

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 24-240
District Docket No. XIV-2024-00019E

In the Matter of Brittany L. Parisi
An Attorney at Law

Decided
April 10, 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 8.1(b) (two instances – failing to comply with R. 1:20-20 governing suspended attorneys and failing to cooperate with disciplinary authorities) and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice).¹

For the reasons set forth below, we determine that a reprimand is the appropriate quantum of discipline for respondent’s misconduct.

Ethics History

Respondent earned admission to the New Jersey bar in 2020. She previously maintained a practice of law in Matawan, New Jersey.

Effective December 8, 2023, the Court temporarily suspended respondent for failing to comply with an OAE investigation. In re Parisi, 256 N.J. 87 (2023).

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.

On August 13, 2024, the Court entered two Orders temporarily suspending respondent, effective September 12, 2024, based on her failure to comply with separate fee arbitration committee determinations. In re Parisi, 258 N.J. 441 (2024), and In re Parisi, 258 N.J. 442 (2024).

To date, she remains temporarily suspended on all three bases.

Additionally, on April 10, 2025, contemporaneous with the issuance of our decision in the instant matter, we issued a decision recommending that respondent be disbarred, in a default matter, for knowingly misappropriating law firm funds, in violation of principles of In re Siegel, 133 N.J. 162 (1993). In the Matter of Brittany L. Parisi, DRB 25-010 (April 10, 2025).

We now turn to the matter currently before us.

Service of Process

Service of process was proper. On August 26, 2024, the OAE sent a copy of the formal ethics complaint, by certified and regular mail, to respondent's home address of record, as well as an alternate home address.² The certified and

² New Jersey attorneys have the affirmative obligation to inform both the New Jersey Lawyers' Fund for Client Protection (the CPF) and the OAE of changes to their billing, home, and primary law offices addresses, "either prior to such change or within thirty days thereafter." R. 1:20-1(c). To date, the Court's attorney database continues to list respondent's home address as the one used by the OAE. The additional address is not listed in the Court's records; however, according to the OAE, respondent provided this last known home address where she could receive mail. As

(footnote continued on next page)

regular mail addressed to respondent's home address of record were returned to the OAE as undeliverable. The certified mail receipt for the letter addressed to her alternate home address was returned to the OAE, undated and signed, although the signature is illegible. The regular mail was not returned to the OAE.

On September 26, 2024, the OAE sent a second letter, via regular mail, to both of respondent's home addresses, with an additional copy sent via electronic mail to two e-mail addresses,³ 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 a willful violation of RPC 8.1(b) by reason of her failure to answer. That same date, the OAE received a notification that delivery to one of the e-mail addresses was complete, although no delivery notification was sent by the destination server.⁴

As of October 11, 2024, respondent had not filed an answer to the complaint and the time within which she was required to do so had expired.

described more fully below, respondent's failure to fulfill her obligation under R. 1:20-1(c) significantly impacted the OAE's ability to serve her.

³ Neither e-mail address is respondent's e-mail address of record. However, respondent has corresponded with both the OAE and the Office of Board Counsel (the OBC) regarding her attorney disciplinary matters via one of those addresses.

⁴ The record does not disclose whether the regular mail was returned.

Accordingly, the OAE certified this matter to us as a default.

On November 25, 2024, Chief Counsel to the Board sent a letter to respondent, by certified and regular mail, to her home address of record and to two alternate addresses maintained by the OAE, and by electronic mail, to her e-mail address of record and two alternate e-mail addresses, informing her that the matter was scheduled before us on January 16, 2025 and that any motion to vacate the default (MVD) must be filed by December 16, 2024. The certified and regular mail sent to respondent's home address of record was returned to the OBC, marked "return to sender" and "unable to forward." The certified mail sent to respondent's two alternate home addresses was returned to the OBC; however, the regular mail was not returned to the OBC.

Moreover, the OBC published a notice dated December 2, 2024, in the New Jersey Law Journal and on the New Jersey Courts website, stating that we would consider this matter on January 16, 2025. The notice informed respondent that, unless she filed a successful MVD by December 16, 2024, her prior failure to answer would remain deemed an admission of the allegations of the complaint.

Respondent did not file an MVD.

Facts

We now turn to the allegations of the complaint.

As detailed above, effective December 8, 2023, the Court temporarily suspended respondent from the practice of law for failing to comply with an OAE investigation. She has not petitioned the Court for relief from that temporary suspension and, thus, remains suspended.

The Court's temporary suspension Order directed respondent to comply with R. 1:20-20, which requires, among other obligations, that she, "within 30 days after the date of the order of suspension (regardless of the effective date thereof) file with the Director the original of a detailed affidavit specifying by correlatively numbered paragraphs how the disciplined attorney has complied with each of the provisions of this rule and the Supreme Court's order." Further, R. 1:20-20(c) expressly provides that an attorney's failure to file the affidavit of compliance constitutes a violation of RPC 8.1(b) and RPC 8.4(d).

Respondent failed to file the required affidavit of compliance. Consequently, on March 7, 2024, the OAE sent her a letter, by certified and regular mail, to two residential addresses maintained in its records, reminding her of her obligation to file the affidavit, pursuant to R. 1:20-20, and directing that she file the affidavit by March 24, 2024. The certified and regular mail sent to the first alternate address were returned to the OAE marked "return to sender," "no such number," and "unable to forward." The certified letter sent to the

second alternate address was returned to the OAE marked “return to sender,” “unclaimed,” and “unable to forward.” The regular mail sent to the second residential address was not returned to the OAE.

On May 6, 2024, the OAE sent a second letter, by certified and regular mail, to a “corrected” alternate address, reminding respondent of her responsibility to file the affidavit pursuant to R. 1:20-20 and requesting her reply by May 20, 2024. Both the certified and regular mail were returned to the OAE marked “not deliverable as addressed.”

On June 12, 2024, the OAE sent another letter, by certified and regular mail, to respondent’s alternate address, with an additional copy sent via electronic mail to two e-mail addresses maintained by the OAE, directing her to file her affidavit of compliance by June 26, 2024. The OAE received notification that delivery to one e-mail address was complete but that no delivery notification was sent by the destination server. The certified mail was returned to the OAE marked “unclaimed.” The regular mail was not returned to the OAE.

On July 3, 2024, respondent replied to the OAE, via e-mail, acknowledging receipt of the OAE’s June 12, 2024 e-mail and requesting “proof of service” of its letter. On that same date, the OAE replied to respondent, via e-mail, informing her that her acknowledgement of receipt of the OAE’s e-mail constituted proof of service of the letter. Later that same date, respondent again

replied to the OAE's e-mail, referring to "personal issues." She did not, however, address her failure to file the required affidavit.⁵

As of August 19, 2024, the date of the formal ethics complaint, respondent had failed to file the required affidavit, a step required of all suspended or disbarred attorneys. Consequently, the formal ethics complaint charged respondent with having violated RPC 8.1(b) and RPC 8.4(d) for her willful violation of the Court's suspension Order. Additionally, the formal ethics complaint was amended to charge her with having violated RPC 8.1(b) a second time by failing to file a verified answer to the complaint and allowing this matter to proceed as a default.

Analysis and Discipline

Violations of the Rules of Professional Conduct

We find 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).

Specifically, R. 1:20-20(b)(15) requires a suspended attorney, within thirty days of the Court's Order of suspension, to "file with the Director [of the

⁵ Respondent's reply e-mail was not included in the record before us.

OAE] the original of a detailed affidavit specifying by correlatively numbered paragraphs how the disciplined attorney has complied with each of the provisions of this rule and the Supreme Court's order."

As the Appellate Division has observed, "the provisions of R. 1:20-20(b)(1) to (14) are designed to protect clients of the [suspended or] disbarred attorney, as well as any other individuals who might unknowingly seek to retain that attorney during the period of his suspension." Eichen, Levinson & Crutchlow, LLP v. Weiner, 397 N.J. Super. 588, 596 (App. Div. 2008). Non-compliance with R. 1:20-20 therefore obstructs one of the primary purposes of the disciplinary system, "to protect the public from an untrustworthy lawyer." See In re Rigolosi, 107 N.J. 192, 206 (1987) ("The purpose of a disciplinary proceeding, as distinguished from a criminal prosecution, is not so much to punish a wrongdoer as it is to protect the public from an untrustworthy lawyer.") (citing In re Pennica, 36 N.J. 401, 418-19 (1962)). Non-compliance with R. 1:20-20 may also cause "confusion among . . . clients and an administrative burden for the courts." In re Kramer, 172 N.J. 609, 626 (2002).

For those reasons, and by operation of Rule, in the absence of an extension granted by the Director of the OAE, failure to file an affidavit of compliance pursuant to R. 1:20-20(b)(15) within the time prescribed "constitute[s] a violation of RPC 8.1(b) . . . and RPC 8.4(d)." R. 1:20-20(c).

Here, respondent willfully violated the Court's suspension Order, filed on December 8, 2023, by failing to file the required affidavit, a step required of all suspended attorneys. Respondent, thus, violated R. 1:20-20 and, consequently, RPC 8.1(b) and RPC 8.4(d). Moreover, she violated RPC 8.1(b) a second time by failing to file an answer to the formal ethics complaint and allowing this matter to proceed as a default.

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

Quantum of Discipline

Attorneys with less serious disciplinary histories have received reprimands, in default matters, for their failure to file the R. 1:20-20 affidavit. See, e.g., In re Hildebrand, __ N.J. __ (2025) (the attorney failed to file the required affidavit following his six-month suspension in connection with his misconduct in a prior disciplinary matter); In re Ashton, 257 N.J. 225 (2024) (the attorney failed to file the required affidavit following his disciplinary suspension, in connection with a motion for reciprocal discipline; his disciplinary history consisted only of the prior two-year suspension); In re Cottee, 255 N.J. 439 (2023) (the attorney failed to file the required R. 1:20-20

affidavit of compliance, despite the OAE's specific requests that he do so; his disciplinary history consisted only of a prior three-month suspension, in a 2021 reciprocal discipline matter); In re Spielberg, 255 N.J. 469 (2022), and In re Stack, 255 N.J. 468 (2022) (the attorneys failed to file their respective affidavits of compliance following their 2020 temporary suspensions for failing to cooperate with separate OAE investigations; Spielberg had no prior final discipline and Stack had a prior 2019 admonition, in a non-default matter).

Here, respondent's misconduct and disciplinary history is most analogous to that of the attorney in Spielberg, who was reprimanded. Like Spielberg, respondent failed to file her affidavit of compliance following the Court's issuance of its December 8, 2023 Order temporarily suspending her for failing to cooperate with the OAE's investigation. Also like Spielberg, she has no formal prior discipline. Further, like the reprimanded attorneys in Ashton and Cottee, respondent ignored the Court Order and then refused to reply to the OAE's communications attempting to obtain her compliance with the Rule, despite her acknowledgement of having received the OAE's communications. There are no other aggravating factors to warrant an enhancement of discipline. Conversely, this matter presents no mitigating factors for our consideration.

Conclusion

On balance, we determine that a reprimand is the appropriate quantum of

discipline necessary to protect the public and preserve confidence in the bar.

Member Campelo 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. 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 Brittany L. Parisi
Docket No. DRB 24-240

Decided: April 10, 2025

Disposition: Reprimand

<i>Members</i>	Reprimand	Absent
Cuff	X	
Boyer	X	
Campelo		X
Hoberman	X	
Menaker	X	
Modu	X	
Petrou	X	
Rodriguez	X	
Spencer	X	
Total:	8	1

/s/ Timothy M. Ellis

Timothy M. Ellis
Chief Counsel