SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 11-078
District Docket Nos. XII-2009-0036E;
XII-2009-0048E; XII-2009-0052E;
XII-2010-0003E; XII-2010-0021E;
XII-2010-0023E; and XII-2010-0024E

IN THE MATTER OF	:
SCOT D. ROSENTHAL	:
AN ATTORNEY AT LAW	:

Decision

Decided: September 7, 2011

To the Honorable Chief Justice and Associate Justices of the Supreme Court of New Jersey.

This matter came before us on a certification of default file by the District XII Ethics Committee (DEC), pursuant to R. 1:20-4(f). Seven individual complaints charged respondent with violating a combination of RPC 1.1(a) (gross neglect), RPC 1.1(b) (pattern of neglect), RPC 1.3 (lack of diligence), RPC 1.4(a) (failure to inform a prospective client about how, when and where to communicate with the attorney); RPC 1.4(b) (failure to communicate with the client), RPC 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions about the representation), RPC 1.5(a)

(unreasonable fee), RPC 1.5(b) (failure to provide client with a writing setting forth the basis or rate of the fee), RPC 3.2 (failure to expedite litigation), RPC 8.1(b) (failure to cooperate with ethics authorities), RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and RPC 8.4(d) (conduct prejudicial to the administration of justice).

For the reasons expressed below, we determine that a one-year suspension is the proper discipline in this matter.

Respondent was admitted to the New Jersey bar in 1988. At the relevant times, he maintained a law office in Elizabeth, New Jersey. He has no history of discipline.

Service of process was proper. In the matter under Docket No. XII-2009-0036E, on March 25, 2010, the DEC mailed a copy of the formal ethics complaint, by regular and certified mail, to 910 Scioto Drive, Franklin Lakes, New Jersey 07417, the address listed on the attorney registration records as respondent's home address. The certified mail was returned unclaimed. The regular mail was not returned.

On May 17, 2010, the DEC sent respondent a letter to the same address, directing him to file a verified answer within five days or the allegations of the complaint would be deemed admitted, the record would be certified to us for the imposition

of discipline, and the complaint would be deemed amended to include a willful violation of RPC 8.1(b).

As of the date of the certification of the record, February 15, 2011, the certified mail receipt had not been returned. Respondent did not file a verified answer, despite the DEC's numerous telephone calls to him.

In the matter under District Docket No. XII-2009-0048E, on March 24, 2010, the DEC mailed a copy of the formal ethics complaint to respondent, by regular and certified mail. The certified mail was returned stamped unclaimed. The regular mail was not returned. Although the address to which the complaint was sent cannot be determined, on April 9, 2010, via "fax," respondent requested additional time to file answers to the then pending ethics complaints (XII-2009-0036E and XII-2009-0048E).

In District Docket No. XII-2009-0052E, on August 16, 2010, the DEC mailed a copy of the formal ethics complaint, by certified and regular mail, to 17-15 Maple Avenue, Fair Lawn, New Jersey, 07410. Neither the certification of the record nor the attorney registration system identify this address. The certified mail was returned stamped "Refused." The certification of the record does not mention the status of the regular mail.

In District Docket No. XII-2010-0003E, on November 15, 2010, the DEC mailed a copy of the formal ethics complaint to

respondent, by certified and regular mail, to the same Fair Lawn, New Jersey, address. The certified mail was returned as unclaimed. There was no mention of the regular mail in the certification of the record.

In District Docket No. XII-2010-0021E, on October 25, 2010, the DEC mailed a copy of the formal ethics complaint, by certified and regular mail, to the Fair Lawn, New Jersey, address. The certified mail receipt shows delivery on November 2, 2010. It contains an illegible signature, which the certification of the record attributed to respondent. The certification did not mention the status of the regular mail.

Finally, in District Docket Nos. XII-2010-0023E and XII-2010-0024E, again, on October 25, 2010, the DEC mailed copies of the complaints, by regular and certified mail, to the Fair Lawn, New Jersey, address. The certified mail was returned as unclaimed. There was no mention of the regular mail.

On December 23, 2010, the DEC sent respondent a "ten-day letter," by regular and certified mail, to the Franklin Lakes, New Jersey, address, stating that it would certify all docketed matters as defaults, if respondent did not file answers within ten days of his receipt of the letter. By letter dated January 3, 2011, respondent acknowledged receipt of the ten-day letter and requested copies of all complaints, asserting that they had

been sent to an office that he had not occupied since January 2010. In response, under cover letter dated January 10, 2011, the DEC forwarded, by certified and regular mail, copies of eight ethics complaints to respondent at 799 Franklin Ave, Suite 141, Franklin Lakes, New Jersey 07417, the same address listed on respondent's January 3, 2011 letter.[1]

Despite proper service of the complaints, respondent did not file verified answers to them. The DEC secretary's numerous efforts to enlist respondent's cooperation were to no avail.

On August 5, 2011, Office of Board Counsel (OBC) received a motion to vacate the defaults pending against respondent. To succeed on such a motion, an attorney must (1) provide a reasonable explanation for the failure to file an answer to the complaint, and (2) assert meritorious defenses to the charges.

Respondent's August 4, 2011 certification accompanying the motion addressed only his reason for not answering the complaints. Respondent's counsel's cover letter stated that they were attempting to obtain copies of the ethics complaints and, that, upon their receipt, an answer would be filed, outlining any and all meritorious defenses.

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[1] One of the included complaints had already been dismissed.

In his certification in support of the motion, respondent asserted that he had not received notice of the "proceedings." He asserted further that service of the complaints had been made at the 799 Franklin Avenue address, which had been his office address; that he had sub-leased space and services from the tenant at that location; that, when he learned that his mail was not being delivered "completely and in a timely fashion, a stop order was filed at the Post Office ensuring receipt of the mail;" and that the tenant had since filed for bankruptcy protection and "has provided access to the location for the recovery of undelivered mail."

In an August 8, 2011 telephone call with respondent's counsel, Chief Counsel to the Board gave him until August 16, 2011 to file a submission addressing respondent's meritorious defenses to the ethics charges. OBC then emailed respondent's entire file to counsel. Thereafter, OBC extended the submission date to August 19, 2011, but learned, on that date, that counsel was unable to locate respondent to supplement his motion.

Because counsel's motion remained incomplete, it was not filed by OBC and not submitted for our consideration.

THE FANFAN MATTER (DISTRICT DOCKET NO. XII-09-36E)

On a date not mentioned in the complaint, Jacqueline Fanfan retained respondent for representation in an expungement matter, for which she paid him a $1,500 retainer. Respondent did not file an expungement petition.

Fanfan filed for fee arbitration, resulting in a June 2, 2009 fee arbitration committee determination directing respondent to return the entire retainer to Fanfan. The committee remarked that respondent's fee was so excessive "as to evidence an intent to overreach and that his conduct raised a substantial question as to his honest[y], trustworthiness or fitness as a lawyer." According to the complaint, the fee arbitration committee concluded that respondent did not perform any services, as provided in the retainer agreement, and ignored the client's attempts to communicate by telephone, in-person visits, and "other attempts."

The complaint also alleged that respondent failed to inform Fanfan that he had moved his office from Elizabeth, New Jersey, as a result of which her numerous attempts to contact him were unavailing; that he failed to keep Fanfan informed about the status of her expungement petition; and that he failed to reply to the DEC investigator's request for information about the grievance.

The complaint charged that respondent's failure to prosecute Fanfan's expungement violated RPC 1.1(a) and RPC 1.3; that his failure to keep Fanfan informed about the status of her matter violated RPC 1.4(b); that moving his office without informing Fanfan violated RPC 1.4(a) and RPC 1.4(b); and that his failure to cooperate with the ethics investigation violated RPC 8.1(b).

THE MANVELL MATTER (DISTRICT DOCKET NO. XII-2009-0048E)

In 2006, Brenda Manvell retained respondent to file a lawsuit against Security Services, USA, Inc. (Security Services). On August 21, 2006, respondent filed a complaint and forwarded a copy to Manvell. However, despite Manvell's numerous requests for information, respondent failed to keep her informed about the status of the lawsuit.

Respondent also failed to serve the complaint on Security Services. On March 9, 2007, the complaint was dismissed for lack of prosecution. Respondent failed to notify Manvell about the dismissal. By way of "text message," almost two years after the case was dismissed, respondent informed Manvell that an arbitration had been scheduled for June 26, 2009.

Also, respondent moved his office from Elizabeth, New Jersey, but failed to notify Manvell of the move. Therefore, her numerous attempts to contact him were unsuccessful.

By letters dated December 10, 2009 and January 13, 2010, the DEC requested that respondent reply to the grievance. He failed to do so.

The complaint charged respondent with violating RPC 1.1(a), RPC 1.3, and RPC 3.2 for failing to serve and prosecute Manvell's lawsuit; RPC 1.4(a) for failing to notify Manvell that he had moved his office; RPC 1.4(b) and RPC 8.4(c) for failing to keep Manvell informed about the case and for his "deceit and misrepresentation" of the facts; and RPC 8.1(b) for failing to cooperate with the DEC's investigation.

THE HUBER MATTER (DISTRICT DOCKET NO. XII-2009-0052E)

On January 19, 2009, Donald, Susan, and Justin Huber retained respondent to file and argue a petition for expungement of an indictment filed against Justin. Although respondent was aware that Justin needed the matter expedited, he did not file the petition until June 18, 2009. Earlier, on May 6, 2009, he had sent his clients an email, indicating that the expungement complaint had been filed on that date.

On September 9, 2009, an executed order of expungement was filed. Although the Hubers made numerous inquiries about the order, respondent failed to forward a copy to them.

On September 17, 2009, respondent sent an email to the Hubers, stating, "The Order received and mailed." The clients replied by email, inquiring whether respondent had mailed them a copy and also telephoned him on September 17, 2009. Respondent did not reply to their inquiry.

According to the complaint, on October 7, 2009, "the client" discovered that the municipal court had not received a copy of the expungement order. "The client," therefore, obtained a copy of the order from the Morris County Superior Court and, by certified mail, forwarded it to seventeen different agencies.

Here, too, respondent did not inform his clients that he had moved his office.

The complaint charged respondent with violating RPC 1.4(b) for failing to keep his clients adequately informed and for making inaccurate statements to them; RPC 1.3 for failing to timely serve the expungement order and to communicate the true status of the order; RPC 8.4(c) for making a false statement that the order had been mailed; RPC 1.4(a) for not notifying his clients that he had moved his office; RPC 8.4(c) and RPC 1.4(b) for making false statements to the clients that he had filed the

document on May 6, 2009 and that, on June 18, 2009, he had been at the courthouse to inquire about the case; and RPC 8.1(b), RPC 8.4(c), and RPC 8.4(d) for fabricating a September 16, 2009 letter for the purposes of the ethics investigation, which letter he provided to the DEC. The letter purported to have forwarded the expungement order to the Morris County Prosecutor, the New Jersey State Police, and the Division of Criminal Justice. Neither the Division of Criminal Justice nor the county prosecutor's office had the September 16, 2009 letter in their files.

THE SALGADO MATTER (DISTRICT DOCKET NO. XII-2010-0003E)

On November 22, 2005, Roman and Victor Salgado and Sophy Galarza retained respondent to represent Victor during the pre-trial stages of a federal court criminal matter for a flat fee of $13,000. Also, the U.S. Department of Justice Drug Enforcement Administration had seized $7,500 from Victor, which presumably Victor wanted to recover.

On March 10, 2006, respondent wrote to the U.S. Attorney's Office, requesting that the $7,500 be returned by check payable to respondent's law office and to Victor. Respondent told Victor that the $7,500 would be returned "and would be part of the plea agreement."

On December 15, 2006, Victor entered into a plea agreement and served a prison sentence, from June 2007 to January 2009. During his incarceration, Victor had several conversations with respondent, who assured him that the seized money would be returned.

After his release from prison, Victor made numerous attempts to contact respondent, who failed to return the calls. Victor was able to speak to respondent only once. During that conversation, Victor requested a copy of his file and inquired about the status of the seized money.

Later, on November 4, 2009, Victor sent a certified letter to respondent, containing the same requests. Respondent indicated to Victor that he needed an additional $5,000 to continue representing him with regard to the seized funds.

The complaint charged that respondent gave Victor the impression that he was representing him in connection with the seized funds and that he failed to keep Victor apprised of the status of the funds, thereby violating RPC 1.4(b). The complaint also charged that respondent did not reply to the grievance, a violation of RPC 8.1(b).

THE RODRIGUEZ MATTER (DISTRICT DOCKET NO. XII-2010-0021E)

In 2009, Deborah and Alvaro Rodriguez retained respondent to represent Alvaro in a matter not specified in the complaint. They paid respondent $3,000 toward his $6,000 fee. They also provided respondent with Alvaro's original birth certificate, a notarized English version of their marriage license, and various court documents.

After paying respondent's partial fee, the Rodriguezes were unable to reach him by telephone. Respondent failed to communicate with them about the status of their matter and did not promptly comply with their requests for information. Also, he moved his office from Elizabeth, New Jersey, without giving the Rodriguezes his new address or telephone number, did not return the Rodriguezes' $3,000 or their documents until after a February 4, 2010 fee arbitration determination, and failed to provide them with any services.

The complaint charged respondent with charging a fee but not providing legal services, a pattern of neglect for agreeing to provide legal services and then not following through on his clients' matters, and with a failure to cooperate with the DEC's investigation.

Altogether, the complaint charged respondent with violations of RPC 1.1(b), RPC 1.4(a), RPC 1.4(b), RPC 1.5(a), and RPC 8.1(b).

THE TILLEY MATTER (DISTRICT DOCKET NO. XII-2010-0023E)

Grievant Ella Tilley was, apparently, the executrix of the estate of Loretta Bradley. On March 20, 2008, Bradley had retained respondent to appeal the conviction of her niece, Myisha Sumter. Respondent did not meet with Sumter during her incarceration to discuss the appeal, did not file the appeal, and did not return the $10,000 retainer.

According to the complaint, after Bradley's death, "her Estate" unsuccessfully tried to contact respondent about the return of the retainer. Respondent's voicemail box was usually full. He also "infrequently" replied to "text messages," moved his office without providing the estate with his new address, engaged in a pattern of neglect for agreeing to provide legal services and not following through, and failed to reply to the DEC's demands for information about the grievance in this matter.

On August 17, 2010, the district fee arbitration committee determined that respondent had charged an unreasonable fee and directed him to return the entire $10,000 within thirty days, which he failed to do.

The complaint alleged violations of RPC 1.1(b), RPC 1.4(a), RPC 1.4(b), RPC 1.4(c), RPC 1.5(a), RPC 8.1(b), and RPC 8.4(d).

THE KITAPCI MATTER (DISTRICT DOCKET NO. XII-2010-0024E)

Feride Kitapci was not fluent in English. Therefore, her sons communicated with respondent on her behalf. Sometime in or around 2006, Kitapci paid respondent $2,500 to represent her in connection with a default on a loan that she had co-signed. According to the complaint, even though respondent had not regularly represented Kitapci, "there was no written agreement between [respondent] and Feride Kitapci." The complaint further alleged that "[respondent's] failure to have in [sic] writing explaining the terms of representation is a violation of RPC 1.5(b)."

Respondent falsely informed Kitapci's son that he had almost completed the work in the matter and requested an additional $1,500 to finish it. Although respondent received the additional funds, he took no action on Kitapci's behalf, and took no action to justify a $4,000 fee.

In addition, respondent failed to communicate or correspond with Kitapci, failed to reply to Kitapci's sons' numerous calls requesting information about the matter, and did not take their calls. His voicemail box was frequently full.

The complaint also charged that respondent closed his Elizabeth office without informing Kitapci how to communicate with him, failed to reply to the DEC investigator's request for information about the grievance, and exhibited a pattern of neglect in his handling of these legal matters.

In all, the complaint charged respondent with violations of RPC 1.1(b), RPC 1.3, RPC 1.4(a), RPC 1.4(b), RPC 1.5(a), RPC 1.5(b), and RPC 8.1(b).

The facts recited in the complaints support most of the charges of unethical conduct. Respondent's failure to file answers to the ethics complaints is deemed an admission that the allegations in the complaints are true and that they provide a sufficient basis for the imposition of discipline pursuant to R. 1:20-4(f)(1).

In Fanfan, respondent failed to file an expungement petition, even though he took a fee to do so. He also failed to communicate with the client, moved his office without so informing her, and failed to cooperate with ethics authorities, violations of RPC 1.1(a), RPC 1.3, RPC 1.4(b), and RPC 8.1(b).

The complaint also charged respondent with violating RPC 1.4(a), which states: "A lawyer shall fully inform a prospective client of how, when, and where the client may communicate with the lawyer." We find this rule inapplicable here because Fanfan

could no longer be considered a prospective client. More accurately, respondent abandoned her, after accepting a fee, a violation of RPC 1.16(d) (failure to protect a client's interests upon termination of the representation), a rule not charged in the complaint. Nevertheless, respondent's abandonment of clients in this and five other matters constitutes an aggravating factor.

In Manvell, although respondent filed a complaint on his client's behalf, he failed to serve it on the defendant, resulting in the case's dismissal. Respondent failed to keep Manvell informed about the status of the case and its dismissal. In fact, after the dismissal, he misrepresented to Manvell that an arbitration had been scheduled. Here, too, he failed to inform Manvell that he had moved his office and did not cooperate with the DEC investigation.

In all, with respect to Manvell, respondent violated RPC 1.1(a), RPC 1.3, RPC 1.4(b), RPC 3.2, RPC 8.1(b), and RPC 8.4(c). He also abandoned this client.

The Huber matter also involved an expungement. Although respondent filed a petition of expungement, he knew that Justin's expungment had to be expedited but did not file it in a timely fashion. He then lied to his clients about the date it had been filed. He also failed to serve the expungement order

with the proper offices, forcing his clients to do it themselves; failed to properly communicate with his clients; failed to notify his clients that he had moved his office location; and fabricated a letter, which he provided to the DEC, during its investigation.

Altogether, in Huber, respondent violated RPC 1.3, RPC 1.4(b), RPC 8.1(b), RPC 8.4(c), and RPC 8.4(d).[2] Here, too, he abandoned his client's interests.

In the Salgado matter, the allegations established that respondent failed to return his client's numerous telephone calls; failed to keep him apprised about the status of his matter; and failed to cooperate with the DEC investigation, violations of RPC 1.4(b) and RPC 8.1(b).

In the Rodriguez matter, respondent accepted a fee, but performed no services on his clients' behalf; failed to communicate with them; failed to inform them that he had moved his office; failed to reply to the grievance in the matter; and failed to return the Rodriguezes' fee or documents until, apparently, he was directed to do so by a fee arbitration

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[2] The more appropriate charge for the fabrication of a letter to the DEC would have been RPC 8.1(a) (making a false statement of material fact in connection with a disciplinary matter).

committee. He, therefore, violated RPC 1.4(b), RPC 1.5(a), and RPC 8.1(b). He abandoned the Rodriguezes as well.

In the Tilley matter, after respondent took $10,000 to appeal Myisha Sumter's conviction, he did not meet with her or discuss the matter with her and took no action on her behalf. After Bradley's estate was unable to communicate with respondent and obtain the return of the retainer, a fee arbitration committee found respondent's fee to be unreasonable. He then failed to return the fee, as directed by the fee arbitration committee. Here, too, he failed to cooperate with the DEC investigation and abandoned his client. He, thus, violated RPC 1.4(b) and (c), RPC 1.5(a), RPC 8.1(b), and RPC 8.4(d).

In the Kitapci matter, although the complaint charged respondent with failure to have a writing "explaining the terms of the representation," it cited RPC 1.5(b), a rule that requires a writing "setting forth the basis or rate of the fee," when the attorney has not regularly represented the client. Because the complaint stated that respondent had not regularly represented Kitapci, the logical inference is that the complaint intended "the terms of the representation" to include "the basis of rate of the fee," as provided in RPC 1.5(b). Therefore, we find that respondent's conduct violated paragraph (b) of the rule.

In addition to failing to provide Kitapci with a writing setting forth the basis or rate of his fee, respondent failed to take any action on her behalf in connection with the loan default. Notwithstanding his inaction, he obtained an additional $1,500 fee over and above the $2,500 that Kitapci had initially paid him, and still provided no services to her. He also failed to communicate with Kitapci or her sons, despite their numerous attempts to contact him about the status of the matter, failed to inform Kitapci that he had moved his office, and did not reply to the DEC's requests for information. His violations here included those of RPC 1.3, RPC 1.4(b), RPC 1.5(a) and (b), and RPC 8.1(b). He also abandoned this client.

Finally, respondent violated RPC 1.1(b) for having exhibited a pattern of neglect in the handling of these matters.

In sum, respondent violated RPC 1.1(b), RPC 1.1(a) in two matters, RPC 1.3 in four matters, RPC 1.4(b) in seven matters, RPC 1.4(c) in one matter, RPC 1.5(a) in three matters, RPC 1.5(b) in one matter, RPC 3.2 in one matter, RPC 8.1(b) in seven matters, RPC 8.4(c) in two matters, and RPC 8.4(d) in two matters. He also abandoned all clients, but Salgado.

The only issue left for determination is the proper quantum of discipline for the totality of respondent's conduct in seven client matters.

Generally, one-year suspensions have been imposed for combinations of ethics infractions similar to those committed by respondent in multiple matters. See, e.g., In re Griffin, 170 N.J. 188 (2001) (on a motion for reciprocal discipline involving seven client matters, attorney was guilty of pattern of neglect, failure to communicate with clients, and failure to cooperate with disciplinary authorities); In re Kanter, 162 N.J. 118 (1999) (attorney displayed gross neglect, a pattern of neglect, lack of diligence, and failure to communicate with clients in five matters; in three of the matters, he failed to prepare retainer agreements and, in one of the matters, failed to expedite litigation); In re Lawnick, 162 N.J. 113 (1999) (default matter; attorney agreed to represent clients in six matters and took no action to advance their claims, failed to communicate with clients, and failed to cooperate with disciplinary authorities); In re Herron, 140 N.J. 229 (1995) (in seven client matters, attorney engaged in gross neglect, pattern of neglect, lack of diligence, failure to communicate with clients, failure to deliver funds and to surrender papers to a client, failure to cooperate with ethics authorities, and misrepresentation of the status of matters to clients); and In re Rosenthal, 118 N.J. 454 (1990) (attorney exhibited gross neglect, failed to puruse lawful objectives of clients and

failed to carry out contracts of employment in three matters, failed to communicate with his clients in two of the matters, failed to refund a retainer in one of the matters, displayed a pattern of neglect, and failed to cooperate with ethics authorities). But see In re Pollan, 143 N.J. 305 (1996) (six-month suspension in a default matter; in seven client matters attorney was found guilty of gross neglect, pattern of neglect, lack of diligence, failure to communicate with clients, failure to turn over a client's file, failure to cooperate with disciplinary authorities, misrepresentations, and recordkeeping violations; we considered as mitigation the attorney's bouts with depression, his significant reduction of his caseload to make it more manageable, and letters from other attorneys attesting to his good character) and In re Przygoda, 163 N.J. 401 (2000) (reprimand where, in seven client matters, attorney engaged in gross neglect, failure to communicate with clients and misrepresentation; mitigation included, among other things, the attorney's remorse and contrition, that she no longer posed a threat to the public, and the passage of time since her misconduct).

Cases involving the abandonment of clients have also resulted in periods of suspension, depending on the circumstances of the abandonment, the presence of other

misconduct, or the attorney's disciplinary history. See, e.g., In re Misci, 206 N.J. 11 (2011) (one-year suspension for retired attorney in his third default; in two client matters, the attorney abandoned one of the clients, failed to provide one of the clients with a written retainer, and failed to cooperate with ethics authorities; we found that the attorney displayed a contumacious attitude toward the disciplinary system; the attorney's ethics history included a reprimand and a three-month suspension); In re Pierce, 193 N.J. 298 (2007) (one-year suspension for attorney who abandoned a client by receiving a fee, performing no services and then unilaterally terminating the representation when evicted from her office; the attorney also lacked diligence in the representation and failed to return the unearned fee to the client; the attorney had received two prior reprimands); In re Greenawalt, 171 N.J. 472 (2002) (one-year suspension for attorney who, in a default matter, displayed gross neglect in three client matters, abandoned his law practice, failed to notify clients of a prior suspension, and failed to cooperate with disciplinary authorities; the attorney had been temporarily suspended for failure to cooperate with the ethics investigator); and In re Mintz, 126 N.J. 484 (1992) (two-year suspension for attorney who abandoned four clients and was found guilty of a pattern of neglect, failure to maintain a bona

fide office, and failure to cooperate with ethics authorities). But see In re Hughes, 183 N.J. 473 (2005) (reprimand for attorney who abandoned one client by closing his practice without informing the client or advising her to seek other counsel; altogether the attorney mishandled three matters by exhibiting a lack of diligence, failure to communicate with clients, and failure to protect his clients' interests upon termination of the representation; strong mitigating factors considered).

Based on the combination of respondent's ethics infractions, his abandonment of six of these seven clients, and the default nature of these proceedings, balanced against the fact that this is respondent's first brush with the ethics system in his more than twenty years at the bar, we determine that a one-year suspension is the proper discipline.

We also determine that, upon his reinstatement, respondent should be required to practice under the supervision of an OAE-approved proctor for a two-year period.

Vice-Chair Frost and Member Clark did not participate.

We further determine to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs and actual expenses incurred in the prosecution of this matter, as provided in R. 1:20-17.

Disciplinary Review Board
Louis Pashman, Chair

By: Julianne K. DeCore
Julianne K. DeCore
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Scot Rosenthal
Docket No. DRB 11-078

Decided: September 7, 2011

Disposition: One-year suspension

Members	Disbar	One-year Suspension	Reprimand	Dismiss	Disqualified	Did not participate
Pashman		X				
Frost						X
Baugh		X				
Clark						X
Doremus		X				
Stanton		X				
Wissinger		X				
Yamner		X				
Zmirich		X				
Total:		7				2

Julianne K. DeCore
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Chief Counsel