

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 02-092

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IN THE MATTER OF :  
PAUL PASKEY :  
AN ATTORNEY AT LAW :

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

Decided: May 8, 2002

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

Pursuant to R.1:20-4(f), the District VI Ethics Committee ("DEC") certified 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 1983. He maintains an office for the practice of law in Bayonne, Hudson County.

In 1998 respondent was admonished for gross neglect, lack of diligence and failure to communicate in a civil matter, including failure to advise his client that the complaint had been dismissed. In imposing only an admonition, we considered that respondent had been beset by personal problems at the time, including the breakup of his

marriage, financial difficulties and the foreclosure on his house. In the Matter of Paul Paskey, Docket No. DRB 98-244 (October 23, 1998).

On November 6, 2001 the DEC secretary mailed copies of the complaints to respondent at his last known office address, 1 West 8<sup>th</sup> Street, Bayonne, New Jersey 07002, via certified and regular mail. The certified mail was returned unclaimed. The regular mail was not returned. On December 26, 2001 a second letter was sent to respondent at the above address, advising him that, unless he filed an answer to the complaint within five days, the allegations of the complaint would be deemed admitted and the record would be certified to us for the imposition of sanction. The letter also served to amend the complaint to include a violation of RPC 8.1(b). The certified mail receipt was returned indicating delivery on December 27, 2001,<sup>1</sup> but with no signature. The regular mail was not returned. Respondent did not file an answer to the complaint.

The Paul Matter (District Docket No. VI-01-26E)

On or about August 18, 2000 Jeanette C. Paul retained respondent to represent her in a no-fault divorce proceeding. She paid him \$900 on that date. For more than a year, respondent took no action in Paul's behalf. Also, notwithstanding repeated requests from Paul and from the DEC prior to docketing the grievance, respondent failed to communicate with Paul.

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<sup>1</sup> The DEC secretary's certification inadvertently cites the delivery date as December 27, 2002.

The McCoy Matter (District Docket No. VI-01-27E)

In or about January 2000 Jimmie L. McCoy retained respondent in connection with the probate of a will. He gave respondent a \$500 retainer. Despite the passage of over a year, respondent took “no significant action” in McCoy’s behalf. In addition, in spite of repeated requests for information from McCoy and the DEC before the docketing of the grievance, respondent did not communicate with McCoy.

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In connection with the investigation in these matters, the DEC investigator sent letters to respondent on July 31, August 22 and September 21, 2001. Despite respondent’s receipt of the letters and a telephone call from him to the investigator on or about September 27, 2001, he failed to reply “in substance” to the investigator’s requests for information about the Paul and McCoy matters.

\* \* \*

The complaints in both the Paul and McCoy matters charged respondent with violations of RPC 1.1(a)(gross neglect), RPC 1.4(a) (failure to communicate) and RPC 8.1(b)(failure to cooperate with the DEC).

\* \* \*

Service of process was properly made. Following a de novo review of the record, we found that the 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).

In two matters, respondent demonstrated gross neglect, failure to communicate and failure to cooperate with the DEC. Generally, in default matters involving combinations of similar violations and a prior disciplinary history, short-term suspensions have been imposed. See In re Davis, 162 N.J. 7 (1999) (three-month suspension in a default matter involving gross neglect, lack of diligence, knowingly disobeying the rules of a tribunal and failure to cooperate with disciplinary authorities, in violation of RPC 1.1(a), RPC 1.3, RPC 3.4(c) and RPC 8.1(b); attorney had prior admonition); In re Banas, 157 N.J. 18 (1999) (three-month suspension in a default matter involving gross neglect, lack of diligence, failure to communicate, failure to reduce fee agreement to writing and failure to cooperate with disciplinary authorities; attorney had prior reprimand); But see In re West, 156 N.J. 451 (1998) (six-month suspension in a default matter for misconduct in three matters, including gross neglect, pattern of neglect, lack of diligence, failure to communicate, failure to return client's funds and papers and failure to cooperate with disciplinary authorities, in violation of RPC 1.1(a), RPC 1.1(b), RPC 1.3, RPC 1.4(a), RPC 1.16(d) and RPC 8.1(b); attorney had prior admonition).

After consideration of the relevant circumstances, we unanimously determined that a three-month suspension should be imposed.

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

By: 

Rocky L. Peterson

Chair

Disciplinary Review Board

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

In the Matter of Paul Paskey  
Docket No. DRB 02-092

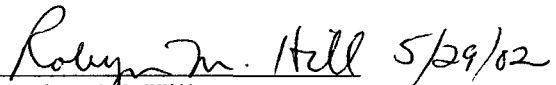
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Decided: May 8, 2002

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					
<b>Total:</b>		9					

  
Robyn M. Hill  
Chief Counsel