SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket Nos. DRB 11-314 and
DRB 11-315
District Docket Nos. XIV-2008-138E, XIV-2009-138E, XIV-2009-137E, and XIV-2009-096E

IN THE MATTERS OF

DORCA IRIS DELGADO-SHAFER

AN ATTORNEY AT LAW

Decision

Argued: January 19, 2012

Decided: February 28, 2012

Melissa A. Czartoryski appeared on behalf of the Office of Attorney Ethics.

Respondent appeared pro se.

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

These matters came before us on a recommendation for a two-year suspension, filed by special master Patricia Santelle,

Esquire, based on the totality of respondent's following misconduct: failure to file an affidavit of compliance with the requirements of R. 1:20-20, following a two-year suspension imposed on her by the Supreme Court, effective January 2, 2009; failure to appear for a court-ordered deposition in a civil action brought against her by former clients Juan and Elizabeth Rios; filing six deficient bankruptcy petitions for the sole purpose of delaying prosecution of that civil action; making multiple misrepresentations to the trial judge in the civil action; filing a motion to dismiss the civil action, based on an order for judgment in her favor that she knew had been vacated; and failure to reply to the grievances filed against her by two clients.

For the reasons set forth below, we determine to impose a three-year suspension on respondent, to run consecutively to the suspensions imposed on her in January 2009 and September 2011, with reinstatement conditioned on her submission of proof of fitness to practice law, as attested by a mental health professional approved by Office of Attorney Ethics (OAE). In addition, upon reinstatement, respondent should practice under the supervision of a proctor, until further order of the Court.

Respondent was admitted to the New Jersey bar in 2002. At the relevant times, she maintained an office for the practice of law in Camden.

Effective January 2, 2009, respondent was suspended for two years for multiple ethics infractions. In re Delgado-Shafer, 197 N.J. 18 (2008) (Delgado-Shafer I). Specifically, she misrepresented to a financial institution that she was holding $41,000 on behalf of her clients, the Rioses, in a real estate transaction; presented an altered bank statement in support of her false claim; commingled personal funds in her trust account; committed recordkeeping violations; and engaged in a conflict of interest by representing her brother in a foreclosure action instituted as a result of her failure to timely remit the monthly mortgage payments on a residential property owned by her brother, who permitted her to live there, in exchange for her making those payments. Respondent has not sought reinstatement.

On September 14, 2011, respondent received a one-year prospective suspension for failure to cooperate with disciplinary authorities, gross neglect, lack of diligence, knowingly disobeying an obligation under the rules of a tribunal, failure to treat with courtesy and consideration all persons involved in the legal process, violating the RPCs

through the acts of another, and conduct prejudicial to the administration of justice in a single client matter. In re Delgado-Shafer, 208 N.J. 376 (2011) (Delgado-Shafer II). Specifically, respondent failed to file a custody motion on her client's behalf, failed to oppose a motion filed by her adversary, filed two motions that were dismissed as procedurally deficient, failed to comply with a fee arbitration award, and directed her brother to commit acts of intimidation against the client. She also failed to reply to the grievance filed against her by the client.

Preliminarily, we detail the procedural history of the two cases now before us, as it is relevant to respondent's claim that she has not been afforded due process by the disciplinary system.

The Juan and Elizabeth Rios Matter (DRB 11-314) (XIV-2008-138E and XIV-2009-138E)

On July 7, 2009, the OAE issued a three-count formal ethics complaint against respondent. The first count charged her with having violated RPC 8.1(b) and RPC 8.4(d), based on her failure to file an affidavit of compliance with the requirements of R.

1:20-20, following her February 2, 2009 two-year suspension in Delgado-Shafer I.

The second count charged respondent with having violated RPC 8.4(d), based on her failure to appear for a court-ordered deposition in the civil action against her and for her filing six successive, and deficient, petitions for Chapter 7 and Chapter 13 bankruptcy. The second count also charged respondent with having violated RPC 3.3(a)(1), RPC 8.4(c), and RPC 8.4(d), based on her "false representations" to the trial judge in the civil action that (1) the filing of her second bankruptcy petition stayed the litigation, even though the petition had been dismissed, and (2) the fourth bankruptcy petition was dismissed because she did not have the required credit counseling certificate.

The third count charged respondent with having violated RPC 8.4(c) and RPC 8.4(d), as a result of her filing a motion to dismiss the Rioses' complaint, based on a judgment that had been vacated six months earlier.

According to the special master, respondent filed an answer to the complaint, five days late, on August 10, 2009. The OAE deemed the answer deficient, under R. 1:20-4(e), and directed respondent to file a compliant answer by August 29, 2009.

On March 1, 2010, court-appointed counsel filed an answer on behalf of respondent. On May 24, 2010, counsel withdrew from the representation, pursuant to a court order entered earlier that month. On June 17, 2010, respondent informed the OAE that she was seeking another court-appointed attorney to represent her.

On July 13, 2010, respondent's doctor informed the OAE and Burlington County Superior Court Assignment Judge Ronald E. Bookbinder that respondent had been referred to the Burlington County Crisis Unit due to "severe depression." On August 31, 2010, Judge Bookbinder entered an order conditionally re-appointing counsel to represent respondent for the limited purpose of transferring her status to disability inactive.

On November 15, 2010, respondent's court-appointed attorney informed the OAE that respondent had been found "medically stable and able to participate in her own defense." After respondent received "medical clearance," the court-appointed attorney withdrew from the representation. Respondent was never placed on disability inactive status.

Between May 6, 2010 and March 28, 2011, the special master unsuccessfully attempted to contact respondent seven times, by certified mail, in order to schedule a pre-hearing conference in

this matter. Not having heard from respondent, the special master scheduled the conference for April 18, 2011. Respondent did not appear.

On April 21, 2011, the special master entered a case management order, scheduling the disciplinary hearing for June 21 and 22, 2011. On that same day, the special master sent the case management order and the notice of hearing to three of respondent's last-known addresses, by certified mail. On April 23, 2011, an individual with the last name "Delgado" signed for the certified letter that was sent to 2611 Marne Highway, in Hainesport. On that same date, an individual with the last name "Shafer" signed for the certified letter sent to 1109 Marne Highway, in Hainesport.

In addition, on May 2, 2011, the special master served respondent with notice of the order and hearing via publication in that day's edition of the Courier-Post, a daily newspaper circulated in Camden County, and the New Jersey Law Journal. Notwithstanding the certified letters and the notices published in the newspapers, respondent did not appear for the June 21, 2011 hearing. The matter then proceeded in her absence.

The Chris Wisniewski and Diana Nieves Matters (DRB 11-315) (XIV-2009-137E and XIV-2009-096E)

On August 10, 2009, the OAE issued a two-count complaint, alleging that respondent had failed to submit a written reply to the grievances filed against her by clients Chris Wisniewski and Diana Nieves, a violation of RPC 8.1(b). As in the Rios matter, respondent, through court-appointed counsel, filed an answer on March 1, 2010. At that point, the Wisniewski and Nieves matters progressed procedurally in the same fashion as the Rios matter.

Oral argument on the matters now before us was initially scheduled to take place on November 17, 2011. About a week before the scheduled date, respondent contacted Office of Board Counsel (the OBC), seeking an adjournment so that she could apply to the Burlington County Assignment Judge "for a pro-bono attorney . . . by way of an Indigent application." Respondent asserted that she would forward a copy of the application to the OBC.

We granted respondent's request for an adjournment. These matters were carried to our January 19, 2012 session. However, during that sixty-day period, respondent never filed an application for a pro bono attorney. Instead, she appeared at the January 19, 2012 oral argument, argued the merits of these

cases, and concluded with a request for another sixty-day extension so that she could seek the appointment of a pro bono attorney on the ground of indigency. Because we had already granted respondent an adjournment for this purpose, of which she failed to avail herself, without any explanation to us, we determined to deny her request.

We now turn to the facts underlying the Rios matter and the Wisniewski and Nieves matters, which will be set forth separately. Three witnesses testified at the disciplinary hearing: OAE disciplinary investigators F. Scott Fitz-Patrick and Wanda Riddle and attorney Patrick J. Grimes.

The Juan and Elizabeth Rios Matter
(XIV-2008-138E and XIV-2009-138E)

Fitz-Patrick testified that, as of the date of the ethics hearing, respondent had not filed an affidavit of compliance with the requirements of R. 1:20-20, contrary to the terms of the Supreme Court's December 4, 2008 order in Delgado-Shafer I. On March 2, 2009, Riddle wrote to respondent and informed her that she had failed to comply with the rule and, therefore, she was in violation of RPC 8.1(b) and RPC 8.4(d). Respondent

ignored the letter, as well as Riddle's April 28, 2009 follow-up correspondence.

Fitz-Patrick testified that, notwithstanding respondent's assertion, in her answer to the disciplinary complaint filed in this matter, she never provided the OAE with proof that she had "substantially complied" with R. 1:20-20.

Patrick J. Grimes, the Rioses' attorney in two civil actions involving respondent and his clients, testified about her conduct in both matters. Prior to Grimes's representation of the Rioses in their lawsuit against respondent, he first represented them as defendants in a lawsuit that she had filed against them, seeking the payment of attorney fees that they allegedly owed to her.

In that matter, default was entered against the Rioses, in December 2005. On February 28, 2006, Burlington County Superior Court Judge Michael J. Hogan entered an order for judgment against them, in the amount of $15,6271.47 plus costs and interest (the February 2006 judgment). The judgment was recorded as a lien on March 2, 2006. In a separate order, Judge Bookbinder directed Surety Title Corporation to hold $16,000, presumably out of the proceeds due to the Rioses in an upcoming

real estate transaction, to satisfy the February 2006 judgment and remove the lis pendens.

According to Grimes, on April 12, 2006, Judge Hogan vacated the February 2006 judgment and the lis pendens because respondent had not followed "the proper rules" in procuring the judgment. For example, the Rioses were never served with the complaint in that matter, and they did not learn of the judgment until they were informed, at the real estate closing, that they would have to satisfy it.

On June 22, 2007, Grimes filed a civil suit against respondent, on behalf of the Rioses, seeking damages for (1) respondent's dissipation of $41,000 belonging to the Rioses and (2) their loss of a favorable interest rate, when the closing on their purchase of a house had to be postponed because what would have been their $41,000 deposit was no longer available.[1] On October 9, 2007, Grimes moved for default, based on respondent's failure to file an answer to the complaint.

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[1] These actions led to respondent's two-year suspension imposed in Delgado-Shafer I.

Grimes testified that, after default was entered against respondent, she and her former husband, Christopher R. Shafer, called him. He then agreed to vacate the default and to grant an extension of time to answer the complaint. On October 23, 2007, respondent filed her answer, together with a motion to dismiss the complaint, seal the record, and require payment of her counsel fees and costs.

In support of respondent's motion to dismiss, she submitted a certification, asserting that the doctrines of res judicata, collateral estoppel, and laches barred the relitigation of the Rioses' claims, which had already had been resolved by Judge Hogan's and Judge Bookbinder's February 2006 orders, entered against the Rioses in respondent's action against them. She did not inform the court that those orders had been vacated, even though she was well aware of that fact.

The return date for respondent's motion was November 16, 2007. Grimes submitted an opposition to the motion and also filed a cross-motion seeking a stay of the action against Shafer, who had filed for bankruptcy. The return date for the motions was moved to December 21, 2007.

In the meantime, on October 25, 2007, two days after respondent had filed the motion to dismiss the Rioses'

complaint, she filed a Chapter 7 bankruptcy petition in the United States Bankruptcy Court. On that same date, the bankruptcy court issued to respondent a notice of missing documents, which she was required to provide by November 9. The documents were identified as follows:

- Statement of Financial Affairs
- Summary of Schedules
- Summary of Liabilities
- Statement of Current Monthly Income and Means Test
- Notice to Debtor under 342(b)
- Schedules A, B, C, E, G, H, I, J

On November 14, 2007, respondent's bankruptcy petition was dismissed for failure to file those documents.

On December 12, 2007, respondent filed a second Chapter 7 bankruptcy petition. On that same date, the bankruptcy court issued a notice of missing documents, which identified the same documents that she had failed to provide to the court in the first proceeding.

On December 20, 2007, the day before argument on respondent's motion to dismiss, she wrote a letter to Camden County Superior Court Judge Louis R. Meloni, informed him of the October 25, 2007 bankruptcy filing, and declared that, as a result, "**this litigation is STAYED by the Bankruptcy Courts**" (emphasis in orginal). At the time, Grimes was not aware that

the October bankruptcy petition had been dismissed.[2] Judge Meloni stayed the litigation.

On January 3, 2008, respondent's second Chapter 7 bankruptcy petition was dismissed for failure to file the required documents.

On February 19, 2008, upon Grimes's motion, Judge Meloni reinstated the Rioses' complaint against respondent. On February 28, 2008, respondent filed a third Chapter 7 bankruptcy petition. At this point, the bankruptcy court referred respondent's conduct to the OAE.

Grimes contacted Braverman, who informed him that no stay is granted upon the filing of a third petition for bankruptcy. In any event, respondent's third bankruptcy petition was dismissed on March 18, 2008, because she had failed to provide the Court with the same required documents that were omitted from the first two bankruptcy filings.

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[2] At some point, upon Grimes's advice, the Rioses obtained a bankruptcy attorney, Robert N. Braverman, who kept Grimes apprised of what was happening in the bankruptcy court.

Grimes attempted to take respondent's deposition in November 2008. On November 20, 2008, respondent filed a Chapter 13 bankruptcy petition. As with the Chapter 7 petitions, the court provided respondent with a notice of missing documents, which she was required to provide by December 5, 2008. Most of the missing documents were the same as those required for the Chapter 7 bankruptcy filings, namely:

- Statement of Financial Affairs
- Summary of Schedules
- Summary of Liabilities
- Statement of Current Monthly Income
- Notice to Debtor under 342(b)
- Schedules A, B, C, E, G, H, I, J[3]

On November 22, 2008, respondent wrote to Grimes and informed him that the deposition "will have to wait as [she] declared bankruptcy to protect [her] home and [his] matter must be handled through the Bankruptcy Court." She concluded the letter by informing Grimes that she was on vacation and would not be available until after the Thanksgiving holiday.

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[3] Respondent also was required to file a Chapter 13 plan and motion.

On December 17, 2008, Braverman obtained a "comfort order" from the bankruptcy court, stating that the automatic stay was not in effect, as the result of respondent's November 20 Chapter 13 bankruptcy filing. Moreover, on December 29, 2008, that petition was dismissed, again, for respondent's failure to provide the missing documents.

On February 6, 2009, Judge Meloni entered an order compelling respondent's deposition on February 17, 2009 or "within thirty days thereafter." On February 25, 2009, Grimes wrote to respondent and informed her that the deposition had been scheduled for March 10, 2009. Three days later, respondent wrote to Judge Meloni, informed him that she had received the February 6, 2009 order, and stated that "there exits [sic] an automatic Stay as I am in Bankrutpcy [sic]."

On March 5, 2009, respondent again wrote to Judge Meloni. She informed him that she was in bankruptcy court and that Grimes needed to proceed in that forum. She explained that the petition that she had filed in November 2008 had been dismissed because she "did not have the Credit Counseling Certificate completed prior to the filing." She advised the court, however, that she had completed the credit counseling, at the end of December 2008.

Fitz-Patrick testified that respondent's representation to the court about the certificate of credit counseling was not true. Rather, the bankruptcy petition had been dismissed because respondent had failed to file the required schedules and other documents. Indeed, according to the bankruptcy court docket, respondent filed the Certificate of Credit Counseling on the same date that she filed the petition, November 20, 2008.

The day after respondent sent the letter to Judge Meloni, March 6, 2009, she filed a second Chapter 13 bankruptcy petition, which lacked the same documentation omitted from the first Chapter 13 filing. On March 9, Grimes wrote to Judge Meloni, enclosed the December 17, 2008 "comfort order," and advised the judge that no automatic stay was in place in the bankruptcy court. Nevertheless, respondent did not appear for the deposition, on March 10, 2009.

On March 30, 2009, the bankruptcy court dismissed respondent's second Chapter 13 petition for failure to file the missing documents. On April 3, 2009, Grimes filed a motion to strike respondent's answer to the complaint and to suppress her defenses, based upon her failure to abide by the court order compelling her appearance at her deposition.

The return date for the motion was April 17, 2009. On the day before, respondent filed a third Chapter 13 bankruptcy petition, which lacked the same documents as the previous petitions. Respondent then submitted a certification in opposition to the motion, claiming that the civil action was stayed because she was in bankruptcy "under a new docket number." In support of her claim, respondent attached a copy of the sixth bankruptcy petition.

On April 27, 2009, Judge Meloni granted the motion to strike respondent's answer. On May 7, 2009, her third bankruptcy petition was dismissed, due to her failure to provide the missing documents. On May 15, 2009, Judge Meloni entered a default against respondent.

Fitz-Patrick testified that, during a July 2, 2008 OAE interview, attorney Karen E. Bezner, the United States Bankruptcy Court trustee assigned to respondent's first Chapter 7 bankruptcy petition, confirmed that, in October 2005, the bankruptcy law had changed, entitling a debtor to the full protection of an automatic stay only upon the filing of the first petition. Bezner stated that, upon the filing of a second petition, the automatic stay was limited and that a third petition resulted in no stay. According to Fitz-Patrick,

respondent told the OAE that she was not aware of these changes to the bankruptcy law.

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Wanda Riddle testified that, in March 2009, Chris Wisniewski filed a request for a claim form with the New Jersey Lawyers' Fund for Client Protection. According to the document, Wisniewski had paid respondent $3500 to represent him in connection with an unpaid wage claim against his former employer. According to Wisniewski, respondent either ignored his calls or, if she answered the telephone, she pretended to be a secretary.

In Riddle's March 2, 2009 letter to respondent, she informed respondent that Wisniewski had filed a grievance against her and requested that she provide a written reply to the allegations, within ten days of her receipt of Riddle's letter. Respondent ignored that letter.

Respondent also ignored Riddle's April 28, 2009 follow-up letter. Ultimately, Riddle was unable to investigate the claim, because she did not hear from respondent and because Wisniewski did not cooperate with the investigation. Thus, the ethics

charges brought against respondent by the OAE were limited to RPC 8.1(b).

Diana Nieves also filed a grievance against respondent. However, neither she nor respondent cooperated with the investigator. As with Wisniewski, respondent ignored Riddle's letter enclosing the grievance and requesting a written reply, plus the follow-up letter.

Riddle testified that the letters to respondent were mailed to her law office and home addresses. Because they had not been returned by the post office, delivery was presumed.

The special master determined that respondent had violated all of the RPCs charged in both matters.

In the Juan and Elizabeth Rios matter, the special master found that respondent violated RPC 8.1(b) and RPC 8.4(d), when she failed to file an affidavit of compliance with the requirements of R. 1:20-20 and failed to supply any proof that she had even "substantially complied" with the rule. In any event, the special master noted, the Supreme Court requires strict, not substantial, compliance with the rule's provisions.

The special master also found that respondent's failure to appear for her March 10, 2009 court-ordered deposition constituted a violation of RPC 8.4(d).

Moreover, the special master determined, respondent's successive filing of six bankruptcy petitions violated RPC 8.4(d) because the "repeated re-filing of similarly deficient bankruptcy petitions was an improper delay tactic, rather than [sic] legitimate attempt to file for bankruptcy." The special master noted, in particular, that each petition had been dismissed for respondent's failure to file specific documents and that each successive petition also omitted the required documentation.

In addition, the special master found that respondent had exhibited a lack of candor toward the tribunal (RPC 3.3(a)(1)) and engaged in conduct involving dishonesty, fraud, deceit and misrepresentation (RPC 8.4(c)), when she (1) continued to claim that the filing of her bankruptcy petitions stayed the Rios litigation, even after the Rioses had obtained a comfort order; (2) relied upon a bankruptcy petition that had already been dismissed, in support of her opposition to the Rioses' April 2009 motion to strike her answer; and (3) misrepresented to the trial judge the reason for the dismissal of her bankruptcy petitions.

Finally, the special master determined that respondent violated RPC 8.4(c) and RPC 8.4(d), when she sought the

dismissal of the Rioses' complaint, based on what she knew to be vacated orders.

In the Wisniewski and Nieves matter, the special master concluded that respondent violated RPC 8.1(b), when she failed to submit a written reply to her clients' grievances. The special master found it irrelevant that Wisniewski and Nieves had also failed to cooperate in the OAE's investigation.

In assessing the appropriate measure of discipline for respondent's multiple ethics infractions in both matters, the special master pointed out that respondent's misconduct was directed at the ethics authorities and the Judiciary. Moreover, the special master deemed respondent's continuous course of dishonesty an aggravating factor. Further, the special master noted our remark, in Delgado-Shafer I, that respondent had an "inclination to deceive." Finally, the special master observed that respondent's continued failure to cooperate with the OAE and her lack of participation in the disciplinary proceedings represented a "cavalier attitude towards this proceeding and the ethical rules governing the profession," justifying a two-year suspension. The special master recommended that, upon reinstatement, respondent practice under the supervision of a proctor.

Following a de novo review of the record, we are satisfied that the special master's finding that respondent's conduct was unethical was fully supported by clear and convincing evidence.

The Juan and Elizabeth Rios Matter (XIV-2008-138E and XIV-2009-138E)

The first count of the complaint charged respondent with having violated RPC 8.1(b) (failure to cooperate with disciplinary authorities) and RPC 8.4(d) (conduct prejudicial to the administration of justice), because she never filed an affidavit of compliance with the requirements of R. 1:20-20, after her 2009 suspension took effect.

R. 1:20-20(b)(15) requires a suspended attorney, within thirty days of the order of suspension, to "file with the Director [of the OAE] the original of a detailed affidavit specifying by correlatively numbered paragraphs how the disciplined attorney has complied with each of the provisions of this rule and the Supreme Court's order." In the absence of an extension by the Director of the OAE, failure to file the affidavit within the time prescribed "constitute[s] a violation of RPC 8.1(b) . . . and RPC 8.4(d)." R. 1:20-20(c).

The second count of the complaint charged respondent with having violated RPC 8.4(d), based on her failure to appear for her court-ordered deposition and her repeated bankruptcy filings, and RPC 3.3(a)(1), RPC 8.4(c), and RPC 8.4(d), based on her misrepresentations to the trial court. Specifically, respondent misrepresented that (1) the Rios matter was stayed as the result of her filing a second petition for bankruptcy, even though that petition had been dismissed, and (2) the fourth petition was dismissed because she had not included a credit counseling certificate, when, in fact, the petition had been dismissed for a different reason.

We find no clear and convincing evidence to support a finding that respondent's failure to comply with the court order compelling her deposition in the Rios litigation, in the face of a "comfort order" from the bankruptcy court declaring that no automatic stay was in effect, constituted a violation of RPC 8.4(d). To be sure, the bankruptcy court did enter a "comfort order," but its terms applied to the fourth petition, filed in November 2008. On March 6, 2009, respondent filed a fifth petition, which was assigned a new docket number. The terms of the "comfort order" did not govern the fifth petition, which, she claimed, stayed the litigation. Moreover, respondent was

unaware that, under the new bankruptcy law, the fifth petition did not effect a stay of the litigation. Therefore, the RPC 8.4(d) charge cannot stand.

On the other hand, the evidence does establish, clearly and convincingly, that respondent filed the multiple bankruptcy petitions for the purpose of delaying the Rios litigation. As shown below, the filing of respondent's petitions was closely timed to coincide with events that were to take place in the civil action. Moreover, despite multiple dismissals of her bankruptcy petitions for the same reason (that is, missing documents), respondent made no effort to cure the deficiency, during the one-and-a-half-year period that she was repeatedly filing those petitions.

Respondent filed the first Chapter 7 petition for bankruptcy on October 25, 2007, two days after she had filed the answer and a motion to dismiss in the civil action. After the bankruptcy court notified her that the petition lacked certain documents and informed her that it would be dismissed, unless she provided those documents, she did nothing. She simply allowed the bankruptcy court to dismiss her case, on November 14, 2007, and did nothing to revive the matter, until nearly a month later.

On December 12, 2007, respondent filed the second Chapter 7 petition, just nine days before oral argument on the motion to dismiss. This petition omitted the same required documents as the first petition and netted another notice from the court. Yet, respondent ignored the bankruptcy court's notice of missing documents and the threat of dismissal. On the day before argument on the motion, she prevailed upon Judge Meloni to stay the civil action, based not on the December petition but, rather, the October petition, which had been dismissed.

The bankruptcy court dismissed the December 2007 petition on January 3, 2008. Again, respondent did nothing to revive the matter, until after Judge Meloni reinstated the Rioses' complaint, on February 19, 2008.

On February 28, 2008, respondent filed the third petition for Chapter 7 bankruptcy. Despite the fact that she had been on notice of the documents required to accompany such petitions since October 25, 2007, here she was, four months later, filing yet another petition without those documents and, again, doing nothing to rectify the deficiency, when notified of it by the court. After the third petition was dismissed, for the same reason as the first two petitions, respondent did nothing to

revive the matter for another eight months, and then only when Grimes attempted to take her deposition.

At some point in November 2008, Grimes sent a notice for respondent's deposition. On November 20, 2008, she filed the first Chapter 13 bankruptcy petition. As with the Chapter 7 filings, the petition omitted the required documents. Two days later, respondent wrote to Grimes and told him that the bankruptcy filing precluded him from taking her deposition. Because respondent did nothing to cure the deficiencies with her petition, the matter was dismissed on December 29, 2008. As before, respondent took no action to reinstate the matter until two months later, when Grimes scheduled her court-ordered deposition.

On February 25, 2009, Grimes informed respondent that her court-ordered deposition would take place on March 10, 2009. On February 28, 2009, she wrote to Judge Meloni, claiming that there was an automatic stay in place, because she was in bankruptcy. At the time, no petition was pending in the bankruptcy court.

On March 5, 2009, respondent wrote to the judge again and represented that she had cured the deficiency that had caused the dismissal of her first Chapter 13 bankruptcy, in November

2008. The next day, she filed the second Chapter 13 bankruptcy petition and then failed to appear for the deposition.

The petition was dismissed on March 30, 2009. Grimes filed a motion to strike respondent's answer to the complaint filed in the civil action. Two days before the return date, respondent filed the sixth and final bankruptcy petition. After the motion to strike was granted, the third petition was dismissed, default was entered against respondent, and she never filed another bankruptcy petition.

As demonstrated above, the clear and convincing evidence supports the finding that respondent's multiple bankruptcy filings were intended to delay the litigation, rather than to save her home, as she claimed. She never submitted the required documentation with the petitions in the first place or even in response to the bankruptcy court's notices of missing documents. Instead, she allowed all six petitions to be dismissed.

If respondent did not have enough time to compile the information and documents required to support her first bankruptcy filing, in October 2007, she certainly had enough time over the next year-and-a-half to gather the information and put it together, prior to filing her sixth and final bankruptcy petition in April 2009. Her failure to do so demonstrates that

she had little, if any, interest in discharging her debts or saving her home. Accordingly, we find that she violated RPC 8.4(d) when she filed successive, deficient bankruptcy petitions.

Although respondent made several representations to Judge Meloni about the effect of the multiple bankruptcy filings on the civil litigation, only two form the bases of the ethics charges brought against her. The first is her claim to Judge Meloni, in her December 30, 2009 letter, that she had filed for Chapter 7 bankruptcy on October 25, 2007 and that, therefore, the Rios litigation was stayed. As stated previously, the October 25, 2007 petition had been dismissed on November 14, 2007.

Although respondent's representation to the judge was inaccurate, we do not find clear and convincing evidence that she violated RPC 3.3(a)(1), RPC 8.4(c), or RPC 8.4(d). Although it is true that, the October bankruptcy petition had been dismissed as of the date of respondent's letter to Judge Meloni, the December 12, 2007 petition was pending.

The second incident underlying the above charges is respondent's claim to Judge Meloni, in March 2009, that the November 2008 bankruptcy petition had been dismissed because she

had not sought the credit counseling necessary to obtain a credit counseling certificate, which was one of the documents required by the bankruptcy court. This statement presented many problems.

First, the reason underlying the dismissal of the petition was not respondent's failure to include the certificate but, instead, her failure to provide the court with other documents. Second, according to the bankruptcy court's records, respondent filed the certificate of credit counseling on the same day that she filed all of her petitions. Third, respondent's letter was designed to have Judge Meloni believe that the dismissal was a technicality that she would rectify by filing yet another petition the next day.

The November 2008 petition filed by respondent was her fourth. The three prior petitions were dismissed for her failure to include certain documents, none of which were the certificate of credit counseling. Thus, there can be no doubt that, as of March 5, 2009, respondent knew that the November 2008 petition had not been dismissed due to the missing certificate but, rather, due to the omission of several documents that she had repeatedly failed to file in the past. Accordingly, respondent violated RPC 3.3(a)(1), RPC 8.4(c), and

RPC 8.4(d), when she wrote the March 5, 2009 letter to Judge Meloni.

Finally, respondent violated RPC 8.4(c) and RPC 8.4(d) when she sought the dismissal of the Rios litigation, based on two court orders that had been vacated. There simply is no excuse for this behavior. The orders had been entered more than a year earlier. Respondent was well aware that they had been vacated.

The Chris Wisniewski and Diana Nieves Matters (XIV-2009-137E and XIV-2009-096E)

As the special master found, respondent was obligated to file a written reply to the Wisniewski and Nieves grievances. R. 1:20-3(g)(3) imposes on every attorney the duty to cooperate in a disciplinary investigation. Among other things, this duty requires an attorney to "reply in writing within ten days of receipt of a request for information."

Respondent's failure to comply with the OAE's request for a written reply to the grievances constituted separate violations of RPC 8.1(b), which prohibits an attorney, "in connection with a disciplinary matter," from knowingly failing to respond to a lawful demand for information from a disciplinary authority.

Wisniewski's and Nieves' subsequent failure to cooperate with the OAE did not absolve respondent of her obligation to do so.

In summary, the clear and convincing evidence establishes that respondent violated RPC 8.1(b) and RPC 8.4(d), when she failed to submit the R. 1:20-20 affidavit; RPC 8.4(d), when she filed six deficient bankruptcy petitions; RPC 3.3(a)(1), RPC 8.4(c), and RPC 8.4(d), when she misrepresented to Judge Meloni that one of her bankruptcy petitions had been dismissed for failure to file a certificate of credit counseling and suggested that the dismissal was a technicality; RPC 8.4(c) and RPC 8.4(d), when she sought the dismissal of the Rios litigation, based on orders that had been vacated; and RPC 8.1(b), when she failed to comply with the OAE's request for a written reply to the Wisniewski and the Nieves grievances.

There remains for determination the quantum of discipline to be imposed for respondent's multiple ethics infractions.

The threshold measure of discipline to be imposed for an attorney's failure to file a R. 1:20-20(b)(15) affidavit is a reprimand. In re Girdler, 179 N.J. 227 (2004); In the Matter of Richard B. Girdler, DRB 03-278 (November 20, 2003) (slip op. at 6). The actual discipline imposed may be different, however, if the record demonstrates mitigating or aggravating circumstances.

Ibid. Examples of aggravating factors include the attorney's failure to answer the complaint, the existence of a disciplinary history, and the attorney's failure to follow through on his or her promise to the OAE that the affidavit would be forthcoming. Ibid.

In Girdler, the attorney received a three-month suspension, in a default matter, for his failure to comply with R. 1:20-20(e)(15). Specifically, after prodding by the OAE, he failed to produce the affidavit of compliance, even though he had agreed to do so. The attorney's disciplinary history consisted of a public reprimand, a private reprimand, and a three-month suspension in a default matter.

Since Girdler, discipline greater than a reprimand was imposed in the following cases: In the Matter of Daniel James Fox, DRB 11-273 (December 22, 2011) (in a default, censure imposed on attorney who failed to file affidavit of compliance with R. 1:20-20 after he was temporarily suspended on February 1, 2010, following his guilty plea in the United States District Court for the District of New Jersey to one count of making a false, fictitious, and fraudulent statement to the United States Department of Housing and Urban Development, a violation of 18 U.S.C. § 1001); In the Matter of Elaine T. Saint-Cyr, DRB 11-305

(December 22, 2011) (in a default, censure imposed on attorney who failed to file an affidavit of compliance with R. 1:20-20 after she was temporarily suspended, effective April 29, 2010, for failure to comply with a determination of the District X Fee Arbitration Committee); In re Sirkin, 208 N.J. 432 (2011) (in a default, censure imposed on attorney who failed to file affidavit of compliance with R. 1:20-20 after he received a three-month suspension); In re Gahles, 205 N.J. 471 (2011) (in a default, censure imposed on attorney who failed to comply with R. 1:20-20 after a temporary suspension; the attorney had received a reprimand in 1999, an admonition in 2005, and a temporary suspension in 2008 for failure to pay a fee arbitration award and a $500 sanction; the attorney remained suspended at the time of the default); In re Garcia, 205 N.J. 314 (2011) (in a default, three-month suspension for attorney's failure to comply with R. 1:20-20; her disciplinary history consisted of a fifteen-month suspension); In re Berkman, 205 N.J. 313 (2011) (three-month suspension in a default matter where attorney had a prior nine-month suspension); In re Battaglia, 182 N.J. 590 (2006) (three-month suspension, retroactive to the date that the attorney filed the affidavit of compliance; the attorney's ethics history included two

concurrent three-month suspensions and a temporary suspension); In re Raines, 181 N.J. 537 (2004) (the Court imposed a three-month suspension where the attorney's ethics history included a private reprimand, a three-month suspension, a six-month suspension, and a temporary suspension for failure to comply with a previous Court order); In re Rosanelli, 208 N.J. 359 (2011) (in a default, six-month suspension imposed on attorney who failed to comply with R. 1:20-20 after a temporary suspension in 2009 and after a three-month suspension in 2010; the attorney also had received a six-month suspension in 2003); In re Sharma, 203 N.J. 428 (2010) (six-month suspension in a default; aggravating factors included the default nature of the proceedings, the attorney's ethics history [censure for misconduct in two default matters and a three-month suspension], and his repeated failure to cooperate with disciplinary authorities); In re LeBlanc, 202 N.J. 129 (2010) (six-month suspension imposed in a default matter where the attorney's ethics history included a censure, a reprimand, and a three-month suspension; two of the prior disciplinary matters proceeded on a default basis); In re Wargo, 196 N.J. 542 (2009) (in a default, one-year suspension for failure to file the R. 1:20-20 affidavit; the attorney's ethics history included a

temporary suspension for failure to cooperate with the OAE, a censure, and a combined one-year suspension for misconduct in two separate matters; all disciplinary proceedings proceeded on a default basis); In re Wood, 193 N.J. 487 (2008) (in a default, one-year suspension imposed on attorney who failed to file an R. 1:20-20 affidavit following a three-month suspension; the attorney had an extensive disciplinary history: an admonition, a reprimand, a censure, and a three-month suspension; two of those matters proceeded on a default basis); In re McClure, 182 N.J. 312 (2005) (attorney received a one-year suspension because his disciplinary history consisted of a prior admonition and two concurrent six-month suspensions, one of which was a default, and he had failed to cooperate with disciplinary authorities in the matter before us, including failing to abide by his promise to the OAE to complete the affidavit; we also noted the need for progressive discipline); In re King, 181 N.J. 349 (2004) (in a default, one-year suspension imposed on attorney with an extensive ethics history consisting of a reprimand, a temporary suspension for failure to return an unearned retainer, a three-month suspension in a default matter, and a one-year suspension; in two of the matters, the attorney failed to cooperate with disciplinary authorities and ignored

the OAE's attempts to have her file an affidavit of compliance; the attorney remained suspended since 1998, the date of her temporary suspension); In re Brekus 208 N.J. 341 (2011) (in a default, two-year suspension imposed on attorney with significant ethics history consisting of a 2000 admonition, a 2006 reprimand, a 2009 one-year suspension, a 2009 censure, and a 2010 one-year suspension, also by default); and In re Kozlowski, 192 N.J. 438 (2007) (default matter; two-year suspension for attorney who failed to comply with R. 1:20-20; the attorney's significant disciplinary history included a private reprimand, an admonition, three reprimands, a three-month suspension, and a one-year suspension; the attorney defaulted in six disciplinary matters; his "repeated indifference toward the ethics system" was found to be "beyond forbearance").

In this case, respondent's failure to comply with the requirements of R. 1:20-20 warrants more than a reprimand. Although this matter is not before us on a certified record, respondent failed to participate in the pre-hearing stage of this matter and also failed to appear at the ethics hearing. Thus, her status is not entirely different from the attorneys

in the default matters, where findings of failure to cooperate with disciplinary authorities were made.

Moreover, respondent has a significant disciplinary history, if not in number, in degree. Attorneys with extensive disciplinary histories have received long-term suspensions, as a result of their failure to file the affidavit of compliance. See, e.g., In re Rosanelli, supra, 208 N.J. 359 (six-month suspension; history comprised of temporary suspension, three-month suspension, and six-month suspension); In re Wood, supra, 193 N.J. 487 (one-year suspension; history included three-month suspension, admonition, reprimand, censure, and a three-month suspension, two of which were defaults); In re Kozlowski, supra, 192 N.J. 438 (two-year suspension; history consisted of private reprimand, admonition, three reprimands, a three-month suspension, and a one-year suspension; six of the matters were defaults and attorney exhibited an intolerable indifference toward the ethics system); and In re Brekus, supra, 208 N.J. 341 (two-year suspension; history consisted of admonition, reprimand, one-year suspension, censure, and one-year suspension in a default matter).

On the one hand, respondent's ethics history involves more serious discipline than that of Rosanelli, who received a three-

month and six-month suspension. On the other hand, respondent's two-year and one-year suspensions are not as serious as the disciplinary history of Kozlowski, whose behavior was abominable, or Brekus, who, in addition to two suspensions, had received an admonition, reprimand, and censure. Inasmuch as, in our view, a six-month suspension is too little discipline and a two-year suspension is too much, a one-year suspension is the appropriate measure of discipline for respondent's violation of RPC 8.1(b) and RPC 8.4(d), arising out of her failure to file the affidavit of compliance.

Ordinarily, when an attorney fails to comply with a disciplinary authority's request for a written reply to a grievance, an admonition is imposed. See, e.g., In the Matter of Douglas Joseph Del Tufo, DRB No. 11-241 (October 28, 2011) (attorney did not reply to the DEC's investigation of the grievance and did not communicate with the client), and In the Matter of James M. Docherty, DRB No. 11-029 (April 29, 2011) (attorney failed to comply with DEC investigator's requests for information about the grievance; attorney also violated RPC 1.1(a) and RPC 1.4(b)). If the attorney has been disciplined before, but the ethics record is not serious, then a reprimand may be imposed. See, e.g., In re Wood, 175 N.J. 586 (2003)

(prior admonition for similar conduct); In re DeBosh, 174 N.J. 336 (2002) (prior three-month suspension); and In re Williamson, 152 N.J. 489 (1998) (prior private reprimand).

Here, respondent's ethics record is serious, consisting of two long-term suspensions for multiple ethics infractions. In addition, she ignored the grievance filed against her in Delgado-Shafer II, demonstrating a pattern of this type of conduct. Thus, at a minimum, a censure would be warranted for respondent's failure to reply to the Wisniewski and Nieves grievances.

When an attorney makes a misrepresentation to a court while under oath, suspensions are typically imposed. See, e.g., In re Trustan, 202 N.J. 4 (2010) (three-month suspension imposed on attorney who, among other things, submitted to the court a client's CIS, falsely asserting that the client owned a home; the attorney also drafted a false certification for the client, which was submitted to the court in a domestic violence trial); In re Perez, 193 N.J. 483 (2008) (on motion for final discipline, the attorney was suspended for three months for false swearing; the attorney, then Jersey City Chief Municipal Prosecutor, lied under oath that he had not asked the municipal prosecutor to request a bail increase for the person charged

with assaulting the attorney); In re Chasar, 182 N.J. 459 (2005) (three-month suspension imposed on attorney who submitted two false certifications in her own divorce action and had her secretary do the same in order to disprove her husband's claim that the attorney had paid her secretary in cash); In re Coffee, 174 N.J. 292 (2002) (on motion for reciprocal discipline in matter where attorney received a one-month suspension in Arizona, three-month suspension imposed for attorney's submission of a false affidavit of financial information in his own divorce case, followed by his misrepresentation at a hearing under oath that he had no assets other than those identified in the affidavit); In re Lyle, 172 N.J. 563 (2002) (three-month suspension imposed on attorney who falsely stated in his complaint for divorce that he and his wife had been separated for eighteen months); In re Brown, 144 N.J. 580 (1996) (three-month suspension imposed on attorney who, during the trial in the plaintiff-hospital's collection suit for recovery of expenses incurred in the treatment of attorney's drug and alcohol dependency, testified untruthfully that he had never used cocaine, had never been treated for cocaine dependency, that his treatment at the hospital was limited to alcoholism, and that the treatment was fewer than the number of days billed;

we noted that the attorney's misrepresentations at trial were made nearly five years after his alleged successful completion of a rehabilitation program); In re Cillo, 155 N.J. 599 (1998) (one-year suspension where, after falsely certifying to a judge that a case had been settled and that no other attorney would be appearing for a conference, the attorney obtained a judge's signature on an order dismissing the action and disbursing all escrow funds to his client; the attorney knew that at least one other lawyer would be appearing at the conference and that a trust agreement required that at least $500,000 of the escrow funds remain in reserve); and In re Kornreich, 149 N.J. 346 (1997) (three-year suspension where the attorney, who had been in an automobile accident, misrepresented to the police, her lawyer, and a municipal court judge that her babysitter had been operating her vehicle; the attorney also presented false evidence in an attempt to falsely accuse another of her own wrongdoing).

In five instances, however, discipline less severe than a three-month suspension was imposed on attorneys who made misrepresentations under oath. See, e.g., In the Matter of Richard S. Diamond, DRB 07-230 (November 15, 2007) (admonition imposed on attorney who, in a matrimonial matter, filed with the

court certifications making numerous references to "attached" psychological and medical records, whereas the attachments were merely billing records from the client's insurance provider); In re McLaughlin, 179 N.J. 314 (2004) (reprimand imposed on attorney who had been required by the New Jersey Board of Bar Examiners to submit quarterly certifications attesting to his abstinence from alcohol and falsely reported that he had been alcohol-free during a period within which he had been convicted of driving while intoxicated); In re Manns, 171 N.J. 145 (2002) (reprimand for misleading the court in a certification in support of a motion to reinstate a complaint as to the date the attorney learned that the complaint had been dismissed; the attorney was also guilty of lack of diligence, failure to expedite litigation, and failure to communicate with the client); In re Monahan, 201 N.J. 2 (2010) (censure for making misrepresentations in two certifications submitted to a federal court in support of a motion to extend the time within which an appeal could be filed; the attorney falsely represented that, when the appeal was due to be filed, he was ill and confined to his bed and therefore was either unable to work or unable to prepare and file the appeal; the attorney also practiced while ineligible); and In re Clayman, 186 N.J. 73 (2006) (attorney

censured for knowingly misrepresented the financial condition of a bankruptcy client in filings with the United States Bankruptcy Court in order to conceal information detrimental to his client's Chapter 13 bankruptcy petition).

In the cases that led to a three-month suspension, either no mitigating factors were brought to our attention, or we rejected the mitigating factors that were proffered by the attorney. See, e.g., In re Perez, supra, 193 N.J. 483 (no mitigating factors identified); In re Chasar, supra, 182 N.J. at 459 (rejecting the attorney's claims that the litigation was contentious, that she was using steroids, painkillers, and sleeping pills as the result of a neck injury, and that her former husband had wrongfully denied her visitation with their children for a three-month period); In re Coffee, supra, 174 N.J. 292 (no mitigating factors identified); In re Lyle, supra, 172 N.J. 563 (rejecting as a mitigating factor the attorney's purported treatment for depression at the time of misconduct); and In re Brown, supra, 144 N.J. 580 (rejecting the attorney's claim that his untruthful denial of drug use was the result of the shock, fear, and shame he experienced as a result of the court's questioning of him about his drug use; we noted that the questioning should not have surprised the attorney inasmuch as

the trial involved the bill for his treatment in a drug rehabilitation program; we noted further that, if the attorney had been surprised by the questions, he could have corrected his statement or asked for a sidebar conference with the judge to discuss his addiction, rather than sacrificing his obligation to tell the truth, "allegedly for the sake of modesty and embarrassment").

In most of the cases where less than a three-month suspension was imposed, we noted the presence of mitigating factors. See, e.g., In the Matter of Richard S. Diamond, supra, DRB 07-230 (attorney's first encounter with disciplinary system in twenty-year career); In re Clayman, supra, 186 N.J. 73 (although the attorney had made a number of misrepresentations in the bankruptcy petition, he was one of the first attorneys to be reported for his misconduct by a new Chapter 13 trustee who had elected to enforce the strict requirements of the bankruptcy rules, rather than to permit what had been the "common practice" of bankruptcy attorneys under the previous trustee; the attorney had an unblemished disciplinary history, was not motivated by personal gain, and had not acted out of venality); In re McLaughlin, supra, 179 N.J. 314 (after the false certification was submitted, the attorney sought the advice of counsel, came

forward, and admitted his transgressions); and In re Manns, supra, 171 N.J. 145 (although attorney had received a prior reprimand, the conduct in both matters had occurred during the same time frame and the misconduct in the second matter may have resulted from the attorney's poor office procedures).

In this case, respondent misrepresented to the court, in the certification attached to her motion to dismiss the Rioses' complaint, that the Rioses' claims had already been litigated and dismissed in Burlington County and, in support of her claim, referred to and relied on the two orders that had been vacated. For this misconduct and in the absence of mitigating factors that would justify lesser discipline -- we determine a three-month suspension is appropriate.

Respondent also violated RPC 8.4(d) by her repeated filings of deficient bankruptcy petitions. Her behavior prejudiced the administration of justice in two court systems, wasted judicial resources to an unfathomable degree, and represented a perverse form of legal bullying designed to defeat her former clients' right to seek recompense for the ill effects of her misdeeds.

To assess the appropriate form of discipline for this misconduct, we rely on In re Yacavino, 184 N.J. 389 (2005). There, Yacovino was involved in five lawsuits arising out of

family and business disputes between him and his wife's relatives. In the Matter of Vincent M. Yacavino, DRB 04-426 (DRB April 21, 2005) (slip op. at 3). Yacovino, who represented himself, was a plaintiff in four of the actions and a defendant in the fifth. Ibid. He was suspended for six months for, among other things, filing frivolous claims, failing to expedite litigation, and engaging in conduct prejudicial to the administration of justice by taxing the court's resources.

Specifically, we concluded that Yacovino violated RPC 3.1 (barring a lawyer from asserting frivolous claims and defenses) when, in two of the matters, he "repeatedly filed the same claims after the court dismissed them on the merits" and, in the fifth matter, he asserted claims that had been dismissed previously in the third and fourth matters. Id. at 31, 33-34. Moreover, by repeatedly raising the same issues that had been adjudicated, among other things, Yacovino had failed to expedite litigation, a violation of RPC 3.2 (requiring a lawyer to make reasonable efforts to expedite litigation). Id. at 34. Finally, we determined that Yacovino's multiple complaints had "taxed the court's resources" because they re-asserted the same claims that had already been dismissed. Id. at 37-38. Thus, these actions constituted a violation of RPC 8.4(d). Ibid.

In voting to impose a six-month suspension, we took into account Yacovino's unblemished career of more than forty years and the fact that the ethics charges stemmed from his conduct in "a series of emotionally-charged family lawsuits prompted by his steadfast conviction that his wife's parents and brothers, through various means, intentionally deprived [him] and his immediate family of funds, property, and other assets to which he believed they were entitled." Id. at 48. Indeed, we considered Yacovino's belief "not entirely erroneous," as he was granted summary judgment on some of the claims in two of the lawsuits. Id. at 48-49.

Other mitigating factors included the absence of client harm and Yacovino's increasing frustration "by his perception that the court was denying him critical discovery and, that by not ruling on his motions for discovery, the court deprived him of the opportunity to file interlocutory appeals." Id. at 49. Finally, Yacovino had "lost all perspective concerning the litigation" and was not motivated by venality but, rather, by his belief that he was right. Ibid.

Here, after respondent's first bankruptcy petition was dismissed for failure to include certain required documents, she filed five more petitions, which also omitted those documents

and were, therefore, deficient. It should not matter that Yacovino's claims were dismissed on the merits, whereas respondent's petitions were dismissed for procedural deficiencies. The prejudicial effect of the conduct was the same, that is, repeatedly filing a claim with a court, knowing that it will be dismissed because it had been dismissed for the same reason previously.

Yacovino received only a six-month suspension because of several mitigating factors. Respondent is not similarly situated. In fewer than ten years at the New Jersey bar, she has been suspended twice for a total of three years. Her point in filing the bankruptcy petitions was not to seek judicial protection from her creditors but, rather, to deny justice to her former clients, who were merely seeking redress for financial harm that they had suffered at her hands. For these reasons alone, nothing less than a one-year suspension is warranted for respondent's repeated filing of deficient bankruptcy petitions.

Further, respondent has a penchant for evading and playing fast and loose with the truth, a characteristic that she continues to display even now. She has also demonstrated a willingness to do whatever it takes to get her way.

In Delgado-Shafer I, respondent lied to her own brother about the reason why she needed to borrow $10,000 from him because, if her brother knew the truth, he would not have loaned the money to her. Delgado-Shafer I, supra, slip op. at 29. In addition, she submitted an altered bank statement to a lender so that the lender would believe that she was holding the Rioses' $41,000, which was required for closing. Moreover, while representing her brother in a foreclosure action on his house, she failed to disclose to the judge that she lived in the property, a fact that we considered another example of her "playing fast and loose with the truth." Id. at 56-57. In assessing a two-year suspension in that matter, we observed that respondent "is reckless both in terms of how she practices law and how she runs her practice." Id. at 60. Moreover, we were "troubled greatly by respondent's penchant for deceit and dishonesty." Id. at 61.

In Delgado-Shafer II, other less-than-flattering aspects of respondent's character were revealed. For example, she filed a motion and falsely claimed that the adversary was served with the papers. Delgado-Shafer II, supra, slip op. at 6-7. Either directly or through her brother, she harassed and threatened a client in order to obtain immediate payment of bills that she

had only issued that day. She also failed to submit a written reply to the grievance filed against her in that matter. Id. at 10.

And the beat went on. Here, respondent submitted vacated orders in support of a motion to dismiss the Rioses' complaint. She led the judge to believe that a bankruptcy petition had been dismissed on a simple technicality, which she had rectified when, in fact, the petition had been dismissed – repeatedly – for other deficiencies, which she never even attempted to correct. Moreover, she used the judicial system to get her way in the Rios litigation (i.e., avoiding the consequences of her actions), just as she used the system in Delgado-Shafer II to get her way, that is, payment of a bill by threatening that the court would not consider the client's pending motion, if he did not pay it. As she has done before, respondent continues to ignore grievances. Finally, in these very matters, she sought and obtained an adjournment so that she could seek court-appointed counsel. Yet, she did nothing and now seeks another chance to pursue that relief.

These examples of the lengths that respondent will go to get what she believes is owed to her and to avoid what she clearly owes to others are chilling. When considered with her

refusal to cooperate with the disciplinary system so that the public may be protected from her misdeeds, it is clear that respondent will go to almost any length to take advantage of clients and the legal system with impunity.

At oral argument before us, respondent made no claim that she was denied due process of law in these matters. Indeed, she filed answers to the complaints in both matters. Instead, respondent used this forum to rehash Delgado-Shafer I, to rail against the Rioses, and to blame an OAE attorney for her mental illness, as to which she provided us with some detail. Although respondent has not submitted medical reports, we accept that she has suffered from some form of mental illness since July 2010. However, the conduct underlying these matters took place well before then. No casual connection between her wrongs and her illness has been established. Also, the special master went to great lengths to inform her of the hearing that took place. She has chosen not to take advantage of a prior opportunity to seek court-appointed counsel to represent her in these matters and, therefore, we are left in the position of adjudicating these matters on the merits, based on the record before us.

For the combination of respondent's violations and her ethics history, coupled with her demonstrated abuse of the legal

system to suit her needs, we determine that a three-year suspension is warranted. She has shown self-serving, dishonest, and underhanded behavior, as well as stunning disrespect for the Judiciary and the disciplinary system. This suspension is to run consecutively to the suspensions imposed in Delgado-Shafer I and Delgado-Shafer II. In addition, respondent's reinstatement to the practice of law shall be conditioned on her submission of proof of her fitness to practice law, as attested by a mental health professional approved by the OAE. Finally, upon reinstatement, respondent should be required to practice under the supervision of a proctor, until further order of 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: _____
for Julianne K. DeCore
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matters of Dorca Delgado-Shafer
Docket Nos. DRB 11-314 and DRB 11-315

Argued: January 19, 2012

Decided: February 28, 2012

Disposition: Three-year consecutive suspension

Members	Disbar	Three-year Consecutive Suspension	Reprimand	Dismiss	Disqualified	Did not participate
Pashman		X				
Frost		X				
Baugh		X				
Clark		X				
Doremus		X				
Wissinger		X				
Yamner		X				
Zmirich		X				
Total:		8				

By Isabel Frank
Julianne K. DeCore
Chief Counsel