

Book

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 96-397

\_\_\_\_\_  
IN THE MATTER OF :  
 :  
MARIE C. CHEN :  
 :  
AN ATTORNEY AT LAW :  
\_\_\_\_\_  
 :

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

Decided: July 14, 1997

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 XIII 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. Service of the complaint was made by certified mail and regular mail. The return receipt card was signed, although illegibly, and dated February 24, 1996. A second letter was sent by certified and regular mail. Again, the return receipt card, dated March 19, 1996, was signed illegibly. In both cases, the regular mail was not returned.

Respondent was admitted to the New Jersey bar in 1986. On October 2, 1995, respondent was publicly reprimanded for gross neglect, failure to communicate with clients in two matters and failure to maintain a bona fide office. On March 19, 1996, she was suspended for three months for

pattern of neglect and failure to communicate in two matters, together with failure to cooperate with disciplinary authorities.

The formal complaint charged respondent with general violations of RPC 1.1, RPC 1.4, and RPC 8.4. The Board made specific findings of violations of RPC 1.1(a) (gross neglect), RPC 1.1(b) (pattern of neglect), RPC 1.4(a) (failure to communicate) and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation).

According to the complaint, respondent was retained on August 29, 1994 to represent Pravin Bhagat in connection with a name change. Respondent advised Bhagat that she filed the petition for the name change and that a hearing would not be held until 1995. Thereafter, despite numerous requests for information from Bhagat, respondent failed to apprise him of the status of the matter. In July 1995, she promised that she was writing a letter to update Bhagat as to the status of the case. That letter was not sent, nor were several messages left on respondent's answering machine returned. Nothing was ever filed by respondent on behalf of Bhagat.

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Following a de novo review of the record, the Board deemed the allegations contained in the complaint admitted. The record contains sufficient evidence of respondent's unethical conduct.

This leaves only the issue of appropriate discipline. Although misconduct of this nature would ordinarily result in a reprimand, respondent's continued disregard for the Rules of Professional Conduct and failure to cooperate with the disciplinary system warrants greater discipline. See, e.g., In re Brantley, 139 N.J. 465 (1995) (three-month suspension for lack of

diligence, failure to communicate, failure to cooperate with disciplinary authorities and pattern of neglect; prior one-year suspension and three prior private reprimands considered); In re Kates, 137 N.J. 102 (1994) (three-month suspension for lack of diligence and failure to communicate; extreme indifference toward ethics system considered); In re Hodge, 130 N.J. 534 (1993) (three-month suspension for pattern of neglect, failure to communicate, failure to turn over client property, gross neglect, lack of diligence, failure to maintain bona fide office and failure to cooperate with disciplinary authorities).

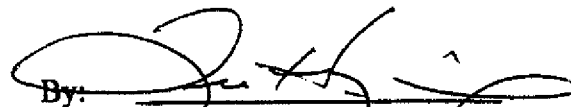
In light of the foregoing, the Board unanimously determined to suspend respondent for three months, consecutive to the expiration of her current suspension. The conditions imposed in her prior disciplinary matter are to continue: respondent must complete eight hours of professional responsibility courses prior to reinstatement, practice under the supervision of a proctor for two years upon reinstatement, submit to a compliance audit by the Office of Attorney Ethics and provide proof of a bona fide office. Two members did not participate.

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

Dated: \_\_\_\_\_

7/14/97

By: \_\_\_\_\_



LEE M. HYMERLING  
Chair  
Disciplinary Review Board