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October 27, 1997

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

Mark D. Mungello, Esq.
One Greentree Center
Marlton, New Jersey 08053

Re: In the Matter of Mark D. Mungello
Docket No. DRB 97-282
LETTER OF ADMONITION

Dear Mr. Mungello:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, in early 1994 you represented Robert D'Ambrosio, the plaintiff in a lawsuit against C.M.C. Group of Marlton, Inc. and an individual named Lopez. Immediately following an unsuccessful settlement conference, your client discovered that Mr. Lopez had inadvertently left a box in the room where the meeting had taken place. In your presence, your client opened the box and examined the documents kept in it. Although you did not look inside the box, based on a verbal description given to you by your client you believed that the documents were non-privileged and belonged to C.M.C. You made a determination that your client had an equal right of access to the documents. Thereafter, your client removed the box to his home, with your knowledge. Your client made copies of certain documents and returned the box to you on the following day. Over the weekend, you left a message on your adversary's answering machine, notifying him that you had possession of the box and that you would return it when court reconvened. Subsequently, you made an application to the court attaching or making reference to specific documents that had been copied from the box. At that time the box was returned to your adversary. Although the documents in the box were not subject to an attorney-client privilege and although some of them had been requested, but not produced, during the course of discovery, your conduct, nevertheless, violated RPC 4.4, in that you used evidence improperly obtained by your client.


I/M/O Mark D. Mungello
DRB 97-282

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).

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
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