

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 96-225

IN THE MATTER OF
CATHERINE K. WHITE
AN ATTORNEY AT LAW

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

Decided: April 8, 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 VIII 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. The certified mail was returned marked "unclaimed", but the regular mail was not returned.

The formal ethics complaint charged respondent with violations of RPC 1.3 (lack of diligence) and RPC 1.4 (failure to communicate). Respondent was admitted to the New Jersey bar in 1969. She has no history of prior discipline.

The facts of the instant case are stated in the formal complaint:

THE EDWARDS MATTER

In or about May 1993, respondent was retained by Barbara Edwards in behalf of the North Carolina estate of Georgia Latimer to obtain an accounting of rents and profits from the administrator of a New Jersey estate. Respondent asked for and received a \$2,500 retainer. Although the probate court of Morris County signed an order to show cause compelling the administrator to give an accounting of the funds, respondent failed to follow through to obtain the accounting from the administrator. She did not file a motion to remove the administrator or to have him found in contempt for violating the court order. Moreover, respondent gave Ms. Edwards no useful information about the status of the case, despite Ms. Edwards' numerous telephone calls to respondent's office seeking information about the progress of the matter.

THE QUALLS MATTER

In or about April 1994, respondent was retained by William Qualls to file a motion to terminate child support for his son, who had reached the age of emancipation. Mr. Qualls paid respondent \$500. After numerous unavailing efforts to contact respondent, Mr. Qualls was able to reach her, at which time respondent told him she had sent papers for his ex-wife's signature. Later, however, respondent admitted that she had not prepared or sent any papers to the ex-wife. Respondent did not return the \$500 retainer to Mr. Qualls.

THE CREVELING MATTER

In or about February 15, 1995, respondent was retained by Arlene Creveling to represent her in a divorce matter. At that time, respondent asked for and received an \$800 retainer. After Mrs.

Creveling made numerous calls to respondent to ascertain the status of the matter, respondent finally informed her that she had filed the complaint, but that it had not yet been returned by the court. In the months that followed, Mrs. Creveling made numerous telephone calls to respondent, receiving no satisfactory response about the status of her matter. She then went to respondent's office to retrieve her file. When she reviewed the file, Mrs. Creveling realized that the complaint was still in the file and had not been filed with the court, contrary to respondent's representations. Respondent did not return the \$800 retainer to Mrs. Creveling.

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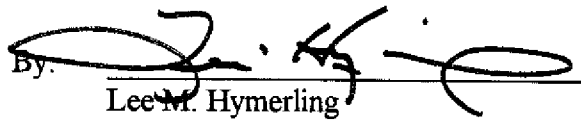
Following a de novo review of the record, the Board deemed the allegations contained in the complaint admitted. The record contains sufficient evidence of respondent's unethical conduct, which includes violations of RPC 1.1(b) (pattern of neglect), RPC 1.3 (lack of diligence), RPC 1.4 (failure to communicate), and RPC 8.4(c) (failure to cooperate with the disciplinary authorities).

This leaves only the issue of appropriate discipline. Similar misconduct has resulted in a three-month suspension. See In re Hodge, 130 N.J. 534 (1993) (three-month suspension for pattern of neglect, failure to communicate and failure to turn over client property in three matters; gross neglect and lack of diligence in one of the three matters; failure to maintain a bona fide office and failure to cooperate with the disciplinary authorities); In re Mahoney, 140 N.J. 634 (1995) (three-month suspension for pattern of neglect, lack of communication and failure to safeguard client property in four matters; respondent had been previously reprimanded).

In light of the foregoing, the Board unanimously determined that respondent be suspended for three months and that she be required to attend 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: 4/8/97

By: 
Lee M. Hymerling
Chair
Disciplinary Review Board