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OF THE

SUPREME COURT OF NEW JERSEY

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May 2, 2011

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

Re: In the Matter of Salvatore Alfieri
Docket No. DRB 11-013
District Docket No. VII-10-33E

Dear Mr. Neary:

The Disciplinary Review Board has reviewed the motion for discipline by consent (reprimand or such lesser discipline as the Board shall deem warranted), filed by the District VII Ethics Committee (DEC) pursuant to R. 1:20-10(b)(1). Following a review of the record, the Board determined to grant the motion. The Board found that respondent violated RPC 1.7(a)(2) and RPC 8.4(a), but dismissed the RPC 8.4(d) violation. For the reasons set forth below, however, the Board determined not to impose any discipline on respondent.

Specifically, between 2002 and 2005, respondent periodically represented either the grievant in this matter or the grievant's business. During the summer of 2005, respondent had an affair with the grievant's wife. At the time, there was no pending legal matter that could have been adversely affected by respondent's relationship with the grievant's wife. Nevertheless, because both respondent and the grievant considered the grievant to be a client at the time of the affair, there was "a significant risk," at some point, that respondent's future representation of the client would be "materially limited by" his personal interest in the client's wife.

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Notwithstanding the Board's determination that respondent violated RPC 1.7(a)(2) and, therefore, RPC 8.4(a), it refrained from imposing discipline on respondent for these violations. In the Board's view, although the conduct amounted to a conflict of interest, there was no pending representation of grievant at the time of respondent's misconduct. Therefore, in the Board's view, the imposition of discipline for this infraction is not warranted on the principle of de minimis non curat lex.

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated December 21, 2010.
2. Stipulation of discipline by consent, dated December 13, 2010.
3. Affidavit of consent, dated November 30, 2010.
4. Ethics history, dated May 3, 2011.

Very truly yours,



Julianne K. DeCore
Chief Counsel

JKD/paa

c: Louis Pashman, Chair
Disciplinary Review Board
Charles Centinaro, Director
Office of Attorney Ethics
Alan G. Frank, Jr., Secretary
District VII Ethics Committee
Salvatore Alfieri, Respondent