

Supreme Court of New Jersey  
Disciplinary Review Board  
Docket No. DRB 19-001  
District Docket No. XIV-2018-0312E

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In the Matter of  
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Jamie Ray-Leonetti  
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An Attorney at Law  
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Decision

Argued: March 21, 2019

Decided: August 12, 2019

Amanda Figland appeared on behalf of the Office of Attorney Ethics.

Respondent waived appearance for oral argument.

To the Honorable Chief Justice and Associate Justices of the Supreme Court of New Jersey.

This matter was before us on a motion for reciprocal discipline filed by the Office of Attorney Ethics (OAE), following respondent's one-year-and-one-day suspension in Pennsylvania for her violation of the Pennsylvania equivalents of New Jersey RPC 1.3 (lack of diligence); RPC 1.4(b) (failure to keep the client reasonably informed about the status of a matter); RPC 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed

decisions regarding the representation); RPC 4.1(a)(1) (false statement of material fact or law to a third person); and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation).

For the reasons set forth below, we determine to impose a six-month suspension.

Respondent was admitted to the New Jersey and Pennsylvania bars in 1999. She has no history of discipline in New Jersey. On February 28, 2018, respondent retired from the practice of law in New Jersey.

Respondent represented Josephine and James Cleary in a medical malpractice claim against Jefferson Health System, Doylestown Women's Health Center, Dr. Carolyn E. Ianieri, and Dr. Tuan A. Le. On February 15, 2014, respondent filed a Praecipe to Issue a Writ of Summons in the Philadelphia Court of Common Pleas and an arbitration was scheduled. After respondent obtained two adjournments, the arbitration was scheduled for March 6, 2015.

On March 5, 2015, respondent misrepresented to the Clearys, via e-mail, that she "had just been notified that the March 6, 2015 arbitration hearing was postponed and would be rescheduled because the Philadelphia Courts were closed on March 6, 2015." The courts, however, were open on March 6, 2015. Defendants and their counsel appeared for the arbitration hearing, where they

consented to the transfer of the case to the Philadelphia Court of Common Pleas, to be heard by a judge.

Also on March 6, 2015, the Court of Common Pleas entered an order dismissing the Clearys' matter because they neither appeared for the arbitration hearing nor filed a complaint. Respondent received a copy of the March 6, 2015 order, but failed to take any action or to inform the Clearys of the dismissal.

For about one year, between March 6, 2015 and March 2, 2016, respondent sent a series of e-mails, as indicated below by the dates in parentheses, to Josephine Cleary (Josephine), misrepresenting that:

1. the arbitration hearing would be rescheduled (3/6/15 and 3/9/15);
2. there was no need for an arbitration hearing because the defendants had agreed to settle the matter (5/27/15, 5/28/15, and 5/29/15);
3. the Clearys would receive settlement funds of \$50,000 (1/14/16);
4. respondent was waiting to receive the settlement check (9/23/15 and 11/17/15);
5. respondent was communicating with counsel for the defendants and the insurance carrier about the delay in issuing the settlement check (10/5/15, 10/6/15, 10/13/15, 10/28/15, and 11/16/15);
6. respondent had received the settlement check, but a problem arose over the name of the payee (12/4/15);

7. the check had been deposited into an account maintained by the Disability Rights Network of Pennsylvania (DRN) and respondent was waiting for the check to clear before she could distribute the proceeds to the Clearys (12/8/15, 12/9/15; 12/11/15, and 1/5/16);
8. DRN would use a portion of the settlement proceeds to satisfy outstanding tuition bills the Clearys owed to Archbishop Wood Catholic High School (Wood HS) and Bucks County Community College (BCCC) (1/14/16);
9. DRN had issued a check to Smart Tuition, a company that processed tuition payments for Wood HS, to cover the outstanding tuition bill the Clearys owed to Wood HS (12/17/15);
10. the check that DRN had issued to Smart Tuition had been returned to DRN (1/4/16);
11. respondent had arranged for Smart Tuition to receive the tuition payment electronically (2/4/16, 2/5/16, and 2/16/16);
12. various circumstances arose that resulted in a delay in DRN's issuing a settlement check to the Clearys (12/9/15, 12/10/15, 12/11/15, 1/21/16, 2/17/16, and 2/18/16);
13. mail delivery problems resulted in a delay in the Clearys' receipt of a check for their share of the settlement proceeds (1/28/16 and 2/2/16);
14. transportation problems hindered respondent from being able to deliver a check to the Clearys (2/23/16, 3/1/16, and 3/2/16);
15. the Clearys would be receiving an additional \$5,000 as compensation for the delay in payment of the settlement proceeds (1/12/16 and 1/14/16); and

16. respondent had arranged for the Clearys to receive their share of the settlement proceeds by means of a wire transfer from DRN to a bank account maintained by the Clearys (2/16/16, 2/24/16, and 2/29/16).

Respondent finally agreed to meet with Josephine on March 7, 2016, to discuss the status of the case and the disbursement of settlement funds. Respondent then canceled the appointment, claiming a medical emergency involving her husband. Instead, respondent and Josephine spoke by phone, when respondent revealed that she had not settled the Clearys' matter, but did not disclose that the lawsuit had been dismissed.

Over the next several days, respondent continued making false statements to the Clearys via e-mail. In response to Josephine's March 8, 2016 e-mail asking why the lawsuit had not settled, respondent replied falsely that a breakdown of communications had occurred when one of the defendants retained substitute counsel. Respondent also claimed that she would continue to negotiate the case with defendants and there could be a "good outcome."

In a March 9, 2016 e-mail, Josephine directly asked respondent whether suit had been filed on her behalf, since "she was unable to locate the case." Respondent represented that, when she returned to her office, she would forward a docket number to Josephine. The next day, respondent forwarded to Josephine an e-mail from the court, documenting that the initial Writ of Summons had been

filed. However, respondent failed to explain that the matter had been dismissed, about a year earlier, for failure to prosecute.

On February 13, 2018, the Pennsylvania Office of Disciplinary Counsel (ODC) and respondent entered into a Joint Petition in Support of Discipline on Consent whereby respondent acknowledged that she had violated Pa. RPC 1.3 (failing to act with reasonable diligence and promptness); Pa. RPC 1.4(a)(3) (failing to keep a client reasonably informed about the status of a matter); Pa. RPC 1.4(b) (failing to explain a matter to permit the client to make informed decisions); Pa. RPC 4.1(a) (knowingly make a false statement of material fact or law to a third person); and Pa. RPC 8.4(c) (engage in conduct involving dishonesty, fraud, deceit or misrepresentation).

The ODC and respondent agreed that she should be suspended from the practice of law for one year and one day. On February 23, 2018, the three-member panel of the Disciplinary Board of the Supreme Court of Pennsylvania approved the Joint Petition. On March 19, 2018, the Supreme Court of Pennsylvania suspended respondent for one year and one day.

In aggravation, the Joint Petition noted that, when she committed the misconduct in the Cleary matter, respondent was completing a one-year term of disciplinary probation. The ODC was concerned that respondent's mishandling of the Cleary matter "overlapped with the aforementioned one-year probationary

period served by respondent." Respondent made misrepresentations to the Clearys about the status of their case at the same time that she was under investigation for a prior disciplinary matter and while serving a term of disciplinary probation for that prior offense. On December 1, 2016, the Pennsylvania Disciplinary Board Chair revoked respondent's disciplinary probation, after learning about the Cleary matter.

In mitigation, the Pennsylvania Supreme Court considered a January 2, 2017 report from respondent's mental health expert, Dr. Susan E. Rushing, M.D., J.D., a May 3, 2017 letter from respondent's treating psychologist, and a June 20, 2017 letter from respondent's treating psychiatrist. Dr. Rushing documented that respondent suffered from Complex Post-Traumatic Stress Disorder (C-PTSD), a "condition that results from chronic or long-term exposure to emotional trauma over which a victim has little or no control and from which there is little or no hope of escape."

Dr. Rushing linked respondent's mental health condition to her mishandling of the Cleary matter, opining that respondent's "behavior toward the Clearys was at least in part propagated by complex post-traumatic stress disorder." Respondent's C-PTSD caused her to be both "reckless" and "self-destructive" when representing the Clearys. The ODC found that respondent had

demonstrated a causal connection between her misconduct and her mental condition.

On April 18, 2018, respondent notified the OAE of her Pennsylvania suspension.

In its motion, the OAE argues that respondent's unethical conduct and ethics violations in Pennsylvania equate to violations of New Jersey RPC 1.3, RPC 1.4(b), RPC 1.4(c), RPC 4.1(a)(1), and RPC 8.4(c).

The OAE argues that respondent's misconduct in Pennsylvania warrants identical discipline in New Jersey, and, therefore, she should be suspended from the practice of law in New Jersey for one year. Further, the OAE contends that significant weight should be placed on the fact that respondent was lying to the Clearys about their lawsuit, while she was under investigation in Pennsylvania for similar deceptive conduct with a different client. Moreover, the Clearys were harmed by respondent's conduct, because their case was dismissed. The Clearys were not able to take any action to reinstate their case in Pennsylvania after discovering that a judgment had been entered against them.

In mitigation, respondent admitted her misconduct to the ODC, was remorseful, is seeking mental health treatment, and consented to the one-year and one-day suspension from practice in Pennsylvania. Respondent complied with R. 1:20-14(a)(1) and reported her discipline to the OAE.



The OAE seeks a one-year suspension with a proof of fitness requirement prior to reinstatement.

Following a review of the record, we determine to grant the OAE's motion for reciprocal discipline. Pursuant to R. 1:20-14(a)(5), "a final adjudication in another court, agency or tribunal, that an attorney admitted to practice in this state . . . is guilty of unethical conduct in another jurisdiction . . . shall establish conclusively the facts on which it rests for purposes of a disciplinary proceeding in this state." Thus, with respect to motions for reciprocal discipline, "[t]he sole issue to be determined . . . shall be the extent of final discipline to be imposed." R. 1:20-14(b)(3). In Pennsylvania, "evidence is sufficient to prove ethical misconduct if a preponderance of that evidence establishes the charged violation and the proof is clear and satisfactory." See Office of Disciplinary Counsel v. Kissel, 497 Pa. 467, 442 A.2d 217(1982); Office of Disciplinary Counsel v. Duffield, 537 Pa. 485, 644 A.2d 1186 (1994); and Office of Disciplinary Counsel v. Surrick, 561 Pa. 167, 749 A.2d 441 (2000).

Reciprocal discipline proceedings in New Jersey are governed by R. 1:20-14(a)(4), which provides in pertinent part:

The Board shall recommend the imposition of the identical action or discipline unless the respondent demonstrates, or the Board finds on the face of the record on which the discipline in another jurisdiction was predicated that it clearly appears that:

(A) the disciplinary or disability order of the foreign jurisdiction was not entered;

(B) the disciplinary or disability order of the foreign jurisdiction does not apply to the respondent;

(C) the disciplinary or disability order of the foreign jurisdiction does not remain in full force and effect as the result of appellate proceedings;

(D) the procedure followed in the foreign disciplinary matter was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

(E) the unethical conduct established warrants substantially different discipline.

Subsection (E) applies in this matter because the unethical conduct warrants substantially different discipline.

On February 15, 2014, respondent filed a Praecipe to Issue a Writ of Summons in the Clearys' medical malpractice matter. Thereafter, the only actions she took in their case were to make two requests for an adjournment of the scheduled arbitration hearing. She eventually failed to appear for that hearing, failed to file a complaint, and failed to prosecute the matter, resulting in its dismissal. Respondent's subsequent actions were related to creating and maintaining a web of lies and obfuscations to keep her clients in the dark. Her failure to pursue the matter or to give it even a modicum of attention after the initial filing amounted to a lack of diligence, in violation of RPC 1.3.

Although respondent's misconduct equates to gross neglect in violation of RPC 1.1(a), neither the ODC nor the OAE charged respondent with a violation of that Rule. Instead, the OAE stated that it relied on case law that includes violations of RPC 1.1(a), along with the other violations present here. Because respondent was not charged with having violated RPC 1.1(a), we do not find a violation of that Rule. In any event, a finding of a violation of RPC 1.1(a) would not change the recommended quantum of discipline.

Respondent also failed to communicate with her clients. She never informed the Clearys that the arbitration hearing had been scheduled, that she had failed to appear for it, or that the matter had been dismissed. She neither kept them informed of the status of the matter nor explained the matter to the extent necessary to permit them to make informed decisions about the representation. In so doing, respondent violated RPC 1.4(b) and (c).

Moreover, respondent made misrepresentations at every turn for almost a year after she failed to appear at an arbitration hearing. She repeatedly lied to her clients about the status of the matter, falsely stated that a settlement had been reached, and even fabricated (1) the amount of the settlement, (2) the reason that they had not been paid, and (3) a bonus they would receive for the delay in payment. Respondent also misrepresented to third parties, Archbishop Wood Catholic High School and Bucks County Community College, that payments

would be sent to those institutions, on behalf of the Clearys to pay their outstanding bills from the proceeds of their fictitious settlement. Even when finally "coming clean" that no settlement had been reached, respondent never informed her clients that the matter had been dismissed. Respondent's repeated misrepresentations violated RPC 4.1(a)(1) and RPC 8.4(c).

In sum, in a single client matter, respondent is guilty of a lack of diligence, failure to communicate, false statements to third parties, and misrepresentations to clients.

A misrepresentation to a client requires the imposition of a reprimand. In re Kasdan, 115 N.J. 472, 488 (1989). At times, a reprimand may be imposed even if the misrepresentation is accompanied by other, non-serious ethics infractions. See, e.g., In re Ruffolo, 220 N.J. 353 (2015) (respondent exhibited gross neglect and a lack of diligence by allowing his client's case to be dismissed, not working on it after filing the initial claim, and failing to take any steps to prevent its dismissal or ensure its reinstatement thereafter, violations of RPC 1.1(a) and RPC 1.3; the attorney also violated RPC 1.4(b) by failing to promptly reply to the client's requests for status updates; finally, his assurances that the client's matter was proceeding apace, knowing that the complaint had been dismissed, and that the client should expect a monetary award in the near future were false, thereby violating RPC 8.4(c)); and In re Falkenstein, 220 N.J.

110 (2014) (attorney did not comply with his client's request that he seek post-judgment relief, violations of RPC 1.1(a) and RPC 1.3; he also failed to inform the client that he had not complied with the client's request, choosing instead to lead the client to believe that he had filed an appeal and concocting false stories to support his lies, a violation of RPC 8.4(c); because he did not believe the appeal had merit, the attorney's failure to withdraw from the case was a violation of RPC 1.16(b)(4); the attorney also practiced law while ineligible, although not knowingly, a violation of RPC 5.5(a)).

Likewise, a reprimand is the typical discipline for violations of RPC 4.1 and RPC 8.4(c), absent other serious ethics infractions or an ethics history. See, e.g., In re Walcott, 217 N.J. 367 (2014) (attorney misrepresented to a third party, in writing, that he was holding \$2,000 in escrow from his client as collateral for a settlement agreement; violations of RPC 4.1(a)(1) and RPC 8.4(c)); and In re Chatterjee, 217 N.J. 55 (2014) (for a five-year period, the attorney misrepresented to her employer that she had passed the Pennsylvania bar examination, a condition of her employment; she also requested, received, but ultimately returned, reimbursement for payment of the annual fee required of Pennsylvania attorneys; compelling mitigation considered).

Based on the foregoing cases, the starting point for assessing the appropriate quantum of discipline for respondent is a reprimand. Based on

several aggravating factors, we determine to enhance respondent's discipline. First and foremost, respondent's course of conduct caused significant harm to her clients. The record contains no evidence that the Clearys were able to pursue their claims. At a minimum, those claims were significantly delayed, causing financial harm and unnecessary confusion and anxiety.

Additionally, respondent was under investigation in Pennsylvania, and eventually placed on probation, for making misrepresentations, all while continuing her pattern of deceit with the Clearys.

Moreover, respondent's pattern of deceit was egregious – for a year, she told lie after lie, expanding her narrative to include a purported \$50,000 settlement and an additional \$5,000 bonus for the delay in payment. Her deceit went beyond her clients to their creditors to whom they owed tuition.

In mitigation, in Pennsylvania, respondent presented support for her serious mental health condition. The OAE acknowledges that Dr. Rushing linked respondent's mental health condition to her misconduct, but argues that, although under Pennsylvania law, she had established a causal connection between her mental health condition and her misconduct, this evidence falls short of New Jersey's higher quantum of proof for a mental health condition to qualify as a mitigating factor, especially when the attorney misconduct involves "knowing and purposeful" acts of deception. In re Jacob, 95 N.J. 132, 137

(1984). To exculpate attorney misconduct, the evidence must show that a respondent was "out of touch with reality or unable to appreciate the ethical quality of his acts." In re Bock, 128 N.J. 270, 273 (1992); In re Trueger, 140 N.J. 103, 116-117 (1995).

Dr. Rushing stated in her report that respondent's mental health condition was only partially responsible for her misconduct, and acknowledged that "deception is not part of the criteria for diagnosing PTSD." She did not find that respondent was out of touch with reality or unable to appreciate what she was doing for the year that she lied to the Clearys. Therefore, the OAE asserts, based on Jacob and Bock, respondent's mental condition is not a mitigating factor in New Jersey. The OAE, however, credits respondent's commitment to engage in intensive therapy as a mitigating factor.


Here, the forensic evaluator determined, and the Pennsylvania court accepted, that a causal connection existed between respondent's misconduct and her C-PTSD. Although her mental health issues do not exculpate her misconduct, they serve to mitigate the quantum of discipline. Additionally, respondent promptly reported her Pennsylvania discipline to the OAE. Therefore, the mitigating circumstances serve to offset some, but not all, of the aggravating factors, specifically, the fact that these pervasive misrepresentations continued for a year. We, therefore, determine that respondent should be

suspended for six months. We further determine that respondent should be required to submit proof of fitness as attested to by a mental health professional approved by the OAE, prior to reinstatement.

Member Zmirich voted for a one-year suspension. Member Gallipoli did not participate.

We further determine to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs and actual expenses incurred in the prosecution of this matter, as provided in R. 1:20-17.

Disciplinary Review Board  
Bonnie C. Frost, Chair

By:   
Ellen A. Brodsky  
Chief Counsel



SUPREME COURT OF NEW JERSEY  
DISCIPLINARY REVIEW BOARD  
VOTING RECORD

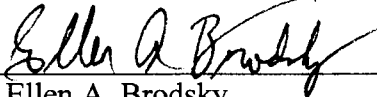
In the Matter of Jamie Ray-Leonetti  
Docket No. DRB 19-001

Argued: March 21, 2019

Decided: August 12, 2019

Disposition: Six-Month Suspension

<i>Members</i>	Six-Month Suspension	One-Year Suspension	Recused	Did Not Participate
Frost	X			
Clark	X			
Boyer	X			
Gallipoli				X
Hoberman	X			
Joseph	X			
Rivera	X			
Singer	X			
Zmirich		X		
Total:	7	1	0	1

  
Ellen A. Brodsky  
Chief Counsel