

Book

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February 20, 1996

Certified Mail - R.R.R.
and Regular Mail

Kirk D. Rhodes, Esq.
FROST, RHODES, DEVITO & HAWKINS
705 Park Avenue
Plainfield, New Jersey 07062

RE: In the Matter of Kirk D. Rhodes
Docket No. DRB 95-126
LETTER OF ADMONITION

Dear Mr. Rhodes:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was unethical. With the approval of the Supreme Court, the Board has concluded that an admonition is the appropriate discipline for your misconduct.

Specifically, as a result of an inadvertent deposit of \$12,750.00 in your business account instead of your attorney trust account, a trust overdraft of \$10,417.75 caused a negligent invasion of other client funds. In addition, an audit of your attorney records uncovered several recordkeeping deficiencies, such as, the failure to reconcile your trust account client balances, bank statement and check balances until at least December 1990 or to maintain records of the subsequent reconciliations; the failure to maintain a separate trust receipts book; the failure to make a notation of the purpose of trust ledger sheets; and the failure to deposit all trust account fee checks in the business account. Your conduct was unethical and in violation of R.1:21-6 and RPC 1.15.

In imposing only an admonition, the Board considered that the negligent invasion of client funds was caused by a single incident, that is, the inadvertent misdeposit of \$12,750.00 in your business account.


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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.

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 affidavit of costs will be forwarded under separate cover.

Very truly yours,


Robyn M. Hill

RMH/dm

c: Chief Justice Robert N. Wilentz
Associate Justices
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Office of Attorney Ethics