

# DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

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February 26, 2009

Stephen W. Townsend, Clerk  
Supreme Court of New Jersey  
P.O. Box 970  
Trenton, New Jersey 08625-0962

Re: In the Matter of Donald N. Elsas  
Docket No. DRB 08-295  
District Docket No. XIV-06-353E

Dear Mr. Townsend:

The Disciplinary Review Board reviewed the motion for discipline by consent (reprimand or such lesser discipline as the Board may determine to impose) filed by the Office of Attorney Ethics (OAE) pursuant to R. 1:20-10(b). Following a review of the record, the Board determined to grant the motion. In the Board's view, a reprimand is the appropriate measure of discipline for respondent's violations of RPC 1.3 (lack of diligence), RPC 1.4(b) (failure to communicate with the client), and RPC 1.15(a) (negligent misappropriation of client funds). See, e.g., In re Mirsky, 176 N.J. 421 (2003) (reprimand in a reciprocal matter for lack of diligence, failure to communicate with a client, commingling of personal and trust funds, negligent misappropriation of client trust funds, and failure to place unearned retainers in his attorney trust account), and In re Hinds, 138 N.J. 277 (1994) (reprimand for negligent misappropriation of client trust funds, gross neglect, and failure to cooperate with disciplinary authorities).

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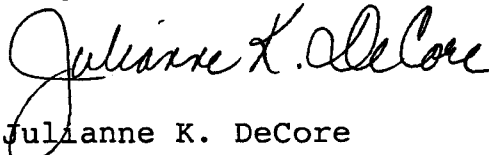
Specifically, the OAE's review of respondent's trust account records for the estate showed that he had failed to compute in advance the total commission to which he was entitled, as executor of the estate, and failed to keep a running total of the partial commission payments that he received during the course of his handling of the estate. As a result, he negligently misappropriated \$12,000 of the estate's funds, which he has since refunded to the estate.

Respondent lacked diligence in his handling of the Martin estate, which remained open two years after she had died. Moreover, during this two-year period, respondent failed to comply with requests for information about the administration of the estate from Martin's heir and the attorney whom she had retained in an effort to learn about the status of the estate.

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated August 1, 2008.
2. Stipulation of discipline by consent, dated July 15, 2008.
3. Affidavit of consent, dated July 8, 2008.
4. Complaint dated October 9, 2007.
5. Answer dated October 31, 2007.
6. Ethics history, dated February 26, 2009.

Very truly yours,



Julianne K. DeCore  
Chief Counsel

JKD/paa

Encls.

cc: Louis Pashman, Chair, Disciplinary Review Board  
Charles Centinaro, Director, Office of Attorney Ethics  
David H. Dugan, Esq., Respondent's Counsel