

Book

SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 97-098

---

IN THE MATTER OF :  
 :  
G. ROBERT PATTERSON :  
 :  
AN ATTORNEY AT LAW :  
 :

---

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

Decided: September 30, 1997

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 IV 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. Because prior attempts to serve respondent in numerous other matters were unsuccessful, service of the complaint in this case was made by publication in the January 13, 1997 issue of the New Jersey Lawyer.

Respondent was admitted to the New Jersey bar in 1990. He has an extensive ethics history. On May 20, 1996, he was temporarily suspended by consent for an alleged pattern of neglect in over a dozen matters. Two matters were recently filed with the Supreme Court:

in Docket No. 96-363, the Board determined to impose a six-month suspension for violations of RPC 1.1(b) (pattern of neglect), RPC 1.3 (lack of diligence), RPC 1.4(a) (failure to communicate), RPC 1.16(d) (failure to surrender client property) and RPC 8.1(b)(failure to cooperate with disciplinary authorities); in Docket Nos. DRB 96-473 and 96-474, the Board determined to suspend respondent for a period of two years, to begin at the conclusion of the prior six-month suspension, for violations of RPC 1.1(a) (gross neglect - sixteen counts), RPC 1.1(b) (pattern of neglect - two counts), RPC 1.3 (lack of diligence - sixteen counts), RPC 1.4(a) (failure to communicate - sixteen counts), RPC 1.16(d) (failure to surrender file and refund fees - two counts), RPC 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation - eleven counts) and RPC 8.4(d) (conduct prejudicial to the administration of justice - one count).

The formal complaint in the instant matter charged respondent with violations of RPC 1.1(a) (gross neglect), RPC 1.1(b) (pattern of neglect), RPC 1.3 (lack of diligence), RPC 1.4(a) (failure to communicate), RPC 1.16(d) (failure to return file and unearned retainer) and RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit or misrepresentation).

According to the facts alleged in the complaint, respondent was retained by Daniel Schroeder ("grievant") to file a bankruptcy petition. Grievant paid respondent \$410 for attorney and filing fees. In January 1996, the Division of Motor Vehicles ("DMV") notified grievant that, if he did not pay past-due surcharges by January 14, 1996, his driver's license would be suspended. Grievant contacted respondent, requesting proof of the bankruptcy petition so that he could forward it to the DMV. Respondent told grievant that he had filed

the bankruptcy petition and that the DMV had sent the collection notice in error. Respondent gave grievant a copy of the bankruptcy petition stamped "filed." In March 1996, grievant left numerous messages on respondent's voicemail in an attempt to obtain a status report about the case. Respondent did not return any of the messages and did not notify grievant that, on May 15, 1996, he was temporarily suspended from the practice of law. Respondent did not return grievant's file or unearned fees.

In July 1996, after grievant again attempted to reach respondent by telephone, he discovered that respondent's telephone had been disconnected. Grievant proceeded to respondent's law office, only to find it vacant. When grievant contacted the bankruptcy court to inquire about his case, he was notified that not only had respondent failed to file the bankruptcy petition, but he had forged the "filed" stamp on the copy of the petition he had given to grievant. The "filed" stamp had been photocopied from a petition respondent had prepared for another client.

\* \* \*

Following a de novo review of the record, the Board deemed the allegations contained in the complaint admitted. The record contains sufficient evidence of respondent's unethical conduct.

This leaves only the issue of appropriate discipline. Similar misconduct has resulted in disbarment. In In re Cohen, 120 N.J. 304 (1990), the attorney was disbarred for misrepresenting to a client that a personal injury action had been filed and creating a fictitious docket number. He filed the complaint twelve days after the expiration of the

statute of limitations and subsequently altered the date on the copies of the complaint that he served on defendants. In addition, after the complaint was dismissed, the attorney misrepresented to the client for two years that the matter was still pending. Finally, the attorney failed to cooperate with the disciplinary authorities, including not appearing at the DEC and the Board hearings. He had previously been suspended for one year for misappropriation, gross negligence, conflict of interest and recordkeeping violations. The attorney had also received a private reprimand for misrepresentation. In essence, the Court determined that the attorney was irremediable.

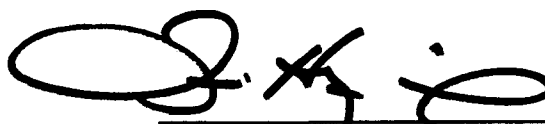
Here, respondent has a significant prior ethics history, including six-month and two-year suspensions. He failed to reply to the grievance, answer the complaint and attend the Board hearing – as he did in at least two prior Board matters. He made no attempt to offer any explanation or mitigating factors for his misconduct. In light of respondent's repetitive and flagrant disregard for his clients, the Court and the entire attorney disciplinary system, disbarment is the only appropriate sanction. *In re Cohen, supra*.

The Board unanimously determined to recommend that respondent be disbarred. Two members did not participate.

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

Dated: \_\_\_\_\_

9/20/57



LEE M. HYMERLING  
Chair  
Disciplinary Review Board

---

**SUPREME COURT OF NEW JERSEY**  
**DISCIPLINARY REVIEW BOARD**  
**VOTING RECORD**

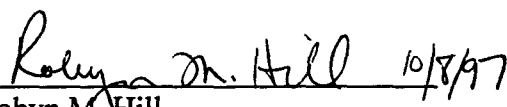
**In the Matter of G. Robert Patterson**  
**Docket No. 97-098**

---

**Decided: September 30, 1997**

**Disposition: Disbar**

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

  
Robyn M. Hill  
Chief Counsel