

IF

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 98-174

..

IN THE MATTER OF :
:
ARTURO GONZALES ALPHONSO :
:
AN ATTORNEY AT LAW :
:

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

Decided: November 19, 1998

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 IIB Ethics Committee ("DEC") certified the record in this matter directly to the Board for the imposition of discipline, following respondent's failure to file an answer to the formal ethics complaint.

On January 15, 1998, the DEC sent a copy of the complaint and cover letter to respondent's last known office address by certified and regular mail. The certified mail return receipt (green card) was returned indicating no delivery. According to the green card, respondent had moved and left no forwarding address. The regular mail was not returned. Respondent did not file an answer. Notice that the matter would proceed as a default was published in the New Jersey Lawyer and the New Jersey Law Journal.

Respondent was admitted to the New Jersey bar in 1988. He has no prior ethics history.

According to the two-count complaint, grievants Allen and Terry de Guzman hired respondent to represent their housekeeper, Clara Tachagon, in an immigration matter. Specifically, respondent was to assist in Tachagon's application for resident status. The first count of the complaint alleged that respondent failed to reply to numerous telephone calls and letters from the de Guzmans and did not keep them advised of the status of the matter. The second count alleged that respondent failed to cooperate with the disciplinary investigation.

The complaint charged violations of RPC 1.3 (lack of diligence), RPC 1.4(a) (failure to communicate) and RPC 8.4 (no subsection cited).

* * *

Following a de novo review of the record, the Board deemed the allegations contained in the complaint admitted. R.1:20-4(f)(1). The facts alleged support a finding of unethical conduct by respondent.

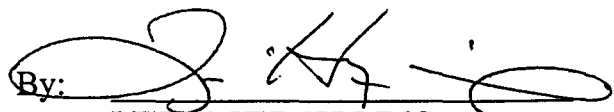
The Board, however, dismissed the charge of a violation of RPC 1.3. The complaint recited no facts that would support a finding of lack of diligence on respondent's part. There is sufficient basis, however, to find that respondent violated RPC 1.4(a). Respondent agreed to represent Tachagon in an immigration matter and subsequently failed to reply to his

clients' telephone calls and letters about the case. In addition, respondent did not reply to the DEC's requests for information about the grievance, in violation of RPC 8.1(b).¹

Ordinarily, an admonition would constitute sufficient discipline for similar misconduct. See In the Matter of Dexter B. Blake, Jr., DRB 95-223 (1996) (admonition for lack of diligence and failure to communicate); In the Matter of Nancy Oxfeld, DRB 95-041 (1995) (admonition for failure to communicate). However, because this matter arose as a default, suggesting a disregard for the ethics system on the part of respondent, the Board determined that greater discipline was required. Accordingly, the Board unanimously voted to reprimand respondent.

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

Dated: "11/15/98" _____

By:  _____
LEE M. HYMERLING
Chair
Disciplinary Review Board

¹ Although the complaint charged respondent with a violation of RPC 8.4, RPC 8.1(b) (failure to respond to disciplinary authorities) is the more appropriate rule.

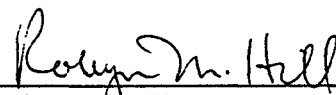
SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Arturo Gonzales-Alphonso
Docket No. DRB 98-174

Decided: November 19, 1998

Disposition: Reprimand

Members	Disbar	Suspension	Reprimand	Admonition	Dismiss	Disqualified	Did not Participate
Hymerling			x				
Zazzali			x				
Brody			x				
Cole			x				
Lolla			x				
Maudsley			x				
Peterson			x				
Schwartz			x				
Thompson			x				
Total:			9				

 12/30/98
Robyn M. Hill
Chief Counsel