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May 27, 2015

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

Charles Damian, Esquire
Charles Michael Damian, P.C.
388 Pompton Avenue
Cedar Grove, NJ 07009

Re: In the Matter of Charles M. Damian
Docket No. DRB 15-107
District Docket No. VC-2014-0004E
LETTER OF ADMONITION

Dear Mr. Damian:

The Disciplinary Review Board has reviewed the motion for discipline by consent filed by the District VC Ethics Committee, pursuant to R. 1:20-10(b). Following a review of the record, the Board determined to grant the motion and to impose an admonition.

Specifically, Edilberto and Margarita Rodriguez retained you in July 2010 for a foreclosure action. Although you filed a complaint in their behalf, it was defective. In April 2013, the court notified you that the complaint would be dismissed, unless those deficiencies were cured within thirty days. Because you did not do so, the complaint was dismissed in May 2013. You took no action to vacate the dismissal and, in March 2014, the Rodriguezes terminated the representation. Your failure to prosecute their claim constituted a lack of diligence, a violation of RPC 1.3.

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You also failed to tell the Rodriguezes that you had never amended the original complaint or filed a new one, that their complaint had been dismissed, and that it had not been reinstated. In so doing, you violated RPC 1.4(b). The Board dismissed the RPC 1.4(a) violation (failure to inform a prospective client how, when and where the client can communicate with the attorney) as not applicable.

In imposing only an admonition, the Board considered that you have had no other final discipline in over thirty-five years at the bar, that staffing problems in your office negatively affected the handling of the foreclosure case, that you were battling a serious illness during this time, and that other family-related issues consumed your time and contributed to your inattention to the Rodriguezes' matter.

Your conduct has 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).

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,



Ellen A. Brodsky
Chief Counsel

EAB/paa

c: See attached list

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c: Chief Justice Stuart Rabner
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