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SUPREME COURT OF NEW JERSEY

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June 16, 2014

Mark Neary, Clerk
Supreme Court of New Jersey
P.O. Box 970
Trenton, New Jersey 08625-0962

Re: In the Matter of Lawrence R. Pinck
Docket No. DRB 14-045

Dear Mr. Neary:

The Disciplinary Review Board reviewed the motion for discipline by consent (three-month suspension or such lesser discipline as the Board deems warranted) filed by the Office of Attorney Ethics in the above matter, pursuant to R. 1:20-10(b). Following a review of the record, the Board determined to grant the motion. In the Board's view, a three-month suspension is the appropriate measure of discipline for respondent's misconduct, which occurred before and during the sale of the law practice of Pinck & Pinck.

Specifically, when respondent was selling the law practice that he shared with Justin M. Pinck, he violated RPC 1.17(c)(2) by failing to timely notify 130 clients of the proposed sale, as required by that rule. He also violated RPC 8.4(a) by failing to ensure that the purchasing attorney published a notice of sale.

In addition, in eight client matters, respondent engaged in a combination of gross neglect, a pattern of neglect, lack of diligence, and failure to communicate with the clients, thereby violating RPC 1.1(a), RPC 1.1(b), RPC 1.3, and RPC 1.4(b).

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Respondent also violated RPC 1.16(d) by failing to return files and unearned fees or costs in twenty-eight of the client matters that were transferred under the terms of sale.

The Board dismissed the RPC 1.17(d) charge. The Board found no evidence of a violation of the rule, which does not obligate the selling attorney to prevent the purchasing attorney from charging the clients additional legal fees after the sale.

The Board likened some of the violations in this case to those found in In re Tarter, 216 N.J. 425 (2014) (three-month suspension for attorney who was found guilty of misconduct in eighteen matters, specifically, lack of diligence and a pattern of neglect in fifteen of those matters and failure to withdraw from the representation and to properly terminate the representation in all eighteen matters; in mitigation, the attorney had no prior discipline and was battling active alcoholism at the time of the misconduct). As to respondent's violation of RPC 1.17(c), in the only case of its kind involving this rule, an admonition was imposed. See In the Matter of Mark L. Breitman, DRB 13-382 (February 18, 2014) (attorney purchased another attorney's law practice, which included at least fifty-eight active cases, and failed to publish the required notice of sale in the New Jersey Law Journal; although Breitman claimed that the seller had agreed to do so, the Board found that, under RPC 1.17(c)(3), the responsibility for publication was Breitman's alone, as the purchaser). Here, the Board found that the additional finding of a violation of RPC 1.17(c) did not warrant enhancing the sanction beyond the three-month suspension imposed in Tarter.

In mitigation, the Board considered that respondent has no prior discipline, since his 1980 admission to the New Jersey bar.

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated February 24, 2014.
2. Stipulation of discipline by consent, dated February 24, 2014.

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3. Affidavit of consent, dated February 20, 2014.
4. Ethics history, dated June 16, 2014.

Very truly yours,



Ellen A. Brodsky
Chief Counsel

EAB/paa

encls.

cc: Bonnie C. Frost, Chair, Disciplinary Review Board
(w/o encls.)
Charles Centinaro, Director, Office of Attorney Ethics
(w/o encls.)
Michael J. Sweeney, First Assistant Ethics Counsel
Office of Attorney Ethics
Lawrence R. Pinck, Respondent (w/o encls.)