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ASSISTANT COUNSEL

October 27, 2006

Edward G. O'Byrne, Esq.  
c/o Richard F.X. Regan, Esq.  
DeCotiis, Fitzpatrick, Cole & Weiner, LLP  
Glenpointe Centre West  
500 Frank W. Burr Boulevard  
Teaneck, New Jersey 07666

Re: In the Matter of Edward G. O'Byrne  
Docket No. DRB 06-175  
District Docket No. XI-03-31E  
**Letter of Admonition**

Dear Mr. O'Byrne:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was unethical. Specifically, on behalf of Michael Stoia, you filed a civil action seeking damages for malicious prosecution and intentional infliction of emotional distress. The trial court dismissed the lawsuit; the Appellate Division affirmed; and the Supreme Court denied certification. In May 2003, the Appellate Division allowed the defendants \$262 in costs. In July 2003, the Law Division and the Supreme allowed the defendants \$267.86 and \$112, respectively, in costs. You did not inform Mr. Stoia that these costs had been allowed and that he was obligated to pay them.

Between June and September 2003, defense counsel wrote five letters to you seeking payment of the costs. You did not respond, and the costs remain unpaid. In addition, during this time, your client remained unaware of the entry of the costs and his obligation to pay them. Finally, in early October 2003, the defendants filed a motion to hold Mr. Stoia in contempt or, in the alternative, for entry of judgment on the \$641.86 in costs. You did not inform your client about this motion until two weeks later, which is when Mr. Stoia first learned about the costs and the motion. Although you eventually paid all but \$25 of the costs, your conduct in failing to

communicate to your client that the costs were allowed and your delay in informing him that the defendants had filed a motion seeking either to hold him in contempt or the entry of a judgment against him were improper and in violation of RPC 1.4(a).

The Board did not find that the evidence clearly and convincingly established that you asserted frivolous claims in the civil action or that you charged an unreasonable fee. Accordingly, the Board did not accept the DEC's recommendation that you return \$15,000 to your client. Instead, the Board believed that the reasonableness of the fees charged Mr. Stoia is an issue more properly decided in a fee arbitration proceeding, which Mr. Stoia may seek to institute pursuant to R. 1:20A.

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

Very truly yours,



Julianne K. DeCore  
Chief Counsel

/tk

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  
Ralph M. Fava, Jr., Chair, District XI Ethics Committee  
Robert L. Stober, Secretary, District XI Ethics Committee  
Michael and Mary Stoia, Grievants