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September 20, 2019

VIA CERTIFIED MAIL, R.R.R. & REGULAR MAIL

Kyle G. Schwartz, Esq.
c/o James R. Wronko, Esq.
69 Grove Street
Somerville, New Jersey 08876-1912

Re: In the Matter of Kyle G. Schwartz
Docket No. DRB 19-222
District Docket No. XIII-2016-0013E
LETTER OF ADMONITION

Dear Mr. Schwartz:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Following a review of the record, the Board determined to impose an admonition, with conditions, for your violation of RPC 1.3 (lack of diligence) and RPC 1.4(b) (failure to communicate with a client). The Board further determined to dismiss the charged violation of RPC 8.1(a) (knowingly making a false statement of material fact in connection with a disciplinary matter); RPC 8.4(a) violating or attempting to violate the Rules of Professional Conduct, knowingly assisting or inducing another to do so, or doing so through the acts of another; and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation).

Specifically, in August 2015, you agreed to represent Jacqueline Labate, in her role as executrix to her late father's estate, to file required tax returns and to assist in the sale of real estate. Despite Labate's repeated efforts to communicate with you, and her prompt provision of documents required for the representation, you neither completed the estate work nor communicated with Labate. In November 2015, after Labate threatened to file an ethics grievance, you profusely apologized and promised to provide draft documents to her in a matter of days. You

September 20, 2019

Page 2 of 3

then failed to complete those documents, and once again failed to have any communication with Labate. Consequently, on December 14, 2015, Labate terminated the representation and filed the ethics grievance underlying this matter. She was then able to complete her required duties as her father's executrix without suffering harm. You, thus, violated both RPC 1.3 and RPC 1.4(b) in respect of Labate's matter.

As to the RPC 8.1(a), RPC 8.4(a), and RPC 8.4(c) allegations, the Board adopted the District XIII Ethics Committee's (DEC) determination that, although your asserted position regarding the attempts to communicate with Labate were suspect, at best, insufficient evidence was presented during the ethics hearing to sustain the allegations that you sought to lie to the DEC investigator, had sought to improperly influence your employee, or had intentionally acted deceitfully in connection with the ethics matter.

In imposing only an admonition, the Board allocated substantial weight to your unblemished disciplinary history, your demonstrated civic and pro bono endeavors, and the lack of harm to Labate or the estate. As conditions, however, if you have not already done so, you are required to disgorge the \$1,000 retainer to Labate, and return her file to her, as the DEC previously directed.

Your conduct has adversely reflected not only on you as an attorney but also on 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 has 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 also has directed that the costs of the disciplinary proceedings be assessed against you. An invoice of costs will be forwarded to you under separate cover.

Very truly yours,



Ellen A. Brodsky
Chief Counsel

c: See Attached List

I/M/O Kyle G. Schwartz, DRB 19-222

September 20, 2019

Page 3 of 3

c: Chief Justice Stuart Rabner
Associate Justices
Heather Joy Baker, Clerk
Supreme Court of New Jersey
Bruce W. Clark, Chair
Disciplinary Review Board (e-mail)
Gail G. 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)
Paul Loeffler, Chair
District XIII Ethics Committee (e-mail)
Donna P. Legband, Secretary
District XIII Ethics Committee (e-mail)
Jacqueline Labate, Grievant (regular mail)