

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
DRB Docket No. 24-014
District Docket No. IIIB-2022-0026E

In the Matter of Mary Elizabeth Lenti
An Attorney at Law

Decided
July 18, 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.

This matter was before us on a certification of the record filed by the District IIIB Ethics Committee (the DEC), pursuant to R. 1:20-4(f). The formal ethics complaint charged respondent with having violated RPC 1.1(a) (engaging in gross neglect);¹ RPC 1.3 (lacking diligence); RPC 1.4(b) (failing to communicate with a client); RPC 1.4(c) (failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions about the representation); RPC 8.1(b) (two instances – failing to cooperate with disciplinary authorities); and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice).²

For the reasons set forth below, we determine that a three-month suspension is the appropriate quantum of discipline for respondent's misconduct.

¹ Although the complaint did not specify which subsection of RPC 1.1 the DEC intended to charge, the allegations make clear that the DEC charged respondent pursuant to subsection (a).

² Due to respondent's failure to file an answer to the formal ethics complaint, and on notice to respondent, the DEC amended the complaint to include the additional RPC 8.1(b) charge and the RPC 8.4(d) charge.

Ethics History

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. She has prior discipline in New Jersey.

Lenti I

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

In the first matter comprising Lenti I, 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, she failed to file an emergent motion to compel the listing of the client's marital residence, which faced an impending threat of foreclosure. Id. at 5-6. Finally, respondent misrepresented to disciplinary authorities 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 in 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, she 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. She also conceded that her untimely application was "poorly prepared" and "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 litigation, she 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 matter. Id. at 40. Moreover, she 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 disciplinary Order. Lenti, 250 N.J. 292.

Dismissed Matter

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 23-204.³ 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 as a limited liability company, pursuant to R. 1:21-1B(a)(4). However, we determined that, although her submissions to the OAE were, at times, incomplete or deficient, she had

³ We do not define this disciplinary matter as Lenti II because we determined respondent did not commit any misconduct in that matter and dismissed the charge. The Court agreed.

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. The Court agreed and dismissed the charge. In re Lenti, __ N.J. __ (2024), 2024 N.J. LEXIS 499.

Lenti II

Effective July 3, 2024, the Court suspended respondent for three months for her misconduct spanning between 2017 and 2022 and encompassing two client matters. In re Lenti, __ N.J. __ (2024), 2024 N.J. LEXIS 500 (Lenti II).

In the first client matter comprising Lenti II, respondent failed, for nearly two years, to take any meaningful steps to prosecute her client's tax-sale certificate foreclosure matter. During that timeframe, she not only ignored her client's inquiries regarding the status of the case, but also ignored the Superior Court's notices of dismissal due to lack of prosecution. Respondent's inaction resulted in the dismissal of her client's foreclosure complaints, which forced the client to retain a new attorney to complete their matter. In the Matters of Mary Elizabeth Lenti, DRB 23-227 and 23-228 (March 6, 2024) at 12-14.

In the second client matter, respondent lied to the client, for at least five months, that his motion to increase his parenting time and to discontinue his

supervised visitation had been filed and scheduled for two hearing dates before the Superior Court. She also failed to timely reply to her client's inquiries seeking confirmation that she had filed his motion and that it was scheduled for a hearing. In fact, respondent never filed a motion on behalf of her client. Id. at 9-12.

In determining that a three-month suspension was the appropriate quantum of discipline, we weighed, in aggravation, the developing and alarming pattern of deception (toward clients and disciplinary authorities), failure to communicate, and total lack of diligence that respondent had exhibited since her misconduct underlying Lenti I. We further considered her heightened awareness of her obligation to cooperate with disciplinary authorities, considering that the discipline imposed in Lenti I preceded the initial contact from the DEC regarding Lenti II. Nevertheless, respondent failed to file answers to the formal ethics complaints and allowed both matters in Lenti II to proceed as defaults. Id. at 28.

As a condition to her reinstatement to the practice of law, the Court ordered respondent to practice law under the supervision of a proctor for a period of one year.

To date, respondent remains suspended from the practice of law in New Jersey.

We now turn to the matter pending before us.

Service of Process

Service of process was proper. On October 13, 2023, the DEC sent a copy of the formal ethics complaint, by certified and regular mail, to respondent's office and home addresses of record. The certified mail was successfully delivered to respondent's home address, and the regular mail was not returned to the DEC.

On November 3, 2023, respondent contacted the DEC, requesting a one-week extension to file her verified answer. The DEC granted respondent's request. Respondent, however, failed to file her answer by the November 10, 2023 deadline and made no further attempt to contact the DEC.

More than one month later, on December 14, 2023, the DEC sent respondent a second letter, by certified and regular mail, to her office and home addresses of record, informing her that, unless she filed an 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 both addresses, and the regular mail was not returned. Respondent

failed to file an answer to the complaint. Accordingly, the DEC certified this matter to us as a default.

On March 5, 2024, Chief Counsel to the Board sent respondent a letter, by certified and regular mail, to her office address of record, with an additional copy by electronic mail, informing her that this matter was scheduled before us on April 25, 2024, and that any motion to vacate must be filed by March 25, 2024. The certified mail receipt was signed by respondent and returned to the Office of Board Counsel (OBC), indicating delivery on March 11, 2024. The letter sent by regular mail was not returned to the OBC.

Moreover, on March 11, 2024, the OBC published a notice in the New Jersey Law Journal, stating that we would consider this matter on April 25, 2024. The notice informed respondent that, unless she filed a successful motion to vacate the default by March 25, 2024, her prior failure to answer would remain deemed an admission of the allegations of the complaint.

Respondent did not file a motion to vacate the default.

Facts

We now turn to the allegations of the complaint.

On January 5, 2019, Kenneth P. Babula (the decedent) passed away. He was survived by his sons, Kenneth and Michael; his daughter, Danyelle; and his

long-time companion, Michael Zitnick. At the time of his death, the decedent's estate consisted of his residence, a bank account, and NASCAR collectibles.⁴ The decedent had prepared a last will and testament that left the NASCAR collectibles to his son, Michael. Decedent left the remainder of his assets to Zitnick, the designated executor of his estate.

On January 14, 2019, the decedent's sister, Kathleen Babula, filed a caveat in the Burlington County Surrogate's Court, objecting to the probate of decedent's will. At the time she filed the caveat, Babula was aware of the existence and terms of the decedent's will; did not dispute the validity or authenticity of the will; and was unaware of the existence of any other will executed by the decedent. Nevertheless, Babula took the position that the decedent's estate should go to his children and not to Zitnick.

On May 2, 2019, Babula retained respondent, seeking action to ensure the decedent's children received the assets of the estate. Babula executed a written retainer agreement and paid respondent \$2,000 toward the representation. Babula informed respondent that she had filed the caveat. Respondent, however, neither advised Babula that the caveat had no legal basis nor the potential consequences if she failed to withdraw it.

⁴ Decedent's house was valued between \$147,600 and \$181,800, with an outstanding mortgage balance of approximately \$70,000. The house was in foreclosure and needed to be sold to avoid a sheriff's sale.

Between May 2, 2019 and October 19, 2021, Babula repeatedly contacted respondent to obtain status updates and inquire about the basis for the delays. Respondent attributed the delays primarily to her personal and medical issues. However, she also claimed that the courts were not addressing the normal volume of cases due to the COVID-19 pandemic. In early 2021, respondent refunded to Babula one-half of the legal fee, stating “she felt bad that her proceeding for [Babula] was taking so long.” Respondent repeatedly told Babula that she would follow-up with the court on the status of the matter, thereby implying that she had, in fact, filed a pleading.⁵

At some point, in response to Babula having filed the caveat, Zitnick retained counsel. On October 19, 2021, Zitnick’s counsel, Michael Rothmel, Esq., sent a letter to Babula, asserting that the caveat was frivolous and demanding that she immediately withdraw it.⁶ The letter also warned Babula

⁵ The record indicated that respondent did not file any pleadings or applications on behalf of Babula. However, respondent implied to Babula that she filed something with the court on her behalf. Although respondent was not charged with having violated RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation), we can consider uncharged misconduct in aggravation. See In re Steiert, 201 N.J. 119 (2014) (evidence of unethical conduct contained in the record can be considered in aggravation, even though such unethical conduct was not charged in the formal ethics complaint).

⁶ The full content of Rothmel’s October 2021 letter to Babula was unclear based on the record before us. However, R. 1:4-8 governs frivolous litigation. Subsection (a) of that Rule provides, in relevant part, that, “[b]y signing, filing or advocating a pleading, written motion, or other paper, an attorney or pro se party certifies that to the best of his or her knowledge, information, and belief, formed after an inquiry reasonable under the circumstances,” and “the paper is not being presented for any improper purpose . . . the legal contentions therein are warranted by existing law or by a non-frivolous argument . . . and the factual allegations have evidentiary support.” Further,

that Zitnick would seek sanctions, pursuant to R. 1:4-8, if the caveat was not withdrawn and legal action became necessary to probate the will.

Babula forwarded Rothmel's letter to respondent and sought her advice. Respondent failed to discuss with Babula the implications of the frivolous litigation letter or to recommend that Babula withdraw the caveat. Consequently, Babula did not withdraw the caveat.

On February 23, 2022, Rothmel filed an order to show cause in the Superior Court of New Jersey, Chancery Division, Probate Part, Burlington County, seeking (1) the dismissal of the caveat; (2) the admission of the will to probate; (3) the appointment of Zitnick as the executor; and (4) an award of counsel fees and costs. The accompanying verified complaint identified the heirs-at-law as the decedent's children and alleged that Babula was not an heir pursuant to New Jersey's intestate succession law.⁷ The complaint further identified Zitnick as the decedent's "long term fiancé," stating that she had lived with the decedent in a "marriage like relationship" for eighteen years. The complaint confirmed that, on January 26, 2007, the decedent executed the will, which satisfied the requirements of N.J.S.A. 3B:3-2 – it was in writing, witnessed by two individuals, and executed by the decedent before a notary

subsection (b) of the Rule permits an opposing party, upon notice, to seek sanctions against the party filing an alleged frivolous paper.

⁷ The children did not object to the will being admitted to probate.

public. The complaint asserted that Babula did not possess a legal or factual basis to contest the will or otherwise object to admitting it to probate.

On March 21, 2022, the Honorable Paula T. Dow, P.J. Ch., directed Babula and the decedent's children to show cause why (1) the will should not be admitted to probate; (2) Zitnick should not be appointed as executor; (3) the caveat should not be dismissed; and (4) counsel fees and costs should not be awarded. That same date, Rothmel sent a copy of the complaint, supporting brief, and order to show cause to Babula, which she forwarded to respondent. Respondent again failed to discuss Babula's options with her and did not offer advice on the appropriate course of action.

On April 26, 2022, respondent contacted Rothmel, informing him that she represented Babula in the caveat matter and securing his consent to a two-week adjournment of the return date for the order to show cause. That same date, and without Babula's consent, respondent sent an adjournment request to the court, via e-mail, in which she indicated that she needed the additional time "to file the necessary documentation."

On April 27, 2022, court staff sent an e-mail to respondent, informing her that the judge had granted the adjournment request and scheduled the matter for May 13, 2022. Respondent was directed to send a confirming letter to the court and opposing counsel. Respondent, however, failed to send the letter.

On May 4, 2022, the Burlington County Surrogate's office contacted respondent to notify her that the court considered her letter of representation to be a first filing, and thus, required her to pay a \$110 filing fee. Respondent confirmed she would submit the payment that day. On May 9, 2022, the Surrogate's office sent respondent an e-mail, and left her a voicemail message, informing her that the required filing fee had not been paid. Ultimately, respondent failed to file an answer to Zitnick's complaint and ceased all communication with the Surrogate's office.

On May 13, 2022, the court conducted a hearing on the order to show cause. Rothmel appeared on behalf of Zitnick. Respondent, however, failed to appear. On May 31, 2022, the court entered an order (1) lifting the caveat; (2) appointing Zitnick as executor of the estate; (3) admitting the will to probate; and (4) awarding counsel fees to Rothmel, paid from the decedent's estate.⁸ In its statement of reasons, the court concluded that the will was valid and admissible pursuant to New Jersey law. Further, the court found that Babula did not meet the requirements to file a caveat because there was no evidence to establish that she was the decedent's heir-at-law, a beneficiary of the challenged will, or that she would suffer financial injury. Rothmel forwarded copies of the order and statement of reasons to respondent.

⁸ The order indicated the application was unopposed.

On May 25, May 31, June 6, and June 10, 2022, Babula sent e-mails to respondent to inquire if the court had decided the matter. On June 13, 2022, respondent replied, stating “Hey Ms. Babula – I’m actually having another lawyer review the decision so they can give us their opinion on what we should appeal.” Respondent then ceased all communication with Babula.

On July 19, 2022, Babula filed an ethics grievance against respondent.

On December 30, 2022, the DEC sent a copy of the grievance to respondent, by certified and regular mail, and directed that she provide a written reply within ten days. Respondent failed to submit a reply.

On February 8, 2023, the DEC again sent a copy of the grievance to respondent, by certified and regular mail, and directed her to submit a written reply by February 21, 2023. The DEC’s letter informed respondent that her failure to cooperate with disciplinary authorities would expose her to a violation of RPC 8.1(b). That same date, the DEC investigator left a message for her at her office telephone number of record. Respondent returned the investigator’s call, claiming that she was having issues with the mail delivery at her office due to a dispute with her landlord. She asked that the letter be mailed to her home address.⁹

⁹ At the time of the call, the DEC investigator was away from his office and, thus, asked respondent to send him her home address via text message.

On February 12, 2023, the DEC investigator sent a copy of the grievance to respondent's home address, by certified and regular mail, and directed her to submit a written reply by February 21, 2023. Respondent failed to provide her written reply by the deadline.

On March 9, 2023, the DEC investigator forwarded the grievance to respondent for a fourth time, by certified and regular mail, and set March 20, 2023 as the deadline for submitting her reply to the grievance. Respondent, again, failed to submit a reply.

Based on the foregoing facts, the formal ethics complaint charged respondent with having violated RPC 1.1(a) by failing to assess the validity of Babula's claim or to take any actions to further the matter; RPC 1.3 by failing to diligently represent Babula; RPC 1.4(b) by failing to communicate with Babula regarding the status of the case or to respond to her reasonable requests for information; RPC 1.4(c) by failing to explain any aspect of the matter to enable Babula to make informed decisions regarding the representation; RPC 8.1(b) (two instances) by failing to submit a written reply to the grievance and failing to file an answer to the ethics complaint; and RPC 8.4(d) by failing to file an answer to the complaint.

Analysis and Discipline

Violations of the Rules of Professional Conduct

Moving to our review of the record, we find that the facts set forth in the formal ethics complaint support all but one of the charged RPC violations by clear and convincing evidence. Respondent's failure to file an answer to the complaint 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 the unethical conduct has occurred.

Here, the record clearly and convincingly demonstrates that respondent violated RPC 1.1(a), which forbids lawyers from handling matters entrusted to them in a manner that constitutes gross neglect. This Rule was designed to address "deviations from professional standards which are so far below the common understanding of those standards as to leave no question of inadequacy." In the Matter of Dorothy L. Wright, DRB 22-100 (November 7, 2022) at 17, so ordered, 254 N.J. 118 (2023). In addition, the record demonstrates that respondent violated RPC 1.3, which requires lawyers to act with reasonable diligence and promptness in representing clients.

Specifically, Babula retained respondent to take action to attempt to ensure that the decedent's children received the assets of the estate, and for more

than two years, respondent failed to take any action to achieve the client's stated objective. More importantly, respondent failed to determine if Babula, in fact, had a legal basis for seeking the desired relief or that she satisfied the standing requirements for filing the caveat; specifically, that Babula was an heir-at-law, a beneficiary, or would suffer potential financial injury. Upon receipt of the frivolous litigation letter, respondent failed to advise Babula of the implications of not withdrawing the caveat, leaving the client unwittingly exposed to the imposition of sanctions, including an award of attorneys' fees. The court's eventual decision to require the counsel fee award be paid from the estate, rather than by Babula, was not the result of respondent's advocacy but, rather, a fortuitous outcome. Respondent also failed to file a response to the order to show cause or an answer to the complaint on Babula's behalf. Thus, respondent violated RPC 1.1(a) and RPC 1.3.

Making matters worse, respondent ignored Babula's repeated attempts to contact her and ultimately ceased all communication with her client, in violation of RPC 1.4(b), which requires a lawyer to "keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information." Respondent also violated RPC 1.4(c), which obligates an attorney to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, by failing to properly

assess the legal basis for the relief that Babula sought, and by failing to advise Babula of the implications of the frivolous litigation letter.

Next, respondent twice violated RPC 8.1(b), which requires an attorney to “respond to a lawful demand for information from . . . [a] disciplinary authority.” First, she violated this Rule by altogether failing to reply to the DEC’s numerous requests for her reply to the grievance. Respondent violated this Rule a second time by failing to file a verified answer to the resulting formal ethics complaint, despite proper notice, and allowing this matter to proceed as a default.

By contrast, however, we determine to dismiss the RPC 8.4(d) charge, which was added contemporaneously with the RPC 8.1(b) charge, with both charges stemming from respondent’s failure to answer the formal ethics complaint. Although failing to file an answer to a complaint constitutes a well-settled violation of RPC 8.1(b), it is not per se grounds for an RPC 8.4(d) violation. 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 Richard Donnell Robinson, DRB 23-032 (July 5, 2023) at 12-13, and In the Matter of John Anthony Feloney, IV, DRB 22-179 (March 23, 2023) at 9-10. Consequently, consistent with disciplinary precedent, we determine to dismiss the RPC 8.4(d) charge, as a matter of law.

In sum, we find that respondent violated RPC 1.1(a); RPC 1.3; RPC 1.4(b); RPC 1.4(c); and RPC 8.1(b) (two instances). We dismiss the RPC 8.4(d) charge as a matter of law. The sole issue left for our determination is the proper quantum of discipline for 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 of 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 a default), 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 to cooperate with disciplinary authorities; the attorney also violated RPC 1.16(a) (failing to withdraw from representation on discharge by a client), RPC 3.3(a) (making 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 (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).

Respondent's conduct underlying this matter represents a continuation of her alarming pattern of her mishandling of client matters, through her lack of diligence and her failure to communicate, as exhibited in Lenti I and Lenti II. In Lenti II, we determined that a three-month suspension was the appropriate quantum of discipline based on (1) her developing pattern of misconduct for which she had been censured in Lenti I, (2) her refusal to cooperate with disciplinary authorities, and (3) her failure to file an answer to the formal ethics complaint.

Given that the timeframe underlying respondent's misconduct in the instant matter largely overlapped with the timeframe underlying her misconduct in Lenti II, we must determine whether discipline greater than the recommended three-month suspension would have resulted had this matter been considered with the two consolidated matters Lenti II. See In re Milara, 241 N.J. 27 (2020) (no additional discipline for attorney where the misconduct at issue was similar to the misconduct underlying a prior matter and occurred during an overlapping period; we determined that, had the matters been considered together, no discipline greater would have resulted).

In cases where attorneys have mishandled multiple client matters, the Court generally has imposed suspensions ranging from three months to one year. See, e.g., In re Gonzalez, 241 N.J. 526 (2020) (three-month suspension for an attorney who violated RPC 1.1(a), RPC 1.3, and RPC 1.4(b) and (c) in three client matters; RPC 3.2 (failing to expedite litigation) and RPC 3.4(d) (making frivolous pretrial discovery requests) in one matter; RPC 5.3(a) (failing to supervise nonlawyer staff) in six matters; RPC 8.1(a) (making a false statement of material fact in a disciplinary matter) and (b); in one matter, the attorney provided fabricated documents to the OAE, in violation of RPC 8.4(c); in addition, he negligently misappropriated funds, commingled funds, and failed to adhere to recordkeeping requirements, in violation of RPC 1.15(a) (failing to

safeguard client funds, negligent misappropriation, and commingling) and (d) (failing to comply with the recordkeeping requirements of R. 1:21-6); in aggravation, one client's case was dismissed with prejudice, and the attorney had disregarded the OAE's suggestion that he terminate the employment of a nonlawyer after he became aware of her repeated misconduct; in mitigation, the attorney had no prior discipline in twenty-two years at the bar); In re Pinnock, 236 N.J. 96 (2018) (three-month suspension for an attorney whose misconduct spanned ten client matters; in nine matters, the attorney engaged in gross neglect, lacked diligence, and failed to communicate with clients; in four matters, she engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation; in aggravation, the attorney caused significant harm to her clients; in mitigation, she suffered from serious physical and mental health issues; prior reprimand); In re Tyler, 235 N.J. 323 (2018) (six-month suspension for attorney who engaged in misconduct in five client matters, violating RPC 1.1 (a) and (b), RPC 1.3, RPC 1.4(b), and RPC 1.5(b); the attorney also engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation by misrepresenting, to four clients, the status of their matters; two prior reprimands for similar misconduct); In re Calpin, 242 N.J. 75 (2020) (one-year suspension, in default matter, for an attorney who performed little or no work on three client matters, failed to communicate with his clients, and failed to return the unearned

portion of the fees to each client; the attorney also lied to disciplinary authorities and disclosed client information not generally known to the public; violations of RPC 1.1(a) and (b), RPC 1.3, RPC 1.4(b), RPC 1.9(c) (using information relating to a former representation to the disadvantage of the former client), RPC 1.15(b) (failing to promptly deliver client funds), RPC 1.16(d) (failing to refund the unearned portion of the fee), RPC 8.1(b), and RPC 8.4(c); we determined that, although a censure would be the minimum sanction for the attorney's misconduct, aggravating factors – including the attorney's default, disciplinary history of a reprimand and an admonition for similar ethics infractions, and use of social media to disparage a former client – warranted enhanced discipline).

If we had considered the instant matter along with the two client matters encompassed in Lenti II, respondent's misconduct would have included violations of RPC 1.1(a); RPC 1.3 (two instances); RPC 1.4(b) (two instances); RPC 3.2; RPC 8.1(b) (four instances); and RPC 8.4(c). In our view, based upon applicable precedent and the presence of serious aggravating factors, the totality of respondent's misconduct across the three client matters would have been met with discipline greater than a three-month suspension. See Tyler, 235 N.J. at 323.

For the past seven years, respondent has demonstrated a consistent trend of accepting the representation of clients, burying her head in the sand, and,

ultimately, performing sparse or no legal work. When disciplinary authorities attempt to address her misconduct, respondent typically ignores them. Significantly, this matter represents respondent's third consecutive default matter before us, within the past year alone, and the third consecutive disciplinary investigation, within the past three years, that she has elected to completely ignore.

Conclusion

On balance, considering respondent's failure to learn from her past mistakes, her burgeoning disciplinary history, and her continuing penchant for deception, we determine that, had this matter been considered with Lenti II, respondent's combined misconduct would have warranted at least a six-month suspension. Thus, given respondent's mishandling of this single client matter, in this default matter, and consistent with applicable disciplinary precedent, we determine that a three-month suspension, consecutive to the three-month suspension imposed in Lenti II, is the appropriate quantum of discipline necessary to protect the public and to preserve confidence in the bar.

Additionally, given respondent's recurring failure to adhere to professional standards, we reiterate our recommended condition in Lenti II –

that, upon reinstatement, respondent be required to practice under the supervision of a proctor for a period of no less than one year.

Members Hoberman and Rivera were 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. Mary Catherine Cuff, P.J.A.D. (Ret.),
Chair

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

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Mary Elizabeth Lenti
Docket No. DRB 24-014

Decided: July 18, 2024

Disposition: Three-month suspension

<i>Members</i>	Three-Month Suspension	Absent
Cuff	X	
Boyer	X	
Campelo	X	
Hoberman		X
Menaker	X	
Petrou	X	
Rivera		X
Rodriguez	X	
Spencer	X	
Total:	7	2

/s/ Timothy M. Ellis

Timothy M. Ellis
Chief Counsel