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OF THE

SUPREME COURT OF NEW JERSEY

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

JULIANNE K. DeCORE
CHIEF COUNSEL
ISABEL FRANK
DEPUTY CHIEF COUNSEL
ELLEN A. BRODSKY
FIRST ASSISTANT COUNSEL
LILLIAN LEWIN
BARRY R. PETERSEN JR.
DONA S. SEROTA -TESCHNER
COLIN T. TAMS
KATHRYN ANNE WINTERLE
ASSISTANT COUNSEL

August 8, 2013

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

Re: In the Matter of Marc Darienzo¹
Docket No. DRB 13-045
District Docket No. XI-2012-0010E

Dear Mr. Neary:

The Disciplinary Review Board reviewed the motion for discipline by consent (reprimand) filed by the District XI Ethics Committee in the above matter, pursuant to R. 1:20-10(b). Following a review of the record, the Board determined to grant the motion. In the Board's view, a reprimand is the appropriate measure of discipline for respondent's violation of RPC 5.5 (a)(1).²

Specifically, respondent admittedly failed to file the IOLTA registration statement for 2011, for which he was placed on the October 21, 2011 list of ineligible attorneys. On March 27, 2012, he was placed on compliant status. Two days before that date,

¹ Respondent's name has been spelled "D'Arienzo" in prior disciplinary matters.

² Member Gallipoli would deny the motion, believing that a censure would have been appropriate.

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however, respondent entered his appearance in a Newark municipal court, before the Honorable Anthony Frasca.

The parties agreed that respondent's actions were inadvertent, in that he was unaware of his ineligibility. As soon as he became aware of it, he completed and filed the IOLTA registration statement.


Practicing law while ineligible, without more, is generally met with an admonition, if the attorney is either unaware of the ineligibility or advances compelling mitigating factors. See, e.g., In the Matter of Robert B. Blackman, DRB 10-137 (June 18, 2010); In the Matter of Matthew George Connolly, DRB 08-419 (March 31, 2009); In the Matter of Frank D. DeVito, DRB 06-116 (July 21, 2006); and In the Matter of William C. Brummell, DRB 06-031 (March 21, 2006).

In aggravation, however, the Board considered respondent's ethics history, consisting of two admonitions, a censure, and a three-month suspension. The Board, therefore, determined that a reprimand was appropriate.

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated September 17, 2012.
2. Stipulation of discipline by consent, dated September 27, 2012.
3. Affidavit of consent, dated September 17, 2012.
4. Ethics history, dated August 8, 2013.

Very truly yours,


By Julianne K. DeCore
Chief Counsel

JKD/paa
encls.

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cc: Bonnie C. Frost, Chair, Disciplinary Review Board
(w/o encls.)
Charles Centinaro, Director, Office of Attorney Ethics
(w/o encls.)
Michael J. Pascale, Chair, District XI Ethics Committee
(w/o encls.)
Marc Darienzo, Respondent (w/o encls.)