

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 99-270

IN THE MATTER OF
JULES FARKAS,
AN ATTORNEY AT LAW

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

Decided: May 22, 2000

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 IV 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 May 13, 1999 the DEC forwarded a copy of the complaint to respondent’s last known office address by regular and certified mail. The certified mail return receipt was returned, indicating delivery on May 14, 1999. The signature of the accepting agent was

illegible. The regular mail was not returned. On July 8, 1999, a second letter was sent to the same address, by regular and certified mail, advising respondent that, unless he filed an answer to the complaint within five days, the allegations of the complaint would be deemed admitted and the record in the matter would be certified directly to us for the imposition of discipline. The certified mail return receipt was returned, indicating delivery on July 10, 1999. The signature of the accepting agent was illegible. The regular mail was not returned.

Respondent was admitted to the New Jersey bar in 1983. He maintains a law office at 105 W. Miami Avenue, Cherry Hill, New Jersey.

On February 1, 1993, respondent was privately reprimanded for lack of diligence and failure to adequately communicate with a client. In the Matter of Jules Farkas, Docket No. DRB 92-475.

The complaint alleges that respondent practiced law while ineligible for failure to pay his 1997 annual assessment to the New Jersey Lawyers' Fund for Client Protection ("The Fund"), in violation of RPC 5.5(a) (unauthorized practice of law).

On September 5, 1997, respondent was declared ineligible to practice law for failure to pay the 1997 annual assessment to the Fund. Respondent continued to practice law in New Jersey while ineligible, until April 13, 1998. The complaint does not detail the extent to which respondent practiced law during his period of ineligibility.

On or about March 4, 1998, respondent paid both the 1997 and 1998 annual

assessments to the Fund. Respondent was reinstated to eligible status effective April 13, 1998.

Respondent executed an agreement in lieu of discipline, in which he admitted that he had committed a violation of RPC 5.5(a) (practicing law while ineligible). The agreement was subsequently accepted by the director of the Office of Attorney Ethics (“OAE”). However, because respondent failed to comply with the terms and conditions of the agreement by failing to pre-register for or attend the New Jersey State Bar Association Ethics Diversionary Program on April 6, 1999, the OAE authorized the filing of an ethics complaint against him.

* * *

Service of process was properly made in this matter. Following a review of the complaint, we find that the facts recited therein support a finding 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)(1).

The complaint supports the finding that respondent practiced law while ineligible, in violation of RPC 5.5(a).

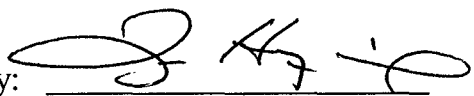
Normally, conduct of this sort merits an admonition. See In the Matter of Edward Wallace, III, Docket No. DRB 97-381 (December 3, 1997) (admonition where attorney

practiced law while ineligible for failure to pay annual assessment to the Fund) and In the Matter of Peter Hess, Docket No. DRB 96-262 (September 24, 1996) (admonition where attorney practiced law while ineligible for failure to pay annual assessment to the Fund and without a bona fide office; the representation of only one client was a mitigating factor).

In this matter, because respondent failed to file an answer to the complaint, allowing this matter to proceed as a default, the level of discipline should be increased. Accordingly, a four-member majority of the Board determined to impose a reprimand. Three members dissented, voting to suspend respondent for three months. Two members did not participate.

We further direct that respondent reimburse the Disciplinary Oversight Committee for administrative costs.

Dated: 5/22/02

By: 
LEE M. HYMERLING
Chair
Disciplinary Review Board

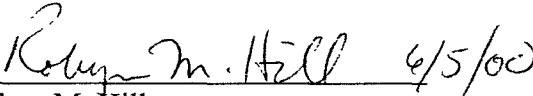
SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

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Disposition: Reprimand

Members	Disbar	Suspension	Reprimand	Admonition	Dismiss	Disqualified	Did not Participate
Hymerling		x					
Cole			x				
Brody			x				
Boylan							x
Lolla		x					
Maudsley							x
Peterson			x				
Schwartz		x					
Wissinger			x				
Total:		3	4				2


Robyn M. Hill
Chief Counsel