

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 04-150
District Docket No. VII-03-022E

IN THE MATTER OF
LOUANN WONSKI
AN ATTORNEY AT LAW

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

Decided: July 28, 2004

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

Pursuant to R. 1:20-4(f), the District VII Ethics Committee
("DEC") certified the record in this matter 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. On
January 13, 2004, in a default matter, respondent was temporarily
suspended from the practice of law for failure to comply with that

portion of the Supreme Court's September 8, 2003 order requiring her to submit proof of fitness to practice law, as attested to by a mental health professional. The order also reprimanded respondent for failure to communicate with the client, failure to return a client file upon termination of the representation, and failure to cooperate with disciplinary authorities.

On September 30, 2002, respondent was declared ineligible to practice law for failure to pay the annual attorney assessment to the New Jersey Lawyers' Fund for Client Protection ("CPF"). Respondent remained ineligible to practice law from September 30, 2002 to August 11, 2003. According to the complaint, despite her ineligibility, respondent continued to practice law during that time. The complaint did not specify any instances of practicing law during the period of ineligibility. However, the underlying investigator's report referred to respondent's active attorney telephone listings during the relevant time period.

Prior to the filing of the complaint, respondent failed to reply to written requests for information from the DEC about the grievance, including the DEC's letters to her, dated June 12 and July 18, 2004.

The complaint alleged violations of RPC 5.5(a) (practicing law while ineligible for failure to make annual CPF payments) and RPC

8.1(b) (failure to cooperate with ethics authorities in the investigation of an ethics matter).

On February 18, 2004, the DEC sent a copy of the complaint to respondent's last known address at 552 New Brunswick Avenue, Fords, New Jersey 08863, by certified and regular mail. The certified mail receipt was returned signed by "Elizabeth Ganschow" on February 20, 2004. The regular mail was not returned.

On March 23, 2004, the DEC sent respondent a letter advising her 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 and that, pursuant to R.1:20-4(f) and R.1:20-6(c) (1), the record in the matter would be certified directly to us for the imposition of discipline. That letter was sent to respondent at the same address, by both certified and regular mail. Both the certified and regular mail were returned by postal authorities marked as "undeliverable".

Respondent did not file an answer.

Service of process was properly made. 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 declared ineligible to practice law on September 30, 2002, and remained so until August 11, 2003. The complaint, however, did not specify what conduct violated RPC

5.5(a). The DEC investigator stated in his report that

[t]he Complaint was referred from [the OAE], containing a copy of a Supreme Court 2002 ineligible List, listing from phone directories showing this attorney's listing during the relevant periods. The allegation was that this attorney had been practicing law during the time period that she was on the Ineligible List for Practice.

[Investigative Report at 1.]

The investigator also stated that

[b]ecause the undersigned did not receive any cooperation from [respondent] and directed her that failure to cooperate would be deemed a default on the charges themselves, it is recommended that these charges be deemed upheld. Because of the timing of the suspension, which is between September 30, 2002 and August 12, 2003, the undersigned did not personally witness such unauthorized practice. However, the circumstantial evidence, coupled with the failure to respond supports the charges that have been brought.

[Investigative Report at 4.]

The record is otherwise silent about the "circumstantial evidence" and whether respondent actively procured new listings during the period of ineligibility, or simply had previous telephone listings in place during that time. The latter would not

be a violation. Moreover, the documentation from the OAE that the investigator mentioned in the report was not made a part of the record before us. We, therefore, determined to dismiss the allegation regarding RPC 5.5(a), on the grounds that the complaint contained insufficient facts upon which to find clear and convincing evidence of a violation.

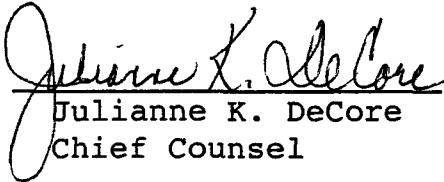
With regard to the allegation that respondent failed to cooperate with ethics authorities, the record shows that she failed to reply to several written requests from the DEC for information about the grievance, including letters dated June 12 and July 18, 2004. In addition, respondent later allowed the matter to proceed to us in a default posture. In so doing, she violated RPC 8.1(b).

We have imposed an admonition or a reprimand for failure to cooperate with disciplinary authorities. See, e.g., In the Matter of Wesley S. Rowniewski, Docket No. DRB 01-335 (January 10, 2002), and In the Matter of Erik Shanni, Docket No. DRB 98-488 (April 21, 1999) (admonitions for violations of RPC 8.1(b)); In re Burnett-Baker, 153 N.J. 357 (1998), and In re Williamson, 152 N.J. 489 (1998) (reprimands for violations of RPC 8.1(b)). Because respondent allowed this matter to proceed to us on a default basis and has a prior reprimand in a default matter, we determine that a reprimand is the appropriate sanction. Vice Chair, William P.

O'Shaughnessy and Matthew P. Boylan, Esqs. did not participate.

We also determine to require respondent to reimburse the Disciplinary Oversight Committee for administrative expenses.

Disciplinary Review Board
Mary J. Maudsley, Chair

By: 
Julianne K. DeCore
Chief Counsel

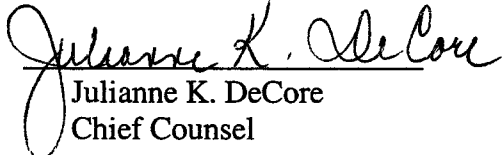
**SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD**

In the Matter of Louann Wonski
Docket No. DRB 04-150

Decided: July 28, 2004

Disposition: Reprimand

<i>Members</i>	<i>Disbar</i>	<i>Suspension</i>	<i>Reprimand</i>	<i>Admonition</i>	<i>Dismiss</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				
Total:			7				2


Julianne K. DeCore
Chief Counsel