

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 14-026
District Docket Nos. IIB 2012-
0022E and IIB-2012-0026E

IN THE MATTER OF
ADAM KENNETH BLOCK
AN ATTORNEY AT LAW

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Decision

Decided: August 29, 2014

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

This matter came before us on a certification of default filed by the District IIB Ethics Committee (DEC), pursuant to R. 1:20-4(f). The complaint charged respondent with having violated RPC 5.5(a) (practicing while ineligible) and RPC 8.1(b) (failure to cooperate with disciplinary authorities). We determine that a censure is the appropriate discipline in this matter.

Respondent was admitted to the New Jersey bar in 1993 and to the New York bar in 1994. His current office is in Clifton, New Jersey.

On March 7, 2013, respondent received a reprimand, in a

default matter, for practicing while ineligible for failure to pay the annual attorney assessment to the New Jersey Lawyers' Fund for Client Protection (the Fund). In re Block, 213 N.J. 8 (2013).

On February 14, 2014, respondent was censured for the same violation, practicing law while ineligible. That matter also proceeded on a default basis. In re Block, 217 N.J. 21 (2014).

From September 27, 2007 to December 11, 2012, respondent was on the Supreme Court's list of ineligible attorneys, due to nonpayment of the annual attorney assessment to the Fund. He became ineligible again on September 30, 2013. He cured his ineligibility on May 30, 2014. On August 25, 2014, he became ineligible again.¹

Service of process was proper in this matter. On April 3, 2013, the DEC sent a copy of the formal ethics complaint to respondent's office address, 310 49th Street, Union City, New Jersey, by regular and certified mail, return receipt requested. Respondent signed the certified mail receipt. The regular mail was not returned.

On April 26, 2013, the DEC sent a letter to the same Union City address, by regular mail, directing him to file an answer within five days and informing him that, if he failed to do so,

¹ Although respondent was also ineligible from September 26, 2005 to June 12, 2006, that period is not relevant to the charges in the complaint.

the record would be certified directly to us for the imposition of sanction and the complaint would be deemed amended to include a violation of RPC 8.1(b). The regular mail was not returned.

As of December 11, 2013, the date of the certification of the record, respondent had not filed an answer to the complaint.

The facts of this matter are as follows:

As previously noted, respondent was placed on the ineligible list, on September 24, 2007, for failure to pay his annual registration fee. He was not reinstated until five years later, December 11, 2012. Admittedly, he had received the Fund's notifications about the payment of the annual assessment. He claimed, however, that he had forwarded that information to his father, whose practice of law he had joined in 2009, and that his father had assumed responsibility for the payment of the 2009 and 2010 fees. Evidently, the father did not do so, given that respondent has been disciplined for practicing while ineligible during his five-year ineligibility period between 2007 and 2012 and that the current complaint alleges that he represented a matrimonial client in May 2012, when he was still ineligible.

Specifically, in or about May 2012, respondent agreed to represent a client in a divorce proceeding in Superior Court, Hudson County. On the date of his appearance before that court, he admitted his status as ineligible. When the presiding judge

contacted the Fund, he was advised that respondent had been ineligible since 2007. The judge then referred the matter to the Office of Attorney Ethics (OAE) for appropriate action.

The complaint charged respondent with knowingly practicing law in 2012, when he was ineligible. Although the complaint also charged respondent with failure to cooperate with the ethics investigator, it did not provide a factual background for that charge.

The facts recited in the complaint support the charges of unethical conduct. Respondent's failure to file an answer is deemed an admission that the allegations of the complaint are true and that they provide a sufficient basis for the imposition of discipline. R. 1:20-4(f)(1).

In May 2012, at a time when respondent knew that he was ineligible to practice law, he represented a matrimonial client in Hudson County. In doing so, he violated RPC 5.5(a). Nevertheless, we find that no additional discipline is required for that impropriety. This is so because, in 2014, respondent received a censure for representing three clients, while he was ineligible. Those representations took place in Long Branch, Plainsboro, and Paramus. Had the Hudson County matter been included in the complaint that led to the 2014 discipline, the censure that respondent received would have been sufficient for all four improper representations. We, therefore, determine

that no additional discipline is warranted for respondent's handling of the Hudson County matrimonial case.

That was not respondent's sole violation, however. He defaulted in this matter by not filing an answer to the complaint, a violation of RPC 8.1(b). For that violation, respondent should be disciplined.

In a case where the attorney's only ethics infraction was his failure to cooperate with disciplinary authorities, we determined that a censure was appropriate. The Court agreed. In re Walsh, 192 N.J. 445 (2007). In that matter, a former client filed a grievance against the attorney. The OAE conducted an investigation into the matter, with which the attorney did not cooperate. In the Matter of Henry A. Walsh, Jr., DRB 07-085 (August 7, 2007) (slip op. at 3). Unable to conclude that the attorney committed any ethics transgressions in handling the client's case, the OAE brought a single-count complaint, charging the attorney with a violation of RPC 8.1(b) for his failure to cooperate with disciplinary authorities. Id. at 3-4. To compound the matter, the attorney failed to file an answer to that complaint. We found that, although the typical form of discipline for failure to cooperate with ethics authorities is an admonition, that level of discipline had to be increased to a reprimand because the attorney had a prior reprimand for a


violation of RPC 8.1(b). The attorney had defaulted in that reprimand matter. We then increased the discipline to a censure for the attorney's defaulting in the second matter. Id. at 5-6. See In re Kivler, 193 N.J. 332, 338 (2008)

Like Walsh, respondent has been disciplined before. Like Walsh, he defaulted in his disciplinary matters. It is true that Walsh defaulted twice and respondent defaulted three times. Nevertheless, Walsh's disciplinary record included only a reprimand, whereas respondent's includes a reprimand and a censure. All in all, thus, the relevant factors to be considered are similarly balanced. We, therefore, determine that a censure, as in Walsh, is the proper quantum of discipline here as well.

Member Gallipoli voted for a three-month suspension.

We further determine to require respondent to reimburse the Discipline 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
Bonnie C. Frost, Chair

By: 
Ellen A. Brodsky
Chief Counsel


SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Adam K. Block
Docket No. DRB 14-026

Decided: August 29, 2014

Disposition: Censure

<i>Members</i>	Disbar	Three-month Suspension	Censure	Dismiss	Disqualified	Did not participate
Frost			X			
Baugh			X			
Clark			X			
Gallipoli		X				
Hoberman			X			
Singer			X			
Yamner			X			
Zmirich			X			
Total:		1	7			


Ellen A. Brodsky
Chief Counsel