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SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 05-126
District Docket No. X-04-047E

IN THE MATTER OF :
:
RICHARD M. ONOREVOLE :
:
AN ATTORNEY AT LAW :
:

Decision
Default [R. 1:20-4(f)]

Decided: August 29, 2005

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

Pursuant to R. 1:20-4(f), the District X Ethics Committee
("DEC") certified the record in this matter directly to us for
the imposition of discipline, following respondent's failure to
file an answer to the formal ethics complaint.

On February 3, 2005, Bonnie C. Frost, secretary of the DEC
forwarded the complaint to respondent by certified and regular
mail to 101 North Beverwyck Road, Lake Hiawatha, New Jersey
07034-2233. The certified return receipt card evidenced

delivery on February 18, 2005 to R.M. Onorevole, who signed it. The regular mail was not returned.

Respondent did not file an answer to the complaint. On March 17, 2005, the DEC secretary sent a second letter to respondent, advising him that, unless he filed an answer within five days, the allegations of the complaint would be deemed admitted and the record certified to us for the imposition of sanction. The letter also served to amend the complaint to charge respondent with having violated RPC 8.1(b) (failure to cooperate with disciplinary authorities). The letter was sent by certified and regular mail to the above address. A certified mail receipt was returned indicating delivery on March 21, 2005, and receipt by R.M. Onorevole. The regular mail was not returned. As of April 12, 2005, the date of the DEC secretary's certification, respondent had not filed an answer.

Respondent was admitted to the New Jersey bar in 1983. In 1994, he was admonished for gross neglect, lack of diligence, and failure to communicate with the client in one matter. In the Matter of Richard Onorevole, Docket No. DRB 94-294 (November 2, 1994). In 1996, he received a reprimand for gross neglect, lack of diligence, failure to communicate with the client, misrepresentation to the client, and failure to cooperate with disciplinary authorities in a landlord/tenant matter. In re

Onorevole, 144 N.J. 477 (1996). Thereafter, he received a second reprimand for gross neglect, lack of diligence, failure to communicate with the client, and misrepresentation to the client in a lemon law matter. In re Onorevole, 170 N.J. 64 (2001).

In March 2000, Phyllis Myers retained respondent to probate the estate of her sister, the late Carol Curtis. Respondent obtained letters testamentary in April 2002. In June 2002, he sent letters to all beneficiaries of the estate. In August 2002, Myers signed two forms allowing respondent to contact banks and verify the amount of money held in the banks. Nine months later, in May 2003, Myers met with respondent to sign the same papers. Also at their May 2003 meeting, respondent advised Myers that her sister's house could be sold, even with the estate tax outstanding. Respondent never advised Myers that he had not timely filed the estate tax forms. In fact, he mailed the tax forms in November 2003, well after the allowable time for filing, and without Myers' signature.

Myers ultimately retained another attorney, who prepared an amended inheritance tax return to correct errors in the form that respondent prepared. The incomplete filing resulted in an interest charge to the estate.

Service of process was properly made. The record contains two returned receipt cards bearing what appears to be respondent's signature. He received the complaint and received the five-day letter advising him of the consequences of his failure to file an answer.

Following a review of the record, we find that the facts recited in the complaint support the charges of unethical conduct. The complaint charged respondent with having violated RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence), and RPC 1.4(a) (failure to communicate with a client). The complaint also charged respondent with having violated RPC 1.1(b) (pattern of neglect), when his prior disciplinary matters are considered. As noted above, it was amended to include a violation of RPC 8.1(b) (failure to cooperate with disciplinary authorities). Allegations are deemed admitted when the matter proceeds as a default. R. 1:20-4(f)(1).

Conduct of this sort, without more, generally leads to a reprimand. See In re Weiss, 173 N.J. 323 (2002) (reprimand for lack of diligence, gross neglect, and pattern of neglect); In re Balint, 170 N.J. 198 (2001) (reprimand where, in three client matters, the attorney engaged in lack of diligence, gross neglect, pattern of neglect, failure to communicate with clients, and failure to expedite litigation); In re Bennett, 164

N.J. 340 (2000) (reprimand for lack of diligence, failure to communicate in a number of cases handled on behalf of an insurance company, gross neglect, and pattern of neglect).

Respondent has, however, previously been disciplined on three occasions for strikingly similar conduct. In addition, he did not file an answer to the complaint, allowing this matter to proceed on a default basis. In default matters, the discipline is upgraded to reflect a respondent's failure to cooperate with disciplinary authorities as an aggravating factor. In re Nemshick, 180 N.J. 304 (2004) (where, because the matter proceeded as a default, the usual discipline imposed for the attorney's infractions (reprimand) was upgraded to a three-month suspension).

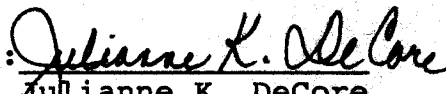
Generally, in default matters involving similar violations and a prior disciplinary record, short-term suspensions have been imposed. See In re Davis, 162 N.J. 7 (1999) (three-month suspension in a default matter involving gross neglect, lack of diligence, knowingly disobeying the rules of a tribunal, and failure to cooperate with disciplinary authorities; attorney had prior admonition); In re Herron, 162 N.J. 105 (1999) (three-month suspension in a default matter for gross neglect, lack of diligence, failure to communicate with client, and failure to cooperate with disciplinary authorities; attorney had two prior

one-year suspensions); and In re King, 157 N.J. 548 (1999) (three-month suspension in a default matter for gross neglect, pattern of neglect, lack of diligence, failure to communicate with client, and failure to cooperate with disciplinary authorities; attorney had prior reprimand).

This is respondent's fourth run-in with the disciplinary system. Clearly, his previous experiences failed to make a sufficient impact on his conduct. He is now demonstrating disrespect for the system by allowing this matter to proceed as a default. We, therefore, determine that a six-month suspension is warranted in this case. Chair Mary Maudsley, Vice-Chair William O'Shaughnessy, Esq., Member Robert Holmes, Esq. and Member Matthew Boylan, Esq. dissented, voting for a three-month suspension.

We further determine to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs.

Disciplinary Review Board
Mary J. Maudsley, Chair

By: 
Julianne K. DeCore
Chief Counsel

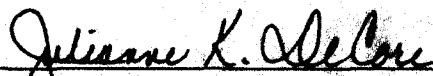
**SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD**

In the Matter of Richard M. Onorevole
Docket No. DRB 05-126

Decided: August 19, 2005

Disposition: Six-month suspension

Members	Six-month Suspension	Reprimand	Three- month Suspension	Disqualified	Did not participate
Maudsley			X		
O'Shaughnessy			X		
Boylan			X		
Holmas			X		
Lolla	X				
Neuwirth	X				
Pashman	X				
Stanton	X				
Wissinger	X				
Total:	5		4		


Julianne K. DeCore
Chief Counsel