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ASSISTANT COUNSEL

March 27, 2009

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

Robert P. Hoopes, Esq.  
37A South Maple Ave.  
Marlton, NJ 08053

Re: **In the Matter of Robert P. Hoopes**  
Docket No. DRB 08-415  
District Docket No. IIIB-07-019E  
**LETTER OF ADMONITION**

Dear Mr. Hoopes:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, in 2005 and 2006, you engaged in conflicts of interest when you filed a complaint against your own client while you were still the attorney of record in his personal injury matter, obtained a judgment against him, and executed on it (RPC 1.7(a)); sponsored your client's race car and advertised your law practice on the car at a time when you were representing him (RPC 1.8(a)); and purchased your client's interest in a race car that you jointly owned while you represented him in pending litigation (RPC 1.8(a)).

Absent egregious circumstances or serious economic injury to the clients, conflicts of interest typically call for the imposition of a reprimand. In re Berkowitz, 136 N.J. 367, 148 (1994). Where special circumstances exist, admonitions have been imposed on attorneys who have violated the conflict of interest

rules. See, e.g., In the Matter of Cory J. Gilman, 184 N.J. 298 (2005) (among other violations, the attorney prepared real estate contracts for buyers requiring the purchase of title insurance from a company owned by his supervising partner; the Board considered that it was the attorney's first brush with the ethics system, that he cooperated fully with the ethics investigation, and that he was a new attorney at the time of the infraction); In the Matter of Frank Fusco, DRB 04-442 (February 22, 2005) (attorney did not technically engage in a conflict of interest situation while representing the buyer and seller in a real estate transaction because no conflict ever arose between the parties to the contract; the Board considered that the attorney did not negotiate the terms of the contract, but merely memorialized them, that the parties wanted a quick closing, that the attorney was motivated by a desire to help friends, that neither party was adversely affected by the misconduct, that the attorney did not receive a fee for his services, and that he had no disciplinary record at the time); and In the Matter of Carolyn Fleming-Sawyer, DRB 04-017 (March 23, 2004) (attorney collected a real estate commission upon her sale of a client's house; the Board considered that the attorney had an unblemished fifteen-year career, was unaware that she could not act simultaneously as an attorney and collect a real estate fee, a circumstance that negated any intent to take advantage of the client, and that six years had elapsed since the time of the ethics infraction).

Here, too, the Board found that several mitigating factors justified only an admonition. The Board considered that you have no history of discipline since your admission to the New Jersey bar in 1989, that there was no evidence that your former client suffered any economic injury, that you recognized that a conflict existed, and that you attempted to find your client new counsel, before filing a law suit against him.

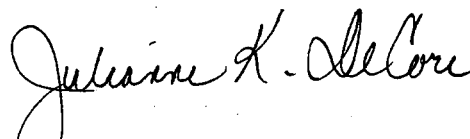
Nevertheless, your conduct has adversely reflected not only upon you as an attorney but also upon all members of the bar. Accordingly, the Board has directed the issuance of this admonition to you. R. 1:20-15(f)(4).

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

JKD/

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  
John A. Zohlman, Chair, District IIIB Ethics Committee  
Cynthia S. Earl, Secretary, District IIIB Ethics Committee  
Scott A. Singley, Grievant