

DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

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ASSISTANT COUNSEL

December 22, 2011

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

Gerald J. Batt, Esq.
110 North Sixth Street
P.O. Box 729
Vineland, NJ 08362-0729

Re: In the Matter of Gerald J. Batt
Docket No. DRB 11-338
District Docket No. XIV-2010-0690E
LETTER OF ADMONITION

Dear Mr. Batt:

The Disciplinary Review Board reviewed the motion for discipline by consent (reprimand or such lesser discipline as the Board deems appropriate), filed by the Office of Attorney Ethics (OAE) in the above matter, pursuant to R. 1:20-10. Following a review of the record, the Board determined to grant the motion and to impose an admonition.

Specifically, in early 1998, your law partner, Americo Antonelli, designated your law firm as the beneficiary of thirty-four percent, or \$400,000, of a \$1,250,000 life insurance policy insuring his life. Mr. Antonelli's wife, Joan Antonelli, was the primary beneficiary of the policy. After Mr. Antonelli passed away, in August 1998, your law firm represented Mrs. Antonelli, the executrix of her husband's estate.

When your firm requested the insurance company to pay its share of the policy, one of your law partners, William Michael Gilson, learned that Mr. Antonelli had assigned the policy to a bank to secure personal loans of \$1,034,000. Mr. Gilson then informed you that a conflict existed among the firm, the bank, and Mrs. Antonelli. Notwithstanding this conflict, you and your partners Gilson and Gary Wodlinger met with Mrs. Antonelli and several of her family members to discuss the division of the life insurance proceeds. You, Mr. Gilson, and Mr. Wodlinger signed an agreement with Mrs. Antonelli resolving the distribution of the insurance proceeds, as well as other financial issues. It was not until during or after this meeting that Mrs. Antonelli was advised to retain independent counsel.

Your representation of Mrs. Antonelli, in the presence of adverse interests, constituted a conflict of interest, a violation of RPC 1.7(b). Mrs. Antonelli was never apprised that you and your partners were competing for the same life insurance proceeds nor was her consent to the representation obtained. In addition, by executing the agreement settling financial issues with Mrs. Antonelli, you entered into a business transaction with her, without complying with the safeguards of RPC 1.8(a).

In imposing only an admonition, the Board took into account the considerable mitigation presented. Specifically, the events from which this ethics matter stems occurred in 1998, thirteen years ago; you have had a long, previously unblemished legal career, since 1963; you believed that you could proceed informally because of your close relationship with the Antonelli family; and you readily admitted your wrongdoing by entering into a stipulation with the OAE.

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.

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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/sl

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
Walton W. Kingsbery, III, Assistant Counsel
Office of Attorney Ethics