

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 00-079

IN THE MATTER OF
ERIC GOODMAN
AN ATTORNEY AT LAW

:
:
:
:
:
:

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

Decided: June 16, 2000

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 VB Ethics Committee ("DEC") certified the record in this matter directly to us for the imposition of discipline, following respondent's failure to file an answer to the formal ethics complaint.

On January 4, 2000 the DEC sent a copy of the complaint to respondent at his last know office address by certified mail and regular mail, pursuant to R. 1:20-4(d). The

delivery date on the return receipt is January 5, 2000. The signature is illegible. The regular mail was not returned.

On February 9, 2000 the DEC sent a second notice to respondent, requiring him to file an answer within five days or risk temporary suspension from the practice of law, pursuant to R. 1:20-4(f). The return receipt showed a delivery date of February 10, 2000. The signature is illegible. The regular mail was not returned.

Respondent did not file an answer to the formal ethics complaint. Hence, the record was certified directly to the Board for the imposition of discipline, pursuant to R. 1:20-4(f).

Respondent was admitted to the New Jersey bar in 1973. He maintains a law office in Irvington, New Jersey. On August 30, 1988 respondent received a private reprimand after he failed to answer interrogatories in a matter, causing the complaint to be dismissed. Thereafter, respondent took no action to reinstate the complaint and failed to cooperate with the ethics authorities, all in violation of RPC 1.1(a) and RPC 8.1(b).

The first count of the complaint alleges that, in 1991, respondent was retained by May Buntele to file an action against the Borough of Kenilworth for injuries she sustained in a slip-and-fall accident. Respondent neglected the matter for the next seven years by failing to file a complaint or to otherwise prosecute Buntele's claim. As a result, Buntele's claim was time-barred. Respondent was charged with violation of RPC 1.1(a) and RPC 1.3.

The second count of the complaint alleges that, from 1991 to 1997, respondent ignored Buntele's inquiries about the status of her matter. Finally, in the summer of 1998,

respondent told Buntele that her case had been settled. Respondent was charged with violation of RPC 1.4(a) (failure to keep client informed).¹

The third count of the complaint alleged that, in December 1998, respondent gave Buntele, without any explanation, a treasury check for \$2,494.28, an amount equivalent to her medical expenses. The source of those funds is unknown. Furthermore, respondent did not comply with Buntele's attempts to obtain a copy of her file or an explanation for the amount tendered. The complaint further charges that respondent's use of a treasury check suggests that he did not maintain a trust account in a financial institution in New Jersey. This count of the complaint charges a violation of RPC 1.15(a) (failure to maintain proper trust and business accounts).

The fourth count of the complaint alleges that respondent failed to cooperate with the ethics investigation, in violation of RPC 8.1(b). In fact, on October 1, 1999 respondent was notified, in writing, of the grievance and was required to reply within ten days. Respondent did not do so. On October 26, 1999 the DEC again requested information about the case. Respondent did not reply. On November 16, 1999 a final letter was sent to respondent, requesting a reply and advising him of the consequences of a failure to cooperate with the investigation. Respondent ignored this request.

¹Although respondent's statement to Buntele that the case had been settled raises the specter of misrepresentation, the complaint contains no other facts that would tend to suggest a finding of misrepresentation.

* * *

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).

We found that respondent's failure to file suit on Buntele's behalf constituted gross neglect in violation of RPC 1.1(a), and lack of diligence, in violation of RPC 1.3. We also found that respondent's failure to keep his client informed about the status of her matter over the intervening years violated RPC 1.4(a).

However, we dismissed the charge that respondent's use of a treasurer's check to forward the settlement proceeds violated RPC 1.15(a), as alleged in the complaint. It is possible that respondent paid Buntele out of his own funds. In that case, RPC 1.15(a) is not necessarily implicated.

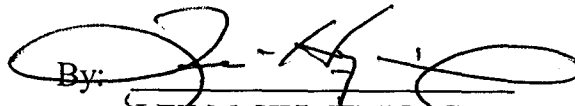
Lastly, we found that respondent's failure to cooperate with the DEC was in violation of RPC 8.1(b).

Normally, conduct of this type merits either an admonition or a reprimand. See, e.g., In the Matter of Jeffrey Cohen, Docket No. DRB 98-248 (1998) (admonition where

attorney's conduct violated RPC 1.3, RPC 1.4(a) and RPC 8.1(b)); In the Matter of George B. Crisafulli, Docket No. DRB 96-040 (1996) (admonition where attorney violated RPC 1.1(a), RPC 1.3 and RPC 8.1(b)); and In re Mandle, 157 N.J. 68 (1999) (reprimand where attorney violated RPC 1.1(a), RPC 1.3 and RPC 8.1(b)). Because of respondent's prior private reprimand and his disregard for the disciplinary process, demonstrated by allowing the matter to proceed on a default basis, we unanimously determined to impose a reprimand. We also determined to refer to the Office of Attorney Ethics for investigation the issue of a possible violation of RPC 1.15.

We further directed that respondent reimburse the Disciplinary Oversight Committee for administrative costs.

Dated: 6/16/00

By: 
LEE M. HYMERLING
Chair
Disciplinary Review Board

SUPREME COURT OF NEW JERSEY

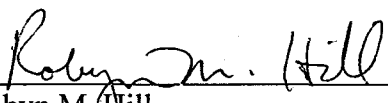
**DISCIPLINARY REVIEW BOARD
VOTING RECORD**

**In the Matter of Eric Goodman
Docket No. DRB 00-079**

Decided: June 16, 2000

Disposition: Reprimand

Members	Disbar	Suspension	Reprimand	Admonition	Dismiss	Disqualified	Did not Participate
Hymerling			x				
Peterson			x				
Boylan			x				
Brody			x				
Lolla			x				
Maudsley			x				
O'Shaughnessy			x				
Schwartz							x
Wissinger			x				
Total:			8				1


Robyn M. Hill
Chief Counsel