

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 00-266

---

IN THE MATTER OF :  
JULES FARKAS :  
AN ATTORNEY AT LAW :

---

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

Decided: January 22, 2001

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 April 25, 2000, the DEC mailed a copy of the complaint by regular and certified mail to respondent’s last known office address, 105 West Miami Avenue, Cherry Hill, New

Jersey, 08002. The signature on the certified mail receipt, dated April 26, 2000, was illegible. The regular mail was not returned. When respondent did not file an answer, the DEC sent respondent a second letter on June 19, 2000 by certified and regular mail. The letter informed him that, if he did not reply within five days, the matter would be certified to the Board for the imposition of sanctions and the allegations of the complaint would be deemed admitted. The record does not state what happened to the certified mail, however, the regular mail was not returned.

Respondent did not file an answer to the formal ethics complaint. The record was then certified directly to the Board for the imposition of discipline, pursuant to R. 1:20-4(f).

Respondent was admitted to the New Jersey bar in 1983. At the relevant times he maintained an office in Cherry Hill, New Jersey.

In 1993, respondent was privately reprimanded for lack of diligence and for failure to adequately communicate with the client, in violation of RPC 1.3 and RPC 1.4(a). In the Matter of Jules Farkas, DRB Docket No. 92-475 (February 1, 1993).

DRB Docket Nos. 99-270 and 99-349 were transmitted to the Court on June 6, 2000 and August 15, 2000, respectively. These matters are still pending with the Court.

The formal ethics complaint alleged two counts of unethical conduct.

In the first count, respondent was charged with violations of RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence), RPC 1.4(a) (failure to communicate) and RPC 1.5(b) (failure to reduce fee agreement to writing).

On July 22, 1996, Richard T. Kristofik was struck and killed by an uninsured motorist in New Jersey. His sister, the grievant Anna DePaoli, retained Clay H. Cunningham, Esq. to handle the administration of her brother's estate. On July 20, 1998, Cunningham retained respondent to file an uninsured motorist claim against the New Jersey Unsatisfied Claim and Judgement Fund. Respondent was advised that the statute of limitations would run in two days, on July 22, 1998.

Respondent agreed to file the UCJ claim but did not provide a written retainer agreement to Cunningham for the estate. On several occasions between the time of the initial conversation and March 29, 1999, Cunningham attempted to contact respondent by telephone and by mail. On only one occasion, October 14, 1998, was Cunningham able to speak with respondent. On all other occasions, respondent failed to speak with Cunningham or to return his phone calls. Similarly, the grievant was able to speak to respondent only once during that time to inquire whether he was working on the case. Respondent advised that he was. However, respondent never filed a claim with the Unsatisfied Claim and Judgement Fund.

The second count of the complaint alleged that respondent violated RPC 8.1(b) (failure to cooperate with disciplinary authorities). In connection with its investigation of the grievance, the Office of Attorney Ethics (OAE) attempted to contact respondent on numerous occasions to solicit his reply to the grievance. Despite several letters, respondent failed to reply to the grievance.

\* \* \*

Service of process was properly made in this matter. Following a de novo review of the record, we determined that the facts recited in the complaint 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).

Respondent never filed a claim against the UCJ even though he knew there was a crucial two-day time constraint. By failing to perform the legal service for which he was retained, respondent violated both RPC 1.1(a) (gross neglect) and RPC 1.3 (lack of diligence). Moreover, respondent never provided the grievant, or her attorney, with a written retainer agreement, a clear violation of RPC 1.5(b) (failure to reduce fee agreement to writing).

Respondent also failed to keep the grievant and her attorney informed about the status of the case. He refused to return phone calls or reply to letters, and spoke with grievant's counsel only once in an eight-month span. Respondent's failure to reply to grievant's numerous requests for information violated RPC 1.4(a) (failure to communicate).

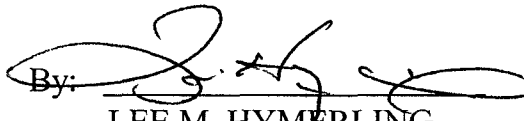
Finally, respondent never submitted a reply to the grievance, despite numerous contacts from the OAE. Respondent was given every opportunity to reply to the grievance, but chose not to cooperate, in violation of RPC 8.1(b).

Given the facts, the default nature of this case, and respondent's ethics history, a three-month suspension is appropriate. In re Banas, 157 N.J. 18 (1999) (default case; three-month suspension for gross neglect, lack of diligence, failure to communicate, failure to reduce fee agreement to writing and failure to cooperate with disciplinary authorities) and In re Page, 156 N.J. (1998) (default case; three-month suspension for lack of diligence, failure to communicate, gross neglect, making a false statement to disciplinary authorities and failure to cooperate).

Accordingly, the Board unanimously determined to impose a three-month suspension. One member did not participate in the review of this matter.

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

Dated: 1/22/01

By:   
LEE M. HYMERLING  
Chair  
Disciplinary Review Board

---

**SUPREME COURT OF NEW JERSEY**

**DISCIPLINARY REVIEW BOARD  
VOTING RECORD**

**In the Matter of Jules Farkas  
Docket No. DRB 00-266**

---

**Decided: January 22, 2001**

**Disposition: Three-month suspension**

Members	Disbar	Three-month Suspension	Reprimand	Admonition	Dismiss	Disqualified	Did not Participate
Hymerling		X					
Peterson		X					
Boylan							X
Brody		X					
Lolla		X					
Maudsley		X					
O'Shaughnessy		X					
Schwartz		X					
Wissinger		X					
<b>Total:</b>		8					1

*Robyn M. Hill 5/3/01*  
Robyn M Hill  
Chief Counsel