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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

JULIANNE K. DeCORE
CHIEF COUNSEL

ISABEL FRANK
DEPUTY CHIEF COUNSEL

ELLEN A. BRODSKY
LILLIAN LEWIN
DONA S. SEROTA-TESCHNER
COLIN T. TAMS
KATHRYN ANNE WINTERLE
ASSISTANT COUNSEL

February 11, 2004

Certified Mail, R.R.R. and Regular Mail

Douglas F. Ortelere
496 Kinderkamack Rd. (2nd Floor)
Oradell, New Jersey 07649-1512

Re: In the Matter of Douglas F. Ortelere
Docket No. DRB 03-377
District Docket No. XIV-01-025E
LETTER OF ADMONITION

Dear Mr. Ortelere:

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

Specifically, in 1998, Fannie Cribb retained you to represent her in connection with injuries sustained in an automobile accident. You filed a complaint on December 24, 1998. In June 2000, you settled the case for \$8,500. Ms. Cribbs' outstanding medical liens totaled \$3,017.30. On October 2, 2000, you obtained the proper endorsements on the settlement check and deposited it in your trust account. On that same date, you disbursed to yourself a legal fee in the amount of \$1,250. You informed your client that you were holding the balance of the settlement funds to attempt to obtain a reduction of her medical bills.

During the fall of 2000 and until the filing of her grievance on December 12, 2000, Ms. Cribb attempted to reach you on numerous occasions to obtain information about her share of the settlement proceeds. You did not reply to her inquiries.

On January 24, 2001, you sent a \$2,500 check to Ms. Cribb, as partial distribution of the proceeds. You informed her that the balance of the funds would be forwarded to her after her medical bills were compromised or confirmed by the providers. In April 2001, you sent another check to Ms. Cribb, in the amount of \$1,723.70. You paid one of the medical bills and, seemingly with the approval of the Office of Attorney Ethics, retained \$2,608.30, the amount owed to a hospital. In August 2001, you released the balance of the proceeds to Ms. Cribb, after you were unable to obtain a response from the hospital's representatives. Your failure to communicate with your client and to promptly disburse funds to which she was entitled violated RPC 1.4(a) and RPC 1.15(b).

In addition, at various times between 1990 and 2001, you were placed on the New Jersey Supreme Court's ineligible list of attorneys for failure to pay the annual assessment to the New Jersey Lawyers' Fund for Client Protection. The period of ineligibility ranged from one day to eleven months. You were ineligible to practice law when you were retained by Ms. Cribb and when you filed her complaint. There is no evidence that you practiced law during the other periods of ineligibility. Your conduct was unethical and in violation of RPC 5.5(a).

In imposing only an admonition, the Board considered that you were suffering from depression at the time of your ethics misdeeds, and that no disciplinary infractions have been sustained against you since your admission to the New Jersey bar in 1983.

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,

Julianne K. DeCore
Chief Counsel

JKD/paa

- 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
Marina S. Peck, Deputy Ethics Counsel, Office of Attorney Ethics
Donald C. Mantel, Respondent's Counsel
Fannie Cribb, Grievant