

SUPREME COURT OF NEW JERSEY
D-152 September Term 2019
084592

In the Matter of

Nicholas A. Penkovsky,

An Attorney At Law

(Attorney No. 049141993)

FILED ORDER

OCT 22 2020

Heather J. Baker
CLERK

The Disciplinary Review Board having filed with the Court its decision in DRB 19-359, concluding that as a matter of reciprocal discipline pursuant to Rule 1:20-14(a) (4) (E), **Nicholas A. Penkovsky of New York, New York**, who was admitted to the bar of this State in 1993, should be suspended from the practice of law for a period of six months based on discipline imposed in the State of New York for unethical conduct that in New Jersey is in violation of RPC 1.1(a)(gross neglect), RPC 1.2(a)(failure to abide by a client's decisions regarding the scope and objectives of the representation), RPC 1.3 (lack of diligence), RPC 1.4(b)(failure to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information), RPC 1.4(c)(failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions about the representation), RPC 8.4(b)(criminal conduct that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer), RPC 8.4(c)(conduct involving dishonesty, fraud, deceit or misrepresentation), and RPC 8.4(d)(conduct prejudicial to the administration of justice);

And the Disciplinary Review Board having determined that because respondent's license to practice law in New Jersey was administratively revoked pursuant to Rule 1:28-2(c) on September 12, 2016, the term of suspension should be deferred until such time as respondent seeks reinstatement to the practice of New Jersey law;

And good cause appearing;

It is ORDERED that **Nicholas A. Penkovsky** is suspended from the practice of law for a period of six months and until the further Order of the Court, effective on the date on which respondent applies by any process for readmission to the bar of New Jersey; and it is further

ORDERED that respondent comply with Rule 1:20-20 dealing with suspended attorneys; and it is further

ORDERED that pursuant to Rule 1:20-20(c), respondent's failure to comply with the Affidavit of Compliance requirement of Rule 1:20-20(b)(15) may (1) preclude the Disciplinary Review Board from considering respondent's petition for reinstatement for a period of up to six months from the date respondent files proof of compliance; (2) be found to constitute a violation of RPC 8.1(b) and RPC 8.4(d); and (3) provide a basis for an action for contempt pursuant to Rule 1:10-2; and it is further

ORDERED that the entire record of this matter be made a permanent part of respondent's file as an attorney at law of this State; and it is further

ORDERED that respondent reimburse the Disciplinary Oversight Committee for appropriate administrative costs and actual expenses incurred in the prosecution of this matter, as provided in Rule 1:20-17.

WITNESS, the Honorable Stuart Rabner, Chief Justice, at Trenton, this 20th day of October, 2020.



CLERK OF THE SUPREME COURT