

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
~~Docket~~ No. DRB 04-080

\_\_\_\_\_  
IN THE MATTER OF :  
 :  
E. LORRAINE HARRIS :  
 :  
AN ATTORNEY AT LAW :  
\_\_\_\_\_  
 :

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

Decided: May 25, 2004

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

This matter was before us on a certification of default  
filed by the Office of Attorney Ethics ("OAE"), pursuant to  
R.1:20-4(f).

Respondent was admitted to the New Jersey bar in 1994.

On September 28, 1999, she was temporarily suspended for  
potential misappropriation of escrow funds. In re Harris, 162  
N.J. 2 (1999). On October 26, 1999, she was reinstated, with  
certain restrictions. On January 10, 2000, she was temporarily  
suspended for failure to comply with a fee arbitration  
determination. In re Harris, 162 N.J. 189 (2000). She was  
reinstated on January 19, 2000. On September 7, 2000, she

received a reprimand for failure to provide a client with the basis or rate for her fee, in writing, and failure to utilize a retainer agreement. In re Harris, 165 N.J. 471 (2000). In 2000, she received an admonition in connection with another matter, in which she again failed to provide a client with a written basis or rate for her fee. In the Matter of E. Lorraine Harris, Docket No. DRB 99-037 (September 27, 2000).

On May 8, 2001, effective June 4, 2001, she was suspended for six months for gross neglect, lack of diligence, charging an unreasonable fee, failure to safeguard client property, failure to promptly deliver funds to a third party, recordkeeping violations, false statements of material fact and misrepresentations in letters to a municipal court about her failure to appear at a hearing and about her receipt of court notices, failure to cooperate with disciplinary authorities, and misrepresentation. Thereafter, on June 4, 2001, the Court temporarily stayed the suspension to allow the full Court to review her motion for reconsideration and remand. On June 5, 2001, the Court vacated the temporary stay and denied respondent's motion. In re Harris, 167 N.J. 284 (2001).

Also on May 8, 2001, respondent was suspended for three months, effective December 4, 2001, for lack of diligence, failure to expedite litigation, knowingly making a false

statement of material fact to a tribunal, failure to cooperate with disciplinary authorities, and misrepresentation. In that case, respondent requested and obtained numerous last-minute adjournments of a client's municipal traffic matter. On one trial date, respondent failed to appear. Later that day, the judge found a "faxed" letter from respondent on the court's fax machine, thanking the court for granting her adjournment request that morning. However, no such request had been made or granted by the judge. In re Harris, 167 N.J. 284 (2001).

Although respondent's last suspension expired on March 4, 2002, she has not applied for reinstatement. Further, a matter is pending with the Supreme Court in which we voted to impose a one-year suspension for a variety of misconduct in five matters, including gross neglect in two of the matters, lack of diligence in four of the matters, failure to communicate with the client in three of the matters, lying to a court in two matters, failure to return the entire file upon termination of the representation in one of the matters, and conduct prejudicial to the administration of justice in one of the matters. In the Matter of E. Lorraine Harris, Docket No. DRB 03-150.

Another matter is pending with the Court. We recently voted to impose a six-month suspension for misconduct in two matters. In one matter, respondent refused to return an improperly

received fee, after a fee arbitration determination required her to do so, violating RPC 1.3, RPC 1.16(d), RPC 3.4(c), and RPC 8.4(c). She lacked diligence in a second matter, in violation of RPC 1.3. In the Matter of E. Lorraine Harris, Docket Nos. DRB 03-385 and DRB 03-386.

I. The Comer Matter – District Docket No. XIV-03-009E

Count one of the complaint alleges that, in January 2001, Mary Ann Comer retained respondent on behalf of Elliot Milton Valentine, to represent Valentine in a criminal matter. Valentine was incarcerated in Trenton State Prison at the time. Comer paid respondent a \$1,420 retainer.

Thereafter, Comer filed a request for fee arbitration. Respondent did not file an answer in the arbitration matter. On May 30, 2001, the District I Fee Committee conducted a hearing, and determined that respondent had rendered little in the way of legal services. Specifically, respondent had met with Comer on only one occasion, had drafted a retainer agreement and had answered or placed several telephone calls.

Therefore, on June 13, 2001, the fee arbitration panel awarded respondent \$140 for the representation, representing 0.8 hours of work. Respondent was ordered to return the unearned portion of the fee (\$1,280).

Respondent received a copy of the fee arbitration determination, but has failed to comply with it.

Count one of the complaint alleges violations of RPC 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal) and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice).

II. The R. 1:20-20 Violations - District Docket No. XIV-03-011E

Count two of the complaint alleges that respondent, having been suspended from the practice of law for six months, effective June 4, 2001, and for three months, effective December 4, 2001, was required 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." 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)).

The complaint also alleges that respondent violated R. 1:20-20(b)(4), which required her to cease practicing law and remove all signs suggesting that she maintained a practice of law or a law office. On June 21, 2001, at her 70 Broad Street, Bridgeton, New Jersey, law office address, respondent displayed

two signs indicating the presence of her law office. A sign posted at the building entrance read, "Lorraine Harris, Attorney at Law, By Appointment Only." A second sign posted on the side of the building read, "Lorraine Harris, Attorney at Law." Almost one year later, on May 16, 2002, those signs were still posted. However, one sign had been altered to read, "Lorraine Harris, Consulting Engineer." Respondent had not been licensed as an engineer in the State of New Jersey as of May 16, 2002, the last known date that the signs were posted.

The complaint alleged that, through the use of the signs, respondent misrepresented that she was a licensed engineer.

The complaint alleged violations of RPC 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal; RPC 7.5(a) (false or misleading professional designation); RPC 8.4(c) (misrepresentation); and RPC 8.4(d) (conduct prejudicial to the administration of justice).

On January 28, 2004, the OAE sent a copy of the complaint to respondent's last known address at 1180 Berkley Road, Gibbstown, New Jersey 08027, by certified and regular mail. The certified mail receipt was returned marked "unclaimed." The regular mail was not returned.

On February 23, 2004, the OAE sent respondent a letter advising her that unless she filed an answer to the complaint

within five days of the date of the letter, the allegations would be deemed admitted and that, pursuant to R.1:20-4(f) and R.1:20-6(c)(1), the record in the matter would be certified directly to us for the imposition of discipline. That letter was sent to respondent at the same address, by both certified and regular mail. The certified mail receipt has not been returned by the post office. The regular mail was not returned.

Respondent did not file an answer to the complaint.

Service of process was properly made in this matter. 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).

In the Comer matter, respondent failed to return the unearned portion of her fee, after having been ordered to do so by the fee arbitration committee. In so doing, she violated RPC 3.4(c) and RPC 8.4(d).

With respect to the second count of the complaint, respondent failed to comply with the requirements of R.1:20-20, dealing with suspended attorneys, by failing to file a required affidavit of compliance with the OAE and by displaying signs advertising her legal services while suspended from the practice of law. Moreover, respondent later displayed a sign falsely

depicting herself as an engineer, in violation of RPC 7.5(a) (false or misleading professional designation) and RPC 8.4(c) (misrepresentation) and RPC 8.4(d). We dismiss the alleged violation of RPC 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal), as RPC 8.1(b) and RPC 8.4(d) more adequately address respondent's misconduct here.

The remaining issue is the quantum of discipline to be imposed. In similar cases, the OAE has asserted that, 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. In cases in which attorneys have not cooperated with disciplinary authorities, ordinarily admonitions or reprimands have been imposed. See, e.g., In the Matter of Andrew T. Brasno, Docket No. DRB 97-091 (June 25, 1997) (admonition for failure to reply to the ethics grievance and failure to turn over a client's file); In the Matter of Mark D. Cubberley, Docket No. DRB 96-090 (April 19, 1996) (admonition for failure to reply to the ethics investigator's request for information); In re Williamson, 152 N.J. 489 (1998) (reprimand for failure to cooperate with disciplinary authorities); In re Vedatsky 138 N.J. 173 (1994) (reprimand for failure to cooperate with the district ethics committee); In re Macias, 121 N.J. 243



(1990) (reprimand for failure to cooperate with the Office of Attorney Ethics).

In addition, attorneys who have failed to obey court orders have been reprimanded. See, e.g., In re Holland, 164 N.J. 246 (2000) (reprimand where the attorney, who was required to hold in trust a fee in which she and another attorney had an interest, until resolution of the dispute, took the fee, in violation of a court order); In re Milstead, 162 N.J. 96 (1999) (reprimand where the attorney disbursed escrow funds to his client, in violation of a court order); In re Hartmann, 142 N.J. 587 (1995) (reprimand for intentionally and repeatedly ignoring court orders to pay opposing counsel a fee, resulting in a warrant for the attorney's arrest; the attorney also displayed discourteous and abusive conduct toward a judge with intent to intimidate her).

To date, we have transmitted to the Court several cases in which the attorneys violated RPC 8.1(b) and RPC 8.4(d) by failing to comply with R.1:20-20. The Court has issued an order in one of those matters. In In re Girdler, \_\_\_ N.J. \_\_\_ (2004), a three-month suspension was imposed on an attorney whose prior disciplinary history included a private reprimand, a public reprimand, and a three-month suspension. The other matters remain pending.

In In the Matter of George J. Mandle, Docket No. DRB 03-250 (December 5, 2003), we voted to impose a six-month suspension. In a six-year span, Mandle received three reprimands, a temporary suspension for failure to comply with an order requiring that he practice under a proctor's supervision, and two three-month suspensions. In three of those matters, he failed to cooperate with disciplinary authorities.

In In the Matter of Paul J. Paskey, Docket No. DRB 04-010 (April 15, 2004), we determined that a one-year suspension was the appropriate level of discipline. Paskey's extensive ethics history included an admonition, a temporary suspension for recordkeeping irregularities, two three-month suspensions, and a six-month suspension. In addition, in a matter pending with the Court, we determined that Paskey was deserving of a three-year suspension.

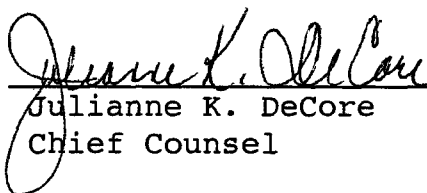
We also determined that a one-year suspension was the appropriate level of discipline in In the Matter of Sherry D. King, Docket No. DRB 03-428 (April 21, 2004). King's ethics history included a reprimand, a temporary suspension for failure to comply with a Supreme Court order requiring her to return an unused retainer to a client, a three-month suspension, and a one-year suspension. Both of the suspensions will not begin

until King returns the unused retainer, thus ending the temporary suspension.

Although we are aware that two matters are currently pending Court review, respondent's record of final discipline consists of a reprimand, an admonition, a six-month suspension and a three-month suspension. After comparing this matter with those involving the aforementioned attorneys, we determine that a three-month suspension is the appropriate sanction. We further determine that the suspension is to be served upon the conclusion of any suspension or suspensions that the Court may impose in the matters now before it. Three 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

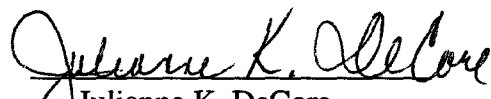
**SUPREME COURT OF NEW JERSEY  
DISCIPLINARY REVIEW BOARD  
VOTING RECORD**

In the Matter of E. Lorraine Harris  
Docket No. DRB 04-080

Decided: May 25, 2004

Disposition: Three-month suspension

<i>Members</i>	<i>Disbar</i>	<i>Three-month 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					
<b>Total:</b>		6					3

  
 Julianne K. DeCore  
 Chief Counsel