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July 27, 2016

Thomas Sandberg Durst
186 South Broad Street (2nd Floor)
Trenton, New Jersey 08608

Re: In the Matter of Thomas Sandberg Durst
Docket No. DRB 16-098
District Docket No. VII-2015-0003E
LETTER OF ADMONITION

Dear Mr. Durst:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Following a review of the record, the Board determined to impose an admonition.

Specifically, in September 2012, David Valentine retained you and your former law firm, Lynch, Osborne, Gilmore & Durst (the Lynch firm), in a matrimonial matter. An associate attorney, Rachel Costello, was then assigned to the case. A written fee agreement called for an initial retainer of \$7,500, with any unearned portion to be promptly returned to Valentine.

On April 30, 2013, a few days after the matrimonial matter concluded, Costello joined a new law firm, and Valentine elected to retain her new firm for any remaining legal work. The following day, the Lynch firm dissolved. At the time, approximately \$4,000 of Valentine's retainer amount remained unused.

Following the dissolution of the Lynch firm, Valentine made repeated requests of you for the return of the unearned portion of the retainer. Yet, from July 2013 to about early 2015, you admittedly failed to turn those funds over to him, a violation of

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RPC 1.16(d). In addition, you failed to keep Valentine adequately informed about the status of his requests for the return of the retainer, an important aspect of the representation, and a violation of RPC 1.4(b).

You also admitted that you failed to cooperate during the ethics investigation, ignoring both written and telephonic requests from the investigator for information about the matter. Although you ultimately cooperated with ethics authorities, your conduct early in the matter violated RPC 8.1(b).

The Board dismissed the remaining charges of RPC 1.15(b), RPC 8.4(a), and RPC 8.4(d) as inapplicable to the facts.

In mitigation, the Board considered that you have had no other discipline since your 1999 admission to the bar.

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,



Ellen A. Brodsky
Chief Counsel

EAB/paa

See attached

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c: Chief Justice Stuart Rabner
Associate Justices
Bonnie C. Frost, Chair
Disciplinary Review Board
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Gail G. Haney, Deputy Clerk
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