

IF

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket Nos. DRB 96-473 and 96-474

\_\_\_\_\_  
IN THE MATTER OF :  
 :  
G. ROBERT PATTERSON :  
 :  
AN ATTORNEY AT LAW :  
\_\_\_\_\_

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

Decided: June 30, 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 IV Ethics Committee ("DEC") certified the record in these matters directly to the Board for the imposition of discipline, following respondent's failure to file answers to the formal ethics complaints.

Respondent was admitted to the New Jersey bar in 1990. By consent order dated May 20, 1996, he was temporarily suspended for an alleged pattern of neglect. Furthermore, in DRB 96-363, on June 2, 1997 the Board recommended the imposition of a six-month suspension for pattern of neglect, lack of diligence, failure to communicate, failure to surrender client property, and failure to cooperate with disciplinary authorities.

I. Docket No. DRB 96-474

The certification of service filed by the DEC secretary indicated that the complaint was sent on November 1, 1996 by certified and regular mail to respondent's law office at 260 New Jersey Avenue, Collingswood, New Jersey 08108. The complaint served by certified mail was returned as unclaimed. The complaint served by regular mail was not returned. On February 5, 1997, respondent was sent by regular mail a letter advising of the consequences for failure to answer the complaint. Respondent did not file an answer to the complaint.

The complaint alleged misconduct involving three clients, plus a pattern of neglect. In the first matter, respondent accepted a fee of \$260 to file a bankruptcy petition. After not being able to contact respondent, the client went to respondent's office. Respondent informed the client that the petition was filed under #96-12117. Subsequently, the client's creditor notified him that no such petition was filed; nevertheless, respondent notified the client of a creditors' meeting. Before the meeting, the client went to respondent's office only to find that he had moved and left no forwarding address. The client later learned from new counsel that respondent had not filed a bankruptcy petition. In the second matter, after accepting a fee of \$310 from a client to file a bankruptcy petition, respondent failed to return her telephone calls. Eventually, she went to respondent's office, signed a bankruptcy petition, and was told it would be filed the next day. Several days later, respondent gave the client a copy of a petition with a filing stamp showing an April 5, 1996 date. That day was Good Friday, a court holiday. The bankruptcy court had no record of the petition. Finally,

in the third matter, respondent filed a lawsuit against Citibank alleging unauthorized use of the client's credit card by his former wife and erroneous credit reporting, resulting in the denial of credit from another lender. The client tried to contact respondent from November 1995 through May 1996, without success. On May 16, 1996, the complaint against Citibank was dismissed for lack of prosecution.

## II. Docket No. DRB 96-473

According to the certification of service filed by the DEC secretary, service was effected on May 10, 1996 in accordance with the provisions of R. 1:20-4(d).<sup>1</sup> The cover letter accompanying the complaint indicates it was sent to respondent by certified mail to his office at Suite 200, 512 South White Horse Pike, Audubon, New Jersey 08106-1730. The certification of service further asserted that, on July 18, 1996, a second letter was forwarded to respondent at 260 New Jersey Avenue, Collingswood, New Jersey 08108 advising of the consequences for failure to file an answer to the complaint. Respondent did not file an answer to the complaint.

The fourteen-count complaint charged respondent with misconduct involving thirteen separate clients plus a separate count alleging a pattern of neglect. The charges are similar:

---

<sup>1</sup> That rule, in turn, refers to R. 1:20-7(h), requiring service by personal service or by certified mail (return receipt requested) and regular mail. It is, therefore, presumed that the DEC secretary sent the complaint by both certified and regular mail.

after the clients retained respondent to file a bankruptcy petition<sup>2</sup>, he either failed to do so, or filed the petition without other required documents or failed to appear at the creditors' meeting, causing the bankruptcy petition to be dismissed. Specifically, in four matters, bankruptcy petitions were dismissed for failure to file required documents; in five matters, bankruptcy petitions were dismissed for failure to appear at the creditors' meetings; in one matter, respondent never filed the petition, although he represented that he would do so and accepted an advance fee; and in two matters, respondent barely avoided dismissal by complying with the rules at the eleventh hour. He was required to pay sanctions in two matters. Respondent also made several misrepresentations, most notably informing a bankruptcy judge at a dismissal hearing that he had filed the necessary papers, when he had not. In two matters, the judge ordered respondent to refund fees to clients. However, respondent refunded only one of the fees. In a third matter, respondent represented to the client that he would refund \$620, but did not. One client was evicted from her home after the bankruptcy petition was dismissed and the lender foreclosed her mortgage loan.

In the civil matter, after the client was sued by an estate, she filed an answer *pro se* and subsequently retained respondent. He failed to appear at a settlement conference, whereupon the answer was stricken. Later, respondent obtained an order reinstating the answer. After the estate was granted summary judgment, the client retained new counsel,

---

<sup>2</sup> With the exception of one matter in which respondent was retained to defend a civil suit, all grievances involved bankruptcy cases.

who twice requested that respondent file a substitution of attorney and turn over the file. Respondent did neither until new counsel obtained an order from a judge requiring the return of the file.

The complaint also recounted respondent's failure to communicate with all thirteen clients. According to the complaint, he did not return clients' telephone calls and, in some cases, did not answer his office telephone. In one count of the complaint, it is alleged that respondent's voicemail was full and was not able to record additional messages.

\* \* \*

The two complaints charged respondent with the following violations: RPC 1.1(a) (gross neglect - sixteen counts), RPC 1.1(b) (pattern of neglect - two counts), RPC 1.3 (lack of diligence - sixteen counts), RPC 1.4(a) (failure to communicate - sixteen counts), RPC 1.16(a) (failure to surrender file and refund fees - two counts), RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation - eleven counts), and RPC 8.4 (d) (conduct prejudicial to the administration of justice - one count).

Following a de novo review of the record, the Board deemed the allegations contained in the complaints admitted. The Board was satisfied that respondent had appropriate notice of the pendency of the ethics complaints and that the record contained sufficient evidence of respondent's unethical conduct.

This leaves only the issue of appropriate discipline. In these, as well as in prior matters, respondent exhibited a wilful disregard of the professional standards governing attorneys. He has demonstrated a pattern of accepting representation, receiving fees and neglecting cases. The numerous instances in which respondent has either failed to communicate with his clients or misrepresented the facts to them evidence that he has little or no respect for his clients or the courts.

Attorneys have received lengthy suspensions for multiple violations of the same or similar *Rules of Professional Conduct*. In In re De Pietropolo, 127 N.J. 237 (1992), the attorney exhibited a pattern of neglect in five matters in which he agreed to represent clients, accepted fees and then performed virtually no legal services, while misrepresenting that he had. The Court held that the attorney's gross neglect, lack of diligence, failure to communicate with clients, pattern of neglect, charging an unreasonable fee, failure to return documents and unearned fees, failure to cooperate with disciplinary authorities and misrepresentation to a client warranted a two-year suspension. Similarly, in In re Foley, 130 N.J. 322 (1992), the attorney committed the following ethics infractions in three matters: gross neglect, pattern of neglect, lack of diligence, failure to communicate, failure to expedite litigation, failure to cooperate with disciplinary authorities, and misrepresentation to client. The Court ordered respondent suspended for two years, noting that he had received a private reprimand and a public reprimanded for the same misconduct.



In light of the foregoing, the Board unanimously determined to suspend respondent for two years, to begin upon the expiration of the six-month suspension previously recommended by the Board in DRB 96-363. Prior to reinstatement, respondent must reimburse the New Jersey Lawyer's Fund for Client Protection for any claims it paid for his misconduct, respondent must be examined by a psychiatrist approved by the Office of Attorney Ethics for the purpose of determining his fitness to practice law, respondent must take the Skills and Methods core courses offered by the Institute for Continuing Legal Education and respondent must prove that he has satisfactorily completed those courses. Finally, all ethics matters against respondent must be resolved prior to his reinstatement. Two members of the Board did not participate.

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

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

6/30/97

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



LEE M. HYMERLING  
Chair  
Disciplinary Review Board