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SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB ~~06-319~~ 06-319
District Docket No. XIII-05-25E

IN THE MATTER OF
GEORGE K. WALTON
AN ATTORNEY AT LAW

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

Decided: March 20, 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 Office of Attorney Ethics (OAE) pursuant to R.
1:20-4(f). It arises out of respondent's (1) failure to file a
deed after his client's purchase of an affordable housing unit
and to provide his client with a copy of the deed and the
affordable housing agreement, and (2) failure to respond to his

client's numerous attempts to contact him about the status of the recording of the deed and his requests for a copy of the deed and the agreement. The ethics complaint charged respondent with having violated RPC 1.3 (lack of diligence) and RPC 1.4(a) and (b) (failure to communicate with the client; failure to explain a matter to the extent reasonably necessary for the client to make informed decisions about the representation). For the reasons expressed below, we determine to impose a reprimand.

Respondent was admitted to the New Jersey bar in 1975. He maintains an office for the practice of law in Milford. Respondent has no disciplinary history. However, he has spent a number of years on the Supreme Court list of ineligible attorneys for failure to pay the annual assessment to the New Jersey Lawyers' Fund for Client Protection: September 21, 1998 through September 29, 2000, and September 15, 2003 through September 13, 2004.

Service of process was proper. On June 26, 2006, the District XIII Ethics Committee (DEC) sent a copy of the complaint to respondent's office address, Post Office Box 504, Milford, New Jersey 08848, via regular and certified mail,

return receipt requested. The letter was returned bearing an illegible signature. The regular mail was not returned.

On August 30, 2006, the DEC sent a letter to respondent at the same address, via regular and certified mail, return receipt requested. The letter directed respondent to file an answer within five days and informed him that, if he failed to do so, the record would be certified directly to us for the imposition of sanction. On September 1, 2006, respondent signed for the certified letter. The letter sent via regular mail was not returned.

As of September 25, 2006, respondent had not filed an answer to the complaint. Consequently, on that date, the DEC certified this matter to us as a default.

According to the allegations of the one-count complaint, in July 2003, Walter Stevenson retained respondent to represent him in the purchase of a Readington Township affordable housing unit. After the closing, respondent was required to file the deed to Stevenson's property. Respondent also was required to provide Stevenson with a copy of the affordable housing agreement.

After the closing, Stevenson attempted to contact respondent on five to ten occasions to obtain a copy of the

filed deed and the affordable housing agreement. In addition, Stevenson called respondent on the following dates: May 17, May 20, June 15, and June 26, 2005. Respondent failed to return any of Stevenson's calls.

The complaint charged respondent with lack of diligence (RPC 1.3) based on his failure to file the deed and to provide his client with a copy of the affordable housing agreement. The complaint also charged respondent with having violated former RPC 1.4(a) and (b), based on his failure to return Stevenson's calls requesting reports on the status of the filing of the deed and a copy of the affordable housing agreement, which, in turn, prevented Stevenson from making informed decisions regarding the representation.

Because respondent failed to file a verified answer to the complaint within the time prescribed, the allegations are deemed admitted. R. 1:20-4(f). Moreover, the allegations in the complaint support the conclusion that respondent has engaged in unethical conduct.

We find that respondent lacked diligence when he failed to file Stevenson's deed and provide Stevenson with copies of the recorded deed and the affordable housing agreement.

We also find that respondent violated RPC 1.4(a) when he failed to keep his client reasonably informed about the status of the matter and, for a two-year period, ignored Stevenson's numerous telephone calls requesting copies of the deed and affordable housing agreement.

We cannot find, however, that respondent violated RPC 1.4(b), which requires a lawyer to "explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation." Stevenson hired respondent to represent him in a real estate transaction. The closing took place, presumably without incident. Respondent's misconduct stems from his failure to follow through with post-closing administrative matters after the representation had effectively concluded. Therefore, Stevenson had no decision to make regarding the representation at that point. Accordingly, we determine to dismiss the charge.

There remains the quantum of discipline to be imposed for respondent's lack of diligence and failure to communicate with his client. In such matters, the standard measure of discipline is an admonition. See, e.g., In the Matter of Jonathan Saint-Preux, DRB 04-174 (July 20, 2004) (attorney lacked diligence and failed to communicate with the client in two immigration cases);

In the Matter of Carolyn Arch, DRB 01-322 (July 29, 2002) (attorney failed to act promptly in her client's divorce action and failed to communicate with the client; the attorney had a prior private reprimand); In the Matter of Theodore F. Kozlowski, DRB 96-460 (February 18, 1998) (in two separate matters, the attorney lacked diligence and failed to communicate with his clients; the attorney had a prior private reprimand); and In the Matter of Cornelius W. Daniel, III, DRB 96-394 (January 16, 1997) (attorney lacked diligence by failing to pay medical bills from the net proceeds of a personal injury settlement for a period of four years and failed to communicate adequately with the client).

Nevertheless, an admonition is insufficient discipline in this case because of respondent's default. In a default matter, we enhance the discipline to reflect a respondent's failure to cooperate with disciplinary authorities as an aggravating factor. In re Nemshick, 180 N.J. 304 (2004) (conduct meriting reprimand enhanced to three-month suspension due to default; no ethics history). Accordingly, we determine to impose a reprimand for respondent's ethics violations in this default case.

Members Baugh and Lolla did not participate.

We further 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 J. O'Shaughnessy
Chair

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

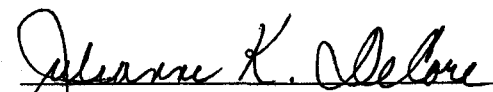
**SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD**

In the Matter of George K. Walton
Docket No. DRB 06-319

Decided: March 20, 2007

Disposition: Reprimand

Members	Suspension	Reprimand	Admonition	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