

# DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

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June 27, 2014

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

Re: In the Matter of Philip J. Morin, III  
Docket No. DRB 14-111  
District Docket No. IIA-2012-0011E

Dear Mr. Neary:

The Disciplinary Review Board reviewed the motion for discipline by consent (reprimand or such lesser discipline as the Board deems warranted), filed by the District IIA Ethics Committee 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 discipline for respondent's violations of RPC 1.3 (lack of diligence), RPC 1.4(b) (failure to communicate with a client), and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation).

Specifically, in 2007, while employed by a law firm, respondent was assigned to represent a limited liability corporation in its efforts to obtain subdivision approval on an investment property. In January 2007, respondent submitted a subdivision application and plans to the planning board. The hearing on the application took place over the course of several public meetings. Prior to the planning board's decision, neighboring property owners objected to the application. The court granted the property owners' requested relief for temporary restraints and a preliminary injunction. Thereafter, respondent filed a motion for reconsideration, which was denied, and then an

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appeal. In the interim, the parties' attempts to settle the matter were unavailing.

Prior to the appellate brief's due date, as a result of poor economic conditions, respondent's employment was terminated. Respondent never filed the appellate brief, resulting in the appeal's dismissal for lack of prosecution. Respondent did not inform the client or the partners of his law firm of the dismissal. Instead, over a two-year period, respondent misrepresented to the client that the appeal was still active.

Respondent, thus, lacked diligence by failing to timely file the appellate brief; failed to properly communicate with the client's principals by not informing them that the appeal had been dismissed; and, for two years, made misrepresentations to the client that the appeal was pending.

In mitigation, the appellate brief was due in the midst of respondent's career and personal turmoil, including the loss of his job; he was the sole breadwinner for his family, which included three young children; through his counsel, he provided substantial assistance to the former client's new attorney; he had no history of discipline in his almost twenty-years at the bar; and he was active in the community.

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated, December 23, 2013.
2. Stipulation of discipline by consent, dated December 31, 2013.
3. Affidavit of consent, dated December 18, 2013.
4. Ethics history, dated June 27, 2014.

Very truly yours,

  
Ellen A. Brodsky  
Chief Counsel

Encls.

See attached list

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c: Bonnie C. Frost, Chair  
Disciplinary Review Board  
Charles Centinaro, Director  
Office of Attorney Ethics  
David M. Repetto, Chair  
District IIA Ethics Committee  
Nina C. Remson, Secretary  
District IIA Ethics Committee  
Robert J. DeGroot, Respondent's Counsel