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February 22, 2022

VIA CERTIFIED, REGULAR, AND ELECTRONIC MAIL

Kourtney A. Borchers, Esq.
Weinberger Divorce and Family Law Group, LLC
309 Fellowship Road - Suite 200
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kourtney@wlg.com

Re: In the Matter of Kourtney Anna Borchers
Docket No. DRB 21-237
District Docket No. IIIB-2018-0015E
LETTER OF ADMONITION

Dear Ms. Borchers:

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 for your violation of RPC 1.3 (lack of diligence) and RPC 1.4(b) (failure to communicate). The Board further determined to dismiss the charged violation of RPC 1.1(a) (gross neglect).

Specifically, in September 2016, you were retained by Linda Perrine to prepare a post-judgment motion for increased child support and other relief. The record demonstrated that you failed to adequately advance Perrine's matter, despite the passage of six months and Perrine's constant attempts to provide all relevant information and advance her own interests. Indeed, Perrine retained you in September 2016 and you assured Perrine that her motion was ready in November 2016. Yet, you did not provide draft pleadings to Perrine until

February 2017, along with a request for additional documents. Still, as of April 2017, more than seven months after Perrine had retained you, the post-judgment motion had not been filed. Thus, you violated RPC 1.3. Notably, your claim that Perrine did not pay her retainer fee, in full, until December 12, 2016 did not explain or excuse the delay that occurred thereafter, through April 2017. Your lack of diligence forced Perrine to hire new counsel to complete the post-judgment motion.

It also is clear from the record that you repeatedly failed to promptly reply to Perrine's reasonable requests for information, in violation of RPC 1.4(b). The e-mail communications in evidence demonstrated that it regularly took you weeks to reply to Perrine's repeated requests for an update regarding the status of her motion. Specifically, Perrine sent e-mails to you on October 5 and November 11, 2016, to which you failed to reply until November 22, 2016, one month, and two weeks later, respectively. Next, Perrine sent an e-mail to you on January 10, 2017, wherein she requested an update and, after having received no reply from you, she followed up on January 26, 2017. You failed to reply until January 30, 2017, twenty days from that first e-mail communication. Thereafter, Perrine sent an e-mail to you on March 4, 2017, wherein she again requested an update and, again after having received no reply from you, she followed up on March 10, 2017. You failed to reply until March 16, 2017, two weeks from that first e-mail communication. After having received no further communication from you, Perrine sent an e-mail on April 4, 2017, to which you did not reply until a week later, on April 12, 2017. Thus, it is clear from the record that Perrine repeatedly requested information about the status her case, and that you, in turn, repeatedly failed to reasonably reply to Perrine's reasonable requests.

However, under RPC 1.1, a finding of gross neglect is fact sensitive. In this case, you performed work to advance Perrine's matter. In the Board's view, although you did not do so in accordance with the professional standard of diligence required of New Jersey attorneys, your failure to adequately advance Perrine's matter did not rise to the level of reckless disregard. Therefore, the Board determined to dismiss the charged RPC 1.1 violation. Moreover, the RPC 1.3 charge adequately addresses the character of your misconduct in the representation of Perrine.

In imposing only an admonition, the Board considered that your misconduct was not for financial gain and that it involved only one client matter. Additionally, although your health concerns do not release you from your

professional obligations under the RPCs, the Board recognized that you suffered from significant, contemporaneous health issues during the time of your representation of Perrine.

Your conduct has adversely reflected not only on you as an attorney but also on 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, this admonition will be taken into consideration.

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

Very truly yours,

/s/ Timothy M. Ellis

Timothy M. Ellis
Acting Chief Counsel

TME/jm

c: Chief Justice Stuart Rabner
Associate Justices
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