

# DISCIPLINARY REVIEW BOARD

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RICHARD J. HUGHES JUSTICE COMPLEX  
P.O. BOX 962  
TRENTON, NEW JERSEY 08625-0962  
(609) 292-1011

JULIANNE K. DECORE  
CHIEF COUNSEL  
ISABEL FRANK  
DEPUTY CHIEF COUNSEL  
ELLEN A. BRODSKY  
FIRST ASSISTANT COUNSEL  
LILLIAN LEWIN  
DONA S. SEROTA -TESCHNER  
COLIN T. TAMS  
KATHRYN ANNE WINTERLE  
ASSISTANT COUNSEL

November 23, 2009

Mark Neary, Clerk  
Supreme Court of New Jersey  
P.O. Box 970  
Trenton, New Jersey 08625-0962.

Re: In the Matter of Steven H. Marks  
Docket No. DRB 09-310  
District Docket No. XII-2009-02E

Dear Mr. Neary:

The Disciplinary Review Board reviewed the motion for discipline by consent (reprimand) filed by the District XII Ethics Committee ("DEC"), pursuant to R. 1:20-10(b). Following a review of the record, the Board determined to grant the motion.

In the Board's view, a reprimand is the appropriate measure of discipline for respondent's violations of RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence), RPC 1.4(b) (failure to keep the client reasonably informed about the status of a matter and promptly comply with reasonable requests for information), RPC 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation), and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation).

Specifically, respondent grossly neglected and lacked diligence in handling his client's matter when he failed to provide interrogatory answers to defense counsel, leading to the dismissal of the client's complaint. Due to respondent's continuing neglect and lack of diligence, the statute of limitation period expired while the complaint remained dismissed, thereby foreclosing the client's right to pursue his claim.

Moreover, respondent did not inform his client of the dismissal of the complaint or advised him of how the complaint could be reinstated. Respondent further ignored his client's multiple attempts at communication with him via telephone calls and personal appearances at respondent's office.

Finally, on those occasions when respondent's client was successful in contacting him, respondent stated to him that he "[hadn't] heard anything yet" and that he would let the client know the status of the case when respondent learned of it. Inasmuch as respondent made these statements to his client after the complaint had been dismissed, he violated RPC 8.4(c).

The Board took note of the aggravating and mitigating factors stipulated by the parties and determined that they did not warrant a deviation from a reprimand. See, e.g., In re Onorevole, 170 N.J. 64 (2001) (attorney grossly neglected a matter, failed to act with diligence, failed to reasonably communicate with the client, and made misrepresentations about the status of the case); and In re Till, 167 N.J. 276 (2001) (attorney was guilty of gross neglect and misrepresentation; over a nine-month period, the attorney lied to the client about the status of the case); In re Bullock, 166 N.J. 5 (2001) (attorney grossly neglected a personal injury lawsuit, failed to file an appellate brief or to seek an extension of time to file an appeal or to reopen the appeal, failed to inform the client for a period of nineteen months that the appeal had been dismissed, and sent the client misleading letters); and In re Riva, 157 N.J. 34 (1999) (attorney grossly neglected a matter, thereby causing a default judgment to be entered against the clients, failed to take steps to have the default vacated, and misrepresented the status of the case to the clients).

In the Matter of Steven H. Marks

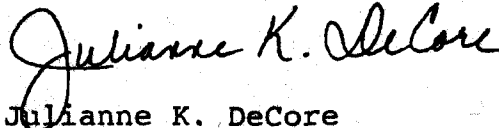
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Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated June 30, 2009.
2. Stipulation of discipline by consent, dated June 30, 2009.
3. Affidavit of consent, dated May 14, 2009.
4. Ethics history, dated November 23, 2009.

Very truly yours,



Julianne K. DeCore  
Chief Counsel

JKD/paa  
encls.

cc: Louis Pashman, Chair, Disciplinary Review Board  
(w/o encls.)  
Charles Centinaro, Director, Office of Attorney Ethics  
(w/o encls.)  
Bruce H. Bergen, Chair, District XII Ethics Committee  
(w/o encls.)  
Steven H. Marks, Respondent (w/o encls.)