

DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

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ASSISTANT COUNSEL

January 31, 2007

CERTIFIED MAIL — R.R.R. AND REGULAR MAIL

Kevin W. Hanly, Esq.
c/o Richard F. X. Regan, Esq.
DeCotiis, Fitzpatrick, Cole & Wisler, LLP
Glenpointe Centre West
500 Frank W. Burr Boulevard
Teaneck, NJ 07666

Re: In the Matter of Kevin W. Hanly
Docket No. DRB 06-313
District Docket No. IIA-05-0006E
LETTER OF ADMONITION

Dear Mr. Hanly:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, from January 1998 to June 30, 2003, your law firm served as outside general counsel to the State-operated school district for the City of Paterson. During that time, the district sought to acquire additional space to accommodate its need for the September 2003 school year. You had previously represented the owners of the site that the district sought to lease. Although you recused yourself from the negotiation of the lease terms, you assisted special counsel retained to negotiate the lease, by communicating with the developer's attorney and by providing advice to special counsel.

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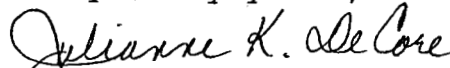
Your conduct in failing to completely disengage yourself from the transaction constituted a conflict of interest and violated RPC 1.7(a) and RPC 8.4(a). Although a reprimand is ordinarily the appropriate discipline for conflict of interest, In re Berkowitz, 136 N.J. 134 (1994), the Board was persuaded that an admonition was sufficient in this instance because of the presence of several compelling mitigating circumstances. Specifically, the Board considered the lack of economic harm to the parties, your willingness to return the legal fee, your full cooperation with ethics authorities, and the absence of any disciplinary infractions since your admission to the bar in 1979.

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
Chief Counsel

JKD/LL/ns

c: Chief Justice James R. Zazzali
Associate Justices
Stephen W. Townsend, Clerk, Supreme Court of New Jersey
Gail G. Haney, Deputy Clerk, Supreme Court of new Jersey
(w/ethics history)
William J. O'Shaughnessy, Chair, Disciplinary Review Board
David E. Johnson Jr., Director, Office of Attorney Ethics
Donald M. Onorato, Chair, District IIA Ethics Committee
Morton R. Covitz, Secretary, District IIA Ethics Committee
City of Paterson School District, Grievant