

DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

LEE M. HYMERLING, ESQ., CHAIR
ROCKY L. PETERSON, ESQ., VICE-CHAIR
MATTHEW P. BOYLAN, ESQ.
HON. WARREN BRODY
RUTH JEAN LOLLA
MARY J. MAUDSLEY, ESQ.
WILLIAM J. O'SHAUGHNESSY, 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

December 7, 2000

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

Christopher J. O'Rourke, Esq.
542 Route 9
Waretown, New Jersey 08758

Re: In the Matter of Christopher J. O'Rourke
Docket No. DRB 00-069
CORRECTED LETTER OF ADMONITION

Dear Mr. O'Rourke:

The Disciplinary Review Board has reviewed the recommendation for discipline (reprimand) filed by Special Master Frank Dupignac, Jr. in the above matter. Following a de novo review of the record, supplemented by oral argument, the Board determined to impose an admonition.¹ Specifically, during the course of these proceedings, you were unable to produce any of your billing or accounting records for the Jones estate because, according to you, those records were maintained in a file that your paralegal allegedly removed from your office. R.1:21-6(b) requires an attorney to maintain receipts and disbursements journals, as well as a separate ledger book for all trust account transactions. Those records should not be stored in the client file. Accordingly, the Board found that you violated RPC 1.15(d). Although you were not specifically charged with a violation of RPC 1.15(d), the record developed below contains clear and convincing evidence of a violation of that rule. Indeed, you have relied on your failure to maintain required records as a defense to the charge of knowing misappropriation of client funds, which was dismissed for lack of clear and convincing evidence. In light of the foregoing, the Board deemed the complaint amended to conform to the proofs. R.4:9-2; In re Logan, 70 N.J. 222, 232 (1976).

¹ One member dissented, voting for greater discipline.

I/M/O Christopher J. O'Rourke
No. 00-069

The Board dismissed the balance of the charges for lack of clear and convincing evidence, including the special master's finding that RPC 1.15(c) was violated. The Board found no clear and convincing evidence that you unilaterally withdrew your fee without first having billed your client or otherwise having notified her of the withdrawal.


In imposing only an admonition, the Board noted that no disciplinary infractions have been sustained against you since your admission to the New Jersey bar in 1988.

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
Frank Dupignac, Jr., Esq., Special Master
Howard Butensky, Esq., Respondent's counsel
Cherie Yannone-Hasemann, Grievant