

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 01-166

IN THE MATTER OF :
 :
CRAIG N. GREENAWALT :
 :
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 Office of Attorney Ethics (“OAE”) 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 practice of law in New Jersey in 1980. He was temporarily suspended on October 25, 1999, following his abandonment of his law practice and his failure to cooperate with the OAE’s investigation of this matter. As of the date of this decision, he remains suspended.

The OAE forwarded a copy of the complaint by regular and certified mail to respondent’s home address on March 1, 2001. The certified mail was returned marked “unclaimed.” The regular mail was not returned. On March 28, 2001, the OAE sent

respondent a letter notifying him that, if he did not answer the complaint within five days, the record would be certified directly to us for the imposition of discipline, pursuant to R.1:20-4(f). As of the date of the OAE's certification to us, April 26, 2001, neither the certified mail receipt nor the regular mail had been returned.

Respondent did not file an answer to the complaint. The OAE then certified the record directly to us.

The complaint alleges that respondent violated RPC 1.1(a) (gross neglect), RPC 1.1(b) (pattern of neglect), RPC 1.3 (lack of diligence), RPC 1.4 (presumably RPC 1.4(a)) (failure to communicate with clients), RPC 1.15(b) (failure to timely remit trust funds to a client or third party) and RPC 1.16(d) (abandonment of clients) in his representation of three clients, Christopher and Eleanor Molloy, Shirley Mann and the Town of Garwood Planning Board. The complaint further charges that respondent abandoned his law practice in April 1999 and that, in October 1999, an attorney-trustee was appointed to protect the interests of respondent's clients.

With respect to the Molloy matter, the complaint alleged that the Molloy's retained respondent in April 1998 to represent them in their purchase of a house. The closing took place on April 16, 1998. Subsequently, respondent failed to pay the title insurance premium, failed to obtain and record a discharge of the outstanding mortgage on the property, failed to record the deed and failed to reply to his clients' requests for information about the matter.

In the Mann matter, the complaint charged that respondent represented Shirley Mann

in December 1997 for the closing on her sale of real property and that he failed to timely pay the \$105,504.52 sale proceeds to Mann.¹

In the Garwood Planning Board matter, respondent was retained to defend the Planning Board in a lawsuit brought by residents of the town of Westfield. The complaint charged that, between 1991 and 1998, respondent failed to reply to the Planning Board's requests for information about the status of the case.

On June 10, 1999, the OAE sent respondent a letter via regular and certified mail, requesting that he contact that office immediately. The certified mail was returned as unclaimed. The regular mail was not returned. The OAE forwarded a second letter to respondent, also by regular and certified mail, asking respondent to provide a detailed written reply to the grievance filed by the title insurance company involved in the Molloy matter. As with the first letter, the certified mail was returned as unclaimed. The regular mail was not returned. On October 6, 1999, the OAE petitioned the Court for respondent's temporary suspension. As noted earlier, respondent was suspended by Order dated October 25, 1999.

The complaint charges that respondent's conduct, as stated above, constitutes a willful failure to cooperate with disciplinary authorities, in violation of RPC 8.1(b).

Finally, the complaint alleges that respondent knowingly failed to file an affidavit with the OAE demonstrating his compliance with the requirements of R.1:20-20 (activities of a

¹ Apparently, Mann's funds were placed in a certificate of deposit ("CD") in respondent's name as trustee for Mann. The CD was to mature in March 1998. Because, however, respondent never cashed in the CD, it continued to roll over until the trustee withdrew the funds and deposited them with the court.

suspended attorney) and the October 25, 1999 order of the Supreme Court, as required by R.1:20-20(b)(14). The complaint charges that respondent's failure to file the required affidavit violates RPC 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal) and RPC 8.4(d) (conduct prejudicial to the administration of justice).

* * *

Service of process was proper. Therefore, the matter may proceed as a default. Pursuant to R. 1:20-4(f), the allegations of the complaint are deemed admitted. Following a de novo review of the record, we find sufficient facts to support all of the charges contained in the complaint.

In the Molloy matter, respondent failed to (1) pay the title insurance premium; (2) record the deed and the mortgage; (3) discharge the existing mortgage on the property; and (4) reply to his client's requests for information. Respondent's conduct, thus, violated RPC 1.1(a), RPC 1.3 and RPC 1.4(a).

In the Mann matter, respondent failed to timely turn over the \$105,504 closing proceeds to his client, in violation of RPC 1.3 and RPC 1.15(b).

In the Garwood Planning Board matter, too, respondent violated RPC 1.4(a) by failing to comply with his client's requests for information about the case.

In addition, respondent abandoned his clients, failed to abide by the Supreme Court Order directing him to comply with R.1:20-20, the rule governing suspended attorneys, and

failed to cooperate with the OAE, in violation of RPC 1.1(b), RPC 1.16(d), RPC 3.4(c), RPC 8.4(d) and RPC 8.1(b).

Discipline in cases involving abandonment of the clients' interests ranges from a short-term suspension to disbarment. See In re Hoffman, 163 N.J. 4 (2000) (three-month suspension in a default matter where the attorney abandoned two matters involving four clients and failed to cooperate with disciplinary authorities; attorney had previously been reprimanded and suspended for three months); In re Lawnick, 162 N.J. 113 (1999) (one-year suspension in a default matter where attorney abandoned six clients; accepted retainers in five of the cases, ranging from \$500 to \$1500; refused to reply to his clients' communications and refused to cooperate with disciplinary authorities; attorney had been temporarily suspended for three-months); In re Terry, 137 N.J. 4 (1994) (attorney was suspended for three and one-half years for abandonment in three matters, failure to deliver funds to a third party and failure to cooperate with disciplinary authorities); In re Clark, 134 N.J. 522 (1993) (disbarment for abandonment of clients, pattern of neglect, lack of diligence, and failure to communicate with clients in six matters, conduct prejudicial to the administration of justice and failure to cooperate with disciplinary authorities where attorney already had two reprimands, a temporary suspension and a three-month suspension).


Based on the foregoing, we unanimously determined to suspend respondent for one year and until he fully cooperates with the OAE. Two members did not participate.

We also unanimously determined that, prior to reinstatement, respondent is to provide

proof of his fitness to practice law from a mental health professional approved by the Office of Attorney Ethics, as well as evidence of completion of ten hours of professional responsibility courses. Upon reinstatement, respondent is to practice under the supervision of a proctor approved by the OAE, for a period of two years.

Finally, we determined to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs.

Dated: 04/16/2001

By: 
ROCKY L. PETERSON
Chair
Disciplinary Review Board

SUPREME COURT OF NEW JERSEY

**DISCIPLINARY REVIEW BOARD
VOTING RECORD**

**In the Matter of Craig N. Greenawalt
Docket No. DRB 01-166**

Decided: October 16, 2001

Disposition: one-year suspension

Members	Disbar	One-year 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 11/27/01
Robyn M. Hill
Chief Counsel