SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 11-065
District Docket Nos. XIV-2011-0060E
and XIV-2011-0061E

IN THE MATTER OF	:
MICHELE M. SIMMSPARRIS	:
AN ATTORNEY AT LAW	:

Decision

Decided: August 10, 2011

To the Honorable Chief Justice and Associate Justices of the Supreme Court of New Jersey.

This default matter was previously before us, also as a default (DRB Docket No. 10-251), at our October 21, 2010 session. Respondent filed a motion to vacate that default, claiming that she did not file an answer because of procedural service infirmities and denying the allegations as false and refuted by documentary evidence in the Office of Attorney Ethics' (OAE) possession. Although we were not persuaded by her arguments, because of the dire consequences that would result if the motion were not granted (disbarment), we determined to

vacate the default and remand the matter to the OAE for further proceedings.

Notwithstanding the granting of her motion, respondent failed to file a verified answer to the complaint. Consequently, the OAE re-certified the record to us. Respondent has, once again, filed a motion to vacate this default, rather than file an answer to the ethics complaint. A synopsis of her motion follows. For the reasons expressed below, we determine to deny respondent's motion and to recommend her disbarment.

This matter comes before us on a re-certification of the record filed by the OAE, pursuant to R. 1:20-4(f). The six-count complaint charged respondent with violating RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence); RPC 1.15(a) (failure to safeguard funds - knowing misappropriation of trust funds), RPC 8.1(b) (failure to reply to a lawful demand for information from a disciplinary authority); RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), RPC 8.4(d) (conduct prejudicial to the administration of justice); and the principles of In re Wilson, 81 N.J. 451 (1979), and In re Hollendonner, 102 N.J. 21 (1985).

Respondent was admitted to the New Jersey bar in 2000. At the relevant time, she maintained a law office in Teaneck, New Jersey. Although she has no history of discipline, she was

temporarily suspended, on May 5, 2010, for failure to cooperate with the OAE's investigation of this matter. In re SimmsParris, 202 N.J. 38 (2010).

Service of process was proper. After we granted respondent's motion to vacate the default in DRB 10-251, by copy of a letter dated October 26, 2010 to the OAE, we directed respondent to file a "detailed, responsive, and verified answer to the formal ethics complaint on or before November 10, 2010." We further directed respondent to turn over to the OAE, on or before November 24, 2010, all of the information and documentation previously requested by that office.

On December 8, 2010, respondent informed the Office of Board Counsel (OBC) that she had not received a copy of the October 26, 2010 letter. By letter dated January 13, 2011, sent to 44 Mill Road, Woodcliff Lake, New Jersey 07677, and to 65 Irvington Road, Teaneck, New Jersey 07666, two home addresses listed in separate databases available to OBC, OBC Chief Counsel painstakingly set out the communications between her and respondent. Among other things, Chief Counsel had informed respondent that the remand letter had been sent only to her home address because of her temporary suspension and because of our policy not to send correspondence to a suspended attorney's law office. Chief Counsel further noted that the remand letter had

not been returned to the OBC, notwithstanding respondent's claim that she had not received it.

Chief Counsel further referenced (1) her attempts to resolve the service issues by her earlier request that respondent fax confirmation of the address at which she wished to receive communications; (2) respondent's reply, via letter, not fax, dated December 10, 2010, on her firm letterhead; and (3) respondent's indication that her address was that found on her office letterhead, an address, she stated, that the OBC already had.

Chief Counsel also noted that, by a December 15, 2010 fax, she had again requested that respondent provide an address, other than her law firm's. As of January 13, 2011, respondent had not complied with Chief Counsel's request. Therefore, Chief Counsel informed respondent that future communications would be forwarded to addresses in Teaneck and Woodcliff Lake, New Jersey, which were listed in separate databases available to the OBC.

Finally, Chief Counsel's letter directed respondent to file a verified answer to the ethics complaint with the OAE, on or before February 4, 2011, and to turn over all requested documentation to the OAE, on or before February 14, 2011. Both dates were to be peremptory. Respondent was cautioned that, if

she failed to meet either deadline, the OAE would re-certify the matter directly to us.

As of the date of the OAE's supplemental certification of the record, February 15, 2011, respondent had not filed an answer to the complaint and had not provided the OAE with the requested documentation.

Respondent's motion to vacate the default in this matter was filed within the deadline stated in a letter from Chief Counsel, dated April 5, 2011, sent to respondent's two home addresses and to her law office, 1444 Queen Anne Road, Suite 100, Teaneck, New Jersey 07666.[1] Notwithstanding her temporary suspension status, the cover letter accompanying the motion, dated May 4, 2011, was on her law firm's letterhead, SPM SimmsParris, Maldonado, Tehauno, LLP.

To succeed on a motion to vacate a default, an attorney must satisfy a two-prong test: provide a reasonable explanation for the failure to file an answer to the complaint and assert meritorious defenses to the charges. Respondent's motion fails on both counts. Rather than attempt to satisfy the above requirements, respondent submitted a scurrilous attack on the

[1] By letter dated December 10, 2010, respondent informed Chief Counsel that her mailing address was "clearly found at the bottom" of that letter, that is, her office address.

OAE counsel handling the matter, an untenable interpretation of the Court Rules regarding service of ethics complaints, and circuitous -- and, at times, incomprehensible -- reasons why we should grant her motion and dismiss the complaint. In addition, she did not provide meritorious defenses to the charges.

In essence, respondent's motion, asserted that she has never been served with a docketed grievance or complaint bearing the new docket numbers assigned to the former matters. This argument lacks merit. Chief Counsel's communications with respondent made it clear that she was to file an answer in connection with the previous, properly served complaint. Moreover, respondent's own exhibits include the OAE counsel's cover letter to her, noting that the "re-certified" record had new docket numbers.

Respondent also argued that the OAE counsel had no authority to certify the default, knowing that a complaint "has never been filed and served as prescribed by the [Court Rules]." Respondent accused the OAE counsel of having filed "fraudulent certifications" that did not comply with R. 1:20-4(f). Citing R. 1:20-4(d), respondent stated that, because the original complaint was not filed with the secretary of the district ethics committee or a designated special ethics master assigned

to the case, a complaint was not properly filed.[2] Therefore, the default should be vacated and the complaint dismissed. In addition, she claimed that, because no district ethics committee or special master was designated to "determine" this matter, "the record clearly reflects that a complaint was not served by the secretary of an appropriate Ethics Committee or the Director." She concluded that, in the absence of a duly filed ethics complaint against her and a proper certification of such service, the matter must be dismissed. She similarly argued that, because neither a committee secretary nor a special ethics master was involved in the case, "a certification detailing the failure to answer was never filed with the Director." She contended that, because the OAE Director never filed a certification that we could properly treat as a default, "any other certification of default was and is improper."

Respondent also stated that the OAE counsel's submissions to us regarding counsel's prosecution of the matter were

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[2] R. 1:20-4(d) states, in relevant part:

> The original complaint shall be filed with the secretary of the Ethics Committee or the designated special ethics master to whom the case is assigned. If the matter will be determined by an Ethics Committee, service of the complaint shall be made by the secretary; otherwise service shall be made by the [OAE] Director.

fraudulent and must be disregarded; that OAE counsel was never assigned to prosecute any matter involving her; and that the OAE records do not show that the matter was ever docketed.

Respondent further asserted that, because R. 1:20-3(g)(3) gives a respondent ten days to reply to a docketed grievance and the grievant fourteen days to reply to a respondent's submission, the OAE counsel's prosecution of a January 13, 2010 complaint in the matter under Docket No. XIV-2010-153E was improper. This was so because the OAE's and the OBC's records show that the matter "was not received, docketed, investigated and addressed in the six day period that existed between the docketing of the first matter of 2010 on January 7th and [OAE counsel's] complaint dated January 13, 2010." Respondent added that XIV-2010-0252E, like XIV-2010-0153E, was also a fraudulently docketed matter "concocted" by the OAE counsel.[3]

Respondent also contested the validity of a grievance filed by the vice-president of First American Title Insurance Co. She claimed that the grievance was not filed in the county where she maintained her law office (it was filed with the OAE), that it was assigned a docket number that was sequentially out of order and that, therefore, it was also a fraudulent matter.

[3] These were the docket numbers assigned in the first default matter under DRB 10-251.

Respondent further claimed that the OAE counsel's "manipulation" of docket numbers in this matter confirmed that the matters were not duly docketed. She accused the OAE counsel of (1) improperly assigning docket numbers, contending that the OAE counsel had "[filed] with the Board a certification in which she stated that she served the fraudulent complaints on movant at addresses that [the OAE counsel] deliberately misrepresented were movant's last known address;" (2) concocting docket numbers and assigning them to non-existent grievances; (3) stealing money and personal information and closing bank accounts; (4) defrauding respondent's clients and other members of the public; and (5) acquiring and circulating fraudulent "court" orders and using them to cause further injury. Respondent provided no support for these outrageous accusations.

Respondent also stated that OBC Chief Counsel's January 2011 letter to the OAE Director, granting her motion to vacate the default, was never addressed to her and that there was never any correspondence from the Director to her about this matter. Respondent concluded that "the purported default that was based on the untrue and fraudulent submissions of [OAE counsel] is improper," that the default must be vacated, and that the matter must be dismissed in its entirety.

The OAE filed a letter-brief, opposing respondent's motion to vacate the default. The OAE noted that, although respondent had multiple opportunities to file an answer to the complaint, she instead proffered what she believed to be procedural technicalities to avoid doing so and also ignored our directives to turn over her client files to the OAE.

The OAE asserted that it was time to end the "procedural quagmire" that respondent created, pointing out that she had been afforded every opportunity to respond, but had refused to do so, and that she was "not entitled to more deference than any other Respondent." Without replying to the specifics of respondent's contentions, the OAE urged us to deny her motion.

Our review of the motion shows that respondent's statements that the OAE failed to (1) properly docket grievances and this case, (2) file and serve the complaint, and (3) assign it to a district ethics committee or special master are without any basis. Had there been any merit to respondent's arguments that service of the complaint was improper, Chief Counsel's January 13, 2011 letter would have cured any such deficiency. Moreover, Chief Counsel's letter underscored the difficulties that the OBC and the OAE encountered in serving respondent, difficulties that respondent herself created to avoid service.

In addition, respondent failed to recognize that the OAE is District XIV. The OAE Director acts as that district's secretary. He reviews complaints drafted by OAE investigator-attorneys for approval. If approved, he signs them, indicating that they are accepted for filing and docketing. Thereafter, consistent with R. 1:20-4(d), the Director serves a respondent with the docketed complaint. Nothing in the record suggests that this procedure does not comply with the Rules or that it was not followed in this case.

Furthermore, only after an answer is filed is a matter assigned to a trier-of-fact and only after an answer is filed does the OAE request the appointment of a special master. The Rules do not suggest that this procedure should be otherwise.

In sum, respondent failed to meet both prongs of the applicable test in default motions. We, therefore, deny her motion to vacate the default and proceed with our review of this matter on the merits.[4]

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[4] On May 17, 2011, respondent filed with the OBC a supplemental certification, rehashing many of her earlier arguments. While that submission warrants no substantive analysis, we note that, once again, respondent attempted to avoid filing an answer to the ethics complaint by misinterpreting the Court Rules and accusing the OAE counsel of committing fraud, lying, and stealing.

Because respondent was properly served with the ethics complaint in the initial matter under DRB 10-251 and provided a

(Footnote cont'd on next page)

Among other violations, the complaint charged respondent with four counts of knowing misappropriation of funds.

Count I – The Otuteye Matter

At the relevant times, respondent, a member of the law firm of SimmsParris, Maldonado Tehauno, LLP, maintained attorney trust accounts at the Provident Bank and the Washington Mutual Bank (WMB). She also had an attorney business account and a joint checking account with her husband, Kwesi A. SimmsParris, both at WMB.

At a December 31, 2007 closing, respondent represented Bethany Otuteye in the purchase of real estate. In connection with that closing, respondent deposited $408,192.91 into her WMB trust account, $360,193 of which represented mortgage loan proceeds from Wells Fargo. On that date, respondent held $534,223.32 in trust for clients Otuteye, Maitland, and Pilgrim.

According to the complaint, after respondent deposited an additional $57,321.85 into her WMB trust account, she issued

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(Footnote cont'd)

defense to the ethics charges that are identical to the charges in this matter, her assertions that she was not properly served with the ethics complaint or ethics grievances because the docket numbers were changed warrant no further discussion.

twenty-seven checks, between January 2, 2008 and April 16, 2008, and was continually out of trust, in amounts ranging from $21,821.50 to $171,540.45. Twelve of the checks, totaling $160,450, and in even dollar amounts, were deposited into respondent's personal account.[5] According to the ethics complaint, respondent's use of those funds was unauthorized.

By letter dated January 24, 2008, the attorney for the seller in the Maitland real estate closing that also occurred on December 31, 2007, notified respondent that a $166,475 payment to Intervest National Bank had not been made. On January 29, 2008, respondent informed the attorney that the matter had been resolved. However, it was only on January 31, 2008 that respondent issued a $166,475 check (no. 1060) from her WMB trust account to Intervest National Bank for the Maitland closing. According to the complaint, that disbursement created a $49,185.60 shortage in her WMB trust account.

In addition, an April 18, 2008 "fax" to respondent from Ralph Picarillo of Liberty Harbor North Condominium Urban Renewal 4, LLC, stated that, in connection with the December 31, 2007 Otuteye closing, a $366,443.55 lien had not been paid. The

[5] On January 2, 2008, respondent transferred $31,200 from Otuteye's funds to her Provident Bank trust account to cover $30,351.53 issued at the closing, as she had taken the wrong check book to the closing.

lien was a pay-off of the seller's mortgage with GEMSA Loan Service (GEMSA). By letter dated April 23, 2008, respondent informed Picarillo that the check to GEMSA had been lost and that she had put a stop-payment order on it. According to the complaint, that statement was untrue. Respondent simply did not have the funds to pay off the GEMSA mortgage.

Respondent then borrowed $55,000 from her aunt, Paulette Schaffe, and deposited the funds into her WMB trust account. She told her aunt that she needed the funds to obtain a $500,000 business loan. Instead, she used those funds as part of the Otuteye payment to GEMSA.

According to the complaint, respondent replaced the misappropriated funds by making the following deposits into her WMB trust account: (1) on April 28, 2008, a personal $5,000 Oritani Saving Bank check (no. 192) and a $10,000 WMB personal check (no. 4901); (2) on April 28, 2008, a $40,000 wire transfer from her mother and $9,000 from her attorney business account, $6,000 of which were from her line of credit; and (3) on April 29, 2008, $23,000 ($13,000 cash and a $10,000 check (no. 4903) from her WMB joint personal account).

The complaint alleged that, after these deposits were made, totaling $87,000, respondent had sufficient funds to pay GEMSA,

but was still out of trust for Otuteye. The complaint also alleged that respondent had invaded funds held on behalf of client Helm.

On April 30, 2008, respondent issued check no. 1208 for $366,443.55 from her WMB trust account to GEMSA, leaving a $329.84 balance in her WMB trust account and $1,057.20 in her Provident Bank trust account. On that date, respondent should have been holding $33,241.49 in her trust accounts on behalf of clients Otuteye, Maitland, Pilgrim, and Helm. Therefore, she was out of trust by $31,854.45.

In connection with the Otuteye matter, respondent also did not pay the fee to Hudson Realty Abstract Company and did not file the deed, thereby failing to accomplish the transfer of title.[6]

On January 27, 2009, respondent deposited into her attorney business account a $74,509.21 check from the Emigrant Bank. The check contained the reference "borrow/loan . . .6850/SimmsParris." According to the complaint, respondent then "obtained two bank checks from her attorney business account funds, one in the amount of $14,000.00 which she deposited into [her Provident Bank trust account], and the other for $5,000.00."

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[6] This count of the complaint did not charge respondent with either gross neglect or lack of diligence.

The complaint alleged that, on January 28, 29 and 30, 2009, respondent used $14,000 of the loan proceeds to issue seven checks from her Provident attorney trust account on behalf of clients (including Otuteye) whom she represented in 2007 real estate closings.

On February 26, 2009, respondent closed her WMB trust account. However, she still owed $2,936.17 in connection with the Otuteye closing.

The complaint charged respondent with knowing misappropriation of trust funds and mispresentation, by having lied to Picarello.

Count II – The Schaffe Matter

As mentioned previously, in 2008, respondent asked her aunt, Paulette Schaffe, for a loan, purportedly to obtain a $500,000 business loan. Respondent told Schaffe that the bank required her to have a "certain balance" in her bank account in order for it to issue a loan. Respondent assured Schaffe that she would not use the funds and that they would be repaid in two months.

Based on respondent's representations, on April 22, 2008, Schaffe loaned respondent $55,000. Respondent gave Schaffe a $55,000 check drawn on her attorney business account, with the reference "payment," and two $500 checks for two months of pre-

paid interest. Respondent told Schaffe to hold the $55,000 check until instructed to negotiate it.

On April 22, 2008, respondent deposited Schaffe's $55,000 check into her WMB trust account. As indicated earlier, she used those funds as part of the Otuteye payment to GEMSA.

At times not specified in the complaint, Schaffe's many attempts to contact respondent were unavailing. When Schaffe tried to negotiate respondent's check, there were insufficient funds to cover it.

Although Schaffe sued respondent in New York and was granted summary judgment, respondent did not repay Schaffe any portion of the $55,000.

The complaint charged respondent with knowing misappropriation of funds and conduct involving dishonesty, fraud, deceit and misrepresentation (RPC 8.4(c)).[7]

Count III – The Pilgrim Matter

In May 2007, Les and Doris Pilgrim retained respondent to represent them in the refinancing of two loans on their residence: a primary loan with IndyMacBank F.S.B. for $241,500

[7] Presumably, by charging respondent with knowing misappropriation of funds, the OAE meant theft or conversion, because Schaffe was not respondent's client or an individual for whom she was holding funds as a fiduciary.

and a secondary loan with National City Bank for $86,250. The Pilgrims were to receive $72,469.36, at the closing of the secondary loan.

On June 13, 2007, respondent issued to the Pilgrims WMB trust account check no. 1026 for $51,492.88. The balance due to the Pilgrims, $20,976.28, remained unpaid.

According to the complaint, from July 14, 2007 to the date of the complaint, June 18, 2010, respondent failed to keep the Pilgrims' funds intact. She also failed to pay the title insurance for the refinancing.

The complaint charged respondent with knowing misappropriation of client funds.

Count IV – The Dominquez Matter

In 2006, Ramon Dominquez retained respondent to represent him in the purchase of property located at 208 Forest Drive Hillsdale, New Jersey. In 2007, he hired respondent to refinance a loan on property located in New Milford, New Jersey.

The Dominquez client ledger showed that, in April 2007, respondent should have been holding $10,780.83 for him. The HUD-1 for the purchase showed that, at a minimum, respondent should

have been holding $8,786 for Dominquez: $3,283 for title work (line 1108) and $5,503 for the "RTF taxes" (line 1205).[8]

Respondent deposited the Dominquez "funds" into her Provident Bank trust account. From April 6, 2007 to September 30, 2007, respondent had sufficient funds in her Provident Bank trust account to cover the $8,786 that she should have been holding for Dominquez. She did not transfer any funds from the Provident Bank trust account to the WMB trust account on Dominquez' behalf.

On October 1, 2007, however, the balance in the Provident Bank trust account dropped to $6,813.83, leaving respondent out-of-trust for Dominquez by $1,972.67. The shortage was created when, on October 1, 2007, a $4,750 check (no. 1628), payable to respondent, cleared the Provident Bank trust account. Respondent deposited the check into her WMB personal account.

From October 1, 2007 to January 1, 2008, respondent's Provident Bank trust account remained out-of-trust for Dominquez, in amounts ranging from $1,972.17 to $7,397.19; from January 8, 2008 to February 1, 2009, the balance in that account

[8] Although the complaint indicated that the amount for the tax was $5,503, the HUD-1 listed it as $5,603. Therefore, the amount respondent should have been holding was actually $8,886.

ranged from $122 to $8,710.38; and from May 27, 2008 to February 1, 2009, the balance in the account was below $500.

On February 2, 2009, respondent deposited $14,000 into her Provident Bank trust account, after obtaining a $74,509.21 personal loan from Emigrant Bank. Two days later, two checks totaling $5,883, payable to the Bergen County Clerk and issued on behalf of Dominquez, cleared respondent's Provident Bank trust account.

Respondent remained out of the trust, however. On February 5, 2009, she should have been holding $2,903 for Dominquez in her Provident Bank trust account. Yet, according to the complaint, she was out-of-trust for Dominquez through May 4, 2010, the date that she was temporarily suspended.[9]

Also, respondent took two years to file Dominquez' deed and mortgage and failed to pay for the title work for the 208 Forest property. Progressive Lawyers Service eventually made that payment.

The complaint charged respondent with knowing misappropriation of client funds, gross neglect, and lack of diligence.

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[9] The effective date of respondent's temporary suspension was actually May 5, 2010, the date the order was filed.

Count V – The Fremont Matter

On April 12, 2007, respondent filed an order to show cause in the United States District Court for the District of New Jersey, on behalf of FGC Commercial Mortgage Finance, d/b/a Fremont Mortgage (Fremont), seeking temporary restraints and a preliminary injunction against the named defendants. Fremont had not retained respondent for representation in any legal matter and had not authorized or known about the above filing.

In a related matter, pending in Bergen County Superior Court, Chancery Division, respondent filed a brief, in which she falsely represented to the court that she was Fremont's attorney and agent. She also asserted that she was not subject to the jurisdiction of the Bergen County Superior Court. Despite an order issued by Superior Court Judge Peter Doyne for respondent to personally appear before the court, she refused to do so.

The complaint charged respondent with having violated RPC 8.4(c) and RPC 8.4(d).

Count VI – Failure to Cooperate with the OAE

During the course of its investigation, the OAE requested that respondent produce her real estate files, including copies of the HUD-1 statements. Respondent refused, asserting that they were protected by the attorney-client privilege. In response to

this objection, the OAE requested respondent to produce some portions of her real estate files, including the HUD-1 statements that were submitted to other entities, such as title and mortgage companies. Respondent continued to refuse to provide those documents to the OAE, as well as the names and addresses of her real estate clients.

The complaint charged respondent with having violated RPC 8.1(b).

The facts recited in the complaint support the charges of unethical conduct. Respondent's failure to file an answer is an admission that the allegations of the complaint are true and that they provide a sufficient basis for the imposition of discipline. R. 1:20-4(f)(1).

As specified in the complaint, through a series of knowing and unauthorized trust account invasions, respondent created shortages in the amounts that she should have been holding in trust, thereby violating the principles of In re Wilson, supra, 81 N.J. 451, and In re Hollendonner, supra, 102 N.J. 21.

In the Otuteye matter, respondent had insufficient funds to pay off the seller's mortgage (GEMSA loan). Although she had deposited $408,192.91 into her trust account for the closing, she made a series of unauthorized disbursements to herself, totaling $160,450. She was eventually able to replenish some of

the misappropriated funds to pay the GEMSA loan, but remained out-of-trust for Otuteye and, in the process, also invaded other client funds.

In the Schaffe matter, respondent lied to her aunt that the purpose of the loan was to obtain a $500,000 business loan and that she would not use the borrowed funds. When Schaffe attempted to negotiate the business account check that respondent had given her, there were insufficient funds in respondent's account. Contrary to respondent's assurance to her aunt, she used the $55,000 to replenish funds that she had misappropriated from the Otuteye transaction. Although Schaffe was not respondent's client, respondent failed to safeguard the $55,000 by converting them for her own use.

In the Pilgrim matter, respondent failed to turn over $20,976.28 due to her clients and failed to keep their funds intact, thereby knowingly misappropriating them. She also failed to pay the title insurance for the refinancing.

In Dominquez, respondent failed to maintain inviolate the funds required to be held in trust for him. Respondent was out-of-trust in amounts ranging from $1,972.17 to $7,397.19. Some of the shortage was attributable to a $4,750 trust account check that she had deposited into her personal account.

In addition to knowingly invading trust funds and converting Schaffe's funds, respondent engaged in other ethics improprieties. She violated RPC 8.4(c) and RPC 8.4(d) in the Fremont matter, by filing an order to show cause on behalf of a party who had not retained her, filing a brief in a related matter that falsely represented that she was Fremont's attorney and agent, and violating a court order by refusing to appear before the court. She also failed to cooperate with the OAE's investigation by failing to produce copies of her files (RPC 8.1(b)), a failure that eventually led to her temporary suspension, made misrepresentations in the Otuteye and Schaffe matters (RPC 8.4(c)), and engaged in gross neglect (RPC 1.1(a)) and lack of diligence (RPC 1.3) in the Dominquez matter.

We need not reach the issue of the appropriate level of discipline for the RPC 1.1(a), RPC 1.3, RPC 8.1(b), RPC 8.4(c), and RPC 8.4(d) violations, however, because, for respondent's misappropriation of client and escrow funds alone, she must be disbarred, under Wilson and Hollendonner. We so recommend to the Court.

We further determine to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs and actual expenses incurred in the prosecution of this matter, as provided in R. 1:20-17.

Disciplinary Review Board
Louis Pashman, Chair

By: Julianne K. DeCore
Julianne K. DeCore
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Michele M. Simmsparris
Docket No. DRB 11-065

Decided: August 10, 2011

Disposition: Disbar

Members	Disbar	Suspension	Reprimand	Dismiss	Disqualified	Did not participate
Pashman	X					
Frost	X					
Baugh	X					
Clark	X					
Doremus	X					
Stanton	X					
Wissinger	X					
Yamner	X					
Zmirich	X					
Total:	9					

Julianne K. DeCore
Julianne K. DeCore
Chief Counsel