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OF THE

SUPREME COURT OF NEW JERSEY

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October 27, 1997

Certified Mail - R.R.R. and Regular Mail

Ben W. Payton, Esq.
1188 Park Avenue
Plainfield, New Jersey 07060

Re: In the Matter of Ben W. Payton
Docket No. DRB 97-247
LETTER OF ADMONITION

Dear Mr. Payton:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, on September 16, 1993 you filed a complaint on behalf of Paula E. Jones, four days after the expiration of the statute of limitations. Ms. Jones was not informed of the filing of the complaint or of the fact that it was filed late. Ultimately, the complaint was dismissed for lack of prosecution. You did not inform Ms. Jones of the dismissal. Your conduct was unethical and in violation of RPC 1.1 (a), RPC 1.3 and RPC 1.4 (a).

In imposing only an admonition, the Board considered that you were a new and inexperienced attorney at the time of the infraction, having been admitted to the New Jersey bar only one year before.

Your conduct adversely reflected not only upon you as an attorney, but also upon all members of the bar. Accordingly, the Board has directed the issuance of this admonition to you. R. 1:20-15 (f) (4).

I/M/O Ben W. Payton
DRB 97-247

A permanent record of this occurrence has been filed with the Clerk of the Supreme Court and the Board's office. Should you become the subject of any further discipline, it will be taken into consideration.

The Board has also directed that the costs of the disciplinary proceedings be assessed against you. An affidavit of costs will be forwarded under separate cover.

Very truly yours,


Robyn M. Hill

RMH:ms

- c. Chief Justice Deborah T. Poritz
- Associate Justices
- Stephen W. Townsend, Clerk
- Supreme Court of New Jersey
- Lee M. Hymerling, Chair
- Disciplinary Review Board
- David E. Johnson, Jr., Director
- Office of Attorney Ethics.
- Donald A. DiGioia, Chair
- District XII Ethics Committee
- Nicholas D. Caruso, Secretary
- District XII Ethics Committee
- Paula E. Jones, Grievant