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SUPREME COURT OF NEW JERSEY

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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

May 28, 1999

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

Gerald M. Lynch, Esq.
22 Kirkpatrick Road
New Brunswick, NJ 08901

Re: In the Matter of Gerald M. Lynch
Docket No. DRB 99-105
LETTER OF ADMONITION

Dear Mr. Lynch:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, in January 1988 you were retained by Lillian Passaro (then known as Lillian Giarlo) to represent her in connection with injuries that she suffered as a result of an automobile accident. In August 1994, the matter was submitted to arbitration, resulting in an award of \$17,500 to Ms. Passaro. After Ms. Passaro indicated to you her dissatisfaction with the award, you failed to file the necessary paperwork to reject the award. For the next two years, Ms. Passaro called you to ascertain the status of the case. Ultimately you informed her that, if she would take the \$17,500, you would waive your fee. In 1996, Ms. Passaro decided to accept the \$17,500 award. After receiving her release, the insurance company issued a check dated December 18, 1996, payable to Ms. Passaro and to you, as her attorney. Once you received the check, you contacted Ms. Passaro, who again changed her mind about taking the \$17,500. Thereafter, not being able to return the check to the insurance company because of the receipt of the release, either you or your secretary, who was your wife, signed Ms. Passaro's name on the back of the check in order to safeguard the funds in your attorney trust account. As of the date of the hearing panel report, March 10, 1999, the monies remained in your trust account.

On May 8, 1997, the district ethics committee requested that you provide information about this matter. You did not comply with the committee's request and, similarly, did not reply to its subsequent letter of May 27, 1997.

Your conduct in this matter was unethical and violated RPC 1.4(b), in that you failed to inform Ms. Passaro that you had not rejected the arbitration award, RPC 1.15(b), in that you failed to promptly notify Ms. Passaro of the receipt of the settlement proceeds and failed to promptly deliver them to her, and RPC 8.1(b), in that you failed to reply to the committee's requests for information about the grievance.

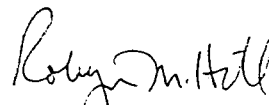
In mitigation, the Board considered that your action in signing the client's name to the settlement check was prompted by your desire to safeguard the funds, and that you have practiced law for twenty-one years without any disciplinary infractions.

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
- Lee M. Hymerling, Chair
- Disciplinary Review Board
- David E. Johnson, Jr., Director
- Office of Attorney Ethics.
- Robert J. Boland, Chair
- District IX Ethics Committee
- Jamie S. Perri, Secretary
- District IX Ethics Committee
- Frank Shamy, Esq., Respondent's counsel
- Lillian Passaro, Grievant