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OF THE SUPREME COURT OF NEW JERSEY



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ASSISTANT COUNSEL

June 9, 2009

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

Alfred V. Gellene, Esq.
c/o Edward J. Gilhooly, Esq.
14 Franklin Street
Morristown, NJ 07960

Re: **In the Matter of Alfred V. Gellene**
Docket No. DRB 09-068
District Docket No. X-07-0077E
LETTER OF ADMONITION

Dear Mr. Gellene:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, in 2004 you did not provide your client, Luis Santana, or his mother, Aida Botioja, with a proper writing setting forth the basis or rate of your fee for Santana's criminal appeal. Thereafter, you did not take the steps required to have your client's case transferred to you from the Public Defender's Office's ("PDO") attorney, who had represented him at trial. Although you had a few conversations with the PDO, wrote to the PDO pool attorney, and attempted to obtain the trial transcripts, you lacked diligence in pursuing the matter. Your conduct was unethical and a violation of RPC 1.3 and RPC 1.5(b).

The complaint also charged you with violating RPC 8.1(b). Even though you did not reply to the grievance, you filed an answer and amended answer to the complaint and participated at the ethics hearing. In light of these actions and the compelling

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mitigating factors you offered at the hearing, the Board dismissed the charge of failure to cooperate with ethics authorities.

In imposing only an admonition, the Board considered that you advanced compelling personal mitigating factors and that you practiced law for thirty years without a significant ethics history. Your two private reprimands occurred more than eighteen years ago.

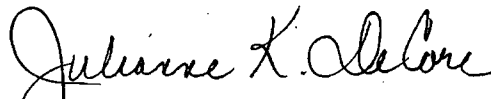
Your conduct has adversely reflected not only upon you as an attorney but also upon all members of the bar. Accordingly, the Board has directed the issuance of this admonition to you. R. 1:20-15(f)(4).

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.

Vice-Chair Bonnie Frost and Member Reginald Stanton recused themselves.

Very truly yours,



Julianne K. DeCore
Chief Counsel

JKD/

c: Chief Justice Stuart Rabner
Associate Justices
Louis Pashman, Chair
Disciplinary Review Board
Mark Neary, 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
Aida Batioja, Grievant