

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 00-395

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IN THE MATTER OF :  
:  
RICHARD J. CARROLL :  
:  
AN ATTORNEY AT LAW :  
:

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

Decided: November 20, 2001

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

Pursuant to R. 1:20-4(f), the District VI 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 September 1, 2000, the DEC sent a copy of the complaint by regular and certified mail to respondent's last-known address, 12 Lincoln Parkway, Bayonne, New Jersey 07002. The certified mail was returned signed by R. Carroll. The regular mail was not returned. Respondent did not file an answer. On October 12, 2000, the DEC sent a second letter, informing respondent that the failure to file an answer would constitute an admission of the allegations contained in the complaint. Neither the certified mail return receipt card nor the certified mail envelope was returned. Again, the regular mail was not returned.

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

Respondent was admitted to the New Jersey bar in 1970. At the relevant times, he maintained an office in Secaucus, New Jersey, and resided in Bayone, New Jersey. Respondent has an extensive history of discipline.

In 1984, he was privately reprimanded for grossly neglecting a matter. In the Matter of Richard J. Carroll, Docket No. DRB 83-323 (December 4, 1984). Respondent received an admonition in 1995 for lack of diligence, failure to communicate, failure to turn over a client file to new counsel and failure to cooperate with disciplinary authorities. In the Matter of Richard J. Carroll, Docket No. DRB 95-017 (June 25, 1995). A second admonition was imposed in 1997 for respondent's lack of diligence and failure to communicate with a client. In the Matter of Richard J. Carroll, Docket No. DRB 97-289 (October 27, 1997). On December 7, 1999, respondent received a three-month suspension in a default matter for gross neglect, lack of diligence and failure to cooperate with ethics authorities. In re Carroll, 162 N.J. 97 (1999). In a second default, respondent was suspended for another three months on November 22, 2000 for failure to correct recordkeeping deficiencies and failure to cooperate with the OAE in connection with an audit. In re Carroll, 165 N.J. 566 (2000).

In May, 2001, we determined to impose a six-month suspension. In the Matter of Richard J. Carroll, Docket No. DRB 00-276 (May 15, 2001). In that default matter, respondent never prosecuted the complaint, which ultimately resulted in its dismissal. Moreover, he failed to disclose to his client that her complaint had been dismissed. As of the date of this decision, that matter is pending with the Court.

\* \* \*

In 1989, respondent was retained by Clinton Gutloff to file a personal injury claim on his behalf. For more than seven years, respondent failed to pursue the matter or keep the client informed about the case, despite numerous efforts by Gutloff to discuss the case with him. The first count of the two-count complaint charges respondent with violations of RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence) and RPC 1.4(a) (failure to communicate) in connection with respondent's representation of Gutloff.

In addition, despite a series of written and telephonic requests from the DEC investigator to respondent, respondent never provided a written reply to the grievance. The second count of the complaint charged respondent with a violation of RPC 8.1(b) (failure to cooperate with disciplinary authorities).

\* \* \*

Service of process was properly made in this matter, as evidenced by the return receipt bearing respondent's signature. Following a review of the record, we find that the facts recited 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).

The complaint contains sufficient facts to support the charged misconduct. Respondent failed to pursue Gutloff's matter or to keep him informed about the status of his case for more than seven years, in violation of RPC 1.1(a), RPC 1.3 and RPC 1.4(a). In addition, respondent never submitted a reply to the investigator, in violation of RPC 8.1(b), despite a series of attempts by the investigator to obtain his cooperation.

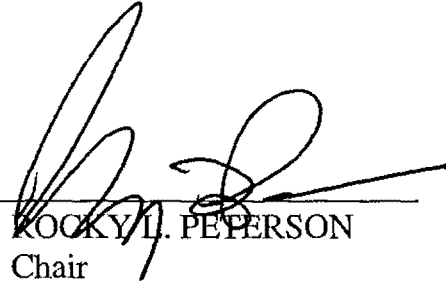
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In default cases dealing with similar violations, we generally impose a reprimand or short-term suspension. See, e.g., In re Gruber, 152 N.J. 451 (1998) (default; reprimand for respondent who, in a tax foreclosure matter, engaged in gross neglect, lack of diligence, failure to communicate, and failure to cooperate with ethics investigators) and In re Herron, 162 N.J. 105 (1999) (default; three-month suspension where respondent was paid a retainer but failed to take any action on behalf of his client, in violation of RPC 1.1(a), RPC 1.3, RPC 1.4(a) and RPC 8.1(b); prior suspensions contributed to the elevated quantum of discipline imposed). Here, respondent has demonstrated a continuing pattern of indifference to the disciplinary system – this is his third default – as well as an inability to conform to the standards of the profession, as shown by his extensive ethics history.

We therefore unanimously determined to suspend respondent for six months and until the conclusion of all pending ethics matters.

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

By: \_\_\_\_\_

  
ROCKY L. PETERSON  
Chair  
Disciplinary Review Board

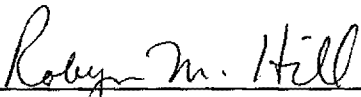
**SUPREME COURT OF NEW JERSEY**

**DISCIPLINARY REVIEW BOARD  
VOTING RECORD**

**In the Matter of Richard J. Carroll  
Docket No. DRB 00-395**

**Disposition: Six-month suspension**

Members	Disbar	Six-month suspension	Reprimand	Admonition	Dismiss	Disqualified	Did not participate
Hyerling		X					
Peterson		X					
Brody		X					
Boylan		X					
Lolla		X					
Maudsley		X					
O'Shaughnessy		X					
Schwartz		X					
Wissinger		X					
<b>Total:</b>		9					

  
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Robyn M. Hill  
Chief Counsel