

# DISCIPLINARY REVIEW BOARD

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SUPREME COURT OF NEW JERSEY

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May 22, 2003

## CERTIFIED MAIL – R.R.R. AND REGULAR MAIL

Jay Edelstein, Esq.

REDACTED - CONFIDENTIAL

Re: In the Matter of Jay Edelstein  
Docket No. DRB 03-092  
**LETTER OF ADMONITION**

Dear Mr. Edelstein:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, you sent a letter to an individual soliciting professional employment, without observing the requirements of RPC 7.3(b)(5). The letter did not include the word "ADVERTISEMENT," did not caution the individual to give the matter careful thought before choosing an attorney and did not include the information on how to report inaccurate or misleading information to the Committee on Attorney Advertising. In imposing only an admonition, the Board considered that you sent a single solicitation letter and that your conduct was distinguishable from that of attorneys who sent targeted direct mail solicitation letters to numerous individuals and contained statements that were false or otherwise improper.

The Board also found that, at least prior to August 2001, your office arrangement did not strictly comply with the bona fide office rule. Because, however, you developed a system to actively address clients' and courts' inquiries when you were not in the New Jersey office, the Board determined that the violation was merely technical in nature and not deserving of additional discipline. In re Young, 144 N.J. 165 (1996) (admonition for failure to maintain a bona fide office; attorney's representation of an estate was his only

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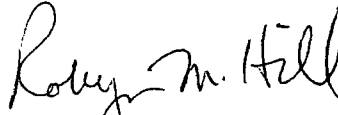
New Jersey matter); and In the Matter of Basil D. Beck, III, DRB 95-160 (February 20, 1996) (admonition for failure to maintain a bona fide office; mitigating factors included attorney's belief that his office met the requirements of the rule and his swift actions to remedy the deficiencies).

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 affidavit of costs will be forwarded under separate cover.

Very truly yours,

  
Robyn M. Hill

RMH:ns

c: Chief Justice Deborah T. Poritz  
Associate Justices  
Stephen W. Townsend, Clerk, Supreme Court of New Jersey  
Mary J. Maudsley, Chair, Disciplinary Review Board  
David E. Johnson, Jr., Director, Office of Attorney Ethics  
Stan R. Gregory, Chair, District IIIB Ethics Committee  
Cynthia S. Earl, Secretary, District IIIB Ethics Committee  
Robert N. Agre, Esq., Respondent's Counsel  
Harvey Mitnick, Esq., Grievant