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January 20, 2015

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

Re: In the Matter of Mark Edward Ruffolo
Docket No. DRB 14-297
District Docket No. IIA-2014-0002E

Dear Mr. Neary:

The Disciplinary Review Board has reviewed the motion for discipline by consent (reprimand or such lesser discipline as the Board may deem warranted) filed by the District IIA 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 discipline for respondent's violations of RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence), RPC 1.4(b) (failure to communicate with a client), and RPC 8.4(c) (misrepresentation).

Specifically, from October 2007, until March 2010, respondent exhibited gross neglect and a lack of diligence by failing to protect Antonio Smith's interests, that is, allowing Mr. Smith's case to be dismissed, not working on it after filing the initial claim, and failing to take any steps to prevent its dismissal or ensure its reinstatement thereafter. Respondent also failed to communicate with Mr. Smith by not promptly replying to his requests for status updates. Finally, respondent's assurances to Mr. Smith that his matter was

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proceeding apace and that he should expect a monetary award in the near future were false. At the time of his misrepresentation, respondent was aware that the complaint had been dismissed.

Misrepresentations to a client require the imposition of a reprimand. In re Kasdan, 115 N.J. 472, 488 (1989). A reprimand may still be imposed, even if the misrepresentation is accompanied by other, non-serious ethics infractions. See, e.g., In re Singer, 200 N.J. 263 (2009) (attorney misrepresented to his client for a period of four years that he was working on the case; the attorney also exhibited gross neglect and lack of diligence and failed to communicate with the client; no ethics history); In re Wiewiorka, 179 N.J. 225 (2004) (attorney misled the client that a complaint had been filed; in addition, the attorney took no action on the client's behalf and did not inform the client about the status of the matter and the expiration of the statute of limitations); In re Onorevole, 170 N.J. 64 (2001) (attorney made misrepresentations about the status of the case; he also grossly neglected the case, failed to act with diligence, and failed to reasonably communicate with the client; prior admonition and reprimand); In re Till, 167 N.J. 276 (2001) (over a nine-month period, attorney lied to the client about the status of the case; the attorney also exhibited gross neglect; no prior discipline); and In re Riva, 157 N.J. 34 (1999) (attorney misrepresented the status of the case to his clients; he also grossly neglected the case, thereby causing a default judgment to be entered against the clients and failed to take steps to have the default vacated).

Like the attorney in Singer, respondent misrepresented the status of the case to his client for a period of years, exhibited gross neglect and a lack of diligence, and failed to properly communicate with his client. Similarly, like the attorney in Riva, respondent allowed the matter to be dismissed and made no effort to have it reinstated.

Respondent has an unblemished record in nineteen years at the bar. Nonetheless, this mitigation is offset by the harm caused to his client. Respondent's failure to prosecute Mr. Smith's claim left him with no viable remedy for the alleged damages he suffered in an automobile accident. Like Singer and Riva, respondent should be reprimanded.

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Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated August 28, 2014;
2. Stipulation of discipline by consent, dated August 29, 2014;
3. Affidavit of consent, dated August 27, 2014;
4. Ethics history, dated January 20, 2015.

Very truly yours,



Ellen A. Brodsky
Chief Counsel

EAB/tk

c: (w/o encls.)

Bonnie C. Frost, Chair

Disciplinary Review Board (via e-mail; w/o enclosures)

Charles Centinaro, Director

Office of Attorney Ethics (w/o enclosures)

Nina C. Remson, Esq., Secretary

District IIA Ethics Committee (w/o enclosures)

Mark E. Ruffolo, Respondent