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RICHARD J. HUGHES JUSTICE COMPLEX
P.O. BOX 962
TRENTON, NEW JERSEY 08625-0962
(609) 292-1011

ELLEN A. BRODSKY
CHIEF COUNSEL
PAULA T. GRANUZZO
DEPUTY CHIEF COUNSEL
MELISSA URBAN
FIRST ASSISTANT COUNSEL
TIMOTHY M. ELLIS
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ASSISTANT COUNSEL

January 24, 2017

VIA CERTIFIED MAIL, R.R.R. & REGULAR MAIL

Brian LeBon Calpin
6 North Main Street
Medford, New Jersey 08055

Re: In the Matter of Brian LeBon Calpin
Docket No. DRB 16-287
District Docket No. IV-2015-0012E
LETTER OF ADMONITION

Dear Mr. Calpin:

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 February 2013, Nancy McLelland retained you to represent her in a divorce action. In May 2013, McLelland stopped making monthly payments on your \$2,000 flat fee, and ceased communicating with you from June through early September 2013. In addition, you mistakenly sent letters to McLelland, from February through September 2013, to an incorrect address.

In August 2013, your adversary filed a motion to dismiss McLelland's pleadings. You admittedly filed no opposition to that motion, claiming that, without your client's cooperation, you could not do so.

Neither you nor McLelland appeared for a September 9, 2013 trial. However, you had another matter, in addition to McLelland's, scheduled before the same judge that day. On September 5, 2013, one of your close family members passed away,

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and you had obtained an adjournment in the other matter, in order to attend the relative's September 9, 2013 funeral out of state. Because you had inadvertently neglected to diary the McLelland trial date, you did not seek an adjournment of her trial.

On September 9, 2013, while you were attending the out-of-state funeral, your adversary called you from court, on behalf of the judge, concerning your absence. You explained that you were attending the funeral of a close family member, that you must have failed to diary the McLelland matter, and that the judge had granted your adjournment request in another matter. Your adversary told the judge only that you were attending to a personal matter, without providing necessary details to explain your absence.

Your adversary's minimal explanation left the judge with insufficient information to make the connection between the granted adjournment in the other matter and your absence from McLelland's trial. The judge immediately granted the husband a default divorce and instructed your adversary to relay his ruling to you over the telephone. The Board considered that, if your adversary had provided the judge with a more complete explanation for your absence, the judge might have adjourned the trial.

Upon returning from the funeral, however, you took no action at that critical juncture to (1) contact the court to ascertain why the judge had ruled against your client on the trial date, when your adversary had presumably told the judge about the funeral or (2) seek to reinstate McLelland's pleadings and set aside the default so that you could argue the merits of her case.

The Board concluded that, by failing to take action to protect your client's claims in the immediate aftermath of the trial, you exhibited a lack of diligence, a violation of RPC 1.3.

In aggravation, you received a June 2014 reprimand for conduct that included lack of diligence. That sanction was meted out nine months after your September 2013 misconduct in this matter. Nevertheless, the investigation into the reprimand matter commenced in September 2012 and, on April 4, 2013, you consented to the filing of a motion for discipline by consent in that matter. Therefore, you should have had a heightened awareness in this later matter that lack of diligence cannot be tolerated.

In mitigation, the Board considered that your client might not have cooperated with your efforts to move the case forward. Furthermore, your explanation for your absence from trial was legitimate, inasmuch as you did not simply fail to appear.

On balance, because this single instance of lack of diligence occurred under unusual circumstances, for a client whom you

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continued to serve largely without payment of your fee, the Board determined that an admonition is the appropriate sanction.

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.

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/paa

c: Chief Justice Stuart Rabner
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