

DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

MARY J. MAUDSLEY, ESQ., CHAIR
WILLIAM J. O'SHAUGHNESSY, ESQ., VICE-CHAIR
MATTHEW P. BOYLAN, ESQ.
ROBERT C. HOLMES, ESQ.
RUTH JEAN LOLLA
LOUIS PASHMAN, ESQ.
BARBARA F. SCHWARTZ
HON. REGINALD STANTON
SPENCER V. WISSINGER, III



RICHARD J. HUGHES JUSTICE COMPLEX
P. O. Box 962
TRENTON, NEW JERSEY 08625-0962
(609) 292-1011

JULIANNE K. DeCORE
ACTING CHIEF COUNSEL

ELLEN A. BRODSKY
JOANN G. EYLER
ISABEL FRANK
LILLIAN LEWIN
DONA S. SEROTA-TESCHNER
COLIN T. TAMS
ASSISTANT COUNSEL

October 24, 2003

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

David Witherspoon
60 Park Place, Suite 1306
Newark, NJ 07102

Re: In the Matter of David J. Witherspoon
Docket No. DRB 03-280
LETTER OF ADMONITION

Dear Mr. Witherspoon:

The Disciplinary Review Board reviewed the recommendation for an admonition filed by the District VA Ethics Committee. Following a review of the record, supplemented by oral argument, the Board concluded that your conduct was improper and determined to impose an admonition. Specifically, in or about February 2000, Joy Fickett retained you, in response to your direct mail solicitation, to represent her in a municipal tax appeal matter. Thereafter, you failed to communicate the status of the matter to her or communicate with her in the manner necessary for her to make informed decisions about the representation. Your conduct was unethical and in violation of RPC 1.4(a) and RPC 1.4(b).

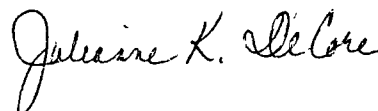
In imposing only an admonition, the Board considered your representation, made at oral argument, that you had returned Ms. Fickett's \$150 several weeks earlier. However, the Board cautions you to re-think your practice of not sending clients copies of appeals and cross-appeals in these matters, or risk more severe discipline in the future.

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 invoice of costs will be forwarded under separate cover.

Very truly yours,



Julianne K. DeCore

/sw

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
Tonya M. Smith, Chair, District VA Ethics Committee
James A. Scarpone, Secretary, District VA Ethics Committee
Joy Fickett, Grievant