SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 24-261
District Docket Nos. VIII-2019-0036E
and VIII-2021-0012E

In the Matter of Joseph Ricigliano, Jr.
An Attorney at Law

Argued
February 20, 2025

Decided
April 28, 2025

Erroll J. Haythorn appeared on behalf of the
VIII District Ethics Committee.

Robert J. McCutcheon appeared on behalf of respondent.

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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 recommendation for a reprimand filed by the District Ethics Committee (the DEC). In the matter docketed as VIII-2019-0036E, the DEC charged respondent with having violated RPC 1.3 (lacking diligence); 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); RPC 1.15(a) (failing to safeguard client funds); RPC 1.15(b) (failing to promptly return a client file); RPC 1.15(d) (failing to comply with the recordkeeping requirements of R. 1:21-6); and RPC 8.1(b) (failing to cooperate with disciplinary authorities).

In the matter docketed as VIII-2021-0012E, the DEC charged respondent with having violated RPC 1.3.

For the reasons set forth below, we determine that a censure, with a condition, is the appropriate quantum of discipline for respondent's misconduct.

Ethics History

Respondent earned admission to the New Jersey bar in 1991 and to the New York bar in 1990. During the relevant period, he maintained a practice of law in Edison, New Jersey.

On January 16, 2020, the Court reprimanded respondent, in a default matter, for his violation of RPC 1.3, RPC 1.4(b), and RPC 8.1(b). In re Ricigliano, 240 N.J. 265 (2020) (Ricigliano I). In that matter, respondent neglected a personal injury lawsuit he had filed in 2013, on behalf of his client, who was injured in a motor vehicle accident in May 2011. His admitted failure to comply with discovery requests resulted in the dismissal of the lawsuit, with prejudice. In the Matter of Joseph Ricigliano, Jr., DRB 19-038 (August 13, 2019) at 8. Thereafter, he failed to notify his client of the dismissal, misled him as to the status of the litigation, and, subsequently, failed to file an answer to the ethics complaint. Id. at 3.

In his motion to vacate the default, respondent admitted that he had received the ethics grievance but claimed that his secretary, G.C., had failed to provide his file and his dictated defenses to the disciplinary investigator. Id. at 3-4. He further alleged that, after G.C. left his employ, "without informing him that she had not followed through," he "discovered that all of [his] notes including [his] dictation and the [client] file itself" were in a bag underneath her desk. Ibid. We denied respondent's motion to vacate and found that his attempt to place any blame on his former secretary was improper. We reasoned that his obligations to supervise his secretary diligently, and to personally cooperate with the disciplinary investigation and to promptly reply to the ethics grievance, were not delegable. Id at 4-5.

On August 22, 2024, the Court censured respondent for his violation of RPC 1.15(b) (failing to promptly deliver funds to a client or a third party); RPC 1.15(d); RPC 5.5(a)(1) (failing to file a certificate of insurance with the Clerk of the Supreme Court, as R. 1:21-1A(b) requires); and RPC 8.1(b). In re Ricigliano, 258 N.J. 388 (2024) (Ricigliano II). In that matter, respondent admittedly failed, over a prolonged period and despite the OAE's extensive efforts (including two audits), to bring his financial records into compliance with R. 1:21-6. He also failed to disburse nearly $27,000.00 in client funds. In the Matter of Joseph Ricigliano, Jr., DRB 24-081 (August 7, 2024) at 5-6. Respondent failed to incorporate practices recommended by the auditor in 2021, and he failed to produce the required records, which his bookkeeper withheld from him due to nonpayment. We weighed, in aggravation, respondent's heightened awareness of his obligations to comply with the OAE's requests; his acute awareness of his recordkeeping obligations, given his 2017 attendance of a trust and business accounting course; his prolonged failure to comply with the

OAE's requests for information; and his failure to correct his recordkeeping deficiencies. We determined that these factors were sufficiently compelling to warrant an increase from the reprimand baseline, and that a censure was the appropriate quantum of discipline.

We now turn to the matter currently before us.

Facts

The Alberty Matter (District Docket No. VIII-2019-0036E)

In 2015, Laura Alberty retained respondent to file an appeal of the denial, by the Social Security Administration (the SSA), of Alberty's application for disability/income benefits. Respondent, however, failed to file the appeal in a timely manner. Alberty attempted to contact respondent regarding the status of her appeal and, subsequently, demanded a copy of her file. Respondent, however, failed to respond to her communications or to return her file.

On December 1, 2019, Alberty filed an ethics grievance against respondent, alleging that, despite the passage of four years, she had "yet to hear anything from the courts" and her telephone calls and e-mails to respondent had "go[ne] unanswered." Further, two months after asking for the return of her file, Alberty went to respondent's office only to be told "they couldn't find [her] file," which included her original documents.

On April 27, 2021, the DEC investigator sent respondent a copy of the grievance and directed him to submit a written reply.[1] On June 11, 2021, having received no reply from respondent, the DEC made a specific demand for Alberty's file, including "all correspondence and documents that were sent to, and received from, the SSA." On July 8 and October 28, 2021, the DEC sent respondent two more letters directing him to reply and to produce the aforementioned documents. Despite the DEC's multiple efforts, respondent neither replied to the grievance nor produced Alberty's file.

Based on the foregoing facts, the formal ethics complaint charged respondent with having violated RPC 1.3 by failing to file, on Alberty's behalf, the SSA appeal, and RPC 1.4(b) by failing to keep Alberty informed as to the status of the matter despite her repeated requests. Next, the complaint charged respondent with having violated RPC 1.15(a), RPC 1.15(b), and RPC 1.15(d) by failing to properly safekeep and to promptly return to Alberty her client file. Finally, the complaint charged respondent with having violated RPC 8.1(b) by failing to cooperate with the underlying investigation.

[1] The record does not include any of the letters that the DEC sent to respondent.

The Bush Matter (District Docket No. VIII-2021-0012E)

On May 17, 2004, Billie Bush, a truck driver, sustained injuries in a multi-truck collision that occurred in the course of his employment. Bush retained respondent to pursue compensation for his injuries and, on March 1, 2006, respondent filed a complaint against the driver of another truck and the driver's employer, in the Superior Court of New Jersey, Middlesex County.[2] Bush's employer maintained workers' compensation insurance with Liberty Mutual Insurance Company and Bush maintained personal automobile insurance with Allstate, which included uninsured motorist coverage.

In June 2006, the matter was removed to federal court on the basis of diversity jurisdiction. During discovery, the defense identified a witness who alleged that the collision occurred because the defendant truck driver was "cut off by a phantom vehicle." On August 9, 2007, the court dismissed Bush's claim based upon evidence of the phantom vehicle, indicating that Bush's only available remedy was to file an uninsured motorist action.

Nearly two years later, in or around April 2009, respondent filed a complaint in the Superior Court of New Jersey, Middlesex County, against Allstate and Liberty, on Bush's behalf, seeking to compel arbitration against the insurance companies. In or around July 2012, Allstate moved to dismiss Bush's

[2] Neither Bush's file nor any of the filings made on Bush's behalf were included in the record.

complaint on various grounds, including respondent's failure to comply with discovery orders. On July 27, 2012, the court dismissed Bush's claims against Allstate, without prejudice (it already had dismissed the claims against Liberty, with prejudice, three weeks earlier).

On March 15, 2021, nearly nine years after his complaint against the insurance companies had been dismissed, Bush filed an ethics grievance against respondent.

Approximately five months after Bush filed his grievance, on August 11, 2021, respondent reinstated the claim against Allstate by filing an Order to Show Cause in the Superior Court of New Jersey, Middlesex County, to compel arbitration. On January 3, 2022, the court granted respondent's unopposed application.

During the DEC's investigation, respondent could not explain why he waited almost two years after the dismissal of Bush's matter in federal court to file suit against Allstate and Liberty. Additionally, respondent waited more than nine years to reinstitute an action to compel arbitration, claiming he "wanted [Bush] to complete treatment" and that he "fear[ed] that he [respondent] would become responsible for a Medicare lien." Ultimately, respondent acknowledged that he "should have moved sooner against Allstate to reinstate proceedings to compel arbitration."

Based on the foregoing facts, the formal ethics complaint charged respondent with having violated RPC 1.3.

The Ethics Proceeding

On July 10, 2023, the hearing panel chair consolidated the Alberty and Bush matters for the ethics hearing.

On September 20, 2023, respondent submitted, through counsel, a brief and supporting affidavit in support of mitigation and the quantum of discipline. In his affidavit, respondent emphasized his "good reputation and character," highlighting his various roles in the Middlesex County Trial Lawyers Association, and his participation in "numerous charitable organizations," including the Edison Sheltered Workshop (ESW), Edison Buddy Ball, and North Edison Little League. He also emphasized the fact that he continued to represent Bush and his family members, despite Bush's grievance.

Respondent acknowledged that, although he filed Alberty's appeal with the SSA, she "did not receive proper follow-up or documentation regarding her file," despite numerous calls to his office. However, he asserted that he had been misled by his former assistant, L.C.,[3] who claimed to have responded to

[3] Respondent also alleged that "unbeknownst to [him]," L.C. was dealing with significant personal issues, including "a gambling addiction," and she "had embezzled roughly $250,000" from her

Alberty's calls and to have returned Alberty's file to her as requested. Respondent had entrusted "the clerical duties to [his] assistants;" however, two of them left his office in 2016, due to their inability to work with L.C. Consequently, according to respondent, "work was not getting done in a timely manner, and quite frankly, many of the problems were hidden from [him]." Respondent stated that he was not using this as an excuse but, rather, wanted the panel to know about "one of the extenuating circumstances that led to the delays," and both grievances.

Respondent also testified about the personal struggles he was experiencing at the time. He and wife were caring for their youngest child (A.R.), who has specific neurodevelopmental needs. He acknowledged that, as A.R.'s condition worsened, he was "unable to juggle the responsibilities of running an office, along with the responsibilities as home." He also felt pressure to pay for his two other children to pursue higher education.

In 2019, respondent began weekly therapy sessions. Additionally, Robert J. McCutcheon, Esq., who represented respondent in this matter, became his mentor, who in "daily conversations . . . [had] offered him a steady hand and, at times, a shoulder to cry on." Therefore, respondent began to take a "more hands-

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father's estate. Respondent asserted that L.C.'s departure from his firm, in 2018, was a "watershed event that quite frankly led to a turnaround in [his] practice."

on role” in his office and has become “acutely aware” of the consequences of his misconduct. Respondent urged the panel to consider that, in addition to these efforts, he had made a “ready admission of wrongdoing by admitting all of the allegations,” and had “fully cooperated with the investigation(s).”

On February 27, 2024, prior to the commencement of the ethics hearing, the parties filed a joint stipulation in which respondent admitted to the underlying facts and charged violations of the Rules of Professional Conduct.

The ethics hearing took place on February 29, 2024, with respondent called as the only witness.

Respondent described his educational background, work experience, and his involvement with various organizations. Regarding the Bush client matter, he explained that he still represented Bush and his family. He also testified that, although Bush’s matter remained pending, he anticipated it would be resolved in a few months.[4] He explained that the matter was complicated due to a Medicare lien but conceded that he “should have moved more quickly” and “been more aggressive” in the representation.

Respondent also admitted that he did not maintain “proper communication” with Alberty. However, consistent with his written submission

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[4] The record does not indicate whether it was resolved, and respondent did not provide us with an update.

to the hearing panel, he maintained that his failure to communicate with Alberty resulted from his lack of oversight of his former assistant, L.C. Although he knew that L.C. had been "less attentive" and, at times, absent, he had ignored claims that she was "not doing what she was supposed to." After L.C. left his firm, respondent discovered that she had been "burying things" and "she had hidden a lot" of documents in drawers and boxes.

Respondent also testified regarding the personal challenges that he and his wife faced with their son. He stated "it took such a toll on us personally that what suffered ended up being my office. And again I have no excuse for it. If I had those problems, I should have brought [an associate] in" and "kept a better eye on" his staff. In addition, he described the financial strain he was experiencing. He maintained that his misconduct resulted from "the confluence of the [L.C.] situation" with his son's condition and that these issues occurred when he "just wasn't managing [his] life properly." He reiterated that he was not making "excuses" but that it "just kind of all came to a head right about the same time."

Respondent testified that, as a result of his weekly therapy sessions, he realized that he had put his "head in the sand," instead of addressing his issues, and let his depression "get the best of" him. As his finances and A.R.'s behavioral issues became more manageable, he began to cope better with stressors at home, and he came to understand, "[w]hen you're not thinking with clarity, I think you just tend to make mistakes, like I did."

Respondent testified that he hired new staff but remains "very mindful" that his "name is on everything." "In terms of the structural changes" in his office, he now has his "finger on the pulse of everything, so nothing – nothing gets done unless [he signs] it." Moreover, he began to rely on McCutcheon as a mentor for his professional and personal lives. He acknowledged that he is a "work in progress," and he has realized that "we're all fallible," so it is important to 'take accountability" and "ask for forgiveness" when we make mistakes, rather than try to cover them up.

The Hearing Panel's Findings

With regard to the Alberty client matter, the hearing panel determined that respondent violated RPC 1.3 by failing to file an appeal of the SSA's decision, the very purpose for which he was retained. He violated RPC 1.4(b) by failing to keep Alberty reasonably informed about the status of her matter and to promptly reply to her requests for information. The hearing panel concluded that he violated RPC 1.15(a), RPC 1.15(b), and RPC 1.15(d) by failing to promptly deliver Alberty's records, including the retainer agreement to her and to the disciplinary investigator. Finally, respondent violated RPC 8.1(b) by failing to respond to the DEC investigator's inquiries (letters dated April 27, June 11, July 8, and October 28, 2021), failing to reply to Alberty's grievance, and failing to produce to the investigator a copy of Alberty's client file (including his retainer agreement).

In the Bush matter, the hearing panel found that respondent violated RPC 1.3 by allowing almost two years to pass between the 2007 dismissal of Bush's claim in federal court and his filing of a new claim against Allstate in 2009, and, further, allowing an additional nine years to pass between the 2012 dismissal of that claim and the subsequently filing a motion to compel arbitration in 2021.

In mitigation, the hearing panel was persuaded by respondent's testimony that he placed too much trust in L.C., his long-time administrative assistant, and that his "cases were not being handled properly [] due to issues with LC., which [r]espondent did not know about." The panel also recognized that stressors in respondent's personal life made it impossible for him to juggle his personal and professional responsibilities.

Moreover, the hearing panel credited the changes that respondent had made in his professional and personal life to ensure that he meets his ethical obligations as an attorney, noting that after L.C.'s departure, he hired a full-time assistant. In view of his ongoing therapy, as well as his reliance on

McCutcheon as a mentor, the hearing panel concluded that respondent “now has the tools to work on his issues and knows he must be accountable for his actions.”

In aggravation, the panel weighed respondent’s disciplinary history, which, at the time of its report, included only the 2020 reprimand (respondent’s censure would not be imposed until August 2024). The panel also considered; his failure to cooperate with the investigation and the harm that his misconduct had caused Alberty.

In recommending a reprimand for respondent’s misconduct, the panel largely relied on our analysis in the Ricigliano I decision.

The Parties’ Positions Before the Board

The presenter urged us to impose a censure for respondent’s misconduct. The presenter emphasized, in aggravation, respondent’s disciplinary history, which included a 2020 reprimand and a 2024 censure, along with the fact that this was the third disciplinary matter in which respondent failed to cooperate with disciplinary authorities. Thus, in the presenter’s view, enhanced discipline was warranted, notwithstanding the mitigating evidence, including respondent’s personal and staffing-related issues.

Respondent, through counsel, explained that respondent continues to receive counseling to better address his personal and family matters. He emphasized that his two older children had graduated from law school, thereby alleviating the financial burden that existed previously. Further, respondent asserted that his office staff was now stable, as he had hired a new paralegal.

Respondent's counsel also described the "informal mentorship" that he has provided respondent since the ethics complaints were filed in 2022, noting that they speak daily. In his view, over the past three years, respondent had gotten himself back on the "right track and running his office smoothly." Additionally, respondent was now serving as a municipal prosecutor in both Edison and Woodbridge townships.

In reply to our questioning about his repeated failure to cooperate with the disciplinary investigations, respondent explained that his failure to reply to the instant grievances was his misplaced reliance on his assistant to produce the required information. However, he acknowledged that, ultimately, it was his responsibility. Concerning his previous failure to cooperate in connection with Ricigliano I, his counsel explained that he had just bur[ied] his head in the sand" and ignored the complaint, conduct that was unlikely to recur.

Respondent urged us to impose a reprimand, as the hearing panel recommended.

Analysis and Discipline

Violations of the Rules of Professional Conduct

Following our de novo review of the record, we are satisfied that the hearing panel's determination that respondent's conduct was unethical is fully supported by clear and convincing evidence. We did not, however, adopt all of the hearing panel's findings.

Specifically, respondent violated RPC 1.3, which requires a lawyer to "act with reasonable diligence and promptness in representing a client, in both the Alberty and Bush matters. In connection with the Alberty matter, he admittedly failed to file Alberty's appeal, following the denial of her application for social security benefits. In fact, the record is devoid of any evidence that respondent took any action to advance Alberty's interests, despite having accepted the representation. In the Bush matter, his prolonged inaction led to lengthy delays (a combined eleven years) in the pursuit of Bush's claims and resulted in Bush waiting, nearly two decades after his accident, for any recovery. Thus, respondent violated RPC 1.3 (two instances).

Next, respondent admittedly violated RPC 1.4(b) by failing to keep Alberty reasonably and timely informed of the status of her appeal, and by failing to respond to her reasonable requests for information.

Respondent also violated RPC 8.1(b) by failing to cooperate with the DEC's investigation underlying the Alberty matter, despite admittedly receiving its letters in April, June, July, and October 2021.

We determine to dismiss, however, the remainder of the charges for lack of clear and convincing evidence. Specifically, RPC 1.15(a) provides that:

> A lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property. Funds shall be kept in a separate account maintained in a financial institution in New Jersey. Funds of the lawyer that are reasonably sufficient to pay bank charges may, however, be deposited therein. Other property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of seven years after the event that they record.

Likewise, RPC 1.15(b) provides that "upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person" and "lawyer shall promptly deliver to the client or third person any other property that the client or third person is entitled to receive."

The charges pursuant to RPC 1.15(a), RPC 1.15(b), and RPC 1.15(d) appear to have been premised on respondent's purported failure to preserve original client correspondence and to promptly produce Alberty's legal file to her and to the disciplinary investigator. RPC 1.15(a), however, does not apply to client documents. See In the Matter of Russell T. Kivler, DRB 08-155 (October 21, 2008) (dismissing an RPC 1.15(a) charge as inapplicable when the attorney either lost or refused to return his client's documents; we determined that RPC 1.16(d) more appropriately encompassed the attorney's misconduct), so ordered, 197 N.J. 255 (2009). Given that neither RPC 1.15(a) nor RPC 1.15(b) govern the preservation of client documents, we determine to dismiss both charges. Likewise, we dismiss the RPC 1.15(d) charge based on the lack of any evidence that respondent failed to comply with the recordkeeping requirements of R. 1:21-6.

In sum, we find that respondent violated RPC 1.3 (two instances), RPC 1.4(b), and RPC 8.1(b). We determine to dismiss, for lack of clear and convincing evidence, that charges that respondent violated RPC 1.15(a), RPC 1.15(b), and RPC 1.15(d). The sole issue left for our determination is the appropriate quantum of discipline for respondent's misconduct.

Quantum of Discipline

Conduct involving lack of diligence and failure to communicate with clients, even if accompanied by gross neglect (a violation not charged in this matter), ordinarily results in an admonition or a reprimand, depending on the number of client matters involved; the gravity of the offenses; the harm to the clients; the attorney's disciplinary history; and the presence of aggravating and mitigating factors. See In the Matter of Mark A. Molz, DRB 22-102 (September 26, 2022) (admonition for an attorney whose failure to file a personal injury complaint allowed the applicable statute of limitations for his clients' cause of action to expire; approximately twenty months after the clients had approved the proposed complaint for filing, the attorney failed to reply to the clients' e-mail, which outlined the clients' unsuccessful efforts, spanning three months, to obtain an update on their case; the record lacked any proof that the attorney had advised his clients that he had failed to file their lawsuit prior to the expiration of the statute of limitations; in significant mitigation, the attorney had an otherwise unblemished career in more than thirty-five years at the bar), and In re Barron, __ N.J. __ (2022), 2022 N.J. LEXIS 660 (reprimand for an attorney who engaged in gross neglect in one client matter, lacked diligence in three client matters, failed to communicate in three client matters, and failed to set forth the basis or rate of his fee in one client matter (RPC 1.5(b)); in aggravation, we considered the quantity of the attorney's ethics violations and the harm to multiple clients (which included allowing a costly default judgment to be entered against two clients and failing to oppose summary judgment motions, resulting in the dismissal of a third client's case); in mitigation, we considered the attorney's cooperation, his nearly unblemished career in more than forty years at the bar, and his testimony concerning his mental health condition).

Similarly, admonitions typically are imposed for an attorney's 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. However, when an attorney previously has been disciplined, reprimands or censures have been imposed. See In re Howard, 244 N.J. 411 (2020) (reprimand for an attorney who altogether failed to respond to the DEC's four requests for a written reply to an ethics grievance; additionally, during a two-year period, the attorney grossly neglected his client's appeal of an adverse social security administration determination; the attorney also failed to communicate with his client and failed to promptly refund an unearned portion of his fee until the client was forced to seek redress through fee arbitration; however, the record contained insufficient information for us to determine the extent to which the client may have been harmed by the attorney's conduct; the attorney received a prior 2017 censure for similar misconduct in which he had also failed to cooperate with disciplinary authorities; in mitigation, the attorney stipulated to some of his misconduct), and In re Nussey, __ N.J. __ (2023), 2023 N.J. LEXIS 149 (censure for an attorney who, for ten months, ignored the DEC's request for a reply to the ethics grievance and failed to produce a copy of his client's file as directed for an additional fifteen months, in violation of RPC 8.1(b); moreover, the attorney repeatedly failed to provide his client with a single invoice in a divorce matter, despite more than twenty requests during an eighteen-month period, blaming his failure to provide a single invoice on his office staff and new billing system; we deemed these excuses unpersuasive, because the attorney was obligated under R. 5:3-5(a)(5) to produce accurate and timely billing, and his client first requested an invoice seven months before the firm modified its billing system; additionally, we found the attorney's assumption that his staff had provided an invoice was "indefensible" and incredible, and his arguments (that his fees were reasonable and that his client was satisfied his legal services) were "wholly irrelevant" to his failure to provide an invoice, in violation of RPC 1.4(b); in aggravation, this matter represented the attorney's third disciplinary proceeding in less than four years, and we determined that the attorney had a heighted awareness of his obligations to adhere to the RPCs, considering the timing of his prior 2020 reprimand).

Respondent's mishandling of the Alberty matter closely resembles that of the attorney in Howard, who was reprimanded. Like Howard, respondent failed to file the SSA appeal on his client's behalf and, subsequently, altogether failed to respond to his client's reasonable requests for information. Also, like Howard, respondent failed to cooperate with disciplinary authorities by ignoring the investigator’s repeated attempts to obtain a reply to the grievance. Unlike Howard, however, respondent committed additional misconduct in his handling of the Bush matter.

Respondent’s misconduct also resembles that of the attorney in Nussey, who was censured for his mishandling of a client matter and his failure to cooperate with the disciplinary investigation. In Nussey, the attorney largely ignored his client’s numerous demands for a single invoice, and then blamed his failure on his office staff, and a new billing system, which did not even exist until seven months after his client’s initial demand. Further, like Nussey, respondent initially ignored the investigator’s attempts to obtain his reply to Alberty’s grievance. Unlike Nussey, however, who had prior discipline and a heightened awareness of his obligations under the RPCs, respondent had no prior final discipline at the time of his misconduct underlying the instant matters.

Based on the foregoing precedent, we determine that respondent’s misconduct could be met with a reprimand. To craft the appropriate discipline in this case, we also consider mitigating and aggravating factors.

In mitigation, respondent presented compelling evidence of the significant personal issues he was undergoing at the time of his misconduct. In our view, he has shown a desire to improve his practice, through his engagement with therapy and his mentor.

In aggravation, respondent's misconduct caused harm to his clients. In re Calpin, 217 N.J. 617 (2014). His prolonged inaction in the Bush matter prevented his client from recovering damages for injuries sustained in an accident nearly twenty years prior, and his failure to pursue an appeal to secure Alberty's social security benefits potentially deprived her of money to which she was entitled.

In further aggravation, this matter represents respondent's third disciplinary matter in four years and the third in which he failed to fully cooperate with disciplinary authorities. The Court has signaled an inclination toward progressive discipline and stern treatment of repeat offenders. In such scenarios, 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).

Respondent did not have prior discipline at the time he committed the underlying misconduct in the Alberty and Bush client matters, however, a more detailed review of his disciplinary history is warranted, in view of the proximity to and overlap with the instant misconduct.

In Ricigliano I, the Court reprimanded respondent for his violations of RPC 1.3, RPC 1.4(b), and RPC 8.1(b) in connection with misconduct that occurred from 2013 to 2014. Here, respondent's misconduct in the Bush matter occurred in 2012, when the court dismissed the complaint, and continued until 2021, when respondent reinstated the matter. In the Alberty matter, respondent was retained respondent in 2015, but she did not file a grievance until 2019. The Court, however, did not issue its final Order of discipline in Ricigliano I until 2020. Accordingly, we cannot determine that respondent had a heightened awareness of his obligations to act with diligence in client matters.

Although the charges set forth in Ricigliano II were mostly unrelated to those in Ricigliano I and the instant matter, respondent's lack of cooperation continued through all three disciplinary matters. Thus, although he had no prior discipline for violations of RPC 1.3 and RPC 1.4(b) at the time he committed the instant misconduct, he certainly was aware – by the time he received the grievance underlying the instant matter in April 2021 – of his obligation to cooperate with the disciplinary authorities. Specifically, the disciplinary investigation in Ricigliano I commenced in approximately February 2018 and the formal ethics complaint was filed on or about October 2018, thereby pre-dating the investigation underlying the instant matter. However, in Ricigliano II, his failure to cooperate fully with the OAE spanned from October 2022 to August 2024 (the date of our decision in that matter) by not bringing his records into compliance with the recordkeeping Rules, and the OAE's initial audit was conducted in November 2021.

Conclusion

On balance, we find that the aggravating factors outweigh any mitigating factors, and, thus, determine that a censure is the appropriate quantum of discipline necessary to protect the public and preserve confidence in the bar.

Additionally, given respondent's claim that staffing issues contributed to his misconduct across three disciplinary matters, we recommend, as a condition to his discipline, that respondent be required to complete, within sixty days of the Court's disciplinary Order in this matter, a continuing legal education course in office management, as approved by the Office of Attorney Ethics.

Members Hoberman and Petrou 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 Joseph Ricigliano, Jr.
Docket No. DRB 24-261

Argued: February 20, 2025

Decided: April 28, 2025

Disposition: Censure

Members	Censure	Absent
Cuff	X	
Boyer	X	
Campelo	X	
Hoberman		X
Menaker	X	
Modu	X	
Petrou		X
Rodriguez	X	
Spencer	X	
Total:	7	2

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