SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 01-020

IN THE MATTER OF

JUAN GALIS-MENENDEZ

AN ATTORNEY AT LAW

Decision

Argued: May 17, 2001

Decided: October 16, 2001

John McGill, III appeared on behalf of the Office of Attorney Ethics.

Respondent appeared pro se.

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

This matter was before us based on a recommendation for discipline filed by special master James F. Ryan and arising out of a three-count complaint filed by the Office of Attorney Ethics (OAE). The complaint alleged that respondent abandoned his law practice in or about 1998.

Respondent was admitted to the New Jersey bar in 1986. He was temporarily suspended from the practice of law by Court order dated July 9, 1998, after the filing of several formal ethics complaints against him, alleging a variety of misconduct. Those complaints form the basis for the within matter. Respondent remains suspended to date.

* * *

The first count of the complaint alleged that, in each of the thirteen matters below, respondent violated RPC 1.1 (a) (gross neglect) and (b) (pattern of neglect), RPC 1.3 (lack of diligence), RPC 1.4 (a) (failure to communicate) and RPC 8.4 (c) (misrepresentation). This count also alleged violations of RPC 1.15(b) (failure to return client file upon termination of representation) in several matters, more properly a violation of RPC 1.16 (d). Finally, the complaint alleged violations of RPC 1.16(d) (abandonment of clients and failure to return unearned retainer).

At the conclusion of the six hearing days between March 21 and July 28, 2000, respondent, who appeared pro se, essentially admitted all of the allegations of the first count.

I. The Disla Varela Matter - District Docket No. XIV 98-249E

In or about mid-1996 Disla Varela retained respondent to represent her in connection with injuries sustained in an October 1995 slip-and-fall accident. Varela testified that she returned to respondent's office several times in 1996 to inquire about the status of her case.

According to Varela, respondent assured her on those occasions that her matter was proceeding apace. Upon Varela's final visit to respondent's office, in August 1996, she found it vacant. Finally, in June 1998 she retained another attorney to take over the matter. That attorney testified that he sent a series of letters to respondent requesting Varela's file, but never received a reply. Those letters, however, were sent to a wrong address. The attorney also testified that his only documentation in the case was a July 1, 1996 letter from respondent to Varela, indicating that her file would be closed if she did not contact his office within ten days. It appears, thus, that respondent never filed a complaint in this matter. Finally, the attorney testified that, because the statute of limitations had expired prior to his involvement, he was unable to assist Varela.

Respondent did not testify or present evidence at the hearing. He briefly cross-examined Varela and the attorney, but did not elicit any new information about the case.

II. The Rafael Leon Rosado Matter - District Docket No. XIV 97-442

In or about early 1990 Rafael Leon Rosado retained respondent to file a workers' compensation claim for injuries sustained in a January 10, 1990 work-related accident. Respondent filed a claim petition on September 4, 1991. Thereafter, on January 4, 1993, respondent filed an amended claim. Unbeknownst to Rosado, his case was later dismissed on September 23, 1994 for failure to prosecute. In fact, when Rosado was questioned about two letters that respondent claimed to have sent him in late 1994, Rosado noted that the

letters were apparently sent to a West New York address that he had not used since 1991 and had told respondent not to use for that very reason. The first letter, dated October 12, 1994, warned Rosado that respondent intended to close his file if Rosado did not contact him. The letter did not disclose that Rosado's workers' compensation matter had already been dismissed. The second letter, dated November 10, 1994, purported to inform Rosado that his workers' compensation file was being closed because of his failure to contact respondent. Again, the letter did not advise Rosado that the matter had already been dismissed in September of that year. Rosado believed that the letters were intentionally sent to the wrong address to give respondent an excuse to close his file without disclosing to Rosado the dismissal of the claim.

Rosado also stated that respondent fabricated false hearing dates throughout 1995 and 1996 to mislead him that the case was proceeding apace. Rosado testified that he had met respondent at the courthouse on numerous occasions, during 1995 and 1996, for hearings in his matter:

> When I would go to court with him he would always leave me in the waiting room, and he would always go and talk to the judges. And at the end he would always say, ok, suspended. And I would go home . . . .
> [1T66][1]

Rosado was unaware at the time that his matter had already been dismissed.

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[1] 1T refers to the transcript of the DEC hearing held on March 21, 2000.

Respondent did not present evidence or testify about this case, although he cross-examined Rosado on several procedural aspects of this disciplinary matter. Respondent gave no explanation for the courthouse meetings after the dismissal of the case.

III. The Emilio Carrero, Sr. Matters - District Docket No. VB 98-187E

On or about December 12, 1988 Emilio Carrero, Sr. was injured at work. On or about September 19, 1989 respondent took over Carrero's workers' compensation case from another attorney. On December 12, 1990 respondent obtained a judgment in Carrero's behalf in the amount of $31,290. Carrero testified that up to that point respondent had kept him informed about the case. Carrero also testified that he was unhappy with the amount of the award and that respondent assured him that he could reopen the case in two years to try to collect additional damages.

In October 1992 the case was dismissed after respondent inexplicably withdrew Carrero's application to reopen it. According to Carrero, he was unaware that respondent had withdrawn the application and that his claim had been dismissed. Carrero testified that, between late 1992 and October 1997, he called respondent's office at least twenty times, leaving messages with the receptionist and on respondent's answering machine; respondent never replied to his requests for information about the case. Finally, according to Carrero, in late 1997 he retained a new attorney, who discovered the 1992 dismissal.

Carrero also testified that he had retained respondent to represent him in a personal injury action for injuries sustained in a June 19, 1991 automobile accident. Although respondent had filed a complaint in that case, Carrero's new attorney discovered that this complaint had been dismissed on November 22, 1993, also for failure to prosecute. Carrero testified as follows:

> Each time I would go see Mr. Menendez I would ask him about both cases, and he would answer the same. The car accident, that has no problem. That's certified with the court and at any moment it can be resolved. In that way or different words, but that's pretty much what he wanted to say.
> [1T148]

Respondent did not testify about Carrero's matters.

IV. The Levis B. Colon Matter - District Docket No. XIV 97-402E

In or about 1992 the grievant, Levis B. Colon, retained respondent to represent him in a workers' compensation case arising out of injuries sustained at work several weeks earlier. Colon testified that respondent filed a claim petition in his behalf shortly thereafter. On February 28, 1997, however, the matter was dismissed for lack of prosecution.

Colon's niece, Margarita Lopez, testified that she became involved in the case early on, due to her uncle's inability to speak English. According to Lopez, between approximately 1995 and 1997 she and Colon appeared in court on eighteen separate occasions. Lopez testified as follows:

> Well, Mr. Menendez would send us letters for hearings that we had in Elizabeth, New Jersey and we were, we would call Mr. Menendez a couple of

days before to verify the appointment and he would tell us he has to be there, that he would be there and he never showed up. This happened, if my recollection is correct, 18, we had 18 hearings. Out of the 18 hearings I think Mr. Menendez showed up maybe three times and that's it.

[2T43[2]]

Lopez further testified that respondent told them that their appearance was unnecessary at the final hearing date, February 1997, because the case had been settled:

So after a couple of weeks later we didn't hear from Mr. Menendez, we called Mr. Menendez, we visited Mr. Menendez, and we never got in touch with Mr. Menendez. I took the initiative of calling workman's [sic] compensation court and by giving them my uncle's social security number they would tell me what was going on with the case. That's when we found out that the case was closed. At that point when we, when I found out the case was closed I spoke to my uncle and my uncle says well, I'm going to pick you up tomorrow from work and we're gonna' head up to see Mr. Menendez. At that time we saw Mr. Menendez and he claimed that there was no error in their part, that he was going to send a motion to reopen the case, which I believe the case was reopened again, if I'm not mistaken.

[2T44-45]

In fact, respondent filed a motion to restore Colon's claim in June 1997 and the matter was scheduled to be heard on September 26, 1997. Lopez testified that she and Colon attended that hearing, but respondent failed to appear. According to Lopez, at the conclusion of the hearing the judge recommended that Colon retain a new attorney. After Colon did so, the new attorney successfully restored the matter in October 1997. In January 1998 he settled the case for $8,000.

Finally, Colon and Lopez testified that they called respondent on numerous occasions between February and October 1997 at his office and home, but were unable to obtain

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[2]2T refers to the transcript of the April 27, 2000 DEC hearing.

information about the case. Indeed, Lopez produced lengthy telephone records in support of her claims.

Here, too, respondent chose not to testify.

V. The Ana Iraheta Matter - District Docket No. XIV 98-080E

In or about July 1997 the grievant, Ana Iraheta, retained respondent to represent her in a divorce action. She paid respondent a $640 retainer. According to Iraheta, sometime thereafter respondent assured her that he had filed a divorce complaint in her behalf.

Iraheta also testified that respondent went so far as to have her follow him to court one day, as if to show that he was actively representing her:

> He told me he did file the papers, that he has it at home, and one time he make me stay with him the whole day to give me proof that he put the papers at the court and I went, like 9:00 o'clock behind him to the Union City Hall and I wait with him and that time my husband is now and we stay with him for the whole day and he never – he told me it was already closed and so we follow him all over where he goes and he never took me over there and give me the proof that he has done something about my divorce.
>
> [2T59]

At some point in 1998 Iraheta suspected that respondent had not filed a complaint. Therefore, she visited the Hudson County Court on her own, where she learned for the first time that respondent had never filed anything in her behalf. In fact, it appears that respondent did little, if any, work in this matter. Iraheta confronted respondent with the fact that he had not filed a complaint and requested the return of the retainer. She testified as follows:

> He will give me that, come next day, he gave me the weekdays to go and get the money but he never he never show up, he never there. I used to wait for him two, three hours sitting in the office and he never show up, so at the end I get tired to wait and so many time he used to say tomorrow I give you your money, tomorrow I give you your money, but –
>
> [2T62]

Thereafter, according to Iraheta, another attorney in respondent's building helped her file the complaint pro se. She obtained her divorce on her own on July 20, 1998.

Respondent did not refute the charges of the complaint. In fact, he apologized to Iraheta and returned her $640 retainer at the ethics hearing.

VI. The Jerry Crespo Matter - District Docket No. XIV 97-441E

On or about January 5, 1993 Jerry Crespo slipped and fell while working at "Stag's" in North Bergen. Shortly thereafter, he retained respondent to file a workers' compensation claim. According to Crespo, respondent told him that he had filed a petition on Crespo's behalf, showed him what purported to be a filed claim and then quickly pulled it away before Crespo could review it. Crespo stated as follows:

> He even showed me, like he would show me pages and just like, like with his hands block off, you know what I'm saying, block off something and show it to me, like briefly, like look, just like that, and then put the paper away real quick, and, you know he wouldn't let me put the paper in my hands.
>
> [2T74-75]

In or about October 26, 1995, while employed by another company known as Masters Printing, Crespo had a second accident. Despondent about perceived mistreatment at work, Crespo threatened to jump off the rooftop of his employer's building. He was talked

out of it by a co-worker, but not before he had reached the roof. Crespo then slipped on wet tar at the roof's edge and plummeted into a garbage dumpster below, suffering injuries. He retained respondent to file a workers' compensation claim, a slip- and-fall action against Masters Printing and a suit against Masters Printing for wrongful termination of employment.

In or about April 1997, Crespo determined that "there was something wrong about how [respondent] was handling my cases" and sought the advice of a new attorney, who declined to take on the representation of Crespo's matters. In February 1998 Crespo retained new counsel, who was able to advance a workers' compensation claim against Masters Printing. That attorney did not pursue a claim against "Stag's" because the statute of limitations had already expired. Crespo did not know — and the record does not disclose — whether respondent filed suits against Masters Printing for wrongful termination and for Crespo's slip-and-fall from the rooftop. Crespo noted, however, that his new attorney was not interested in pursuing those cases.

For his part, respondent contended that he did not file a workers' compensation claim in the "Stag's" matter because of his inability to locate Crespo. He furnished no corroboration in support of that claim, however. With respect to the Masters Printing accident, respondent generally asserted that Crespo's termination was for good cause, pointing to a Department of Labor decision to deny unemployment benefits upon his

termination. Exhibit 10. Respondent presented no further proofs to buttress his defense to the ethics charges.

VII. The Victor Manuel Moya Matter - District Docket No. XIV 98-186E

In or about July 1991 the grievant, Victor Manuel Moya, retained respondent to represent him in connection with a July 1, 1991 work-related accident. Respondent filed a workers' compensation claim in Moya's behalf. According to Moya, over the next four years he attended approximately twelve hearings at respondent's request. Respondent never appeared at the hearings. Moya stated that he was unaware that his case had been dismissed on March 2, 1995. Moya also asserted that respondent continued to assure him that the matter was proceeding apace. In December 1997, Moya found out on his own that the matter had been dismissed in 1995.

At the DEC hearing, Moya expressed a feeling of deep betrayal by respondent, stating "[h]e's a lawyer. He just lie. He lie to me for all these years, for seven eight years; and I trusted him." 3T14.[3]

In February 1998, Moya retained a new attorney to represent him. Respondent ignored that attorney's repeated requests for Moya's file. According to Moya, respondent never surrendered his file.

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[3]3T refers to the transcript of the May 16, 2000 DEC hearing.

VIII. The Victoria Lissabet Matter - District Docket No. XIV 97-400E

In or about early 1993 Victoria Lissabet was denied social security benefits. In November 1993 her daughter, Rebeca Escobar (the grievant in this matter), retained respondent to represent her mother in an appeal of that determination. Escobar gave respondent a $350 retainer. According to Escobar, respondent requested appeal forms from the Social Security Administration (SSA) in January 1994. In February 1994, they met with respondent at his office and completed the forms, in preparation for their filing.

Escobar testified that, between February 1994 and February 1996, she and her mother were called into respondent's office several times, on the pretext of furnishing additional information required by the SSA. In addition, Escobar continued, court appearances were required:

> As a matter of fact, he scheduled my mom to go to court on three occasions. The last time that he asked her to go to this court -- to show up for a court hearing was on February of '96, I believe, -- February of '97.
>
> He even send us a letter wherein he's requesting the SSI, a hearing; and then we found out that -- you know, that was impossible, because there was never an appeal made and never yet [sic].
>
> [3T36]

According to Escobar, respondent failed to appear at this final court hearing. Therefore, Escobar visited the SSA and discovered that respondent had never filed the appeal. According to Escobar, she then realized that all of the office appointments for "additional information" and court appearances were just a sham, staged by respondent in order to give the appearance that he was actively involved in her case. Escobar stated that

she was so enraged by respondent's underhandedness that, unknown to respondent, she tape-recorded a conversation with him, shortly after discovering his misconduct. The transcript of that conversation reveals that respondent repeatedly tried to impress upon Lissabet and Escobar his "litigation strategy" in the nonexistent appeal matter. Exhibit 33.[4]

Finally, Escobar testified that, within days of learning about respondent's inaction, of the case, she filed a new social security application in her mother's behalf, which was granted. However, because of respondent's mishandling of the matter, retroactive benefits were denied.

For his part, respondent did not deny the substance of the charges of the complaint. He noted that his office absorbed the $300 cost of Lissabet's medical examination, which Escobar reused in her later application to the SSA.

[4]Respondent did not object to the introduction of this document into evidence.

IX. The Fraulio Caula Matter - District Docket No. XIV 97-399E

In or about December 22, 1995[5] Fraulio Caula retained respondent to file a bankruptcy action in his behalf. Caula paid respondent a $675 retainer.[6] Thereafter, in or about September 1997, respondent filed the petition and paid the $175 filing fee with his own check. That check was drawn on insufficient funds. Therefore, Caula's bankruptcy case was dismissed in November 1997.

Caula testified that, once he received notification in November 1997 from the bankruptcy court that his case had been dismissed, he confronted respondent, who made excuses, but did nothing to correct the problem. Instead, according to Caula, respondent promised on numerous occasions that he would re-file the petition. Later, respondent blamed ill health and a busy trial schedule for his failure to do so.

After the November 1997 dismissal, Caula contacted the bankruptcy judge about his dilemma. On December 4, 1997 the bankruptcy judge ordered respondent to return the retainer and referred the matter to the OAE.

Caula testified that he retained a new attorney in November 1997, who corrected the situation in several weeks.

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[5]In portions of the record, including Caula's testimony, the year is referred to as 1994.

[6]Caula's receipts totaled $675. However, he claimed that he paid respondent other small amounts through the course of the representation.

Respondent did not contest the veracity of Caula's version of the events. He apologized to Caula and returned his $675 retainer at the conclusion of the ethics hearing, some two and one-half years after the court order required him to do so.

X. The Vega Matter - District Docket No. XIV 97-397

In or about 1996 the grievants, the Vegas, retained respondent to file a bankruptcy action in their behalf, paying respondent a $675 retainer. Respondent never filed the petition.

The Vegas testified that, after retaining respondent, they periodically attempted to obtain information about their matter, but were met with either no reply or respondent's assurance that the Vegas "...had to wait; that the Court would call." 3T76.

At an unknown date, the Vegas found respondent's telephone disconnected. When Mr. Vega went to respondent's office, he found it vacant.

Respondent did not refute the allegations in this matter. Indeed, he apologized to the Vegases at the hearing and returned their $675 retainer.

XI. The Andrea Conde Matter - District Docket No. XIV 97-440E

At the DEC hearing, respondent admitted the allegations of the complaint and stipulated that he failed to re-file Conde's bankruptcy petition, after it was dismissed for his failure to pay the filing fees. In fact, although Conde paid respondent a retainer and the

filing fee, respondent's check to the bankruptcy court was drawn upon insufficient funds, resulting in the dismissal of the case. Respondent also admitted that he had misrepresented to the OAE the amount of the retainer in this matter.

At the hearing, respondent returned the unearned retainer and filing fees, totaling $725.

XII. The Gratereaux Matter - District Docket No. XIV 97-398E

In this matter, too, respondent admitted at the DEC hearing that he accepted a $675 retainer to file a bankruptcy petition, but failed to do so. In addition, respondent admitted that he misrepresented to the client that he had filed the petition and misrepresented to the OAE the amount of the retainer in the case. Respondent returned the $675 at the hearing.

XIII. The Jorge Pavon Matter - District Docket No. XIV 98-201E

At the DEC hearing, respondent conceded that he failed to file a workers' compensation claim before the expiration of the statute of limitations. In addition, he admitted misrepresenting to the client that the claim had been settled.

Respondent failed to release the file to the client upon termination of the representation.

* * *

The second count of the complaint alleged that respondent failed to adhere to the recordkeeping requirements of RPC 1.15 and R. 1:21-6 and failed to cooperate with disciplinary authorities, in violation of RPC 8.1(b).

On January 8, 1998 the OAE conducted a demand audit of respondent's books and records. The audit revealed numerous deficiencies, including incomplete client ledger cards, incomplete trust and business account journals and no reconciliation of client ledger cards. Between March 24 and June 16, 1998, the OAE made numerous and repeated efforts to complete the demand audit, to no avail. At midnight on the eve of the continued demand audit, scheduled for June 17, 1998, respondent left a message on the OAE's voice-mail claiming that he had not received notice of the audit. Respondent further claimed to have been ill, out of work and under a physician's care.

On June 30, 1998, the OAE made a successful motion for respondent's temporary suspension. As previously noted, respondent was suspended on July 9, 1998 and remains suspended to date.

* * *

The third count of the complaint alleged that respondent violated R. 1:20-20, dealing with suspended attorneys. Specifically, the complaint alleged that respondent failed to file with the OAE an affidavit of compliance with the provisions of the rule and the Court's July 9, 1998 order. The complaint alleged that respondent's conduct thereby violated RPC 3.4(c)

(knowing disobedience of an obligation under the rules of a tribunal), RPC 8.4(d) (conduct prejudicial to the administration of justice) and contempt of court under R. 1:20-20(b)(14).

At the conclusion of the DEC hearing, respondent conceded his failure to file the affidavit and presented no evidence to refute the charges contained in this count of the complaint.

* * *

Lourdes Santiago, Esq. testified that, on September 18, 1998, pursuant to an application brought by the Hudson County Bar Association under R. 1:20-19, the Hudson county assignment judge appointed her attorney/trustee of respondent's law practice. Exhibit CC. According to Santiago, she first contacted respondent's landlord, who claimed that respondent owed him rent. The landlord led Santiago to a storage area containing respondent's files and unopened mail dating back to April 1998. Santiago spent over four hundred hours trying to organize respondent's affairs. Although she was able to reach respondent on several occasions, at which time he promised a degree of cooperation, he ultimately refused to assist her.

Santiago calculated that she had incurred out-of-pocket expenses approaching $10,000 over the course of her involvement. Santiago estimated that respondent had abandoned approximately 1,200 matters, many of them still open.

* * *

The special master found that the allegations of the first count of the complaint had been proven by clear and convincing evidence, with the following exceptions. In Varela, the special master found no clear and convincing evidence of misconduct, insomuch as "communication sent to her and . . . the request for the file from her new lawyer went to the wrong address." Likewise, in Crespo, the special master found that Crespo's testimony about respondent's alleged failure to file a civil action and to release the file upon termination of the representation was "confusing and not terribly credible." Therefore, he dismissed the allegations arising out of the civil case.

With regard to count two of the complaint, the special master found a litany of recordkeeping violations and a chronic failure to cooperate with disciplinary authorities.

With respect to count three, the special master found that respondent failed to comply with R.1:20-20, "particularly with respect to cooperation with Lourdes Santiago, Esq." The special master also found violations of RPC 3.4(c), RPC 8.4(d) and R. 1:20-20(b)(14).

Although the OAE argued for respondent's disbarment, the special master recommended a minimum suspension of six years "and thereafter for an indeterminate term until he is able to demonstrate clearly and convincingly that he would be able to practice law in accordance with the rules and regulations of our Court."

* * *

Upon a de novo review of the record, we were satisfied that the special master's conclusion that respondent was guilty of unethical conduct is supported by clear and convincing evidence.

It is overwhelmingly clear from this record that respondent was guilty of serious misconduct, which spanned an eight-year period, from approximately 1990 to 1998. It included taking retainers from clients and doing either no work, little work, or substandard work; allowing matters to be dismissed without regard for the well-being of his clients; failing to restore matters once he was aware of dismissals; and not communicating the status of matters to his clients. More egregiously, respondent's clients, who trusted him implicitly because of his stature as an attorney, time after time described to the DEC how respondent had invented trial dates and court hearings in matters that either had been dismissed or never initiated. These clients testified about their shock upon discovering that they had been deceived by their attorney, who had sent them to court for nonexistent hearings and who had appeared at the hearings himself. Incredibly, respondent had one client follow him around for an entire day, while respondent attended to business that had no bearing on the client's matter, in order to deceive the client that he was properly managing the progress of the case. When the OAE sought to audit respondent's attorney accounts in early 1998, he simply abandoned his practice, rather than watch his eight-year sham unravel.

Altogether, respondent violated RPC 1.1(a) and (b) and RPC 1.3 in Rosado, Carrero, Moya, Colon, Pavon, Caula, Vega, Gratereaux, Lissabet, Conde, Iraheta and Crespo (in

Crespo's workers' compensation matter); he failed to communicate with his clients, in violation of RPC 1.4(a), in Carrero and Colon; and he lied to his clients about the status of their matters, in violation of RPC 8.4(c), in Carrero, Moya, Pavon, Vega, Gratereaux, Lissabet, Conde and Iraheta. Additionally, in Caula and Conde, respondent initially misrepresented to the OAE the amount of the retainer, in violation of RPC 8.4(c).

With respect to count two, respondent did not dispute the OAE's charges of serious recordkeeping violations. Likewise, respondent did not refute the allegations of failure to cooperate with ethics authorities. Equally egregious was respondent's failure to cooperate with Ms. Santiago, who was appointed by the Hudson County assignment judge to protect his clients in the aftermath of his abandonment and who was forced to spend hundreds of hours and thousands of dollars in the process, all without respondent's assistance.

With regard to count three, respondent admitted his failure to comply with the requirements of R.1:20-20, which required him to, among other things, file an affidavit of compliance with the rules governing suspended attorneys. Finally, respondent did not refute the alleged violations of RPC 3.4(c) (knowing disobedience of an obligation under the rules of a tribunal), RPC 8.4(d) (conduct prejudicial to the administration of justice) and R.1:20-20(b)(14) (contempt of court). We found violations of these RPCs as well, based on this record.

Discipline in cases involving the abandonment of clients runs the gamut from a short-term suspension to disbarment. See, e.g., In re Bock, 128 N.J. 270 (1992) (six-month

suspension imposed where the attorney, while serving as a part-time municipal court judge, abandoned that position and his law practice by feigning his own death-by-drowning, in order to run off with his secretary; the attorney then concealed his whereabouts for five weeks, despite knowledge of an official investigation to locate him; the Court held that respondent's conduct constituted misrepresentation and abandonment and adversely affected the administration of justice); In re Vedatsky, 158 N.J. 18 (1999) (two-year suspension imposed where the attorney, also disciplined in Pennsylvania by way of a two-year suspension, abandoned his Pennsylvania office; the attorney grossly neglected client cases, despite having collected sizeable legal fees from two clients, and misrepresented to the clients the status of their matters; prior reprimand); In re Costanzo, 128 N.J. 108 (1992) (disbarment where the attorney engaged in a pattern of neglect and abandonment of ten clients and practiced law while ineligible to do so for failure to pay annual assessments to the New Jersey Lawyers Fund for Client Protection; prior private reprimand and public reprimand); In re Harris, 131 N.J. 117 (1993) (disbarment where the attorney, in a series of ten matters, engaged in conduct that included gross neglect, failure to communicate with clients, lack of diligence, dishonesty, deceit and misrepresentation, failure to safeguard clients' property, failure to cooperate with ethics authorities and abandonment of clients; the Court noted that respondent's misconduct "demonstrated a callous indifference to his clients' welfare, to the judicial system, and to the disciplinary process"); In re Holman, 156 N.J. 371 (1998) (disbarment imposed where the attorney engaged in misconduct in fifteen

matters, including accepting fees for the representation of clients, then abandoning them without performing any services in their behalf and without returning the fee; the attorney also displayed gross neglect, lack of diligence and dishonesty, fraud, deceit or misrepresentation); In re Golden, 156 N.J. 365 (1998) (disbarment imposed where the attorney abandoned seven clients after grossly neglecting their matters, failed to communicate with the clients, lied to the OAE and failed to cooperate with disciplinary authorities; prior temporary suspension for failure to cooperate with the district ethics committee investigation and abandonment of his law practice.)

Here, the special master recommended a minimum of a six-year suspension, followed by an "indeterminate" suspension, recognizing the magnitude of respondent's misdeeds. Seemingly, the special master was unaware that the maximum term of suspension imposed in New Jersey is three years. Moreover, indefinite suspensions ordinarily are not imposed. The OAE, on the other hand, argued that respondent's misconduct should be met with the harshest punishment – disbarment – citing In re Spagnoli, 115 N.J. 504 (1989). There, the attorney neglected twelve cases and, in essence, defrauded his clients by taking retainers without any intention of performing the work. Here, too, respondent committed a fraud on his clients by deceiving them that their cases were ongoing or progressing smoothly.

Moreover, respondent advanced no mitigation for his conduct. His several apologies and return of some of the retainers do not mitigate his egregious conduct. Although he hinted at personal problems that affected his judgment, he offered no proof of such problems

nor did he present any explanation for his grievous offenses. For respondent's numerous abominable acts of misconduct, we unanimously determined to recommend his disbarment. One member did not participate.

We also determined to require respondent to reimburse the Disciplinary Oversight Committee for administrative expenses.

Dated: Oct 16, 2001

ROCKY L. PETERSON
Chair
Disciplinary Review Board

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Juan Galis-Menendez
Docket No. DRB 01-020

Argued: May 17, 2001

Decided: October 16, 2001

Disposition: Disbar

Members	*Disbar*	*Suspension*	*Reprimand*	*Admonition*	*Dismiss*	*Disqualified*	*Did not participate*
Peterson	X						
Maudsley	X						
Boylan							X
Brody	X						
Lolla	X						
O'Shaughnessy	X						
Pashman	X						
Schwartz	X						
Wissinger	X						
Total:	8						1

Robyn M. Hill 12/6/01
Robyn M. Hill
Chief Counsel