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SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 98-164

IN THE MATTER OF :
:
ANTONIO VELAZQUEZ, :
:
AN ATTORNEY AT LAW :
:

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

Decided: December 17, 1998

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 XI 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.

On January 30, 1998 the DEC served a copy of the complaint on respondent by certified and regular mail both to his last known residence address, as it appeared in the records of the Office of Attorney Ethics ("OAE"), and his last known address provided by

respondent to the DEC. Both certified and regular mail were returned as undeliverable, with the notation that respondent had left no forwarding address. Notices published in the *North Jersey Herald and News* on February 14, 1998 and in the *New Jersey Lawyer* on March 2, 1998, respectively, directed respondent to contact the DEC about the complaint. Respondent did not file an answer.

Respondent was admitted to the New Jersey bar in 1988. At the relevant times he maintained an office in Clifton, New Jersey.

Respondent was temporarily suspended by the New Jersey Supreme Court on September 17, 1997, following his former secretary's allegations of financial improprieties. In March 1998 (DRB 97-455), the Board voted to suspend respondent for three months for his abandonment of seven matters.

According to the first count of the complaint, in May 1997 respondent was retained by Carmen Ramos to file a bankruptcy petition. After respondent received a retainer from Ramos, he did not contact her or make himself available to answer her questions about the case. Additionally, respondent failed to file the bankruptcy petition on behalf of Ramos. The complaint charged respondent with gross neglect [RPC 1.1(a)], lack of diligence (RPC 1.3), failure to keep his client reasonably informed about the status of the matter [RPC 1.4(a)] and conduct demonstrating a pattern of neglect [RPC 1.1(b)].

The second count of the complaint charged that, in July 1995, respondent was retained by Grisel Estopinan to file immigration papers for herself and her children. Respondent met

with Estopinan four times at the Immigration and Naturalization Service (“INS”) in Newark. On three of those occasions respondent did not bring the necessary papers with him or enter the INS office. Moreover, on the fourth occasion respondent failed to appear at the INS office. Consequently, Estopinan had to retain new counsel. The second count of the complaint charged respondent with gross neglect, RPC 1.1(a), lack of diligence, RPC 1.3 and pattern of neglect, RPC 1.1(b).

* * *

Following a de novo review of the record, the Board deemed the allegations of the complaint admitted. R. 1:20-4(f)(1). The record contains an adequate factual basis to find unethical conduct on respondent’s part.

The facts recited in the complaint support the charges that respondent exhibited gross neglect and a lack of diligence in both counts and failed to keep his client informed about the status of the matter in the first count, in violation of RPC 1.1(a), RPC 1.3 and RPC 1.4(a), respectively. Additionally, this complaint alleges two incidences of gross neglect, in addition to the pattern of neglect exhibited in seven other matters (DRB 97-455). Therefore, respondent has continued to exhibit a pattern of neglect, in violation of RPC 1.1(b).

Generally, similar misconduct has led to the imposition of an admonition or a reprimand. See In the Matter of Ben W. Payton, DRB 97-247 (1997) (admonition for gross neglect, lack of diligence and failure to communicate); In the Matter of Vera E. Carpenter, DRB 97-303 (1997) (admonition for lack of diligence and failure to communicate); In re Gordon, 139 N.J. 606 (reprimand for gross neglect, failure to act with reasonable diligence, failure to keep client informed and failure to return file to client); In re Carmichael, 139 N.J. 390 (reprimand for lack of diligence and failure to communicate) and In re Wildstein 138 N.J. 48 (1994) (reprimand for gross neglect and lack of diligence in two matters and failure to communicate in a third matter). Because of respondent's failure to answer the complaint, however, the Board unanimously determined that a reprimand, instead of an admonition, should be imposed. One member did not participate.

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

Dated: 12/17/98

By: 

LEE M. HYMERLING

Chair

Disciplinary Review Board

SUPREME COURT OF NEW JERSEY

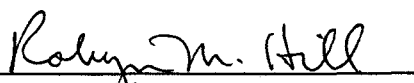
**DISCIPLINARY REVIEW BOARD
VOTING RECORD**

**In the Matter of Antonio Velazquez
Docket No. DRB 98-164**

Decided: December 17, 1998

Disposition: Reprimand

Members	Disbar	Suspension	Reprimand	Admonition	Dismiss	Disqualified	Did not Participate
Hymerling			x				
Zazzali							x
Brody			x				
Cole			x				
Lolla			x				
Maudsley			x				
Peterson			x				
Schwartz			x				
Thompson			x				
Total:			8				1


Robyn M. Hill 12/30/98
Chief Counsel