

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 Peter Jonathan Cresci

Docket No. DRB 17-117

District Docket Nos. XIV-2011-0131E, XIV-2013-0007E, XIV-2013-0700E, and XIV-2015-0539E

In the Matter of James William Kennedy

Docket No. DRB 17-129

District Docket Nos. XIV-2015-0063E, XIV-2015-0189E, XIV-2015-0192E, and XIV-2015-0379E

In the Matter of James D. Brady

Docket No. DRB 17-144

District Docket No. XIV-2016-0148E

These matters are scheduled to be reviewed by the Board on **Thursday, June 15, 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 May 26, 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: May 1, 2017


Ellen A. Brodsky
Chief Counsel
Disciplinary Review Board