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OF THE

SUPREME COURT OF NEW JERSEY

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May 6, 2009

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

Re: **In the Matter of Daniel N. Shapiro**
Docket Nos. DRB 09-005 and 09-006
District Docket Nos. IIB-08-17E and IIB-08-22E
Consent to Discipline

Dear Mr. Neary:

The Disciplinary Review Board reviewed the motions for discipline by consent (reprimand or such lesser discipline as the Board may determine to impose) filed by the District IIB Ethics Committee in these matters pursuant to R. 1:20-10(b). Following a review of the records, the Board determined to grant both motions.

In the Board's view, a single reprimand with the conditions agreed upon by the parties is the appropriate measure of discipline for respondent's violations of RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence), and RPC 1.4(b) (failure to communicate) in the Tracy Brandeal matter (IIB-08-17E/09-005) and for his violations of RPC 1.3, RPC 1.4(b), and RPC 1.5(b) (failure to communicate in writing the basis or rate of fee to a client whom the lawyer has not regularly represented) in the Sharon Paino matter (IIB-08-22E/09-006). See, e.g., In re Gordon, 139 N.J. 606 (1995) (reprimand for lack of diligence and failure to communicate with the clients in two matters; in one of the matters, the attorney also failed to return the file to the client; prior reprimand).

Specifically, in the Brandea matter, respondent engaged in gross neglect and lack of diligence by failing to probate the decedent's will, to settle the estate, and to re-file pleadings that had been rejected by the court. Respondent also failed to communicate with the client by repeatedly ignoring her requests for information, including the status of the matter.

In the Paino matter, respondent violated RPC 1.5(b) when he agreed to represent the client, whom he had not previously represented, but failed to reduce to writing the fee that he would charge for the representation. In addition, respondent lacked diligence in his representation of the client by failing to forward her discovery responses to defense counsel and by failing to oppose the defendants' motions to dismiss the complaint, which were granted. Further, respondent failed to communicate with the client by failing to return her telephone calls, inform her of the dismissal of the complaint, and consult with her about the options available to her after the complaint had been dismissed, such as filing a motion to restore the matter.

The Board did not find, in the Paino matter, that respondent had unreasonably limited the scope of his representation without Paino's informed consent, which would have violated RPC 1.2(c). Although respondent had prepared a "pro se complaint" for Paino a year after she had retained him, he subsequently held himself out to defense counsel as Paino's lawyer and received and responded to discovery requests on her behalf. Finally, after the client had filed a grievance against respondent, he informed her that he was terminating the representation.

The Office of Attorney Ethics (OAE) shall monitor respondent's compliance with the conditions set forth in the stipulation, with some modification. First, respondent shall complete ten hours of professional responsibility courses approved by the OAE. Second, respondent is to be supervised by a proctor until such time as the proctor and the OAE agree that a proctor is no longer necessary. Third, as stated in the stipulations, respondent is to submit to an alcohol evaluation and "any and all substance abuse testing and/or treatment required in accordance with such evaluation or as further required" by the OAE.

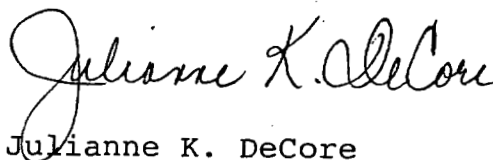
Enclosed are the following documents in the Brandea matter:

1. Undated notice of motion for discipline by consent.
2. Stipulation of discipline by consent, dated December 29, 2008.
3. Affidavit of consent, dated December 29, 2008.
4. Complaint, dated October 23, 2008.
5. Ethics history, dated April 29, 2009.

Also enclosed are the following documents in the Paino matter:

1. Notice of motion for discipline by consent, dated December 29, 2008.
2. Stipulation of discipline by consent, dated December 29, 2008.
3. Affidavit of consent, dated December 29, 2008.
4. Complaint, dated July 12, 2007.
5. Undated Verified Answer and undated Second Amended Verified Answer.
6. Ethics history, dated April 29, 2009.

Very truly yours,



Julianne K. DeCore
Chief Counsel

JKD/km

Enclosures

c: Louis Pashman, Chair, Disciplinary Review Board
Charles Centinaro, Director, Office of Attorney Ethics
Michael I. Lubin, Chair, District IIB Ethics Committee
Morton R. Covitz, Secretary, District IIB Ethics Committee
Daniel N. Shapiro, Esq., Respondent
Ms. Tracy Brandeal, Grievant
Ms. Sharon Paino, Grievant