

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 97-489

IN THE MATTER OF
S. DORELL KING
AN ATTORNEY AT LAW

Decision
Default [R. 1:20-4(f)]

Argued: March 19, 1998

Decided: November 2, 1998

To the Honorable Chief Justice and Associate Justices of the Supreme Court of New Jersey.

Pursuant to R.1:20-4(f), the District VC Ethics Committee ("DEC") certified the record in this matter directly to the Board for the imposition of discipline, following respondent's failure to file an answer to the formal ethics complaint. On September 8, 1997 the complaint was sent by regular and certified mail to respondent's last know office address: 13 Rockland Terrace, Verona, New Jersey 07044. The regular mail was not returned and the certified mail receipt was returned showing delivery on September 24, 1997. The signature was illegible. On October 16, 1997 a second letter was forwarded to respondent, advising

her that failure to file an answer to the complaint within five days would result in treatment of the matter as a default. The regular mail was not returned and the certified mail return receipt was returned showing delivery on November 6, 1997, again bearing an illegible signature. Respondent did not file an answer.

On March 18, 1998 respondent filed with the Board a motion to vacate the default, remand the matter to the DEC and allow her to file an answer to the complaint. At its March 19, 1998 meeting, the Board determined to deny that motion for the lack of a meritorious defense to the charges. The Board also considered that respondent was contemporaneously aware of the filing of this grievance, as seen below.

Respondent was admitted to the New Jersey bar in 1980. She was reprimanded on February 3, 1998 for gross neglect, pattern of neglect, lack of diligence, failure to communicate and failure to return an unearned fee and a client file. In re King, 152 N.J. 379 (1998). There is currently a matter pending before the Board alleging gross neglect, lack of diligence, failure to communicate with the client, failure to refund the retainer to the client, and failure to cooperate with the DEC. Respondent is under a temporary suspension, entered on June 16, 1998, for failure to return a \$7,500 unused retainer to her client, as previously ordered by the Court. In re King, 154 N.J. 119 (1998).

The complaint in this matter charged respondent with violations of RPC 1.1(a) (gross neglect), RPC 1.1(b) (pattern of neglect), RPC 1.3 (lack of diligence), RPC 1.4 (failure to communicate with client) and RPC 8.1(b) (failure to cooperate with disciplinary authorities).

Ksenia I. Rios retained respondent in June or July 1992 to represent her in a personal injury matter arising from a slip-and-fall incident at the Howard Savings Bank ("The Bank"). Respondent tried to reach a settlement with the bank and then with the Federal Deposit Insurance Corporation ("FDIC") when the bank was taken over by the FDIC. No settlement was negotiated. Thereafter, respondent caused a complaint to be filed by another attorney, David Brantley, on Rios' behalf. When respondent failed to serve the complaint on the defendants, the complaint was dismissed for failure to prosecute. In June 1994, after the complaint was filed, Rios attempted to reach respondent by telephone and mail. Respondent failed to return Rios' telephone calls or to answer her letter.

After respondent was served with the grievance in this matter, she requested and received three extensions of time to reply. On June 9, 1997 respondent replied to the grievance and admitted her failure to communicate with Rios. She denied purposely or intentionally refusing to communicate with Rios. Respondent claimed that, although initially she had "inspirational" conversations with Rios, respondent later became ill, depressed and despondent, and left her practice. Upon her part-time return to practice, she became embroiled in multiple legal difficulties and her practice began falling apart.

When the DEC investigator requested that respondent produce Rios' file, respondent failed to do so.

* * *

Following a de novo review of the record, the Board deemed the allegations of the complaint admitted. The complaint contains sufficient factual basis to support a finding of unethical conduct on respondent's part. Respondent accepted representation of a client in a personal injury case. Although she did file a complaint, she failed to prosecute the matter, resulting in dismissal of the complaint. Also, respondent ignored her client's attempts to ascertain the status of the matter. Respondent's ethics history includes a reprimand for gross neglect and pattern of neglect, which further support the charge of pattern of neglect here. Respondent compounded her misconduct by failing to cooperate with disciplinary authorities. Although she filed a response to the initial grievance, she did so only after obtaining three extensions of time; the response, originally due in February 1997, was not filed until June 9, 1997. Additionally, respondent failed to produce her file, as requested by the DEC investigator. Based on these facts, findings of violations of RPC 1.1(a) and (b), RPC 1.3, RPC 1.4(a) and RPC 8.1(b) are appropriate.

Ordinarily, an admonition or a reprimand would constitute appropriate discipline for respondent's ethics infractions. See, e.g., In the Matter of Dennis Joy, DRB 97-105 (June 6, 1997) (admonition for lack of diligence, failure to communicate with the client and failure to cooperate with the disciplinary authorities); In re Gordon, 139 N.J. 606 (1995) (reprimand for gross neglect, failure to keep client informed and failure to return file to client); and In re Carmichael, 139 N.J. 390 (1995) (reprimand for lack of diligence and failure to

communicate with the client).

Taking into account respondent's misconduct, her past disciplinary record and the default nature of these proceedings, the Board voted to impose a prospective three-month suspension, to be served after the fee arbitration award is paid and her current temporary suspension is vacated.

The Board further determined to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs.

Dated: 11/2/18

By: 

LEE M. HYMERLING
Chair
Disciplinary Review Board