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SUPREME COURT OF NEW JERSEY



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ASSISTANT COUNSEL

July 28, 2010

VIA CERTIFIED MAIL, R.R.R. & REGULAR MAIL

James Edward Burden
c/o Justin T. Loughry
Loughry & Lindsay, LLC
330 Market Street
Camden, New Jersey 08102

Re: **In the Matter of James Edward Burden**
Docket No. DRB 10-189
District Docket No. IV-07-0009E
LETTER OF ADMONITION

Dear Mr. Burden:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Following a review of the record, the Board determined to impose an admonition.

Specifically, in 2001, when you were employed by the Law Offices of Clifford Van Syoc, Francine Kelly retained that firm to prosecute a claim on behalf of her minor daughter, Bergina, who had been bitten by a pit bull owned by Verna Peak. You were assigned to represent Bergina. After you filed a lawsuit, Peak did not answer the complaint. In March 2001, you obtained a default judgment against her for \$200,000. However, you failed to have the judgment recorded.

Thereafter, on May 8, 2002, Peak filed for chapter 13 bankruptcy protection. Notices relating to the bankruptcy were sent to your firm in June, July, and August 2002. At that time, you were absent from the firm for personal reasons, not having returned until September 18, 2002. It was, therefore, the firm's responsibility to ensure that Bergina's case was proceeding apace. Nevertheless, your conduct prior to the period of your absence and after your return constituted gross neglect and lack of diligence, violations of RPC 1.1(a) and RPC 1.3, respectively.

In addition, you did not inform the Kellys that the judgment had not been recorded and that no proof of claim had been filed on Bergina's behalf. Francine's attempts to contact you were to no avail. It was not until January 2006, after she threatened to contact the Bar Association, that you finally informed her about the status of Bergina's case. Your conduct was unethical and a violation of RPC 1.4(b).

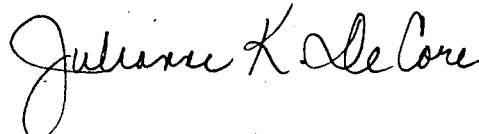
In imposing only an admonition, the Board considered the large caseload and stacks of papers and documents that were awaiting your attention, upon your return to work; the character letters and testimony supplied on your behalf; your ready admission of wrongdoing; your remorse; and the fact that you and your family suffered from stresses and other mental effects from the loss of a family member during the September 11, 2001 attacks on the World Trade Center.

Your conduct has 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).

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 invoice of costs will be forwarded under separate cover.

Very truly yours,



Julianne K. DeCore
Chief Counsel

JKD/sl

c: Chief Justice Stuart Rabner
Associate Justices
Louis Pashman, Chair
Disciplinary Review Board
Mark Neary, Clerk
Supreme Court of New Jersey
Gail G. Haney, Deputy Clerk
Supreme Court of New Jersey (w/ethics history)
Charles Centinaro, Director
Office of Attorney Ethics
Anne T. Picker and Dina Gattuso,
Co-Chairs, District IV Ethics Committee
John M. Palm, Secretary, District IV Ethics Committee
Bergina Kelly, Grievant