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SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 00-066

IN THE MATTER OF
DONALD J. PAPP, JR.
AN ATTORNEY AT LAW

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

Decided: AUGUST 15, 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 Office of Attorney Ethics ("OAE") 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 December 9, 1999 the DEC mailed a copy of the complaint to respondent by regular and certified mail to an address in Hayward, California. The certified mail receipt was returned indicating delivery on December 15, 1999. The receipt card was signed by respondent. The certification of default is silent about the regular mail. When respondent did not answer, the DEC forwarded him a second letter on January 12, 2000, seeking a reply

within five days. The letter notified respondent that, if he did not reply the matter would be certified to the Board for imposition of sanction. The letter also amended the complaint to include a violation of RPC 8.1(b) (failure to respond to a lawful demand for information by a disciplinary authority). The certification is silent as to the manner of service used for the second letter or whether there was proof of its receipt.

Respondent did not file an answer to the formal ethics complaint. 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 1993. At the relevant times he maintained a law practice in Allenhurst, New Jersey. He has no history of discipline.

The sparse, two-count complaint charged respondent with violations of RPC 1.1(a) (gross neglect) (count one) and RPC 8.1(b) (failure to respond to a lawful demand for information from a disciplinary authority) (count two).

The complaint charged that Donald Laster retained respondent on June 20, 1996 to obtain a copy of a "Dalonges Report" from the State of New Jersey. The report was allegedly needed to set forth a defense to "certain allegations in the court system" relating to a matter for which Laster was incarcerated in the Adult Diagnostic and Treatment Center located in Avenel, New Jersey. The complaint further alleged that Laster had signed a "type"

of retainer agreement drafted by respondent. Laster had paid respondent a fee of \$500 by check dated July 17, 1996. Between June 20, 1996 and November 28, 1998 respondent did not perform the work for which he had been retained. Respondent also failed to return the retainer, as requested by Laster. The complaint charged respondent with a violation of RPC 1.1(a).

The second count charged respondent with a violation of RPC 8.1(b) for his failure to reply to several letters from the DEC requesting information about 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 the charges 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).

Respondent's failure to perform any services in Laster's behalf after accepting a fee and executing a retainer agreement was a violation of RPC 1.1(a). Also, respondent's failure to reply to the DEC's requests for information about the grievance violated RPC 8.1(b). The DEC's letter of January 12, 2000 amended the complaint to include such a charge.

Ordinarily, misconduct of this nature would warrant only an admonition. See In the Matter of Michael A. Amantia, Docket No. DRB 98-402 (September 22, 1999) (admonition

for violations of RPC 1.1(a), RPC 1.4(a) and (b) (failure to communicate)); In the Matter of Ronald S. Sampson, Docket No. DRB 98-026 (April 27, 1998) (admonition for violations of RPC 1.1(a), RPC 1.4(a) and RPC 8.1(b)); and In the Matter of Dennis Joy, Docket No. DRB 97-105 (June 6, 1997) (admonition for violations of RPC 1.3 (lack of diligence), RPC 1.4, RPC 8.1(b)). Based on the default nature of this matter, however, enhanced discipline is required. See, e.g., In re Lampidis, 153 N.J. 367 (1998) (reprimand in a default proceeding for violations of RPC 1.1(a), RPC 1.3, RPC 1.4(a) and RPC 8.1(b)).

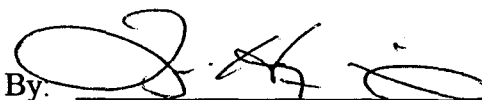
Accordingly, we unanimously determined to impose a reprimand. One member did not participate.

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

Dated: _____

6/13/00

By: _____



LEE M. HYMERLING

Chair

Disciplinary Review Board

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Donald J. Pappa, Jr.
Docket No. DRB 00-066

Decided: August 15, 2000

Disposition: Reprimand

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

Robyn M. Hill 9/27/00
Robyn M. Hill
Chief Counsel