OFFICE OF ATTORNEY ETHICS

OF THE

SUPREME COURT OF NEW JERSEY

CHARLES CENTINARO
DIRECTOR

PHONE: (609) 530-4008
FAX: (609) 530-5238

P.O. BOX 963
TRENTON, NEW JERSEY 08625

January 22, 2016

Via Certified Mail RRR 7013 0600 0001 4588 0359 & Regular Mail
Raphael J. Glinbizzi, Esq.
Office of the Public Defender – Office of Parental Representation
31 Clinton Street, 12th Floor
Newark, NJ 07102

Re: Office of Attorney Ethics vs. Raphael J. Glinbizzi, Esq.
Docket No. XIV-2015-0180E

Dear Mr. Glinbizzi:

In accordance with *Rules* 1:20-4(d) and 1:20-7(h), I serve upon you a complaint in the above-referenced matter. You are required to file your written, verified answer within twenty-one (21) days of receipt of this correspondence. *R.* 1:20-4(e). The original and one (1) copy of your answer are to be filed **directly with me**.

In filing your answer, you must follow *In re Gavel*, 22 *N.J.* 248, 263 (1956) and *Rule* 1:20-4(e), which requires the answer to contain:

(1) a full, candid and complete disclosure of all facts reasonably within the scope of the formal complaint;

(2) all affirmative defenses, including all claims of mental or physical disability, if any, and whether it is alleged to be causally related to the offense charged;

(3) any mitigating circumstances;

(4) a request for a hearing either on the charges or in mitigation; and

(5) any constitutional challenges to the proceedings.

R. 1:20-4(e).

You are advised that, while the burden of proof by clear and convincing evidence is on disciplinary authorities to establish unethical conduct, the burden of going forward on all properly raised

affirmative defenses and mitigating factors, including claims of mental and physical disability, if any, and whether such defenses or claims are causally related to the offense charged, is on you. The burden of proof for all medical/psychiatric defenses is clear and convincing evidence. *R.* 1:20-6(c)(2)(B).

Please note that you must personally verify your answer by attaching and signing the following form to that document:

VERIFICATION OF ANSWER

I, _____, am the respondent in the within disciplinary action and hereby certify as follows:

1. I have read every paragraph of the foregoing Answer to the Complaint and verify that the statements therein are true and based on my personal knowledge.

2. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATE:_____ _____

(Sign Name Here)

TAKE NOTICE THAT YOUR FAILURE TO FILE A TIMELY, VERIFIED ANSWER WILL CONSTITUTE AN ADMISSION OF THE CHARGES. SUCH FAILURE MAY ALSO RESULT IN YOUR IMMEDIATE TEMPORARY SUSPENSION FROM PRACTICE. IN EITHER EVENT, NO FURTHER HEARING NEED BE HELD AND THE ENTIRE RECORD, OR A RECORD SUPPLEMENTED BY THE PRESENTER, IN THIS MATTER CAN BE CERTIFIED DIRECTLY TO THE DISCIPLINARY REVIEW BOARD FOR IMPOSITION OF SANCTION, ALL PURSUANT TO *RULE* 1:20-6(C)(1), *RULE* 1:20-4(E) and (F), AND *RULE* 1:20-11.

This matter will be presented by me before a three-person panel composed of members from the District VA Ethics Committee. Pursuant to *Rule* 1:20-4(g), you are entitled to have an attorney present on your behalf at the forthcoming hearing. If you are unable to retain an attorney by reason of indigency, you may make application to the Assignment Judge of your vicinage for the appointment of counsel based upon a certification pursuant to *Rule* 1:20-4(g). Such application must be made within fourteen (14) days after service of the complaint on written notice to me.

In addition, you are entitled, pursuant to *Rule* 1:20-7(i), to the issuance of subpoenas necessary and relevant to your defense. This application should be directed to the chair of the hearing panel at least two weeks prior to the hearing date. Your failure to timely request the issuance of subpoenas or assignment of counsel will constitute a waiver. Furthermore, failure to timely secure counsel forthwith, either directly or by application to the Assignment Judge, will **not** be accepted by the Hearing Panel Chair as a reason for adjournment.

Pursuant to *Rule* 1:20-5(a), discovery of all information specified therein is requested. In the event that any class of information specified in that rule is not available, a written representation to that effect is required.

If you have any questions regarding this matter, you should promptly communicate with me.

Very truly yours,

HoeChin Kim
Deputy Ethics Counsel

Encl.

cc: Jennifer Endrzejewski, Disciplinary Investigator (w/o enclosure)
Joseph E. Krakora, Public Defender (w/enclosure)
Joseph E. Deming, Esq., Grievant's Counsel (w/enclosure)
Natalie S. Watson, Esq., Secretary, District VA Ethics Committee (w/o enclosure)

Office of Attorney Ethics
P.O. Box 963
Trenton, NJ 08625
(609) 530-4008
Presenter: HoeChin Kim, Deputy Ethics Counsel

OFFICE OF ATTORNEY ETHICS, **Complainant,** **v.** **RAPHAEL J. GLINBIZZI,** **Respondent.**	**SUPREME COURT OF NEW JERSEY** District XIV Ethics Committee Docket No. XIV-2015-0180E Disciplinary Action **COMPLAINT** Rule 1:20-4(b)

Complainant, Office of Attorney Ethics, P.O. Box 963, Trenton, New Jersey, by way of complaint against Raphael J. Glinbizzi (respondent) says:

GENERAL ALLEGATIONS

1. Respondent was admitted to the Bar of the State of New Jersey in 1983.

2. Since February 2002, respondent has been employed by the New Jersey Office of the Public Defender - Office of Parental Representation, located at 31 Clinton Street, 12th Floor, Newark, Essex County, New Jersey.

SPECIFIC ALLEGATIONS

3. In 2006, respondent was married to Joann Glinbizzi.

4. Respondent had done some legal work for Ms. Glinbizzi's father, Emidio Lonero.

5. Respondent was in financial straits and decided to use Mr. Lonero's social security number, which he had obtained from having done legal work for Mr. Lonero, to open up two credit cards in respondent's own name and address without Mr. Lonero's knowledge or authority.

6. Specifically, on March 8, 2006, respondent went online and opened a Chase credit card, ending in 6471, in his own name and with his address, but with his father-in-law's social security number.

7. Then, on October 1, 2006, respondent again went online and opened an American Express Blue credit card, ending in number 71005, in his own name and with his address, but with his father-in-law's social security number.

8. Respondent used the Chase credit card until in or about September 2007.

9. Respondent used the American Express Blue credit card until in or about October 2007.

10. Respondent's actions came to light when the balances, in the amount of $30,000, were not paid and the credit card companies contacted Mr. and Mrs. Lonero.

11. Although they declined to press charges against him, Mr. and Mrs. Lonero required respondent to pay off the balance of $30,000.

12. By memorandum dated November 11, 2008, respondent detailed what he had done to his in-laws, with a courtesy copy to his wife, and how he planned to pay off the debt. (Attached hereto as Exhibit 1 is a true and correct copy of the Memo - redacted).

13. Although he stated that he had intended to pay off the cards in 2007, respondent wrote that "he had to devote payments to two (2) individuals on the last estate I did when I left private practice for almost the whole year of 2007 and the first few months of 2008 which took large portions of my paycheck away from my ability to more successfully reduce these card balances." (Id.).

14. When asked to explain how that statement was not an admission of misappropriation of client funds, respondent stated that he did not explain himself well. He explained that he borrowed monies from two non-clients when he closed his law practice at the end of 2001 to refund retainer's fees to clients, one of whom might have involved an estate matter, and to pay expenses of his practice. The payments he referenced at the end of 2007 to early 2008 related to his efforts to repay those personal loans, not to repay former clients.

15. The OAE was satisfied respondent did not knowingly misappropriate client funds.

16. In or about late 2008 to early 2009, respondent explained the situation to his own family, who loaned him $30,000 to pay off the credit card balances.

17. Once the balances were paid off, the credit cards were closed.

18. In so doing, respondent has committed a violation of the following Rules of Professional Conduct:

a. RPC 1.9(c) - a lawyer who has formerly represented a client in a matter shall not thereafter use information relating to the representation to the disadvantage of the former client;

b. RPC 8.4(b) - it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in other respects; and

c. RPC 8.4(c) - it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

WHEREFORE, respondent should be disciplined.

OFFICE OF ATTORNEY ETHICS

DATED: January 22, 2016

By: Charles Centinaro
CHARLES CENTINARO

RAPHAEL J. GLINBIZZI, PRO SE
64 IRVING PLACE
GARFIELD, NEW JERSEY 07026
PH: 973-980-3745
ATTORNEY I.D. # 016661983

OFFICE OF ATTORNEY ETHICS	:	SUPREME COURT OF NEW JERSEY DISTRICT XIV ETHICS COMMITTEE DOCKET No. XIV-2015-0180E
Complainant	:	
vs.	:	
RAPHAEL J. GLINBIZZI	:	DISCIPLINARY ACTION
Respondent	:	**VERIFIED ANSWER**

RAPHAEL J. GLINBIZZI, of full age, being duly sworn upon my oath, in accordance with law, hereby Answers the Disciplinary Action Complaint filed by the Office of Attorney Ethics, Disctric XIV Ethics Committee under Docket No. XIV-2015-0180E as follows:

AS TO THE GENERAL ALLEGATIONS

1. Respondent admits the allegations contained in the first general allegation as to admission to the Bar of the State of New Jersey in 1983.
2. Respondent admits the allegations contained in the second general allegation as to being employed with the New Jersey Office of the Public Defender, Office of Parental Representation since February, 2002 and presently is located at the address of 31 Clinton Street/12th Floor, Newark, Essex County, New Jersey 07102.

AS TO THE SPECIFIC ALLEGATIONS

3. Respondent admits the allegations contained in specific allegation #3 as being married to Joann Glinbizzi in 2006.

4. As to the specific allegation contained in the specific allegation # 4, Respondent seeks to clarify that the legal work done for Ms. Glinbizz's father, Emidio Lonero, was well before Respondent closed his law practice in December, 2001 as a condition to taking employment with the New Jersey Public Defender's Office, Office of Parental Representation. It is from this legal work that Respondent had access to Mr. Lonero's social security number. The way in which the allegation is presented, it appears that in 2006 Respondent was doing legal work for Mr. Lonero which is absolutely not true. Thus, as to this inference of such allegation, Respondent would have to DENY same. Respondent did not do any legal work for Mr. Lonero or anyone after the closing of his private law practice after December, 2001 in preparation to enter the employ of the New Jersey Public Defender's Office.
5. Respondent admits the specific allegation #5, as clarified by Respondent's answer in #4 above.
6. Respondent admits the specific allegation #6.
7. Respondent admits the specific allegation #7.
8. Respondent admits the specific allegation #8, but states to further clarify that after September, 2007 Respondent never used the credit card, had in fact destroyed it, and sought to pay down the balance of same to close out the account.
9. Respondent admits the specific allegation #9, but states to further clarify that after October, 2007 Respondent never used the credit card, had in fact destroyed it, and sought to pay down the balance of same to close out the account.
10. Respondent admits the specific allegation #10.
11. Respondent admits the specific allegation #11.

12. Respondent admits the specific allegation # 12.

13. Respondent admits the specific allegation #13, but as clarified by specific allegation #14.

14. Respondent admits the specific allegation #14.

15. Respondent does not object to the specific finding of the OAE being satisfied that respondent did not knowingly misappropriate client funds.

16. Respondent admits the specific allegation #16.

17. Respondent admits the specific allegation #17, but seeks to clarify the fact that the accounts were closed at that time but the credit cards were not used since September and October, 2007 and were destroyed on these dates.

18. Respondent admits the specific allegations contained in #18 and offers the following in mitigation relative to same.

Respondent further offers the following full, canid and complete disclosure of all facts within the scope of the Complaint, any and all affirmative defenses, including any claims of mental or physical disability, mitigating circumstances, makes a request for a hearing on the charges or in mitigation:

R-1. The document attached to Mr. Deming's letter and Grievance Form is a document written by me to my then in-laws (hereinafter referred to as the "Memo Document") which recites in detail not only the facts of what occurred, but the circumstances of what lead up to the wrongful conduct committed by me. It also sets forth at that time, **November 10, 2008** when I wrote the document, the tremendous remorse and regret that I had **then** for committing what was aberrant, out-of-character, but wrongful conduct by me. The facts set forth in that Memo

Document explain the tremendous emotional, personal, financial and psychological stress and difficulty I was belaboring under for some time since the loss of my private law practice at the tail end of 2001 leading up to the moment, 5 years later, of my transgression in the tremendously faulty thought process that made me choose wrongful conduct as a solution to those stresses and difficulties.

R-2. In the process of closing my private practice, I had to notify all then existing clients. In addition, whatever files/cases I still had open at the time of my having to close the practice, required me to return to those few clients whatever retainer fees I had taken in since I would not be completing those cases. Unfortunately, my private solo practice of law had suffered a lack of sufficient sustainable revenues for approximately the last two years **prior to 2001** so that by the time December, 2001 came along, I was essentially not making much money at all and was charging my personal credit cards to stay afloat and pay business and personal expenses. These credit cards were maxed out after those two years of low to no income earned. Since it has been 13 years since I closed my private practice, I have no recollection of who my few remaining clients were at that time. After 10 years of being out of private practice (which I understood to be the minimum period of time that I would have been obligated to store prior closed files), I no longer retained or stored any files or documentation related to my private practice. They were all safely destroyed. The two individuals that I did make reference to were not clients of any type. They were two private persons to whom I went to in late December, 2001 in order to borrow the money I needed to refund retainer fees to some clients (one of whom may have been relative to an estate) as well as pay any expenses of the practice that I may have owed at that time – i.e. shared rent for the office, shared utility bills, other supply creditors of the business. There was little to no money in my business account or in my personal accounts. All

of my personal credit cards were maxed out. My credit rating was not good so borrowing the money I needed from a commercial lender was out of the question. In addition, I was confronted with my in-laws at that time reneging on an agreement to personally loan me the amount of money I would need to close my private practice. Thus, too proud to turn to my own family, I borrowed the money privately. The first person I never got his full name and never met this person as the loan was arranged through a stranger. However, the second person who agreed to make a private loan to me and for the majority amount of the money I would need to properly close my private practice of law was a Richard Torregrossa. He was a friend of my ex-spouse and her parents. However, only my then spouse knew of the loan from Mr. Torregrossa. Neither he, I nor my then spouse wanted her parents to know of the borrowing. I had borrowed money from him before in the year or so before the closing of my practice in order to keep the business afloat, which as I stated above was not generating sufficient revenues. I would later throughout the next few years continue to borrow money from him to pay a very high monthly mortgage payment (almost $3,400.00 per month) on our home to prevent it from going into foreclosure. All of this borrowing is documented in the documentation provided to the Ethics investigators with my initial response to the grievance filed against me by Joseph Deming, Esq., attorney for my ex-spouse in a post-judgment divorce matter. Thus, with the monies borrowed privately in late 2001 and January, 2002, I was able to properly transition out of private practice returning fees in late December, 2001 and early January, 2002.

R-3. I had to make modest and then larger payments toward satisfaction of the private loans to the two individuals from whom I borrowed money over the years from 2002. At about 2005, I remember the other individual was more aggressive in his demands to be paid back. Thus, in order to get out from under the very high usurious rates of interest I was being charged

and to get free of such an individual, I borrowed more money from Mr. Torregrossa to pay this first individual off. However, this placed me in greater debt to Mr. Torregrossa. Corroborating documentation of this was provided to the Ethics investigators and should be a contained in their file. His required monthly payments, the high monthly mortgage payment that I had incurred as a result of borrowing on our house to keep the business afloat and pay personal expenses were greater than my then modest salary with the Public Defender in the early years of my employment of 2002 through 2006. I was under constant financial pressure by early March, 2006. I became very depressed. The depression that I had belabored under when I lost my private practice and did not at that time properly treat, returned with a vengeance. The depression was about the financial predicament that the failure of my private practice had placed me in requiring the private borrowing both to keep it afloat and then in order to close it. Also at this time (roughly 2004, 2005, 2006) about every three or so months our home would be placed under the threat of foreclosure by the lender on our family home. Thus, I had to devote as much of my salary received from my employment with the New Jersey Public Defender not only to keeping the house out of foreclosure but also to just keeping food on the table for my then young sons, paying other regular bills, i.e. electric and gas, car payments, etc. My depression worsened as a result of the constant belittling from my then spouse and her parents as to how I had failed as an attorney because I did not become "rich and famous" in my private practice. I was criticized on a regular basis by them for not seeking employment with a big private law firm (making hundreds of thousands of dollars, according to them) rather than take on what they termed was "meager" employment with the N.J. Public Defender's Office. Employment that I loved and was very grateful to have obtained.

R-4. Under such conditions of severe financial stress, becoming more and more depressed about the financial circumstances, not wanting to borrow any more money from Mr. Torregrossa, not being able to go to my very wealthy in-laws, feeling too ashamed at that time to go to my own family and not wanting any other employment other than the one I had the good fortune to find with the N.J. Public Defender's Office, I committed the wrongful conduct of taking out two credit cards with my now deceased ex-father-in-law's social security number.

R-5. My true remorse, regret and total disbelief that I could do such conduct is as genuine today as it was when I expressed it in the Memo Document to my then in-laws on November 10, 2008. As I stated to them (as memorialized in the Memo Document), I could not believe that I allowed the pressures existing at the time (as set forth in detail to you above) to compel me to perform such a wrongful act that is not usual or normal for me before that time, then, nor now. It does not represent my true character, nature or behavior. As I genuinely expressed to them in the Memo Document on page 1, that at that time (2008), "since I had no money from my monthly net pay left over after paying the mortgage and getting it (the house) out of foreclosure and after the other monthly bills, (including the need to repay the private loans I took out to be able to close my private practice back in late, 2001 and the continuing private loan I took with Mr. Torregrossa, which was not revealed to them at that time), I realized I was going to need access to cash to live on – i.e. feed the kids, etc." As I further stated to them in the Memo Document of 2008, "I do not know to this day what made me do what I did except ....the extreme pressure of losing the house and trying to pay other normal bills, such as electricity, cars, insurance and feed the kids, clearly clouded my judgment." As I continued to express my genuine remorse, I stated to them that "when I did this I could not believe it was really me doing it. To this day, I cannot believe I did this." This remains true to this day. I still

cannot believe that I would do such a wrongful act. It is not my nature, not my character, not in my value system in the way in which I was raised, to commit such a wrongful act.

R-6. When our house was sold in May, 2007, we netted no sale proceeds. At the closing $10,000.00 from the sale proceeds was paid to Mr. Torregrossa as he demanded. My spouse at the time and I agreed to do this to assist in paying down the humongous private debt owed to him at that time which was approximately $82,000.00.00 (by his records) $72,000.00 (by mine). This payment was made at the closing. He was present and received a check from our closing attorney out of sale proceeds with the authority of my ex-spouse and myself. Having no money from the sale of our home, I had no choice but to move my family in with my wife's sister, Sally Ann Salvatoriello. She was just showing signs of the brain tumor that had developed and ultimately would lead to her death in August, 2009. Thus, it provided us with a place to live allowing us to keep our sons in the same school system and town for their friends, afforded us an opportunity to re-group financially. Although I still had the high debt with Mr. Torregrossa, I no longer had a high mortgage payment and the constant threat of foreclosure. We helped my ex-wife's sister with her illness as it progressed limiting her mobility and functioning and helped her with her two daughters who are about the same ages as our sons. My sister-in-law had been divorced from her husband about 4 years before, so she was thankful for the company and the fact that we would be there to assist her daughters and her with her illness. As indicated in the Memo Document to my in-laws, as soon as the house was sold, the records and documentation related to the credit cards show I stopped using the cards having destroyed them to prevent any further use. I no longer have this documentation, but had it at the time in order to demonstrate the stoppage of use of the cards to my then in-laws. My intent then was to pay them down and eventually fully pay them off closing the accounts. The problem is that

the money I had been making on my employment with the Public Defender's Office since closing my practice was not enough for me to keep paying bills and the high mortgage on the house until it was sold in May, 2007 and then paying higher payments to Torregrossa. So there was no additional money available to me to devote toward paying off the credit card balances as soon as I intended.

R-7. By November, 2008 my in-laws and then spouse learned of the wrong I had committed and we sat down together and I explained to them everything that occurred and why it occurred which was memorialized in the Memo Documents. I expressed my deep sorrow and remorse and incredulity that I even did such a wrongful act. They were understanding. The fact that I had destroyed the credit cards and terminated use of the cards in 2007 (as independently verified by them with the credit card companies) was an important factor. They stated to me that as long as I now made good on paying off the balances, my isolated transgression would be considered resolved. However, what I did not know at that moment of November 10, 2008 was that my then spouse (their daughter) had entered into an adulterous relationship with their knowledge and approval. My then spouse to get back at me for not succeeding at becoming a rich and famous attorney turned on me then and wanted her father to make me pay off the card balances as soon as possible. In order to pay off the credit cards, I had no choice but to go to my family, in disgrace and humiliation of what I had done, and I borrowed the money necessary to pay off the credit card balances which together totaled about $30,000.00. My elderly parents, although on a fixed income, took out a home equity loan on their home and with those funds I immediately satisfied in full the outstanding credit card balances. Corroborating documentation was presented to the Ethics Investigators when I met with them and I presume this is part of the Committee's file. Thus, with the pay-off of the outstanding balances, and the

confirmed no further use of the Chase Card from and after September, 2007 and no further use of the American Express Card from and after October 17, 2007 and my personal discussion with both my in-laws regarding the matter a couple of weeks before November 10, 2008 when I wrote the Memo Document, the matter was considered resolved between me, my then spouse and her parents. Although it was understood that my spouse and I no longer had a marriage by that date which was a reflection of the fact that we had disconnected as a married couple some 10 years before, the incident with the cards was a catalyst for her to eventually declare the marriage at an end by late November, 2008. We were separated that Thanksgiving, 2008 and divorced on January 23, 2009.

R-8. As I indicated at the time of the initial ethics investigation, what I did in late 2006 with obtaining those credit cards was then, and is always - wrong. I only offer the foregoing and the following for proper factual context and understanding as to the real reasons it occurred – not because the reasons change the wrongfulness of my conduct – but to place what occurred in the circumstances of why and how they occurred. I offer, therefore, further statements that I respectfully submit move in mitigation of the conduct to assist understanding the facts and in consideration of discipline to be imposed.

R-9. Since the time it occurred approximately 9 years ago and right down to today, I lived and live with the knowledge that I did a very wrong thing that was so unbecoming my character and nature. Continuously since it occurred, I remind myself of it and know why no such act will ever be committed by me again. The past 9 years since it occurred bears proof that no such wrongful conduct of similar nature or of any other nature personally or professionally has occurred. A period of psychological counseling regarding the incident at the time it was rectified and for a couple of years after proved the incident was situational and

resulted from the circumstances described above and not a part of my personality or behavior before, since then. nor now. It is with this insight and understanding from self-imposed therapy that has enabled me to understand the pressure exerted on me by those life circumstances that since its occurrence 9 years ago and in the 9 past years provides me with the necessary tools psychologically to deal with all pressures to occur since then in my life and in the future without ever a thought of ever committing the same wrongful act again or any other type of wrongful act in the future. The psychiatrist from whom I initially went into counseling and medication in earnest on or about the end of 2007 when I stopped using the credit cards and destroyed them had since retired from her psychiatry practice. I know I have no documentation from the time that I spent in therapy with her. However, I was referred by her to another psychiatrist who was taking over her practice. I remained with him, not for therapy any longer, but for anti-depressant medication monitoring every 6 months. The reason is that in the process of treating my depression for that time period, it was discovered I had a chemical imbalance that made me more susceptible to deep periods of depression. The medication that I was placed on at that time quickly removed me from the clinical depression due to the circumstances of losing my private practice, the extreme financial pressures I experienced thereafter, the loss of our home which had to be sold, the continuing financial pressures with the private debt I had incurred and the break-up of my 17 year marriage. I have been depression free since at least 2009. In fact, the medication so properly corrected my tendency to devolve into deep depression that it also prevents me from over-reacting or even getting me to feel mild depression to life's stressors. It was medically determined that I need to stay on this medication to prevent any further depression. Thus, to this day, I see the psychiatrist who took over from the other psychiatrist every 6 months just for the anti-depressant medication renewal. My current psychiatrist can

verify these facts and should probably have the records transferred to him from my prior psychiatrist who helped me with the issues existing after I committed the wrongful act. I am in the process of obtaining a report from him and will supply it after I have received it.

R-10. The incident in question did not involve the practice of law. No wrongful conduct was committed against a client or against the best interest of a client. This was a personal matter that occurred in the way set forth above and for the reasons set forth above. I do understand, however, that the conduct does speak to the "character and fitness to practice law."

R-11. My conduct committed under the circumstances set forth above was truly an isolated occurrence that was never committed before it occurred nor in the 9 years since it has occurred. It was, as I explained to my in-laws at the time and in the Memo Document, an aberration for me. It is not part of my character before, at that time or presently. It was most uncharacteristic of me, hence the applicable term to describe it accurately is aberrational. It will never be my character in the future because it is not me. As explained above, self-imposed psychological counseling at the time and for a couple of years since has provided me with the insight to why and how those circumstances occurred and how never to permit such circumstances to ever cause me to ever commit such a wrongful act or any other wrongful act, again.

R-12. My remorse expressed to my in-laws as confirmed in the Memo Document is most genuine and heart-felt. As I explained to my in-laws on November 10, 2008 in my face-to-face conversation with them and memorialized in the Memo Document to them, "what I did is inexcusable." I wished then (and to this day) I "wish I had never done it. The reality is that once I started down such a dark path, I had no choice but to stop it and try to rectify it." I did stop the continuation of the wrongful conduct when after the sale of our home in May, 2007 I no

longer used the credit cards and destroyed them. I then continued to make monthly payments until the remaining balances were fully satisfied and paid off. I rectified it completely by making every payment until such time as I was able to pay off the outstanding balances in full. Fortunately, the credit rating of my ex-father in-law was never affected in a negative manner. Fortunately, he never had to make any payment to the credit card companies. So, to say that I made full restitution is not accurate as Mr. Deming states in his cover letter filing the grievance against me. Restitution, to me, means to pay back someone because they had to make payment from their monies or were otherwise harmed. Fortunately, this never occurred. So, I did **rectify** the situation by making payment to the credit card companies in full satisfaction of the outstanding balances resolving that most difficult experience to the satisfaction of all concerned, especially with my now deceased ex-father in-law.

R-13. The circumstances of my wrongful conduct and then resolution of same with my then in-laws and spouse **comes to light** as a result of the filing of a grievance by Mr. Deming, my ex-spouse's attorney in a post-judgment divorce litigation this past year of 2015. Mr. Deming only proceeds to file the ethics grievance against me when what I considered to be "blackmail" in the post-judgment divorce litigation did not work. He was most concerned that I would prevail in this litigation in having his client's alimony terminated. In or about October, 2015, Mr. Deming filed a motion on behalf of my ex-spouse for an increase in alimony, increase in child support, increase in the payment by me of our two sons' college educational expenses. All of this requested relief was denied by Judge Sivilli in her January 5, 2015 Order (previously provided to the Ethics investigator's with my initial response **and a copy attached to this Answer as EXHIBIT A)**. In that order, I received a favorable decision from Judge Sivilli not only in the complete denial of all requested relief by Mr. Deming on behalf of my ex-spouse, but

in permitting me discovery relative to my ex-spouse financial circumstances and her co-habitation with her paramour with the scheduling of a plenary hearing on the issue of termination of my ex-spouse's alimony on March 27, 2015. Clearly, Mr. Deming and his client were most upset at the court's January 5, 2015 Order. There was an exchange of discovery between us. I served on him detailed Interrogatories. I received an initial set of Interrogatories from Mr. Deming consisting of only 5 Interrogatories. Mr. Deming did everything possible to get me to surrender my very viable claim to terminate his client's alimony, especially when it became clear how Judge Sivilli was viewing his client and the merits of my position to terminate her alimony as reflected by her initial decision memorialized in her January 5, 3015 order.

R.14. So desperate was he, that on February 20, 2015, I received from him a a set of 17 Supplemental Interrogatories which were TOTALLY NOT RELEVANT to any issue in the pending case before Judge Sivilli. **(See copy of Mr. Deming's Supplemental Interrogatories attached hereto as EXHIBIT B and provided to the ethics investigators).** The subject of each of these 17 Supplemental Interrogatories was the incident that occurred 8 years ago between me and my now deceased father-in-law concerning my wrongful conduct in taking out the credit cards with his social security number. He alleged that he just happened to have "come across" the Memo document that I wrote to my ex-in-laws dated November 10, 2008. These 17 Supplemental Interrogatories had nothing to do with the plenary hearing to be heard by Judge Sivilli on March 27, 2015 regarding his client's financial circumstances and cohabitation with her boyfriend. Yet, he prepares and serves them in the post-judgment divorce litigation as a discovery request. Thus, there can be no other explanation nor other way to view the inclusion in the post-judgement divorce termination of alimony case 17 Supplemental Interrogatories about a non-relevant, separate and serious act by me 8 years before – other than an attempt to blackmail me

into surrendering my claim before the court to have his client's alimony terminated. He did this with the intent to humiliate me, coerce me to surrender or settle the alimony claim– the subject of the plenary hearing - and obtain his pay-back for prevailing against him before Judge Sivilli as memorialized in her January 5, 2015 order. It was clear to me then, that Mr. Deming and his client needed to find and use what they thought would get me to surrender or give up my claim to terminate her alimony. Otherwise, there was no reason to interject it into the case before Judge Sivilli. To me, it was "blackmail" plain and simple. In my letter to Mr. Deming dated February 20, 2015, I set forth in no uncertain terms my feelings to his use of this terrible incident of eight (8) years ago which had been resolved to the satisfaction of all concerned and for which I apologized in writing to my ex-in-laws demonstrating true remorse and incredulity that I could have done such conduct that was so out-of-character for me. **(See copy of my February 20, 2015 letter to Mr. Deming attached hereto as EXHIBIT C).**

R.15. When Mr. Deming and his client saw that the "blackmail" attempt did not work, he then had the temerity to write a letter to Judge Sivilli making it sound like he "uncovered" an "incident" that came to his attention in the course of discovery "which compels him to take action in a manner which will significantly affect the deliberations on the matter." **(See copy of his letter to Judge Sivilli dated March 6, 2015 attached hereto as EXHIBIT D).** He further had the audacity to request that the court permit a "short meeting to explore this single but imperative topic, " **prior to** the March 27, 2015 plenary hearing to be held before Judge Sivilli that in his mind "will result in at minimum an indefinite adjournment and at best a resolution of the matter." This attempt by Mr. Deming to influence the court prior to the plenary hearing was to me then, and is now, reprehensible. I had to respond to his attempt for fear that the court may mistake my non-response as agreement to what he was telling it. I did so via my March 9,

2015 letter. **(See my March 9, 2015 letter attached hereto as EXHIBIT E).** I explained to the court that I believe Mr. Deming was alluding to the 8 year old incident and how it was not relevant in any manner, shape or form to the case before it. I explained to the court how I firmly believed it was nothing more than Mr. Deming's attempt to blackmail me into surrendering my alimony claim and when that coercion did not work – **he first sought recourse to the court, not the ethics committee.** I also explained to the court how desperate Mr. Deming and his client were to not have the plenary hearing as they feared losing on the alimony issue and that they would stoop as low as they could to prevent the hearing from occurring. Then, there is a **second ex-parte communication** with the court by Mr. Deming that I learn about for the first time when I received his March 10, 2015 letter to Judge Sivilli. **(See copy of Mr. Deming's March 10, 2015 letter attached hereto as EXHIBIT F).** It is from that letter that I learn he made another attempt an ex-parte communication with the court from which I gather he sought "an emergent conference call" to discuss something that "relates to a serious incident" which he "learned in the course of discovery.," which came to his attention and now "compels him to take action in a manner which will significantly affect the deliberations in this matter..." for which he sought a "short meeting (with the court) to explore this single but imperative topic will result in a minimum an indefinite adjournment **and at best a resolution of this matter."** Thus, this was Mr. Deming second attempt to influence the court prior to the plenary hearing scheduled for March 27, 2015. Incredulously, Mr. Deming sought participation from the court in his plan to blackmail me by stating in his March 10, 2015 letter to the court that he "cannot reconcile (his) ethical obligations with the schedule established in this mater or the objectives that might result with or without intervention from your office." This second attempt to influence the court against me prior to the plenary hearing incensed me and I had to respond. **(See my letter**

dated March 10, 2015 attached hereto as EXHIBIT G). As a result of this conduct by Mr. Deming with attempting to blackmail or coerce me into surrendering my claim on the termination of his client's alimony and the clear two attempts to influence the court prior to the plenary hearing, I filed an ethics grievance against Mr. Deming. **(See copies of Ethics Grievance filed attached hereto as EXHIBIT H).** The response I received from the Committee was that they would not take my grievance as I should wait to see what the final result was in my case before Judge Sivilli and see if at that time I wanted to refile. They said that the Supreme Court does not like to take in such grievances because they do not want attorneys using it to influence pending cases. I cannot locate that letter from the Ethics secretary.

R-16. Thus, the real reason Mr. Deming finally decided to file a grievance against me was not out of duty to the profession or to right some wrong that still exists, but it was to get back at me for being as professionally aggressive as I was in defending myself against his improvident and legally wrong positions he was taking on behalf of his client relative to the issues that eventually went before Judge Sivilli. Mr. Deming and his client suffered a resounding defeat on the initial decision by Judge Sivilli as memorialized in her January 5, 2015 Order and knowing that his client's true financial and enhanced economic circumstances that she had been hiding from me and the court would be disclosed proving she was no longer an economically dependent spouse in need of alimony. Fortunately, for Mr. Deming and his client, Judge Sivilli denied my request to have her alimony terminated. However, prior to that decision being rendered by Judge Sivilli in November 2015, Mr. Deming and his client I feel were also believing that they would lose the issue and he sought to humiliate and embarrass me by bringing what they hope will be a destruction of my ability to continue to practice law with the New Jersey Public Defender. This is because it is his client has inherited an estimated $1.3 million dollars so

the need for money from me is no longer necessary, although she still wants it so as not to invade the principal of her inheritance. His client, who is now a millionaire due to inheritance of substantial amounts of monies, real property and investments, all of which is cash-accessible to her as proved at the plenary hearing, no longer needs me to be gainfully employed. She would be most pleased at taking me down professionally and personally at this time.

R-17. My conduct as an attorney for the past 33 years has never been blemished. But for this isolated/aberrant, out of character, wrongful personal conduct of almost 9 years ago, I have always conducted myself in accordance with the ethical rules governing the conduct of attorneys and with a professional demeanor that has not brought any tarnish to the legal profession in the minds of the public. Further, and most fortunately, there was and continues to be no negative impact to my current employer, the N.J. Public Defender's Office in the 13 years that I have had the great privilege, opportunity and honor with which to be employed. I deeply cherish my current employment. I have experienced growth as an attorney and a person as a result of my employment with the N.J. Public Defender's Office. I am deeply grateful for the opportunity that enabled me to pick up the pieces of my life after 17 years of practicing as a solo practitioner came to a failed end. I deeply cherish how hard I have worked in the employ of the Agency and continue to work hard to achieve the senior level staff attorney status I am privileged to hold. The experience and rehabilitation from that wrongful error of judgment has made me a better person, a better friend, a better co-worker and a better attorney in the employ of the Public Defender. All who know me and who have come to know me as a result of my employment with the Public Defender know that I deeply respect the ideals and principles of the legal profession and the serious unique position that we, as lawyers, stand in relation to not only the clients we represent, but the public as well. The employment with the N.J. Public

Defender's Office enabled me to devote my skill set to clients in need of effective and proper zealous representation in a very serious case type concerning the parenting of their children and the potential loss of parental rights to same. My efforts to be a better person, as a result of the most disturbing experience of my wrongful conduct 9 years ago along with an appropriate level of psychological therapy at the time of the incident and for a brief period thereafter, has propelled me to be that better person, that better lawyer to my clients, that better friend, and that better colleague. I am most thankful that the incident 9 years ago did not result in any public humiliation or damage of reputation to the profession in the eyes of the public nor to the agency to which I am so grateful to be a part. In the 9 years since the incident and down to today, I have a very good performance record with the Office of Parental Representation of the N.J. Public Defender's Office. I have a very good reputation for the manner in which I interact with clients, other staff employees, the court, court staff and adversaries.

R-18. I am aware that I will have to be disciplined for my conduct 8 years ago. I only respectfully request that the foregoing circumstances be assessed in mitigation of the degree of discipline to be imposed so that the discipline is not merely punishment to me for the wrongful conduct committed by me 8 years ago within the context of the circumstances presented. Understanding that such conduct was isolated, aberrational, out-of-character for me. I rectified the situation, although that does not excuse or condone the conduct. I have had no prior incidences nor subsequent. There is a demonstrated 8 year period of time which bears proof to my insight, understanding and rehabilitation from that most awful period of my life when I made the error of judgment belaboring under the very difficult life stressors at the time and being further impacted by the severe depression into which I had devolved emotionally and mentally.

VERIFICATION OF ANSWER

I, RAPHAEL J. GLINBIZZI, am the respondent in the within disciplinary action and hereby certify as follows:

1. I have read every paragraph of the foregoing Answer to the Complaint and verify that the statements made by me are true and based on my personal knowledge.
2. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATE: February 3, 2016.

RAPHAEL J. GLINBIZZI, PRO SE

affirmative defenses and mitigating factors, including claims of mental and physical disability, if any, and whether such defenses or claims are causally related to the offense charged, is on you. The burden of proof for all medical/psychiatric defenses is clear and convincing evidence. *R.* 1:20-6(c)(2)(B).

Please note that you must personally verify your answer by attaching and signing the following form to that document:

VERIFICATION OF ANSWER

I, RAPHAEL GLINBIZZI, am the respondent in the within disciplinary action and hereby certify as follows:

1. I have read every paragraph of the foregoing Answer to the Complaint and verify that the statements therein are true and based on my personal knowledge.

2. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATE: 2-3-16

(Sign Name Here)

TAKE NOTICE THAT YOUR FAILURE TO FILE A TIMELY, VERIFIED ANSWER WILL CONSTITUTE AN ADMISSION OF THE CHARGES. SUCH FAILURE MAY ALSO RESULT IN YOUR IMMEDIATE TEMPORARY SUSPENSION FROM PRACTICE. IN EITHER EVENT, NO FURTHER HEARING NEED BE HELD AND THE ENTIRE RECORD, OR A RECORD SUPPLEMENTED BY THE PRESENTER, IN THIS MATTER CAN BE CERTIFIED DIRECTLY TO THE DISCIPLINARY REVIEW BOARD FOR IMPOSITION OF SANCTION, ALL PURSUANT TO *RULE* 1:20-6(C)(1), *RULE* 1:20-4(E) and (F), AND *RULE* 1:20-11.

This matter will be presented by me before a three-person panel composed of members from the District VA Ethics Committee. Pursuant to *Rule* 1:20-4(g), you are entitled to have an attorney present on your behalf at the forthcoming hearing. If you are unable to retain an attorney by reason of indigency, you may make application to the Assignment Judge of your vicinage for the appointment of counsel based upon a certification pursuant to *Rule* 1:20-4(g). Such application must be made within fourteen (14) days after service of the complaint on written notice to me.