

# DISCIPLINARY REVIEW BOARD

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ASSISTANT COUNSEL

September 21, 2015

**VIA CERTIFIED MAIL, R.R.R. & REGULAR MAIL**

Josue Jean Baptiste, Esq.  
408 Clifton Avenue, Ground Floor  
Clifton, NJ 07011-2674

Re: **In the Matter of Josue Jean Baptiste**  
Docket No. DRB 15-211  
District Docket No. XII-2013-0050E  
**LETTER OF ADMONITION**

Dear Mr. Baptiste:

The Disciplinary Review Board (the Board) has reviewed your conduct in the above matter and has concluded that it was improper. Following a review of the record, the Board has determined to impose an admonition.

At the ethics hearing held on January 9, 2015, you admitted that, during your representation of Michael Edwards, you lacked diligence and failed to communicate with Mr. Edwards, in violation of RPC 1.3 and RPC 1.4(b), respectively. At the conclusion of the hearing, the presenter withdrew the charge that you violated RPC 1.7(a)(1) by engaging in a concurrent conflict of interest in this matter. The District Ethics Committee (DEC) determined that you also committed gross neglect, in violation of RPC 1.1(a), in Mr. Edwards' matter. The Board has determined that all three violations found by the DEC are supported by clear and convincing evidence.

Specifically, on or about March 24, 2011, you filed a defamation lawsuit on behalf of Mr. Edwards. The defendant filed an answer and counterclaim as well as a third-party claim against

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Mr. Edwards' former employer, Treadway Tours. On August 12, 2011, you attempted to file an answer to the defendant's counterclaim, but a filing error led to the entry of a default judgment on October 21, 2011, in excess of \$1.5 million, against Mr. Edwards and Treadway Tours. Inexplicably, you did not inform Mr. Edwards that the default judgment was entered against him.

During the course of the representation, you repeatedly failed to inform Mr. Edwards of procedural developments and court rulings that were adverse to his interests. Seven months passed before you vacated the massive default judgment that, unbeknownst to your client, had been entered against him. Additionally, you failed to respond to information subpoenas that were issued by the defendant in connection with the default judgment. As a serious consequence, a warrant was issued for the arrest of your client. Once again, you did not apprise Mr. Edwards of this adverse development and, thus, exposed him to risk of arrest.

Although Mr. Edwards proceeded with the litigation pro se, his lawsuit was eventually dismissed on summary judgment. During the DEC hearing, Mr. Edwards testified that he did not possess the legal acumen to file meaningful opposition to the defendant's motion for summary judgment. Moreover, the court ordered Mr. Edwards to pay the defendant's attorneys' fees, which were in excess of \$4,000.

In imposing only an admonition, the Board considered the following mitigating factors: your misconduct involved only one client matter; you have no prior discipline; you readily admitted a portion of your misconduct (and contested the gross neglect charge in good faith); and you exhibited genuine contrition and remorse for your conduct in this matter. In aggravation, the Board considered the mental and economic impact that your misconduct had on your client.

Your conduct has adversely reflected not only upon you as an attorney but also upon all members of the bar. Accordingly, the Board has directed the issuance of this admonition to you. R. 1:20-15(f)(4).

A permanent record of this occurrence has been filed with the Clerk of the Supreme Court and the Board's office. Should you become the subject of any further discipline, it will be taken into consideration.

I/M/O Josue Jean Baptiste, DRB 15-211

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The Board has also directed that the costs of the disciplinary proceedings be assessed against you. An invoice of costs will be forwarded under separate cover.

Very truly yours,



Ellen A. Brodsky  
Chief Counsel

c: Chief Justice Stuart Rabner  
Associate Justices  
Bonnie Frost, Chair (via email)  
Disciplinary Review Board  
Mark Neary, Clerk  
Supreme Court of New Jersey  
Gail G. Haney, Deputy Clerk  
Supreme Court of New Jersey (w/ethics history)  
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District XII Ethics Committee  
Michael Edwards, Grievant