

# DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

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October 2, 2001

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

W. Randolph Kraft

**CONFIDENTIAL - REDACTED**

Re: In the Matter of W. Randolph Kraft  
Docket No. DRB 01-211  
**LETTER OF ADMONITION**

Dear Mr. Kraft:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, in July 1997 you were retained by Sheila Cole in connection with a wrongful termination/employment discrimination matter. For the next six months you pursued Cole's matter by contacting potential witnesses and by retaining a per diem attorney to prepare a form of complaint. You failed, however, to file a complaint in Cole's behalf. It was not until July 1999, after Cole filed a tort claim against you, that you filed the complaint. Furthermore, you failed to adequately communicate with Cole about the status of her claim. Your conduct was improper and in violation of RPC 1.1(a), RPC 1.3 and RPC 1.4(a).

You were also charged with misconduct in connection with your representation of Joseph Fisher. The Board did not find evidence of misconduct in that matter, given the brief time that passed between the date you were retained and the date you were dismissed.

In addition, there were allegations raised in these matters that you committed misconduct in connection with your telephone book advertisement. The DEC found that you had violated RPC 7.1(a) and RPC 8.4(c) in the Cole matter. The Board was unable to find clear and convincing evidence of misconduct in connection with the advertisement and dismissed those allegations. The Board determined, however, that any future ad run by you should be reviewed by the Committee on Attorney Advertising, prior to its publication. The DEC also found that you violated RPC 1.5 for

I/M/O W. Randolph Kraft

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failure to provide Cole with a written retainer agreement. The Board noted, however, that you were not charged with failure to provide a written retainer agreement. Rather, the reference in the complaint to RPC 1.5 was in connection with the advertisement. The Board was, therefore, concerned that you did not have appropriate notice of this potential finding and dismissed the finding of a violation of RPC 1.5.

In imposing only an admonition, the Board considered that, during the time in question, you were in the midst of an extremely vitriolic divorce proceeding that adversely affected your ability to function as an attorney.

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:ms

- c. Chief Justice Deborah T. Poritz
- Associate Justices
- Stephen W. Townsend, Clerk, Supreme Court of New Jersey
- Rocky L. Peterson, Chair, Disciplinary Review Board
- David E. Johnson, Jr., Director, Office of Attorney Ethics
- Israel Dubin, Committee on Attorney Advertising
- Rose Ann Haggerty, Chair, District XII Ethics Committee
- Nicholas Caruso, Secretary, District XII Ethics Committee
- Shiela Cole, Grievant
- Joseph Fisher, Grievant