

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket Nos. DRB 23-227 and 23-228
District Docket Nos. IIIB-2022-0005E
and IIIB-2022-0019E

In the Matters of Mary Elizabeth Lenti
An Attorney at Law

Decided
March 6, 2024

Certification of the Record

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Introduction

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

These matters were before us on certifications of the record filed by the District IIIB Ethics Committee (the DEC), pursuant to R. 1:20-4(f), and were consolidated for our review.

In the matter docketed as DRB 23-227 (the M.R. matter), the formal ethics complaint charged respondent with having violated RPC 8.1(b) (failing to cooperate with disciplinary authorities); RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice).

In the matter docketed as DRB 23-228 (the Cosentino matter), the formal ethics complaint charged respondent with having violated RPC 1.3 (lacking diligence); RPC 1.4(b) (failing to communicate with a client); RPC 3.2 (failing to expedite litigation); RPC 8.1(b); and RPC 8.4(d).¹

¹ Due to respondent's failure to file answers to the formal ethics complaints underlying DRB 23-227 and DRB 23-228, and on notice to her, the DEC amended the complaints to include the RPC 8.1(b) and RPC 8.4(d) charges.

On December 18, 2023, respondent filed a motion to vacate the default (MVD), which we denied on February 21, 2024. For the reasons set forth below, we determine that a three-month suspension is the appropriate quantum of discipline for respondent's misconduct.

Respondent earned admission to the New Jersey bar in 2012 and to the Pennsylvania bar in 2011. During the relevant timeframe, she maintained a practice of law in Mount Holly, New Jersey.

On April 1, 2022, the Court censured respondent, in consolidated disciplinary matters, for her combined misconduct encompassing five client matters spanning 2017 and 2018. In re Lenti, 250 N.J. 292 (2022) (Lenti I).

In the first client matter, respondent misrepresented to her client, in a matrimonial matter, the dates in which she had filed the client's complaint for divorce and a proposed amended judgment for divorce. In the Matter of Mary Elizabeth Lenti, DRB 20-260 and 20-273 (June 30, 2021) at 3-4, 30-31. Additionally, respondent failed to file an emergent motion to compel the listing for sale of the client's marital residence, which faced an impending threat of foreclosure. Id. at 5-6. Finally, respondent misrepresented to the DEC that her office had prepared and submitted the emergent motion to the Superior Court, despite having neither drafted nor filed that motion. Id. at 30.

In the second client matter, respondent failed to communicate with a client in a complex probate matter and made little progress advancing the matter before her client terminated the representation Id. at 19, 29.

In the third client matter, respondent failed, for approximately one year, to file the necessary pleadings in connection with her client's matrimonial matter. Id. at 19-20, 29. During that timeframe, respondent also failed to reply to her client's repeated inquiries regarding the status of her matter. Ibid.

In the fourth client matter, respondent failed, for approximately five months, to file an application for custody and parenting time on behalf of her client. Id. at 20-21. Respondent also conceded that her untimely application was "poorly prepared" and, thus, "insufficient." Ibid.

In the final client matter, respondent failed to communicate with her client "sufficiently and honestly" regarding his complex matrimonial and annulment matter. Id. at 21-22. Additionally, rather than take an active role to rectify the issues in the complex matter, respondent improperly relied on her paralegal to handle the matter, without supervision, resulting in a delay of the case and the ultimate dismissal of the pleadings. Id. at 22.

In determining that a censure was the appropriate quantum of discipline, we weighed, in aggravation, the fact that respondent's misconduct resulted in

the unnecessary delay of at least two client matters and the dismissal – and potential extinguishment – of at least one client’s claims. Id. at 40. Moreover, respondent failed to provide a \$1,250 refund to one of her clients. Ibid. However, in mitigation, we weighed respondent’s then lack of prior discipline; sincere remorse and contrition; prompt admission and apology for her misconduct; and the fact that she, eventually, engaged a family law attorney to help her review and advance her outstanding family law cases. Id. at 40-41.

The Court agreed with our recommended discipline and further required that respondent refund her \$1,250 legal fee to her client within sixty days of the Court’s Order. In re Lenti, 250 N.J. 292.

On February 23, 2024, we determined to dismiss a formal ethics complaint charging respondent with having violated RPC 8.1(b). In the Matter of Mary Elizabeth Lenti, DRB 23-204 (Lenti II). Specifically, in that matter, the Office of Attorney Ethics (the OAE) alleged that respondent failed to cooperate with its investigation of whether she possessed the required professional liability insurance in connection with the operation of her law firm, pursuant to R. 1:21-1B(a)(4). We determined that, although respondent’s submissions to the OAE were, at times, incomplete or deficient, she had engaged in consistent, good faith efforts to demonstrate to the OAE that she had, in fact, possessed the required

insurance. Moreover, we found that respondent's deficient submissions appeared to have been the result of carelessness, rather than any willful failure to cooperate. Our decision in that matter is pending before the Court.

Service of Process

Service of process was proper in both matters.

Regarding the M.R. matter (DRB 23-227), on March 3, 2023, the DEC sent a copy of the formal ethics complaint, by certified and regular mail, to respondent's office address of record. Neither the certified nor the regular mail was returned to the DEC.

Two months later, on May 15, 2023, the DEC sent respondent a second letter, by certified and regular mail, to her office address of record, informing her that, unless she filed a verified answer to the complaint within five days of the date of the letter, the allegations of the complaint would be deemed admitted, the record would be certified to us for the imposition of discipline, and the complaint would be deemed amended to charge willful violations of RPC 8.1(b) and RPC 8.4(d). The certified mail was returned to the DEC as "undeliverable." The regular mail, however, was not returned.

On June 15, 2023, the DEC sent an additional copy of the complaint, by certified and regular mail, to respondent's home and office addresses of record, based on her claim to the DEC that she was not receiving mail at her office address. The certified mail was delivered successfully to respondent's home and office addresses, and the regular mail was not returned.

On July 11, 2023, the DEC sent respondent an additional letter, by certified and regular mail, to her home and office addresses of record, informing her that, unless she filed a verified answer to the complaint within five days of the date of the letter, the allegations of the complaint would be deemed admitted, the record would be certified to us for the imposition of discipline, and the complaint would be deemed amended to charge willful violations of RPC 8.1(b) and RPC 8.4(d). The certified mail was delivered to respondent's office address on July 14, 2023, and the certified mail to respondent's home address was not returned to the DEC. Additionally, the regular mail sent to respondent's home and office addresses was not returned.

Regarding the Cosentino matter (DRB 23-228), on June 15, 2023, the DEC sent a copy of the formal ethics complaint, by certified and regular mail, to respondent's home address of record, given her claim to the DEC that she was not receiving mail at her office address. The certified mail was delivered

successfully to respondent's home address, and the regular mail was not returned.

On July 11, 2023, the DEC sent a second letter, by certified and regular mail, to respondent's home and office addresses of record, informing her that, unless she filed a verified answer to the complaint within five days of the date of the letter, the allegations of the complaint would be deemed admitted, the record would be certified to us for the imposition of discipline, and the complaint would be deemed amended to charge willful violations of RPC 8.1(b) and RPC 8.4(d). The certified mail was delivered to respondent's office address on July 14, 2023, and the regular mail was not returned. The record does not indicate whether the certified and regular mail was delivered to respondent's home address.

Regarding both matters, as of September 29, 2023, respondent had not filed answers to the complaints, and the time within which she was required to do so had expired. Accordingly, the DEC certified both matters to us as defaults.

On November 27, 2023, Chief Counsel to the Board sent respondent a letter, by certified and regular mail, to her home address of record, with an additional copy by electronic mail, to her e-mail address of record, informing her that these matters were scheduled before us on January 18, 2024, and that

any motion to vacate the defaults must be filed by December 18, 2023. The certified mail was delivered on December 2, 2023, with an illegible signature written on the receipt. The regular mail was not returned to the Office of Board Counsel (the OBC), and the e-mail delivery was complete, as evidenced by the delivery notification sent by the destination server.

Finally, on December 4, 2023, the OBC published a notice in the New Jersey Law Journal, stating that we would consider these matters on January 18, 2024. The notice informed respondent that, unless she filed a successful MVD by December 18, 2023, her prior failure to answer the complaints would remain deemed an admission of the allegations of the complaints.

On December 18, 2023, respondent submitted her MVD, which was dated December 16, 2023 and consisted of her two-page certification. As noted above, on February 21, 2024, following our review of respondent's MVD, we issued a letter denying that motion.

Facts

We now turn to the allegations of the complaints.

The M.R. Matter (DRB 23-227)

In 2020, M.R.² retained respondent in connection with his attempt to obtain joint legal custody of his child and to remove his child as a party protected by a final restraining order (FRO).

On November 18, 2020, respondent filed, in the Superior Court of New Jersey, a verified complaint and order to show cause on behalf of M.R.³ Following a January 5, 2021 telephonic hearing, the Superior Court denied M.R.'s application, without prejudice, pending the resolution of an ongoing domestic violence matter between M.R. and another party. Following the denial of M.R.'s application, the Superior Court scheduled a January 11, 2021 hearing to address any modification to M.R.'s parenting time. However, the Superior Court adjourned the January 11 hearing due to a scheduling conflict.

Prior to the Superior Court scheduling a new hearing regarding M.R.'s parenting time, respondent filed another motion seeking to (1) remove M.R.'s child as a party protected by the FRO; (2) establish a parenting schedule for M.R.; (3) grant M.R. joint legal custody of his child; and (4) amend the FRO to permit text message conversations between M.R. and the child's mother to

² Given the domestic violence allegations underpinning this client matter, we have sanitized M.R.'s name in our decision. See R. 1:38-3(c)(12).

³ The content of the complaint and order to show cause is unclear based on the record before us.

discuss the health and welfare of the child. On April 16, 2021, the Superior Court conducted a remote hearing on the motion and, five days later, on April 21, 2021, the court established a supervised visitation and parenting time schedule for M.R.

More than two months later, on July 6, 2021, M.R. sent respondent a text message requesting that she assist him to increase his parenting time and discontinue supervision during his visitation with his child. In reply, respondent offered to file a motion “ASAP.” Respondent failed to discuss the cost or merit of M.R.’s proposed motion; nevertheless, M.R. insisted that respondent pursue the application.

Three days later, on July 9, 2021, respondent advised M.R. that she would have a “court date” for M.R. by “the end of the week.” Less than two weeks later, on July 21, 2021, respondent sent M.R. a text message stating that “Sept. 3 will be the date we request on our motion.” In reply, M.R. asked respondent whether she had filed his motion. Respondent, however, failed to reply.

On September 15, 2021, M.R. sent respondent another text message inquiring whether she was “ready” for the hearing scheduled for September 23,

2021.⁴ Respondent failed to reply to M.R. until more than one month later, on October 21, 2021, when she advised him that the new “court date” would be November 29, 2021. In reply, M.R. requested that respondent provide him written confirmation of the new hearing date. Two weeks later, on November 8, 2021, M.R. told respondent that he had not received any “confirmation e-mail” regarding the purported November 29, 2021 hearing date. Respondent, however, failed to reply to M.R. until January 11, 2022.⁵

On January 20, 2022, M.R. filed an ethics grievance against respondent.⁶ In respondent’s April 25, 2022 reply to the grievance, she conceded that she had advised M.R. that she would file a motion to increase his parenting time and that she had intended to request a September 3, 2021 hearing date for M.R.’s motion. Additionally, respondent admitted that she failed to file the motion and that she had “misled” M.R. regarding the status of the motion. Finally, respondent acknowledged that she falsely advised M.R. that the motion had been scheduled for “two court dates.”

⁴ The record before us does not disclose when respondent advised M.R. that his motion purportedly had been scheduled for September 23, 2021.

⁵ The content of respondent’s January 11, 2022 reply to M.R. is unclear based on the record before us.

⁶ The content of M.R.’s grievance is unclear based on the record before us.

Because respondent misled M.R. into believing that she had filed his parenting time motion and that such application had been scheduled for two separate hearing dates, the formal ethics complaint charged respondent with having violated RPC 8.4(c). Moreover, for her failure to file a verified answer, the formal ethics complaint charged respondent with having violated RPC 8.1(b) and RPC 8.4(d).

The Cosentino Matter (DRB 23-228)

On March 17, 2017, Mary Anne Cosentino retained respondent's law firm in connection with the filing of a foreclosure based on a tax-sale certificate. On August 11, 2017, respondent's former law partner filed a complaint in foreclosure, on behalf of Cosentino, in the Superior Court of New Jersey. More than nine months later, on May 24, 2018, respondent's former partner filed, with the Superior Court, a "request for entry of default," and respondent executed a certification in support of the application.

On January 24, 2019, the Superior Court Clerk's Office requested that respondent file a "status report." More than three months later, on May 1, 2019, respondent filed the status report with the Clerk's Office, indicating that she

would “immediately bring the matter for publication” and, thereafter, “seek final judgment.”⁷

On July 22, 2019, the Clerk’s Office issued a notice stating that Cosentino’s matter would be dismissed for lack of prosecution in thirty days. On August 24, 2019, following respondent’s failure to take any corrective action, the Clerk’s Office dismissed Cosentino’s matter, without prejudice.

More than a month later, on September 30, 2019, respondent filed a new complaint in foreclosure on behalf of Cosentino. The Superior Court assigned a new docket number to this foreclosure action, which concerned the same property as the original, 2017 complaint.

On November 26, 2019, respondent filed a letter with the Superior Court, in the 2017 matter, requesting a status conference. In her letter, respondent claimed that she was “in the process of reinstating” the 2017 matter and that she had filed a new matter, in September 2019, concerning the same property.

More than ten months later, on October 2, 2020, the Clerk’s Office issued a notice stating that Cosentino’s 2019 matter would be dismissed for lack of prosecution in thirty days. On November 7, 2020, following respondent’s failure

⁷ In relevant part, N.J.S.A. 54:5-26 requires notices of a tax sale to be published in a newspaper of general circulation in the municipality in which the property is located.

to take any corrective action, the Clerk's Office dismissed the 2019 matter, without prejudice.

Meanwhile, on November 3, 2020, Cosentino retained a new attorney to pursue her tax-sale certificate foreclosure. Eleven months later, on October 13, 2021, the Superior Court issued a final judgment of foreclosure in favor of Cosentino.

The formal ethics complaint alleged that respondent violated RPC 1.3 and RPC 3.2 by failing to prosecute Cosentino's foreclosure matter, resulting in the dismissal of her complaints for lack of prosecution. The DEC alleged that, throughout the three-and-a-half-year representation, respondent "accomplished nothing" in furtherance of Cosentino's foreclosure matter, resulting in unnecessary "frustration" to Cosentino. The DEC also noted that respondent failed to withdraw from the representation when it became "evident" that she was unable to competently handle the matter.

Additionally, the formal ethics complaint alleged that respondent violated RPC 1.4(b) by failing to communicate with Cosentino, who noted that respondent failed to timely return her telephone calls, e-mails, and text messages. Specifically, Cosentino stated that respondent was "avoiding" her because respondent "knew" that she was upset regarding the lack of progress of

her matter. Cosentino, thus, maintained that it was “difficult” to communicate with respondent or to obtain information regarding her matter. The DEC alleged that respondent’s failure to communicate escalated Cosentino’s frustration and impeded the progress of the representation.

Finally, the formal ethics complaint alleged that respondent violated RPC 8.1(b) and RPC 8.4(d) by failing to file an answer to the formal ethics complaint.

Motion to Vacate the Defaults

As previously mentioned, on December 18, 2023, respondent filed a timely MVD concerning both DRB 23-227 and DRB 23-228. In support of her motion, respondent noted that she had “no excuse for the lack of response on both of these matters” and “stipulate[d] to proper notice.” Respondent claimed that, upon receiving notice of these matters, she “quite candidly put my head in the sand in an effort to ignore, delay and hope these matters would go away.” Respondent conceded that, “[i]n a large sense, I threw my hands up and simply did nothing.” Respondent also maintained that, during the past year, she faced “a litany of very severe personal and financial problems,” which “had a cumulative effect and my only response was simply to ignore anything that was

unpleasant.” Respondent acknowledged that, despite these issues, “there was nothing that prohibited me from answering or participating in this process.”

Additionally, respondent claimed that, within the past six months, she had “solely been doing ‘coverage work’ for other attorneys” and had not taken on “any cases that are expected to not conclude immediately.” Similarly, respondent noted that she had begun winding down the operation of her solo law practice.

Respondent also maintained that she had performed “significant work” in the M.R. client matter, underlying DRB 23-227, and that, in her view, “the case was moving forward.” Additionally, in the Cosentino client matter, underlying DRB 23-228, respondent claimed that “there had been work done on the files and there was a path moving forward.”

To succeed on an MVD, a respondent must (1) offer a reasonable explanation for the failure to answer the ethics complaint, and (2) assert a meritorious defense to the underlying charges. In this matter, we determined that respondent failed to satisfy either prong.

Regarding the first prong, respondent candidly admitted that, despite proper service, she put her “head in the sand” regarding these matters in the hope that they “would go away.” Moreover, despite her claimed personal and

financial issues, respondent conceded that “nothing . . . prohibited” her from “answering or participating in this process.” Consequently, respondent clearly failed to offer a reasonable explanation for failing to answer the complaints.

Regarding the second prong, respondent’s claims that she had performed “significant work” in the M.R. client matter do not constitute a meritorious defense to the underlying charge that she lied to her client in that matter. Similarly, respondent’s general claim that she had performed “work . . . on the files” and that “there was a path moving forward” underlying the Cosentino client matter failed to rebut the charges that she had failed to adequately communicate with her client and, due to her lack of diligence, allowed her client’s matter to be dismissed, twice, for lack of prosecution. Consequently, respondent failed to assert a specific, meritorious defense to the underlying charges.

Because respondent failed to satisfy the required elements to vacate her defaults, we determined to deny respondent’s MVD.

Analysis and Discipline

Violations of the Rules of Professional Conduct

We find that the facts set forth in the complaints support most, but not all, of the charges of unethical conduct. Respondent's failure to file an answer to the complaints is deemed an admission that the allegations are true and that they provide a sufficient basis for the imposition of discipline. R. 1:20-4(f)(1). Notwithstanding that Rule, each charge in the complaint must be supported by sufficient facts for us to determine that unethical conduct has occurred.

With respect to the M.R. matter, respondent violated RPC 8.4(c) by lying to M.R. regarding the status of his proposed motion to increase his parenting time and to discontinue the supervision during his visitation with his child.

Specifically, following M.R.'s July 6, 2021 request that respondent file the motion, respondent advised M.R. that she would both file his application "ASAP" and request a September 3, 2021 hearing date. Thereafter, on July 21, 2021, M.R. asked respondent whether she had filed the motion. Respondent, however, failed to reply. Two months later, on September 15, 2021, M.R. sent respondent a text message inquiring whether she was "ready" for the purported September 23, 2021 hearing date for the motion. Respondent failed to reply to M.R. until October 21, 2021, when she claimed that the motion had been

rescheduled to November 29, 2021. Thereafter, M.R. unsuccessfully attempted to obtain written confirmation from respondent regarding the hearing date for his motion. Respondent failed to reply to M.R. until January 11, 2022, following which M.R. filed an ethics grievance against her.

As respondent conceded in her reply to M.R.'s grievance, she altogether failed to file M.R.'s motion, yet, misled him into believing that the purported motion had been scheduled for a hearing on September 23 and November 29, 2021. Consequently, for at least five months, between September 15, 2021 and January 11, 2022, respondent lied to M.R. that his application had been filed and that the Superior Court twice had scheduled a hearing date.

Regarding the Cosentino matter, respondent violated RPC 1.3 and RPC 3.2 by failing, from at least January 2019 through November 2020, to prosecute Cosentino's tax-sale certificate foreclosure matter.

Specifically, although respondent's former law partner filed Cosentino's 2017 foreclosure complaint, it appears that, by or before January 2019, respondent became primarily, if not solely, responsible for handling the matter. Indeed, on January 24, 2019, the Superior Court Clerk's Office requested that respondent file a "status report" regarding the matter. Respondent failed to comply with that obligation until May 1, 2019, when she advised the Clerk's

Office that she would “immediately” file the required publication notices and, thereafter, “seek final judgment.” Respondent, however, failed to follow through on her commitment to prosecute the matter. Consequently, on August 24, 2019, the Clerk’s Office dismissed Cosentino’s 2017 matter for lack of prosecution.

On September 30, 2019, following the dismissal of Cosentino’s 2017 foreclosure action, respondent filed a new tax-sale certificate foreclosure complaint on behalf of Cosentino. However, she then failed, for at least a year, to take any action in furtherance of that action and, consequently, on November 7, 2020, the Clerk’s Office dismissed the complaint for lack of prosecution.

Between January 2019 and November 2020, respondent failed to take any meaningful action to prosecute Cosentino’s foreclosure complaints. Respondent’s total lack of diligence forced Cosentino, in November 2020, to retain another attorney to complete her matter.

Additionally, respondent violated RPC 1.4(b) by failing to timely reply to Cosentino’s inquiries regarding her case. Based on Cosentino’s statements to the DEC, respondent appeared to have deliberately avoided communicating with Cosentino because she knew that Cosentino was upset regarding the lack of progress of her matter. Indeed, respondent’s failure to communicate exacerbated Cosentino’s frustration and impeded the progress of the representation.

Finally, respondent violated RPC 8.1(b) (two instances) by failing to file answers to the formal ethics complaints in both matters and allowing them to proceed as defaults.

We determine, however, to dismiss the related RPC 8.4(d) charges, which, like the RPC 8.1(b) charges, stemmed from respondent's failure to answer the formal ethics complaints. Although failing to file an answer to a complaint constitutes a well-settled violation of RPC 8.1(b), it does not result in a per se violation of RPC 8.4(d). See In re Ashley, 122 N.J. 52, 55 n.2 (1991) (following the attorney's failure to answer the formal ethics complaint and cooperate with the investigator, the DEC charged her with violating RPC 8.4(d); the Court expressly adopted our finding that, "[a]lthough the committee cited RPC 8.4(d) for failure to file an answer to the complaint, RPC 8.4(d) deals with prejudice to the administration of justice. RPC 8.1(b) is the correct rule for failure to cooperate with disciplinary authorities."). Moreover, we consistently have dismissed RPC 8.4(d) charges that are based solely upon an attorney's failure to file an answer to the complaint. See In the Matter of John Anthony Feloney, IV, DRB 22-179 (March 23, 2023) at 9-10, and In the Matter of Richard Donnell Robinson, DRB 23-032 (July 5, 2023) at 12-13. Consequently, consistent with disciplinary precedent, we determine to dismiss the RPC 8.4(d) charges.

In sum, we find that respondent violated RPC 8.1(b) and RPC 8.4(c) in her handling of the M.R. matter, and RPC 1.3; RPC 1.4(b); RPC 3.2; and RPC 8.1(b) in her handling of the Cosentino matter. In both matters, however, we dismiss the RPC 8.4(d) charge as a matter of law. The sole issue left for our determination is the appropriate quantum of discipline for the totality of respondent's misconduct.

Quantum of Discipline

Generally, in default matters where the attorney has no disciplinary history, a reprimand is imposed for lack of diligence, failure to communicate with clients, and failure to cooperate with disciplinary authorities, even if such conduct is accompanied by similar ethics infractions. See In re Robinson, 253 N.J. 328 (2023) (the attorney failed to appear at scheduled hearings in connection with two client matters; in one client matter, the attorney also failed to file an appeal for which he specifically had been retained; in the second client matter, the attorney failed to file required documents in a bankruptcy matter and failed to explain to the client the alternatives to pleading guilty in connection with her separate municipal court matter; the attorney also failed to file a reply to the first client's grievance and allowed both matters to proceed as defaults),

and In re Vena, 227 N.J. 390 (2017) (the attorney unilaterally settled the client's tax appeals, thereby depriving the client of the ability to make informed decisions regarding the representation; thereafter, for nearly three months, the attorney ignored his client's multiple requests for information and failed cooperate with disciplinary authorities; the attorney also violated RPC 1.16(a) (failure to withdraw from representation on discharge by a client), RPC 3.3(a) (false statement of material fact or law to a tribunal), and RPC 8.4(c)).

The quantum of discipline is enhanced, however, when additional aggravating factors are present. See In re Witherspoon, 249 N.J. 537 (2022) (censure for an attorney, in a default matter, who took little or no action to settle his client's brother's estate; the attorney also failed to reply to the client's repeated inquiries regarding the status of her matter, prompting the client to retain new counsel to protect her interests; although the attorney had no prior discipline, the attorney's failure to take any action in furtherance of the representation caused the client significant financial harm), and In re Levasseur, 2022 N.J. LEXIS 457 (2022) (three-month suspension for an attorney, in a default matter, who failed to timely prosecute his client's lawsuit concerning an insurance dispute arising out of damage to her home caused by Super Storm Sandy; the attorney's failure to prosecute the litigation resulted in the dismissal

of the client's claim and the likely loss of the client's potential avenues for relief; the attorney intentionally failed to advise his client of the dismissal of her matter and failed to attempt to reinstate the litigation; the attorney also repeatedly ignored the client's numerous requests for information regarding her matter; the attorney had a 2020 reprimand for similar misconduct and, thus, had a heightened awareness of his obligation to cooperate with disciplinary authorities; nevertheless, the attorney neither submitted a written reply to the grievance nor filed an answer to the complaint).

Here, respondent also engaged in misrepresentations to M.R. regarding his parenting time motion, misconduct which, standing alone, generally results in a reprimand. In re Kasdan, 115 N.J. 472, 488 (1989). A reprimand or a censure may be imposed even if the misrepresentation is accompanied by other, non-serious ethics infractions. See In re Morrissey, 240 N.J. 182 (2019) (reprimand for an attorney who made multiple misrepresentations to the client regarding the status of his tax appeals; specifically, the attorney lied to his client that he had filed the appeals for the 2013 and 2014 tax years, despite having failed to do so; the attorney also failed to provide his client with a written contingent fee agreement and failed to adequately explain the matter to the client; no prior discipline), and In re Kalma, 249 N.J. 538 (2022) (censure for an attorney, in a

default matter, who failed to file his client’s civil complaint prior to the expiration of the applicable statute of limitations; thereafter, the attorney repeatedly and falsely advised the client that he had timely filed the complaint; the attorney even sent his client a false letter, purporting to show that the matter was scheduled for a court date; when the client showed up for court, the attorney claimed that he had been “sent home” and advised his client to do the same because there was a “two-hour window wait time;” to further his deception, the attorney told his client that the court was “backed up” and reassured his client that he would “see the case through to the end;” the client eventually learned, from court staff, that the complaint never had been filed; when the client confronted the attorney with that discovery, the attorney claimed that “it was all part of a cover up;” we weighed, in aggravation, the default status of the matter, the significant harm to the client, who lost the ability to pursue a claim, and the lengths to which the attorney went to conceal his misconduct; no prior discipline).

Here, like the censured attorney in Witherspoon, who, in a default matter, ignored his client’s requests for information and took little or no action to settle the client’s estate matter, respondent failed, for nearly two years, between January 2019 and November 2020, to take any meaningful steps to advance

Cosentino's tax-sale certificate foreclosure matter. During that timeframe, respondent ignored not only Cosentino's repeated inquiries regarding the status of her matter, but also the Superior Court's lack of prosecution notices – conduct which resulted in needless frustration to Cosentino and the unnecessary dismissal of her foreclosure complaints. Indeed, by November 2020, both of Cosentino's complaints had been dismissed and, thus, she was in the same position as when she originally had retained respondent's law firm, in March 2017. Respondent's total inattention to Cosentino's matter forced Cosentino to retain a new attorney to complete her matter.

Additionally, like the censured attorney in Kalma, who repeatedly lied to his client regarding the status of his purported civil lawsuit, respondent lied to M.R., for at least five months, between September 2021 and January 2022, that his parenting time motion had been filed and scheduled for two hearing dates before the Superior Court. During that timeframe, respondent also failed to timely reply to M.R.'s inquiries seeking confirmation that she had filed his motion and that it had been scheduled for a hearing. Respondent, however, altogether failed to file M.R.'s parenting time motion.

In our view, respondent's conduct underlying M.R.'s and Cosentino's respective client matters represents a continuation of the alarming pattern of

deception, failure to communicate, and total lack of diligence that she has exhibited since her misconduct underlying Lenti I. In that matter, between 2017 and 2018, respondent failed to diligently advance her clients' interests spanning five client matters; failed to adequately communicate with at least four clients; misrepresented to one client the dates in which she had filed the client's divorce complaint; and lied to the DEC that she had prepared and filed an emergent motion. Despite the issuance of our June 30, 2021 decision in Lenti I, respondent failed to reform her conduct. Rather, merely three months later, between September 2021 and January 2022, she elected to lie to M.R. regarding the status of his motion. Consequently, respondent clearly has failed to utilize her experiences with the disciplinary system as a foundation for reform. See In re Zeitler, 182 N.J. 389, 398 (2005) (“[d]espite having received numerous opportunities to reform himself, [the attorney had] continued to display his disregard, indeed contempt, for our disciplinary rules and our ethics system”).

Finally, like the attorney in Levasseur, who received a three-month suspension based, in part, on his heightened awareness of his obligation to cooperate with disciplinary authorities, respondent had a heightened awareness of her obligation to cooperate with disciplinary authorities, given our June 2021 decision and the Court's accompanying April 2022 Order in Lenti I.

Nevertheless, respondent failed to file answers to the formal ethics complaints and allowed both matters to proceed as defaults. See In re Kivler, 193 N.J. 332, 342 (2008) (citations omitted) (an attorney’s “default or failure to cooperate with the investigative authorities operates as an aggravating factor, which is sufficient to permit a penalty that would otherwise be appropriate to be further enhanced”).

Conclusion

In conclusion, given that respondent’s penchant for deception and mishandling client matters has continued, unabated, in these two consolidated default matters, and consistent with applicable disciplinary precedent and principles of progressive discipline, we determine that a three-month suspension is the appropriate quantum of discipline necessary to protect the public and preserve confidence in the bar.

Further, we recommend that the Court impose the condition that, upon reinstatement, respondent practice law under the supervision of a proctor for a period of no less than one year.

Chair Gallipoli and Members Menaker and Petrou voted to recommend the imposition of a six-month suspension with the same condition.

Member Rivera was absent.

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
Hon. Maurice J. Gallipoli, A.J.S.C. (Ret.),
Chair

By: /s/ Timothy M. Ellis
Timothy M. Ellis
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matters of Mary Elizabeth Lenti
Docket Nos. DRB 23-227 and 23-228

Decided: March 6, 2024

Disposition: Three-month suspension

<i>Members</i>	Three-Month Suspension	Six-Month Suspension	Absent
Gallipoli		X	
Boyer	X		
Campelo	X		
Hoberman	X		
Joseph	X		
Menaker		X	
Petrou		X	
Rivera			X
Rodriguez	X		
Total:	5	3	1

/s/ Timothy M. Ellis

Timothy M. Ellis
Chief Counsel