

Bank

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RICHARD J. HUGHES JUSTICE COMPLEX
P. O. Box 962
TRENTON, NEW JERSEY 08625-0962
(609) 292-1011

JULIANNE K. DECORE
CHIEF COUNSEL

ISABEL FRANK
DEPUTY CHIEF COUNSEL

ELLEN A. BRODSKY
LILLIAN LEWIN
DONA S. SEROTA-TECHNER
COLIN T. TAMS
KATHRYN ANNE WINTERLE
ASSISTANT COUNSEL

July 28, 2005

Via Certified, R.R.R. & Regular Mail

Larissa A. Pelc, Esquire

REDACTED - CONFIDENTIAL

RE: In the Matter of Larissa A. Pelc
Docket No. DRB 05-165
District Docket No. IIB-03-034E
Letter of Admonition

Dear Ms. Pelc:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, on June 18, 2003, Rose N. Swinick retained you to represent her in a divorce action instituted by her husband Frank. Swinick paid a \$3000 retainer. After you failed to file an answer on Swinick's behalf, which resulted in the entry of default against her and service of a notice of equitable distribution, she hired new counsel, Victor A. Rizzolo. Rizzolo succeeded in having the default vacated and filed an answer on Swinick's behalf.

On July 23, 2003, Rizzolo wrote to you and informed you of his retention by Swinick. Rizzolo also requested that you return Swinick's \$3000 retainer to her, in care of his office.

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Rather than comply with counsel's request, you wrote to Swinick and informed her that you preferred written notice of termination and requested that Swinick terminate your services in writing.

On August 5, 2003, you sent Swinick a bill detailing 5.5 hours worth of work on the case at \$225 per hour for a total of \$1,237.50. You identified the \$1,762.50 balance as "[r]emaining in account." Yet, you did not release the balance until June 15, 2004, almost one year later, on the ground that you had been waiting for Swinick's written authorization for the release of the remainder of the funds. By this time, Swinick had filed a grievance against you.

In failing to refund the portion of the fee that had not been earned upon the termination of your representation of Swinick, you engaged in ethical misconduct in violation of RPC 1.16(d). The Board dismissed the charged violations of RPC 1.1(a) (gross neglect) and RPC 1.3 (lack of diligence).¹

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).

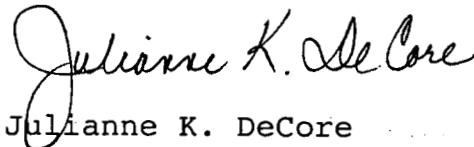
A permanent record of this occurrence has been filed with the Clerk of the Supreme Court and the Board's office. Should you become the subject of any further discipline, the ethics violation you committed in this matter will be taken into consideration.

¹ The complaint mistakenly charged RPC 3.2 (failure to expedite litigation) instead of RPC 1.3.

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The Board also has directed that the costs of the disciplinary proceedings be assessed against you. An affidavit of costs will be forwarded under separate cover.

Very truly yours,



Julianne K. DeCore
Chief Counsel

JKD:KW

cc: Chief Justice Deborah T. Poritz

Associate Justices

Stephen W. Townsend, Clerk, Supreme Court of New Jersey

Gail G. Haney, Deputy Clerk, Supreme Court of New Jersey
(with ethics history)

Mary J. Maudsley, Chair, Disciplinary Review Board

David E. Johnson, Jr., Chair, Office of Attorney Ethics

Thomas J. Herten, Chair, District IIB Ethics Committee

Morton R. Covitz, Secretary, District IIB Ethics Committee

Rose N. Swinick, Grievant