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RICHARD J. HUGHES JUSTICE COMPLEX
P.O. BOX 962
TRENTON, NEW JERSEY 08625-0962
(609) 292-1011

July 19, 2013

VIA CERTIFIED MAIL, R.R.R. & REGULAR MAIL

John David DiCiurcio
c/o William T. DiCiurcio, II, Esq.
DiCiurcio & DiCiurcio
900 Kings Highway North
Suite 310
Cherry Hill, New Jersey 08034-1516

Re: **In the Matter of John David DiCiurcio**
Docket No. DRB 12-405
District Docket No. IV-2011-0032E
LETTER OF ADMONITION

Dear Mr. DiCiurcio:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Following a review of the record, the Board determined to impose an admonition for your ethics infractions.

Specifically, in May 2008, you agreed to represent the grievant, Victor Guerrero, in a Chapter 13 bankruptcy proceeding, for \$2500, plus payment of the \$275 fee for filing the petition. The agreement required Guerrero to pay \$800 of the fee "up front." Because he did not have \$800, you permitted him to pay that amount in monthly installments of \$100. Once the \$800 was paid, however, you did not file the bankruptcy petition. Moreover, during the time that Guerrero was making the monthly payments, you did not prepare the petition for filing. Your action in the case consisted of writing a letter to

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Guerrero, one month after being retained, requesting copies of tax returns and "pay advices." Your lack of diligence in the matter was a violation of RPC 1.3.

Although you explained that the petition was not filed because Guerrero had not paid the \$250 filing fee, you never communicated to Guerrero that his failure to pay the fee was holding up the petition. Your conduct was unethical and a violation of RPC 1.4(b).

Your conduct adversely reflected not only upon you as an attorney, but also upon all members of the bar. Accordingly, the Board has directed the issuance of this admonition to you. R. 1:20-15(f)(4).

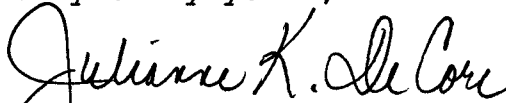
In mitigation, the Board took into consideration your willingness to work with a client who was on a fixed income, by permitting him to pay the \$800 over time.

Although the Board was aware that you received a reprimand in 2012, the Board was of the view that, because the issue in that matter involved a violation unrelated to the present infractions, it did not rise to the level of an aggravating factor requiring enhancement of the otherwise appropriate discipline for your conduct in this matter.

A permanent record of this occurrence has been filed with the Clerk of the Supreme Court and the Board's office. Should you become the subject of any further discipline, it will be taken into consideration.

The Board has also directed that the costs of the disciplinary proceedings be assessed against you. An invoice of costs will be forwarded under separate cover.

Very truly yours,



Julianne K. DeCore
Chief Counsel

JDK:KW:lgn

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c: Chief Justice Stuart Rabner
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