

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. D^{PR} 01-142

IN THE MATTER OF :
:
TANYA E. LAWRENCE :
:
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), the District VA Ethics Committee (“DEC”) certified the
record directly to us for the imposition of discipline, following respondent’s failure to file
an answer to the formal ethics complaint.

Respondent was admitted to the New Jersey bar in 1998. She has no disciplinary
history.

On December 28, 2000, the DEC served a copy of the complaint on respondent by
certified and regular mail to a Hackensack address. Both the certified and regular mail were
returned to the DEC marked “moved, left no address.” (The address had been provided by

the post office, the DEC had previously sent mail to respondent at that address and the mail had not been returned.) On February 12, 2001, a disciplinary notice was published in the Newark Star-Ledger notifying respondent that a formal complaint had been filed against her and that she had twenty-one days after the date of publication to file an answer to the complaint. On February 19, 2001, a similar notice was published in the New Jersey Law Journal.

Respondent failed to file an answer to the complaint and the record was certified to us as a default.

The complaint charges violations of RPC 1.4(a) (failure to communicate), RPC 1.5(a) (unreasonable fee), RPC 5.5(a) (practicing while ineligible), RPC 7.5(a) (misleading letterhead), RPC 8.1(b) (failure to cooperate with a disciplinary investigation) and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation).

On September 20, 1999, respondent was declared ineligible to practice law for failing to pay her 1999 annual assessment to the New Jersey Lawyers' Fund for Client Protection ("the Fund"). On October 7, 1999, while ineligible to practice law, respondent agreed to represent Gerald Gordon in several related matters against the New York City Board of Education and the New York City Department of Probation. Gordon paid respondent a retainer to handle his case. Respondent did not advise Gordon that she was not licensed to practice law in the state of New York. Although respondent was not admitted in New York, her letterhead recited "Law offices of Tanya E. Lawrence, Attorney at Law" and contained

a Brooklyn, New York address, telephone number and "fax" number, in addition to a Somerville, New Jersey address and telephone number.

According to the complaint, respondent promised Gordon that she would (1) file a motion to decrease his restitution payments to the probation department and (2) ask his probation officer to submit the motion to the court before November 19, 1999. On November 22, 1999, Gordon discovered that respondent had failed to take the promised actions. When he contacted respondent, she advised him "to be patient and that [he] had not been arrested yet" for violating the terms of his parole. Gordon subsequently received notice from the probation department that disciplinary action was pending against him because he was in arrears on his restitution payments. Gordon then orally terminated respondent's services. Respondent replied that, in order to terminate the representation, "notification to the state bar association [was] necessary and required to close [his] file."

On November 29, 1999, Gordon sent a letter to respondent formally terminating her representation and requesting that she return his retainer, provide an accounting of her services rendered and return all of his documentation. On December 5, 1999, Gordon again requested an accounting and the return of his \$500 retainer. On December 6, 1999, respondent sent him a bill for services rendered. Although the bill was in the amount of \$378 and listed a balance of \$122, respondent enclosed a \$200 money order, representing the balance of his retainer.

The complaint alleges that respondent billed Gordon for telephone calls she

purportedly made to him about a November 24, 1999 notice regarding late restitution payments. Respondent's bill indicated, however, that the calls took place between October 19 and November 11, 1999 - before the notice had been received. In addition, respondent billed Gordon for four hours of research. At a later date, respondent returned Gordon's documents.

Despite correspondence requesting that respondent reply to the grievance, no answer was ever received. Additionally, the Office of Attorney Ethics ("OAE") attempted to reach respondent at her New York telephone number. Although that number was disconnected, a New York forwarding number was provided. When respondent was reached at that number, she represented that she would reply to the grievance. That telephone number was subsequently disconnected and, despite her promise, respondent did not reply.

* * *

On July 18, 2001, respondent filed a motion to vacate the default. She contended that she did not receive the grievance or the complaint. Respondent did not address the fact that, when the OAE investigator spoke with her in August 2000, she promised to reply to the grievance.

According to respondent, she moved from Brooklyn to Forest Hills, New York in October 1999 and, six months later, in April 2000, she moved to a different address in Brooklyn. Respondent further stated that she closed her law offices in June 2000 and had her

mail temporarily forwarded to the office of another attorney in Hackensack, New Jersey. However, according to respondent, not all of her mail was forwarded to that address, some was returned to the senders.

Respondent did not address the allegations of the complaint and did not present any meritorious defense to those allegations.

The OAE opposed respondent's motion because (1) respondent never notified the Fund, the OAE or the DEC of her changes in address, (2) when an OAE investigator spoke with respondent in August 2000, she promised to reply to the grievance and (3) respondent did not present any defense to the charges in the complaint.

We denied respondent's motion to vacate the default for the reasons set forth in the OAE's opposition to the motion.

* * *

Service of process was proper. Therefore, the matter may proceed as a default. Following a de novo review of the record, we find sufficient facts to support the charges contained in the complaint.

Respondent promised Gordon that she would file a motion to lower his restitution payments and that she would request his probation officer to submit the motion to the court prior to November 19, 1999, in order to avoid any potential disciplinary action against Gordon. Upon failing to discharge her obligations, respondent should have informed Gordon that the motion was not submitted by the required date. It was only when Gordon, on his own

initiative, called his probation officer on November 22, 1999 that he discovered respondent had not filed the motion. Subsequently, on November 24, 1999, Gordon received a notice from the probation authorities that disciplinary action had been instituted against him. Under these circumstances, respondent's conduct violated RPC 1.4(a).

Respondent also violated RPC 1.3 (lack of diligence) by failing to file the motion by the promised date. Although respondent was not specifically charged with a violation of RPC 1.3, the facts in the complaint gave her sufficient notice of the alleged improper conduct and of the potential violation of that RPC. We, therefore, deem the complaint amended to include a violation of RPC 1.3. In re Logan, 70 N.J. 222, 232 (1976).

Under RPC 1.5(a), a lawyer's fees must be reasonable. Several of respondent's billings reference telephone calls that could not have taken place. The calls allegedly pertained to a November 24, 1999 notice regarding late restitution payments, but respondent's bill indicated that the last of the calls took place on November 11, 1999 - thirteen days earlier. Moreover, respondent billed Gordon for four hours of research on New York law, even though she failed to file a motion to modify the court order, which was the focus of the research. More importantly, respondent was not admitted to practice law in New York and, therefore, could not charge legal fees for handling New York matters. Based on these allegations, respondent violated RPC 1.5(a) and RPC 8.4(c).

RPC 5.5(a) prohibits a lawyer from practicing law in a jurisdiction where doing so would violate that jurisdiction's regulation of the legal profession. Here, the facts in the

complaint establish that respondent practiced law in New York, when she was not licensed in that state. In fact, at the time, she was not even eligible to practice in New Jersey, due to her failure to pay the annual assessment to the Fund. Her conduct clearly violated RPC 5.5(a).

The complaint also supports a finding that respondent violated RPC 7.5(a). That rule prohibits a lawyer from using a firm name, letterhead, or other professional designation that violates RPC 7.1. RPC 7.1(a), in turn, prohibits a lawyer from making false or misleading communications about themselves, their services or any matter in which they are professionally involved. Here, respondent's letterhead listed a New York address and a New York telephone number, as well as a New Jersey office address. The use of both New York and New Jersey addresses on respondent's letterhead suggested that she maintained offices in both states and, therefore, was licensed as an attorney in both states. This was misleading because respondent was not admitted in New York. Respondent created an unjustified expectation in Gordon about the results that she could achieve for him. Furthermore, at the time she was practicing, she was not even eligible to practice in New Jersey due to her failure to pay the 1999 annual assessment to the Fund. The complaint, therefore, supports violations of RPC 7.5(a) and RPC 8.4(c).

Respondent also violated RPC 8.1(b), by failing to answer the DEC's letters and telephone calls requesting that she reply to the grievance and by failing to answer the complaint.

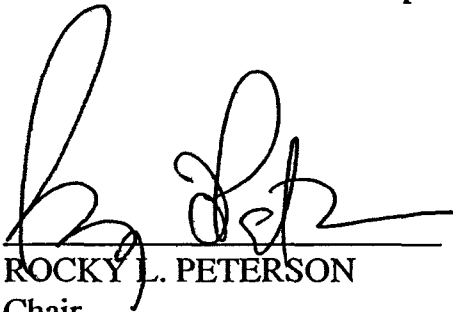
As to the quantum of discipline. Respondent failed to keep a client reasonably informed about the status of a matter, exhibited a lack of diligence, charged an unreasonable fee, engaged in the unauthorized practice of law, used misleading letterhead and failed to cooperate with disciplinary authorities.

Similar cases of practicing while ineligible and failing to cooperate with disciplinary authorities have resulted in short suspensions. See, e.g., In re Van Wart, 162 N.J. 102 (1999) (three-month suspension in a default matter for practicing law while ineligible, failing to deliver property to which a third party was entitled and failing to cooperate with disciplinary authorities) and In re Medford, 148 N.J. 81 (1997) (three-month suspension for practicing while ineligible, gross neglect, lack of diligence, failure to communicate, failure to promptly deliver funds to a client, failure to surrender a file and failure to cooperate).

In light of the foregoing, a four-member majority of the Board determined to suspend respondent for three months. Two members voted for a six-month suspension. Three members did not participate

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

Dated: 05/16/2001

By: 
ROCKY L. PETERSON
Chair
Disciplinary Review Board

SUPREME COURT OF NEW JERSEY

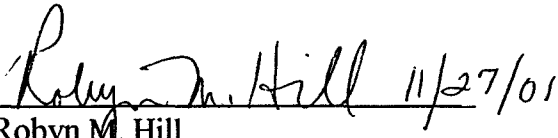
**DISCIPLINARY REVIEW BOARD
VOTING RECORD**

**In the Matter of Tanya E. Lawrence
Docket No. DRB 01-142**

Decided: October 16, 2001

Disposition: three-month suspension

Members	Disbar	Three-month suspension	Six-month suspension	Reprimand	Admonition	Disqualified	Did not participate
Peterson		X					
Maudsley							X
Boylan		X					
Brody			X				
Lolla		X					
O'Shaughnessy							X
Pashman		X					
Schwartz							X
Wissinger			X				
Total:		4	2				3


Robyn M. Hill
Chief Counsel