

DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

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October 23, 2013

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

Gary E. Fox, Esq.
Fox & Melofchik, LLC
1001 Deal Road
Ocean Township, NJ 07712

RE: In the Matter of Gary E. Fox
Docket No. DRB 13-192
District Docket No. XIV-2011-0361E
LETTER OF ADMONITION

Dear Mr. Fox:

The Disciplinary Review Board has reviewed the motion for discipline by consent (reprimand or such lesser discipline as the Board may deem warranted) filed by the Office of Attorney Ethics (OAE) pursuant to R. 1:20-10(b).

Following a review of the record, the Board concluded that your conduct in the above matter was improper and determined to grant the motion. In the Board's view, an admonition is the appropriate discipline for your violation of the prohibition against utilizing client authorization to sign the client's name to a settlement check found in A.C.P.E. Opinion 635, 124 N.J.L.J. 1420 (1989), modified, Matter of A.C.E.P. Opinion 635, 125 N.J. 181 (1991); superseded, Notice to the Bar, 136 N.J.L.J. 1638, 3 N.J.L. 852 (1994).¹

¹ Chair Frost and member Gallipoli would have imposed a reprimand.

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Specifically, on or about May 10, 2010, your firm received a settlement check for \$102,000, made payable to Mary Scardino and your law firm, Fox & Melofchik. You admitted to signing Scardino's name to the back of the check, based on her verbal authorization to do so, given to your paralegal, and deposited it into the firm's trust account on that same day.

In mitigation, the Board considered that your conduct resulted in no damage to any clients and was confined to one instance. Although the Board was aware that you received a reprimand in 1998, the Board noted that not only was it remote in time, but also that it arose out of conduct unrelated to the present violation.

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 cost of the disciplinary proceedings be assessed against you. An invoice of costs will be forwarded under separate cover.

Very truly yours,



Isabel Frank

Acting Chief Counsel

IF/lg

c: Chief Justice Stuart Rabner
Associate Justices
Bonnie C. Frost, Chair
Disciplinary Review Board (via email)
Mark Neary, Clerk
Supreme Court of New Jersey
Gail G. Haney, Deputy Clerk
Supreme Court of New Jersey (w/ethics history)

Gary E. Fox, Esq.

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Charles Centinaro, Director
Office of Attorney Ethics
Melissa Czartoryski, Deputy Ethics Counsel
Office of Attorney Ethics
Mary Scardino, Grievant