

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 14-272  
District Docket Nos. IIIB-2010-  
0024E and IIIB-2013-0021E

---

IN THE MATTER OF  
KATRINA F. WRIGHT  
AN ATTORNEY AT LAW

---

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Decision

Decided: March 12, 2015

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

These two separate matters were before us on a certification of default filed by the District IIIB Ethics Committee (DEC), pursuant to R. 1:20-4(f). For the reasons set forth below, we determine to impose a censure.

Respondent was admitted to the New Jersey bar in 1988. On May 2, 2008, she received a reprimand, in a default matter, for gross neglect in a divorce proceeding and failure to cooperate

with disciplinary authorities. In re Wright, 194 N.J. 503 (2008).

Service of process was proper in this matter. On October 25, 2013, a copy of both complaints was sent to respondent's office address in Willingboro, New Jersey, by both regular and certified mail, return receipt requested. The certified mail receipt was returned, indicating delivery on October 29, 2013 and bearing what appears to be respondent's signature. The regular mail was not returned.

On November 20, 2013, a second letter was sent to the same address, informing respondent that, unless she filed an answer to the complaint within five days of the date of the letter, the allegations of the complaint would be deemed admitted, the record in the matter would be certified directly to us for the imposition of sanction, and the complaint would be deemed amended to include a violation of RPC 8.1(b). The letter was sent by regular and certified mail, return receipt requested. Neither the regular mail nor the certified mail receipt was returned as of December 3, 2013, the date of the certification of the record.

Respondent did not file an answer to the complaint. On November 12, 2014, however, she filed a motion to vacate the default.

To vacate a default, a respondent must meet a two-pronged test. First, a respondent must offer a reasonable explanation for his or her failure to answer the ethics complaint. Second, a respondent must assert meritorious defenses to the charges in the complaint.

As to the first prong of the test, respondent admitted, in paragraph seven of her certification in support of her motion, that she received the complaint and subsequently contacted the DEC investigator about it no fewer than two times. Respondent was then instructed to contact Stephanie Shreter, a DEC member. Respondent acknowledged that she attempted to contact Shreter at least twice to inform her of a medical condition from which she was suffering. She also recalls having spoken with Shreter directly at least once, after which she claims to have never heard back from anyone. Respondent, however, does not give any details regarding her conversation with Shreter.

In her motion, respondent also vaguely outlined medical issues she has had since 2005 and, more specifically, in 2013. Presumably, respondent offered those issues as an excuse for failing to answer the complaint that she admitted having received. In any event, respondent has failed to satisfy the first prong of the test. If it is true that she was facing health difficulties at the time, and that, presumably, she

needed more time to file an answer to the complaint, she had an obligation to follow up and make sure that the DEC member had granted her that extension.

Moreover, respondent has also failed to satisfy the second prong of the test. Specifically, she offered that she performed various services for the grievant in Docket No. IIIB-2010-0024E and happily did so, pro bono. Respondent professed no knowledge that the grievant was dissatisfied with her services and suggested that the grievant was in need of mental health assistance.

The complaint, however, did not charge respondent with any violations pertaining to the quality of her services. As discussed below, it simply charged her with a failure to turn over the file, upon the request of her client, and, later, upon the request of her client's new attorney. Therefore, respondent has failed to assert any meritorious defenses to the allegations of the complaint in Docket No. IIIB-2010-0024E. She offered no defenses to the allegations of the complaint in Docket No. IIIB-2013-0021E.

Based on the foregoing, we denied respondent's motion to vacate the default.

**DISTRICT DOCKET NO. IIIB-2010-0024E**

The three-count complaint charged respondent with failure to surrender papers and property to a client, upon termination of the representation (RPC 1.16(d)); failure to expedite litigation (RPC 3.2); and failure to cooperate with disciplinary authorities (RPC 8.1(b)).

Carol Rich, the grievant, retained respondent to represent her in a matrimonial action. Rich became dissatisfied and terminated the representation. Upon termination, Rich asked for a copy of her file, which she needed to pursue post-judgment matrimonial motions. Despite Rich's numerous requests, respondent failed to turn over her file.

Rich eventually retained another attorney, Cynthia Sora, to represent her in those post-judgment matters. Sora, too, attempted to contact respondent. Again, there was no response. Ultimately, on January 15, 2010, the court ordered respondent to turn the file over to Sora. Respondent failed to comply with that order.

The DEC secretary made numerous attempts to contact respondent about the grievance in this matter, to no avail.

**DISTRICT DOCKET NO. IIIB-2013-0021E**

The four-count complaint charged respondent with lack of diligence (RPC 1.3); failure to communicate with the client (RPC 1.4(b)); failure to refund all or part of an unearned retainer, upon termination of the representation (RPC 1.16(d)); and failure to cooperate with disciplinary authorities (RPC 8.1(b)).

On June 16, 2010, grievant Joyce Sheed retained respondent to represent her in connection with the administration of her deceased husband's estate. Sheed paid respondent a \$1,000 retainer. On multiple occasions thereafter, Sheed attempted to contact respondent by telephone, email, and text messages, to obtain information about the status of her matter. Respondent did not reply to any of Sheed's communications.

After receiving no reply from respondent, Sheed went to the Camden County Surrogate's office to obtain the initial probate documents. She then retained another attorney to complete the administration of her husband's estate.

On October 14, 2010, Sheed wrote to respondent, requesting a refund of her initial retainer fee. Respondent neither replied to Sheed nor refunded the fee.

The DEC secretary and the DEC investigator attempted to contact respondent about this matter, on multiple occasions. On September 11, 2013, respondent finally telephoned the

investigator, who directed respondent to submit a written reply to the grievance. Respondent failed to do so.

The complaints allege sufficient facts to support the charges of unethical conduct. Respondent's failure to file an answer is deemed an admission that the allegations of the complaints are true and that they provide a sufficient basis for the imposition of discipline (R. 1:20-4(f)(1)).

In the Rich matter, respondent failed to turn over the client's file, despite the client's and her new attorney's numerous requests, in violation of RPC 1.16(d). Further, respondent failed to comply with an order compelling her to turn over the file. Although the complaint charged respondent with failure to expedite litigation for this misconduct, more appropriately, respondent's actions constituted a violation of RPC 8.4(d), conduct prejudicial to the administration of justice. Because the complaint gave respondent sufficient notice of the nature of the charges, notwithstanding the mistaken RPC charged, there will be no violation of respondent's due process rights by the finding of a violation of RPC 8.4(d).

Finally, respondent's failure to cooperate with disciplinary authorities in this matter violated RPC 8.1(b).

In the Sheed matter, respondent lacked diligence, a violation of RPC 1.3, since she performed no work for Sheed,

despite having accepted a fee to do so. Eventually, Sheed was forced to take matters into her own hands and obtain the initial probate documents herself. She then hired another lawyer to continue the administration of the estate.

Respondent also failed to communicate with Sheed, in violation of RPC 1.4(b), ignoring multiple requests for information and for a refund of her fee. Respondent continued to act unethically by failing to refund Sheed's fee, which was not earned, a violation of RPC 1.16(d).

Finally, respondent's failure to respond to disciplinary authorities in the Sheed matter, despite dipping her toe in the water via a single telephone call, violated RPC 8.1(b).

Attorneys who fail to obey court orders have received reprimands, even when that infraction is accompanied by other, non-serious violations, so long as the attorney does not have a serious disciplinary history. See, e.g., In re Gellene, 203 N.J. 443 (2010) (reprimand for attorney found guilty of conduct prejudicial to the administration of justice and knowingly disobeying an obligation under the rules of the tribunal for failing to appear on the return date of an appellate court's order to show cause and failing to notify the court that he would not appear; the attorney was also guilty of gross neglect, pattern of neglect, lack of diligence, and failure to



communicate with clients; mitigating factors considered were the attorney's financial problems, his battle with depression, and significant family problems; his ethics history included two private reprimands and an admonition); In re Gourvitz, 185 N.J. 243 (2005) (attorney engaged in conduct prejudicial to the administration of justice by repeatedly disregarding several court orders requiring him to satisfy financial obligations to his former secretary, an elderly cancer survivor who sued him successfully for employment discrimination; the attorney had refused to allow her to return to work after her recovery from cancer surgery because the medical condition had disfigured her face); In re Carlin, 176 N.J. 266 (2003) (attorney failed to comply with two court orders and failed to comply with mandatory trust and business recordkeeping requirements; gross neglect, lack of diligence, failure to communicate with client, and failure to deliver funds to a third person also found); and In re Malfara, 157 N.J. 635 (1999) (attorney failed to honor a bankruptcy judge's order to reimburse the client \$500 for the retainer given in a case where he failed to appear at two court hearings, forcing the client to represent himself; gross neglect also found; the attorney also failed to cooperate with ethics authorities during the investigation of the matter). But see In re Davis-Daniels, DRB 05-218 (September 22, 2005) (admonition

for attorney who, as personal representative in an estate matter in South Carolina, failed to respond to numerous deadlines set by the court for filing an inventory and failed to appear or to explain her non-appearance to the court in a hearing scheduled for her to explain why she had not performed her duties; violation of RPC 1.16 also found for the attorney's failure to withdraw from the representation when her physical condition materially impaired her ability to properly represent the client; compelling mitigating factors considered).

In Carlin, in addition to failing to obey two court orders requiring him to turn over funds to a third party, the attorney exhibited gross neglect and lack of diligence, failed to communicate with the client, and committed recordkeeping improprieties. For these violations Carlin received a reprimand. Similarly, respondent failed to obey a court order, lacked diligence, and failed to communicate with her clients, in addition to failing to refund an unearned fee to the client. Unlike Carlin, however, respondent has been previously disciplined by way of a reprimand, imposed in 2008. There, like here, respondent defaulted by not filing an answer to the complaint.


Taking into account the totality of the circumstances, we determine that a censure is appropriate in this case.

Additionally, within thirty days of the date of this decision, respondent must make full restitution of the \$1,000 fee that she accepted from Sheed and submit proof to the Office of Attorney Ethics that she has done so.

Vice-Chair Baugh did not participate.

We further determine to require respondent to reimburse the Discipline 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  
Bonnie C. Frost, Chair

By:   
Ellen A. Brodsky  
Chief Counsel

---

---

SUPREME COURT OF NEW JERSEY  
DISCIPLINARY REVIEW BOARD  
VOTING RECORD

In the Matter of Katrina F. Wright  
Docket No. DRB 14-272


---

---

Decided: March 12, 2015

Disposition: Censure

<b>Members</b>	Disbar	Suspension	Censure	Dismiss	Disqualified	Did not participate
Frost			X			
Baugh						X
Clark			X			
Gallipoli			X			
Hoberman			X			
Rivera			X			
Singer			X			
Yamner			X			
Zmirich			X			
Total:			8			1

  
Ellen A. Brodsky  
Chief Counsel