

SUPREME COURT OF NEW JERSEY
D-12 September Term 2008

IN THE MATTER OF
ANDREW M. KIMMEL,
AN ATTORNEY AT LAW
(Attorney No. 246291968)

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ORDER

FILED

MAR 25 2009

Richard W. ...
CLERK

The Disciplinary Review Board having filed with the Court its decision in DRB 08-170, recommending that **ANDREW M. KIMMEL**, formerly of **CEDAR KNOLLS**, who was admitted to the bar of this State in 1968, and who has been temporarily suspended from the practice of law since May 24, 2006, be disbarred for his violations of RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence), RPC 1.5(a) (charging excessive fees), RPC 1.15(a) (knowing misappropriation of funds), RPC 1.15(b) (failure to remit funds to third party), RPC 3.3(a)(1) (lack of candor toward tribunal), RPC 8.1(b) (failure to cooperate with ethics authorities), RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), RPC 8.4(d) (conduct prejudicial to the administration of justice) and Rule 1:20-20 (failure to comply with rules governing suspended attorneys);

And **ANDREW M. KIMMEL** having been ordered to show cause why he should not be disbarred or otherwise disciplined in this

matter;

And the Court having determined from its review of the matter that a prospective three-year suspension from the practice of law, together with certain conditions, is the appropriate quantum of discipline for respondent's unethical conduct;

And good cause appearing;

It is ORDERED that **ANDREW M. KIMMEL** is suspended from the practice of law for a period of three years and until the further Order of the Court, effective immediately; and it is further

ORDERED that prior to reinstatement to the practice of law, respondent shall provide proof of his fitness to practice law as attested to by a mental health professional approved by the Office of Attorney Ethics; and it is further

ORDERED that prior to reinstatement to practice, respondent shall reimburse the New Jersey Lawyers' Fund for Client Protection for all claims paid on account of his dishonest conduct pursuant to Rule 1:28-3; and it is further

ORDERED that respondent continue to comply with Rule 1:20-20 dealing with suspended attorneys; and it is further

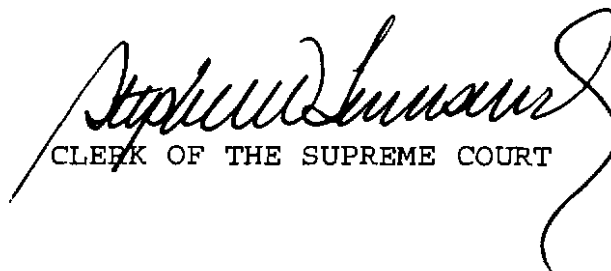
ORDERED that pursuant to Rule 1:20-20(c), respondent's failure to comply with the Affidavit of Compliance requirement of Rule 1:20-20(b)(15) may (1) preclude the Disciplinary Review Board from considering respondent's petition for reinstatement for a period of up to six months from the date respondent files proof of compliance; (2) be found to constitute a violation of

RPC 8.1(b) and RPC 8.4(c); and (3) provide a basis for an action for contempt pursuant to Rule 1:10-2; and it is further

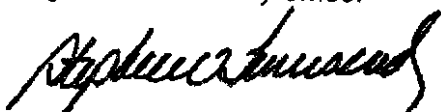
ORDERED that the entire record of this matter be made a permanent part of respondent's file as an attorney at law of this State; and it is further

ORDERED that respondent reimburse the Disciplinary Oversight Committee for appropriate administrative costs and actual expenses incurred in the prosecution of this matter, as provided in Rule 1:20-17.

WITNESS, the Honorable Stuart Rabner, Chief Justice, at Trenton, this 24th day of March, 2009.


CLERK OF THE SUPREME COURT

The foregoing is a true copy of the original on file in my office.


CLERK OF THE SUPREME COURT
OF NEW JERSEY

