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SUPREME COURT OF NEW JERSEY

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February 22, 2005

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

Patrick Di Martini, Esq.
c/o Jorge L. Aviles, Esq.
591 Summit Avenue
Jersey City, New Jersey 07306

Re: In the Matter of Patrick Di Martini
Docket No. DRB 04-440
District Docket No. VI-03-004E
LETTER OF ADMONITION

Dear Mr. DiMartini:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, on July 15, 2002, you received an \$8,500 check from your clients, Luz and Pedro Cabrera, representing their down payment on real property located in Jersey City.

In September 2002, you discovered that the check had been stolen from your office and cashed on July 19, 2002, four days after you received it. Upon inquiry, you learned that the account number indicated on the cashed item belonged to a pizzeria in Jersey City and that an individual by the name of Kareem El Said had delivered the check to the pizzeria. Said, whom you knew, was at your office at or about the time that the Cabreras gave you the check. The record is silent on the circumstances surrounding the check's removal from your office.

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Although there is no evidence that you either negligently or recklessly exposed the Cabrereras' funds to the risk of being stolen, your failure to ensure that the check was deposited in your trust account soon after its delivery constituted failure to safeguard clients' funds, a violation of RPC 1.15(a).

In imposing only an admonition, the Board considered that, on learning of the theft of the check, you investigated the incident with your bank and assisted the Cabrereras in seeking reimbursement for the funds. Although the Board was aware that you received a three-month suspension in 1999, the Board took into account that the conduct that led to that discipline was unrelated to the conduct that gave rise to this admonition. Therefore, the Board did not find that you failed to learn from prior mistakes. In addition, you have been a member of the New Jersey bar for forty-six years; prior to the incidents that resulted to your three-month suspension, you enjoyed an unblemished career of thirty years. The Board was, therefore, persuaded that an admonition sufficiently addresses the nature of your conduct in this matter.

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.

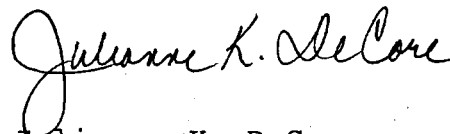
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The Board has also directed that the costs of the disciplinary proceedings be assessed against you. An invoice of costs will be forwarded under separate cover.

Very truly yours,



Julianne K. DeCore
Chief Counsel

/tk

c. 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
(w/ethics history)

Mary J. Maudsley, Chair, Disciplinary Review Board

David E. Johnson, Jr., Director, Office of Attorney Ethics

Perry Florio, Chair, District VI Ethics Committee

Jack Jay Wind, Secretary, District VI Ethics Committee

Pedro Cabrera, Grievant