

Disciplinary Review Board

OF THE

Supreme Court of New Jersey



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July 28, 1997

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

Thomas P. Foy, Esq.
c/o The Multicare Companies, Inc.
411 Hackensack Avenue
Hackensack, New Jersey 07601

Re: In the Matter of Thomas P. Foy
Docket No. DRB 97-136
LETTER OF ADMONITION

Dear Mr. Foy:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, on the night of December 5, 1995 you communicated ex parte with a Superior Court judge who had made a ruling unfavorable to Hill International, Inc., your former employer. Although your conduct was not intended to influence the judge, but prompted by distress on the part of your friends and former colleagues in Hill International because of the threat to their continued employment, you nevertheless violated RPC 3.5 (b) and RPC 8.4 (d). Indeed, your conduct required the judge who was most familiar with the case to recuse himself from hearing a motion for reconsideration and necessitated another judge to become familiar with the procedural history of the matter.

In imposing only an admonition, the Board considered your genuine regret for your conduct, the absence of any intentional wrongdoing, your cooperation with the investigation of the matter and your unblemished ethics record of twenty years.

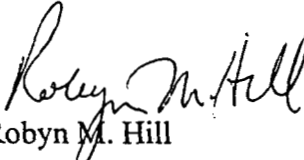
Your conduct adversely reflected not only upon you as an attorney but also upon all members of the bar. Accordingly, the Board has directed the issuance of this admonition to you. R. 1:20-15 (f) (4).

I/M/O Thomas P. Foy
DRB 97-136

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
- Alan G. Frank, Jr., Chair
- District VII Ethics Committee
- Joan M. Weidner, Secretary
- District VII Ethics Committee
- Michael J. Herbert, Esq., Counsel for Respondent