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February 18, 2005

Certified Mail - R.R.R. and Regular Mail

Alan Zark, Esq.
473 Broadway, Suite 207
Bayonne, New Jersey 07002

Re: In the Matter of Alan Zark
Docket No. DRB 04-443
District Docket No. VI-04-001E
LETTER OF ADMONITION

Dear Mr. Zark:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, in September 2001, you were retained by Anna Haytas, Gus Calabrese, and three others, all of whom were relatives of Gennaro Piombino. Mr. Piombino had made inter vivos transfers, which his wife (later his widow) challenged. Although you took appropriate action to protect your clients' interests, you failed to reply to requests for information about the matter from both Ms. Haytas and Mr. Calabrese.

In addition, pursuant to a court order, your clients tendered checks to you to be transmitted to a court-appointed fiscal agent. You submitted those checks approximately six or seven months later without first notifying your clients. When they learned that their checks had been negotiated, they tried to contact you, and discovered that you had vacated your office. Your failure to communicate with your clients caused them unnecessary concern over the disposition of their funds.

Your conduct was unethical and a violation of RPC 1.4(a) [designated as RPC 1.4(b) effective January 1, 2004] (failure to keep a client reasonably informed about the status of a matter and to comply with reasonable requests for information).


In imposing only an admonition, the Board considered that your conduct was confined to a single matter and that you were caring for your terminally ill father at the time.

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 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

Associate Justices

Stephen W. Townsend, Clerk, Supreme Court of New Jersey

Gail G. Haney, Deputy Clerk, Supreme Court of New Jersey
(w/ethics history)

Mary J. Maudsley, Chair, Disciplinary Review Board

David E. Johnson, Jr., Director, Office of Attorney Ethics

Perry Florio, Chair, District VI Ethics Committee

Jack Jay Wind, Secretary, District VI Ethics Committee

Anna Haytas, Grievant