

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 03-250

IN THE MATTER OF :
 :
GEORGE J. MANDLE, JR. :
 :
AN ATTORNEY AT LAW :
 :

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

Decided: December 5, 2003

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

Pursuant to R.1:20-4(f), the Office of Attorney Ethics (“OAE”) 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 May 6, 2003, the Office of Attorney Ethics (“OAE”) sent a copy of the complaint to respondent by certified and regular mail, at his last known home address and office address listed in the records of the New Jersey Lawyers’ Fund for Client Protection: 546 Husa Street, Linden, New Jersey 07036 and 420 North Wood Avenue, Linden, New Jersey 07036, respectively. The complaint was also sent by regular and

certified mail to an additional home address obtained by internet inquiry: 105 Walnut Avenue, Apartment 9, Cranford, New Jersey 07016. Certified mail receipts were returned, indicating delivery to the Husa Street and Walnut Avenue addresses. The signature of the individual accepting delivery at the Husa Street address was "G. Mandle." The signature of the agent accepting delivery at the Walnut Avenue address was "Katt Mandle." The regular mail to these addresses was not returned. The certified and regular mail to the North Wood Avenue address, respondent's former law office, were returned marked "Returned to Sender – Forwarding Time Expired" and "Return to Sender – Not Deliverable As Addressed Unable to Forward," respectively.

Pursuant to a memo prepared by an OAE employee, on May 28, 2003, respondent telephoned the OAE and requested that all future mailings be sent only to the Husa Street address. The memo also indicated that respondent would be calling the next day to speak with David E. Johnson, Jr., Director, OAE. Respondent did not communicate further with the OAE.

On June 11, 2003, the OAE sent a second letter to respondent. Pursuant to respondent's request, the letter was sent by certified and regular mail only to the Husa Street address. The letter advised respondent that he had five days in which to file an answer to the complaint or the allegations therein would be deemed admitted. The certified mail receipt was returned, indicating delivery to "G. Mandle." The regular mail was not returned. Respondent did not file an answer.

Respondent was admitted to the New Jersey bar in 1970. He has an extensive disciplinary history. He received a reprimand in 1996, for misconduct in four matters,

including pattern of neglect, gross neglect, failure to act with diligence, and failure to cooperate with ethics authorities. In re Mandle, 146 N.J. 520 (1996). He was required to practice under the supervision of a proctor for a period of two years. In 1999, respondent was reprimanded for gross neglect, lack of diligence, and failure to communicate with a client. In addition, he was ordered to return a \$500 retainer to his client. In re Mandle, 157 N.J. 68 (1999). On May 9, 2000, respondent was temporarily suspended for failure to comply with the terms of the Court's October 16, 1996 order, presumably the portion that required him to practice law under the supervision of a proctor. In re Mandle, 163 N.J. 438 (2000). On June 5, 2001, respondent was reprimanded for gross neglect, lack of diligence, and failure to promptly deliver funds to a client in a real estate matter. He also failed to cooperate with disciplinary authorities. In re Mandle, 167 N.J. 609 (2001). On November 14, 2001, respondent was suspended for three months for gross neglect, lack of diligence, and failure to cooperate with ethics authorities. In re Mandle, 170 N.J. 70 (2001). More recently, on July 12, 2002, he was suspended for three months for gross neglect, lack of diligence, and failure to communicate, arising out of his handling of a real estate transaction. In re Mandle, 173 N.J. 176 (2002). He remains suspended to date.

The Supreme Court orders suspending respondent, beginning with his temporary suspension on May 9, 2000, required him to comply with the provisions of R.1:20-20, entitled "Future Activities of Attorney Who Has Been Disciplined or Transferred to Disability Inactive Status." Respondent failed to comply with this rule and failed to file

the mandatory affidavit of compliance, which is due within thirty days after the date of the attorney's prohibition from practicing law, pursuant to R.1:20-20(b)(15).

By letter dated February 10, 2003, the OAE brought to respondent's attention his failure to comply with R.1:20-20, including the filing of the affidavit. The letter was sent by certified and regular mail to respondent's then residence: 105 Walnut Avenue, Apartment 9, Cranford, New Jersey 07016. The certified mail receipt came back but was unsigned. The regular mail was not returned. As of the date of the complaint, May 6, 2003, respondent had neither replied to the letter, nor filed the required affidavit.

The complaint charged that respondent willfully violated the Supreme Court's orders, committed contemptuous conduct under R.1:20-20(b)(15), and failed to take the steps required of all suspended or disbarred attorneys, including notifying clients and adversaries of his suspension and providing pending clients with their files. The OAE pointed to respondent's prior instances of failure to cooperate with disciplinary authorities, as an aggravating factor. The complaint charged him with a violation of RPC 8.1(b) (failure to cooperate with disciplinary authorities) and RPC 8.4(d) (conduct prejudicial to the administration of justice).

Service of process was proper. Certified mail receipts were returned, indicating delivery of two letters to respondent from the OAE. In addition, respondent placed a telephone call to the OAE, further evidencing his receipt of the complaint. Pursuant to R.1:20-4(f)(1), the allegations of the complaint are deemed admitted.

The complaint charged that respondent failed to take the steps required of all suspended or disbarred attorneys, including notifying clients and adversaries of his

suspension and providing pending clients with their files, in violation of RPC 8.1(b) and RPC 8.4(d). The complaint also charged that, pursuant to R.1:20-20(b)(15), respondent committed contemptuous conduct. In aggravation, the OAE pointed to respondent's prior instances of failure to cooperate with disciplinary authorities.

Generally, an admonition or a reprimand is imposed for failure to cooperate with disciplinary authorities. *See, e.g., In the Matter of Wesley S. Rowniewski*, Docket No. DRB 01-335 (January 10, 2002), and *In the Matter of Erik Shanni*, Docket No. DRB 98-488 (April 21, 1999), (admonitions for violations of RPC 8.1(b)); *In re Burnett-Baker*, 153 N.J. 357 (1998), and *In re Williamson*, 152 N.J. 489 (1998), (reprimands for violations of RPC 8.1(b)). Here, respondent has not only failed to cooperate with the OAE by failing to file the affidavit in compliance, he also demonstrated contemptuous conduct and violated RPC 8.4(d), by failing to comply with the Court's orders. At a minimum a reprimand is required. *See In re Kersey*, 170 N.J. 409 (2002) (reprimand in a reciprocal discipline matter from Massachusetts, where the attorney failed to comply with court orders and was held in contempt on three occasions in his own divorce proceeding).


According to the OAE, presumptively, a reprimand is the appropriate sanction for attorneys who fail to file an affidavit in compliance with R.1:20-20, subject to individual assessments of aggravating and mitigating factors. The OAE, however, urged us to impose a one year suspension in this case, in light of respondent's extensive disciplinary history, his continued failure to file affidavits in three matters, spanning over three years, his continued failure to cooperate and the fact that this matter proceeded by way of a default.

Indeed, respondent has an egregious disciplinary history. As noted above, in his thirty-three years at the bar, he has received three reprimands, two three-month suspensions and has been temporarily suspended for failure to comply with a Court order. In three of those prior matters, he failed to cooperate with disciplinary authorities. There is no doubt that this is an attorney who is unable or unwilling to comport himself in accordance with the standards expected from members of the bar. Taking into account, however, that an attorney who files a late affidavit essentially receives a “three-month suspension” (the attorney is precluded from seeking reinstatement for three months from the date that the affidavit is filed), a majority determined that a six-month suspension is the appropriate quantum of discipline in this matter. The suspension should run from the time that respondent either is eligible for reinstatement or applies for reinstatement, whichever occurs later.

Three members would have imposed a three-month suspension.

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
Acting Chief Counsel

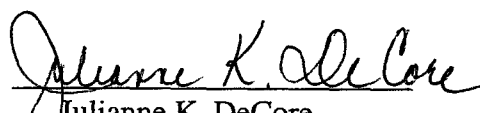
**SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD**

In the Matter of George J. Mandle, Jr.
Docket No. DRB 03-250

Decided: December 5, 2003

Disposition: Six-month suspension

<i>Members</i>	<i>Disbar</i>	<i>Six-month Suspension</i>	<i>Reprimand</i>	<i>Three- month Suspension</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:		6		3			


 Julianne K. DeCore
 Chief Counsel