

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 02-302

IN THE MATTER OF :
PETER LAWRENCE KATZ :
AN ATTORNEY AT LAW :
:

Decision

Argued: October 17, 2002
Decided: December 17, 2002

Richard J. Engelhardt appeared on behalf of the Office of Attorney Ethics.
Respondent did not appear for oral argument, despite proper notice.

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

This matter was before us based on a motion for reciprocal discipline filed by the Office of Attorney Ethics (“OAE”), based on respondent’s disbarment in the State of New York.

Respondent was admitted to the New Jersey bar in 1990. Although he has no disciplinary history in New Jersey, according to the records of the New Jersey Lawyers' Fund for Client Protection, he has been ineligible to practice law since 1995.

On July 17, 2000 respondent was disbarred in New York, based on his April 21, 2000 affidavit of resignation. In his affidavit, respondent acknowledged that he could not successfully defend himself against charges alleging that he neglected legal matters entrusted to him, engaged in conduct involving dishonesty, deceit or misrepresentation and failed to cooperate with disciplinary authorities.

From May 1999 through August 2000, a period of about sixteen months, twenty-three grievances were filed against respondent. Most of the grievances alleged similar misconduct: respondent agreed to represent the grievant, neglected the matter, failed to communicate with the grievant and, in some cases, misrepresented to the grievant the status of the matter. In several of the grievances, the client also alleged that respondent failed to account for funds or to return an unearned retainer, as he had promised. Because respondent consented to disbarment in New York, the grievances were not fully explored and the information about them is limited.

The following is a summary of the grievances filed against respondent:¹

1. *Edward Hysmith*. Despite promising to visit Hysmith in prison and to provide important documents, respondent never did so.

2. *Henry E. Northrop*. Northrop paid respondent a \$2,000 retainer in December 1998 to file an appeal. After hearing nothing for more than a year, he went to respondent's office

¹ Although there were twenty-three grievances, only twenty-two are summarized because little information is available about one of them.

and learned that respondent had moved six months earlier. Upon visiting the new office, he was told that respondent was never there and that no one could help him.

3. *Anthony & Orlindo Colarossi*. They retained respondent for personal injury claims. Respondent informed them that he was working with the insurance company and that their claims were proceeding. After respondent notified them of a settlement offer, they tried daily to contact him to instruct him to accept the offer. Respondent never returned their calls. Finally, they learned from the insurance company that one claim had never been filed, the other claim was closed and the statute of limitations had expired.

4. *Michael Tuchman*. Respondent issued a check from his business account that was returned for insufficient funds. Tuchman, who operated a check-cashing business, cashed the check and contacted respondent to get reimbursed. Respondent never returned his calls.

5. *Ezra Tsur* – Tsur paid respondent \$1,200 to file a bankruptcy petition. Although respondent claimed that he filed the petition and that court dates and creditors' meetings had been scheduled, he never filed the petition.

6. *Alice Gannon*. The brief grievance alleges that respondent moved without notifying her, "defaulted on a \$63,000 judgment" and "defaulted on foreclosure proceedings."

7. *Haig Andonian*. Andonian paid respondent \$4,500 to represent him in a divorce and child custody matter. Although respondent promised to submit documents to him within two weeks, he never did so. Respondent failed to file a motion to change custody and visitation, failed to appear in court for a hearing and lied about the status of the matter. As a result, Andonian does not have contact with his children. The grievance refers to respondent's "cruelty and vindictive behavior" toward his clients.

8. *John Repak*. Repak's grievance alleged that he had no contact with respondent for four months. Upon visiting respondent's office, he was told that no one there had seen respondent for six weeks or knew his whereabouts. The grievance does not contain information about the nature of Repak's case.

9. *Lea Sas*. Sas scraped and borrowed \$1,500 that respondent required as a retainer for representation in a matrimonial matter. Respondent failed to return her calls, refused to refund his fee and misrepresented that a court date had been scheduled. She later learned from the court that respondent had never filed any documents. The grievance recited as follows: "I have been fooled, lied to and manipulated by a cold, calculative and heartless lawyer who did not hesitate to take advantage of my condition and poor financial situation."

10. *Eugene Celso & Debra May Foden*. Respondent represented them in the sale and purchase of property. He never provided closing documents or a \$628.18 check that had been held in escrow.

11. *Maryann Marino*. Marino paid respondent to file a bankruptcy petition. Although respondent assured Marino that he had taken care of it, he never filed the petition. Later, when Marino inherited a sum of money, she gave respondent \$14,000 with which to pay her debts, hoping to avoid bankruptcy. Respondent claimed that he paid her creditors, but provided no documentation. He failed to return her calls. According to the grievance, respondent "has made my life and my credit rating a nightmare."

12. *Lisa Peloso*. Respondent represented Peloso in a real estate transaction. He failed to record the deed, altered documents, failed to return her calls and broke promises to send her the deed.

13. *Carol Lombardi*. Lombardi retained respondent to represent her in a personal injury matter. She did not know if respondent filed suit. He failed to return her calls and to keep appointments she had made to retrieve her file. Other attorneys would not represent her without the file and the statute of limitations was about to expire at the time the grievance was filed.

14. *Toni Quest-Abrams*. Quest-Abrams retained respondent in 1997 for a personal injury claim. Although respondent assured her in April 1999 that the case would be settled within one year, she did not know the status of her matter. Respondent disregarded her instructions to accept a settlement offer. He also failed to comply with her request for the file.

15. *Arthur & Denise Occhi*. Respondent represented them on September 16, 1999 in the purchase of real estate. He failed to provide them with closing documents and to return their calls.

16. *Migdalia Diaz*. Diaz retained respondent in a personal injury matter. He misrepresented that he had filed a lawsuit and failed to return her calls. She discovered three years later that he had never filed the lawsuit.

17. *Steven Canarick*. Canarick retained respondent to represent his teenage son in a personal injury matter. Although the case was settled for \$10,000 more than one year before the grievance was filed, respondent never submitted documents and failed to return his calls. When he was able to reach respondent, respondent claimed that he had mailed the documents. His new attorney could not reach respondent to discuss the matter.

18. *Hanya Bunick*. Bunick paid respondent \$750 to represent her in a divorce matter. Respondent failed to return her calls and continually broke promises to call her or to send her documents. Because of the delay, her husband refused to sign documents.

19. *Thomas John Luisi*. Respondent failed to return Luigi's calls and broke promises.

20. *Joseph A. Fonseca*. Respondent neglected three landlord-tenant matters concerning an apartment complex that Fonseca owns.

21. *Mary Tisdale*. Tisdale retained respondent to file a lawsuit in her behalf. For several years, respondent claimed that he was waiting for the insurance company to settle. He continually broke promises to provide documents and blamed the problem on his paralegal.

22. *Wanda Y. Blackwell*. Respondent represented Blackwell in the sale of property she owned with a partner, with whom she had a dispute. Upon the sale of the property, the proceeds were held in escrow until the resolution of the dispute. The buyer's attorney remitted the proceeds to the partner's attorney and to respondent. Respondent never disbursed the funds to her. After the partner sued her, the partner obtained a judgment and froze her bank accounts. Respondent misrepresented that he had removed the judgment. Due to the ensuing financial problems, she could not pay her creditors. Respondent misrepresented that he had sent letters to her creditors.

Respondent failed to notify the OAE of his disbarment in New York, as required by R.1:20-14(a)(1).

Relying on *In re Turner*, 120 N.J. 706 (1990), *In re Gaffney*, 146 N.J. 522 (1996) and *In re Beck*, 143 N.J. 135 (1996), the OAE urged us to impose a seven-year suspension, retroactive to July 17, 2000, the date of respondent's disbarment in New York.

* * *

Following a review of the full record, we determined to grant the OAE's motion for reciprocal discipline.

Reciprocal discipline proceedings in New Jersey are governed by R. 1:20-14(a)(4),

which provides as follows:

The Board shall recommend the imposition of the identical action or discipline unless the respondent demonstrates, or the Board finds on the face of the record on which the discipline in another jurisdiction was predicated that it clearly appears that:

- (A) the disciplinary or disability order of the foreign jurisdiction was not entered;
- (B) the disciplinary or disability order of the foreign jurisdiction does not apply to the respondent;
- (C) the disciplinary or disability order of the foreign jurisdiction does not remain in full force and effect as the result of appellate proceedings;
- (D) the procedure followed in the foreign disciplinary matter was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process;
- (E) the misconduct established warrants substantially different discipline.

A review of the record does not reveal any conditions that would fall within the ambit of subparagraphs (A) through (D). With respect to subparagraph (E), although respondent was disbarred in New York, a disbarred New York attorney may seek reinstatement seven years after the effective date of disbarment, pursuant to 22 *N.Y.C.R.* 603.14. In effect, thus, disbarment in New York is equivalent to a seven-year suspension.

Attorneys in New Jersey who have neglected numerous cases have received long-term suspensions. In *In re Templeton* 99 *N.J.* 365 (1985), the attorney was suspended for five years after he neglected eleven matters, refused to return unearned retainers, misrepresented the status of cases to clients and failed to cooperate with disciplinary authorities. In assessing Templeton's transgressions, the Court quoted from *In re Netchert*, 78 *N.J.* 445, 453 (1979):

We are not confronted here with a single instance of aberrational conduct. Rather, what emerges is a pattern of abandonment of clients, casting adrift of professional responsibilities, neglect of practice, violations of fundamental disciplinary rules governing the practice of law, and contumacious and repeated failure to co-operate with the enforcement of those disciplinary rules.

The same characterization applies to respondent with equal force.

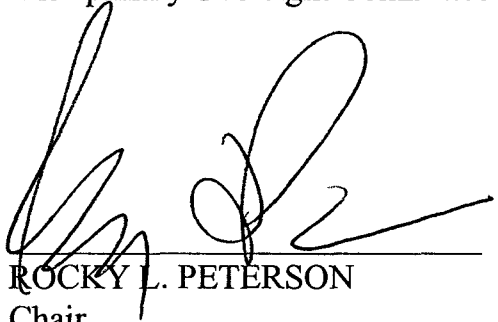
In *In re O’Gorman*, 99 N.J. 482 (1985), the attorney engaged in a pattern of neglect involving nine client matters, failed to return unearned retainers and failed to communicate with his clients. He was suspended for three years. Another attorney was suspended for six years, dating back to an order of temporary suspension, for neglecting the matters of four clients and misusing (but not misappropriating) funds in two other matters. *In re Simeone*, 108 N.J. 515 (1987).

Respondent’s misconduct, while serious, was not as insidious as that of the attorney in *In re Spagnoli*, 115 N.J. 504 (1989). Over a three-year period, Spagnoli accepted retainers from clients without ever intending to act on their behalf, lied to a court and failed to cooperate with disciplinary authorities. In addition, Spagnoli failed to cooperate with disciplinary authorities – he did not answer eight of the fifteen complaints filed against him; failed to appear at five of the scheduled hearings covering nine of the ethics matters; and failed to appear at oral argument before us.

In view of the above, a seven-member majority voted to suspend respondent for seven years, effective as of July 17, 2000, the date of respondent’s disbarment in New York. Those members also determined not to reinstate respondent in New Jersey until he is reinstated in

New York. Two members dissented, finding that respondent's numerous offenses were sufficiently egregious to warrant disbarment.

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

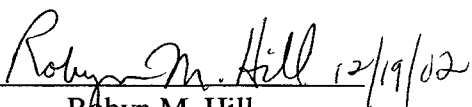
By: 
ROCKY L. PETERSON
Chair
Disciplinary Review Board

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

In the Matter of Peter Lawrence Katz
Docket No. DRB 02-302

Argued: October 17, 2002
Decided: December 17, 2002
Disposition: Seven-year suspension

<i>Members</i>	<i>Disbar</i>	<i>Seven-year 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					
Total:	2	7					


 Robyn M. Hill
 Chief Counsel