SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 25-153
District Docket No. IIB-2020-0010E

In the Matter of Richard Joseph Vapnar
An Attorney at Law

Argued
September 18, 2025

Decided
December 3, 2025

Erica Leigh Fields appeared on behalf of the
District IIB Ethics Committee.

Respondent appeared pro se.

Corrected Decision

Table of Contents

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 disbarment filed by the District IIB Ethics Committee (the DEC). The formal ethics complaint charged respondent with having violated RPC 1.1(a) (engaging in gross neglect); RPC 1.3 (lacking diligence); RPC 1.4(b) (failing to communicate with a client); and RPC 1.16(d) (failing to protect the client's interests upon termination of the representation).

For the reasons set forth below, we determine that an admonition is the appropriate quantum of discipline for respondent's misconduct.

Ethics History

Respondent earned admission to the New Jersey bar in 1999. During the relevant timeframe, he maintained a practice of law in Maywood, New Jersey. He has prior discipline in New Jersey.

Vapnar I

Effective December 15, 2017, the Court suspended respondent for one year for his violation of RPC 1.1(a) (four instances); RPC 1.1(b) (engaging in a

pattern of neglect); RPC 1.3 (four instances); RPC 1.4(b) (four instances); RPC 1.4(c) (four instances – failing to explain the matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation); RPC 3.3(a)(1) (engaging in a lack of candor toward a tribunal); RPC 4.1(a)(1) (three instances – knowingly making a false statement of material fact or law to a third person); RPC 8.1(a) (knowingly making a false statement of material fact in a disciplinary matter); and RPC 8.4(c) (three instances – engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation). In re Vapnar, 231 N.J. 161 (2017) (Vapnar I).

In that matter, between 2010 and 2012, while working as an associate at a firm, respondent concealed mail regarding four client matters from his supervisor and created multiple fictitious letters, which he placed in the clients' files, to deceive his supervisor into believing that he diligently was handling the matters. In the Matter of Richard Joseph Vapnar, DRB 16-362 (June 23, 2017) at 30-35. After his supervisor filed an ethics grievance against him, he transmitted the fictitious documents to the DEC to conceal his incompetence and steadfastly maintained the facade that the documents were legitimate throughout much of the disciplinary proceedings. Ibid.

Further, respondent allowed three clients' civil complaints to be dismissed, failed to inform his clients of the dismissals, and failed to take any

action to restore the complaints. Id. at 30-33. In connection with one of the client matters, he misrepresented to a court that his inability to comply with discovery requests stemmed from his client's failure to cooperate with him. Id. at 33.

In a fourth client matter, respondent failed to appear for trial, resulting in the issuance of a default judgment against his client. Id. at 34-35. Thereafter, he failed to inform the client of the default judgment and failed to take any steps to vacate the default. Ibid. During a court appearance, he also misrepresented his identity as that of his supervisor. Ibid.

In mitigation, we weighed respondent's otherwise unblemished career in almost seventeen years at the bar. Id. at 48. In aggravation, we considered that his pattern of dishonesty persisted for more than a year and that, when he testified during a seven-day disciplinary hearing, he lacked candor, made misrepresentations and, despite admitting many of the facts establishing his misconduct, failed to demonstrate any remorse or appreciation for the impact his misconduct had on his clients. Id. at 48-49.

Temporary Suspension

Effective March 6, 2019, the Court temporarily suspended respondent from the practice of law for failing to comply with a fee arbitration determination awarded in his client's favor. In re Vapnar, 236 N.J. 552 (2019).

Vapnar II

On January 31, 2022, the Court censured respondent, in a default matter, for having violated 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). In re Vapnar, 249 N.J. 536 (2022) (Vapnar II). That matter stemmed from respondent's failure to comply with the Court's November 2017 Order, imposing the one-year suspension in Vapnar I, and the Court's February 2019 Order, temporarily suspending him, each of which expressly required him to file affidavits of compliance in accordance with R. 1:20-20.[1] In the Matter of Richard Joseph Vapnar, DRB 20-269 (June 14, 2021) at 4-5.

In addition, the Court ordered that respondent "remain suspended from the practice of law pursuant to the Orders of this Court filed November 17, 2017,

[1] Rule 1:20-20(b)(15) requires a suspended attorney, within thirty days of an Order of suspension, to "file with the Director [of the 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 [O]rder."

and February 5, 2019, pending his compliance with Rule 1:20-20 in respect of these matters, and until the further Order of the Court." Vapnar II, 249 N.J. at 536.

To date, respondent remains suspended on both bases.

Facts

Starting in or around December 11, 2014, respondent represented Vincent DePasquale in connection with a civil action filed in the Special Civil Part, Union County, on behalf of DePasquale's company, Matador Equities, LLC, against four tenants whom he alleged had breached their respective contracts to rent an apartment owned by that company (the Matador Equities matter). In total, he sought between $6,900 and $7,450 for unpaid rent, damages to the premises, and costs associated with arranging pest control services and paying a citation after they moved out.

By the time DePasquale retained respondent to handle the Matador Equities matter, the trial court had entered default in his favor. However, the court had not yet entered a judgment in connection with that default.

On December 11, 2014, respondent wrote to the clerk of the Union County Special Civil Part, advising that he represented Matador Equities and requesting that the court schedule a proof hearing. Subsequently, he spoke with the clerk,

who indicated that he did not need to proceed with a proof hearing. Instead, the court instructed respondent that he could proceed by filing a certification by DePasquale, explaining his damages.

On March 30, 2015, DePasquale's spouse sent respondent a letter, by e-mail, answering a query that he apparently had sent DePasquale. Later that same date, respondent sent DePasquale a message, by e-mail, requesting seven documents relating to his claims, including the two lease agreements that the defendants allegedly had breached.

On April 16, 2015, respondent sent DePasquale another letter, by e-mail, stating that he still needed five of the seven documents previously requested, including the two leases. Thereafter, according to respondent, DePasquale still did not provide the lease agreements, which he maintained he needed in order to file for judgment. During the subsequent ethics proceeding, DePasquale testified that he had, in fact, provided the agreements. However, the DEC did not rely on the purported provision of the agreements as a basis for any of the charges.

In 2020, DePasquale filed an ethics grievance against respondent. In addition to alleging misconduct in connection with the Matador Equities matter, he also alleged misconduct in connection with two other matters. Following

investigation, however, the DEC declined to pursue charges in the other two matters.

On September 6, 2022, the DEC filed a formal ethics complaint against respondent, alleging that he had violated RPC 1.1(a) by failing to (1) inform DePasquale of the status of the Special Civil Part case, and (2) perform any work on the matter after requesting some documentation; RPC 1.3 by failing to diligently pursue the information necessary to effectuate a judgment; RPC 1.4(b) by failing – after DePasquale did not respond to his second request for documents – to pursue the matter or to advise DePasquale that his case was languishing; and RPC 1.16(d) by never advising the court or DePasquale, in writing, that he had withdrawn from the case, notwithstanding his obligation either to pursue the matter or to advise his client that he was terminating the representation.

In addition, the DEC asserted that, in response to the grievance, respondent claimed he had never represented DePasquale in the Matador Equities matter.

On March 6, 2024, respondent filed a verified answer to the complaint. Therein, he admitted the underlying facts, but for the DEC's contention that he

had stated that he did not represent DePasquale in the Matador Equities matter.[2] However, he denied having violated any Rules of Professional Conduct. Specific to his denial of the charged violation of RPC 1.16(d), he asserted that DePasquale had fired him and advised him that he was retaining new counsel.

The Ethics Hearing

At the November 15, 2024 ethics hearing, at which respondent appeared pro se, the DEC heard testimony from DePasquale and respondent.

During respondent's opening remarks, he described his relationship with DePasquale as "contentious." However, he acknowledged that, even when attorneys take on "bad clients," they have a responsibility toward them. While conceding that his "disengagement with Mr. DePasquale could have been cleaner," he again asserted that he had not violated any Rules of Professional Conduct.

DePasquale testified first, maintaining that he had sent respondent all the requested documents in connection with the Matador Equities matter. Additionally, he asserted that he had never terminated respondent's representation. Rather, he had gone to respondent's office several times but had

[2] Respondent asserted, and the DEC did not contest, that he had made this statement in connection with another of the three matters described in DePasquale's grievance.

not succeeded in meeting with him on those occasions, and the owner of the office building had told him that respondent was not in the office at the time. He further testified that, as of the hearing date, he still did not know if a proof hearing had taken place or if judgment had been entered in his favor.

During respondent's cross-examination of DePasquale, he sought to cast doubt on the latter's credibility by asserting that he had made misrepresentations in connection with various other legal matters, including in one of the additional matters set forth in the underlying grievance, but not pursued by the DEC.

Respondent also pressed DePasquale regarding whether and when he terminated the representation. DePasquale initially replied that he had discharged respondent "a while ago" but then claimed he did not recall discharging respondent at all. He added, "You just kind of disappeared on me . . . And I even stopped by your office several times."

During respondent's testimony, in addition to providing information incorporated above, he stated that he had never advised DePasquale that he would no longer represent him. Rather, he maintained that DePasquale became dissatisfied with how he had handled a number of matters (not just the Matador Equities matter) and, in late 2016 or 2017, terminated his services altogether. Respondent further asserted that, at the time, an attorney had contacted him on DePasquale's behalf to discuss the various cases and, consequently, he had

assumed that attorney would succeed him and wrap up the Matador Equities matter. He acknowledged, however, that the attorney apparently had not done so. Moreover, he conceded that he should have sent a letter to DePasquale, "confirming the conversation that I was fired."

In respondent's oral summation, he urged that the disciplinary matter "boil[ed] down to . . . credibility" which, he argued, DePasquale lacked. He added that he had come to question whether the lease agreements even existed. Although he admitted that he "could have handled . . . the closing down of the cases better," he asserted that this shortcoming did not rise to the level of ethics infractions.

The presenter, in her oral summation, argued that respondent had a duty to move forward and to get the information needed for the Matador Equities matter, even if DePasquale was not helping with that process. She urged that it was not enough to request the documents twice; rather, he needed to exercise due diligence in obtaining the information and, if DePasquale still failed to cooperate, advise the court that he could no longer represent DePasquale. Rather than proceed in this manner, he failed to properly withdraw from the matter. Moreover, if DePasquale did discharge him in 2017, as respondent claimed, then he had allowed the matter to languish for two years after sending DePasquale his last e-mail regarding the Matador Equities matter.

The Hearing Panel's Findings

In its January 27, 2025 hearing panel report, the DEC summarized the facts set forth above. Moreover, the panel noted that, if DePasquale had terminated respondent's representation over the telephone in 2016 or 2017, as respondent claimed, that would have occurred long after he should have taken further action to advance the Matador Equities matter.

Turning to the charged violations, the DEC concluded that respondent committed gross neglect, in violation of RPC 1.1(a), by failing to send DePasquale any further correspondence in connection with the representation following his April 16, 2015 e-mail message.

The DEC likewise concluded that respondent failed to act with diligence and promptness in representing his client, in violation of RPC 1.3. In support, the panel noted that DePasquale did not recall receiving any communication from respondent after April 16, 2015. Moreover, after trying, unsuccessfully, to contact respondent, he went to respondent's law office several times but was told he was not there. He also testified that he never directed respondent to cease representing him in the Matador Equities matter. The DEC further observed that respondent acknowledged, during his testimony, that he failed to send DePasquale any correspondence concerning the matter after sending the April

2015 correspondence and, later, failed to send DePasquale a letter terminating the representation.

The DEC similarly concluded that respondent failed to keep DePasquale reasonably informed about the status of his matter, in violation of RPC 1.4(b). When DePasquale did not respond to his request for documents necessary to obtain judgment in the Matador Equities case, he failed to pursue the matter further or to advise DePasquale that his case was simply languishing. Moreover, DePasquale credibly testified that he repeatedly tried to contact respondent for an update on his case, including by making multiple visits to respondent's law office, without success.

Finally, the DEC concluded that respondent failed to give notice to DePasquale that he was terminating his representation, in violation of RPC 1.16(d). In this regard, the panel reiterated that DePasquale testified that he did not recall receiving any further e-mails from respondent after he received the April 16, 2015 request for documents; went to respondent's office several times, looking for respondent, but was told respondent was not there; and never told respondent to cease representing him in the Matador Equities matter. Respondent, for his part, acknowledged that he failed to advise DePasquale that he was terminating his representation, or to send a letter to that effect.

Turning to mitigating and aggravating factors, the DEC concluded that no mitigation applied. In significant aggravation, the DEC weighed respondent's disciplinary history, including his one-year suspension in Vapnar I and the censure in Vapnar II. The DEC also noted the Court's temporary suspension Order and pointed out that respondent remained suspended as of the hearing date, almost five years after the Court had entered the Order in Vapnar I. Thus, in the DEC's view, past suspensions had not deterred respondent from continuing to violate the Rules of Professional Conduct.

Finally, addressing the appropriate level of discipline, the DEC recommended respondent's disbarment. The panel reasoned that, during the last few years, he had developed a recurring pattern of facing disciplinary action for violations of the Rules of Professional Conduct, as well as failure to comply with a fee arbitration award. In addition, the panel stated that, during the hearing in the present matter, he admitted engaging in the actions and inactions that gave rise to the charges, and DePasquale testified credibly and in a manner consistent with respondent's acknowledgments and admissions.

The Parties' Positions Before the Board

Neither party submitted a brief for our consideration.

However, during oral argument before us, the presenter reiterated the findings of the hearing panel. Regarding the quantum of discipline, she expressed her understanding that the panel recommended respondent's disbarment based upon his disciplinary history. She then acknowledged, however, that the conduct underlying the instant matter predated the imposition of discipline in Vapnar I and Vapnar II. Asked about the passage of time since 2017, when the representation ended, she explained that DePasquale did not file his grievance until 2020, there was a delay in assigning the grievance, and the COVID-19 pandemic may have played a role.

Respondent, for his part, voiced concerns regarding the length of time it took his disciplinary matter to move forward. He recognized various factors that came into play but asserted that a portion of the delay raised a due process issue.

Turning to the charges against him, he disputed that he failed adequately to communicate with DePasquale. He asserted that, although he sent DePasquale his final written communication regarding the Matador Equities matter in 2015, they also discussed it on several occasions. Moreover, he claimed that they had communicated quite frequently by telephone regarding the multiple matters in which he represented DePasquale. Nevertheless, respondent acknowledged that he could have exercised greater diligence in handling the Matador Equities matter and, further, could have done more to protect DePasquale's interests upon

termination of the representation, in that he failed to send a letter confirming that the client had discharged him. Asked whether DePasquale could still pursue a judgment, respondent stated that he did not know. Because he never formally entered an appearance, he would not have received an order of dismissal, if the trial court entered one.

Finally, respondent argued that disbarment would constitute an extreme measure under the circumstances. Instead, he maintained that a reprimand constituted the appropriate level of discipline for his ethics infractions.

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 findings are fully supported by clear and convincing evidence.

RPC 1.1(a) provides that a lawyer shall not "handle or neglect a matter entrusted to the lawyer in such manner that the lawyer's conduct constitutes gross negligence." RPC 1.3, in turn, requires a lawyer to "act with reasonable diligence and promptness in representing a client." Finally, RPC 1.4(b) requires an attorney to keep a client reasonably informed about the status of a matter and to comply with reasonable requests for information.

Here, respondent committed gross neglect by failing to follow up with DePasquale in any manner after he allegedly failed to respond to his second request for the lease agreements. If nothing else, he had a duty to advise his client that, because the client had not provided the required documents, he could not move forward with pursuing the judgment and, thus, was terminating the representation. Instead, he simply stopped working on the matter yet failed to advise DePasquale he had done so. By the same conduct, he displayed a profound lack of diligence, essentially giving up on procuring the necessary documents after just two attempts, about six weeks apart.

Moreover, respondent had an affirmative obligation to keep DePasquale reasonably informed about the status of the Matador Equities matter and to respond to DePasquale's multiple attempts to obtain an update. His failure to let DePasquale know that he could not (and, consequently, would not) proceed with filing for judgment on DePasquale's behalf fell short of the level of communication required of attorneys in their interactions with clients.

RPC 1.16(d) provides that, upon termination of representation:

> a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee that has not been earned or incurred.

"Termination," as set forth in the Rule, encompasses instances of constructive termination, where the attorney-client relationship is not formally severed. For example, we previously determined that an attorney, who was hired by a client to pursue a personal injury claim, violated RPC 1.16(d) when, after doing some initial work on her matter, determined that he could not file a complaint on her behalf but never informed her of his determination. In the Matter of Thomas James Catley, DRB 20-200 (June 2, 2021) at 5, 11, so ordered, __ N.J. __ (2022). Instead, having investigated her claim and determining that it lacked merit, he ceased work on the matter. Ibid. In concluding that he had violated the Rule, we reasoned that the attorney's failure to notify the client of such a critical decision failed to protect her interests and deprived her of the ability to make an informed decision as to whether she wished to pursue her claim, whether pro se or with another attorney. Id. at 11.

In a second matter, we determined that an attorney violated RPC 1.16(d), notwithstanding the fact that his representation of a client was not formally severed, after he incorrectly assumed that the pro bono program that had assigned him to the client's matter had replaced him as the attorney; ceased all work on the matter before he confirmed that the attorney-client relationship had been terminated; and failed to confirm that the program was handling the client's

matter or that new counsel had been secured for the client. In the Matter of James E. Gelman, DRB 24-004 (February 20, 2024) at 2.

Respondent, like the attorney in Catley, undertook initial steps toward achieving his client's objective. Specifically, he contacted the court to seek a proof hearing in the Matador Equities matter; submitted a written request for a hearing; upon learning that the court did not require a proof hearing, wrote DePasquale to request necessary documents; and, when he received only some of the documents, wrote DePasquale again to request the remaining items. However, when DePasquale still did not provide the lease agreements – without which, respondent maintained the court would not enter the judgment he sought – respondent determined he could or would not proceed with the court filing, without informing DePasquale of his decision. By failing to notify DePasquale that, because he had not received the leases, he would not be moving forward with the filing, he failed to protect the client's interests in that he deprived DePasquale of the opportunity to pursue the matter, either with a different attorney or pro se.

Respondent further violated RPC 1.16(d) when he came to understand that DePasquale had discharged him but failed to confirm, in writing, that he had understood DePasquale correctly. Like the attorney in Gelman, he simply

assumed that the client-attorney relationship had ceased and that another attorney had stepped in to represent DePasquale going forward.

In sum, we determine that respondent violated RPC 1.1(a); RPC 1.3; RPC 1.4(b); and RPC 1.16(d). The sole issue left for our determination is the appropriate quantum of discipline for respondent's misconduct.

Quantum of Discipline

Absent serious aggravating factors, such as harm to the client, conduct involving gross neglect, lack of diligence, and failure to communicate ordinarily results in an admonition, even when accompanied by other non-serious ethics infractions, such as a violation of RPC 1.16(d). See In the Matter of James E. Gelman, DRB 24-004 (a pro bono program assigned the attorney, on a volunteer basis, to represent a veteran in connection with his service-related disability claim; for ten months, the attorney took very little action to advance his client's case; thereafter, the attorney took no further action on behalf of his client, incorrectly assuming that the pro bono program had replaced him as counsel due to his lack of experience; moreover, the attorney failed to advise his client that he was no longer pursuing his case; no prior discipline in more than forty years at the bar), and In the Matter of Hayes R. Young, DRB 23-215 (November 22, 2023) (admonition for an attorney who filed a medical malpractice lawsuit on

behalf of a client without having obtained the required affidavit of merit; seven months later, the Superior Court dismissed the lawsuit for lack of prosecution; the attorney, however, failed to notify his client that he had filed her lawsuit or that it had been dismissed due to his inaction; meanwhile, during the span of several months, the attorney failed to reply to several of his client's e-mail messages inquiring about the status of her case; in mitigation, among other factors, the attorney had no prior discipline in thirty-eight years at the bar and, during the relevant timeframe, experienced extenuating circumstances relating to his wife's illness and death).

Based on the above precedent, we conclude that the baseline discipline for respondent's misconduct is an admonition. To craft the appropriate quantum of discipline in this case, however, we also consider mitigating and aggravating factors.

In mitigation, respondent admitted and accepted responsibility for his lack of diligence and failure to protect his client's interests upon termination of the representation. We also weigh, in mitigation, the passage of time since his ethics infractions occurred. See In re Wigenton, 210 N.J. 95, 103 (2012).

In considering aggravating factors, we are mindful that the Court has signaled an inclination toward progressive discipline and the stern treatment of repeat offenders. See In re Kantor, 180 N.J. 226 (2004) (disbarment for

abandonment of clients and repeated failure to cooperate with the disciplinary system). Notably, respondent's misconduct in Vapnar I, as here, included gross neglect, lack of diligence, and failure to communicate. However, his commission of these offenses in the present matter predates the Court's November 2017 disciplinary Order in Vapnar I. Although he also failed to protect DePasquale's interests upon termination of the attorney-client relationship and, arguably, did so until December 2017 (when the Vapnar I suspension took effect), this failure does not correspond to the misconduct addressed in that matter. Accordingly, principles of progressive discipline do not apply.

Nevertheless, in aggravation, respondent should have had a heightened awareness of the importance of complying with the Rules of Professional Conduct by the time he embarked on the misconduct at issue. By spring 2015, when he began neglecting the Matador Equities matter, he already had received the complaint underlying Vapnar I. Notwithstanding this unmistakable call to attention, he again ignored the same ethics obligations while representing DePasquale.

Conclusion

On balance, we find that the mitigating and aggravating factors are in equipoise and, thus, determine that an admonition remains the appropriate quantum of discipline necessary to protect the public and preserve confidence in the bar.

Member Rodriquez 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 Richard Joseph Vapnar
Docket No. DRB 25-153

Argued: September 18, 2025

Decided: December 3, 2025

Disposition: Admonition

Members	Admonition	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