

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 00-166

IN THE MATTER OF :
 :
IRA KARASICK :
 :
AN ATTORNEY AT LAW :

 :

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

Decided:

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

Pursuant to R. 1:20-4(f)(1), the District VC 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 March 15, 2000 the DEC forwarded a copy of the complaint to respondent’s office address by certified and regular mail. The signature on the certified mail return receipt was illegible. It shows delivery on March 16, 2000. The regular mail was not returned. On April 20, 2000 the DEC forwarded a second copy of the complaint to respondent’s office address. The certified mail return receipt of that letter, again with an illegible signature, bears a delivery date of April 24, 2000.

Respondent did not file an answer to the complaint. The matter was certified directly to us for the imposition of discipline, pursuant to R. 1:20-4(f).

Respondent filed a motion to vacate the default on the day of our scheduled review of this matter, July 20, 2000. We determined to deny the motion and to proceed with our review of the matter.

Respondent was admitted to the New Jersey bar in 1989. He maintains a law office at 460 Bloomfield Avenue, Essex County, Montclair, New Jersey 07042. He has not been previously disciplined.

In or about May 1996 Elizabeth Servitar retained respondent to represent her in an action against her former landlord. Respondent failed to communicate to Servitar the basis or rate of his legal fee until April 1998, when he advised her that he would attempt to settle her claim for \$25,000. At that time he proposed to Servitar a twenty percent fee. Shortly thereafter, she faxed to respondent her written acceptance of this proposal.

Between September 1997 and April 1999, Servitar tried to reach respondent by mail, telephone and telefax to ascertain the status of her matter. With the exception of the April 1998 phone call, respondent did not contact Servitar.

On April 22, 1999 she discharged respondent and filed a grievance against him with the DEC. She subsequently retained another attorney, who settled her claim.

The complaint charged respondent with violations of RPC 1.1(a)(gross neglect), RPC 1.4(a)(failure to communicate), RPC 1.5(b)(failure to communicate the basis or rate of the

fee), and RPC 8.1(b)(failure to cooperate with disciplinary authorities).

* * *

Service of process was properly made in this matter. Therefore, it may proceed as a default. Because respondent failed to file an answer, the allegations of the complaint are deemed admitted. R. 1:20-4(f)(1).

Our review of the facts recited in the complaint persuaded us that they are sufficient to support a finding of unethical conduct on respondent's part. His failure to communicate with his client for almost three years clearly amounted to a violation of RPC 1.4(a). Respondent also violated RPC 1.5(b) when he did not inform Servitar of the basis of his fee until nearly two years after she had retained him; even then, he failed to do so in writing. In addition, respondent's failure to file an answer to the complaint constituted a violation of RPC 8.1(b).

We find, however, that the complaint did not allege sufficient facts to find a violation of RPC 1.1(a). The complaint merely stated that respondent failed to keep Servitar reasonably informed about the status of her matter. That constitutes a violation of RPC 1.4 (a), not RPC 1.1 (a).

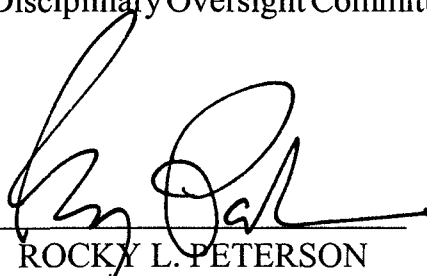
Ordinarily, when only one matter is involved, misconduct of this sort results either in an admonition or a reprimand. In the Matter of Dorothy L. Wright, Docket No. DRB 96-095 (1996)(admonition for violations of RPC 1.4(a) and RPC 1.5(b)); In the Matter of Dianne K. Murray, Docket No. DRB 97-225 (1997)(admonition for violations of RPC

1.4(a), RPC 1.5(b) and RPC 1.3); and In the Matter of Peter F. Vogel, Docket No. DRB 98-190 (1998)(admonition by consent for violations of RPC 1.4(a), RPC 1.5(b), RPC 1.1(a) and RPC 1.3).

Because of the default posture of this matter, enhanced discipline is required; we, therefore, unanimously determined to impose a reprimand.

We also directed that respondent reimburse the Disciplinary Oversight Committee for administrative costs.

Dated: April 11, 2001

By: 
ROCKY L. PETERSON
Chair
Disciplinary Review Board

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Ira Karasick
Docket No. DRB 00-166

Decided: April 11, 2001

Disposition: reprimand

Members	Disbar	Suspension	Reprimand	Admonition	Dismiss	Disqualified	Did not Participate
Hyerling			X				
Peterson			X				
Boylan			X				
Brody			X				
Lolla			X				
Maudsley			X				
O'Shaughnessy			X				
Schwartz			X				
Wissinger			X				
Total:			9				

By Robyn M. Hill 5/18/01
Robyn M. Hill
Chief Counsel