

DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

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July 21, 2006

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

Frank D. DeVito, Esq.
REDACTED - CONFIDENTIAL

RE: In the Matter of Frank D. DeVito
Docket No. DRB 06-116 (formerly 01-239)
District Docket No. XIV-01-368 (formerly XIV-99-083E)
LETTER OF ADMONITION

Dear Mr. DeVito:

The Disciplinary Review Board reviewed the recommendation for discipline (reprimand) filed by special master Robert C. Shelton, Jr. in the above matter. After a careful review of the record, the Board has determined to impose an admonition.

Specifically, you admittedly failed to cooperate with ethics authorities in 1999, during an investigation into the details of your business relationship (purchase of his law practice) with Jack N. Frost, then a suspended attorney. Your misconduct violated RPC 8.1(b).

So, too, a 1999 audit by the Office of Attorney Ethics turned up various recordkeeping deficiencies, violations of RPC 1.15(d) and R. 1:21-6. Finally, you violated RPC 5.5(a) when you practiced law while on the New Jersey Lawyers' Fund for Client

Protection list of ineligible attorneys, for failure to pay the annual attorney assessment for 1997 and 1999.

In issuing only an admonition, the Board considered the following: the passage of time since the misconduct occurred; the lack of evidence that you were aware of your periods of ineligibility at the time they occurred; the considerable health setbacks that you have endured in the intervening years, including three strokes; the fact that you corrected the recordkeeping deficiencies; and your otherwise unblemished disciplinary record since your 1979 bar admission.

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/sw

c: Chief Justice Deborah T. Poritz
Associate Justices
Stephen W. Townsend, Clerk, Supreme Court of New Jersey
Gail G. Haney, Deputy Clerk, Supreme Court of New Jersey
(w/ethics history)
William J. O'Shaughnessy, Chair, Disciplinary Review Board
David E. Johnson, Jr., Director, Office of Attorney Ethics