

SUPREME COURT OF NEW JERSEY

In re Giampapa

213 N.J. 392 (2013) · No. DRB 12-171 · Decided March 19, 2013

SUMMARY

The New Jersey Supreme Court ordered the three-month suspension of attorney Anthony J. Giampapa for multiple violations of the Rules of Professional Conduct and attorney recordkeeping requirements. The Court also imposed conditions concerning correction of records, account reconciliations, supervision after reinstatement, compliance with suspended-attorney rules, and reimbursement of administrative costs.

CASE DETAILS

COURT	Supreme Court of New Jersey
WRITING FOR THE COURT	Per Curiam
JURISDICTION	New Jersey
DECIDED	March 19, 2013
DOCKET	DRB 12-171
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding arising from the Disciplinary Review Board's decision recommending a three-month suspension and conditions for reinstatement.
STANDARD OF REVIEW	The Supreme Court reviewed the Disciplinary Review Board's decision and determined the appropriate discipline.
PRECEDENTIAL VALUE	Published New Jersey Supreme Court disciplinary order

TOPICS

- agency adjudication
- judicial review of agency action
- administrative law

PRACTICE AREAS

- legal ethics
- attorney discipline
- professional responsibility

QUESTIONS PRESENTED

1. What discipline should be imposed for the respondent's violations of the Rules of Professional Conduct and attorney-account recordkeeping requirements?
2. What conditions should govern the respondent's reinstatement and post-reinstatement practice?

HOLDINGS

1. The respondent shall be suspended from the practice of law for three months, effective April 19, 2013, and until further order of the Court.
2. Before reinstatement, the respondent must prove that all recordkeeping violations have been corrected; after reinstatement, he must submit quarterly reports containing monthly attorney-account reconciliations and practice under the supervision of an attorney approved by the Office of Attorney Ethics for two years and until further order.

FACTUAL BACKGROUND

Anthony J. Giampapa, admitted to the New Jersey bar in 1973, was found to have violated client-communication, fiduciary-account, recordkeeping, and unauthorized-practice rules. The violations included failures to keep a client informed, explain the matter sufficiently, safeguard and promptly deliver client funds, maintain required records, and refrain from practicing while ineligible.

PROCEDURAL HISTORY

The Disciplinary Review Board concluded that Anthony J. Giampapa violated multiple Rules of Professional Conduct and recordkeeping requirements and recommended a three-month suspension, corrective recordkeeping proof, and post-reinstatement account reconciliations. Upon review, the Supreme Court of New Jersey adopted the recommended discipline and added two years of supervised practice following reinstatement.

DISPOSITION

other

OPINION

PER CURIAM.

ORDER The Disciplinary Review Board having filed with the Court its decision in DRB 12-171, concluding that ANTHONY J. GIAMPAPA of FAIRFIELD, who was admitted to the bar of this State in 1973, should be suspended from the practice of law for a period of three months for violating RPC 1.4(b) (failure to keep a client reasonably informed about the status of the matter or to promptly comply with reasonable requests for information), RPC 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions about the representation), RPC 1.15(a)(failure to safeguard client funds), RPC 1.15(b)(failure to promptly deliver funds to a client or third person), RPC 1.15(d) and Rule 1:21-6 (recordkeeping violations), and RPC 5.5(a)(practicing law while ineligible); And the Disciplinary Review Board having

further concluded that prior to reinstatement to practice, respondent should be required to submit proof that he has corrected all of his record-keeping violations and that on reinstatement, he should be required to submit to the Office of Attorney Ethics monthly reconciliations of this attorney accounts on a quarterly basis for a period of two years; And the Court having determined from its review of the matter that in addition to the conditions determined by the Disciplinary Review Board to be warranted, respondent should be supervised in the practice of law for a period of two years following his reinstatement to practice; And good cause appearing; It is ORDERED that ANTHONY J. GIAMPAPA is suspended from the practice of law for a period of three months, effective *393April 19, 2013, and until the further Order of the Court; and it is further ORDERED that prior to reinstatement to practice, respondent shall submit proof to the Office of Attorney Ethics that he has corrected all of his recordkeeping violations; and it is further ORDERED that following his reinstatement to practice, respondent shall submit to the Office of Attorney Ethics monthly reconciliations of his attorney accounts on a quarterly basis and shall practice law under the supervision of a practicing attorney approved by the Office of Attorney Ethics, for a period of two years and until the further Order of the Court; and it is further ORDERED that respondent comply with Rule 1:20-20 dealing with suspended attorneys; and it is further ORDERED that pursuant to Rule 1:20-20(c), respondent's failure to comply with the Affidavit of Compliance requirement of Rule 1:20-20(b)(15) may (1) preclude the Disciplinary Review Board from considering respondent's petition for reinstatement for a period of up to six months from the date respondent files proof of compliance; (2) be found to constitute a violation of RPC 8.1(b) and RPC 8.4(c); and (3) provide a basis for an action for contempt pursuant to Rule 1:10-2; and it is further ORDERED that the entire record of this matter be made a permanent part of respondent's file as an attorney at law of this State; and it is further ORDERED that respondent reimburse the Disciplinary Oversight Committee for appropriate administrative costs and actual expenses incurred in the prosecution of this matter, as provided in Rule 1:20-17.