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October 28, 2016

Mark Neary, Clerk
Supreme Court of New Jersey
P.O. Box 970
Trenton, New Jersey 08625-0962

Re: **In the Matter of Thomas M. Wolfe**
Docket No. DRB 16-279
District Docket No. VIII-2015-0026E

Dear Mr. Neary:

The Disciplinary Review Board reviewed the motion for discipline by consent (reprimand or such lesser discipline as the Board may deem appropriate), filed by the District VIII Ethics Committee (DEC) pursuant to R. 1:20-10(b). Following a review of the record, the Board determined to grant the motion. In the Board's view, a reprimand is the appropriate measure of discipline for respondent's misconduct.

Specifically, on November 4, 2010, respondent was appointed to represent Thomas Adornetto and Lucy Gallo, co-administrators of their mother's estate, in order to distribute the proceeds of sale of their mother's house.

From January 2013 to January 2014, respondent ignored several letters and e-mails from Adornetto, who had requested information about several aspects of respondent's representation of the estate. By doing so, respondent violated RPC 1.4(b).

Respondent also failed to explain the estate matter to Adornetto to the extent reasonably necessary for his client to make informed decisions about the representation. Specifically, he kept Adornetto in the dark about his dealings with prior counsel

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concerning that attorney's fees, at a time when Adornetto specifically sought to settle the issue of those fees. As a result, Adornetto found it necessary to obtain a court order for reimbursement from respondent for those fees. Respondent's misconduct in this regard violated RPC 1.4(c).

Typically, attorneys who fail to adequately communicate with their clients are admonished. See, e.g., In the Matter of Sean Lawrence Branigan, DRB 14-088 (June 23, 2014) and In the Matter of William Robb Graham, DRB 13-274 (January 23, 2014). If the attorney has a disciplinary record, a reprimand may result. See, e.g., In re Tyler, 217 N.J. 525 (2014) (attorney was retained to re-open a Chapter 7 bankruptcy to add a previously omitted creditor and to discharge that particular debt; the attorney ceased communicating with the client and never informed him that she had added the debtor to the bankruptcy schedules, that the debt had been discharged, and that the bankruptcy had been closed, in violation of RPC 1.4(b); prior reprimand for misconduct including failure to communicate in six bankruptcy cases); In re Tan, 217 N.J. 149 (2014) (attorney failed to return approximately twenty calls from his client, a violation of RPC 1.4(b); attorney's disciplinary history included a censure for failure to communicate with a client).

Here, in aggravation, respondent has a prior admonition. Although that matter did not include a failure to communicate with a client, as was found in both Tyler and Tan, above, there is further aggravation here. Specifically, respondent continued to ignore his client's requests for information during the pendency of, and for a time after, the Board admonished him in an earlier matter, In the Matter of Thomas M. Wolfe, Docket No. DRB 13-100 (September 26, 2013). By that time, respondent was well aware that any future misconduct would not be treated lightly and, thus, should have had a heightened sense of his ethics obligations. For these reasons, the Board concluded that a reprimand is warranted.

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated May 3, 2016.
2. Stipulation of discipline by consent, dated July 24, 2016.
3. Affidavit of consent, dated June 2, 2016.

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4. Ethics history, dated October 28, 2016.

Very truly yours,



Ellen A. Brodsky
Chief Counsel

EAB/paa

c: w/o enclosures

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District VIII Ethics Committee
Thomas M. Wolfe, Respondent (via e-mail)
Thomas Adornetto, Grievant