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# DISCIPLINARY REVIEW BOARD

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SUPREME COURT OF NEW JERSEY

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COLIN T. TAMS  
KATHRYN ANNE WINTERLE  
ASSISTANT COUNSEL

March 20, 2009

**VIA CERTIFIED MAIL, R.R.R. & REGULAR MAIL**

Marc A. Futterweit, Esq.  
c/o Gerard Hanlon, Esq.  
Hanlon Dunn & Robertson  
50 South Street  
Morristown, NJ 07960

Re: **In the Matter of Marc A. Futterweit**  
Docket No. DRB 08-356  
District Docket No. X-06-051E  
**LETTER OF ADMONITION**

Dear Mr. Futterweit:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, in 2003, you were retained to represent Hector Orama in connection with an alleged assault on him by a police officer. Despite your obligation to keep your client informed about the status of his case and to reply to his reasonable requests for information about the matter, you failed to do so. Your conduct was unethical and a violation of RPC 1.4(b).

Although the District X Ethics Committee recommended that you receive a reprimand, the Board determined that an admonition is the more appropriate form of discipline. Typically, failure

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to communicate with clients, without more, calls for the imposition of an admonition. See, e.g., In the Matter of Alan Zark, DRB 04-443 (February 18, 2005); In the Matter of William H. Oliver, DRB 04-211 (July 16, 2004); In the Matter of Paul A. Dykstra, DRB 00-182 (September 27, 2000); and In the Matter of Beverly G. Giscombe, DRB 96-197 (July 24, 1996).

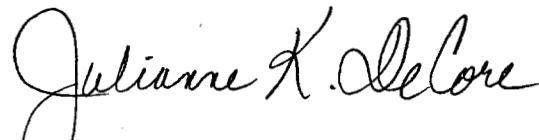
In imposing only an admonition, the Board considered that you have admitted your wrongdoing and that no disciplinary infractions have been sustained against you since your admission to the New Jersey bar in 1989.

Your conduct has 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  
Chief Counsel

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JKD/sj

c: Chief Justice Stuart Rabner  
Associate Justices  
Louis Pashman, Chair  
Disciplinary Review Board  
Stephen W. Townsend, Clerk  
Supreme Court of New Jersey  
Gail G. Haney, Deputy Clerk  
Supreme Court of New Jersey (w/ethics history)  
Charles Centinaro, Director  
Office of Attorney Ethics  
Bruce J. Ackerman, Chair, District X Ethics Committee  
Caroline Record, Secretary, District X Ethics Committee  
Hector Orama, Grievant