

was suspended for three months, in a default matter, for gross neglect, pattern of neglect, lack of diligence, failure to communicate with the client, and failure to cooperate with disciplinary authorities. The Court ordered that the suspension commence only upon respondent's compliance with its earlier order to return the \$7,500 unearned retainer, and the lifting of the temporary suspension. In re King, 157 N.J. 548 (1999). On March 21, 2002, respondent was suspended for one year for gross neglect, lack of diligence, failure to communicate with the client, failure to return an unearned retainer, failure to return the client's file upon the termination of the representation, and failure to cooperate with ethics authorities. The Court ordered the suspension to commence upon the expiration of the above three-month suspension.

The March 21, 2002, Supreme Court order suspending respondent for one year required her to comply with the provisions of R.1:20-20, titled "Future Activities of Attorney Who Has Been Disciplined or Transferred to Disability Inactive Status."¹ Respondent failed to comply with the 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 (R.1:20-20(b)(15)).

¹ The complaint mistakenly referred to the March 21, 2002, Court order as an order for respondent's temporary suspension.

The OAE's first attempt to bring respondent into compliance was a letter dated October 7, 2002. The letter advised respondent that she had not complied with the provisions of R.1:20-20, and gave her two weeks to both comply with the rule and file the affidavit. The letter was sent by regular mail to respondent at the same address to which the complaint had been sent. The regular mail was not returned. Respondent did not reply.

On July 16, 2003, during an unrelated ethics proceeding being conducted at the office of the special master who heard that matter, OAE counsel hand-delivered to respondent a second and final letter giving her an additional thirty days to produce the long-since due affidavit, before certifying the record directly us. Respondent did not do so.

The complaint charges that respondent willfully violated the Supreme Court's orders, exhibited contemptuous conduct under R.1:20-20(b)(15), and failed to take the steps required of all suspended or disbarred attorneys, including the notification to clients and adversaries of her suspension and the return of files to pending clients, in violation of RPC 8.1(b) (failure to cooperate with disciplinary authorities), RPC 3.4 (c) (knowingly disobeying an obligation under the rules of a tribunal), and RPC 8.4(d) (conduct prejudicial to the administration of justice).

On September 9, 2003, the OAE sent a copy of the complaint to respondent by certified and regular mail, at her last known address, P.O. Box 173, Verona, New Jersey 07044.² The certified mail was accepted by respondent's husband, David Brantley. The regular mail was not returned.

On October 3, 2003, the OAE sent a second letter to respondent at the same address, advising her that she 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, marked "unclaimed." The regular mail was not returned.

Service of process was properly made. Following a review of the record, we find that the facts recited in the complaint support the charges 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).

Respondent failed to take the steps required of all suspended or disbarred attorneys, including notifying clients and adversaries of her suspension and providing pending clients with their files, in violation of RPC 8.1(b), RPC 3.4(c) and

² Respondent provided OAE counsel with her current address during the contemporaneous prosecution of an unrelated ethics complaint.

RPC 8.4(d). The complaint also charged that, pursuant to R.1:20-20(b)(15), respondent exhibited contemptuous conduct.

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, she also demonstrated contemptuous conduct and violated RPC 8.4(d), by failing to comply with the Court's orders.

In two matters pending with the Court, we determined that suspensions were required for attorneys who failed to comply with R.1:20-20 as part of their significant disciplinary records. In the Matter of Richard B. Girdler, Docket No. DRB 03-278 (we voted to impose a three-month suspension where the attorney had failed to comply with R.1:20-20; the attorney had been the subject of discipline on three previous occasions) and In the Matter of George J. Mandel, Docket No DRB 03-250 (taking into account 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), we determined that a six-month suspension was the appropriate quantum of discipline where the attorney had previously received three reprimands and two three-month suspensions, and was temporarily suspended for failure to comply with a Court order).

However, respondent has an egregious disciplinary history of failing to cooperate with ethics authorities. In the one-year suspension matter noted earlier, which included similar allegations against respondent and her co-respondent/husband for failure to cooperate with ethics authorities, we stated that:

One of the most troubling aspects of this case was respondents' failure to cooperate with disciplinary authorities. Although attorneys often fail to cooperate with the ethics system by burying their heads in the sand when faced with a grievance, respondents set about a scorched-earth strategy of intimidation, false accusations and intolerable disrespect for the hearing panel and its individual members and attempted to protract the proceedings, when it appeared that things were not going their way. Respondents are not newcomers to the disciplinary system. Each is well aware of the requirement of cooperation with ethics authorities in all phases of a disciplinary proceeding. Yet, from the inception of the DEC investigation, they ignored and/or misled the investigator, and later the panel, in a series of calculated maneuvers designed to thwart the investigation and to delay the hearing

process. Certified mail addressed to King's and Brantley's respective offices was returned unclaimed, only to be followed by correspondence from respondents using those same addresses on their letterhead. In the spring of 1997 respondents requested an adjournment of the DEC hearing, in order to file motions with us and/or the Court. There is no evidence that these motions were ever filed. They ignored the presenter's discovery demands for documents and identification of defense witnesses. When the hearing finally took place on August 11, 1997, respondents arrived late and left early, during King's cross-examination of Butts-Noel. On the return date of September 17, 1997, with the panel present, Butts-Noel ready to testify and a court reporter in place, respondent Brantley called to request an adjournment, alleging that King was ill. When the panel chair required documentary proof of the alleged medical condition, that proof was not submitted until later.

This pattern of behavior resurfaced immediately upon the continuation of the hearings on remand. For example, on the first post-remand hearing date, December 14, 1998, the first eighty-nine pages of transcript were devoted to King's attempt to wrest control of the proceedings and to dictate how they should proceed. On the following hearing date, January 28, 1999, respondents were more than two hours late. The only statement they offered was that they were running late. The only scheduled witness that day had arrived on time to be cross-examined by respondents. Therefore, nothing could be accomplished until respondents arrived. Respondents later complained that they had insufficient time to cross-examine that witness and requested the witness' return at a later date to complete the cross-examination, without any regard to their fault in causing the problem due to lateness. The

record from that day forward was rife with examples of their contempt for the disciplinary system For all of the foregoing reasons, we had no difficulty finding that respondents deliberately set about to thwart the disciplinary process, in violation of RPC 8.1 (b).

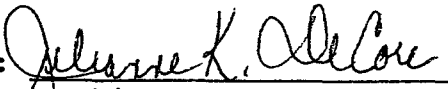
[DRB decision in In the Matter of Sherry D. King, a/k/a/ S. Dorell King, at 25-27, DRB Docket No. 00-330, August 22, 2001.]

We are greatly disturbed that respondent continues to flout the disciplinary system, ignoring the OAE's direct (and generous) attempts to nudge her toward a very tardy compliance with the provisions of the rule. Moreover, we reiterate, respondent has accumulated an abysmal disciplinary record, including a 1998 temporary suspension for failure to return an unearned retainer, a 1999 three-month suspension in a default matter, and a 2002 one-year suspension. Neither of those suspensions has been served, because she has yet to comply with the Court's 1998 temporary suspension order. Given respondent's ethics history, and her utter disregard for the state of her license to practice law, we determine to impose a one-year suspension, to be served upon the expiration of her yet-to-be served suspensions. We also require respondent's compliance with all outstanding requirements from her earlier matters, and full compliance with the provisions of R. 1:20-20, prior to reinstatement. Two members did not participate.

We also determine 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 Sherry D. King a/k/a S. Dorell King
Docket No. DRB 03-428

Decided: April 26, 2004

Disposition: One-year suspension

<i>Members</i>	<i>Disbar</i>	<i>One-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:		7					2


 Julianne K. DeCore
 Chief Counsel