

NOTICE TO THE BAR

Defaults Scheduled for Review by the Disciplinary Review Board

The following matter has been certified to the Disciplinary Review Board as a default, in accordance with R. 1:20-4(f):

In the Matter of Ben W. Payton

Docket No. DRB 05-190

District Docket No. VII-04-021E

This matter is scheduled to be reviewed by the Board on **Thursday, July 21, 2005**. 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 July 11, 2005. 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.

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: June 27, 2005 Julianne K. DeCore

Chief Counsel

Disciplinary Review Board

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