

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

October 30, 2002

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

Dennis D. S. McAlevy, Esq.
1814 Kennedy Boulevard
Union City, New Jersey 07087

CORRECTED LETTER

Re: In the Matter of Dennis D. S. McAlevy
Docket No. DRB 02-256
LETTER OF ADMONITION

Dear Mr. McAlevy:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, on July 13, 1999 you were found guilty of contempt in the face of the court by the Honorable José L. Fuentes, a Superior Court judge, and ordered to pay \$1,500.00 to the Superior Court Clerk's Office. On July 18, 1999, you appealed the contempt citation, disputing that your conduct rose to the level of contumacious behavior and claiming that you were protecting your client's constitutional rights. On November 6, 2000 the Appellate Division affirmed your contempt conviction, but reduced the fine to \$500.00. The Appellate Division found that, after Judge Fuentes revoked your client's bail – a decision that, in your view, was inappropriate – the judge advised you of your right to appeal the bail determination. Despite this advice, and instead of acting courteously towards the judge, you "sarcastically interfered with the judge's ability to conclude the hearing in an orderly fashion." As found by the Appellate Division, "[r]ight or wrong the judge had taken this action and was attempting to conclude the hearing." Your conduct was unethical and in violation of RPC 3.5(c).

I/M/O Dennis D. S. McAlevy

Docket No. DRB 02-256

Page two

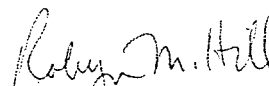
In imposing only an admonition, the Board¹ considered that, after the contempt citation, you and the court were able to conduct the trial in a professional manner.

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:tk

- 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
Bernard A. Kuttner, Special Master
Brian J. Neary, Esq., Respondent's Counsel

¹ One member voted to bring this matter on for oral argument before the Board.