

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 02-360

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IN THE MATTER OF :  
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RAYMOND N. TORRES, JR. :  
:   
AN ATTORNEY AT LAW :  
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Decision

Argued: November 21, 2002

Decided: February 24, 2003

Lee A. Gronikowski appeared on behalf of the Office of Attorney Ethics.

Anthony P. Ambrosio appeared on behalf of respondent.

To the Honorable Chief Justice and Associate Justices of the Supreme Court of New Jersey.

This matter was before us based on a stipulation between respondent and the Office of Attorney Ethics (OAE). The stipulation addressed two separately docketed grievances. Respondent admitted violations of RPC 1.1(a) and (b) (gross neglect and pattern of neglect); RPC 1.3 (lack of diligence); RPC 1.4(a) (failure to communicate with client); RPC 1.8(a) (improper business transaction with a client); RPC 1.15(a) (commingling trust and personal funds); RPC 1.15(b) (failure to pay over sums promptly); and R.1:21-6 and RPC 1.15(d) (record keeping violations).

Respondent was admitted to the New Jersey bar in 1986. He maintains an office for the practice of law in West Orange, Essex County. He has no prior discipline. He has, however, a history of late payments to the New Jersey Lawyers' Fund for Client Protection (The Fund). According to the Fund's report, dated October 10, 2002, respondent has been ineligible to practice law since September 30, 2002 and was also ineligible on four prior occasions.

The Fields-McCoy Matter (District Docket No. XIV-01-118E)<sup>1</sup>

In March 2001 Mary Fields-McCoy filed a grievance alleging that respondent had failed to disburse to her \$35,000 in settlement proceeds, following the resolution of a contract action. The OAE's investigation revealed that respondent did not misuse the proceeds, as alleged by Fields-McCoy, and that the case had settled for \$1,000, not \$35,000. Fields-McCoy signed a release on October 4, 2000. Respondent lost the signed release. The defendant did not receive a signed release and, consequently, did not forward the settlement funds to respondent. Respondent contended that he was too embarrassed to contact Fields-McCoy to obtain her signature again. Ultimately, Fields-McCoy signed a second release, whereupon the defendant forwarded a \$1,000 settlement check, which respondent forwarded to Fields-McCoy in August 2001.<sup>2</sup>

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<sup>1</sup> The stipulation, which is sparse, states that respondent's misconduct is fully set out in the investigative reports. Thus, the within facts have been supplemented, where appropriate, with information from the investigative reports.

<sup>2</sup> The settlement check was made out to both Fields-McCoy and respondent. In his August 2001 cover letter to Fields-McCoy, respondent asked her to endorse the check and return it for deposit

In addition, on October 4, 2000, respondent lent \$270 to Fields-McCoy. Respondent did not prepare a written loan agreement and did not advise Fields-McCoy to seek the advice of independent counsel. According to respondent, Fields-McCoy did not repay the \$270 and he has no intention of pursuing repayment.

The Logan Matter (District Docket No. XIV-00-342E)

Respondent failed to pay title and survey costs for significant periods of time after five closings of title, including that of Lisa Logan, the grievant herein. Also, the OAE's investigation revealed that respondent failed to remit \$2,195.35 to another client, following the settlement of a personal injury matter. In addition, respondent commingled fees and client trust funds and failed to comply with the recordkeeping rules. According to the investigative report, the following deficiencies were found in respondent's records:

1. Failure to maintain receipts and disbursements journals.
2. Failure to maintain client ledger books.
3. Failure to maintain records showing payment for services rendered to third parties.
4. Failure to maintain all checkbooks and check stubs, bank statements, prenumbered canceled checks and duplicate deposit slips.
5. Failure to perform quarterly reconciliations.

By way of explanation, respondent told the OAE investigator that he is

very busy as a stay-at-home-father, part-time college professor and lawyer and acknowledged his failure to promptly mail [the title company] and the surveyor their checks. He stated to [the investigator] that he did all the administrative work on the file, since he did not have a secretary and routinely paid title companies and surveyors last before closing out his file. Instead of promptly mailing the check to [the title company] and the

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in his trust account. Instead, Fields-McCoy deposited the check in her account, with only her endorsement.

surveyor, respondent stated that he just stuck the checks in his file.... The OAE informed respondent his explanation appeared incomprehensible since all he had to do administratively was to address and mail two envelopes. Respondent stated that his actions were difficult to believe, but reasserted his explanation.

[Investigative report at 5]

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Respondent admitted violations of RPC 1.1(a) and (b), RPC 1.3, RPC 1.4(a), RPC 1.8(a), RPC 1.15(a), (b) and (d) and R.1:21-6.

The OAE recommended that respondent receive a reprimand, citing a number of cases in support of that recommendation. In addition, the OAE suggested that respondent practice under the supervision of a proctor and submit to that office quarterly reconciliations of his attorney trust account for a period of two years.

\* \* \*

Following a de novo review of the record, we found that the stipulated facts support a finding that respondent's conduct was unethical.

Respondent acted improperly in a number of matters and in a number of ways. He neglected client matters, failed to communicate with a client, failed to pay funds due to a client and to third parties, improperly lent funds to a client and committed recordkeeping violations. Indeed, respondent demonstrated a complete lack of comprehension of the day-to-day requirements expected of an attorney. Fortunately, no client or third party

appears to have been seriously harmed by respondent's misconduct. Respondent, however, is hereby forewarned that he must abide by his responsibilities as an attorney.

Ordinarily, cases involving mixed combinations of violations such as these would result in either an admonition or a reprimand. Given the number of violations here and the lack of compelling mitigation, a majority of our members agreed with the OAE that a reprimand is the appropriate level of discipline. See In re Daniels, 157 N.J. 71 (1999) (reprimand where the attorney entered into an improper business transaction with a client, provided financial assistance to a client in connection with a pending or litigated matter, failed to safeguard client funds and failed to comply with recordkeeping requirements); In re Halpern, 117 N.J. 678 (1989) (reprimand for failure to timely pay off a mortgage and failure to maintain proper records); and In re Ortiz, 147 N.J. 292 (1997) (reprimand for gross neglect, failure to communicate with a client, failure to retain an expert, failure to file suit within the statute of limitations, failure to obtain a signed retainer agreement and lending personal funds to a client).

In imposing discipline, we recognized that, in the Fields-McCoy matter, respondent was probably embarrassed and reluctant to contact his client. His recordkeeping practices, however, and his conduct in the cases consolidated under the Logan matter were by far more serious and cannot be tolerated.

We further concluded that the conditions recommended by the OAE are appropriate. We determined to require respondent to practice under the supervision of a proctor for one year and to submit quarterly reconciliations of his attorney trust account to the OAE for a period of two years.

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**SUPREME COURT OF NEW JERSEY  
DISCIPLINARY REVIEW BOARD  
VOTING RECORD**

In the Matter of Raymond N. Torres, Jr.  
Docket No. DRB 02-360

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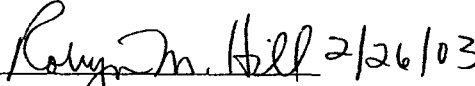
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Argued: November 21, 2002

Decided: February 24, 2003

Disposition: Reprimand

<i>Members</i>	<i>Disbar</i>	<i>Three-month Suspension</i>	<i>Reprimand</i>	<i>Admonition</i>	<i>Dismiss</i>	<i>Disqualified</i>	<i>Did not participate</i>
<i>Peterson</i>			X				
<i>Maudsley</i>							X
<i>Boylan</i>			X				
<i>Brody</i>			X				
<i>Lolla</i>			X				
<i>O'Shaughnessy</i>							X
<i>Pashman</i>			X				
<i>Schwartz</i>			X				
<i>Wissinger</i>		X					
<b>Total:</b>		1	6				2

  
 Robyn M. Hill  
 Chief Counsel