

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 04-411
District Docket No. XIV-00-063E

IN THE MATTER OF :
 :
PAUL J. SICA :
 :
AN ATTORNEY AT LAW :
 :
 :
 :

Decision

Argued: January 20, 2005

Decided: March 15, 2005

Janice L. Richter appeared on behalf of the Office of Attorney Ethics.

~~Frederick J. Dennehey appeared for respondent,~~ who was also present.

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

This matter was before us based on a disciplinary stipulation filed by the Office of Attorney Ethics ("OAE").¹

Respondent was admitted to the New Jersey bar in 1983. He has no prior discipline.

¹ The OAE inadvertently submitted the matter to us under R. 1:20-10(b), dealing with consents to discipline. At oral argument before us, OAE counsel clarified that the matter should be considered a disciplinary stipulation.

On November 18, 2004, respondent entered into a disciplinary stipulation of facts with the OAE in which he admitted representing Cassandra Piatkowski in a March 29, 1996 mortgage loan refinancing.

Respondent admitted that he did not record the mortgage until October 27, 1998. During that time, two tax liens were filed against the property. In 1999, Piatkowski's title insurance company, First American Title, learned of the liens and paid them in order to establish a first mortgage priority.

Additionally, respondent did not discharge Piatkowski's prior mortgage until July 13, 2000.

Finally, the stipulation refers to respondent's failure, at ~~the March 29, 1996 closing, to consider the existence of child~~ support judgments against Piatkowski's former husband, in the good faith belief that Mr. Piatkowski's bankruptcy action had discharged those obligations.

Respondent, pro se when entering into the stipulation, appeared at oral argument before us with newly retained counsel. Counsel clarified that respondent had entered into the stipulation of facts without admitting any ethics violations. Indeed, the stipulation makes no reference to any RPCs. The OAE argued that respondent's conduct amounted to gross neglect and lack of diligence, deserving of an admonition. Respondent's

counsel, on the other hand, stated that respondent had simply "forgotten" the matter, and that it constituted "negligence," worthy only of a malpractice claim, in that respondent's failings did not rise to the level of ethics infractions.

After a careful, independent review of the matter, and considering the additional light shed upon the matter at oral argument, we find that respondent may have engaged in simple neglect only, which does not constitute unethical conduct. See, e.g., In re Lichtenstein, Docket No. 04-226 (DRB October 26, 2004) (slip op. at 6). Therefore, we determine to dismiss the matter. Member Louis Pashman, Esq. voted to impose an admonition, believing that respondent's conduct amounted to ~~gross neglect and lack of diligence. Member Ruth Lolla did not~~ participate.

Disciplinary Review Board
Mary J. Maudsley, Chair

By: Julianne K. DeCore
Julianne K. DeCore
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

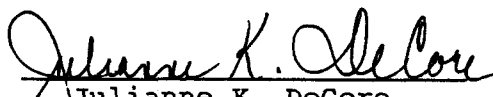
In the Matter of Paul J. Sica
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Disposition: Dismiss

Members	Dismiss	Suspension	Admonition	Dismiss	Disqualified	Did not participate
Maudsley	X					
O'Shaughnessy	X					
Boylan	X					
Holmes	X					
Lolla						X
Pashman			X			
Schwartz	X					
Stanton	X					
Wissinger	X					
Total:	7		1			1


Julianne K. DeCore
Chief Counsel