

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 09-315
District Docket No. XIV-08-355E

IN THE MATTER OF
WILFRID LeBLANC, JR.
AN ATTORNEY AT LAW

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Decision

Decided: March 16, 2010

To the Honorable Chief Justice and Associate Justices of the Supreme Court of New Jersey.

This matter came before us on a certification of default filed by the Office of Attorney Ethics ("OAE"), pursuant to R. 1:20-4(f). The complaint charged respondent with violating RPC 8.1(b) (failure to cooperate with disciplinary authorities) and RPC 8.4(d) (conduct prejudicial to the administration of justice), based on his failure to file a R. 1:20-20 affidavit.

The OAE urged us to impose a six-month suspension. We agree that a six-month suspension is the appropriate measure of discipline for respondent.

Respondent was admitted to the New Jersey bar in 1998. Thereafter, in 2006, he received a censure for multiple violations of the RPCs in three matters, including gross neglect, pattern of neglect, lack of diligence, failure to communicate with the client, charging an unreasonable fee, failure to promptly remit funds to a third party, failure to expedite litigation, failure to abide by a court order, failure to cooperate with disciplinary authorities, conduct prejudicial to the administration of justice, and receipt of a prohibited non-refundable retainer in a family law matter. In re LeBlanc, 188 N.J. 480 (2006).

In 2007, respondent received a reprimand, in a default matter, for failure to cooperate with an ethics investigation. In re LeBlanc, 192 N.J. 107 (2007).

More recently, respondent was suspended for three months for negligent misappropriation of client trust funds, failure to promptly deliver funds to a third party, lack of diligence, and failure to cooperate with disciplinary authorities. In re Leblanc, 193 N.J. 478 (2008). That matter also proceeded as a default. Respondent remains suspended to date.

On September 27, 2004, respondent was declared ineligible to practice law for failure to pay the annual assessment to the New Jersey Lawyers' Fund for Client Protection ("CPF"). He remains ineligible to date.

Service of process was proper. On June 5, 2009, the OAE sent a copy of the complaint to respondent, via certified and regular mail, at the last addresses listed in the records of the New Jersey Lawyers' Fund for Client Protection, 34 Rockview Avenue, North Plainfield, New Jersey, 07060, 319 East First Avenue, Roselle, New Jersey, 07203, and P.O. Box 508, North Plainfield, New Jersey 07060. The return receipt for the certified mail to 34 Rockview Avenue in North Plainfield was returned to the OAE. The receipt is undated and the signature is illegible. The United States Postal Service website shows that delivery was made on June 9, 2009. The regular mail to the same North Plainfield address was not returned to the OAE. The certified mail to the Roselle address was returned as unclaimed. The regular mail to the Roselle address was returned with a note stating "Not @ this address." Both the certified and regular mail sent to the post office box in North Plainfield were returned marked "Not Deliverable As Addressed, Unable to Forward."

On August 5, 2009, the OAE sent respondent a letter advising him that, if he did not file an answer to the complaint within five days of the date of the letter, the charges would be deemed admitted and the record would be certified to us for the imposition of discipline. The letter also served to amend the complaint to charge respondent with violating RPC 8.1(b) for his failure to file an answer. The letter was sent via certified and regular mail to the 34 Rockview Avenue, North Plainfield address. The certified mail was returned to the OAE as unclaimed. The regular mail was not returned.

Respondent did not file an answer to the complaint.

The Supreme Court order that suspended respondent on February 4, 2008 required him to comply with the provisions of R. 1:20-20, titled "Future Activities of Attorney Who Has Been Disciplined or Transferred to Disability-Inactive Status." That rule requires a suspended attorney, within thirty days after the date of the order of suspension, to file with the OAE the original of a detailed affidavit specifying by correlatively numbered paragraphs how the disciplined attorney has complied with each of the provisions of this rule and the Supreme Court's order.

ignored the OAE's attempts to have her file an affidavit of compliance with R. 1:20-20); In re Mandle, 180 N.J. 158 (2004) (a default case where the attorney already had amassed three reprimands, a temporary suspension for failure to comply with an order requiring that he practice under a proctor's supervision and two three-month suspensions; the attorney did not appear before the Supreme Court on its order show cause); and In re McClure, 182 N.J. 312 (2005) (a default where the attorney's disciplinary history consisted of a prior admonition and two concurrent six-month suspensions, one of which was a default; the attorney failed to cooperate with disciplinary authorities and to abide by his promise to the OAE to complete the affidavit; we noted the need for progressive discipline in that instance).

Like the above attorneys, respondent is no stranger to the disciplinary system. He received a censure in 2006, a reprimand in 2007, and a three-month suspension in 2008. The reprimand and suspension were before us as default proceedings. Respondent's disciplinary history is akin to Girdler's, who had collected a private reprimand, a public reprimand, and a three-month suspension, prior to his three-month suspension in a default proceeding for failing to file the R. 1:20-20 affidavit.

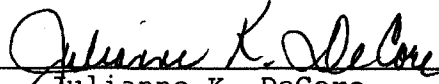
SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Wilfrid LeBlanc, Jr.
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Disposition: Six-month suspension

Members	Disbar	Six-month Suspension	Reprimand	Dismiss	Disqualified	Did not participate
Pashman		X				
Frost		X				
Baugh		X				
Clark		X				
Doremus		X				
Stanton		X				
Wissinger		X				
Yamner		X				
Zmirich		X				
Total:		9				


Julianne K. DeCore
Chief Counsel