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November 10, 2010

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

Re: In the Matter of Thomas C. Roselli
Docket No. DRB 10-239
District Docket No. VIII-2009-0037E

Dear Mr. Neary:

The Disciplinary Review Board reviewed the motion for discipline by consent (reprimand) filed by the District VIII Ethics Committee, 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 reprimand is the appropriate discipline for respondent's stipulated violations of RPC 1.1(a), RPC 1.3, RPC 1.4(a), the relevant rule in effect at the time,¹ and RPC 8.4(c).

Specifically, in 2003, Gilberto Sousa retained respondent to prosecute Sousa's claims arising out of a motorcycle accident. After respondent filed a civil complaint, he did little else, allowing the complaint to be dismissed for lack of prosecution. Respondent stipulated that his inaction constituted gross neglect and lack of diligence, violations of RPC 1.1(a) and RPC 1.3, respectively. In addition, over the two-year period

¹ Subsection (a) of RPC 1.4 was re-designated as subsection (b), effective January 1, 2004.

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of September 2007 to June 2009, respondent failed to reply to Sousa's reasonable requests for information about the case, a violation of RPC 1.4(b). Lastly, during that same two-year period, respondent made misrepresentations to his client about the status of the case, a violation of RPC 8.4(c).

Misrepresentation to clients requires the imposition of a reprimand. In re Kasdan, 115 N.J. 472, 488 (1989). A reprimand may still be imposed even if the misrepresentation is accompanied by other, non-serious ethics infractions. See, e.g., In re Singer, 200 N.J. 263 (2009) (attorney misrepresented to his client for a period of four years that he was working on the case; the attorney also exhibited gross neglect and lack of diligence and failed to communicate with the client; no ethics history) and In re Wiewiorka, 179 N.J. 225 (2004) (attorney misled the client that a complaint had been filed; in addition, the attorney took no action on the client's behalf and did not inform the client about the status of the matter and the expiration of the statute of limitations).

In mitigation, the Board considered that respondent had no prior discipline in over twenty years at the bar.

Enclosed are the following documents:

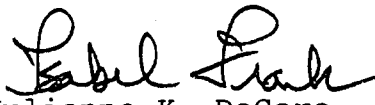
1. Notice of motion for discipline by consent, dated June 30, 2010.
2. Stipulation of discipline by consent, dated July 13, 2010.
3. List of "Material Exhibits in Support of Stipulation," with exhibits.
4. Affidavit of consent, dated June 18, 2010.
5. Ethics history, dated November 10, 2010.

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Very truly yours,


By Julianne K. DeCore
Chief Counsel

JKD/sj

encls.

cc: Louis Pashman, Chair, Disciplinary Review Board
(w/o encls.)

Charles Centinaro, Director, Office of Attorney Ethics
(w/o encls.)

Kim Marie Connor, Chair, District VIII Ethics Committee
(w/o encls.)

Manny Gerstein, Secretary, District VIII Ethics Committee
(w/o encls.)

Thomas C. Roselli, Respondent (w/o encls.)