

LUBA ANNENKO

Admitted: 1983; Cherry Hill (Camden County)

Disbarment - 177 N.J. 567 (2003)

Decided: 10/08/2003

APPEARANCES BEFORE SUPREME COURT

Walton W. Kingsbery III for Attorney Ethics

Luba Annenko failed to appear

The Supreme Court of New Jersey held that disbarment was the appropriate discipline for an attorney who committed serious unethical conduct in three separate matters. In one, she enlisted a disbarred attorney to help "fleece" a client out of a retainer intended to obtain a bail hearing for a woman's incarcerated fiancé. The respondent abandoned the case and never visited the fiancé in jail, nor took any action to free him. Shortly after she was retained, respondent was suspended from the practice of law, but did not advise her client. In a second case, the respondent accepted a \$200 retention for a bankruptcy matter just days before her suspension became effective. She accepted another \$500 after she began serving the suspension and misrepresented to the client that she could not work on her case because of a broken toe. In the final matter, the respondent failed to appear at a bankruptcy court hearing, causing dismissal of the petition. Respondent then abandoned her client and also failed to obey the bankruptcy court order for a refund of the client's retainer. She also converted \$1,000 in bankruptcy funds to her own use. In its unreported decision, the Disciplinary Review Board concluded that "This respondent's conduct has demonstrated that her professional character and fitness have been permanently and irretrievably lost. We, therefore, unanimously recommend that she be disbarred." The respondent had an extensive disciplinary history. In 1988, she was privately reprimanded for gross neglect in a contract matter, and failure to communicate with the client for approximately 18 months. In 1992, she received another private reprimand for failure to file an answer on her client's behalf, resulting in a default judgment against the client. In 1999, she was temporarily suspended for failure to comply with a fee arbitration award and to satisfy a monetary sanction. In re Annenko, 158 N.J. 184. The respondent was reinstated in July of 1999. The Supreme Court suspended respondent from the practice of law for a period of six months in 2000 as a result of gross neglect, pattern of neglect, lack of diligence, failure to communicate with the client, failure to return an unearned retainer, and failure to cooperate with disciplinary authorities. In re Annenko, 165 N.J. 508. In 2001, the respondent received a three-month consecutive suspension for gross neglect, lack of diligence, failure to communicate with the client and failure to cooperate with disciplinary authorities. In re Annenko, 166 N.J. 365. Later in 2001, the respondent was the recipient of a six month suspension for gross neglect, lack of diligence, failure to communicate, failure to return an unearned retainer and failure to cooperate with disciplinary authorities. In re Annenko, 167 N.J. 603.