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February 24, 2020

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

Beverly Giscombe, Esq.
c/o Thomas R. Ashley, Esq.
Robert Treat Center
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Newark, New Jersey 07102
ashleylaw@traesq.com

Re: In the Matter of Beverly Giscombe
Docket No. DRB 19-326
District Docket No. XIV-2017-0653E
LETTER OF ADMONITION

Dear Ms. Giscombe:

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 3.2 (failure to treat with courtesy and consideration all persons involved in the legal process) and RPC 4.4(a) (conduct that has no substantial purpose other than to embarrass, delay, or burden a third person).

Specifically, in 2017, you represented a client in a contentious trial before the Honorable Patrick J. Bartels, J.S.C. When you and your adversary could not agree on a date to return for the next court appearance, the court clerk consulted with Judge Bartel. Thereafter, the court clerk directed the parties to return on "the 15th," without specifying the month. You understood the date to be November 15, a date you were not available. Consequently, you proceeded to tell the court clerk that you would not attend the hearing and began to walk toward the courtroom exit with your client. At that point, you said to the court clerk, "I'm not going to tell you what I really think about you because I'm too much of a lady." Then, while exiting the courtroom, you called the court clerk "fat a--." Both the court clerk and the law clerk, who was also present, heard your comment.

After you had left the courtroom, a sheriff's officer informed you that people in the courtroom had heard your comment. You then re-entered the courtroom and asked the court clerk whether the courtroom recording system had been on during the contentious discussion regarding the return date. The court clerk informed you that the recording system was always on, and you then apologized and again left the courtroom. You later asserted that the reason you asked the court clerk whether your comment was recorded was to determine whether the court clerk had heard it from listening to the recording or had actually heard you make the comment.

The Board found that your conduct toward the court clerk violated RPC 3.2 and RPC 4.4(a).

In imposing only an admonition, the Board considered that you apologized immediately and, thereafter, several more times to both the court clerk and Judge Bartels; expressed remorse and contrition for the offensive comment; readily admitted wrongdoing; and made repeated assertions that similar misconduct will not happen again. The Board additionally considered that there is an absence of similar misconduct in your forty-year career, there is little likelihood of a repeat offense, and you enjoy a good reputation as an attorney.

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/res

c: See attached list

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