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OF THE

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September 22, 2016

Robert J. Nish
c/o Peter N. Gilbreth, Esq.
60 Washington Street, Suite 302
Morristown, New Jersey 07960

Re: In the Matter of Robert J. Nish
Docket No. DRB 16-221
District Docket No. XA-2015-0010E
LETTER OF ADMONITION

Dear Mr. Nish:

The Disciplinary Review Board has reviewed the motion for discipline by consent (admonition), filed by the District XA Ethics Committee in the above matter, pursuant to R. 1:20-10. Following a review of the record, the Board determined to grant the motion and to impose an admonition.

Specifically, in April 2013, you represented Kurien Chacko in his purchase of a house in Bernardsville, New Jersey from John and Jane Petrillo, for \$2,500,000. Eric Wasser, Esq., represented the sellers. The contract called for an all cash transaction, scheduled for settlement on May 15, 2013.

Under the terms of the contract, Chacko was to provide a \$100,000 deposit, in two equal installments, that you were to hold in escrow pending settlement of title. It was your custom in such transactions to wait to deposit real estate deposit checks until the expiration of the attorney review period. During the attorney review period in this matter, and before you deposited Chacko's first \$50,000 check, Chacko asked for its return, promising that he would then wire the entire \$100,000 deposit into your trust account. Although you returned the check to Chacko, he never wired the funds, as promised.

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Over the following year, at least four closing dates were scheduled before the sellers, frustrated with Chacko's failure to fund the transaction, determined that he was in breach of contract. Throughout that time, Wasser and the Petrillos were unaware that the initial \$50,000 check had never been deposited into your trust account. Their ignorance was the result of your failure to disclose to them the true status of the deposit.

In March 2014, Chacko and the Petrillos were still in contact with each other about a potential sale, when they learned from their newly retained litigation counsel that you had never deposited the original \$50,000 in April 2013.

You stipulated that you never told Wasser or the Petrillos that you had returned the deposit check to your client, thereby deceiving them about the status of the deposit, a violation of RPC 8.4(c). Because you were not charged with failing to safeguard funds (RPC 1.15(a)), the Board made no finding in that regard.

In mitigation, the Board considered that you enjoyed an unblemished forty-year history since your admission to the bar and that you helped conserve disciplinary resources by admitting to your misconduct and consenting to discipline.

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

c: See Attached

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c: Chief Justice Stuart Rabner
Associate Justices
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Disciplinary Review Board
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Gail G. Haney, Deputy Clerk
Supreme Court of New Jersey (w/ethics history)
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District IIA Ethics Committee
John and Jane Petrillo, Grievants