

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 99-172

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IN THE MATTER OF :  
 :  
WESLEY S. ROWNIEWSKI, :  
 :  
AN ATTORNEY AT LAW :  
 :

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

Decided: February 22, 2000

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 VA 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 January 27, 1999, the DEC served a copy of the complaint to respondent's office address, via regular and certified mail. The certified mail return receipt was returned, indicating delivery on January 28, 1999. The signature of the agent accepting delivery was not that of respondent. The regular mail was not returned. On March 3, 1999, a second copy

of the complaint was served on respondent at his office address. The certified mail return receipt was again returned, indicating acceptance; the accepting agent's signature was not respondent's. The regular mail was not returned.

Since service of process was presumed made, this matter proceeded as a default. On May 28, 1999, respondent filed a motion to vacate the default. The Board denied the motion because respondent failed to state a meritorious defense to the allegations of the complaint.

Respondent was admitted to the New Jersey bar in 1991. He has no disciplinary history.

According to the complaint, in February 1995 Allen L. Little retained respondent to represent him in a workers' compensation matter. On or about December 6, 1995, Little's case was dismissed for failure to answer interrogatories. Respondent was sent a copy of the order of dismissal. Later, respondent did provide answers to interrogatories, but took no action to have the case reinstated. As of February 1998, the filing date of this complaint, the case remained dismissed.

The complaint charged respondent with a violation of RPC 1.3 (lack of diligence).

\* \* \*

Service of process was proper in this matter. Following a review of the complaint, we found that the facts recited therein support a finding of unethical conduct. Because respondent failed to file an answer, the allegations of the complaint are deemed admitted. R.


1:20-4(f)(1).

Respondent's failure to answer interrogatories and consequent order of dismissal, coupled with his failure to take action to have the case reinstated, constitutes violations of RPC 1.3 (lack of diligence) and RPC 1.1(a) (gross neglect). Although the complaint did not charge a violation of RPC 1.1(a), the facts alleged in the complaint provide a sufficient basis for a finding of this violation. In re Logan, 70 N.J. 222, 232 (1976).

This leaves only the appropriate measure of discipline. Normally, conduct of this sort merits an admonition, where only one or a few matters are involved. See, e.g., In the Matter of Raymond A. Aslaksen, Docket No. DRB 95-391 (November 27, 1995) (admonition where the attorney failed to serve answers to interrogatories or to provide an expert on the issue of malpractice, resulting in the suit's dismissal); In the Matter of Dexter B. Blake, Docket No. DRB 95-223 (April 3, 1996) (admonition where attorney failed to provide answers to interrogatories, resulting in the case's dismissal; the attorney neglected to take action to have the case reinstated). In this matter, because respondent failed to file an answer to the formal complaint, we unanimously determined to elevate the degree of discipline to a reprimand.

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

Dated: 2/9/07

By:   
LEE M. HYMERLING  
Chair  
Disciplinary Review Board

**SUPREME COURT OF NEW JERSEY**

**DISCIPLINARY REVIEW BOARD  
VOTING RECORD**

**In the Matter of Wesley S. Rowniewski  
Docket No. DRB 99-172**

**Decided: February 22, 2000**

**Disposition: Reprimand**

Members	Disbar	Suspension	Reprimand	Admonition	Dismiss	Disqualified	Did not Participate
Hymerling			X				
Cole			X				
Boylan			X				
Brody			X				
Lolla			X				
Maudsley			X				
Peterson			X				
Schwartz			X				
Wissinger			X				
<b>Total:</b>			9				

By Label Seal 3/22/00  
Robyn M. Hill  
Chief Counsel