

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 00-217

---

IN THE MATTER OF :  
: :  
WILLIAM C. GASPER, JR. :  
: :  
AN ATTORNEY AT LAW :  
:

---

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

Decided: January 22, 2001

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 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 March 23, 2000, the OAE hand-delivered two copies of the complaint to the respondent’s attorney’s office, as permitted by R. 1:20-7(h). A copy was also sent to the respondent’s home address of 922 West Montgomery Avenue, Bryn Mawr, Pennsylvania

19010, by regular mail. When respondent did not file an answer, the OAE sent respondent's counsel a second letter, on June 16, 2000, by regular mail directed to the same address. A copy of that letter was also sent to respondent's home address, via regular mail. The letter advised respondent that, if he did not reply within five days, the charges would be deemed admitted and the matter would be certified to the Board for the imposition of sanctions. Respondent did not file an answer to the complaint.

Respondent was admitted to the New Jersey bar in 1979. At all relevant times, he maintained law offices in Whiting, New Jersey.

Respondent was temporarily suspended on March 14, 2000, following the discovery of trust overdrafts. Respondent remains suspended to date. In re Gasper, 163 N.J. 25 (2000).

In 1997, respondent received a reprimand for violations of RPC 1.1(a) and (b) (gross neglect and pattern of neglect), RPC 1.3 (lack of diligence), RPC 1.4(a) and (b) (failure to communicate with the client and to explain the matter to the extent reasonably necessary to permit the client to make informed decisions about the representation) and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). In re Gasper, 149 N.J. 20 (1997).

The formal ethics complaint alleges four counts of unethical conduct. Each count charges respondent with violations of RPC 1.15(a) (under the principles of In re Wilson, 81 N.J. 451 (1979), and In re Hollendonner, 102 N.J. 21 (1985), knowing misappropriation

of trust funds) and RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation).

According to the complaint, as of November 19, 1999, respondent's trust account showed a balance of \$100,624.19. Respondent should have been holding \$83,516.11 for the estate of Paul Mais, \$96,000 for Jean Ernst, \$102,908.08 for Marjorie and Raymond Crosby and \$108,527.63 for Kurt Naestle, for a total of \$390,951.82.

The complaint alleges that respondent dissipated these trust account funds through expenditures for other clients and for himself. None of these expenditures were made with the knowledge or consent of any of the clients to whom the funds belonged.

Although it is apparent that respondent cooperated with the OAE audit, as shown by various account records reviewed by the auditor, respondent did not comply with the OAE's subsequent requests for information about the funds.

\* \* \*

Service of process was proper. Therefore, the matter may proceed as a default. Pursuant to R. 1:20-4(f)(1), the allegations of the complaint are deemed admitted.

Respondent knowingly misappropriated the Crosby, Ernst, Naestle and Mais estate trust funds, in violation of RPC 1.15(a) and RPC 8.4(c). Respondent's attorney trust account records reveal that respondent depleted approximately \$300,000 in trust funds, by

making expenditures on behalf of other clients and by using the funds for his own business purposes. Respondent's trust account balance of \$100,624.19, on November 19, 1999, was insufficient to cover the total \$390,951.82 in clients' funds that should have remained intact in his attorney trust account. Moreover, respondent never had the consent of any of the clients to use any client trust funds.

This leaves only the appropriate measure of discipline. Here, respondent knowingly misappropriated a total of \$290,327.63 in four client matters. His disbarment is required. In re Wilson, 81 N.J. 451 (1979). Accordingly, we unanimously determined to disbar respondent. Two members did not participate in the hearing of this matter.

We further direct that respondent reimburse the Disciplinary Oversight Committee for administrative costs.

Dated: 1/22/01

By: 

LEE M. HYMERLING  
Chair  
Disciplinary Review Board

**SUPREME COURT OF NEW JERSEY**

**DISCIPLINARY REVIEW BOARD  
VOTING RECORD**

**In the Matter of William C. Gasper, Jr.  
Docket No. DRB 00-217**

**Decided: January 22, 2001**

**Disposition: Disbar**

Members	Disbar	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						
<b>Total:</b>	7						2

By Isabel Frank 5/16/01  
Robyn M. Hill  
Chief Counsel