

# DISCIPLINARY REVIEW BOARD

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SUPREME COURT OF NEW JERSEY

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COLIN T. TAMS  
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ASSISTANT COUNSEL

February 23, 2017

**VIA CERTIFIED MAIL, R.R.R. & REGULAR MAIL**

Sergei Orel  
Sergei Orel, LLC  
2125 Center Avenue, Suite 310  
Fort Lee, New Jersey 07024

Re: In the Matter of Sergei Orel  
Docket No. DRB 16-407  
District Docket No. VI-2015-0006E  
**LETTER OF ADMONITION**

Dear Mr. Orel:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Following a review of the record, the Board determined to impose an admonition.

Specifically, in March 2009, Paul Stopins retained you to appeal a possible immigration removal determination by the United States Board of Immigration Appeals, U.S. Department of Justice, Executive Office for Immigration Appeals (BIA), in the event that the immigration court handling his case denied Stopins' bid for asylum. Your fee agreement also called for you to handle "other items that may be required to adequately represent Client" in the matter, should Stopins be denied asylum. To that end, you filed an appeal soon after the immigration court's June 2010 removal order and awaited the BIA's decision. On April 23, 2012, the BIA issued its decision denying Stopins' asylum request.

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You maintained that you did not receive a copy of the BIA decision. The Board, nevertheless, concluded that, in light of your acknowledgement that such cases may take years to resolve, you had an independent obligation to periodically investigate the status of your client's appeal. You admittedly did not do so to the detriment of your client.

Moreover, during the pendency of the appeal, Stopins married a U.S. citizen, thus presenting a new avenue for him to potentially avoid removal – filing for an adjustment of his legal status based on changed circumstances. You failed to take action in that regard before the appeal was denied. Ultimately, Stopins was compelled to terminate the representation and seek new counsel to avoid his removal from the United States. Thus, the Board found you guilty of lack of diligence, a violation of RPC 1.3.

You also failed to communicate important aspects of the case to Stopins. Specifically, you did not inform your client that (1) an approved immigration form I-130 would enable him to file a motion to reopen his appeal based on changed circumstances; (2) a ninety-day deadline existed within which to file that motion; and (3) if all else failed, he could file a motion based on your own ineffective assistance of counsel. The Board, thus, found you guilty of a violation of RPC 1.4(b).

The Board dismissed as inapplicable the DEC's finding that you violated RPC 1.4(b) by your failure to deliver the client file to Stopins and his subsequent counsel upon termination of the representation. The applicable Rule, RPC 1.16(d), was not charged.

In aggravation, the Board considered that not only did you delay in surrendering Mr. Stopins' client file to him and his subsequent counsel, but also you were slow in providing it to the DEC investigator. In mitigation, the Board considered that you have an otherwise unblemished fifteen-year career at the New Jersey bar.

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

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become the subject of any further discipline, it will be taken into consideration.

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

Very truly yours,



Ellen A. Brodsky  
Chief Counsel

EAB/paa

c: Chief Justice Stuart Rabner  
Associate Justices  
Bonnie C. Frost, Chair  
Disciplinary Review Board  
Mark Neary, Clerk  
Supreme Court of New Jersey  
Gail G. Haney, Deputy Clerk  
Supreme Court of New Jersey (w/ethics history)  
Charles Centinaro, Director  
Office of Attorney Ethics  
Isabel McGinty, Statewide Ethics Coordinator  
Office of Attorney Ethics  
Ilene S. Miklos, Chair  
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Christine Fitzgerald, Vice-Chair  
District VI Ethics Committee  
Jack Jay Wind, Secretary  
District VI Ethics Committee  
Bianca Pereiras, Presenter  
District VI Ethics Committee  
Paul S. Stopins, Grievant