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February 24, 2020

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

Peter M. Halden, Esq.
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Re: In the Matter of Peter M. Halden
Docket No. DRB 19-382
District Docket No. IV-2017-0040E
LETTER OF ADMONITION

Dear Mr. Halden:

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 1.2(a) (failure to abide by the client's decision concerning the scope and objectives of representation) and RPC 1.5(b) (failure to communicate in writing the basis or rate of the legal fee). The Board further determined to dismiss the charged violation of RPC 3.4(a) (unlawful obstruction of another party's access to evidence or concealment of a document having potential evidentiary value).

Specifically, on January 19, 2017, you met with S.T. to discuss filing a motion to terminate alimony payments to his former wife. In a February 6, 2017 e-mail to S.T., you outlined the scope of the work involved in the representation, adding that you anticipated receiving the "promised retainer down payment of \$1,500.00." You stipulated that you were unable to produce a retainer agreement in connection with S.T.'s representation.

You further stated that, in 2016, S.T. had approached you regarding filing the motion, but that you declined to be retained, because you needed appropriate proofs to prevail. By early 2017, you believed you had the evidence to prevail on the motion and, thus, you filed it in March 2017. Initially, the motion was unopposed. The motion was scheduled to be heard on May 11, 2017, but

was postponed after S.T.'s former wife retained an attorney, who filed a cross-motion in her behalf. The cross-motion sought enforcement of prior orders against S.T., including past monies due, of which you were not aware.

When you asked S.T. to explain why he had not paid the past due amounts, he claimed that he could not afford to do so, due in part to a recent suspension and demotion at his job. As the motion hearing date approached, you claimed that you focused on "damage control," and that you made efforts to limit S.T.'s legal fees.

Before the scheduled motion hearing, in a June 1, 2017 letter to S.T., you outlined the details and legal implications of the cross-motion, discussed settlement options, and informed S.T. of the weaknesses in the case. You counseled S.T. that, in your legal opinion, the best and most cost-efficient option for him was to enter into a consent order.

On June 15, 2017, you sent to S.T., via e-mail, the draft of a consent order you had discussed, pending S.T.'s approval. That same date, S.T. rejected the consent order via reply e-mail. Nevertheless, you executed the consent order in S.T.'s behalf, in order to settle the case. You admitted that, although S.T. explicitly directed you not to enter into the proposed consent order, you did so anyway.

After a hearing, the District IV Ethics Committee hearing panel (DEC) found that you violated RPC 1.2(a), because, even if you had believed that you were acting in S.T.'s best interest, you admitted that you had settled the matter without S.T.'s consent. The Board agreed with the DEC's findings and determined that you violated RPC 1.2(a).

Although the DEC concluded that you did not violate RPC 1.5(b), the Board found that you did violate the Rule, because R. 5:3-5(a) provides that, in civil family actions, certain elements are required in a retainer agreement. Your February 6, 2017 letter to S.T. failed to satisfy several of those elements. You, thus, violated RPC 1.5(b).

Finally, like the DEC, the Board determined to dismiss the RPC 3.4(a) charge, because no evidence was presented to support that allegation.

In imposing only an admonition, the Board considered, in mitigation, that you have a forty-three year unblemished disciplinary history; that you refunded the retainer to S.T.; and that you waived the balance of your fee, in recognition of your client's dissatisfaction with the representation.

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.

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

EAB/trj

c: Chief Justice Stuart Rabner
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Supreme Court of New Jersey
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