

Book

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 97-004

IN THE MATTER OF :
 :
MICHAEL PARK :
 :
AN ATTORNEY AT LAW :
_____ :

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

Decided: September 2, 1997

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 VB Ethics Committee ("DEC") certified the record in this matter directly to the Board for the imposition of discipline, following respondent's failure to file an answer to the formal ethics complaint. Service of the complaint was made on July 24, 1996 by certified mail and regular mail at respondent's last known office address, as listed in the New Jersey Lawyers' Diary and Manual. The return receipt card was signed by Norma Brown. The regular mail was not returned. A second letter was sent on October 31, 1996 by both certified mail and regular mail, advising respondent that, unless he filed an answer to the complaint within five days, the allegations of the complaint would be deemed admitted and the record would be certified directly to the Board for the imposition of discipline. The return receipt card was signed by Renee Street and dated November 1, 1996. Again, the regular mail was not returned.

Respondent was admitted to the New Jersey bar in 1975. He has no prior discipline.

The formal complaint charged respondent with violations of RPC 1.4(a) (failure to communicate), RPC 8.1(b) (failure to cooperate with disciplinary authorities) and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation).

Judd Matter

Respondent was retained by Eugene Judd to represent him in connection with a personal claim against the State of New Jersey in February 1993. During the months of July and August 1995, respondent did not reply to his client's repeated telephone calls. Additionally, respondent ignored the DEC's request for information concerning the grievance.

Dillahunt and Baltimore Matter

In January 1992, Vanessa Baltimore and Michelle Dillahunt retained respondent's firm, Roche and Carter, to represent them in connection with a personal injury claim. In January 1995, respondent assumed responsibility for the case. Respondent subsequently failed to adequately pursue his clients' claims. He also gave the clients conflicting information about the status of the claims. Specifically, in December 1995 respondent told Baltimore that the case had been settled for \$2,500. In January 1996, however, respondent informed Dillahunt that, because the driver had no insurance, he would be unable to pursue any claim against the driver.

Additionally, respondent failed to reply to the DEC's inquiries regarding the grievance.

* * *

Following a de novo review of the record, the Board deemed the allegations contained in the complaint admitted. The record contains sufficient evidence of respondent's unethical conduct. The facts in the complaint support the findings that respondent failed to keep his clients reasonably informed and misrepresented the status of their claims. Respondent has also evidenced a disregard for the disciplinary system by failing to cooperate with the DEC in both matters. His conduct violated RPC 1.4(a), RPC 8.1(b) and RPC 8.4(c).

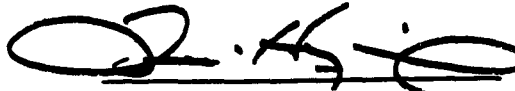
This leaves only the issue of appropriate discipline. "The Court has consistently held that misrepresenting the status of lawsuits warrants public reprimand." [Citation omitted]. In re Kasdan, 115 N.J. 472, 488 (1989).

Here, respondent not only misrepresented the status of cases, but he also failed to keep his clients reasonably informed of the status of their matters and failed to cooperate with the DEC's various requests for information concerning the matters.

In light of the foregoing, the Board unanimously determined to impose a reprimand on respondent.

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

Dated: 9/2/87



LEE M. HYMERLING
Chair
Disciplinary Review Board

SUPREME COURT OF NEW JERSEY

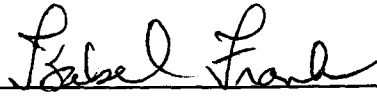
**DISCIPLINARY REVIEW BOARD
VOTING RECORD**

**In the Matter of Michael Park
Docket No. 97-004**

Decided: September 2, 1997

Disposition: Reprimand

| Members | Disbar | Suspension | Reprimand | Admonition | Dismiss | Disqualified | Did not Participate |
|---------------|--------|------------|-----------|------------|---------|--------------|---------------------|
| Hyerling | | | x | | | | |
| Zazzali | | | x | | | | |
| Cole | | | x | | | | |
| Lolla | | | x | | | | |
| Maudsley | | | x | | | | |
| Peterson | | | x | | | | |
| Schwartz | | | x | | | | |
| Thompson | | | x | | | | |
| Total: | | | 8 | | | | |

By 
Robyn M. Hill
Chief Counsel