

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 04-339
District Docket No. XI-04-005E

IN THE MATTER OF
ANA LISA VENTURA
AN ATTORNEY AT LAW.

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

Decided: December 16, 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 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 ethics complaint.

Respondent was admitted to the New Jersey bar in 1998. She has no prior discipline.

Benjamin B. Wilkins, the grievant, retained respondent to file a personal injury suit for injuries sustained in a December 10, 1999 accident. At some point during the litigation that

followed, the defendant filed a motion for summary judgment, seeking the dismissal of Wilkins' complaint.

On March 21, 2003, respondent attended a hearing on the summary judgment motion. The motion was granted on "verbal threshold" grounds, and the plaintiff's complaint was dismissed.

On August 16, 2003, Wilkins filed a grievance against respondent and two other members of her law firm.

Respondent subsequently failed to cooperate with the investigation of the matter, ignoring at least two written requests for information, dated February 24, 2004 and March 26, 2004, respectively.

The single charge in the complaint is that respondent violated RPC 8.1(b) (failure to cooperate with ethics authorities).

On May 28, 2004, the DEC sent a copy of the complaint to respondent's last known address, 3603 Kennedy Boulevard, Jersey City, New Jersey 07307, by certified and regular mail. The certified mail receipt was returned signed on June 18, 2004, bearing an illegible signature.¹ The regular mail was not returned.

¹ The certification of the record incorrectly states that the materials were returned marked "unclaimed."

On August 23, 2004, a second letter was sent to the above address, by certified and regular mail, advising respondent that, if she did not file an answer to the complaint within five days, the record would be certified directly to us for the imposition of discipline. The certified mail receipt was returned marked "unclaimed." The regular mail was not returned.

Respondent did not file an answer to the complaint.

Service of process was properly made in this matter. Following a review of the record, we find that the facts recited in the complaint support the charge 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).

Respondent failed to reply to the investigator's repeated requests for information about Wilkins' case, a violation of RPC 8.1(b).

An admonition would ordinarily be adequate discipline for a single instance of failure to cooperate with ethics authorities. See, e.g., In the Matter of Donald R. Stemmer, Docket No. DRB 98-394 (April 11, 2000) (admonition for attorney who, in the course of a disciplinary investigation of a grievance filed against him, failed to cooperate with disciplinary authorities by not replying to the grievance); and In the Matter of Arnold M. Abramowitz, Docket No. DRB 97-150 (July 25, 1997) (admonition

for attorney who failed to cooperate with reasonable requests for information by a district ethics committee during its investigation of a disciplinary grievance against him). In aggravation, respondent allowed this matter to proceed to us on a default basis. Therefore, we determine that the discipline should be enhanced to a reprimand. Chair Mary J. Maudsley did not participate.

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

Disciplinary Review Board
William J. O'Shaughnessy
Vice-Chair

By: Julianne K. DeCore
Julianne K. DeCore
Chief Counsel