

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 24-207
District Docket No. XIV-2024-0326E

In the Matter of AnnMarie F. De Primo
An Attorney at Law

Decided
February 28, 2025

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 Office of Attorney Ethics (the OAE), pursuant to R. 1:20-4(f). The formal ethics complaint charged respondent with having violated RPC 1.15(b) (failing to promptly disburse funds); RPC 1.15(d) (failing to comply with the recordkeeping requirements of R. 1:21-6); RPC 5.5(a)(1) (engaging in the unauthorized practice of law while administratively ineligible); RPC 8.1(b) (two instances – failing to cooperate with disciplinary authorities);¹ and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice).

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

¹ Due to respondent's failure to file an answer to the formal ethics complaint, and on notice to her, the OAE amended the complaint to include the second RPC 8.1(b) charge.

Ethics History

Respondent earned admission to the New Jersey and New York bars in 2006. During the relevant timeframe, she maintained a practice of law in Somerville, New Jersey. She has prior discipline in New Jersey, as detailed below.

Administrative Ineligibility

Effective October 5, 2020, the Court declared respondent administratively ineligible to practice law in New Jersey for failing to pay the required annual assessment to the New Jersey Lawyers' Fund for Client Protection (CPF), as R. 1:28-2(b) requires.

Effective November 9, 2020, the Court declared respondent administratively ineligible to practice law in New Jersey for failing to comply with the mandatory annual procedures for the Interest on Lawyers Trust Accounts (IOLTA) program, pursuant to R. 1:28A-2(d).

Effective November 16, 2020, the Court declared respondent administratively ineligible to practice law in New Jersey for failing to comply with continuing legal education (CLE) requirements.

To date, respondent has not cured her CPF, IOLTA, or CLE deficiencies and, thus, remains ineligible to practice law on all three bases.

De Primo I

On June 24, 2022, the Court censured respondent for her violation of RPC 1.3 (lacking diligence); RPC 1.4(b) (failing to communicate with a client); RPC 8.1(b); and RPC 8.4(d). In re De Primo, 251 N.J. 215 (2022) (De Primo I).

In that matter, which proceeded as a default, respondent represented a client in a real estate closing and, after identifying an error she had made to her client's financial detriment, she failed to cure the mistake, despite her promise to do so. In the Matter of Annmarie F. De Primo, DRB 21-083 (September 28, 2021) at 3-5. Thereafter, she failed to communicate with the client, despite his repeated efforts to press her to action. Id. at 4. She also failed to cooperate with the DEC's underlying investigation and failed to file an answer to the formal ethics complaint.

In determining that a censure was the appropriate quantum of discipline for misconduct typically met with a reprimand, we weighed, in aggravation, that respondent caused financial harm to her client and allowed the matter to proceed as a default. Id. at 6-7.

Temporary Suspension

Effective March 27, 2024, the Court temporarily suspended respondent from the practice of law for her failure to cooperate with the investigation underlying the instant matter. In re De Primo, 256 N.J. 611 (2024). To date, she remains temporarily suspended from the practice of law.

Service of Process

Service was proper. On July 24, 2024, the OAE sent a copy of the formal ethics complaint, via certified and regular mail, to respondent's home address of record, with an additional copy sent via electronic mail. The certified mail receipt was returned to the OAE, signed but undated, indicating delivery. The regular mail was not returned. Additionally, on August 9, 2024, OAE investigators personally served respondent with a copy of the complaint.

On August 20, 2024, the OAE sent a second letter, via certified and regular mail, to respondent's home address of record, with an additional copy via electronic mail, informing her that, unless she filed a verified answer 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 discipline, and the complaint would be deemed amended

to include a willful violation of RPC 8.1(b). The certified mail receipt was returned to the OAE, signed with an indiscernible date, indicating delivery. The regular mail was not returned to the OAE.

As of September 6, 2024, respondent had not filed an answer to the complaint and the time within which she was required to do so had expired. Accordingly, the OAE certified this matter to us as a default.

On September 30, 2024, Chief Counsel of the Board sent respondent a letter, by certified and regular mail, to her home address of record, with an additional copy sent by electronic mail, informing her that the matter was scheduled before us on November 21, 2024, and that any motion to vacate must be filed by October 21, 2024. The certified mail was returned to the Office of Board Counsel (the OBC) as unclaimed. The regular mail was not returned to the OBC.

Moreover, on October 8, 2024, the OBC published a notice in the New Jersey Law Journal, stating that we would review this matter on November 21, 2024. The notice informed respondent that, unless she filed a successful motion to vacate the default by October 21, 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

In connection with her law practice, respondent maintained an attorney trust account (ATA) and attorney business account (ABA) at Unity Bank. On February 7, 2023, the OAE notified respondent that she had been selected for a random audit, which was scheduled for March 9, at her law office. On March 9, 2023, when the auditor appeared at respondent's office, she claimed that she was not prepared for the audit because she had not received the OAE's letter. The auditor directed respondent to contact the OAE to reschedule the audit date; however, she failed to do so.

On April 25, 2023, the OAE called respondent to reschedule the audit and left her a message. Respondent, however, failed to return the call. On May 2, 2023, the OAE sent a letter to respondent's office address, notifying her that the audit had been rescheduled for May 31. On May 31, 2023, after respondent failed to appear for the rescheduled audit, the OAE sent her an e-mail, directing her to contact the OAE to explain her absence. Again, respondent failed to reply.

Accordingly, the OAE obtained respondent's bank records, via subpoena, and conducted a preliminary review.

On June 30, 2023, the OAE docketed the matter for investigation. Two weeks later, on July 11, 2023, the OAE sent respondent a letter, via certified

and regular mail,² notifying her that the demand audit had been rescheduled for August 29, 2023. The OAE also directed respondent to produce her financial records, no later than July 31, 2023, for the period spanning March 1, 2021 to July 11, 2023.

On August 1, 2023, having received neither a reply nor records from respondent, the OAE called her office. Respondent did not answer the telephone and her voicemail was full. On the same date, the OAE sent respondent a follow-up letter, via certified, regular, and electronic mail,³ directing her to produce her financial records by August 15, 2023. The OAE reminded respondent that its demand audit was scheduled for August 29, 2023, cautioning that, if she failed to produce the required records, it would file an application for her temporary suspension. Respondent failed to produce any records or to contact the OAE by the August 15 deadline. On August 16, 2023, the OAE again attempted to contact respondent via telephone; however, respondent did not answer the telephone, and her voicemail remained full.

² The certified mail receipt was returned to the OAE, unsigned. According to United States Postal Service tracking, the certified letter was delivered on July 19, 2023. The regular mail was not returned to the OAE, and the OAE did not receive any notification that its e-mails to respondent were undeliverable.

³ Neither the certified mail nor the regular mail was returned to the OAE. Moreover, the OAE did not receive any notification that its e-mails to respondent were undeliverable.

On August 18, 2023, OAE investigators went to respondent's office address of record, where they discovered that the address was "functionally a post office box rented by [r]espondent." Later that same date, they went to respondent's home address and, because she was not home, left copies of the July 11 and August 1, 2023 letters in the door jamb.

Further, on August 18, 2023, the OAE sent another letter, via certified, regular, and electronic mail, to respondent, reminding her that the audit was scheduled for August 29. The letter further warned respondent that her failure to cooperate or to appear for the audit would compel the OAE to file a petition for her temporary suspension and expose her to a violation of RPC 8.1(b). Ten days later, on August 28, 2023, respondent replied to the e-mail, seeking an extension because she needed to appear for a mediation, regarding her own divorce, the next day. She also requested that the audit be rescheduled after September 5, 2023, when her mediation would be complete and following her children's return to school, representing that she was their sole caregiver.

The OAE denied respondent's request for an extension based on her prolonged failure to cooperate with its investigation. Further, the OAE reminded her that attorney disciplinary matters take priority over civil and criminal proceedings, directed her to appear at the audit as scheduled, and

to take appropriate steps to notify the court or mediator of the conflict in her schedule. On August 29, 2023, respondent failed to appear for the demand audit. Therefore, on September 6, 2023, the OAE filed with the Court a petition for respondent's immediate temporary suspension. On November 3, 2023, the Court filed an Order directing respondent to comply with the OAE's outstanding requests for information and documents within thirty days.

On November 6, 2023, the OAE sent respondent an e-mail, attaching copies of the Court's Order and its OAE's July 11, 2023 letter, and informed her that the demand audit was scheduled for December 7, 2023. That same date, an OAE investigator called respondent but was unable to leave a message because her voicemail was full.

On November 16, 2023, OAE investigators went to respondent's home address to hand deliver a subpoena to compel her attendance at the OAE's demand interview, scheduled for December 7, 2023, along with a copy of the Court's November 3, 2023 Order. Respondent was home and accepted the documents. During the meeting, she acknowledged that she had received some of the OAE's prior correspondence. She invited the investigators inside and, according to the investigator's report, began to cry, explaining that she was going through a divorce and taking care of her two

children. According to the investigator's report, she "expressed regret for being unable to handle the stress surrounding her prior censure, the OAE's current investigation, and her divorce," as well as concern about her "future employability" and "financial ability to take care of her children." The investigators recommended that respondent contact the Lawyer's Assistance Program and offered to provide her with more information.

The OAE staff cautioned respondent that it was in her best interest to comply with the OAE's investigation and the Court's Order directing her to produce her financial records by November 30, 2023. Respondent claimed that she had not been practicing law and had not looked at her firm's bank statements in a long time due to the stress she was experiencing.

The OAE investigators also directed respondent to review her client matters, emphasizing that she held nearly \$20,000 in her ATA which, according to the OAE, should have been disbursed in connection with real estate matters. She agreed to review her records to determine to whom the funds belonged. Finally, the investigators informed her that her attorney registration records appeared to reflect an inaccurate home address. Respondent reported that she was using a new e-mail address and had attempted to update her address to no avail. Although respondent did not open the envelope containing the subpoena and Court Order while the

investigators were present, they reported having described the contents to her. Respondent indicated that she was willing to comply with the investigation and asked the investigators to send any additional information to her new e-mail address.

The next day, on November 17, 2023, the OAE provided respondent with a copy of the OAE's Random Audit Compliance Program Manual on recordkeeping requirements. Subsequently, on November 29, 2023, the OAE sent respondent another e-mail, reminding her to submit her records the following day, as required by the Court's Order. Respondent failed to reply or to produce the records by the November 30, 2023 deadline. However, on December 7, 2023, respondent participated in a demand audit at the offices of the OAE.

By December 12, 2023, respondent still had not produced any of the documents she was required to submit pursuant to the Court's Order. Accordingly, the OAE filed a renewed petition for her temporary suspension based on her continued failure to cooperate with the OAE's investigation and to comply with the Court's Order.

At the time of the December 7, 2023 demand audit, \$19,981 remained in respondent's ATA. The OAE independently had determined that the funds were owed to two parties in two distinct real estate transactions.

Respondent should have held \$20,000 in her ATA on behalf of both parties; however, the OAE concluded that “the funds had been invaded due to lack of attorney funds sufficient to cover bank fees, as well as a \$5 over-disbursement error to another client.”⁴ The OAE directed her to disburse the funds to the two clients and to provide to the OAE written confirmation that the funds had been disbursed. Respondent, however, failed to do so. Further, she failed to produce any of her financial records, including (1) client ledgers, as R. 1:21-6(c)(1)(B) requires; (2) ATA and ABA receipts and disbursements journals, as R. 1:21-6(c)(1)(A) requires; (3) monthly three-way ATA reconciliations, as R. 1:21-6(c)(1)(H) requires; and (4) checkbooks and bank statements, as R. 1:21-6(1)(G) requires.

The OAE reconstructed respondent’s financial records and obtained records from title companies, which revealed that she had received \$520,880 in twenty-eight transactions and had disbursed \$585,425 in more than thirty-six transactions since becoming administratively ineligible to practice law. Moreover, the “receipts and disbursements in and out of the ATA principally related to real estate transactions in which respondent acted in a fiduciary capacity to disburse the funds related to the real estate

⁴ Although the OAE acknowledged that respondent’s conduct resulted in the negligent invasion of client funds, in violation of RPC 1.15(a), it declined to charge her in this respect based on the de minimis nature of the violation and the fact that the charge would have no meaningful impact on the ultimate quantum of discipline when considering the other violations.

transactions.” The OAE detailed eighteen real estate transactions, with closing dates ranging from October 30, 2020 to May 25, 2022, in which respondent handled the disbursements of real estate funds from her ATA despite her ineligibility to practice law.⁵

The OAE alleged that respondent, having been licensed since 2006 and having previous periods of active payment from 2010 through 2019, had constructive, if not actual, notice of her responsibility to actively maintain her eligibility to practice law. Respondent also knew from prior periods of ineligibility, occurring in 2007 through 2009, that nonpayment of her annual attorney registration would result in ineligible status. Indeed, she knew to cure such ineligibility and previously had done just that.

As of the date of the OAE’s formal ethics complaint, respondent had failed to bring her books and records into compliance with R. 1:21-6 and to disburse the funds owed to her two real estate clients, despite the OAE’s specific directive that she do so.

Based on the foregoing facts, the formal ethics complaint alleged that respondent violated RPC 1.15(b) by failing to return funds to a client or third party notwithstanding the OAE’s specific directive to do so, and RPC

⁵ Based on this record, we are unable to determine the extent of respondent’s practice of law in these matters, beyond what is set forth above.

1.15(d) by failing to comply with the recordkeeping requirements of R. 1:21-6, as outlined above. Additionally, the complaint alleged that respondent violated RPC 5.5(a)(1) by disbursing ATA funds in connection with real estate transactions while she was administratively ineligible to practice law. Further, the complaint alleged that respondent violated RPC 8.1(b) by failing to cooperate in the production of her records pursuant to R. 1:21-6(h) and (i), and to update her address with the Court, as R. 1:20-1(c) and R. 1:21-1(a) require. Finally, the complaint alleged that respondent violated RPC 8.4(d) by failing to comply with the Court's Order directing that she produce her records to the OAE.

Analysis and Discipline

Violations of the Rules of Professional Conduct

Following our review of the record, we determine that the facts set forth in the formal ethics complaint support all the charges of unethical conduct. 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).

Respondent violated RPC 1.15(b), which requires an attorney to "promptly deliver to the client or third person any funds or other property that

the client or third person is entitled to receive.” Specifically, respondent failed to disburse a combined \$20,000 owed to two parties in connection with two distinct real estate transactions, despite the OAE’s repeated directives that she do so.

Next, respondent violated RPC 1.15(d) by failing to comply with the recordkeeping requirements of R. 1:21-6. Specifically, the OAE’s investigation revealed that respondent failed to (1) perform monthly three-way ATA reconciliations; (2) maintain ATA and ABA receipts and disbursements journals; (3) maintain client trust ledgers; (4) maintain checkbooks with running balances; and (5) maintain ATA and ABA bank statements, as R. 1:21-6(c)(1)(A), (B), (G), and (H) require.

Respondent violated RPC 5.5(a)(1), which prohibits an attorney from engaging in the unauthorized practice of law, by using her ATA despite being administratively ineligible. Specifically, respondent was declared administratively ineligible, effective October 5, 2020, for failing to pay her annual assessment to the CPF; effective November 9, 2020, for failing to comply with the mandatory procedures for annual IOLTA; and, effective November 16, 2020, for failing to comply with CLE requirements. Yet, between October 30, 2020 and May 25, 2022, despite ineligibility status and her November 2023 claim to the OAE that she had not been practicing law, she

continued to disburse ATA funds in connection with eighteen real estate transactions. Given respondent's prior periods of ineligibility from 2007 through 2009, which she cured by virtue of her subsequent eligible status from 2010 through 2019, respondent was aware of her obligation to pay her annual assessment to retain her eligibility to practice law. Thus, she knowingly practiced law while ineligible. See In the Matter of Paul Franklin Clausen, DRB 13-010 (April 22, 2013) (we concluded that an attorney, who previously had made late payments or cured prior CPF deficiencies to regain eligibility status, was aware of his obligation to make annual payments; thus, we determined that the attorney was constructively aware of his ineligibility status, despite his claim to the contrary), so ordered, 213 N.J. 461 (2013).

Respondent also violated RPC 8.1(b), which requires an attorney to "respond to a lawful demand for information from . . . [a] disciplinary authority," by failing to cooperate with the OAE's repeated efforts, which spanned more than nine months, to investigate her financial records. Specifically, beginning in March 2023, the OAE attempted to secure her attendance at a demand audit and to obtain her financial books and records. Despite numerous letters, e-mails, telephone calls, and at least two personal visits to her home, respondent failed to provide the OAE with the requested

documents and failed to appear for the OAE's audit. Consequently, the OAE filed a petition for her temporary suspension, resulting in the Court's November 3, 2023 Order compelling her cooperation with the OAE.

During the OAE's in-person visit, respondent provided numerous excuses for her failure to provide the documents and, despite her participation in the December 7, 2023 audit, thereafter failed to provide the OAE with the outstanding records and information, in violation of the Court's November 3, 2023 Order, ultimately resulting in her March 27, 2024 temporary suspension. Thus, respondent violated RPC 8.1(b). She violated RPC 8.1(b) a second time by failing to file a verified answer to the formal ethics complaint, despite proper notice, allowing this matter to proceed as a default

Finally, respondent violated RPC 8.4(d), which prohibits a lawyer from engaging in conduct prejudicial to the administration of justice, by failing to comply with the Court's November 3, 2023 Order directing her to produce her financial records to the OAE. Her ongoing failure to comply with the OAE's directives to produce records, despite a Court Order requiring her to do so, necessitated the OAE's subsequent filing of a renewed petition for her temporary suspension, thereby wasting disciplinary and judicial resources. See In the Matter of Lawrence A. Leven, DRB 20-002 (December 7, 2020) at 5-6 (we sustained an RPC 8.4(d) charge for an attorney who disobeyed two Court

Orders by failing to provide the OAE with required financial records, despite repeatedly promising to do so), so ordered, 245 N.J. 491 (2021).

In sum, we find that respondent violated RPC 1.15(b); RPC 1.15(d); RPC 5.5(a); RPC 8.1(b) (two instances); and RPC 8.4(d). The sole issue left our determination is the appropriate quantum of discipline for her misconduct.

Quantum of Discipline

Respondent's most serious misconduct was her practice of law despite knowing she was administratively ineligible to do so. Typically, when an attorney practices law while administratively ineligible and is aware of the ineligibility, a reprimand or a censure will result, depending on the existence and nature of mitigating and aggravating factors. See In re Mordas, 246 N.J. 461 (2021) (reprimand for an attorney who, despite his awareness of his ineligibility to practice law, twice appeared before the Superior Court in connection with his client's criminal matter; the attorney's ATA records also revealed that he had engaged in the unauthorized practice of law through a minimum of five ATA transactions in connection with three client matters; in mitigation, the attorney stipulated to his misconduct and had a remote disciplinary history), and In re Freda, ___ N.J. ___ (2022) (censure for an attorney, in a default matter, who knowingly practiced law while ineligible in connection with seven client

matters; the attorney's bank statements demonstrated that, for more than one year, the attorney continued to provide unauthorized legal services; the attorney also violated RPC 1.15(d) by failing to comply with the recordkeeping requirements of R. 1:21-6, RPC 7.5(e) by identifying his law firm as "Freda Law Group, L.L.C.," despite his status as a solo practitioner, and RPC 8.1(b) (two instances); the attorney had no prior discipline in his nearly thirty-year career at the bar).

In our view, standing alone, respondent's practice of law while ineligible requires at least a censure. Like the attorney in Freda, respondent knowingly practiced law, despite her ineligibility to do so, for a prolonged period spanning two years (compared to Freda's one year). Unlike the attorney in Freda however, who enjoyed an unblemished disciplinary history in nearly thirty years at the bar, respondent was censured in 2022 in connection with De Primo I. Respondent also engaged in other serious misconduct, including her failure to comply with the Court's November 3, 2023 Order compelling her cooperation with the OAE's investigation.

Admonitions typically are imposed for failure to cooperate with disciplinary authorities, if the attorney does not have an ethics history, if the attorney's ethics history is remote, or if compelling mitigation is present. The quantum of discipline is enhanced, however, if the failure to cooperate is with

an arm of the disciplinary system, such as the OAE, which uncovers recordkeeping improprieties in a trust account and requests additional documents. See, e.g., In re Schlachter, 254 N.J. 375 (2023) (reprimand for an attorney who committed recordkeeping infractions, in violation of RPC 1.15(d), including failing to maintain adequately descriptive receipts and disbursements journals, ledger cards, and checkbooks with running balances; the attorney also failed to properly designate his ATA and to retain checks for seven years; the attorney repeatedly failed, for almost a year, to comply with the OAE's numerous record requests and ultimately provided only a portion of the requested records, in violation of RPC 8.1(b); although the OAE attempted to help the attorney take corrective action, he remained non-compliant with the recordkeeping Rules; in mitigation, his misconduct resulted in no harm to his clients, he stipulated to his misconduct, and he had no disciplinary history in sixteen years at the bar); Leven, 245 N.J. 491 (reprimand for an attorney who, following two OAE random audits uncovering numerous recordkeeping deficiencies, including an unidentified client ledger card that held a negative \$50,200.35 balance, repeatedly failed, for more than three months, to comply with the OAE's requests for his law firm's financial records, in violation of RPC 1.15(a) and RPC 1.15(d); thereafter, for more than eight months, the attorney repeatedly assured the OAE that he would provide the required records but failed

to do so, despite two Court Orders directing him to cooperate, in violation of RPC 3.4(c) and RPC 8.4(d); the attorney eventually produced some, but not all, of the required financial records; we found that a censure could have been appropriate for the attorney's persistent failure to address his recordkeeping deficiencies and his prolonged failure to cooperate with the OAE; however, we imposed a reprimand in light of the lack of injury to the clients and the attorney's remorse, contrition, and otherwise unblemished forty-seven-year career at the bar); In re Tobin, 249 N.J. 96 (2021) (censure for an attorney who, following an OAE random audit that uncovered several recordkeeping deficiencies (including more than \$800,000 in negative client balances), failed to provide the documents requested in the OAE's seven letters and eight telephone calls, spanning more than one year; although we noted that a reprimand was appropriate for the attorney's recordkeeping violations and failure to cooperate, we imposed a censure in light of the attorney's prior reprimand for recordkeeping violations and the default status of the matter; in mitigation, however, the attorney had been practicing law for sixty-three years and suffered serious health problems prior to the continuation date of the random audit).

Finally, admonitions and reprimands have been imposed on attorneys who fail to promptly deliver funds to clients or third persons, even when accompanied by other ethics violations. See In the Matter of Raymond Armour,

DRB 11-451, DRB 11-452, and DRB 11-453 (March 19, 2012) (admonition for an attorney who, in three personal injury matters, failed to promptly notify his clients of his receipt of settlement funds and to disburse the clients' share of the funds; the attorney also failed to communicate with clients; no prior discipline), and In re Anderson, __ N.J. __ (2021), 2021 N.J. LEXIS 1327 (reprimand for an attorney who failed to promptly deliver \$24,575 in escrow funds; the attorney also failed to safeguard funds, negligently misappropriated client funds, and had numerous recordkeeping deficiencies; no prior discipline).

Respondent's failure to cooperate with the OAE's investigation, and subsequent failure to comply with two Court Orders directing her cooperation, is similar to that of the reprimanded attorney in Leven. However, unlike respondent, Leven presented compelling mitigation, including no prior discipline in forty-seven years at the bar, a consideration which ultimately resulted in a downward departure from the baseline discipline of a censure in that matter. In the Matter of Lawrence A. Leven, DRB 20-002 (December 7, 2020) at 10.

Accordingly, based on the foregoing disciplinary precedent, and Freda and Leven in particular, at least a censure is warranted for the totality of respondent's misconduct. To craft the appropriate discipline in this case, however, we also consider mitigating and aggravating factors.

There is no mitigation.

In aggravation, we consider the default status of this matter. “[A] respondent’s default or failure to cooperate with the investigative authorities acts as an aggravating factor, which is sufficient to permit a penalty that would otherwise be appropriate to be further enhanced.” In re Kivler, 193 N.J. 332, 342 (2008). However, because we already have factored respondent’s default status into the baseline discipline of a censure, we do not accord this aggravating factor additional weight.

In further aggravation, we consider respondent’s disciplinary history. This matter represents her second disciplinary proceeding and second consecutive default. The misconduct that gave rise to the Court’s 2022 censure in De Primo I stemmed, at least in part, from her failure to cooperate with the District Ethics Committee’s 2019 investigation of a grievance filed against her and, subsequently, her failure to file an answer, in 2020, to the formal ethics complaint.

In our view, the current matter establishes that respondent has failed to learn from her previous encounter with the disciplinary system, which should have engendered a heightened awareness of her obligations pursuant to the Rules of Professional Conduct. Rather, it is evident that she has failed to learn from her past mistakes. Consistently, the Court has signaled an inclined toward

progressive discipline and the stern treatment of repeat offenders. In such situations, enhanced discipline is appropriate. See In re Kantor, 180 N.J. 226 (2004) (disbarment for abandonment of clients and repeated failure to cooperate with the disciplinary system).

Conclusion

On balance, we find that respondent's failure to learn from her prior interaction with the disciplinary system requires discipline greater than a censure. Accordingly, we determine that a three-month suspension is the quantum of discipline necessary to protect the public and preserve confidence in the bar.

In addition, considering respondent's demonstrated failure to comply with the recordkeeping Rules, we recommend, as conditions to her discipline, that she be required, within sixty days of the Court's disciplinary Order in this matter, to (1) complete a recordkeeping course approved by the OAE, and (2) submit to the OAE all outstanding, previously requested financial records. Further, upon her reinstatement to the practice of law, we recommend respondent be required to practice law under the supervision of a proctor.

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 AnnMarie F. De Primo
Docket No. DRB 24-207

Decided: February 28, 2025

Disposition: Three-month suspension

<i>Members</i>	Three-month suspension
Cuff	X
Boyer	X
Campelo	X
Hoberman	X
Menaker	X
Petrou	X
Rodriguez	X
Spencer	X
Total:	8

/s/ Timothy M. Ellis

Timothy M. Ellis
Chief Counsel