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October 1, 2018

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

Michael J. Pocchio
625 Highway 27
Iselin, New Jersey 08830
potsiesq@aol.com

RE: In the Matter of Michael J. Pocchio
Docket No. 18-192
District Docket No. VIII-2015-0016E
LETTER OF ADMONITION

Dear Mr. Pocchio:

The Disciplinary Review Board has reviewed the motion for discipline by consent (reprimand or 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 and impose an admonition for your violation of RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence), RPC 1.4(b) (failure to communicate with the client), and RPC 3.2 (failure to expedite litigation).

Specifically, on June 2, 2011, grievant, Gopi Jani, retained you to handle her divorce matter. You agreed to provide legal services for a \$600 flat fee. If the matter were contested, the retainer agreement allowed for additional billing at \$200 per hour. Jani paid \$300 when she retained you, and an additional \$250 thereafter, for a total of \$550.

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You filed a divorce complaint on Jani's behalf, but were not able to serve the complaint on the named defendant because Jani was unable to provide his address. You did not inform Jani of the lack of service or advise her of the consequences of failure to serve the defendant. Moreover, you did not move for substituted service.

Thereafter, in December 2011, the court dismissed Jani's matter for lack of prosecution. You neither informed the court of the reasons for the lack of personal service nor took any action to reinstate the complaint. You also failed to notify Jani of the court's dismissal of her complaint.

Inexplicably, in April 2012, after the dismissal of the divorce complaint, you again attempted to serve the defendant. Jani eventually obtained new counsel to complete her divorce action.

By failing to exhaust the service options for the named defendant to Jani's divorce action, you allowed the matter to be dismissed for lack of prosecution and then failed to remedy that dismissal. Your conduct violated RPC 1.1(a) and RPC 1.3.

You also failed to keep Jani informed about the status of her matter and never discussed with her the lack of service or the options to effectuate it. You also failed to inform her that the matter had been dismissed. Your conduct, in this regard, violated RPC 1.4(b).

Additionally, by failing to effect proper service or to keep the court informed of the difficulties in doing so, you allowed the divorce action to be dismissed without prejudice for lack of prosecution. Thereafter, you failed to seek reinstatement of the complaint. This conduct violated RPC 3.2.

In imposing only an admonition, the Board considered that you cooperated with disciplinary authorities, admitted your misconduct by entering into a disciplinary stipulation, and have an otherwise unblemished career in twenty-five years at the bar.

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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 this admonition to you. Rule 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 become the subject of any further discipline, it will be taken into consideration.

The Board has also directed that the cost 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/trj

- c: Chief Justice Stuart Rabner
Associate Justices
Mark Neary, Clerk
Supreme Court of New Jersey
Gail G. Haney, Deputy Clerk
Supreme Court of New Jersey (w/ethics history)
Bonnie C. Frost, Chair, Disciplinary Review Board (via e-mail)
Charles Centinaro, Director
Office of Attorney Ethics (via e-mail)
Howard Duff, Chair
District VIII Ethics Committee (via e-mail)
Barry J. Muller, Secretary
District VIII Ethics Committee (via e-mail and regular mail)
Angela F. Pastor, Presenter
District VIII Ethics Committee (via e-mail)
Gopi Jani, Grievant (via regular mail)