

Disciplinary Review Board

OF THE

SUPREME COURT OF NEW JERSEY

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June 9, 2008

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

David J. Percely, Esq.
c/o Dennis J. Drasco, Esq.
Lum, Drasco & Positan, LLC
103 Eisenhower Parkway
Roseland, New Jersey 07068-1049

Re: In the Matter of David J. Percely
Docket No. DRB 08-008
District Docket Nos. XIV-2007-003E
and XIV-2007-0282E
LETTER OF ADMONITION

Dear Mr. Percely:

The Disciplinary Review Board has reviewed the disciplinary stipulation between you and the Office of Attorney Ethics and has concluded that your conduct was improper. After a careful review of the record, the Board has determined to impose an admonition.

Specifically, after the settlement of a personal injury action for your client, Christine Nicholas, for over three years you did not remit to her the balance of the settlement funds to which she was entitled. Your conduct in this regard violated RPC 1.15(b). You also lacked diligence in the matter (RPC 1.3), failed to cooperate with ethics authorities during the investigation of the grievance (RPC 8.1(b)), and wrote a trust account check to "cash," contrary to R. 1:21-6(c)(1)(A).

I/M/O David J. Percely

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In imposing only an admonition, the Board considered the significant mitigation presented, including your twenty years at the bar without prior final discipline, the passage of nine years since the underlying events took place, the health problems that beset your family during the time in question, your own bout with depression, and your service to your community during your six-year temporary suspension.

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/CT/tk

c: Chief Justice Stuart Rabner
Associate Justices
Stephen W. Townsend, Clerk, Supreme Court of New Jersey
Gail G. Haney, Deputy Clerk, Supreme Court of New Jersey
(w/ethics history)
Louis Pashman, Chair, Disciplinary Review Board
David E. Johnson, Jr., Director, Office of Attorney Ethics
Christine Nicholas, Grievant