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RICHARD J. HUGHES JUSTICE COMPLEX
P.O. BOX 962
TRENTON, NEW JERSEY 08625-0962
(609) 815-2920

ELLEN A. BRODSKY
CHIEF COUNSEL

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July 23, 2018

CORRECTED LETTER

VIA CERTIFIED MAIL, R.R.R., REGULAR MAIL, AND E-MAIL

Diane M. Acciavatti

REDACTED

DMAcciavatti@aol.com

Re: In the Matter of Diane Marie Acciavatti
Docket No. DRB 18-162
District Docket No. XI-2015-0018E
CORRECTED LETTER OF ADMONITION

Dear Ms. Acciavatti:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper.¹ Following a review of the record, the Board determined to impose an admonition.

Specifically, on July 1, 2011, Anthony Mercedes retained you to vacate a default judgment entered against him and to dismiss the complaint on the merits, for which he paid you a flat \$2,500 fee.

From September 2011, to May 25, 2012, you either repeatedly assured Mercedes that you would take action on his behalf or apologized to him for not acting, due to various problems that

¹ Chair Bonnie c. Frost was recused.

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were distracting you. Eventually, Mercedes retained another lawyer, who promptly vacated the judgment. Despite Mercedes' request, you did not return any portion of the unused retainer. Subsequently, you filed for bankruptcy, naming Mercedes as a creditor. Your conduct was unethical and violated RPC 1.1(a) (gross neglect) and RPC 1.3 (lack of diligence). The Board determined to dismiss the remaining charges (RPC 1.4(a) (failure to inform a prospective client of how to communicate with the lawyer), RPC 1.4(b) (failure to keep a client reasonably informed about the status of the matter or comply with reasonable requests for information), RPC 3.2 (failure to expedite litigation), and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) as inapplicable or not properly pled.

In imposing only an admonition, the Board considered, in mitigation, your lack of a disciplinary history, your compelling personal and professional circumstances, and the fact that you are no longer practicing law.

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 had been filed with the Clerk of the Supreme Court and the Board's office. Should you become the subject of any further discipline, this admonition 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: See attached list

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c: Chief Justice Stuart Rabner
Associate Justices
Bonnie C. Frost, Chair
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Supreme Court of New Jersey (w/ethics history)
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Mary Tom, Vice-Chair
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Michael Pasquale, Secretary
District XI Ethics Committee (regular mail and e-mail)
Diane Marie Acciavatti, Respondent (home address - regular mail)
Francis J. Leddy, Jr., Presenter (e-mail)
Anthony Mercedes, Grievant (regular mail)