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November 22, 2023

VIA CERTIFIED, REGULAR, AND ELECTRONIC MAIL

Hayes R. Young, Esq.
c/o Stephen N. Dratch, Esq.
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Livingston, New Jersey 07470
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Re: In the Matter of Hayes R. Young
Docket No. DRB 23-215
District Docket No. VI-2021-0001E
LETTER OF ADMONITION

Dear Mr. Young:

The Disciplinary Review Board has reviewed your conduct in the above-referenced 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 (lacking diligence), RPC 1.4(b) (failing to communicate with the client), and RPC 1.5(b) (failing to set forth in writing the basis or rate of legal fee).

Specifically, in 2017, Grace Nancy Boffa retained you to pursue a potential medical malpractice matter. Although you failed to set forth the basis or rate of your legal fee in writing, Boffa was under the impression that you would pursue her matter, on a contingent fee basis. Indeed, in October 2018, you filed a medical

malpractice lawsuit, on Boffa's behalf, in the Superior Court of New Jersey, despite having failed to obtain the required affidavit of merit. Seven months later, in May 2019, the Superior Court dismissed Boffa's matter for lack of prosecution. You not only failed to notify Boffa that you had filed her lawsuit, but you also failed to advise her of its dismissal. Meanwhile, during the span of several months, Boffa sent you several e-mails, inquiring about the status of her case. However, you failed to reply to her inquiries.

The Board found that you violated RPC 1.3 and RPC 1.4(b) by failing to prosecute Boffa's medical malpractice lawsuit and by failing to reply to her numerous inquiries regarding the status of her matter, including the fact that her lawsuit had been filed and, thereafter, dismissed for lack of prosecution.

Additionally, the Board found that you violated RPC 1.5(b) by failing to set forth to Boffa, in writing, the basis or rate of your legal fee. Neither Boffa's understanding of your purported contingent fee arrangement nor the fact that she paid nothing towards the representation relieved you of this obligation. Indeed RPC 1.5(c) expressly requires contingent fee arrangements to be communicated in writing to the client.

In imposing only an admonition, the Board weighed, in mitigation, your lack of disciplinary history; your admission of wrongdoing and contrition; your cooperation with ethics authorities; and the extenuating circumstances underlying your wife's illness and death.

Your conduct adversely reflected not only on you as an attorney but also on all members of the bar. Accordingly, the Board 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
Chief Counsel

TME/res

c: Chief Justice Stuart Rabner
Associate Justices
Heather Joy Baker, Clerk
Supreme Court of New Jersey
Hon. Maurice J. Gallipoli, A.J.S.C. (Ret.), Chair
Disciplinary Review Board (e-mail)
Johanna Barba Jones, Director
Office of Attorney Ethics (e-mail)
Ryan J. Moriarty, Acting Statewide Ethics Coordinator
Office of Attorney Ethics (e-mail)
Stephanie L. Lomurro, Chair
District VI Ethics Committee (e-mail)
Daniel P. D'Alessandro, Secretary
District VI Ethics Committee (regular mail and e-mail)
Paul S. Evangelista, Presenter (regular mail and e-mail)
Nancy Grace Boffa, Grievant (regular mail)