

# DISCIPLINARY REVIEW BOARD

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SUPREME COURT OF NEW JERSEY

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October 9, 2013

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

Re: **In the Matter of Rodrigo Sanchez**  
Docket No. DRB 13-108  
District Docket No. VA-2012-0012E

Dear Mr. Neary:

The Disciplinary Review Board reviewed the motion for discipline by consent (reprimand) filed by the District VA Ethics Committee (DEC), 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 violations of RPC 1.3 (lack of diligence), RPC 1.16(d) (failure to protect a client's interests on termination of the representation), and RPC 8.4(d) (conduct prejudicial to the administration of justice).<sup>1</sup>

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<sup>1</sup> Although the Board was aware that respondent received a prior censure, the Board was persuaded that this was not a case of failure to learn from prior mistakes. Not only was the conduct that led to the censure unrelated to the conduct in the present case, but the record leaves the impression that respondent's failure to comply with the court orders to pay \$1,500 to opposing counsel was not the product of lack of respect for the court.

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Specifically, in 2011, Zenaida Diaz retained respondent to represent her in two special civil matters involving her landlord. He appeared on her behalf, in February 2012, with his witnesses and experts. After mediation failed, Diaz decided to proceed to trial that afternoon. Respondent was unable to appear for trial because he had to take his eight-year old for an emergent dental procedure. The judge dismissed the complaint without prejudice because of respondent's failure to appear.

In May 2012, on Diaz' motion, the judge entered an order reinstating the complaint, allowing respondent to withdraw as counsel, and directing him to pay \$1,500 to the landlord's counsel, as a condition for reinstating the complaint. Respondent failed to comply with the order. In June 2012, the judge again dismissed the complaint, without prejudice, for failure to comply with the prior order. The June 2012 order stated that respondent's payment of the \$1,500 was a "condition precedent" to reinstating the complaint.

Respondent attempted to pay the \$1,500 in July 2012. By that time, the landlord's counsel was no longer involved in the case and returned the payment. Respondent failed to follow up.

As of the date of the disciplinary stipulation, April 1, 2013, Diaz' claim remained dismissed. Ultimately, Diaz filed a complaint against respondent in small claims court. When respondent failed to appear on the return date, the judge awarded Diaz \$750. Respondent paid her that amount, as well as the \$1,500.

While respondent's failure to appear for the first trial date, in February of 2012, may be "excused" due to emergent circumstances involving his young child, his subsequent failure to comply with the judge's orders to pay \$1,500, as a condition to reinstate Diaz' complaint, shows a disregard for the welfare of his client.

Failure to comply with a court order typically results in a reprimand. See, e.g., In re Gellene, 203 N.J. 443 (2010) (reprimand for attorney who failed to appear on the return date of an appellate court's order to show cause and failed to notify the court that he would not appear; the attorney was also guilty of gross neglect, pattern of neglect, lack of diligence, and failure to communicate with clients; ethics history included two private reprimands and an admonition; compelling mitigating factors considered); In re Holland, 164 N.J. 246 (2000) (reprimand for attorney who, although required to hold in trust a fee in which she

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and another attorney had an interest, took the fee in violation of a court order); and In re Milstead, 162 N.J. 96 (1999) (attorney reprimanded for disbursing escrow funds to his client, in violation of a court order).

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated January 28, 2013.
2. Stipulation of discipline by consent, dated April 1, 2013.
3. Affidavit of consent, dated March 29, 2013.
4. Ethics history, dated October 9, 2013.

Very truly yours,



Isabel Frank  
Acting Chief Counsel

JKD/paa  
encls.

cc: Bonnie Frost, Chair, Disciplinary Review Board  
(w/o encls.)  
Charles Centinaro, Director, Office of Attorney Ethics  
(w/o encls.)  
Frank Magaletta, Chair, District VA Ethics Committee  
(w/o encls.)  
Rodrigo Sanchez, Respondent (w/o encls.)