

Law Offices of
WALTON W. KINGSBERY III, LLC
30 Elm Lane
Shrewsbury, NJ 07702
(908) 309-1497

March 25, 2016

HoeChin Kim, Esq., Deputy Ethics Counsel
Office of Attorney Ethics
P. O. Box 963
Trenton, NJ 08625

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2016 MAR 28 P 3:06
OFFICE OF
ATTORNEY ETHICS

Re: Office of Attorney Ethics vs. Frank C. Babcock, Jr., Esq.
Docket No. IX-2014-0542E

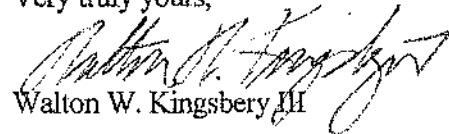
Dear Ms. Kim:

Enclosed herewith please find original and one copy of respondent's verified Answer in connection with the above-captioned matter.

Please contact me to discuss after you have had an opportunity to review same.

Thank you.

Very truly yours,


Walton W. Kingsbery III

cc: Frank C. Babcock, Jr., Esq.

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OFFICE OF
ATTORNEY ETHICS

LAW OFFICES OF
WALTON W. KINGSBERY III, ESQ., LLC
30 Elm Lane
Shrewsbury, New Jersey 07702
908-309-1497

SUPREME COURT OF NEW JERSEY
Office of Attorney Ethics
Docket No. XIV-2014-0542E

:
OFFICE OF ATTORNEY ETHICS,
Complainant
:
vs.
:
FRANK C. BABCOCK, JR., Esq.
Respondent
:

Disciplinary Action

Verified Answer

The respondent, Frank C. Babcock, Jr., Esq., an attorney at law of the State of New Jersey, having offices at 910 Bergen Avenue, Suite 207, Jersey City, Hudson County, New Jersey, by way of Verified Answer to the complaint says:

GENERAL ALLEGATIONS

- 1. Admitted.
- 2. Admitted.
- 3. Admitted.
- 4. Admitted.

AS TO THE SPECIFIC ALLEGATIONS

- 5. Admitted.
- 6. Admitted.
- 7. Admitted.

8. Admitted.
9. Admitted that respondent did not prepare the requested accounting on or before the deadline set by the court. Respondent did prepare a preliminary accounting to Henry Furst, Esq., counsel for one of the beneficiaries which he provided in about June 2014.
10. Admitted.
11. Admitted.
12. Admitted that respondent did not do so within the prescribed time. To the best of his recollection, respondent did forward a check to Mr. Furst in or about September 2014.
13. Admitted.
14. Admitted.
15. Admitted.
16. Admitted.
17. Admitted.
18. Admitted.
19. Admitted.
20. Admitted.
21. Admitted that respondent did not respond within the prescribed time. To the best of his recollection, respondent did provide a statement of funds received and disbursed in or about December 2014?
22. Admitted.
23. Admitted.
24. Admitted.
25. Admitted.
26. Admitted.
27. Admitted.

28. Admitted.
29. Admitted.
30. Admitted.
31. Admitted.
32. Admitted.
33. Admitted.
34. Admitted.
35. Admitted.
36. Admitted.
37. Admitted.
38. Admitted.
39. Admitted.
40. Admitted.
41. Admitted.
42. Admitted.
43. Admitted.
44. Admitted.
45. Admitted.
46. Admitted.
47. Admitted.
48. Admitted.
49. Admitted.

50. Admitted, except that respondent continued to work on the Estate sporadically after December 2011, but admittedly did not complete his handling of the matter.

51. Admitted.

52. Admitted in part and denied in part, as follows:

- a) Respondent admits that he violated RPC 1.1(a) in that he grossly neglected his duties as substituted administrator of the Estate of Andrew Thompson, deceased;
- b) Respondent admits that he violated RPC 1.3 in that he failed to act with reasonable diligence and promptness in his handling of the Estate of Andrew Thompson, deceased;
- c) Respondent admits that he violated RPC 1.15(b) in that he failed to promptly disburse all funds from the estate account opened for the Estate of Andrew Thompson, deceased;
- d) Respondent admits that he violated RPC 1.16(d) in that he failed to take reasonably practicable steps upon the termination of his assignment as substituted administrator of the Estate of Andrew Thompson, deceased;
- e) Respondent denies that he violated RPC 3.4(c) in that he did not act "knowingly" in failing to comply with a court order;
- f) Respondent denies that he violated RPC 8.1(b) in that he did not act "knowingly" in failing to comply with any requests for information from disciplinary authorities;
- g) Respondent denies that he violated RPC 8.4(d) in that he did not act with specific intent in regard to any of the ethical failings alleged herein.

SEPARATE DEFENSE

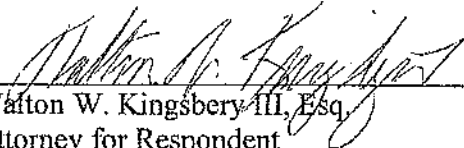
Respondent began his undertaking as substituted administrator of the Andrew Thompson in all good faith and diligently handled the Estate for several years.

In or about 2010 and thereafter, respondent was beset by myriad personal and physical problems. Respondent's father passed away in 2010; his step-father passed away in 2011. In 2013, respondent's father's home in Hamburg, NJ went into foreclosure. The home was up for sheriff's sale in 2015. Respondent had shoulder surgery in 2011, hip replacement surgery in April 2013 and back surgery November 2014. Respondent regained custody of his daughter in November 2015 after a rancorous long-term dispute with his ex-wife.

From 2012 to the present, respondent has suffered from depression which resulted in his inability to complete his professional undertaking in regard to the handling of the Estate of Andrew Thompson, and resulting in the violations of the Rules of Professional Conduct indicated above. Respondent's inaction was not intentional or knowing, but the product of a psychiatric illness for which he is now receiving treatment. Respondent deeply regrets his inability to complete the Estate administration and resultant inability to provide accountings or to comply with court orders.

WHEREFORE, respondent, Frank C. Babcock, Jr., Esq., demands that the Complaint filed against him be dismissed.

Dated: March 22, 2016

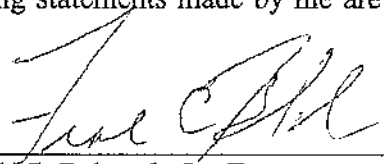

Walton W. Kingsbery III, Esq.
Attorney for Respondent

VERIFICATION OF ANSWER

I, Frank C. Babcock, Jr., am the respondent in the within disciplinary action and hereby certify, as follows:

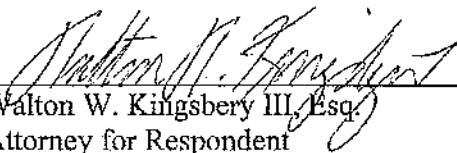
1. I have read every paragraph of the foregoing Answer to the Complaint and verify that the statements therein are true and based on my personal knowledge.
2. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: March 22, 2016


Frank C. Babcock, Jr., Esq.

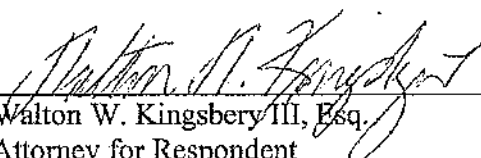
REQUEST FOR DISCOVERY

The respondent, Frank C. Babcock, Jr., hereby makes demand for discovery, pursuant to R. 1:20-5.


Walton W. Kingsbery III, Esq.
Attorney for Respondent

REQUEST FOR HEARING

The respondent, Frank C. Babcock, Jr., Esq., hereby requests a hearing on the charges.


Walton W. Kingsbery III, Esq.
Attorney for Respondent