

**SUPREME COURT OF NEW JERSEY
D-32 September Term 2023
088767**

In the Matter of :
Tomas Espinosa :
An Attorney at Law : **ORDER TO SHOW CAUSE**
(Attorney No. 025691985) :

The Disciplinary Review Board having filed with the Court a decision in DRB 23-116, recommending that **Tomas Espinosa of North Bergen**, who was admitted to the bar of this State in 1985, should be disciplined for having violated 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) (two instances), RPC 1.4(c) (failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions about the representation), RPC 1.5(a) (failing to charge a reasonable fee) (two instances), RPC 1.5(c) (failing to set forth in writing whether expenses would be deducted before or after the contingent fee is calculated), RPC 1.7(a)(2) and

(b) (engaging in a concurrent conflict of interest) (three instances), RPC 1.8(a) (engaging in an improper business transaction with a client), RPC 1.8(f) (accepting compensation for representing a client from a source other than the client without the client's informed consent), RPC 1.9(a) (engaging in a conflict of interest with a former client), RPC 1.9(c)(1) (using information relating to the former representation of a client to the disadvantage of the former client), RPC 1.15(a) (negligently misappropriating client funds), RPC 1.15(d) (failing to comply with the recordkeeping provisions of Rule 1:21-6), RPC 1.16(a)(1) (failing to withdraw from representing a client if it will result in a violation of the Rules of Professional Conduct or other law), RPC 1.16(d) (failing to refund an unearned portion of the fee upon termination of representation) (two instances), RPC 5.3(a) and (b) (failing to supervise nonlawyer staff), RPC 5.4(c) (permitting a person who recommends, employs, or pays the attorney to render legal services for another to direct or regulate the attorney's professional judgment in rendering legal services) (two instances), RPC 7.2(c) (giving something of value to a person for recommending the lawyer's services), RPC 7.3(d) (compensating or giving anything of value to a person or organization for recommending or securing

the lawyer's services), RPC 8.1(a) (knowingly make a false statement of material fact in a disciplinary matter), RPC 8.4(a) (violating or attempting to violate the Rules of Professional Conduct) (three instances), and RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation) (two instances);

And the Disciplinary Review Board having evenly split regarding whether respondent knowingly misappropriated client funds in violation of RPC 1.15(a) and the principles of In re Wilson, 81 N.J. 451 (1979), and In re Hollendonner, 102 N.J. 21 (1985);

And the Court having determined on its own motion pursuant to Rule 1:20-16(b) to review the decision of the Disciplinary Review Board;

And good cause appearing;

It is ORDERED that **Tomas Espinosa** show cause before this Court on July 11, 2024, at a time to be determined by the Court, in the Supreme Court courtroom, Hughes Justice Complex, Trenton, why respondent should not be disbarred or otherwise disciplined; and it is further

ORDERED that the Director of the Office of Attorney Ethics, or the Director's designee, present this matter to the Court; and it is further

ORDERED that respondent shall file an original and eight copies of respondent's brief with the Clerk of the Court and serve two copies of the brief on the Office of Attorney Ethics on or before April 10, 2024, and the Office of Attorney Ethics shall serve and file a responding brief on or before May 10, 2024.

WITNESS, the Honorable Stuart Rabner, Chief Justice, at Trenton, this 5th day of March, 2024.

A handwritten signature in cursive script that reads "Heather J. Baker". The signature is written in black ink and is positioned to the right of the witness text.

Filed 3/11/2024

CLERK OF THE SUPREME COURT