

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 97-020

IN THE MATTER OF :
 :
LENNART CARLSON :
 :
AN ATTORNEY AT LAW :
 :

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

Decided: July 14, 1997

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 VIII Ethics Committee ("DEC") certified the record in this matter directly to the Board for the imposition of discipline, following respondent's failure to file an answer to the formal ethics complaint. Service of the complaint was made by regular and certified mail. The complaint was mailed to two addresses in New Brunswick: 77 Paterson Street, New Brunswick, New Jersey 08901 and 272 Hamilton Avenue, Apartment 24, New Brunswick, New Jersey 08901. The letter sent by regular and certified mail to the 77 Paterson Street address was returned with the notation "moved, left no address" and "returned to sender - not at this address." The letter forwarded by regular and certified mail to the 272 Hamilton Avenue address was also returned, marked "addressee unknown" and "unclaimed." Thereafter, on November 4, 1996, notice was published in the New Jersey Lawyer notifying respondent that a formal complaint had been filed

against him. Respondent did not file an answer to the formal complaint, despite proper service of process.

Respondent was admitted to the New Jersey bar in 1989. He has no prior ethics history.

The formal complaint charged respondent with violations of RPC 1.3 (lack of diligence), and RPC 1.4 (failure to keep client reasonably informed). Specifically, the complaint alleged that, in November 1994, respondent was retained by Judith Parker to represent her in connection with a wage execution for child support payments. Respondent was paid \$500 for those services. In May 1995, more than six months after respondent was retained, Parker still had not received any verbal or written communications from respondent. She attempted to contact respondent by both telephone and letter to determine when the case would be filed with the court, but was unsuccessful.

In June 1995, Parker reached respondent, at which time he told her that he had been ill during the month of May and that he had drafted some documents for her signature. He further indicated that he needed a copy of the court order formalizing her divorce. Parker then "faxed" a copy of the requested documents to respondent's office. Respondent assured her that the court proceeding would be resolved within six weeks.

In August 1995, after not having received any communication from respondent, Parker tried to call him, but found out that his telephone had been disconnected. When she went to the former location of respondent's office, the office was locked and vacant. On August 7, 1995, Parker sent a letter to respondent referring to her previous letters and reminding him of his assurances that her matter would be filed and resolved within a specified period of time. The letter further indicated that Parker had not received copies of any documents that had supposedly been prepared. Parker

questioned whether any action had been taken at all, and, in her letter, requested a response within twenty-four hours, or she would file an ethics complaint against respondent.

On August 8, 1995, respondent wrote to Parker advising her that a substantive portion of the motion had been completed and was ready for filing, but that he could not accept the "faxed" copy of the divorce court order that she had provided earlier. Respondent indicated that the delay was caused by the necessity of having to write to "Trenton" in order to get an original copy of the order. The letter gave Parker assurances that respondent had not forgotten about her case and that he expected to receive the document from Trenton in the near future so that the papers could be filed.

As of the date of the filing of the formal ethics complaint, September 12, 1996, the above letter was the only communication initiated by respondent. Also, as of that date, respondent did not perform the services for which he was retained, did not maintain a telephone number or office location where he could be reached, and failed to respond to any of the inquiries by the DEC.

* * *

Following a de novo review of the record, the Board deemed the allegations contained in the complaint admitted. R. 1:20-4(f)(1). The record contains sufficient evidence of respondent's unethical conduct.

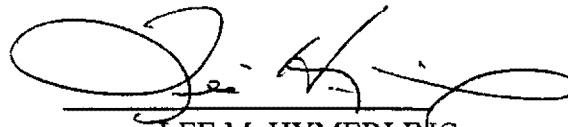
This leaves only the issue of appropriate discipline. Similar misconduct has resulted in a three-month suspension. See In re Kates, 137 N.J. 102 (1994) (where attorney was suspended for three months for failing to act with reasonable diligence, failing to comply with reasonable requests from his client, and hindering the ethics investigation by failing to cooperate with the committee); In re Moorman, 135 N.J. 1 (1994) (where attorney was suspended for three months for grossly

neglecting a client matter, failing to act with reasonable diligence and failing to keep a client reasonably informed).

In light of the foregoing, the Board unanimously determined to impose a three-month suspension. The Board considered that, although respondent had no prior record of discipline, a suspension was required for respondent's abandonment of his client.

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

Dated: 2/14/57



LEE M. HYMERLING
Chair
Disciplinary Review Board

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Lennart Carlson
Docket No. 97-020

Decided: July 14, 1997

Disposition: Three-Month Suspension

Members	Disbar	Three-Month Suspension	Reprimand	Admonition	Dismiss	Disqualified	Did not Participate
Hymerling		X					
Zazzali		X					
Cole		X					
Lolla		X					
Maudsley		X					
Peterson		X					
Schwartz		X					
Thompson		X					
Total:		8					

By Robyn M. Hill 8/4/97
Robyn M. Hill
Chief Counsel