

**SUPREME COURT OF NEW JERSEY
D-32 September Term 2023
088767**

In the Matter of :
Tomas Espinosa :
An Attorney at Law :
(Attorney No. 025691985) :

O R D E R

The Disciplinary Review Board having filed with the Court its decision in DRB 23-116, recommending that **Tomas Espinosa** of **North Bergen**, who was admitted to the bar of this State in 1985, should be disciplined for violating RPC 1.4(b) (failing to keep a client reasonably informed about the status of a matter and to comply with reasonable requests for information) (two instances), 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 1.5(a) (failing to charge a reasonable fee) (two instances), RPC 1.5(c) (failing to set forth in writing whether expenses would be deducted before or after the contingent fee is calculated), RPC 1.7(a)(2) and (b) (engaging in a concurrent conflict of interest) (three instances), RPC 1.8(a) (engaging in an improper business transaction with a client), RPC 1.8(f)

(accepting compensation for representing a client from a source other than the client without the client's informed consent), RPC 1.9(a) (engaging in a conflict of interest with a former client), RPC 1.9(c)(1) (using information relating to a former representation to the disadvantage of the former client), RPC 1.15(a) (negligently misappropriating client funds), RPC 1.15(d) (failing to comply with the recordkeeping provisions of Rule 1:21-6), RPC 1.16(a)(1) (failing to withdraw from a representation if it will result in a violation of the Rules of Professional Conduct or other law), RPC 1.16(d) (failing to refund an unearned portion of the fee upon termination of representation) (two instances), RPC 5.3(a) and (b) (failing to supervise nonlawyer staff), RPC 5.4(c) (permitting a person who recommends, employs, or pays the attorney to render legal services for another to direct or regulate the attorney's professional judgment in rendering legal services), RPC 7.2(c) (giving something of value to a person for recommending the lawyer's services), RPC 7.3(d) (compensating or giving anything of value to a person or organization for recommending or securing the lawyer's services), RPC 8.1(a) (knowingly make a false statement of material fact in a disciplinary matter), RPC 8.4(a) (violating or attempting to violate the Rules of Professional Conduct) (three instances), and RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation) (two instances);

And the members of the Disciplinary Review Board having split with regard to the appropriate quantum of discipline and whether respondent knowingly misappropriated client funds in violation of RPC 1.15(a) and the principles of In re Wilson, 81 N.J. 451 (1979), and In re Hollendonner, 102 N.J. 21 (1985);

And the Court having determined on its own motion pursuant to Rule 1:20-16(b) to review the decision of the Disciplinary Review Board;

And respondent having been ordered to show cause why respondent should not be disbarred or otherwise disciplined;

And the Court having declined to find on this record knowing misappropriation;

And the Court having determined that a three-year suspension is the appropriate quantum of discipline;

And good cause appearing;

It is ORDERED that **Tomas Espinosa** is suspended from the practice of law for a period of three years, and until further order of the Court, effective August 21, 2024; 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 22nd day of July, 2024.

A handwritten signature in cursive script, reading "Heather J. Baker".

CLERK OF THE SUPREME COURT