

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 01-283

IN THE MATTER OF
PATRICIA ADELLE
AN ATTORNEY AT LAW

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

Decided: October 16, 2001

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

Pursuant to R.1:20-4(f)(1), the District XI 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.

On May 16, 2001, the DEC forwarded a copy of the complaint to respondent by certified and regular mail. The certified mail was returned stamped "unclaimed." The regular mail was not returned. When respondent did not file an answer, on June 13, 2001 the DEC forwarded a second letter to her, seeking a reply within five days. The certified mail receipt, dated June 18, 2001, indicates receipt by "P. Adelle." The regular mail was not

returned. When respondent did not file an answer, the record was certified directly to us for the imposition of discipline, pursuant to R.1:20-4(f).

Respondent was admitted to the New Jersey bar in 1993. She maintains a law office in Pompton Plains, New Jersey. She has no history of discipline.

The two-count complaint charged respondent with violations of RPC 1.3 (lack of diligence) and RPC 1.4, presumably section (a) (failure to communicate with client) (count one) and RPC 8.1(b) (failure to respond to a lawful demand for information from a disciplinary authority), cited in the complaint as R.1:20-3(g)(3) (count two).

According to the complaint, Barbara Durget retained respondent to represent her in a collection suit filed by her former landlord. Schedule D to the certification of the record shows that, when Durget retained respondent, she gave her \$250 of an \$800 fee. Respondent informed Durget that she would file a motion to dismiss the matter using the statute of limitations as a defense to the landlord's claim. Respondent never filed any pleadings, never wrote to the landlord's attorney and failed to have the matter dismissed.

Durget attempted to contact respondent on several occasions by letter and in person. Respondent did not reply to any of Durget's communications. According to the complaint, respondent failed to communicate with Durget after she realized that the advice she had given Durget was wrong. As a result of respondent's inaction, a judgment was entered against Durget in the amount of \$1,888.79. Eventually, Durget paid the judgment in full.

Respondent was charged with failure to act with diligence and promptness and failure to keep her client informed about the status of her matter.

The second count alleged that respondent's failure to reply to the DEC investigator's letters and telephone calls violated RPC 8.1(b).

* * *

Service of process was proper. Therefore, the matter may proceed as a default. Pursuant to R. 1:20-4(f)(1), the allegations of the complaint are deemed admitted.

The complaint supports a finding that respondent violated RPC 1.3 and RPC 1.4(a). Respondent failed to notify Durget that she was mistaken in her analysis of Durget's case. After accepting partial payment of the retainer, she took no further action in Durget's matter and failed to advise her as to the status of the matter.


In addition, respondent's failure to reply to the DEC's requests for information violated RPC 8.1(b).

Typically, in similar cases involving only one client, admonitions have been imposed. See In the Matter of Gerald A. Nunan, Docket No. DRB 98-263 (October 20, 1998) (admonition for violations of RPC 1.1(a), RPC 1.3, RPC 1.4(a), RPC 8.4(a) (violating the Rules of Professional Conduct) and RPC 8.1(b) and In the Matter of Larry J. McClure, Docket No. DRB 98-430 (February 22, 1999) (admonition for violations of RPC 1.1(a),

RPC 1.3, RPC 1.4(a), RPC 1.5 (failure to provide written retainer) and RPC 8.1(b)). However, where the attorney has defaulted in the ethics proceeding, a reprimand is generally appropriate. In re Wood, 165 N.J. 564 (2000) (reprimand in default case for lack of diligence and failure to communicate with client; attorney had prior admonition); In re Mandel, 162 N.J. 100 (1999) (reprimand in a default case for gross neglect, failure to communicate with client, failure to turn over files to new counsel and failure to cooperate with disciplinary authorities); In re Lampidis, 153 N.J. 367 (1998) and In re Gruber, 152 N.J. 451 (1998) (reprimands in default cases involving gross neglect, lack of diligence and failure to cooperate with disciplinary authorities). Because of the default posture of this matter, we unanimously determined to impose a reprimand. Two members did not participate.

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

Dated: Oct 16 2001

By: 
ROCKY L. PETERSON
Chair
Disciplinary Review Board

SUPREME COURT OF NEW JERSEY

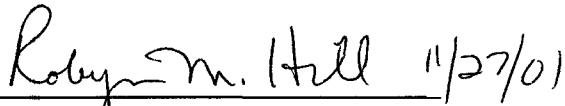
**DISCIPLINARY REVIEW BOARD
VOTING RECORD**

**In the Matter of Patricia Adelle
Docket No. DRB 01-283**

Decided: October 16, 2001

Disposition: reprimand

Members	Disbar	Three-month suspension	Reprimand	Admonition	Dismiss	Disqualified	Did not participate
Peterson			X				
Maudsley			X				
Boylan			X				
Brody			X				
Lolla			X				
O'Shaughnessy							X
Pashman			X				
Schwartz							X
Wissinger			X				
Total:			7				2


Robyn M. Hill
Chief Counsel