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**DISCIPLINARY REVIEW BOARD**

OF THE

SUPREME COURT OF NEW JERSEY

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May 26, 2005

CERTIFIED MAIL, R.R.R. & REGULAR MAIL

Thomas M. Keeley-Cain, Esquire  
 Borger, Jones and Keeley-Cain  
 1765 Springdale Road  
 Suite B1  
 Cherry Hill, New Jersey 08003-2177

RE: In the Matter of Thomas M. Keeley -Cain  
 Docket No. DRB 05-099  
 District Docket No. IIIB-04-006E  
**LETTER OF ADMONITION**

Dear Mr. Keeley-Cain:

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

Specifically, in 2003, you were retained by The Insurance Company of the State of Pennsylvania (ICSP), SML Construction, Inc. (SML), and Pesce & Dubauskas Construction, LLC (Pesce) to defend them in a matter captioned Legge Industries v. The Insurance Company of the State of Pennsylvania. Although you filed an answer on behalf of ICSP, you allowed the pleading to be dismissed without prejudice for failure to answer interrogatories. In addition, you failed to give notice to ICSP that its answer was subject to dismissal, first without prejudice and then with prejudice.

In the Matter of Thomas M. Keeley-Cain

Moreover, you failed to file an answer on behalf of SML and Pesce, which resulted in the entry of default against them. You also failed to give the clients notice that you had failed to file an answer on their behalf and that a default judgment would be entered against them.

With respect to your representation of all three clients, your conduct violated RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence), and RPC 1.4(a) (failure to communicate with the client). Moreover, 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).

In imposing only an admonition, the Board considered that you have no disciplinary history; you were remorseful and accepted full responsibility for your conduct; the conduct was not for personal gain; and this was an isolated incident.

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 also has directed that the costs of the disciplinary proceedings be assessed against you. An invoice of costs will be forwarded to you under separate cover.

Very truly yours,



Julianne K. DeCore  
Chief Counsel

JKD:KW

cc: Chief Justice Deborah T. Poritz  
Associate Justices  
Stephen W. Townsend, Clerk, Supreme Court of New Jersey  
Gail G. Haney, Deputy Clerk, Supreme Court of New Jersey  
(with ethics history)  
Mary J. Maudsley, Chair, Disciplinary Review Board  
David E. Johnson, Jr., Director, Office of Attorney Ethics  
Jeffrey S. Apell, Chair, District IIIB Ethics Committee  
Cynthia S. Earl, Secretary, District IIIB Ethics Committee