

# DISCIPLINARY REVIEW BOARD

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April 24, 2012

Mr. Mark Neary, Clerk  
Supreme Court of New Jersey  
P.O. Box 70  
Trenton, New Jersey 08625

Re: In the Matter of Edward Benjamin Bush

Docket No. DRB 12-073

District Docket No. IIIA-2011-0013E

Dear Mr. Neary:

The Disciplinary Review Board reviewed the motion for discipline by consent (reprimand or such lesser discipline as the Board may deem warranted) filed by the District IIIA Ethics Committee, pursuant to R. 1:20-10(b). Following a review of the record, the Board determined to grant the motion.

Specifically, in May 2006, grievant Marie Leahey retained respondent to handle an estate administration litigation matter. The representation proceeded smoothly until mid-2010, when he stopped communicating with her. Between August 2010 and July 2011, Leahey telephoned respondent on at least nine occasions and wrote at least four letters requesting information about the matter. Although respondent acknowledged having received these communications, he admitted that he did not reply to them. Respondent's failure to reply to his client's multiple telephone calls and letters over an eleven-month period violated RPC 1.4(b) (failure to keep a client reasonably informed about the status of the matter and promptly comply with reasonable requests for information).

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In addition, respondent lacked diligence in handling the matter, as he failed to follow through on his agreement to file a complaint, an order to show cause, and other pleadings, a violation of RPC 1.3.

Based on precedent, the Board determined to impose an admonition, rather than a reprimand, for respondent's violation of RPC 1.4(b) and RPC 1.3. See, e.g., In the Matter of James C. Richardson, DRB 06-010 (February 23, 2006) (attorney lacked diligence in an estate matter and did not reply to the beneficiaries' requests for information about the estate); In the Matter of Anthony R. Atwell, DRB 05-023 (February 22, 2005) (attorney did not disclose to the client that the file had been lost, canceled several appointments with the client for allegedly being unavailable or in court when, in fact, the reason for the cancellations was his inability to find the file, and then took more than two years to attempt to reconstruct the lost file); In the Matter of John F. Coffey, DRB 04-419 (January 21, 2005) (attorney did not file a bankruptcy petition until nine months after being retained and did not keep the client informed of the status of the case; only after the client contacted the court did she learn that the petition had not been filed); In the Matter of Jonathan Saint-Preux, DRB 04-174 (July 19, 2004) (in two immigration matters, attorney failed to appear at the hearings, thereby causing orders of deportation to be entered against the clients; he also failed to apprise the clients of these developments); In the Matter of Susan R. Dargay, DRB 02-276 (October 25, 2002) (attorney failed to promptly submit to the court a final judgment of divorce in one matter and failed to reply to the client's letters and phone calls in another matter); In the Matter of Mark W. Ford, DRB 02-280 (October 22, 2002) (attorney failed to file a workers' compensation claim and to reasonably communicate with the client about the status of the case); and In the Matter of W. Randolph Kraft, DRB 01-051 (May 22, 2001) (attorney failed to prosecute a case diligently and failed to communicate with the client; the lack of communication included the attorney's failure to notify the client that the complaint had been dismissed for lack of prosecution).

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated January 26, 2012;

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2. Stipulation of discipline by consent, dated February 3, 2012;
3. Affidavit of consent, dated January 26, 2012;
4. Ethics history, dated April 24, 2012.

Very truly yours,



Julianne K. DeCore  
Chief Counsel

JKD/paa  
encls.

cc: Louis Pashman, Chair, Disciplinary Review Board  
(w/o encls.)  
Charles Centinaro, Director, Office of Attorney Ethics  
(w/o encls.)  
Eugenia M. Lynch, Chair, District IIIA Ethics Committee  
(w/o encls.)  
Steven Secare, Secretary, District IIIA Ethics Committee  
(w/o encls.)  
Edward Benjamin Bush, Respondent  
(w/o encls.)