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SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 97-267

IN THE MATTER OF :
 :
ROBERT A. HOLLIS, :
 :
AN ATTORNEY AT LAW :

 :

DECISION
Default [R.120-4(f)(1)]

Decided: April 13, 1998

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 IIB 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 and regular mail. The certified mail receipt indicated delivery on May 6, 1996. The regular mail envelope was not returned.¹

Respondent was admitted to the New Jersey bar in 1971. He is currently suspended from the practice of law for a three-year period for failure to expedite litigation, conduct

¹ In a statement of procedural history included in this matter, an April 15, 1996 letter from the DEC investigator to respondent indicated that respondent intended to submit his resignation from the practice of law. There was no evidence in the file, however, that he has taken any steps to consent to disbarment.

files in the Wixson and Kathleen Palmer matters, despite repeated requests from his clients, the DEC and, in the Wixson matter, from Libretti. Although respondent acknowledged that he had the files, he refused to turn them over. The complaint charged respondent with a violation of RPC 1.16(d) (upon termination of representation, a lawyer shall surrender papers and property to which the client is entitled).

The fifth and sixth counts, the Wixson and Palmer matters respectively, charged respondent with a violation of RPC 8.1(b)(failure to respond to a lawful demand for information from a disciplinary authority). Respondent made repeated promises to the DEC investigator that he would turn over the files, but failed to do so. Respondent also indicated that he would submit a response to the grievance in each matter, but did not.

* * *

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

Respondent violated Administrative Guideline No. 23 and R.1:20-20, by failing to notify a client of his suspension and continuing to represent her while suspended (count one) and by recommending an attorney to his client while under suspension (count two). In counts three and four, respondent violated RPC 1.16(d) by failing to surrender his clients' files once he was suspended. Finally, in counts five and six, respondent violated RPC 8.1(b)

by failing to cooperate with the DEC investigator.

Respondent's ethics violations are exacerbated by his serious disciplinary history. Had respondent's record been unblemished, then perhaps a reprimand would have been sufficient discipline. See In re Gordon, 139 N.J. 606 (1995) (lack of diligence, failure to communicate, gross neglect and failure to return clients' file; attorney had prior reprimand). But see In re Herron, 144 N.J. (1996) (one-year suspension for gross neglect in two matters, failure to communicate with clients and failure to cooperate with disciplinary authorities) and In re Thomas, 140 N.J. 270 (1995) (one-year suspension where attorney grossly neglected two client matters, practiced law while on the ineligible list and without having a bona fide office and failed to cooperate with ethics authorities; the attorney had been temporarily suspended for failure to pay a fee arbitration award).

Respondent received a three-year suspension in October 1993 and has not yet filed for reinstatement. In light of respondent's ethics record, the Board unanimously determined to impose a one-year prospective suspension. One member did not participate.

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

Dated: 4/13/98

By: 

LEE M. HYMERLING
Chair
Disciplinary Review Board