

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 Diego P. Milara

Docket No. DRB 17-427

District Docket Nos. VI-2015-0027E, VI-2016-0005E

In the Matter of Andrew William Dwyer

Docket No. DRB 17-431

District Docket No. VA-2016-0016E

In the Matter of Andrew William Dwyer

Docket No. DRB 17-432

District Docket No. IV-2016-0009E

In the Matter of Benjamin Nazmiyal

Docket No. DRB 17-445

District Docket Nos. XIV-2015-0068E, XIV-2015-0446E, XIV-2015-0575E, XIV-2016-0308E, XIV-2016-0416E, XIV-2016-0417E, XIV-2016-0418E, XIV-2016-0520E

In the Matter of Francis Charles Babcock, Jr.

Docket No. DRB 17-446

District Docket No. VI-2016-0007E

Notice to the Bar

Scheduled: March 15, 2018

Page Two

These matters are scheduled to be reviewed by the Board on **Thursday, March 15, 2018**. 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 February 15, 2018. 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 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: January 22, 2018


Ellen A. Brodsky, Chief Counsel
Disciplinary Review Board