

SUPREME COURT OF NEW JERSEY
 Disciplinary Review Board
 Docket No. DRB 96-224

IN THE MATTER OF
 MARC J. GORDON
 AN ATTORNEY AT LAW

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

Decided: January 23, 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 regular and certified mail to respondent's office on January 9, 1996. The certified return receipt was returned, albeit illegibly signed, presumably by an individual from respondent's law firm.

The formal ethics complaint charged respondent with violations of RPC 1.1(a) (gross neglect) and RPC 1.4(a) (failure to keep a client reasonably informed).

Respondent was admitted to the New Jersey bar in 1959. Respondent's disciplinary history includes a public reprimand in 1990 for failure to act with due diligence, gross neglect, pattern of neglect, failure to communicate with his clients, misrepresentations to his clients and failure to protect the clients' interests. In re Gordon, 121 N.J. 400 (1990). Respondent was again reprimanded in 1995 for gross neglect in two cases, failure to communicate with his clients and failure to return

a file to a client. In re Gordon, 139 N.J. 606 (1995).

The instant misconduct, as set forth in the complaint, is as follows:

In April 1987, respondent was retained by Irene Koromi to represent her in connection with a worker's compensation dependency claim arising from her husband's death. The basis of Mrs. Koromi's claim was that, at the time of her husband's death, he had been receiving worker's compensation benefits relating to a lung condition that was a contributing cause of death. Respondent not only failed to file a dependency claim in behalf of Mrs. Koromi, he also falsely assured her that there was "plenty of time" to file the complaint and that there would be a long delay before she heard anything further from him.

Thereafter, over a period of approximately five years, respondent repeatedly refused to return Mrs. Koromi's telephone calls asking for information about the status of the matter. He also refused to reply to at least two letters from Mrs. Koromi. Furthermore, his inaction resulted in the statute of limitations' expiration, precluding Mrs. Koromi from asserting her claim.

* * *

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. In the past, conduct similar to that of respondent has resulted in a three-month suspension. See In re Brantley, 139 N.J. 465 (1995) (attorney suspended for three months for gross neglect of two matters and failure to cooperate with the district ethics committee in a third case; attorney had been previously privately reprimanded

three times and suspended for one year); In re Saginario, 142 N.J. 424 (1995) (attorney suspended for three months for grossly neglecting a client matter; attorney had been privately reprimanded on two previous occasions).

In light of the foregoing, the Board unanimously determined to suspend respondent for three months. Additionally, respondent must submit proof that he has completed eight hours of Professional Responsibility courses, prior to reinstatement.

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

Dated: 1/23/97

By: 
Lee M. Hymerling
Chair
Disciplinary Review Board