

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 04-236

DATE: \_\_\_\_\_  
IN THE MATTER OF :  
LOUANN WONSKI :  
AN ATTORNEY AT LAW :  
\_\_\_\_\_ :

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

Decided: October 26, 2004

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

Pursuant to R. 1:20-4(f), the District VIII Ethics Committee  
("DEC") certified the record in this matter directly to us for the  
imposition of discipline, following respondent's failure to file an  
answer to the formal ethics complaint.

The complaint alleged that respondent lacked diligence and  
failed to communicate with the client in a matter.

Respondent was admitted to the New Jersey bar in 1992. On

January 13, 2004, in a default matter, respondent was temporarily suspended from the practice of law for failure to comply with that portion of the Supreme Court's September 8, 2003 order, requiring her to submit proof of fitness to practice law, as attested to by a mental health professional. In re Wonski, 178 N.J. 259 (2004). The September 8, 2003 order also reprimanded respondent for failure to communicate with a client, failure to return a client file upon termination of the representation and failure to cooperate with disciplinary authorities. In re Wonski, 177 N.J. 508 (2003).

In addition, we recently recommended a reprimand in a default matter for respondent's failure to cooperate with ethics authorities in the investigation of allegations that she had practiced law while ineligible for non-payment of annual attorney assessments. In the Matter of Louann Wonski, DRB 04-150 (July 28, 2004).

In January 2003, the grievant, Eric S. Goldman, retained respondent in an action against his builder. The matter proceeded apace through early 2003, with respondent preparing answers to the defendant/builder's interrogatories.

In April 2003, respondent notified Goldman that a court hearing scheduled for that month had been adjourned, and that, therefore, Goldman need not appear. Thereafter, respondent advised

Goldman that she was pursuing a settlement of the matter. There is no allegation in the complaint that respondent lied in this regard.

Over the next several months, Goldman made repeated attempts to contact respondent. Between July and September 2003, Goldman called respondent's office twenty times, but respondent did not reply to any of Goldman's calls. On one occasion during that time, Goldman received a message from respondent's secretary that respondent continued to pursue a settlement of his claim. Respondent, however, never communicated to Goldman directly the status of the case.

Hearing nothing from respondent, at an undisclosed point in time thereafter, Goldman contacted the Bergen County clerk's office about his matter. Goldman learned that his complaint had been dismissed on April 28, 2003, for plaintiff's "failure to appear in court."

After learning of the dismissal, Goldman continued to pursue respondent for information about the status of his case. However, certified mail was returned and faxes directed to respondent's fax machine were not accepted.

The complaint alleged that respondent violated RPC 1.3 (lack of diligence), RPC 1.4(a) (failure to communicate with client), RPC 8.1(b) (failure to cooperate with ethics authorities) and RPC

8.4(c) (engaging in conduct including dishonesty, fraud, deceit or misrepresentation).

On February 27, 2004, the DEC sent a copy of the complaint to respondent's last known office address at 120 Woodbridge Avenue, Sewaren, New Jersey 07077, by certified and regular mail. On April 3, 2004, the certified mail receipt was returned by the postal authorities marked "RETURN TO SENDER." The regular mail was not returned.

On May 13, 2004, the DEC sent respondent a letter advising her that, unless she filed an answer to the complaint within five days of the date of the letter, the allegations would be deemed admitted and that, pursuant to R.1:20-4(f) and R.1:20-6(c) (1), the record in the matter would be certified directly to us for the imposition of discipline. That letter was sent to respondent at the same address, by both certified and regular mail. The certified mail was returned by the postal authorities marked "RETURN TO SENDER." The regular mail was not returned.

Respondent did not file an answer to the complaint.

Service of process was properly made. Following a review of the record, we find that the facts recited in the complaint support the charges of unethical conduct. Because of respondent's failure to file an answer, the allegations of the complaint are deemed

admitted. R.1:20-4(f).

Goldman retained respondent to prosecute a claim against a builder. Although respondent took some interest in the case early on, she ceased work at about the time that Goldman's answers to interrogatories were due. Respondent's failure to press ahead with her client's claim was a violation of RPC 1.3. In addition, after the dismissal, respondent took no steps to reinstate the complaint or to protect the claim. Although respondent was not charged with gross neglect (RPC 1.1(a)), the complaint alleges sufficient facts to find, by clear and convincing evidence, a violation of RPC 1.1(a).

So, too, respondent failed to reply to Goldman's numerous written and telephonic requests for information about the status of his case, leaving his client to find out on his own that his complaint had been dismissed. In doing so, respondent violated RPC 1.4(a).

With regard to RPC 8.1(b), respondent failed to answer several written requests from the DEC investigator for a reply to the grievance, including letters dated November 7, 2003 and December 1, 2003. In addition, respondent later allowed the matter to proceed to us on a default basis. In so doing, she violated RPC 8.1(b).

Finally, with regard to the alleged violation of RPC 8.4(c),

the complaint states that respondent engaged in "deceit and misrepresentation of facts," but does not specify what facts might have comprised deceit or misrepresentation. Therefore, we dismiss the alleged violation of RPC 8.4(c).

Ordinarily, conduct involving gross neglect in one or a few matters, with or without violations such as lack of diligence and failure to communicate with the client, warrants the imposition of an admonition or a reprimand. See, e.g., In the Matter of E. Steven Lustig, Docket No. DRB 00-003 (April 10, 2000) (admonition for gross neglect in a matrimonial matter and failure to adequately communicate with the client); In re Wildstein, 138 N.J. 48 (1994) (reprimand for gross neglect and lack of diligence in two matters and failure to communicate in a third matter); and In re Gordon, 121 N.J. 400 (1990) (reprimand for gross neglect and failure to communicate in two matters).

In default matters with similar violations, enhanced discipline – at least a reprimand – has been imposed. See In re Gavin, 167 N.J. 606 (2001) (reprimand for gross neglect of a post-divorce proceeding to enforce alimony order, failure to comply with requests for information, and failure to cooperate with ethics investigation; prior reprimand); In re Goodman, 165 N.J. 567 (2000) (reprimand for gross neglect of a matter for seven years by failing

to file a complaint, thus causing the claim to become time-barred, failure to communicate with the client, and failure to cooperate with disciplinary authorities; prior private reprimand); In re Fleisher, 165 N.J. 501 (2000) (reprimand in a product liability case for failure to keep the client informed about the status of the matter for more than two years, lack of diligence, and failure to turn over client file to the new attorney, despite repeated requests to do so).

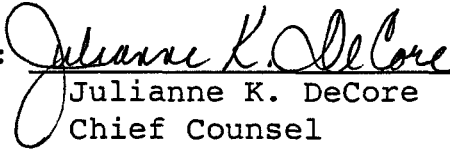
Where the attorney also has prior discipline, a short term of suspension has been imposed. See, e.g., In re Clemmons, 165 N.J. 477 (2001) (three-month suspension for gross neglect of a matter, lack of diligence, failure to communicate with the client, and failure to cooperate with disciplinary authorities; prior six-month suspension); In re Davis, 163 N.J. 563 (2000) (three-month suspension for gross neglect by failure to oppose a motion for summary judgment against the client, failure to keep the client reasonably informed about the status of the matter, and failure to cooperate with disciplinary authorities; prior admonition and three-month suspension).

Here, respondent has defaulted in a third consecutive disciplinary matter. In January of this year she received a reprimand in the first of those matters. On July 28, 2004, we voted

for a second reprimand in a default matter. On notice numerous times that her license to practice law was in jeopardy, respondent has done nothing to facilitate the resolution of disciplinary matters pending against her. We determine that, given respondent's demonstrated disdain for the disciplinary system, a three-month suspension is warranted. Members Barbara F. Schwartz and Spencer V. Wissinger, III did not participate.

We also determine to require respondent to reimburse the Disciplinary Oversight Committee for administrative expenses.

Disciplinary Review Board  
Mary J. Maudsley, Chair

By:   
Julianne K. DeCore  
Chief Counsel



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**SUPREME COURT OF NEW JERSEY  
DISCIPLINARY REVIEW BOARD  
VOTING RECORD**

In the Matter of Louann K. Wonski  
Docket No. DRB 04-236

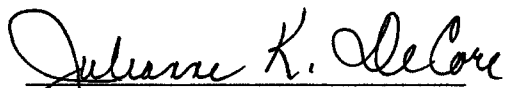
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Decided: October 26, 2004

Disposition: Three-month suspension

Members	Three-month Suspension	Reprimand	Admonition	Disqualified	Did not participate
Maudsley	X				
O'Shaughnessy	X				
Boylan	X				
Holmes	X				
Lolla	X				
Pashman	X				
Schwartz					X
Stanton	X				
Wissinger					X
<b>Total:</b>	7				2

  
Julianne K. DeCore  
Chief Counsel