

DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

BONNIE C. PROST, ESQ., CHAIR
BRUCE W. CLARK, ESQ., VICE-CHAIR
PETER J. BOYER, ESQ.
HON. MAURICE J. GALLIPOLI
THOMAS J. HOBERMAN
REGINA WAYNES JOSEPH, ESQ.
ELLEN RIVERA
ANNE C. SINGER, ESQ.
ROBERT C. ZMIRICH



RICHARD J. HUGHES JUSTICE COMPLEX
P.O. BOX 962
TRENTON, NEW JERSEY 08625-0962
(609) 815-2920

ELLEN A. BRODSKY
CHIEF COUNSEL
PAULA T. GRANUZZO
DEPUTY CHIEF COUNSEL
MELISSA URBAN
FIRST ASSISTANT COUNSEL
TIMOTHY M. ELLIS
LILLIAN LEWIN
BARRY R. PETERSEN, JR.
COLIN T. TAMS
KATHRYN ANNE WINTERLE
ASSISTANT COUNSEL

April 24, 2018

Jean W. E. Francois, Esq.

REDACTED - CONFIDENTIAL

Re: In the Matter of Jean Watson E. Francois
Docket No. DRB 18-042
District Docket No. XII-2014-0020E
LETTER OF ADMONITION

Dear Mr. Francois:

The Disciplinary Review Board has reviewed the motion for discipline by consent (reprimand), filed by the District XII 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 1.3 (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 July 3, 2013, grievant Lauren F. Graham retained you to represent her son, Michael Moore, in a matter involving a South Plainfield traffic summons. Although Ms. Graham paid you a \$200 retainer fee, you did not communicate, in writing, the basis or rate of your fee, a violation of RPC 1.5(b).

After you entered your appearance on behalf of Mr. Moore, you relocated your office from Linden to Newark. However, you neither informed your client nor the court of your new business address and did not arrange for your mail to be forwarded to that location, a violation

April 24, 2018

Page 2 of 3

of RPC 1.3. Consequently, you were unaware that a trial had been scheduled for November 27, 2013 and, thus, neither you nor your client appeared in court on that date. Your failure to notify Mr. Moore of the trial date was a violation of RPC 1.4(b).

Due to your lack of diligence and failure to keep your client informed about the status of the matter, in December 2013, the court issued a bench warrant for Moore, based upon his failure to appear for the trial in November. Thereafter, you failed to comply with Graham's multiple requests for the return of the \$200 retainer.

The Board dismissed, as inapplicable, the stipulated violations of RPC 1.4(a) (requiring a lawyer to fully inform a "prospective" client of how, when, and where the client may communicate with him or her) and RPC 1.5(a) (requiring a lawyer's fee to be reasonable). In this case, the record lacks clear and convincing evidence that, at the time you were retained, you knew that you would be relocating your office and, thus, should have informed Moore and Graham. Similarly, the record lacks clear and convincing evidence that your fee was unreasonable. Although you accepted \$200 from Ms. Graham but did no work, there is insufficient evidence to establish that the \$200, in and of itself, was unreasonable, given the scope of the representation.

In imposing only an admonition, the Board considered, in mitigation, your full cooperation with the investigation, including entering into a stipulation of facts. Although you received an admonition in September 2016, the Board did not consider that in aggravation because the infractions in that matter and in this matter occurred during the same general time period (August and November 2013), and the grievances were filed within days of each other (January 6 and January 16, 2014). Thus, if both matters had been considered together, an admonition likely would have been imposed. See, e.g., In the Matter of Alan D. Krauss, DRB 02-041 (May 23, 2002) (in two client matters, attorney violated RPC 1.1(a), RPC 1.3, RPC 1.4(a), and RPC 1.5(c)).

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.

April 24, 2018

Page 3 of 3

The Board has also 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
Bonnie Frost, Chair
Disciplinary Review Board (via e-mail)
Mark Neary, Clerk
Supreme Court of New Jersey
Gail Haney, Deputy Clerk
Supreme Court of New Jersey (w/ethics history)
Charles Centinaro, Director
Office of Attorney Ethics (via e-mail)
Isabel McGinty, Statewide Ethics Coordinator
Office of Attorney Ethics (via e-mail)
Glen J. Vida, Chair
District XII Ethics Committee (via e-mail)
Richard M. Cohen, Vice-Chair
District XII Ethics Committee (via e-mail)
Michael F. Brandman, Secretary
District XII Ethics Committee (via e-mail and regular mail)
Robert J. Logan, Investigator
District XII Ethics Committee (via e-mail)
Lauren F. Graham, Grievant (via regular mail)