

SUPREME COURT OF NEW JERSEY
Disciplinary Review Board
Docket No. DRB 99-420

IN THE MATTER OF
JOHN J. DUDAS, JR.
AN ATTORNEY AT LAW

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

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

Pursuant to R. 1:20-4(f), the District IIA 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.

Respondent was suspended from the practice of law for six months, on December 10, 1999, for gross neglect, lack of diligence, failure to communicate, failure to cooperate with the ethics authorities and conduct involving dishonesty, fraud, deceit or misrepresentation. In re Dudas, 162 N.J. 101(1999). By Supreme Court Order dated January 12, 1999, he was suspended for three months for lack of diligence, failure to safeguard property, unauthorized

practice of law and failure to cooperate with disciplinary authorities. In re Dudas, 156 N.J. 541(1999). Both of the suspension matters proceeded on a default basis, pursuant to R. 1:20-4(f)(1). Respondent was also admonished, by letter dated November 29, 1995, for failure to return client telephone calls and failure to cooperate with disciplinary authorities. In the Matter of John J. Dudas, Jr., Docket No. DRB 95-383.

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On September 22, 1999, a copy of the complaint was sent to respondent's last known office address at 14 West Madison Avenue, Dumont, New Jersey, by certified mail and regular mail. The certified mail receipt was signed by respondent. The regular mail was not returned.

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

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From December 1994 to September 1995, respondent was declared ineligible to practice law in the state of New Jersey because of his failure to pay the annual assessment to the New Jersey Lawyers' Fund for Client Protection ("CPF").

In June 1995 respondent undertook the legal representation of the estate of Marie B. Ciappio and/or the executor of that estate, Joel Ciappio, and performed legal services for the estate until about November 1998.

The complaint charges that respondent's practice of law during the period of ineligibility constituted a violation of RPC 5.5(a) (unauthorized practice of law) and R. 1:28-2.

Service of process was proper. Following a review of the record, we found sufficient factual basis in the complaint to support the charges that respondent practiced law, while ineligible, from December 1994 until September 1995.


Conduct of this sort has generally resulted in an admonition. See In the Matter of Edward Wallace, Docket No. DRB 97-381(1997) (admonition where an attorney appeared twice in a criminal matter while ineligible to practice); In the Matter of Peter E. Hess, Docket No. DRB 96-262 (1996) (admonition where attorney practiced law while ineligible and failed to maintain a bona fide office). Reprimands have been imposed where the attorney committed other misconduct, in addition to practicing law while ineligible or where there were aggravating circumstances. See In re Namias, 157 N.J. 15 (1999) (reprimand for practicing law while ineligible, lack of diligence and failure to communicate with a client); In re Alston, 154 N.J. 83 (1998) (reprimand for practicing law while ineligible and failure to cooperate with disciplinary authorities); In re Armor, 153 N.J. 359 (1998)(reprimand for practicing law while ineligible, gross neglect, failure to communicate and failure to maintain a bona fide office); and In re Gaskins, 151 N.J. 3 (1997) (reprimand for practicing law while ineligible, failure to maintain a bona fide office and failure to maintain trust and business accounts in an

approved banking institution). We have suspended attorneys who, in addition to practicing law while ineligible, have failed to cooperate with ethics authorities). See, e.g., In re Van Sciver, 158 N.J. 4 (1999)(three-month suspension imposed where, for a period of six months and in three separate matters, the attorney practiced law while on the eligible list; the attorney also failed to cooperate with ethics authorities).

Because this is respondent's third matter to proceed on a default basis in the last several years, we have determined that a term of suspension is in order. Clearly, respondent continues to show disdain for the disciplinary process by repeatedly ignoring ethics charges against him. Under these circumstances, a seven-member majority voted to impose a six-month suspension. Two members would have imposed a three-month suspension.

We also required respondent to reimburse the Disciplinary Oversight Committee for administrative expenses.

Dated: 10/18/00


LEE M. HYMERLING
Chair
Disciplinary Review Board

SUPREME COURT OF NEW JERSEY

*DISCIPLINARY REVIEW BOARD
VOTING RECORD*

**In the Matter of John J. Dudas, Jr.
Docket No. DRB 99-420**

Decided: October 18, 2000

Disposition: Six-month suspension

Members	Three-month Suspension	Six-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					
Total:	2	7					

By Robyn M. Hill 12/05/00
Robyn M. Hill
Chief Counsel