

Office of Attorney Ethics
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SUPREME COURT OF NEW JERSEY
DISTRICT VA ETHICS COMMITTEE
DOCKET NO.: VA-99-042E

DISTRICT VA ETHICS COMMITTEE,	:	
	:	
Complainant,	:	DISCIPLINARY ACTION
	:	
vs.	:	COMPLAINT
	:	(Minor Misconduct)
PATIENCE R. CLEMMONS	:	R.1:20-4(b)
	:	
Respondent,	:	

Complainant, District VA Ethics Committee, whose mailing address is c/o Essex County Bar Association, One Riverfront Plaza, Seventh Floor, Newark, New Jersey 07102, by way of Complaint against respondent, says:

GENERAL ALLEGATIONS

1. Patience R. Clemmons (hereinafter called "respondent") was admitted to the New Jersey Bar in 1987.
2. Respondent is a sole practitioner and maintains her law offices at 38 Vassar Avenue, Newark, New Jersey 07112.

FIRST COUNT

Diligence, Communication

1. James Johnson (hereinafter called "grievant") retained Alberta Foster, Esq. to represent him in a personal

injury claim arising out of a November 21, 1994 motor vehicle accident.

2. On November 21, 1996, Foster filed a complaint on grievant's behalf captioned, James Johnson v. Frank E. Conversano and Allstate Insurance Company, in the Superior Court of New Jersey, Law Division, Somerset County, Docket No. SOM-L-2126-96.

3. Respondent took over responsibility for handling of the case from Foster when Foster closed her law practice due to ill health on or about October 31, 1997. (Exhibit I-1).

4. Thereafter, several dates for non-binding arbitration were scheduled, but were adjourned at the request of Allstate attorneys.

5. The final arbitration date was scheduled for March 13, 1998.

6. On that day, respondent appeared and advised court personnel that an agreement had been reached to submit Johnson's case to Uninsured Motorist Arbitration.

7. Based on respondent's representations, the Court initiated a Motion to Dismiss the Complaint without prejudice and the case was dismissed on March 18, 1998.

8. On March 11, 1999, a Stipulation of Dismissal with Prejudice was filed with the Court. (Exhibit I-2).

9. Respondent has taken no further action since the filing of the Stipulation of Dismissal.

10. In addition, respondent has failed to keep grievant reasonably informed as to the status of the matter or to respond to grievant's reasonable requests for information.

11. In so doing, respondent committed the following violations of the Rules of Professional Conduct:

- a) RPC 1.3 - in that she did not act with reasonable diligence and promptness in representing a client;
- b) RPC 1.4(a) - in that she did not keep the client reasonably informed as to the status of the matter and did not promptly comply with reasonable requests for information.

SECOND COUNT
Diligence Communication

1. On or about October 31, 1997, respondent assumed the handling of a speeding ticket (Summons No. 00523) in the Borough of Highland Park on behalf of grievant's wife, Joan Embry Johnson. (Exhibit II-1).

2. Foster had handled the matter initially, had entered a "not guilty plea" on behalf of the client, and had requested, paid for and received discovery.

3. On October 31, 1997, respondent filed a Substitution of Attorney. (Exhibit II-2).

4. On May 14, 1998, the Court sent notice scheduling the matter for trial on August 31, 1998. (Exhibit II-3),

5. On the scheduled trial date, respondent did not appear and did not request an adjournment.

6. The matter was adjourned for reasons unknown.

7. On December 17, 1998, the Court sent notice re-scheduling the matter for trial on January 11, 1999. (Exhibit II-4).

8. On the re-scheduled trial date, respondent did not appear and did not request an adjournment.

9. On January 27, 1999, a Warrant was issued for Mrs. Johnson's arrest. (Exhibit II-5).

10. Thereafter, Mrs. Johnson attempted to contact respondent a number of times, but respondent failed and refused to reply.

11. Ultimately, Mrs. Johnson's daughter, Carla Rivera, telephoned the Highland Park Municipal Court and made arrangements for the bench warrant to be vacated, her mother to plead guilty to the traffic summons and pay the prescribed fine, \$111.

12. In so doing, respondent committed the following violations of the Rules of Professional Conduct.

- a) RPC 1.3 - in that she did not act with reasonable diligence and promptness in representing a client;
- b) RPC 1.4(a) - in that she did not keep the client reasonably informed as to the status of the matter and did not promptly comply with reasonable requests for information;

THIRD COUNT

Failure to Cooperate with Disciplinary Authorities

1. In a letter to the OAE dated February 1, 1999, grievant alleged that respondent lacked diligence and failed to communicate with him in connection with his personal injury matter and that respondent lacked diligence and failed to communicate in connection with his wife's municipal court matter. (Exhibit III-1).

2. On March 17, 1999, grievant submitted an Attorney Ethics Grievance Form and additional documentation. (Exhibit III-2).

3. On April 12, 1999, the grievance was docketed.

4. On April 26, 1999, the OAE forwarded a copy of the grievance to respondent at her home address, 851 Park Place, Brooklyn, New York 11216, and directed respondent to submit her written response on or before May 18, 1999. (Exhibit III-3).

5. Respondent did not submit a response.

6. The OAE sent respondent a second letter on June 3, 1999 directed to the address appearing in the OAE's records as respondent's New Jersey law office, 38 Vassar Avenue, Newark, New Jersey 07112, requesting her written response. (Exhibit 111-4).

7. Again, respondent did not submit a reply.

8. On July 13, 1999, OAE Investigator Jule K. Bakle hand-delivered to respondent's New Jersey law office, a copy of the OAE's June 3, 1999 letter, a copy of the grievance and a business card.

9. Again, respondent did not submit a reply, nor did she contact the OAE in any fashion.

10. In so doing, respondent committed the following violations of the Rules of Professional Conduct:

- a) RPC 8.1(b) - in that, in connection with a disciplinary matter, she knowingly failed to respond to a lawful demand for information from an admissions or disciplinary authority.

WHEREFORE, respondent should be disciplined.

DISTRICT VA ETHICS COMMITTEE

Dated: May 22, 2000

/s/ Charles F. Kenney, Esq.
Chair

Information on Answer

As of January 2000, the District VA Ethics Committee had no record of having received an answer from Ms. Clemmons.

Disposition

On September 6, 2002, Respondent was suspended from practice for a period of three months. Click [here](#) for report.