

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 99-327

IN THE MATTER OF :
RAYMOND T. PAGE :
AN ATTORNEY AT LAW :

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

Decided: May 22, 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 IV 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 July 15, 1999 a copy of the complaint was sent to respondent's last known office address by regular and certified mail. The certified mail receipt was returned, indicating delivery on July 20, 1999. The signature of the agent accepting delivery is that of respondent. The regular mail was not returned.

Upon respondent's failure to file an answer to the formal ethics complaint within the specified period, the DEC sent a second letter by regular and certified mail, dated August

12, 1999. The letter warned respondent that failure to file an answer within five days would constitute an admission of all the charges and could result in his immediate temporary suspension. The certified mail was returned marked "unclaimed." The regular mail was not returned.

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

Respondent was admitted to the New Jersey bar in 1983. At the relevant times, he maintained his office in Woodbury, New Jersey. Respondent is currently temporarily suspended from the practice of law for his failure to pay administrative disciplinary costs.

Respondent has an extensive ethics history. In October 1996, he was admonished for his failure to act with diligence, failure to communicate with a client, despite numerous requests for information, and failure to cooperate with the DEC in its investigation of the matter. In the Matter of Raymond T. Page, Docket No. DRB 95-413 (October 25, 1996).

On July 23, 1997, following a motion for discipline by consent, respondent was reprimanded. He admitted that he had acted with gross neglect, failed to communicate with his client and failed to keep the client reasonably informed. In the Matter of Raymond T. Page, Docket No. DRB 97-140 (1997).

By Order of the Supreme Court dated November 17, 1998, respondent was suspended from the practice of law for a period of three months. The misconduct found by the Court included gross neglect, failure to act with reasonable diligence, failure to keep a client

reasonably informed and to comply with reasonable requests for information, failure to reduce a fee agreement to writing, knowingly making a false statement of fact in connection with a disciplinary matter and failure to cooperate with disciplinary authorities. In re Page, 156 N.J. 432 (1998).

Lastly, in December 1999 respondent was suspended for six months for gross neglect, failure to act with reasonable diligence, failure to keep a client reasonably informed and failure to cooperate with disciplinary authorities. In re Page, 162 N.J. 107 (1999).

According to the first count of the complaint, respondent was retained by Sandy Rodweller in February 1998 to represent her in settling an insurance coverage dispute with her insurer. The insurance dispute stemmed from water damage to Rodweller's home and also involved her mortgage company which was responsible for paying homeowner's insurance premiums. Apparently, the insurance had lapsed due to the non-payment of premiums.

According to the first count of the complaint, Rodweller allegedly paid respondent a \$150.00 consultation fee, plus an additional fee of \$350.00. Respondent failed to provide Rodweller with a written fee agreement.

After retaining respondent, Rodweller gave him receipts for repairs to her house and photographs of the damaged areas. Thereafter, she attempted unsuccessfully to contact respondent over several months. Respondent refused to take her calls or to return her phone messages regarding the status of her matter. Rodweller subsequently got in touch with her

insurer and mortgage company and was told that respondent had never contacted either of them concerning her matter.

The first count charged that the aforementioned conducted amounted to violations of RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence), RPC 1.4(a) (failure to keep a client reasonably informed) and RPC 1.5 (failure to communicate the basis of the fee in writing).

The second count charged that respondent failed to cooperate with the DEC's various attempts to contact him, in violation of RPC 8.1(b). Specifically, in late October 1998, the DEC sent respondent a copy of the grievance and requested that he reply within ten days. Upon his failure to do so, the DEC wrote to him again in December 1998, requesting an answer. Again, respondent failed to reply. A third written attempt was made on January 29, 1999, this time by the OAE, which sent respondent another copy of the grievance and requested that he reply by February 19, 1999. Once again, respondent ignored the request. The OAE then wrote to respondent a second time, on March 18, 1999, requesting his written reply to the grievance by March 29, 1999. Respondent never forwarded a reply.

* * *

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).

Rodweller attempted to contact respondent about her case on numerous occasions, to no avail. Furthermore, despite having taken a fee for the handling of this matter, respondent failed to contact Rodweller's insurer or her mortgage company concerning her dispute. Essentially, respondent accepted payment in this matter, took no further action on Rodweller's behalf, and subsequently refused to talk with her when she inquired about the status of her matter.

Respondent's conduct in this matter violated RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence) and RPC 1.4(a) (failure to communicate). In addition, respondent's failure to provide Rodweller with a written fee agreement and his failure to cooperate with the DEC constituted violations of RPC 1.5(b) and RPC 8.1(b), respectively.

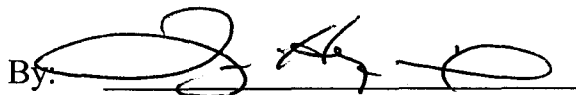
Ordinarily, misconduct of this nature in a default matter would require a three-month suspension from the practice of law. See In re Banas, 157 N.J. 18 (1999) (three-month suspension in default matter for gross neglect, lack of diligence, failure to communicate, failure to provide a written fee agreement and failure to cooperate with disciplinary authorities.) In fact, respondent was suspended for three months in connection with a default matter that involved misconduct almost identical to that presented here. In re Page, supra, 156 N.J. 432 (1998).

It is clear, thus, that respondent has not learned from his past mistakes. After taking into consideration respondent's pattern of misconduct, which includes wilful disregard for the disciplinary system and evidences his inability or unwillingness to conform to the

standards of the practice we unanimously determined to suspend him for one year. In addition, prior to his reinstatement, respondent must show proof of his completion of skills and methods core courses and also show proof of his fitness to practice law. Upon his reinstatement, respondent must practice under a two-year proctorship with a proctor approved by the OAE.

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

Dated: 5/22/00

By: 
LEE M. HYMERLING
Chair
Disciplinary Review Board

SUPREME COURT OF NEW JERSEY

**DISCIPLINARY REVIEW BOARD
VOTING RECORD**

**In the Matter of Raymond T. Page
Docket No. DRB 99-327**

Decided: May 22, 2000

Disposition: One-year suspension

Members	Disbar	Suspension	Reprimand	Admonition	Dismiss	Disqualified	Did not Participate
Hymerling		x					
Cole		x					
Boylan		x					
Brody		x					
Lolla		x					
Maudsley		x					
Peterson		x					
Schwartz		x					
Wissinger		x					
Total:		9					

Robyn M. Hill 7/12/00
Robyn M. Hill
Chief Counsel