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April 25, 2018

VIA REGULAR MAIL AND E-MAIL

Ronald W. Spevack, Esq.
c/o Pamela Lynn Brause, Esq.
Brause, Brause & Ventrice, LLC
276 Main Street
Metuchen, New Jersey 08840

Re: In the Matter of Ronald W. Spevack
Docket No. DRB 18-055
District Docket No. VIII-2015-0053E
LETTER OF ADMONITION

Dear Mr. Spevack:

The Disciplinary Review Board has reviewed the motion for discipline by consent (reprimand or such lesser discipline as the Board may deem warranted), filed by the District VIII Ethics Committee in the above matter, pursuant to R. 1:20-10. Following a review of the record, the Board determined to grant the motion and to impose an admonition for your violation of RPC 1.1(a) (gross neglect), RPC 1.3 (lack of diligence), RPC 1.4(b) (failure to communicate with the client), and RPC 1.5(b) (failure to communicate in writing the basis or rate of the fee).

Specifically, on September 9, 2013, Charles Logan, your client and the grievant in this matter, underwent heart surgery. In June 2014, you agreed to represent Mr. Logan in a medical malpractice action arising from the procedure. Although this was your first representation of Mr. Logan, you did not communicate to him, in writing, the basis or rate of your fee, a violation of RPC 1.5(b).

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On June 24, 2014, you informed Mr. Logan that an expert physician should review the matter and collected \$1,350 from him to cover the cost of an evaluation by Second Opinion, Inc. (Second Opinion). For more than a year thereafter, you did not communicate with your client, a violation of RPC 1.4(b). Mr. Logan learned of the status of his case in July 2015, when he went to your office. At that time, the statute of limitations was due to expire in two months.

On July 15, 2015, you wrote a letter to Mr. Logan, declining to pursue his case because the issues of deviation and negligence were "not clear." In the letter, you recommended that Mr. Logan seek a second opinion from another attorney, informed him of the two-year statute of limitations period for a medical malpractice action, and explained that, if a complaint were not filed within that period, his claim would be "forever barred."

At that point, however, you had not received a conclusion from Second Opinion in respect of liability. Indeed, the record in this matter demonstrates that, between June 30, 2014 and July 15, 2015, you did very little to obtain an affidavit of merit, which is required in a medical malpractice lawsuit, thus violating RPC 1.1(a) and RPC 1.3. Second Opinion's time summary of its work on the file, between June 2014 and August 12, 2015, totaled sixty-five minutes, forty-five of which comprised its initial review of limited records and correspondence.

On June 30, 2014, you sent a "portion" of Mr. Logan's medical records to Second Opinion, so that one of its doctors could evaluate the case. On July 8, 2014, a Second Opinion representative informed you that the records were "insufficient" and identified the additional records required by the company. Although you issued a subpoena to Robert Wood Johnson Hospital (RWJ) on July 21, 2014, RWJ did not comply with the demand, and you did not take any further action. On February 25, 2015, a Second Opinion representative talked to you about the incomplete records. On March 20, 2015, you issued another subpoena to RWJ. Once again, RWJ did not comply with the subpoena, but you took no further action.

You then terminated the representation, on July 15, 2015. Thereafter, Mr. Logan was unable to retain new counsel, and threatened to file a grievance against you if a complaint were not filed on his behalf. On August 14, 2015, despite your opinion that his claim lacked merit, you agreed to file a complaint in order to provide Mr. Logan with more time to find another lawyer. You also informed Mr. Logan

that, after the defendant filed an answer to the complaint, he would have ninety days within which to file an affidavit of merit or risk dismissal of the case.

You refunded Mr. Logan the unearned portion of Second Opinion's fee, and, on September 1, 2015, filed in the Superior Court of New Jersey, Law Division, Middlesex County a complaint identifying Mr. Logan as a pro se litigant. Ultimately, by letter dated October 19, 2015, Second Opinion informed you that both a cardiologist and a cardiothoracic surgeon had reviewed Mr. Logan's medical records and concluded that his case was meritless. Consequently, you advised Mr. Logan to "simply not appear, and the matter would be dismissed." On an unidentified date, Mr. Logan's lawsuit was dismissed. Thus, because Mr. Logan's suit was not sustainable on liability, the Board determined to dismiss the admitted violations of RPC 1.1(a) and 1.3, which were based on your delay in providing an expert report to your client, and on your advice to him that he allow his complaint to be dismissed.

The Board also dismissed the admitted violation of RPC 8.4(d) (conduct prejudicial to the administration of justice) because you neither violated a court order nor taxed the court's resources.

In imposing only an admonition, the Board considered, in mitigation, your full cooperation with the investigation, including entering into a stipulation of discipline by consent. Further, although you received a reprimand in 1997 and two admonitions in 2005, the Board took into account that you had practiced for more than thirty years when you were first disciplined, in 1997; that you had been an attorney for nearly fifty years when the misconduct in this matter took place; and that more than ten years had elapsed between 2005, when you were last disciplined, and September 2015, when you committed your last act of misconduct in this matter.

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).

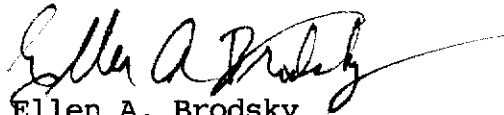
A permanent record of this occurrence has been filed with the Clerk of the Supreme Court and the Board's office. Should you become the subject of any further discipline, it will be taken into consideration.

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The Board also has directed that the costs of the disciplinary proceedings be assessed against you. R. 1:20-17. An invoice of costs will be forwarded under separate cover.

Very truly yours,



Ellen A. Brodsky
Chief Counsel

EAB/sl

c: Chief Justice Stuart Rabner
Associate Justices
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Disciplinary Review Board (e-mail)
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Supreme Court of New Jersey
Gail Haney, Deputy Clerk
Supreme Court of New Jersey (w/ethics history)
Charles Centinaro, Director
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District VIII Ethics Committee (e-mail and regular mail)
Charles Logan, Grievant (regular mail)