

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 Michael L. Resnick

Docket No. DRB 17-211

District Docket Nos. XIV-2012-0412E, XIV-2016-0197E, and XIV-2016-0603E

In the Matter of Jack Barry Phillips

Docket No. DRB 17-214

District Docket No. XIV-2016-0146E

In the Matter of Eric B. Bailey

Docket No. DRB 17-234

District Docket No. XII-2016-0017E

These matters are scheduled to be reviewed by the Board on **Thursday, September 14, 2017**. 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 August 18, 2017. 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: 609-815-2920

Dated: July 26, 2017

Ellen A. Brodsky
Chief Counsel
Disciplinary Review Board