

0L
7/25/01
RA

DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

ROCKY L. PETERSON, ESQ., CHAIR
MARY J. MAUDSLEY, ESQ., VICE-CHAIR
MATTHEW P. BOYLAN, ESQ.
HON. WARREN BRODY
RUTH JEAN LOLLA
WILLIAM J. O'SHAUGHNESSY, ESQ.
LOUIS PASHMAN, ESQ.
BARBARA F. SCHWARTZ
SPENCER V. WISSINGER, III



RICHARD J. HUGHES JUSTICE COMPLEX
P. O. Box 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
JOANN G. EYLER
ASSISTANT COUNSEL

July 25, 2001

Stephen W. Townsend, Clerk
Supreme Court of New Jersey
PO Box 970
Trenton, New Jersey 08625

JUL 27 1 38 PM '01
OFFICE OF
ATTORNEY ETHICS

Re: In the Matter of Brian D. McArdle
Docket No. DRB 01-153

XIV-01-135E

Dear Mr. Townsend:

The Disciplinary Review Board reviewed the motion for discipline by consent (reprimand) filed by the Committee on Attorney Advertising in the above matter. Following a review of the record, the Board determined to grant the motion. In the Board's view, a reprimand is the appropriate discipline for respondent's ethics infractions. Specifically, on November 1, 1998, respondent caused a promotional flyer to be delivered with the Sunday *Star-Ledger*, titled "Make Sure Your Estate Goes to the People You Love! Instead of the IRS and Probate Expenses...." The flyers invited the readers to attend a free public seminar. In September 2000 respondent also caused a different flyer to be circulated in the Sunday *Star-Ledger*. The flyer was titled "Free 'Living Trust' Seminar [-] Find Out How to Transfer Your Estate to Your Family *Quickly* - and Minimize Estate Taxes." That flyer invited readers to attend a free seminar and receive a free one-hour consultation. Both flyers contained statements that were potentially misleading to the public, in violation of ACPE Opinion 25, 153 N.J.L.J. 1298, 7 N.J.L. 2250 (1998).

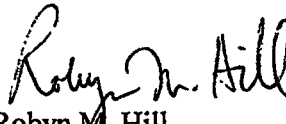
In addition, the Board expressed its strong conviction that, since respondent has been conducting public seminars and since the contents of the flyer are inaccurate in many respects, he should be required to take an ICLE course on trusts and estates and furnish proofs to the CAA of satisfactory completion.

I/M/O Brian D. McArdle
DRB 01-153

Enclosed are the following documents:

1. Notice of motion for discipline by consent.
2. Stipulation of discipline by consent
3. Affidavit of consent.
4. Ethics history.

Very truly yours,


Robyn M. Hill

RMH:ms

- c. Rocky L. Peterson, Chair
Disciplinary Review Board
David E. Johnson, Jr., Director
Office of Attorney Ethics
Israel Dubin, Secretary
Committee on Attorney Advertising
Brian D. McArdle, Respondent