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OF THE

SUPREME COURT OF NEW JERSEY

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October 23, 2013

Mark Neary, Clerk
Supreme Court of New Jersey
P.O. Box 970
Trenton, New Jersey 08625-0962

Re: In the Matter of Brian Le Bon Calpin
Docket No. DRB 13-152
District Docket No. IV-2012-0031E

Dear Mr. Neary:

The Disciplinary Review Board reviewed the motion for discipline by consent (reprimand or such lesser discipline as the Board deems warranted) filed by the District IV Ethics Committee in the above matter, pursuant to R. 1:20-10(b). Following a review of the record, the Board determined to grant the motion. In the Board's view, a reprimand is the appropriate measure of discipline for respondent's stipulated violations of RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence), and RPC 1.4(b) (failure to adequately communicate with the client).

Specifically, in May 2011, Paul Hentschke retained respondent to represent him in a litigation matter. Respondent promptly filed an answer and counterclaim on Hentschke's behalf. Thereafter, respondent failed to reply to discovery requests from the plaintiff, resulting in a plaintiff's motion to strike Hentschke's answer.

The plaintiff's attorney obtained a January 2012 order suppressing Hentschke's answer, dismissing his counterclaim with prejudice, and entering final judgment of default against Hentschke, with attorney's fees and costs. The final judgment amount was \$72,887.05, with attorney's fees and costs of \$7,464.39.

Respondent failed to oppose the motion and to appear on its return date. He also failed to notify Hentschke that the motion had been heard and granted and that a judgment had been entered against him. Ultimately, a writ of execution was entered against Hentschke, a development that respondent also failed to disclose to his client.

Where an attorney's gross neglect, lack of diligence, and failure to communicate with the client resulted in significant harm to the client, a reprimand has been imposed. See, e.g., In re Uffelman, 200 N.J. 260 (2009) (attorney was found guilty of gross neglect, lack of diligence, and failure to communicate with a client; although the attorney had no disciplinary record, the reprimand was premised on the extensive harm caused to the client, who was forced to shut down his business for three months because of the attorney's failure to represent the client's interests diligently and responsibly).

Here, as in Uffelman, the Board considered the troubling fact that there was obvious, significant harm to the client: the entry of a final judgment against Hentschke totaling over \$80,000.

In mitigation, respondent has no prior final discipline since his 2001 bar admission. The Board also gave some weight to respondent's need to care for his ill wife for two months, late in the case.

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated April 15, 2013.
2. Stipulation of discipline by consent, dated April 16, 2013.

I/M/O Brian Le Bon Calpin, DRB 13-152

October 23, 2013

Page 3 of 3

3. Affidavit of consent, dated April 3, 2013.
4. Ethics history, dated October 23, 2013.

Very truly yours,



Isabel Frank
Acting Chief Counsel

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encls.

cc: Bonnie C. Frost, Chair, Disciplinary Review Board
(w/o encls.)
Charles Centinaro, Director, Office of Attorney Ethics
(w/o encls.)
Dawn E. Briddell, Chair, District IV Ethics Committee
(w/o encls.)
Brian Le Bon Calpin, Respondent (w/o encls.)