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DISTRICT X ETHICS COMMITTEE	:	
	:	DOCKET NO: X-06-067E
Complainant,	:	
	:	
vs.	:	DISCIPLINARY ACTION
	:	
THERESA A. MARKHAM, ESQ.,	:	COMPLAINT
	:	
Respondent,	:	

District X Ethics Committee, by way of Complaint against Theresa A. Markham (the "Respondent") says:

**GENERAL ALLEGATIONS**

1. The Respondent was admitted to the Bar of this State in 1999.
2. She maintains a law office at 529 Route 515, Suite 201, Vernon, New Jersey 07462.
3. Karen M. Lisa (the "Grievant") resides at 1 Riverdale Court, Oak Ridge, New Jersey 07438.

**FIRST COUNT**

1. On March 12, 2005, the Grievant retained the Respondent to file an action for divorce and prosecute the same.
2. On March 23 and March 25, 2005, the Grievant forwarded to Respondent two checks totaling \$7,500 for the retainer.
3. The Respondent served as the Grievant's counsel in the divorce proceeding from March 2005 through November 2005.

4. The Respondent filed a Complaint for Divorce on April 14, 2005.

5. The Complaint was served in July 2005. The Respondent also met with the Grievant and represented her in a Case Management Conference held on October 27, 2005.

6. The Grievant became frustrated with the Respondent and terminated the relationship in November 2005.

7. At the time, the Respondent had expended 9.63 billable hours in accomplishing these tasks in eight months of service. She was the only attorney in her office. All of the remaining work was done by her legal assistant and totaled 9.9 hours.

8. While work was done every month, Respondent never provided Grievant with a statement for services rendered.

9. Upon termination of their relationship — November 2005, the Grievant requested Respondent provide a final statement and a refund for her money not exhausted by the services rendered.

10. The Respondent failed to respond despite several calls from the Grievant.

11. It reached the point that the Grievant sent a certified letter on January 30, 2006, requesting a statement of services.

12. Again, the Respondent did not reply.

13. With no other recourse, the Grievant filed a fee arbitration petition on March 19, 2006.

14. Five days later, and over a year since her retention, the Respondent finally provided a fee statement to the Grievant along with a check refunding \$5,000 of the retainer.

15. On April 25, 2006, however, the Grievant received notice that the Respondent's check did not clear for insufficient funds.

16. The Respondent promised to immediately forward the Grievant a new check but failed to do so.

17. At the same time, Respondent also failed to submit an Answer to Grievant's petition to the Fee Arbitration Panel.

18. On June 20, 2006, the Grievant received an award of \$7,500 from the Fee Arbitration Panel to cover her entire retainer.

19. The Respondent was directed to pay the award within thirty days.

20. The Respondent failed to do so.

21. On July 22, 2006, the Grievant filed the instant ethics grievance.

22. On August 2, 2006, the Respondent forwarded a check for \$7,500 that was honored.

23. The Respondent's failure to timely respond to the Grievant's requests for a fee statement constitutes a violation of RPC 1.4(b).

WHEREFORE, the Respondent should be disciplined.

District X Ethics Committee

Dated: March 26, 2007

By: /s/ Michael R. O'Donnell, Investigator