

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 98-394

IN THE MATTER OF
DONALD R. STEMMER,
AN ATTORNEY AT LAW

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

Decided: August 18, 1999

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 IV 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 August 14, 1998, the DEC sent a copy of the complaint by certified mail to respondent's last known office address as listed in the *New Jersey Lawyers' Diary and Manual*. The certified mail receipt was returned, indicating delivery on August 15, 1998. The respondent had signed that receipt. On September 10, 1998, a second letter was sent to

respondent at the same address, by certified and regular mail. The certified mail receipt was returned, indicating delivery, on September 11, 1998. Again, the signature of the agent accepting delivery was Donald R. Stemmer. The regular mail was not returned.

Respondent was admitted to the New Jersey bar in 1975. He has no history of discipline.

The complaint alleges, that prior to September 15, 1997, Victor Lipkin retained respondent to represent him with regard to charges of operating a motor vehicle while intoxicated, refusing breath tests and obstructing a government function. Stratford Borough Police Officer Ronald M. Morello was the officer that arrested Victor Lipkin. On or about September 15, 1997, respondent filed a motion to dismiss the charge. Officer Morello believed that respondent's motion was unprofessional, in that it contained personal attacks aimed at him in his role as a police officer. He filed a grievance against respondent. The DEC sent two letters to respondent concerning the grievance, but respondent failed to reply.

The complaint charges respondent with a violation of RPC 8.1(b) for his failure to reply to the disciplinary authorities' request for information.¹

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Service of process was properly made in this matter. Respondent himself signed the certified mail cards. Following a de novo review of the record, the Board found that the

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Apparently the DEC investigation found that respondent's motion did not violate any *Rules of Professional Conduct*.

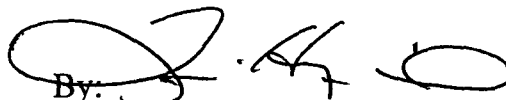
facts recited in the complaint support a finding of unethical conduct. Because of respondent's failure to file an answer, the allegations of the complaint are deemed admitted. R. 1:20-4(f)(1).

Although respondent was aware of the charges against him, as shown by his signature on both certified mail receipts, he failed to provide an answer to the grievance filed against him. Therefore, it is clear that respondent violated RPC 8.1(b). Similar violations, without more, have led to the imposition of an admonition or a reprimand. See, e.g., In the Matter of Arnold M. Abramowitz DRB 97-150 (admonition for failure to cooperate with disciplinary authorities); In the Matter of Lois Ann Wood DRB 97-134 (admonition); and In re Macias, 121 N.J. 243 (1990) (reprimand).

Because of respondent's failure to file an answer in the present matter despite being personally served, causing this matter to proceed as a default, the Board unanimously determined that a reprimand was appropriate. One member did not participate.

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

Dated: 8/18/99

By: 
LEE M. HYMERLING
Chair
Disciplinary Review Board

SUPREME COURT OF NEW JERSEY

**DISCIPLINARY REVIEW BOARD
VOTING RECORD**

**In the Matter of Donald R. Stemmer
Docket No. DRB 98-394**

Decided: August 18, 1999

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:			8				1

By Robyn M. Hill 8/26/99
Robyn M. Hill
Chief Counsel