

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 03-053

IN THE MATTER OF :
:
LOUANN WONSKI :
:
AN ATTORNEY AT LAW :

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

Decided: June 17, 2003

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

Pursuant to R.1:20-4(f)(1), the District VII Ethics Committee (“DEC”) certified the record directly to us for the imposition of discipline, following respondent’s failure to file an answer to the formal ethics complaint.

Respondent was admitted to the New Jersey bar in 1992. She has no history of discipline. She maintained an office in Seawaren, Middlesex County. Since September 30, 2002, she has been on the Supreme Court’s list of ineligible attorneys for failure to pay the annual assessment to the New Jersey Lawyers’ Fund for Client Protection.

On December 11, 2002, the DEC sent a copy of the complaint, by certified and regular mail, to respondent’s address listed in the New Jersey Lawyers’ Diary and

Manual, 120 Woodbridge Avenue, Seawaren, New Jersey, 07077. The certified mail receipt was signed by an unidentified individual. The regular mail was not returned. The letter advised respondent that she had twenty-one days to file an answer to the complaint and that her failure to do so would constitute an admission of the charges and could result in her immediate temporary suspension from the practice of law.

Respondent did not file an answer to the complaint.

* * *

Agnes and Robert Fengya retained respondent to pursue a claim for personal injuries suffered by Ms. Fengya in a February 24, 1998 accident in a K-Mart store. Respondent filed a complaint on the Fengyas' behalf. Thereafter, Ms. Fengya determined to terminate respondent's representation, based on her lack of communication. She retained another attorney, Leonard D. Weiss, to represent her. By letters dated November 27 and December 7, 2001 Weiss requested that respondent turn over Ms. Fengya's file. Respondent failed to comply with Weiss' request. Weiss then obtained a court order compelling respondent to turn over the file and to sign a substitution of attorney. Respondent failed to comply with the order.

After Weiss filed a grievance against respondent, the DEC sent her four letters asking her to reply to the grievance. Respondent did not reply to the DEC's letters.

The complaint charged respondent with a violation of RPC 1.3 (lack of diligence), RPC 1.4(a) (failure to comply with the client's reasonable requests for information), RPC 1.16(d) (failure to return client's file upon termination of the representation), RPC 8.1(b)

(failure to cooperate with disciplinary authorities) and RPC 8.4(d) (conduct prejudicial to the administration of justice).

* * *

Service of process was properly made. A review of the record shows that the facts recited in the complaint support a finding of unethical conduct, with the exception of the allegation of a violation of RPC 1.3. Respondent filed a complaint and then her services were terminated based on a lack of communication with the client. There is no factual basis to support a finding of lack of diligence. As to the remaining charges, because of respondent's failure to answer the complaint, the allegations are deemed admitted. R.1:20-4(f).

Generally, a combination of failure to communicate with the client, failure to turn over a client's file and failure to cooperate with disciplinary authorities merits an admonition. See In the Matter of Bernard I. Weinstein, Docket No. DRB 02-209 (July 22, 2002) (admonition imposed where an attorney failed to communicate with a client and failed to turn over the client's file to his new attorney); In the Matter of Alan Zark, Docket No. DRB 01-421 (February 8, 2002) (admonition imposed where an attorney failed to communicate with a client and failed to cooperate with disciplinary authorities); and In the Matter of Andrew T. Brasno, Docket No. DRB 97-091 (June 25, 1997) (admonition imposed where an attorney failed to turn over a client's file and failed to cooperate with disciplinary authorities). Here, respondent's conduct was more serious because she failed to comply with a court order, in violation of RPC 8.4(d). We determined that, coupled with her failure to file an answer, thereby allowing this matter to

proceed on a default basis, respondent's conduct warrants a reprimand. See In re Mandel, 162 N.J. 100 (1999) (reprimand in a default matter for gross neglect, failure to communicate, failure to turn over client file to new counsel and failure to cooperate with disciplinary authorities). We also determined to require respondent to submit proof of fitness to practice law, as attested by a mental health professional approved by the Office of Attorney Ethics, and to practice under the supervision of a proctor for a period of one year.

One member agreed with the conditions to be imposed, but voted for a three-month suspension. Two members did not participate.

We further determined to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs.

Disciplinary Review Board
Mary J. Maudsley, Chair

By: Robyn M. Hill
Robyn M. Hill

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

In the Matter of Louann Wonski
Docket No. DRB 930953

Decided: June 17, 2003

Disposition: Reprimand

<i>Members</i>	<i>Disbar</i>	<i>Suspension</i>	<i>Reprimand</i>	<i>Admonition</i>	<i>Three-month Suspension</i>	<i>Disqualified</i>	<i>Did not participate</i>
<i>Maudsley</i>			X				
<i>O'Shaughnessy</i>			X				
<i>Boylan</i>							X
<i>Holmes</i>			X			.	
<i>Lolla</i>			X				
<i>Pashman</i>			X				
<i>Schwartz</i>							X
<i>Stanton</i>			X				
<i>Wissinger</i>					X		
<i>Total:</i>			6		1		2

Robyn M. Hill

Robyn M. Hill
Chief Counsel