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May 29, 2015

Mark Neary, Clerk
Supreme Court of New Jersey
Post Office Box 970
Trenton, New Jersey 08625-0962

Re: In the Matter of Jenel R. Marraccini
Docket No. DRB 15-065
District Docket No. VB-2014-0009E

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 Office of Attorney Ethics in the above matter, pursuant to R. 1:20-10. 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 violation of RPC 3.3(a) (candor toward the tribunal), RPC 8.4(c) (misrepresentation) and RPC 8.4(d) (conduct prejudicial to the administration of justice).

Specifically, respondent represented an apartment management company in its landlord and tenant matters, including filing eviction complaints. The property manager had pre-signed several verifications on behalf of the landlord. Pursuant to court rule, the verification was required to be attached to the eviction complaint.

Unbeknownst to respondent, the property manager passed away in August 2013. In December 2013, however, respondent filed several eviction complaints, including a complaint against the

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grievant, with the attached verification pre-signed by the property manager. Although the complaints were reviewed by a representative of the management company, the verification was not contemporaneously reviewed and signed by a current employee.

At the end of January 2014, respondent learned of the improper use of the pre-signed verifications and withdrew the eviction complaint against the grievant, as well as all of the other pending complaints. No action filed by respondent with the improper verification proceeded to eviction.

Respondent, admitted violating RPC 3.3(a) and RPC 8.4(c) by misrepresenting to the court and third parties that the property manager had executed the verification on the date indicated on the document and RPC 8.4(d) by causing the filing and withdrawal of approximately fifty false eviction complaints.

In mitigation, respondent's actions were motivated by a misguided attempt at efficiency, rather than by dishonesty or personal gain. Additionally, upon learning of the inaccuracies in the verification, she ceased the practice.

The stipulation cited, in support, In re Schiff, 217 N.J. 524 (2014), and the companion cases In re Diaz, 209 N.J. 89 (2012) and In the Matter of Rhondi L. Schwartz, DRB 10-049 (June 16, 2010). In Schiff, the Court imposed a reprimand for Schiff's use of pre-signed certifications. Schiff represented a bank for many years in relation to debt collection. At his direction, certifications were pre-signed but undated in anticipation of defaults. When an application for a default judgment was prepared, staff would complete the certification, again at Schiff's direction, add factual information, and stamp the date. Although Schiff confirmed that the certification was mathematically accurate, the signatory did not certify the changes. Schiff was found to have violated RPC 3.3(a), RPC 5.3(c)(1), RPC 8.4(a), and RPC 8.4(c).

In Diaz and Schwartz, Schwartz was an associate with the firm of Shapiro & Diaz, which was primarily engaged in the business of processing mortgage loan defaults through foreclosures and related bankruptcy matters. Diaz was the managing attorney. For at least five years, the firm engaged in the practice of using pre-signed certifications in support of ex parte applications for relief or motions for relief in bankruptcy court. Oftentimes, the individual whose name appeared

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on the certification did not review and attest to the accuracy of the documents before they were filed with the court. Schwartz, the firm's principal bankruptcy attorney, trained new staff members in the practice of using on-file pre-signed forms. Diaz did not file any of the documents attaching pre-signed certifications in bankruptcy court, although he was aware of the practice. Most were filed by Schwartz, over whom Diaz had supervisory responsibility. Schwartz received only an admonition for violating RPC 8.4(c) and RPC 8.4(d), in consideration of her previously unblemished ethics history of more than twenty years and her lack of dishonest intent. Diaz, who was found to have violated RPC 5.1(c)(1), RPC 5.3(c)(1), RPC 8.4(a), RPC 8.4(c) and RPC 8.4(d) received a reprimand.

Although the attorneys in Schiff and Diaz acted in supervisory roles, a factor not present in the instant matter, here, respondent also violated RPC 3.3(a), which was not found in Schwartz. Moreover, Schwartz had been a member of the bar for twenty years, while respondent was admitted in 2004. On balance, the Board determined that a reprimand was the appropriate quantum of discipline in this matter.

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated February 12, 2015.
2. Stipulation of discipline by consent, dated February 13, 2015.
3. Affidavit of consent, dated February 2, 2015.
4. Ethics history, dated May 29, 2015.

Very truly yours,



Ellen A. Brodsky
Chief Counsel

EAB/lg

Enclosures

c: See attached list (w/o encl.)

I/M/O Jenel R. Marraccini, Docket DRB 15-065

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