

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 03-384

IN THE MATTER OF :
: :
MARY LORENE VAN DE CASTLE :
: :
AN ATTORNEY AT LAW :
: :
:

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

Decided: March 10, 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 XIII 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.

Respondent was admitted to the New Jersey bar in 1984. She maintains a law office in Watchung, New Jersey. She has no history of discipline.

On August 8, 2003, the DEC sent a copy of the complaint to respondent at her office in Watchung, New Jersey by regular and certified mail, return receipt requested. The regular mail was not returned. The certified mail receipt was signed by respondent on August 23, 2003.

Respondent did not file an answer.

Respondent failed to communicate with Williams and failed to keep him informed about the status of the administration of the estate. Respondent ignored numerous letters from Williams requesting that she take certain actions on behalf of the estate and requesting status updates. She also failed to return the majority of Williams' numerous telephone calls seeking information about the matter.

According to the complaint, respondent's negligent handling of the estate's administration had a negative impact on Williams' and his sister's finances: they were precluded from managing their mother's stock portfolio, which was depleted by approximately \$40,000, while under respondent's control; they were deprived of the use of approximately \$2,000 due to respondent's failure to deposit dividend and other types of checks into the estate bank accounts; and they were unable to collect proceeds from life insurance policies that remained in respondent's possession.

In July 2002, Williams filed a grievance with the DEC. Despite the DEC's requests for a reply to the grievance, respondent failed to comply.

Service of process was properly made in this matter. The complaint contains sufficient facts to support a finding 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).

After respondent was retained to administer the decedent's estate, for a two and one-half year period, she failed to take any action, a violation of RPC 1.1(a) and RPC 1.3. Respondent also failed to communicate with Williams. She failed to return most of his telephone calls, ignored his numerous letters, and failed to keep him informed about the status of the matter, violating RPC 1.4(a). Finally, respondent's failure to reply to the grievance and to answer the complaint violated RPC 8.1(b).

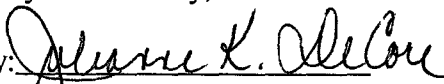
Generally, in default matters involving similar violations reprimands have been imposed. See In re Nielsen, 167 N.J. 54 (2001) (reprimand where attorney grossly neglected and engaged in a lack of diligence in two client matters, despite being paid in full in at least one of the cases, and failed to communicate with the clients); In re Handfuss, 165 N.J. 569 (2000) (reprimand where attorney filed a complaint on behalf of his client and then took no further action in the matter; the attorney also failed to communicate with the client); In re Goodman, 165 N.J. 567 (2000) (reprimand where, for seven years, attorney grossly neglected and engaged in a lack of diligence in a personal injury matter by failing to file a complaint or otherwise prosecute the claim, resulting in the matter being time barred; the attorney also failed to communicate with his client, and failed to cooperate with disciplinary authorities; the attorney had prior private reprimand).

Because of the factual similarity between the present case and the above matters, we unanimously determine to impose a reprimand. Two members did not participate.

We also direct respondent to turn over her files in this matter to William's new attorney, and to provide proof of compliance to the Office of Attorney Ethics, within sixty days of the date of this decision. Respondent's failure to abide by this directive may result in further action against her.

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

Disciplinary Review Board
Mary J. Maudsley, Chair

By: 
Julianne K. DeCore
Chief Counsel

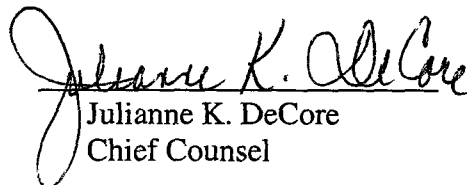
**SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD**

In the Matter of Mary Lorene Van De Castle
Docket No. DRB 03-384

Decided: March 10, 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