

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 99-055

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IN THE MATTER OF :  
CHARLES B. DINSMORE :  
AN ATTORNEY AT LAW :

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

Decided: August 24, 1999

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

This matter was before the Board based on a certification of default filed by the  
District I Ethics Committee ("DEC"), pursuant to R. 1:20-4(f).

On December 22, 1998 the DEC served a copy of the complaint on respondent by  
regular and certified mail, return receipt requested, sent to both of his office addresses listed  
in the 1998 New Jersey Lawyer's Diary and Manual. The return receipts for the certified  
mail were both returned: one was signed by respondent on January 4, 1999 and the other  
by a Kathy DiAcco. When respondent did not file an answer, the DEC sent a second letter  
to the same addresses, by regular and certified mail, informing respondent that, if he failed

to answer the complaint within five days, the allegations of the complaint would be deemed admitted and the record would be certified directly to the Board by the OAE. The certified mail sent to one address was returned unclaimed. The receipt for the other letter was returned, again signed by Kathy DiAcco. The record is silent as to the return of the regular mail from either address. Respondent did not file an answer to the formal ethics complaint.

Respondent was admitted to the New Jersey bar in 1988. He has no prior ethics history.

### **I. The Barnes Matter**

The first count of the complaint alleged that, in September 1997, respondent was retained by Sarah Barnes for representation in a disorderly persons' charge in municipal court. Respondent was paid a \$500 retainer by Barnes' father. Respondent failed to reply to court inquiries in the matter and rendered no legal services in Barnes' behalf. Also, during the DEC investigation of this matter, respondent did not reply to the investigator's requests for information. Eventually, respondent mailed to the investigator a photocopy of a check to Barnes, indicating a return of the \$500, but only after the Barneses filed a fee arbitration complaint.

This count of the complaint charged respondent with violations of RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence), RPC 1.15(b) (failure to deliver funds to which client is entitled), RPC 1.16(d) (failure to protect client's interests upon termination of

representation) (mistakenly cited as RPC 1.16(5)(d)), and RPC 8.1(b) (failure to cooperate with disciplinary authorities).

## **II. The Reahm Matter**

The second count of the complaint alleged that, in April 1996, respondent settled a personal injury claim for Julia Reahm in the amount of \$20,000. Although respondent was responsible for the payment of all medical bills from the settlement proceeds, he failed to pay any of them. Respondent also failed to refund to Reahm the balance of the funds. Finally, respondent failed to reply to the DEC investigator's requests for information.

This count of the complaint charged respondent with violations of RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence), RPC 1.15(a) (failure to safeguard client funds) and RPC 8.1(b) (failure to cooperate with disciplinary authorities).

## **III. The Leary Matter**

The final count of the complaint alleged that Kenneth Leary gave respondent \$175 to file a bankruptcy petition on his behalf. Respondent did not file the bankruptcy petition promptly and, when he did file it, submitted an inadequate petition that required additional filing. Furthermore, respondent's check for the filing fee was returned for insufficient funds and caused the dismissal of the bankruptcy matter.

As in the Barnes and Reahm matters, respondent failed to reply to requests for

information made by the DEC investigator.

The complaint charged respondent with violations of RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence), RPC 1.15(b) (failure to deliver funds to a third party) and RPC 8.1(b) (failure to cooperate with disciplinary authorities).

Finally, the complaint charged that respondent's neglect of the three above matters constituted a pattern of neglect, in violation of RPC 1.1(b).

\* \* \*

Service in this matter was properly made by certified mail. Therefore, pursuant to R. 1:20-4(f)(1), the allegations of the complaint are deemed admitted. Following a review of the record, the Board found that the facts recited in the complaint support a finding of unethical conduct.

Respondent was guilty of lack of diligence, gross neglect, failure to deliver funds to which his client was entitled, failure to safeguard client funds, failure to deliver funds to a third party and failure to protect the client's interests upon termination of representation. Furthermore, respondent's gross neglect of the three matters constituted a pattern of neglect. Finally, respondent failed to cooperate with the disciplinary authorities in all three matters.

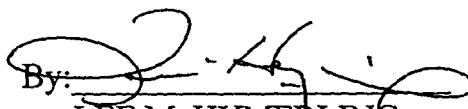
Generally, in default matters involving similar misconduct, a three-month suspension has been imposed. See In re King, 157 N.J. 548 (1999) (three-month suspension in default

matter for violations of RPC 1.1(a), RPC 1.1(b), RPC 1.3, RPC 1.4 and RPC 8.1(b)); In re Gorman, 156 N.J. 435 (1998) (three-month suspension in default matter for violations of RPC 1.1(a), RPC 1.1(b), RPC 1.3, RPC 1.4(a) and RPC 8.1(b)); In re Daly, 156 N.J. 541 (1999) (three-month suspension in default matter for violations of RPC 1.1(a), RPC 1.3, RPC 1.4(a) and RPC 8.1(b)).

Therefore, the Board unanimously determined that a three-month suspension was the appropriate discipline in this matter. Also, the Board directed that the OAE conduct a demand audit of respondent's accounts, with particular focus on the \$20,000 in client funds that apparently have not been disbursed in the Reahm matter. Two members did not participate.

The Board also directed that respondent be required to reimburse the Disciplinary Oversight Committee for administrative costs.

Dated: 8/24/99

By:   
LEE M. HYMERLING  
Chair  
Disciplinary Review Board

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*SUPREME COURT OF NEW JERSEY*

*DISCIPLINARY REVIEW BOARD  
VOTING RECORD*

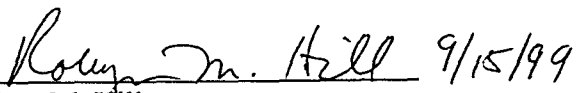
**In the Matter of Charles Dinsmore  
Docket No. DRB 99-055**

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**Decided: August 24, 1999**

**Disposition: Three-Month Suspension**

| Members       | Disbar | Three-Month Suspension | Reprimand | Admonition | Dismiss | Disqualified | Did not Participate |
|---------------|--------|------------------------|-----------|------------|---------|--------------|---------------------|
| Hyerling      |        | x                      |           |            |         |              |                     |
| Cole          |        | x                      |           |            |         |              |                     |
| Boylan        |        |                        |           |            |         |              | x                   |
| Brody         |        | x                      |           |            |         |              |                     |
| Lolla         |        | x                      |           |            |         |              |                     |
| Maudsley      |        | x                      |           |            |         |              |                     |
| Peterson      |        | x                      |           |            |         |              |                     |
| Schwartz      |        | x                      |           |            |         |              |                     |
| Thompson      |        |                        |           |            |         |              | x                   |
| <b>Total:</b> |        | <b>7</b>               |           |            |         |              | <b>2</b>            |

  
Robyn M. Hill  
Chief Counsel