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SUPREME COURT OF NEW JERSEY

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July 23, 2018

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

Re: **In the Matter of Linda M. DeBranco-Berenguer**
Docket No. DRB 18-169
District Docket No. VIII-2014-0032E

Dear Mr. Neary:

The Disciplinary Review Board reviewed the motion for discipline by consent (reprimand or such lesser discipline as the Board may determine) 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 quantum of discipline for respondent's violation of RPC 1.1(a).

Specifically, respondent represented grievant, Zoltan J. Zeisky, in a bankruptcy matter. During the course of that representation, respondent failed to communicate with the bankruptcy trustee on behalf of her client, failed to appear at a hearing on a motion to dismiss (presumably, to dismiss the Chapter 13 petition), and subsequently failed to request a conversion to a Chapter 7 plan. Respondent also failed to take advantage of the financial assistance that his client's daughter offered, both prior to, and after, the sheriff's sale on his home. In so doing, respondent violated RPC 1.1(a). Respondent's misconduct resulted in significant harm to her client by the foreclosure on his home.

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Conduct involving gross neglect, commonly found alongside lack of diligence and failure to communicate with the client, has resulted in a reprimand if harm to the client has occurred. See, e.g., In re Bogard, 220 N.J. 44 (2014) (reprimand for gross neglect, lack of diligence, and failure to communicate with a client; the attorney's misconduct in a single client matter resulted in the loss of the client's home at a sheriff's sale; no prior discipline); and In re Uffelman, 200 N.J. 260 (2009) (reprimand for attorney guilty of gross neglect, lack of diligence, and failure to communicate with a client; although the attorney had no disciplinary record, the reprimand was premised on the extensive harm caused to the client, who was forced to shut down his business for three months because of the attorney's failure to represent the client's interests diligently and responsibly).

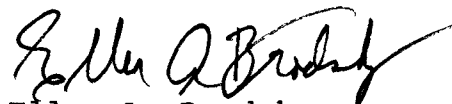
In mitigation, the Board considered that respondent entered into a stipulation and admitted the facts, evidencing a willingness to take responsibility for her misconduct. Further, she has no history of final discipline.

Nonetheless, the Board determined that the proffered mitigation did not outweigh the aggravating factor of significant harm to the client – foreclosure. Therefore, on balance, the Board determined that respondent's misconduct merits a reprimand.

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated March 19, 2018.
2. Stipulation of discipline by consent, dated April 16, 2018.
3. Affidavit of consent, dated April 12, 2018.
4. Ethics history, dated July 23, 2018.

Very truly yours,



Ellen A. Brodsky
Chief Counsel

EAB/trj

Encls.

c: See attached list

I/M/O Linda M. DeBranco-Berenquer, DRB 18-169

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c: (w/o enclosures)
Bonnie C. Frost, Chair
 Disciplinary Review Board (e-mail)
Joseph R. Zapata, Jr., Presenter
 District VIII Ethics Committee (e-mail)
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 District VIII Ethics Committee (e-mail)
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 District VIII Ethics Committee (e-mail and regular mail)
Phillip Nettle, Vice-Chair
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Isabel K. McGinty, Statewide Ethics Coordinator
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Robert E. Ramsey, Esq., Respondent's Counsel (e-mail and
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Zoltan J. Zeisky, Grievant (regular mail)