

DISCIPLINARY REVIEW BOARD
OF THE
SUPREME COURT OF NEW JERSEY

HON. MAURICE J. GALLIPOLI, A.J.S.C. (RET.), CHAIR
ANNE C. SINGER, ESQ., VICE-CHAIR
PETER J. BOYER, ESQ.
JORGE A. CAMPELO
THOMAS J. HOBERMAN
REGINA WAYNES JOSEPH, ESQ.
STEVEN MENAKER, ESQ.
PETER PETROU, ESQ.
EILEEN RIVERA



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

JOHANNA BARBA JONES
CHIEF COUNSEL

TIMOTHY M. ELLIS
DEPUTY COUNSEL

BARRY R. PETERSEN, JR.
DEPUTY COUNSEL

NICOLE M. ACCHIONE
JESSICA A. CALELLA
ROCCO J. CARBONE, III
ASHLEY KOLATA-GUZYK
RACHEL J. NGUYEN
ASSISTANT COUNSEL

NICHOLAS LOGOTHETIS
ASSOCIATE COUNSEL

October 1, 2021

VIA CERTIFIED MAIL, REGULAR MAIL, & ELECTRONIC MAIL

Roberta L. Tarkan, Esq.
482 Central Avenue
Jersey City, NJ 07307
robertatarkanesq@gmail.com

Re: In the Matter of Roberta L. Tarkan
Docket No. DRB 21-094
District Docket No. VI-2018-0024E
CORRECTED LETTER OF ADMONITION

Dear Ms. Tarkan:

The Disciplinary Review Board has reviewed your conduct in the above-referenced matter and has concluded that it was improper. Following a review of the record, the Board determined to impose an admonition for your violation of RPC 1.7(a)(1) (concurrent conflict of interest).¹

Specifically, on January 13, 2018, the grievant, Sean Michael Luse, contacted you, via the website FindLaw, seeking representation in a dispute with his landlord/management company. You admittedly did not thoroughly read Luse's lengthy FindLaw narrative, in which he clearly identified the management company as Trendy Management. You further admitted that you had an ongoing relationship with Trendy Management and always considered them to be your client. On January 23, 2018, you and Luse participated in a thirty-minute telephone consultation for which you charged \$75. The following day, Luse again contacted you, and you advised him regarding how to complete a summons and complaint. One week later, Luse, acting pro se, filed a Special

¹ The complaint erroneously charged you with having violated RPC 1.7(b)(1), but it is clear from the record that it was understood that you were charged with a concurrent conflict of interest, in violation of RPC 1.7(a)(1), and that this charge was litigated.

Civil Part action against Trendy Management in the Superior Court of New Jersey, Law Division, Hudson County.

On February 12, 2018, a Trendy Management representative sent a copy of Luse's complaint to you, via e-mail, and asked whether you could represent the entity in the action. Even if you previously were unaware of the concurrent conflict of interest, at this point you knew that Luse and Trendy Management were involved in litigation. Yet, on February 12, 2018, you sent an e-mail to Luse wherein you advised him of Trendy Management's position and inquired about his intentions. Additionally, you offered to mediate the dispute, despite the pending litigation between the parties, your admitted consideration of Trendy Management as an ongoing client, and your prior consultation with, and legal advice to, Luse.

Later, on February 26, 2018, you sent an email to Luse wherein you specifically referred to Trendy Management as your "client" and asked if Luse consented to your filing an answer on behalf of Trendy Management. You admitted that Luse never provided his consent. On February 28, 2018, in response to Luse's inquiry about Trendy Management's response to the civil lawsuit, you replied that "*we* have until March 16" to file a response (emphasis added). It is clear, based upon these February 2018 communications, that you abandoned your perceived role of mediator.

The Board determined that you engaged in a concurrent conflict of interest, which is prohibited under RPC 1.7(a)(1), because your representation of Luse was directly adverse to that of Trendy Management, your ongoing client.² This conflict existed at your initial consultation with Luse, the following day when you provided Luse with legal advice with respect to his claim against Trendy Management, when you tried to mediate the dispute between both clients, and when you ultimately undertook the defense of Trendy Management in connection with Luse's lawsuit.

You admitted that there was no written waiver of the conflict. However, a written waiver would not have cured your violation of RPC 1.7(a)(1). Under RPC 1.7(b), an attorney engaged in a concurrent conflict of interest is not simply required to obtain informed, written consent in order to proceed with the representation. Rather, RPC 1.7(b) contains four provisions, all of which must be satisfied in order for the representation to be permissible. In your case, the representation of Luse and Trendy Management involved two clients on opposing sides of the same litigation, which is strictly prohibited by RPC 1.7(b)(4).

After considering the written submissions and oral argument, the Board determined that an admonition was sufficient discipline for your misconduct. In imposing only an admonition, the Board considered, in mitigation, that your misconduct was not committed for financial gain, and accorded substantial weight to your unblemished disciplinary record of more than thirty years.

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).

² At oral argument, you cited Cashin v. Bello, 223 N.J. 328 (2015), in support of your argument that the Board could not exceed the plain language of an RPC. As outlined herein, the Board determined that you violated RPC 1.7(a) based upon the clear language of the Rule.

October 1, 2021

Page 3 of 3

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,



Johanna Barba Jones
Chief Counsel

JBj/jm

c: Chief Justice Stuart Rabner
Associate Justices
Heather Joy Baker, Clerk
Supreme Court of New Jersey
Anne C. Singer, Esq., Vice-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)
Richard D. Devita, Esq., Chair
District VI Ethics Committee (e-mail)
Daniel P. D'Alessandro, Esq., Secretary
District VI Ethics Committee (regular mail and e-mail)
Stephanie L. Lomurro, Esq., Presenter (e-mail)
Sean M. Luse, Grievant (regular mail)