

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. 02-352

IN THE MATTER OF
PETER A. WOOD
AN ATTORNEY AT LAW

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

Decided: January 15, 2003

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

Pursuant to R.1:20-4(f), the District IV 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 1993.¹ On November 14, 2002, he was suspended for three months for gross neglect, failure to communicate, failure to cooperate with ethics authorities and misrepresentation. In re Wood, 174 N.J. 507 (2002).

On May 7, 2002, the DEC mailed a copy of the complaint to respondent by regular and certified mail, return receipt requested, to his last-known office address listed in the New

¹ While the complaint states that respondent was admitted in 1990, the attorney registration system indicates that he was admitted in New Jersey in 1993 and in Pennsylvania in 1990.

Jersey Lawyers' Diary and Manual. The certified mail receipt was returned, indicating delivery on May 16, 2002. The regular mail was not returned. When respondent did not file an answer, the DEC sent him another letter on July 10, 2002 by regular and certified mail, return receipt requested. The certified mail was returned marked "unclaimed" and the regular mail was not returned. Respondent did not file an answer to the complaint.

The complaint charged respondent with violations of RPC 1.3 (lack of diligence), RPC 1.5(b) (failure to communicate, in writing, the basis or rate of the fee, when the lawyer has not regularly represented the client), RPC 1.15(b) (failure to deliver funds to which the client is entitled), RPC 5.5(a) (practicing while ineligible) and RPC 8.1(b) (failure to cooperate with disciplinary authorities).

In October 1998, Fred Williams retained respondent to represent him in a collection matter against Wanda Knox. He paid respondent \$550 to handle the matter. Respondent did not provide Williams with a written retainer agreement or any other writing explaining the fee arrangement.

Respondent filed suit against Knox for repayment of a \$4,000 debt and costs of suit. He obtained a \$4,048 default judgment against Knox. Thereafter, Knox began making payments on the debt. Between July 1999 and May 2000, Knox remitted \$660 to respondent by checks payable to Williams. Respondent forwarded the checks to Williams.

In September 2000, Knox began making the payments through Consumer Credit Counseling ("CCC"), a non-profit agency. Between September 2000 and January 2001, CCC issued five checks to respondent, totaling \$375, on behalf of Knox. Respondent did not

forward those payments to Williams.

In February 2001, CCC issued a stop payment order on the five checks, issued a new \$375 check, payable to Williams, and forwarded it directly to him.

The complaint also charged that, despite five letters and two telephone calls from the DEC and the OAE, respondent never replied to the grievance. Because respondent did not reply, the OAE sent a demand audit letter requiring him to appear at the OAE's office with his attorney trust and business account records, as well as the Williams files, on January 17, 2002. Respondent appeared for the audit, apparently with the required records.

Respondent told the auditor that, after he received the first check from CCC, he called the agency and requested that all future checks be made payable to Williams, and that, despite his request, CCC continued to make the checks payable to respondent. At the audit, respondent produced the five CCC checks, which had not been cashed.

Finally, the complaint charged that, between September 18 and November 15, 2001, respondent practiced law while ineligible for failure to pay the annual assessment to the New Jersey Lawyers' Fund for Client Protection. During that time, respondent appeared in court on at least eight occasions.

* * *

Service of process was proper. Therefore, the matter may proceed as a default. Pursuant to R.120-4(f), the allegations of the complaint are deemed admitted.

Respondent failed to provide any writing to Williams setting forth the basis or rate of

his fee, in violation of RPC 1.5(b); between September 2000 and January 2001, he failed to remit the CCC payments to his client, in violation of RPC 1.15(b); he practiced while ineligible, appearing in court on at least eight occasions, in violation of RPC 5.5(a); finally, he failed to cooperate with the investigation of the grievance, in violation of RPC 8.1(b).²

Discipline for similar misconduct has generally resulted in an admonition or a reprimand. See, e.g., In the Matter of Angela C. W. Belfon, Docket No. DRB 00-157 (January 11, 2001) (admonition where the attorney failed to turn over settlement funds to a client, failed to expedite litigation and failed to keep her client reasonably informed about the client's matter); In the Matter of Seymour Wasserstrum, Docket No. DRB 97-046 (February 23, 1998) (admonition where the attorney accepted two personal injury matters on a contingency basis, but failed to reduce the fee to writing, failed to turn over the entire file to the client and failed to keep copies of the settlement disbursement sheets and other financial information required to be maintained for seven years); In re Mandle, 167 N.J. 609 (2001) (reprimand where the attorney failed to promptly disburse closing funds, failed to cooperate with the disciplinary investigation, and exhibited gross neglect and lack of diligence); In re Alston, 154 N.J. 83 (1998) (reprimand where the attorney practiced law while ineligible, failed to maintain a bona fide office and failed to cooperate with disciplinary authorities).

As set forth above, respondent was suspended for three months on November 13,


² The complaint also alleged that respondent's failure to remit CCC's payments to Williams violated RPC 1.3 (lack of diligence). However, that conduct is more appropriately encompassed by RPC 1.15(b).

2002. In that default matter, respondent misrepresented to his client the amount of a settlement, had her sign a release that did not list the settlement figures, misrepresented that the settlement proceeds would be received shortly, failed to return her telephone calls and failed to forward an executed release to the defendant after the case was settled. The client's case was later dismissed with prejudice. The underlying misconduct occurred between November 1999 and December 2000. Respondent's misconduct in this matter occurred between September 2000 and January 2001. Furthermore, in both matters, respondent failed to fully cooperate with the DEC's investigation, although he provided some information to the OAE in both matters.

If this matter had been heard with the prior matter, we would not have imposed any greater discipline than a three-month suspension. However, we are also mindful of the fact that respondent has again failed to answer an ethics complaint.

Therefore, we unanimously determined to impose a three-month suspension, to be served concurrently with the three-month suspension that began on November 13, 2002. One member did not participate.

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

By: 
ROCKY L. PETERSON
Chair
Disciplinary Review Board

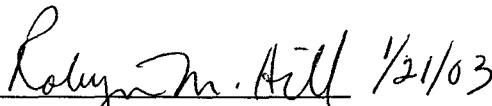
**SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD**

In the Matter of Peter A. Wood
Docket No. DRB 02-352

Decided: January 15, 2003

Disposition: Three-month suspension

| <i>Members</i> | <i>Disbar</i> | <i>Three-month Suspension</i> | <i>Reprimand</i> | <i>Admonition</i> | <i>Dismiss</i> | <i>Disqualified</i> | <i>Did not participate</i> |
|----------------------|---------------|-----------------------------------|------------------|-------------------|----------------|---------------------|--------------------------------|
| <i>Peterson</i> | | X | | | | | |
| <i>Maudsley</i> | | X | | | | | |
| <i>Boylan</i> | | X | | | | | |
| <i>Brody</i> | | X | | | | | |
| <i>Lolla</i> | | X | | | | | |
| <i>O'Shaughnessy</i> | | X | | | | | |
| <i>Pashman</i> | | X | | | | | |
| <i>Schwartz</i> | | | | | | | X |
| <i>Wissinger</i> | | X | | | | | |
| Total: | | 8 | | | | | 1 |


 Robyn M. Hill
 Chief Counsel