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SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 07-121  
District Docket No. I-06-021E

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IN THE MATTER OF  
BASIL D. BECK, JR.  
AN ATTORNEY AT LAW

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

Decided: August 7, 2007

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 District I Ethics Committee (DEC), pursuant to R.  
1:20-4(f). The complaint alleged that respondent settled a  
personal injury case without the client's authorization and  
failed to cooperate with ethics authorities, violations of RPC  
RPC 1.2 and RPC 8.1(b). For the reasons expressed below, we  
recommend respondent's disbarment.

Respondent was admitted to the New Jersey bar in 1963. He  
has an extensive disciplinary history: a September 27, 1988  
private reprimand for gross neglect and failure to communicate

32955, respondent's last known home address, as listed in the records of the district fee arbitration committee. The certified and regular mail to the three New Jersey addresses was returned by the post office indicating that the forwarding order had expired. The certified mail to the Florida address was returned marked "unclaimed, unable to forward." The regular mail was not returned.

On February 22, 2007, the DEC sent respondent a "five-day letter" to the same four addresses, notifying him that, unless he filed an answer within five days, the record would be certified directly to us for the imposition of discipline. The certified and regular mail to the three New Jersey addresses was returned by the post office indicating that the forwarding order had expired. The certified mail to the Florida address was returned marked "unclaimed, unable to forward." Once again, the regular mail to the Florida address was not returned.

In addition, the DEC made service by publication of the complaint in both Cumberland County (the Daily Journal) and Brevard County, Florida (Florida Today).

Respondent did not file an answer to the complaint.

According to the complaint, Graciella Guzman retained respondent to recover damages for injuries sustained in a March 30, 2000 automobile accident. Respondent filed suit in

Cumberland County against Latroone Jeffries, Dewie Jeffries, and State Farm Insurance Company. The trial was scheduled for May 31, 2005.

Shortly before the trial, respondent accepted an \$8,500 settlement from defendant Dewie Jeffries. Guzman did not authorize respondent to accept a settlement from Jeffries. Indeed, portions of the file that the DEC investigator obtained from another attorney in the case contained no correspondence, documentation, or indicia that Guzman had consented to the settlement.

After Guzman filed a grievance against respondent, the DEC investigator wrote to him on August 4, 2006, August 14, 2006, September 19, 2006, and December 7, 2006, requesting a reply to the grievance. Respondent ignored the investigator's requests.

Following a review of the record, we find that the facts recited in the complaint 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).

Respondent was retained to pursue a lawsuit against several parties for injuries that Guzman had sustained in an automobile accident. Although the facts are sketchy about the outcome as to some of the defendants, respondent settled the claim against one

of the defendants without the client's authorization. In doing so, respondent violated RPC 1.2.

In addition, respondent failed to cooperate with ethics authorities in the investigation of the grievance and allowed it to proceed to us on a default basis, a violation of RPC 8.1(b).

Typically, attorneys who settle cases without their clients' consent are either admonished or reprimanded. See, e.g., In the Matter of John S. Giava, DRB 01-455 (March 15, 2002) (admonition imposed on attorney who was hired to obtain a wage execution against a defaulting real estate purchaser but instead entered into a settlement agreement with the buyer without the clients' consent); In the Matter of Thomas A. Harley, DRB 95-215 (July 26, 1995) (although RPC 1.2(a) was not charged, attorney was admonished for violations of RPC 1.16, RPC 3.3, RPC 4.1, RPC 8.4(c) and (d) for settling case without his client's authority and representing to the other parties and the court that he had such authority); In re McKenna, 172 N.J. 644 (2002) (reprimand by consent imposed on attorney who failed to act with diligence in a wrongful termination matter and then settled the case despite his client's objections); In re Kane, 170 N.J. 625 (2002) (reprimand for attorney who was retained in connection with a lawsuit to recover damages from tenants; without the client's knowledge or consent, the attorney settled

the case, received a check, put it in his file, and did nothing further; he then moved his practice without informing the client or giving her his new address; the attorney also misrepresented the status of the case to the client and failed to utilize a retainer agreement); and In re Ellenport, 152 N.J. 156 (1998) (reprimand imposed on attorney who engaged in conflict of interest and settled litigation without his client's authorization; ethics history consisted of an admonition).

In addition to committing the above improprieties, respondent allowed this matter to proceed on a default basis. In a default matter, the appropriate discipline for the found ethics violations is enhanced to reflect a respondent's failure to cooperate with disciplinary authorities as an aggravating factor. In the Matter of Robert J. Nemshick, DRB 03-364, 03-365, and 03-366 (March 11, 2004) (slip op. at 6).

That is not the only aggravating factor present in this case, however. This respondent has a massive disciplinary record: two private reprimands in 1988; a (public) reprimand in 1990; a three-month suspension in 1992; and a three-year suspension in 1995.

In connection with the 1995 disciplinary case, we were deeply divided in the assessment of the suitable discipline for respondent's ethics offenses. By a four-to-three vote (one

member recused herself and another did not participate), we determined to suspend respondent for three years for numerous unethical acts. The four-member majority wanted to afford respondent one last chance at redemption, concluding that his misconduct had not quite risen to the level of that seen in cases where disbarment was required. The majority found that "there is a missing element here of venality or willful disregard for clients' welfare." The majority, however, cautioned respondent that his next brush with the disciplinary system would result in disbarment. It unambiguously warned him that he was being given "one more opportunity." In re Beck, DRB 93-440 (September 21, 1994) (slip op. at 39). The three dissenting members voted for respondent's disbarment, convinced that he was beyond redemption.

It is clear to us that this time respondent has gone "over the edge." He has willfully disregarded his client's well-being, settling her matter without any authority; he has refused to cooperate with the disciplinary system by defaulting in this case; and he has chosen to ignore our clear warning that he was one strike shy of being out. Convinced that respondent's "ethical deficiencies are intractable and irremediable," In re Templeton, 99 N.J. 365, 376 (1985), we recommend his disbarment. His conduct has destroyed "totally any vestige of confidence

that [he] could ever again practice in conformity with the standards of the profession." Ibid.

Vice-Chair Pashman and Member Boylan did not participate.

We further determine to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs and actual expenses incurred in the prosecution of this matter, as provided in R. 1:20-17.

Disciplinary Review Board  
William O'Shaughnessy, Chair

By: Julianne K. DeCore  
Julianne K. DeCore  
Chief Counsel

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SUPREME COURT OF NEW JERSEY  
DISCIPLINARY REVIEW BOARD  
VOTING RECORD

In the Matter of Basil D. Beck, Jr.  
Docket No. DRB 07-121

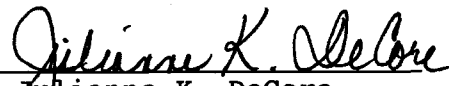
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Decided: August 7, 2007

Disposition: Disbar

Members	Disbar	Suspension	Reprimand	Dismiss	Disqualified	Did not participate
O'Shaughnessy	X					
Pashman						X
Baugh	X					
Boylan						X
Frost	X					
Lolla	X					
Neuwirth	X					
Stanton	X					
Wissinger	X					
Total:	7					2

  
Julianne K. DeCore  
Chief Counsel