

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 01-376

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IN THE MATTER OF :  
 :  
GEORGE J. MANDLE, JR. :  
 :  
AN ATTORNEY AT LAW :  
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Decision

Argued: December 20, 2001

Decided: May 17, 2002

Steven Brister appeared on behalf of the District XII Ethics Committee.

Respondent waived appearance for oral argument.

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

This matter was before us based on a disciplinary stipulation between the District XII Ethics Committee ("DEC") and respondent. Respondent admitted violations of RPC 1.1, presumably section (a) (gross neglect), RPC 1.3 (lack of diligence) and RPC 1.4 (failure to communicate), arising out of his handling of a real estate transaction.

Respondent was admitted to the New Jersey bar in 1970. During the relevant period, he maintained an office in Linden, Union County.

Respondent received a reprimand in 1996 for misconduct in four matters, including pattern of neglect, gross neglect, failure to act with diligence and failure to cooperate with ethics authorities. In re Mandle, 146 N.J. 520 (1996). He was required to practice under the supervision of a proctor for a period of two years. In 1999 respondent was reprimanded for gross neglect, lack of diligence and failure to communicate with a client. In addition, he was ordered to return a \$500 retainer to his client. In re Mandle, 157 N.J. 68 (1999). On May 9, 2000, respondent was temporarily suspended for failure to comply with the terms of the Court's October 16, 1996 order, presumably the portion that required him to practice under the supervision of a proctor. In re Mandle, 163 N.J. 438 (2000). On June 5, 2001 respondent was reprimanded for gross neglect, lack of diligence and failure to promptly deliver funds to a client in a real estate matter. He also failed to cooperate with disciplinary authorities. In re Mandle, 167 N.J. 609 (2001). More recently, on November 14, 2001, respondent was suspended for three months for gross neglect, lack of diligence and failure to cooperate with ethics authorities. In re Mandle, 170 N.J. 70 (2001).

The facts are laid out in the stipulation:

On or about April 1999, George J. Mandle, Jr., Esq. represented Franklin and Maria Cintron in a real estate transaction. The respondent failed to file and record the Deed and Mortgage in a timely manner, failed to secure Title Insurance and failed to communicate with the grievants from June 1999 to August 2000 upon the grievants filing a complaint with the Ethics Committee.

The stipulation cites the following mitigating and aggravating factors:

The aggravating circumstances are that this is not the respondent [sic] first complaint filed with the ethics committee, has others matter [sic] pending before the Disciplinary Review Board (hereinafter Board) and the harm done to the reputation and character of lawyers. The mitigating circumstances are at the time respondent was suffering from 'severe clinical depression' and sought out professional help on his own. Respondent admitted to the acts of misconduct. Respondent return [sic] the funds for the filing fees and the Title Insurance. Respondent closed down his office and he has agreed to a Stipulation of Facts.

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Following a de novo review of the record, we are satisfied that the stipulation, albeit meager, provides sufficient basis for a finding of unethical conduct. Respondent admitted that he failed to timely file the deed and mortgage, failed to obtain title insurance and failed to communicate with his clients for over a year. If this were respondent's first appearance before us, an admonition would be appropriate. See In the Matter of Juan J. Gonzalez, Docket No. DRB 99-342 (December 20, 1999) (admonition for gross neglect and lack of diligence); In the Matter of Michael A. Amantia, Docket No. DRB 98-402 (September 22, 1999) (admonition for lack of diligence, gross neglect and failure to communicate with client). Respondent, however, has a significant ethics history. As noted above, he has been reprimanded three times, was temporarily suspended and recently received a three-month suspension.

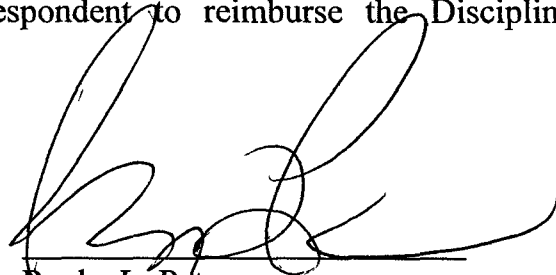
As to the time correlation between respondent's misconduct in this matter and in his prior disciplinary cases, the record shows that respondent undertook his representation of the Cintrons in April 1999 and that his misconduct continued through August 2000,

when the Cintrons filed their grievance. By that time, respondent had been reprimanded twice, had been temporarily suspended and had additional matters pending in the disciplinary system. Undeniably, this respondent has not learned from his previous mistakes. Attorneys who continue to disregard the standards of the profession after they have been disciplined should receive a more severe sanction, particularly if the advanced mitigating factors have not been substantiated, as here.

After taking into account respondent's extensive disciplinary record and his failure—or refusal—to conform to the rules governing the legal profession, we unanimously determined that a three-month suspension, to be served concurrently with the three-month suspension imposed in November 2001, appropriately addresses the seriousness of respondent's conduct and at the same time preserves the confidence of the public in the bar. See In re Olitsky, 154 N.J. 177 (1998) (three-month suspension imposed for a combination of gross neglect, lack of diligence, failure to communicate and failure to utilize retainer agreements; the enhanced discipline was based on the attorney's ethics history, which included a prior private reprimand, admonition and three-month suspension) and In re Brantley, 139 N.J. 465 (1995) (three-month suspension imposed for a pattern of neglect, lack of diligence, failure to communicate and failure to cooperate with ethics authorities. Attorney had been disciplined on four prior occasions).

We also determined to require respondent to submit, prior to reinstatement, proof of fitness to practice law, as attested by a mental health practitioner approved by the Office of Attorney Ethics and, upon reinstatement, to practice law under an indefinite proctorship.

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

A handwritten signature in black ink, appearing to read 'Rocky L. Peterson', written over a horizontal line.

Rocky L. Peterson  
Chair  
Disciplinary Review Board

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

In the Matter of George J. Mandle, Jr.  
Docket No. DRB 01-376

Argued: December 20, 2001

Decided: May 17, 2001

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>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					
<b>Total:</b>		9					

*Robyn M. Hill*

Robyn M. Hill  
Chief Counsel

5/21/02