

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 03-308

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

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

Decided: February 3, 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 VI 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.

On November 8, 2002, the DEC secretary mailed a copy of the complaint in Docket Nos. VI-02-05E and VI-02-06E to respondent by certified and regular mail, to his last known office address listed in the New Jersey Lawyers' Diary and Manual: 1 West 8th Street, Bayonne, New Jersey 07002. On January 14, 2003, a second letter was sent to respondent by certified and regular mail to the above address. That letter advised 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.

Also on January 14, 2003, the DEC secretary mailed a copy of the complaint in Docket Nos. VI-02-7E, VI-02-08E and VI-02-09E and a separate complaint in Docket No. VI-02-015E to respondent by certified and regular mail to the same address. In each instance, the certified mail envelope was returned undelivered. The regular mail envelope was returned marked "Moved Left No Address, Unable to Forward, Return to Sender."

A notice of all of the complaints was published in The Jersey Journal on June 28, 2003 and in the New Jersey Law Journal on July 7, 2003.

Respondent did not file answers to the complaints.

Respondent was admitted to the New Jersey bar in 1983. He previously maintained an office in Bayonne, Hudson County. He has an extensive disciplinary history. In 1998, respondent received an admonition for gross neglect, lack of diligence, and failure to communicate with the client in a civil matter. In the Matter of Paul Paskey, Docket No. 98-244 (October 23, 1998). The Court temporarily suspended him on May 9, 2002, for serious irregularities in his recordkeeping practices. In re Paskey, 172 N.J. 95 (2002). He remains suspended to date. Thereafter, he received a three-month suspension on September 17, 2002, in a default matter, involving gross neglect, failure to communicate with the client, and failure to cooperate with disciplinary authorities. In re Paskey, 174 N.J. 334 (2002). He subsequently received another three-month suspension, to run consecutive to his prior suspension, for gross neglect, pattern of neglect, lack of diligence, failure to communicate with the client, failure to cooperate with disciplinary authorities, and misrepresentation. That matter had also proceeded as a default. In re Paskey, 174 N.J. 562 (2002). Most recently, respondent received a six-month suspension in a default matter, for gross neglect, pattern of

neglect, lack of diligence, failure to communicate with clients, and failure to cooperate with disciplinary authorities. In re Paskey, 175 N.J. 500 (2003).

The Wilson Matter (District Docket No. VI-02-05E)

On January 16, 2001, Patricia Wilson retained respondent to file a bankruptcy petition on her behalf and to appear before the bankruptcy court. Wilson paid respondent \$500. Respondent failed to file the petition and failed to reply to correspondence from Wilson's creditors. He also failed to reply to Wilson's numerous requests for information about her matter.

The complaint charged respondent with a violation of RPC 1.1(a) (gross neglect), RPC 1.4(a) (failure to communicate), RPC 3.2 (failure to expedite litigation), and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation).

The Salerno Matter (District Docket No. VI-02-06E)

In or about 1999, Joseph Salerno consulted with respondent to initiate an action for the collection of back rent and interest in a tenancy matter. Thereafter, respondent assured Salerno that his funds would be forthcoming, but refused to provide him with the docket number for his case. Respondent ultimately admitted to Salerno that he had not pursued the matter.

The complaint charged respondent with a violation of RPC 1.1(a), RPC 3.2, RPC 1.4(a), and RPC 8.4(c).

The complaint also charged respondent with a violation of RPC 8.1(b) for failure to cooperate with the DEC's investigation of the Wilson and Salerno matters.

The Finnerty Matter (District Docket No. VI-02-07E)

In November 2001, Laura Nolan Finnerty retained respondent to represent her in a matrimonial proceeding. He requested and received from Finnerty a \$1000 fee. On or about November 24, 2001, Finnerty and her estranged husband executed a separation and property settlement agreement. Respondent represented to Finnerty that her divorce would be finalized by January 2002. After that month passed, and Finnerty had received no information about her proceeding, she left numerous telephone messages for respondent, and wrote to him on several occasions, asking that he contact her. In or about early February, respondent replied to Finnerty and advised her that her proceeding would be prioritized and brought to date within the following few days. Thereafter, Finnerty was advised by court personnel that, as of the end of February 2002, there was no record of her matrimonial proceeding.

The complaint charged respondent with a violation of RPC 1.1(a), RPC 3.2, RPC 1.4(a) and RPC 8.4(c).

The Palma Matter (District Docket No. VI-02-08E)

In August 2000, Ferdeliza Palma retained respondent to represent her in a matrimonial proceeding. He requested and received from Palma a \$750 fee and advances for court costs and other fees, totaling \$260. In or about mid-January 2001, Palma attempted to reach respondent by telephone on a number of occasions, to no avail. In addition, she attempted on a number of occasions to meet with him at his office. The office, however, was closed. Thereafter, Palma was advised by court personnel that there was no record of her matrimonial proceeding.

The complaint charged respondent with a violation of RPC 1.1(a), RPC 3.2, RPC 1.4(a), and RPC 8.4(c).

The Carter Matter (District Docket No. VI-02-09E)

In 1998, Donna-Sherie Carter retained respondent to represent her in a matrimonial proceeding. He obtained a partial retainer of \$400 from Carter. Carter was unable to proceed with the matter due to her financial circumstances and did not pay the balance of the retainer. In or about August 2001, almost three years later, Carter contacted respondent who advised her that an additional \$565 was required for him to proceed in her behalf. On or about January 11, 2002, Carter paid respondent an additional \$500. Respondent indicated that he would commence work on her case and would contact her in mid-January 2002, to discuss the matter. Thereafter, despite Carter's several attempts to contact respondent via telephone and in writing, he did not communicate with her.

The complaint charged respondent with a violation of RPC 1.1(a), RPC 3.2, RPC 1.4(a), and RPC 8.4(c).

The complaint also charged respondent with a violation of RPC 1.1(b) when the Finnerty, Palma and Carter matters were considered in concert.

The Magda Matter (District Docket No. VI-02-015E)

On or about January 11, 2002,¹ Ruth and Walter Magda retained respondent in connection with a landlord-tenant dispute. Specifically, the Magdas retained respondent to file an action for possession against one of their tenants. The Magdas gave respondent \$600

¹ The complaint mistakenly states that respondent was retained in July 2002.

as his fee and for court costs. Respondent represented to the Magdas that he would file an action for possession on January 14, 2002 and would deliver to them a copy of the complaint. Thereafter, Ruth Magda made repeated calls to respondent between January 14, 2002 and March 9, 2002, to inquire about the status of the proceeding. He failed to reply to her inquiries. She ultimately visited respondent's office and ascertained that it had been closed.

The complaint charged respondent with a violation of RPC 1.1(a), RPC 1.3, RPC 1.4(a), RPC 3.2 and RPC 8.4(c) [improperly charged as a violation of RPC 8.4(d)]. The complaint further charged respondent with a violation of R.1:20-3(g)(3) and (4) [more appropriately a violation of RPC 8.1(b)] for failure to comply with the DEC's written requests for information.

Service of process was properly made. The DEC attempted to achieve service on respondent at his last known office address listed in the New Jersey Lawyers' Diary and Manual. Those attempts were unsuccessful. All certified and regular mail was returned to the sender, with an indication that respondent had moved, with the exception of one certified letter, which was returned as unclaimed. The onus is on respondent to keep the disciplinary system apprised of his whereabouts. Service of the complaints was, therefore, achieved by publication in the New Jersey Law Journal and in The Jersey Journal. Respondent failed to file answers to the complaints. Allegations are deemed admitted when the matter proceeds as a default. R.1:20-4(f)(1).

Six client matters were before us. There is no indication in the record that respondent took any action in behalf of those clients. His lack of action, coupled with his closing his office without notice, equates to abandonment of those clients. Discipline in other matters involving the abandonment of clients has ranged greatly, depending on the other ethics

violations involved, and the number of clients abandoned. See, e.g., In re Grossman, 138 N.J. 90 (1994) (three-year suspension where attorney signed a judge's name to a divorce judgment and gave it to his client to cover up his mishandling of the case; he also abandoned approximately two hundred cases after misrepresenting to the courts and clients that the cases had been settled); In re Mintz, 126 N.J. 484 (1992) (two-year suspension where attorney abandoned four clients and was found guilty of a pattern of neglect, failure to maintain a bona fide office, and failure to cooperate with ethics authorities); In re Bock, 128 N.J. 270 (1992) (six-month suspension imposed on attorney who, while serving as both a part-time municipal court judge and a lawyer, with approximately sixty to seventy pending cases, abandoned both positions by feigning his own death); and In re Velazquez, 158 N.J. 253 (1999) (three-month suspension imposed upon attorney who abandoned seven clients and was found guilty of gross neglect and pattern of neglect, failure to communicate with the client, and failure to protect the clients' interests upon the termination of the representation in all seven matters; the attorney also engaged in conduct prejudicial to the administration of justice in three of the matters; that suspension was subsumed in Velazquez' disbarment).

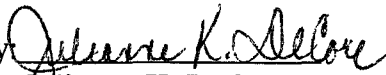
It is clear from the record that respondent either does not comprehend or does not care about his responsibilities to his clients. Although we are cognizant of respondent's previous personal difficulties, those factors are not an excuse for his abandonment of his law practice.² He neglected his clients' cases, ignored their attempts to contact him, and, in some instances, engaged in misrepresentations to disguise his misconduct. His behavior cannot, and will not, be tolerated. Accordingly, we determined that respondent should be suspended

² In our letter of admonition to respondent issued in 1998, we noted that he had been beset by personal problems, including the breakup of his marriage, financial difficulties, and the foreclosure of his house.

from the practice of law for a prospective period of three years. He may not apply for reinstatement until all pending ethics matters against him are completed. One member dissented and voted to disbar respondent. Four members did not participate.

We further determined 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

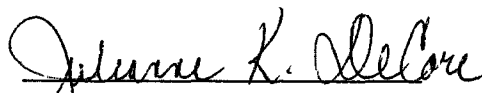
**SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD**

In the Matter of Paul Paskey
Docket No. DRB 03-308

Decided: January 30, 2004

Disposition: Three-year suspension

<i>Members</i>	<i>Disbar</i>	<i>Three-year 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:	1	4					4


 Julianne K. DeCore
 Chief Counsel