

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 Eugene M. La Vergne
Docket No. DRB 12-087
District Docket No. XIV-2010-0665E

In the Matter of Kenneth Harry Kell
Docket no. DRB 12-100
District Docket No. IV-2011-0035E

In the Matter of Terence John Dahl
Docket No. DRB 12-108
District Docket No. IIA-2012-0002E

In the Matter of Stuart David Felsen
Docket No. DRB 12-119
District Docket No. XA-2011-0017E

These matters are scheduled to be reviewed by the Board on **Thursday, June 21, 2012**. 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 by filed with the Board **by no later than June 4, 2012. 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: May 16, 2012

Julianne K. DeCore
Chief Counsel
Disciplinary Review Board