

book

DISCIPLINARY REVIEW BOARD
OF THE
SUPREME COURT OF NEW JERSEY

LEE M. HYMERLING, ESQ., CHAIR
JAMES R. ZAZZALI, ESQ., VICE-CHAIR
HON. WARREN BRODY
MICHAEL R. COLE, ESQ.
RUTH JEAN LOLLA
MARY J. MAUDSLEY, ESQ.
ROCKY L. PETERSON, ESQ.
BARBARA F. SCHWARTZ
WILLIAM H. THOMPSON, D.D.S.



RICHARD J. HUGHES JUSTICE COMPLEX
CN 962
TRENTON, NEW JERSEY 08625-0962
(609) 292-1011

ROBYN M. HILL
CHIEF COUNSEL

ISABEL FRANK
DEPUTY CHIEF COUNSEL

LILLIAN LEWIN
DONA S. SEROTA-TESCHNER
COLIN T. TAMS
ELLEN A. BRODSKY
ASSISTANT COUNSEL

April 27, 1998

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

Frederick L. Bernstein, Esq.
90 Main Street, Suite 305
Hackensack, New Jersey 07601

Re: In the Matter of Frederick L. Bernstein
Docket No. DRB 98-128
LETTER OF ADMONITION

Dear Mr. Bernstein:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, between 1973 and 1986 you prepared numerous wills and codicils in behalf of Irma Weineck. In at least two of those wills, you were designated as a beneficiary. In or about September 1997, another attorney prepared a revocation of the last will prepared by you. That attorney also drafted subsequent wills and codicils for Ms. Weineck. Although after Ms. Weineck's death in 1995 you were no longer a beneficiary under her last will, your conduct in naming yourself as beneficiary in two wills that you prepared constituted a violation of RPC 1.8(c). Notwithstanding your claim that the provision in the will was intended to satisfy legal fees owed to you, your conduct was violative of RPC 1.8(c).

The Board dismissed the charge of a violation of RPC 1.5(b), finding that your longstanding professional relationship with Ms. Weineck obviated the need to have a formal retainer agreement.


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).

I/M/O Frederick L. Bernstein
DRB 98-128

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:ms

- c. Chief Justice Deborah T. Poritz
Associate Justices
Stephen W. Townsend, Clerk
Supreme Court of New Jersey
Lee M. Hymerling, Chair
Disciplinary Review Board
David E. Johnson, Jr., Director
Office of Attorney Ethics.
Melinda L. McAllister, Chair
District II-B Ethics Committee
Morton R. Covitz, Secretary
District II-B Ethics Committee
Kim Ringle, Esq.
Mr. & Mrs. Stephen G. Cickay, Grievants