

# DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

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ASSISTANT COUNSEL

September 30, 2013

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

Martin Howard Kuner, Esq.  
513 West Mt. Pleasant Avenue  
Livingston, New Jersey 07039

**Re: In the Matter of Martin H. Kuner**  
Docket No. DRB 13-113  
District Docket No. VC-2011-0038E  
**LETTER OF ADMONITION**

Dear Mr. Kuner:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Following a review of the record, the Board determined to impose an admonition.

Specifically, in 2007, Harriette Massey retained you to represent her in a personal injury matter. You failed to enter into a written retainer agreement. Also, although you filed a complaint on Massey's behalf, you had no recollection of serving the complaint on any of the defendants. Ultimately, the complaint was dismissed for lack of prosecution and/or failure to serve the summons and complaint. Thereafter, you failed to communicate with Massey and failed to inform her that her complaint had been dismissed. Your conduct was unethical and in violation of RPC 1.5(c), 1.1(a), and RPC 1.4(b).<sup>1</sup>

<sup>1</sup>Although you were not charged with violating RPC 1.5(c) (failure to provide a written fee agreement in a contingent fee case), the language of the complaint provided sufficient notice of a potential finding of that violation. Therefore, there are no due process issues.

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The Board dismissed the remaining charges for lack of clear and convincing evidence.

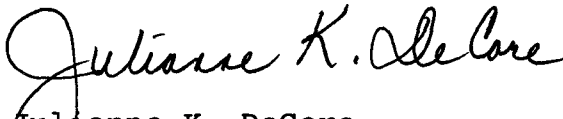
In imposing only an admonition, the Board considered that you have no prior discipline in your twenty-five years at the bar. The Board also considered your explanation that Massey's case "fell through the cracks" and that you were winding down your practice to change careers.

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  
Bonnie Frost, 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  
Stuart D. Minion, Chair, District VC Ethics Committee  
Jay M. Silberner, Secretary, District VC Ethics Committee  
Harriette Massey, Grievant