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ASSISTANT COUNSEL

February 23, 2005

**CERTIFIED, R.R.R. AND REGULAR MAIL**

Anthony J. Simmons, Esq.  
300 Broadway Street  
Aptartment 109  
St. Paul, MN 55101

*✓* RE: In the Matter of Anthony J. Simmons  
Docket No. DRB 04-457  
District Docket Nos. VA-03-006E and VA-03-007E  
**LETTER OF ADMONITION**

Dear Mr. Simmons:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, in October 2000, Ninclo and Elizabeth Cevallos retained you on behalf of Ninclo, in connection with a criminal matter. After you appeared at a bail reduction hearing, the Cevallos terminated your services, and sought the return of \$6,750 of the \$7,500 retainer you had been paid. You failed to return their funds, despite an August 2002 fee arbitration committee determination directing that you should return \$7,000.

In a second matter, in June 2000, Carmen Perez retained you on behalf of her brother, Anibal Perez, in connection with pending state and federal criminal charges. Although you initially handled the cases, in June 2001, you advised the magistrate judge in the federal proceeding and the judge in the state proceeding, that you were withdrawing from the representation of Anibal Perez to obtain medical treatment in Minnesota. There was no indication that you so advised Anibal Perez. Thereafter, Carmen Perez filed a request for fee arbitration. In August 2002, the fee arbitration committee determined that you should refund the entire fee of \$12,500.

The Board agreed that your conduct was improper, and in violation of RPC 1.5(b) in Cevallos and RPC 1.16(d) in both Cevallos and Perez.

Despite these violations, the Board determined to impose only an admonition, in light of case precedent and your having sought treatment for your condition.

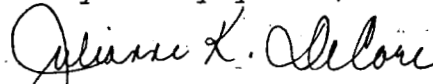
Your conduct adversely reflected not only upon you as an attorney, but also upon all members of the bar. Accordingly, the Board has directed the issuance of this admonition to you. R.1:20-15(f)(4).

In addition to the issuance of this letter, the Board directed that, within ninety days, you provide proof of your fitness to practice law, as attested by a psychiatrist approved by the Office of Attorney Ethics, to include proof that you are drug-free. Although the Board is aware that you are not currently residing in New Jersey or practicing law in the state, this requirement was imposed in the event that you decide to return to New Jersey and resume the practice of law.

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, it will be taken into consideration.

The Board has also directed that the costs of the disciplinary proceedings be assessed against you. An affidavit of costs will be forwarded under separate cover.

Very truly yours,

  
Julianne K. DeCore  
Chief Counsel

JKD/paa

C: Chief Justice Deborah T. Poritz  
Associate Justices  
Stephen W. Townsend, Clerk, Supreme Court of New Jersey  
Gail G. Haney, Deputy Clerk, Supreme Court of New Jersey  
(w/ethics history)  
Mary J. Maudsley, Chair, Disciplinary Review Board  
David E. Johnson, Jr., Director, Office of Attorney Ethics  
Scott L. Weber, Chair, District VA Ethics Committee  
Seth E. Zuckermann, Secretary, District VA Ethics Committee  
Ninclo Cevallos, Grievant  
Carmen Perez, Grievant