

Board

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 96-471

IN THE MATTER OF :
:
RICHARD HANLON :
:
AN ATTORNEY AT LAW :
_____ :

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

Decided: September 2, 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 VI 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 at his law office address, 497 Broadway, Bayonne, New Jersey 07002. The return receipt card was signed illegibly, presumably by an individual from respondent's office. Thereafter, a letter was sent to respondent by certified mail and regular mail advising him that, unless he filed an answer to the complaint within five days of the date of the letter, the allegations would be deemed admitted and the record would be certified to the Board for the imposition of discipline. The return receipt card was again signed illegibly. The regular mail was not returned.

Respondent was admitted to the New Jersey bar in 1977. He has not previously been the subject of attorney discipline.

The formal complaint charged respondent with violations of RPC 1.1(b) (pattern of neglect), RPC 1.3 (lack of diligence), RPC 1.4(a) (failure to communicate), RPC 8.1(b) (failure to cooperate

with disciplinary authorities) and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation).

According to the complaint, respondent was retained by Geraldine Bell to represent her in connection with a personal injury matter. On May 29, 1990, respondent filed a complaint on Bell's behalf, which was served on the defendant on December 19, 1990. On January 25, 1991, however, the complaint was dismissed without prejudice for lack of prosecution. Although respondent sent a letter to the clerk of the court requesting that the dismissal be vacated, he did not file the appropriate motion.

Thereafter, Bell attempted to contact respondent on numerous occasions to ascertain the status of the case, to no avail. In March 1992, Bell met respondent in a parking lot, at which time respondent informed her that he was negotiating a settlement in her case. Respondent told Bell that he had refused an offer to settle for \$50,000 and that he was attempting to obtain \$75,000. Respondent assured Bell that he would keep her apprised of the status of the case. However, respondent never contacted Bell.

Bell consequently retained new counsel, Terrence Hull, Esq. Although Hull attempted to contact respondent by letter and telephone, he was unsuccessful. Respondent also failed to execute a substitution of attorney that Hull had forwarded to him. Ultimately, Bell was able to retrieve her file from respondent. Hull's motion to vacate the dismissal was granted on May 27, 1994.

Respondent also failed to reply to the DEC's five requests for a reply to the grievance.

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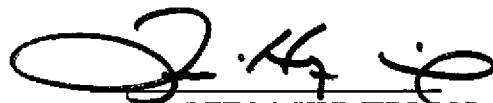
Following a de novo review of the record, the Board deemed the allegations contained in the complaint admitted. The record contains sufficient evidence of respondent's unethical conduct. The facts in the complaint support the finding that respondent neglected the case, misrepresented the status of the matter by claiming to be in the process of negotiations, when the case had already been dismissed, and continually disregarded the DEC's requests for information. The Board was unable to find, however, that respondent's conduct in Bell, standing alone, constituted a pattern of neglect, in violation of RPC 1.1(b).

This leaves only the issue of appropriate discipline. Similar misconduct has resulted in a three-month suspension. See In re Bernstein, 144 N.J. 369 (1996) (three-month suspension for gross neglect, lack of diligence, failure to communicate, misrepresentations and failure to cooperate with disciplinary authorities); In re Ortopan, 143 N.J. 586 (1996) (three-month suspension for gross neglect, failure to communicate, failure to turn over client files and failure to cooperate with disciplinary authorities); In re Kates, 137 N.J. 102 (1994) (three-month suspension where attorney failed to act with reasonable diligence, failed to communicate with a client and showed extreme indifference toward the ethics system).

In light of the foregoing, the Board unanimously determined to suspend respondent for three months. Two members did not participate.

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

Dated: 9/2/97



LEE M. HYMERLING
Chair
Disciplinary Review Board