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July 20, 2018

VIA CERTIFIED MAIL AND E-MAIL

Dana Mark D'Angelo, Esq.
c/o Peter N. Gilbreth, Esq.
60 Washington Street, Suite 302
Morristown, New Jersey 07960
peter.gilbreth@verizon.net

Re: In the Matter of Dana Mark D'Angelo
Docket No. DRB 18-181
District Docket No. XA-2016-0028E
Letter of Admonition

Dear Mr. D'Angelo:

The Disciplinary Review Board considered the motion for discipline by consent (admonition) filed by the District XA Ethics Committee (DEC). After a review of the record, the Board determined to grant the motion and to impose an admonition on you for your violation of RPC 1.4(b) (failure to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information) and RPC 1.5(b) (failure to set forth in writing the basis or rate of the fee).

Specifically, in February, March, May, and June 2015, Anthony Esposito consulted with you in respect of "issues related to his father's estate" and the removal of his sister from the property. Mr. Esposito paid you between \$100 and \$300 per consultation. On June 8, 2015, Mr. Esposito retained and paid you \$2,500. You did not provide Mr. Esposito with a writing setting forth the basis or rate of your fee, a violation of RPC 1.5(b).

Between June and September 2015, Mr. Esposito called you on multiple occasions, but you neither accepted nor returned his calls. You also failed to fully communicate with Mr. Esposito in advance of a December 2015 court hearing, and you failed to fully prepare him for the hearing. On February 22, 2016, following settlement negotiations, you failed to discuss and review the settlement offer with Mr. Esposito until after he had contacted you about it. Thereafter, you failed to return Mr. Esposito's numerous telephone calls and e-mails, and, at some point, you requested that Mr. Esposito stop appearing at your office. Your lack of communication with Mr. Esposito, throughout the representation, was a violation of RPC 1.4(b).

The Board dismissed the stipulated violations of RPC 1.2(c) (failure to obtain informed consent from the client prior to limiting the scope of the representation) and RPC 1.3 (lack of diligence). In the Board's view, the stipulated facts did not clearly and convincingly establish a violation of either Rule.

In respect of RPC 1.2(c), although you stipulated that Mr. Esposito understood that you would represent him in connection with the estate generally, including probate, the stipulation was silent in respect of the basis of that understanding and in respect of your understanding as well. Further, you stipulated that your role was limited to removing Mr. Esposito's sister from the property. Thus, the record lacks clear and convincing evidence of a violation of RPC 1.2(c).

In respect of RPC 1.3, the Board found that your failure to first communicate with Mr. Esposito until two months after he had retained you was more appropriately characterized as a violation of RPC 1.4(b). Further, the Board found that the filing of a complaint in the wrong forum did not rise to the level of an ethics violation.

In mitigation, the Board considered that no formal discipline has been imposed on you during your more than thirty years at the bar, in addition to the multiple character letters submitted in your behalf.

Your conduct 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 an admonition to you. R. 1:20-

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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, 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/sl

c: Bonnie Frost, Chair
Disciplinary Review Board (e-mail)
Mark Neary, Clerk
Supreme Court of New Jersey
Gail S. Haney, Deputy Clerk
Supreme Court of New Jersey (w/ethics history)
Charles Centinaro, Director
Office of Attorney Ethics (interoffice mail and e-mail)
Isabel McGinty, Statewide Ethics Coordinator
Office of Attorney Ethics (e-mail)
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Caroline Record, Secretary
District XA Ethics Committee (e-mail and regular mail)
Angela M. Morisco, Presenter
District XA Ethics Committee (e-mail)
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