

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket Nos. DRB 99-337

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IN THE MATTER OF :  
 :  
SCOTT J. WOOD :  
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AN ATTORNEY AT LAW :  
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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 VII 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 April 14, 1999 a copy of the complaint was sent to respondent’s last known address by regular and certified mail. The certified mail receipt was returned, indicating delivery on April 16, 1999. The signature is that of “M. Jacoby.” The record does not mention the regular mail.

Following respondent’s failure to file an answer to the formal ethics complaint within the specified period, on June 22, 1999 the DEC sent a second letter, by regular and certified mail, notifying 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 receipt was returned, indicating delivery on June 25, 1999. The signature is again that of "M. Jacoby." The regular mail was not returned.

On December 15, 1999, one day prior to our scheduled review of this matter, respondent faxed a letter to Office of Board Counsel, requesting the opportunity to file a motion to vacate the default. At 4:45 p.m. of the same day, respondent faxed the motion and a certification, in which he acknowledged that, on November 24, 1999, he had been notified by Office of Board Counsel that this matter had been certified to the Board as a default. Instead of immediately contacting that office and requesting a copy of the complaint, respondent, according to his certification, began what turned out to be a twenty-one day search for the original complaint that was sent to him. Respondent claimed that, because the search of his office was fruitless, he was unable to file an answer to the complaint.

Based on what we determined to be an unreasonable explanation for respondent's failure to file an answer and based on the lack of a meritorious defense to the charges of the complaint, we denied his motion to vacate the default.

\* \* \*

Respondent was admitted to the New Jersey bar in 1988. He currently maintains an office for the practice of law in Mount Holly, New Jersey.

By letter dated February 24, 1999 respondent was admonished for his failure to communicate with a client in a matrimonial matter. In the Matter of Scott Jeffrey Wood, Docket No. DRB 98-462.

According to the complaint, in January 1995 respondent assumed the representation of Greta Griesenbeck in two separate matters (Greta Griesenbeck v. New Jersey Manufacturers and Greta Griesenbeck v. Janet N. Neunert) arising from an automobile accident. The accident occurred in October 1993. The complaints were filed in October 1995.

On December 8, 1995 the complaint against New Jersey Manufacturers was sent for service, but service was never made. In the Nuenert matter, the complaint was never sent out for service. On February 2, 1996, the court notified respondent that the matters were about to be dismissed for lack of prosecution. Both cases were ultimately dismissed.

The complaint further alleged that, both prior and during the litigation, there was little contact between respondent and Griesenbeck. In fact, Griesenbeck did not receive any copies of the filed complaints and claimed that she had only one telephone conversation with respondent, following his "initial correspondence and confirmation" to proceed with the case.

The complaint alleged that respondent failed to keep Griesenbeck reasonably informed about the status of the cases and allowed them to be dismissed for lack of prosecution due to his failure to ensure proper service of the complaints. The complaint charged respondent with violations of RPC 1.3 (lack of diligence) and RPC 1.4(a) (failure to communicate).

\* \* \*

Service of process was properly made in this matter. Following a review of the record, we find that the facts alleged in the complaint are sufficient to support a finding of misconduct. 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 ensure the proper service of the complaints in these two matters, thereby causing their dismissal for lack of prosecution, constituted a lack of diligence, in violation of RPC 1.3. Furthermore, respondent's failure to provide Griesenbeck with copies of the complaints or to keep her informed about the status of her cases constituted a violation of RPC 1.4(a).

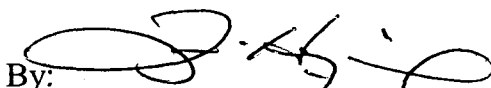
Ordinarily, for conduct of this nature, an admonition would be appropriate. See In re Mullen, 158 N.J. 20 (1999) and In the Matter of Theodore Kozlowski, Docket No. DRB 96-460 (1997) (admonitions for lack of diligence and failure to communicate with the client). Based, however, on the default nature of this matter as well as on respondent's prior admonition for failure to communicate with a client, we unanimously determined to reprimand respondent.

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 Scott J. Wood**  
**Docket No. DRB 99-337**

**Decided: May 22, 2000**

**Disposition: Reprimand**

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				
<b>Total:</b>			9				

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