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OF THE

SUPREME COURT OF NEW JERSEY



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March 18, 2002

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

David J. Witherspoon, Esq.
60 Park Place, Suite 1306
Newark, New Jersey 07102

Re: In the Matter of David J. Witherspoon
Docket No. DRB 02-050
LETTER OF ADMONITION

Dear Mr. Witherspoon:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, in 1998 you were retained by Mary Chackal to handle three tax appeals. At that time, you maintained an office in your home and listed mail drop addresses on your letterhead. By doing so, you misled Ms. Chackal and potential clients into thinking that you maintained an office in their locale. Your conduct was unethical and in violation of RPC 5.5(a), RPC 7.1 and RPC 7.5.

In addition, you failed to comply with the recordkeeping provisions of R.1:21-6. Specifically, you failed to maintain required records; closed a trust account before the last check issued had cleared, resulting in an overdraft; commingled personal and trust funds in your trust account; and issued trust account checks for personal and other non-client expenses. Your conduct was unethical and in violation of RPC 1.15(a) and (d).

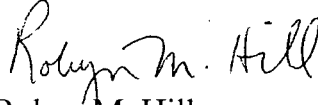
In imposing only an admonition, the Board noted that your misconduct was caused by ignorance of your ethics obligations and from lack of resources early in your career to fund a proper operation of a law office, rather than from dishonesty or the desire to ignore the rules. The Board also considered that you have taken action to cure the letterhead impropriety.

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
- Rocky L. Peterson, Chair, Disciplinary Review Board
- David E. Johnson, Jr., Director, Office of Attorney Ethics
- Joseph Gallo, Chair, District VA Ethics Committee
- James Scarpone, Secretary, District VA Ethics Committee
- Mary Chackal, Grievant