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November 21, 2016

Genia C. Philip
c/o John McGill, III, Esq.
406 Grant Avenue
Edgewater Park, New Jersey 08010

Re: In the Matter of Genia C. Philip
Docket No. DRB 16-307
District Docket No. VA-2015-0010E
LETTER OF ADMONITION

Dear Ms. Philip:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Following a review of the record, the Board determined to impose an admonition.

Specifically, in August 2013, you agreed to represent Erroll Stephenson for a divorce initiated by his then wife. On September 13, 2013, Stephenson signed a written fee agreement under which you received a \$1,500 flat fee to (1) file a motion to vacate a default judgment; (2) file a divorce complaint and supporting documents; (3) appear at hearings; and (4) give counsel and advice.

Although you were aware, on September 13, 2013, that the time for filing an answer already had expired, you did not file a motion to vacate default until six weeks later, on October 25, 2013. Furthermore, your motion was deficient due to your failure to attach the required case information statement and answer, pursuant to R. 4:43-3.

When, on October 9, 2013, Stephenson returned to your office to pay the final fee installment, you were aware that counsel for

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his wife had, in the interim, filed a motion for entry of final judgment by default, returnable on October 31, 2013. That notwithstanding, you did not file any opposition to the motion for final judgment, which was granted on October 31, 2013.

The following day, November 1, 2013, you sent your first correspondence in the case to your adversary, advising of your representation and requesting documents, including a copy of the final judgment order.

Six weeks later, on December 11, 2013, you re-filed your original motion to vacate the default, this time in an attempt to vacate the final judgment. That motion, however, suffered from some of the same deficiencies as your original motion to vacate default. Thus, on January 17, 2014, the court denied the motion to vacate final judgment based on your failure to provide (1) proof of service; (2) an answer to the complaint; and (3) a statement of good cause as to why the judgment should be vacated.

The Board found that you lacked diligence by your failure to prosecute your client's claim, a violation of RPC 1.3.

The Board further found that you failed to keep your client reasonably informed about the status of his case. Although you engaged in some communications with Stephenson during the course of your representation, you failed to explain important aspects of the case to him, such as that you failed to promptly file motions and that they had been dismissed as deficient, resulting in the entry of final judgment against him.

The Board considered in aggravation, that your client was permanently foreclosed from participating in his divorce action. In mitigation, however, the Board took into consideration your unblemished ethics history and your ultimate recognition of wrongdoing.

Your conduct has 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.

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

Very truly yours,



Ellen A. Brodsky
Chief Counsel

EAB/alc

c: Chief Justice Stuart Rabner
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