

# DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

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COLIN T. TAMS  
KATHRYN ANNE WINTERLE  
ASSISTANT COUNSEL

January 25, 2011

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

Joseph Jerome Fell  
c/o William W. Voorhees, Jr.  
444 East Main Street, 2<sup>nd</sup> Floor  
Chester, New Jersey 07930

Re: **In the Matter of Joseph Jerome Fell**  
Docket No. DRB 10-328  
District Docket No. XIII-09-014E and XIII-09-015E  
**LETTER OF ADMONITION**

Dear Mr. Fell:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, you represented James Chickara in connection with Chickara's sale of his one-third interest in a car wash to the grievants, Carlos A. Duarte and Jose Rodriguez, and a third individual. In October 2008, Duarte and Rodriguez gave checks totaling \$325,000 to you, payable to your trust account. Duarte and Rodriguez claimed that they instructed you orally not to release any of their funds to Chickara until all contracts and operating agreements had been signed and their attorney approved the paperwork. There was no written escrow agreement prepared.

Chickara provided to you an executed operating agreement, purportedly approving the sale of his one-third interest in the car wash. One of the necessary signatories, however, did not sign the agreement. You mistakenly believed that the agreement had been properly executed and began to disburse the \$325,000 to Chickara, and to "various other individuals and entities associated with him and his interests." Duarte and Rodriguez never received their one-

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third interest in the car wash. Your conduct was unethical and a violation of RPC 1.15(a). Although the complaint charged you with violating RPC 1.2 and RPC 3.1, we find those rules inapplicable to the facts of this matter.

In imposing only an admonition, we noted that you accepted full responsibility for your mistakes, were remorseful, have no disciplinary history, have a good professional reputation, and did not act in your own self-interest.

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.

Very truly yours,



Julianne K. DeCore  
Chief Counsel

JKD/paa

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  
Victor A. Rotolo, Chair, District XIII Ethics Committee  
Donna P. Legband, Secretary, District XIII Ethics Committee  
Carlos Duarte, Grievant  
Jose Rodriguez, Grievant