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February 14, 2002

## Certified Mail - R.R.R. and Regular Mail

Samuel L. Sachs, Esq.  
379 Princeton-Hightstown Road  
East Windsor, New Jersey 08520

Re: In the Matter of Samuel L. Sachs  
Docket No. DRB 01-429  
**LETTER OF ADMONITION**

Dear Mr. Sachs:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, in late November 1996, National Pool Construction, Inc. (National Pool) retained you to represent it, as well as Dan and Dave Katzman, to defend a civil action. On January 23, 1997, default was entered against all defendants for failure to file an answer. In late May 1997, the plaintiff moved for entry of final judgment by default. Although you prepared an answer and counterclaim and a motion to vacate the default, they were rejected by the court because the checks accompanying them had been made payable to the Clerk, Somerset County, instead of Superior Court of New Jersey. On August 20, 1997, the plaintiff's attorney wrote to you inquiring about the motion to vacate the default. You did not reply to counsel's letter. On September 3, 1997, plaintiff's attorney moved for the entry of a default judgment and, on October 2 and October 7, 1997, submitted supplemental certifications to the court. Although your office received copies of the above documents, you did not communicate with your adversary or oppose the motion. Accordingly, on December 1, 1997, a judgment by default was entered against National Pool and the Katzmans. It was only in or about October 1998, when Dan Katzman attempted to refinance his mortgage loan, that a judgment search revealed the existence of a \$69,600 default judgment in favor of the plaintiff. You then filed a motion to vacate the default, which was denied, as well as a

I/M/O Samuel L. Sachs

motion for reconsideration, which was also denied. On or about April 9, 1999, you searched your secretary's desk and found more than two boxes of opened and unopened correspondence and bills. Your secretary admitted that she had become overwhelmed and had hidden all evidence of her inability to handle the office's legal and administrative work. Your conduct in this matter was unethical and violated *RPC* 1.3, *RPC* 5.3(a) and *RPC* 5.3(b).

In another matter, on May 7, 1998, you filed an answer and counterclaim on behalf of National Pool in a civil action filed by Bodden. When your client failed to submit answers to interrogatories, Bodden's attorney wrote you a letter on August 2, 1998, indicating his intention to file a motion to suppress National Pool's answer if the interrogatories were not provided within five days. On August 7, 1998, your secretary mailed the blank interrogatories to National Pool. On August 19, 1998, Bodden's attorney filed a motion to suppress National Pool's answer. On September 11, 1998, Bodden's attorney informed you that he had not received answers to interrogatories or a response to his motion to suppress the answer. Ultimately, the court dismissed National Pool's answer and counterclaim with prejudice and entered a judgment against National Pool in the amount of \$17,281.75. It was not until April 21, 1999 that you apprised your client of these developments, caused by your secretary's delay in sending interrogatories to National Pool and her hiding the *Bodden* case correspondence from you. Your conduct was unethical and in violation of *RPC* 5.3(a) and *RPC* 5.3(b).

In a third matter, on May 26, 1997, you filed a complaint for foreclosure on Mr. Katzman's behalf. You did not, however, file a notice of *lis pendens*, failed to include in the foreclosure action one party whose judgment predated the filing of the complaint, issued defective summonses in the matter and failed to comply with the requirements of the Fair Foreclosure Act before filing the complaint. When the court notified you of the deficiencies in the filing, you advised Mr. Katzman that you would start the foreclosure action again and that you would hire a foreclosure service at no additional legal fees to him. In essence, you delegated the foreclosure proceeding to a third party and to your secretary. On June 5, 1998, at the suggestion of the foreclosure service, you applied for injunctive relief to permit the foreclosure action to proceed, notwithstanding your failure to comply with the Fair Foreclosure Act. On June 26, 1998, the motion was denied without prejudice. Thereafter, a second amendment to the foreclosure complaint was filed in August 1998, stating that "a Notice of Intention was mailed to the debtor(s) in compliance with the Fair Foreclosure Act." That statement was false. Your secretary signed your name to the second amendment and filed it with the court. Your conduct in this matter was unethical and violated *RPC* 5.3(a) and *RPC* 5.3(b).

I/M/O Samuel L. Sachs

In a final matter, in April or May 1998, National Pool forwarded to your office a complaint in a civil action filed against it by Aetwan. On June 29, 1998, your secretary signed your name to a stipulation extending the time to answer. On April 16, 1999, your office received a notice of motion to enter default, filed by Aetwan's attorneys. On April 20, 1999, National Pool sent to your office a copy of the same motion. Shortly thereafter, Mr. Katzman terminated your services and retained new counsel. The mishandling of this matter was caused by your secretary's conduct and failure to advise you of the existence of the *Aetwan* case. Your conduct in this matter was unethical and in violation of *RPC* 5.3(a) and *RPC* 5.3(b).

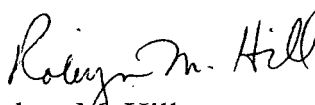
In imposing only an admonition, the Board considered that, prior to these incidents, you had ably represented your client for eleven years, that the majority of your ethics infractions were caused by your secretary's conduct and that you have no record of prior discipline since your admission to the New Jersey bar in 1982.

Your conduct adversely reflected not only upon you as an attorney, but also upon all members of the bar. Accordingly, the Board has directed the issuance of this admonition to you. *R.* 1:20-15(f)(4).

A permanent record of this occurrence has been filed with the Clerk of the Supreme Court and the Board's office. Should you become the subject of any further discipline, it will be taken into consideration.

The Board has also directed that the costs of the disciplinary proceedings be assessed against you. An affidavit of costs will be forwarded under separate cover.

Very truly yours,

  
Robyn M. Hill

RMH:ms

- c. Chief Justice Deborah T. Poritz  
Associate Justices  
Stephen W. Townsend, Clerk, Supreme Court of New Jersey  
Rocky L. Peterson, Chair, Disciplinary Review Board  
David E. Johnson, Jr., Director, Office of Attorney Ethics  
Juan Perez, Chair, District IV Ethics Committee  
Mark Kancher, Secretary, District IV Ethics Committee  
Hal K. Haveson, Respondent's counsel  
National Pool Company, Grievant