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SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 99-384

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IN THE MATTER OF :  
: ANTHONY GIANNATTASIO :  
: AN ATTORNEY AT LAW :  
:

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

Decided: April 12, 2000

To the Honorable Chief Justice and Associate Justices of the Supreme Court of New Jersey.

Pursuant to R. 1:20-4(f), the District IIIA Ethics Committee ("DEC") certified the record directly to us for the imposition of discipline, following respondent's failure to file an answer to the formal ethics complaint.

On May 7, 1999 a copy of the complaint was sent to respondent's last known office address by regular and certified mail. The certified mail was returned as "unclaimed." The regular mail was not returned.

Upon respondent's failure to file an answer to the formal ethics complaint within the specified period, on July 20, 1999 the DEC sent him a second letter by regular mail, notifying him that failure to file an answer within five days would constitute an admission

of all charges and could result in his immediate temporary suspension. The regular mail was not returned.

Respondent was admitted to the New Jersey bar in 1977. At the relevant times he maintained a law office in Seaside Park, New Jersey. He has no prior ethics history.

According to the complaint, respondent was retained by Robert Prendimano prior to February 1996 to handle a matter in the Superior Court of New Jersey, Special Civil Part, Ocean County. The matter went to trial and Prendimano was awarded the full amount of his claim.

On March 6, 1998 Prendimano's wife telephoned respondent's office and left a message on his answering machine requesting information about the status of the matter. Prendimano and his wife repeatedly attempted to reach respondent for the next month, at a rate of three to four calls per week. Although they left messages on respondent's answering machine, respondent never returned their calls.

Prendimano subsequently contacted the court on his own and learned that respondent had failed to file for a judgment in his matter. On March 24, 1998, Prendimano sent a "fax" to respondent, asking that respondent contact him. Again, there was no reply. The complaint is silent as to whether respondent eventually made contact with Prendimano or if he ever filed for a judgment.

On June 5, 1998 respondent was given a copy of the grievance and was directed to reply within ten days. Upon his failure to reply within the specified time period, on August 12, 1999 a reminder letter, was sent to him. Respondent never replied to the grievance.

\* \* \*

Service of process was properly made in this matter. Following a review of the complaint, we find that the facts recited therein support a finding of unethical conduct. Because of respondent's failure to file an answer, the allegations of the complaint are deemed admitted. R. 1:20-4(f)(1).

On numerous occasions, Prendimano attempted to obtain information about the status of his matter, to no avail. Respondent also failed to file for a judgment on behalf of his client. Lastly, respondent has failed to reply to the DEC's requests for information about the grievance. Respondent's conduct in this matter violated RPC 1.3 (lack of diligence), RPC 1.4 (failure to communicate with a client) and RPC 8.1(b) (failure to cooperate with disciplinary authorities).

Ordinarily, misconduct of this nature would warrant either an admonition or a reprimand. See In the Matter of Linda Ahmed-Howard, Docket No. DRB 95-485 (1995) (admonition for attorney who failed to properly serve or file a legal malpractice complaint, failed to reply to the client's requests for information and failed to cooperate with the disciplinary system.); In re Hamilton, 147 N.J. 459 (1997) (reprimand for attorney who, in

a civil matter, failed to act diligently, failed to keep a client reasonably informed and also failed to cooperate with the disciplinary authorities in the processing of the matter).

Accordingly, we unanimously determined to reprimand respondent. Three members did not participate.

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

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

4/12/00

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

LEE M. HYMERLING  
Chair  
Disciplinary Review Board

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**SUPREME COURT OF NEW JERSEY**

**DISCIPLINARY REVIEW BOARD  
VOTING RECORD**

**In the Matter of Anthony Giannattasio  
Docket No. DRB 99-384**

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**Decided: April 12, 2000**

**Disposition: Reprimand**

Members	Disbar	Suspension	Reprimand	Admonition	Dismiss	Disqualified	Did not Participate
Hymerling			X				
Boylan			X				
Brody			X				
Lolla							X
Maudsley							X
Peterson			X				
Schwartz							X
Wissinger			X				
<b>Total:</b>			5				3

By Isabel Frank 5-19-00  
Robyn M. Hill  
Chief Counsel