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April 24, 2019

VIA CERTIFIED MAIL, R.R.R. & REGULAR MAIL

Robert Richard Hynes  
282-B Hobart Street  
Perth Amboy, New Jersey 08861

Re: In the Matter of Robert Richard Hynes  
Docket No. DRB 19-063  
District Docket No. VIII-2017-0012E  
**LETTER OF ADMONITION**

Dear Mr. Hynes:

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 for your violation of RPC 5.3(a) and (b) (failure to make reasonable efforts to ensure that the conduct of nonlawyers is compatible with the lawyer's professional obligations); RPC 7.3(b)(5) (improper, unsolicited, direct contact with a prospective client); and RPC 8.4(a) (violating or attempting to violate the Rules of Professional Conduct, knowingly assisting or inducing another to do so, or doing so through the acts of another).

Specifically, in 2017, your employee, George Taveras, directly communicated with a prospective personal injury client, David Gutierrez, via an unsolicited telephone call. The purpose of that communication was to secure Mr. Gutierrez as a client, for the purpose of generating revenue for your law firm. You were aware, based on a prior ethics investigation prompted by similar facts, that Mr. Taveras' conduct in respect of prospective clients needed to be closely supervised. You admitted that, despite that heightened awareness, you failed to properly supervise him. As the supervising attorney, you are liable for Mr. Taveras' misconduct. You, thus, violated

RPC 5.3(a) and (b) and RPC 7.3(b)(5). Moreover, you violated RPC 8.4(a), which provides that it is professional misconduct for a lawyer to violate the Rules of Professional Conduct through the acts of another.

Attorneys who fail to supervise their nonlawyer staff typically receive discipline ranging from an admonition to a censure, depending on the presence of other ethics infractions, prior discipline, and aggravating or mitigating factors. See, e.g., In re Bardis, 210 N.J. 253 (2012) (admonition for attorney who failed to reconcile and review his attorney records, thereby enabling an individual who helped him with office matters to steal \$142,000 from his trust account, causing a shortage of \$94,000; mitigating factors were the attorney's deposit of personal funds to replenish the account, numerous other corrective actions, his acceptance of responsibility for his conduct, his deep remorse and humiliation for not having personally handled his own financial affairs, and his lack of a disciplinary record); In re Deitch, 209 N.J. 423 (2012) (reprimand for attorney who failed to supervise his paralegal-wife, who stole client or third-party funds via thirty-eight checks payable to her, by either forging the attorney's signature or using a signature stamp; no prior discipline); and In re Key, 220 N.J. 31 (2014) (censure for attorney who failed to ensure that his nonlawyer employees recorded the attorney's time spent on client matters, a violation of RPC 5.3; the attorney also violated RPC 3.1 and RPC 1.15(d), and had received two prior admonitions and a reprimand).

In imposing only an admonition, the Board considered that, like the attorney in Bardis, you presented substantial mitigation, including taking corrective action, accepting responsibility for your misconduct, and demonstrating deep remorse and humiliation for your ethics violations. Specifically, on receipt of the ethics grievance, you immediately took responsibility and conducted remedial training with your employee, to attempt to ensure that such improper, unsolicited contact with prospective clients does not take place in the future. Further, you have no prior discipline. The Board also determined that your additional violation of RPC 7.3(b)(5) and RPC 8.4(a), in the context of a single instance of prohibited contact, has no effect on the appropriate quantum of discipline to be imposed.

Your conduct has adversely reflected not only on you as an attorney but also on 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, this admonition will be taken into consideration.

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The Board also has directed that the costs of the disciplinary proceedings be assessed against you. An invoice of costs will be forwarded to you under separate cover.

Very truly yours,



Ellen A. Brodsky  
Chief Counsel

c: Chief Justice Stuart Rabner  
Associate Justices  
Heather Joy Baker, Clerk  
Supreme Court of New Jersey  
Bruce W. Clark, Chair  
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District VIII Ethics Committee (regular mail and e-mail)  
David Gutierrez, Grievant (regular mail)