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June 24, 2024

VIA CERTIFIED, REGULAR & ELECTRONIC MAIL

Frederick Ayoob Win, Esq.
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Re: In the Matter of Frederick Ayoob Win
Docket No. DRB 24-083
District Docket No. XI-2022-0002E
LETTER OF ADMONITION

Dear Mr. Win:

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 1.5(b) (failing to set forth in writing the basis or rate of the legal fee). As more specifically detailed below, the Board determined to dismiss the remaining allegations in the complaint.

On June 18, 2020, A.S. formally retained you to represent her in connection with her divorce matter. She paid you a flat fee of \$2,300 to “file for divorce only.” Although you provided A.S. with a document titled “Retainer,” you failed to set forth, in writing, the basis and rate of his fee, as required by RPC 1.5(b), and failed to include the additional information required by R. 5:3-

5(a) for a retainer agreement in a family action. Consequently, the Board found that you violated RPC 1.5(b).

In the Board's view, the record did not, however, support a determination that you violated RPC 1.2(c) by failing to set forth any limitation of your representation of A.S. in the family law matter to Middlesex County only. According to A.S.'s testimony, there were no discussions concerning a jurisdictional limitation with respect to the representation. The written fee agreement admitted to evidence does not appear to contain any such limitation. Additionally, you similarly testified that you did not limit your representation to Middlesex County. Thus, the Board determined to dismiss RPC 1.2(c) charge.

With respect to the RPC 1.3 charge, the record did not clearly and convincingly support a determination that you violated this Rule by failing to act with reasonable diligence and promptness in representing A.S. The Board was troubled by your multiple attempts to file the divorce complaint in Middlesex County, which, ultimately, resulted in the matter being docketed in Somerset County first. However, not every delay in a matter is clear and convincing evidence of lack of diligence. The Board determined that your conduct did not rise to the level of a violation of RPC 1.3, and, thus, determined to dismiss that charge.

The Board further determined that the evidence did not support a determination that you violated RPC 1.4(b) by failing to keep A.S. reasonably informed about the status of her matter and promptly comply with her reasonable requests for information. Although you and A.S. may have disagreed on the methods and frequency of communications, there was no clear and convincing evidence that you failed to keep her informed of the status of her matter. Thus, the Board determined to dismiss RPC 1.4(b) charge.

In imposing only an admonition, the Board considered your lack of prior discipline in your seventeen years at the bar and your cooperation with disciplinary authorities.

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 Office of Board Counsel. 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,

/s/ Timothy M. Ellis

Timothy M. Ellis
Chief Counsel

TME/akg

c: Chief Justice Stuart Rabner
Associate Justices
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Supreme Court of New Jersey
Hon. Mary Catherine Cuff, P.J.A.D. (Ret.), Chair
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A.S., Grievant (regular mail)