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SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 98-298

IN THE MATTER OF
RAYMOND T. PAGE,
AN ATTORNEY AT LAW

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

Decided: August 18, 1999

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 IV 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.

On June 2, 1998, the DEC sent a copy of the complaint by certified mail to respondent's last known office address, as it appeared in the New Jersey Lawyer's Diary and Manual. The certified mail receipt was returned, indicating delivery on June 4, 1998. The signature of the person accepting the delivery was illegible. On June 25, 1998, a second

letter was sent by certified and regular mail to respondent at the same address, advising him that, unless he filed an answer to the complaint within five days of the date of the letter, the allegations of the complaint would be deemed admitted and the record would be certified directly to the Disciplinary Review Board for the imposition of sanctions. The certified mail receipt was returned, indicating delivery on June 26, 1998. Once again, the signature of the person accepting delivery was illegible. The regular mail was not returned.

Respondent did not file an answer.

Respondent was admitted to the New Jersey bar in 1983. In 1995, respondent was admonished for lack of diligence, failure to communicate with a client and failure to respond to an ethics investigator's requests for information. In the Matter of Raymond T. Page, Docket No. DRB 95-413 (1995). Respondent was reprimanded in 1997 for gross neglect, failure to communicate and failure to keep a client reasonably informed. In re Page, 150 N.J. 254 (1997). In 1998, he was suspended for three months for gross neglect, failure to communicate, lack of diligence, failure to communicate the basis of a rate or fee in writing and failure to cooperate with disciplinary authorities. In re Page, 156 N.J. 432 (1998).

As charged in the first count of the complaint, on two separate occasions the DEC sent respondent a copy of a grievance filed by Carolyn M. Egan and requested that he submit a written reply to the allegations. Respondent failed to reply. The matter was then forwarded to the Office of Attorney Ethics ("OAE"). The OAE twice sent a copy of the grievance to respondent and requested that he provide a written response to the allegations. Again, respondent sent no reply. Additionally, respondent failed to produce files requested

by the OAE and to appear at the OAE offices on scheduled dates. Respondent was charged with failure to cooperate with the disciplinary authorities, in violation of RPC 8.1(b).

According to the second count of the complaint, in May 1996 respondent was retained by DeLaine Andrews to handle a civil action. Additionally, in June 1996 Andrews retained respondent to obtain relief from a judgment entered against her. Andrews paid respondent a flat fee of \$150 for handling the civil action, and a \$750 retainer to represent her in the judgment matter. There were no written fee agreements. From June 1996 until February 1997, Andrews telephoned respondent on numerous occasions and wrote to him twice to determine the status of her matters. Apparently respondent did not contact Andrews or take any action on her behalf. Respondent was charged with gross neglect [RPC 1.1(a)], lack of diligence (RPC 1.3) and failure to communicate [RPC 1.4(a)].

The third count of the complaint charged that, on two separate occasions, the DEC sent respondent a copy of the grievance in the Andrews matter and requested a written reply. Respondent failed to respond. After the matter was forwarded to the OAE for investigation, on two separate occasions the OAE wrote to respondent, requesting a written reply to the Andrews grievance. Again, respondent did not comply with that request. As a result, the third count of the complaint charged respondent with failure to cooperate with the disciplinary authorities, in violation of RPC 8.1(b).

* * *

Service of process was properly made in this matter. Following a de novo review of the record, the Board found that the facts recited in the complaint support a finding 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)(1).

All violations charged are supported by the record. Respondent did not comply with the requests of the DEC or the OAE regarding the Egan matter, in violation of RPC 8.1(b). Similarly, respondent did not take any action on Andrews' behalf, in violation of RPC 1.1(a) and RPC 1.3. Respondent also failed to reply to Andrews' telephone messages and her written requests for information about the status of her matters, in violation of RPC 1.4(a). Lastly, respondent did not comply with the requests of the DEC or the OAE regarding the Andrews grievance, in violation of RPC 8.1(b).

Ordinarily, similar misconduct, without prior discipline, results in a reprimand. See In re Hamilton, 147 N.J. 459 (1997) (reprimand for lack of diligence, failure to communicate and failure to cooperate with disciplinary authorities) and In re Ortiz 147 N.J. 292 (1997) (reprimand for gross neglect, failure to communicate, lack of diligence, conflict of interest and failure to obtain written retainer). However, prior discipline is generally considered as an aggravating factor, which requires more severe discipline. See, e.g., In re Ortopan, 147 N.J. 330 (1997) (six-month suspension for lack of diligence, failure to communicate, failure to deliver a file and failure to cooperate with disciplinary authorities; attorney had previously been suspended for three months for the same type of violations); In re Balsam, 142 N.J. 550 (1995) (six-month suspension where the attorney, who had previously been

privately reprimanded twice, grossly neglected a matter, failed to communicate with a client and failed to cooperate with disciplinary authorities) and In re Smith, 140 N.J. 212 (1995) (six-month suspension for lack of diligence and failure to cooperate with disciplinary authorities; attorney had previously been both privately reprimanded and suspended for one year).

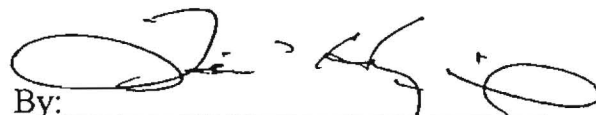
After consideration of the relevant circumstances, the Board unanimously determined to suspend respondent for six months. The suspension is to be served consecutively to the three-month suspension imposed in March 1998. One member did not participate.

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

Dated: _____

8/18/99

By: _____



LEE M. HYMERLING
Chair
Disciplinary Review Board