

NOTICE TO THE BAR

Re: Defaults Scheduled for Review by the Disciplinary Review Board

The following matters have been certified to the Disciplinary Review Board as defaults, in accordance with R. 1:20-4(f):

In the Matter of Barry N. Frank

Docket No. DRB 14-232

District Docket No. XIV-2012-0192E

In the Matters of Ben W. Payton

Docket Nos. DRB 14-235 and DRB 14-264

District Docket Nos. XIV-2013-0320E; XII-2013-0041E

In the Matter of Ksenia V. Proskurchenko

Docket No. DRB 14-261

District Docket Nos. XII-2013-0037E; XII-2013-0048E

In the Matter of Katrina F. Wright

Docket No. DRB 14-272

District Docket Nos. IIIB-2010-0024E; IIIB-2013-0021E

In the Matter of Herbert R. Ezor

Docket No. DRB 14-284

District Docket Nos. XIV-2013-0514E; XIV-2013-0548E

In the Matter of Wayne Antonio Autry

Docket No. DRB 14-286

District Docket No. XIV-2013-0086E

These matters are scheduled to be reviewed by the Board on **Thursday, November 20, 2014**. R. 1:20-4(f) provides that an attorney-respondent's failure to timely file an answer "shall be deemed an admission that the allegations of the complaint are true and . . . provide sufficient basis for the imposition of discipline." Although chances for a successful motion are limited, a motion to vacate the default may be filed with the Board **by no later than November 10, 2014. MOTIONS RECEIVED AFTER THE DEADLINE WILL NOT BE REVIEWED BY THE BOARD.** The motion should specify why the attorney-respondent failed to file a timely answer (including lack of notice) and should set forth any claimed meritorious defenses to the ethics charge. The motion must also be simultaneously served on the Director of the Office of Attorney Ethics and, where appropriate, the district ethics committee responsible for the underlying ethics matter. A certification regarding that service must accompany any documents filed with the Board.

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Respondents are hereby advised that, generally, in a default matter, the discipline is enhanced to reflect a respondent's failure to cooperate with disciplinary authorities as an aggravating factor. In re Kivler, 193 N.J. 332, 338 (2008).

Respondents may communicate with the Board by contacting the Office of Board Counsel at:

P.O. Box 962, Trenton, NJ 08625, Telephone: 609-292-1012

Dated: 10/10/14

Ellen A. Brodsky
Chief Counsel
Disciplinary Review Board