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SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 99-290

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IN THE MATTER OF :  
:  
CATHERINE K. WHITE :  
:  
AN ATTORNEY AT LAW :  
:

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

Decided: February 22, 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 VIII Ethics Committee ("DEC") certified the record directly to the Board for the imposition of discipline, following respondent's failure to file an answer to the formal ethics complaint.

On May 27, 1999 the DEC forwarded a copy of the complaint to respondent's last known address by regular and certified mail. The certified mail return receipt was returned, indicating delivery on June 1, 1999. The signature of the accepting agent was that of the respondent, who did not file an answer.

Respondent was admitted to the New Jersey bar in 1969. She last maintained a law office at 323 Front Street, Dunellen, New Jersey. It appears that respondent does not currently maintain a law office in the State of New Jersey.

On July 28, 1997 respondent was suspended from the practice of law for three months for pattern of neglect, lack of diligence, failure to communicate and conduct involving dishonesty, fraud, deceit or misrepresentation. In re White, 150 N.J. 16 (1997).

The complaint alleges that respondent violated RPC 1.1(a) (gross neglect), RPC 1.1(b) (pattern of neglect), RPC 1.3 (lack of diligence) and RPC 1.4 (failure to keep a client reasonably informed).

In June 1996 James P. Nestor retained respondent to represent him in a real estate transaction. On June 11, 1996 Nestor wrote respondent a check in the amount of \$350, representing one-half of the agreed retainer. Nestor was to pay respondent the remainder of the retainer at the time of the closing.

Nestor made numerous attempts to contact respondent. Respondent did not return Nestor's inquiries until the beginning of 1997. In early 1997 respondent informed Nestor that she had suffered a heart attack, but that she was now able to resume her representation. Thereafter, Nestor made attempts to contact respondent, but received no response.

During the summer of 1997, Nestor went to respondent's law office and was informed by respondent's former landlord that she had vacated that office approximately six

months earlier. Respondent never completed the closing on behalf of Nestor. Ultimately he was forced to retain new counsel to complete the real estate transaction.

\* \* \*

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).

In this matter, respondent violated RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence) and RPC 1.4 (failure to communicate). Respondent accepted a retainer, but performed no work for the client. Further, she failed to inform Nestor that she would be closing her office and, presumably, ceasing work on his matter. She also failed to reply to Nestor's numerous requests for information.

We dismissed the charge that respondent's conduct violated RPC 1.1(b) (pattern of neglect), however. Generally, an RPC 1.1(b) violation requires three instances of neglect. Here, respondent neglected only one matter.

Normally, conduct of this sort merits an admonition. See In the Matter of William C. Herrmann, Docket No. DRB 98-276 (October 21, 1998) (admonition where attorney's

conduct violated RPC 1.1(a), RPC 1.3 and RPC 1.4(a)), In the Matter of Michael A. Amantia, Docket No. DRB 98-402 (September 22, 1999) (admonition where attorney violated RPC 1.1(a) and (b), RPC 1.3 and RPC 1.4(a) and (b)) and In the Matter of Michael K. Mullen, Docket No. DRB 98-067 (April 21, 1999) (admonition where attorney's conduct violated RPC 1.3 and RPC 1.4(a)).

Because respondent failed to file an answer to the complaint, allowing this matter to proceed as a default, and because he was previously suspended for three months for similar misconduct, the level of discipline should be increased to a reprimand. Accordingly, we unanimously determined to reprimand respondent in this matter. One member did not participate.

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

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

2/22/2010

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

LEE M. HYMERLING  
Chair  
Disciplinary Review Board

**SUPREME COURT OF NEW JERSEY**

**DISCIPLINARY REVIEW BOARD  
VOTING RECORD**

**In the Matter of Catherine K. White  
Docket No. DRB 99-290**

**Decided: February 22, 2000**

**Disposition: Reprimand**

| Members       | Disbar | Suspension | Reprimand | Admonition | Dismiss | Disqualified | Did not Participate |
|---------------|--------|------------|-----------|------------|---------|--------------|---------------------|
| Hymerling     |        |            | X         |            |         |              |                     |
| Cole          |        |            | X         |            |         |              |                     |
| Brody         |        |            | X         |            |         |              |                     |
| Boylan        |        |            | X         |            |         |              |                     |
| Lolla         |        |            | X         |            |         |              |                     |
| Maudsley      |        |            | X         |            |         |              |                     |
| Peterson      |        |            |           |            |         |              | X                   |
| Schwartz      |        |            | X         |            |         |              |                     |
| Wissinger     |        |            | X         |            |         |              |                     |
| <b>Total:</b> |        |            | <b>8</b>  |            |         |              | <b>1</b>            |

*Robyn M. Hill 3/20/00*  
Robyn M. Hill  
Chief Counsel