson, Jr., Director, Office of Attorney Ethics
Betsy G. Liebman, Chair, District IIIB Ethics Committee
Cynthia S. Earl, Secretary, District IIIB Ethics Committee