

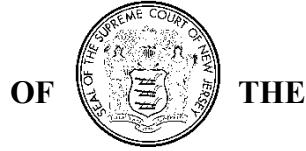
2019 STATE OF THE ATTORNEY DISCIPLINARY SYSTEM REPORT



Hon. Stuart Rabner
Chief Justice
Supreme Court of New Jersey

Charles Centinaro
Director
Office of Attorney Ethics

OFFICE OF ATTORNEY ETHICS



OF THE SUPREME COURT OF NEW JERSEY

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OFFICE OF DIRECTOR

May 11, 2020

**TO: THE HONORABLE CHIEF JUSTICE STUART RABNER AND
ASSOCIATE JUSTICES OF THE NEW JERSEY SUPREME COURT**

It is my pleasure and privilege to present, on behalf of the New Jersey Office of Attorney Ethics, this thirty-sixth issue of the State of the Attorney Disciplinary System Report. Highlights of the report include:

- Thirty-three (33) fewer attorneys were disciplined in 2019 (174) than in 2018 (207).
- New investigations increased by .2% (1,227) from the filings in 2018 (1,224).
- For the second year in a row, new formal complaints (and other charging documents) decreased, by 14.8% percent (248) compared to 2018 (291).
- OAE's yearly average investigative time goal compliance increased by 3% to 76%.
- District Ethics Committees' yearly average time goal compliance for 2019 increased from 68% to 72%.
- OAE ethics counsel appeared before the Supreme Court on 35 occasions for oral argument in 2019.
- District Fee Arbitration Committees handled a total of 1,241 cases involving more than \$10.1 million in legal fees during 2019.
- The Random Audit Compliance Program conducted 556 audits of law firms in 2019.
- Fourteen (14) lawyers were disciplined (including four disbarments) through the detection efforts of the Random Audit Compliance Program.
- As of December 31, 2019, the attorney population was 98,331 – one attorney for every 90 New Jersey citizens.
- The Garden State ranks 6th in the nation in the number of attorneys admitted to practice.
- New Jersey ranks 43rd in the country (at \$212) in annual attorney licensing fees charged.

- A total of thirteen (13) lawyers were disciplined in 2019 due to the Trust Overdraft Notification Program.

The Office of Attorney Ethics and the District Ethics Committees are focused on improving compliance with the Court's time goals, and every effort is being made to maintain the trust of the public in the disciplinary, fee and random audit system.

Respectfully submitted,

A handwritten signature in cursive script that reads "Charles Centinaro".

Charles Centinaro, Director
Office of Attorney Ethics

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I. THE YEAR IN REVIEW

A. CASE PROCESSING

In an effort to ensure swift justice and efficiency, the Supreme Court has established time goals for the thorough and fair completion of all disciplinary investigations and hearings. *R.1:20-8*.

1. Investigations

a. Time Goal Compliance

The OAE's compliance with the Supreme Court's time goals for investigating cases increased from 73% for 2018 to 76% for 2019. The Ethics Committees' average time goal compliance for the year increased from 68% for 2018 to 72% for 2019.

b. Age of Investigations

The average age of the OAE's pending investigations decreased from 197 days for 2018 to 191 days for 2019. The average age of the Ethics Committees' pending investigations decreased from 157 days for 2018 to 151 days for 2019.

c. Backlog

The OAE's average backlog decreased by 3% to 24% for 2019. Also, the percentage of investigations over one year old as of December 31, 2019, was 15%. The backlog of the Ethics Committees decreased by 4% to 28%.

d. Investigations Added

In 2019, more new investigations were added to the joint docket of the OAE and Ethics Committees than in 2018. Specifically, 1,227 new investigations were commenced in 2019, as opposed to 1,224 investigations in 2018. Stated differently, new investigations increased by .2% in 2019.

2. Hearings

a. Age of Hearings

In 2019, the average age of the OAE's disposed hearings increased by 116 days. The average age of the Ethics Committees' disposed hearings in 2019 also increased, by 122 days.

b. Complaints Filed

The OAE and Ethics Committees filed fewer complaints in 2019 than in 2018. Two hundred and forty-eight (248) complaints were added in 2019, compared to the 291 complaints added in 2018. In other words, complaints decreased by 14.8%.

B. TENTH ANNUAL OAE TRAINING CONFERENCE

Improving efficiency is a top priority of the OAE, but not at the expense of quality and thorough investigations and fair prosecutions and adjudications. To help ensure and improve the quality and effectiveness of attorney regulation, the OAE supplements its regular training of the professionals and volunteers involved in attorney discipline by hosting an all-day training conference. The tenth annual conference was again held at the Robert Wood Johnson Fitness & Wellness Center in Hamilton, New Jersey on October 19, 2019.

Associate Justice Walter Timpone graciously delivered the Opening Remarks for the OAE's Tenth Annual Training Conference. He acknowledged the tenth anniversary of the conference and the excellent programs that had been consistently offered by the OAE to the attendees. Justice Timpone thanked the professional ethics staff, including employees of the OAE and the Disciplinary Review Board, members of the Disciplinary Oversight Committee, the various boards and advisory committees, and commented on attorney well-being and the role of the Lawyers' Assistance Program. He enthusiastically greeted the DEC and DFAC members and thanked them for their thoughtful dedicated service to the Court and bar. He discussed the important work being done by the volunteers and thanked them for helping to ensure that our bar remained solicitous, civil and courteous. He applauded the volunteers for remaining open and fair-minded. He noted their generous investment in their profession and the difficulty of many of the matters they were called upon to address. He noted that the Court sometimes also struggled to reach the best and most just result. He concluded his remarks by noting that the Court recognized the excellent job being done by the volunteers to maintain the public's trust in the profession and in New Jersey's ethics and fee systems.

Justice Timpone's remarks were followed by nine workshops designed to meet the specific training needs of all those involved in the screening, investigation, prosecution, and adjudication of attorney disciplinary matters. A total of 199 volunteers attended the training conference.

C. DISCIPLINE

A total of 174 attorneys were sanctioned by the New Jersey Supreme Court in 2019. (See "Sanctions" at page 7). This number includes all attorneys on whom final discipline was imposed, as well as those against whom emergent action was taken. In 2018, 207 attorneys were sanctioned. Therefore, 15.9% less attorneys were disciplined than one year ago.

II. ATTORNEY DISCIPLINARY PROCESS AND PROCEDURE

A. GRIEVANCES

The attorney disciplinary process usually begins with the filing of a grievance against an attorney. Grievances come from various sources, including clients, other attorneys, judges and the OAE itself. On receipt of a grievance, a determination is made as to whether the facts alleged, if true, would constitute unethical conduct. If the facts alleged in the grievance would not constitute unethical conduct (for example, where the lawyer did not pay a personal bill), the case will not be docketed. If, on the other hand, a determination is made that the facts alleged in the grievance, if true, would constitute unethical conduct, and if the grievance is not otherwise properly declined, the grievance is docketed.

B. INVESTIGATIONS

1. *Clear and Convincing Evidence*

Docketed grievances are assigned for investigation to determine whether unethical conduct may have occurred and, if so, whether there is sufficient evidence to prove the charges to a clear and convincing evidence standard. Investigations include communicating with the respondent-attorney, the grievant and any necessary witnesses, as well as securing necessary records and documents.

2. *Confidentiality*

Pursuant to *R.1:20-9(b)*, all disciplinary investigations are confidential until and unless a formal complaint or other charging document has been filed and served upon the attorney-respondent. Thereafter, the pleadings and hearings are public, but other documents and records will nonetheless remain confidential. Disciplinary officials have a duty to maintain the confidentiality of the system and of all non-public documents. *R. 1:20-9(i)*. Once a formal complaint or other charging document is filed, the complaint and any other document filed thereafter become public (with minor limitations) but subject to protective orders in rare situations.

3. *Statewide Investigations*

Overall, the disciplinary system (OAE and Ethics Committees) began 2019 with a total of 904 investigations carried over from prior years. During the year, 1,227 new investigations were added for a total disposable caseload of 2,131. A total of 1,271 investigations were completed and disposed of, leaving a total of 860 pending investigations at year's end. Of that number, 150 were in untriable status, leaving an active pending investigative caseload of 710 matters.

During 2019, the number of grievances docketed and assigned for investigation (1,227) increased by .2%, compared to the 1,224 new filings recorded in 2018. **(Figure 1)**.

Changes in Investigations

Year	Filings	Change
2019	1,227	.2%
2018	1,224	-7.1%
2017	1,318	-4.4%
2016	1,379	15.8%
2015	1,191	-

Figure 1

The number of attorneys against whom grievances are docketed for investigation is generally a very small percentage of the total lawyer population. In 2019, only 1.65% of the 74,391 active lawyers as of December 31, 2019 had grievances docketed against them. (**Figure 2**).

Lawyer-Grievance Analysis

Year	Filings	Lawyers*	Percent
2019	1,227	74,391	1.65%
2018	1,224	75,207	1.63%
2017	1,318	75,131	1.75%
2016	1,379	75,137	1.84%
2015	1,191	75,526	-

* Active Lawyers – Source: Lawyers' Fund for Client Protection

Figure 2

4. Time Goals

The Supreme Court has established time frames in which investigations and hearings should be concluded. *R. 1:20-8*. These time goals call for standard investigations to be completed within six months and complex investigations within nine months from the date a grievance is docketed (until an investigative report is filed and the case is dismissed, diverted or a charging document is filed). Most cases handled by the Ethics Committees are classified as standard while almost all OAE cases are classified as complex. The actual time involved necessarily depends on a number of factors, including staffing, the cooperation of the grievant, the respondent and any other witnesses, as well as the complexity of the matter itself.

The average investigative time goal compliance rate for OAE cases for 2019 was 76%, 3% higher than for 2018. The average time goal compliance rate at the Ethics Committee level increased from 68% for 2018 to 72% for 2019.

The OAE's average age of pending investigations decreased from 197 days for 2018 to 191 for 2019. The average age of pending investigations of the Ethics Committees also decreased, from 157 days in 2018 to 151 days for 2019.

The OAE's average backlog of investigations decreased to 24% for 2019. The average backlog of the Ethics Committees decreased from 32% for 2018 to 28% for 2019.

C. COMPLAINTS (AND OTHER CHARGING DOCUMENTS)

At the conclusion of the investigative process, a determination is made as to whether there is adequate proof of unethical conduct. If there is no reasonable prospect of proving unethical conduct to the requisite standard, the matter is dismissed. If, however, there is a reasonable prospect of proving unethical conduct by clear and convincing evidence, and the matter is not diverted (see "Other Related Actions" at page 34), a formal complaint is filed and served on the respondent-attorney, who has 21 days to file an answer.

1. *Statewide Formal Complaints*

The disciplinary system began calendar year 2019 with a total of 350 complaints carried over from prior years. During the year, 248 new complaints were added for a total disposable caseload of 598. A total of 352 complaints were disposed of through the hearing process, leaving 246 pending complaints at year's end. Of that number, 23 were in untriable status, leaving an active pending caseload of 223 complaints.

The number of new formal complaints filed in 2019 (248) decreased by 14.8% from 2018 (291). The number of complaints filed in each of the last five years is listed in **Figure 3**.

Changes in Complaints

Year	Filings	Change
2019	248	-14.8%
2018	291	-11%
2017	327	17.2%
2016	279	19.2%
2015	234	-

Figure 3

D. HEARINGS

1. *Hearing Panels or Special Ethics Masters*

Once an Answer is filed, a disciplinary hearing is scheduled and held. In both standard and complex cases, the matter is tried before a hearing panel consisting of three members, composed of two lawyers and one public member. In some complex cases, however, a special ethics master may be appointed by the Supreme Court to hear and decide the matter.

2. *Procedure*

In disciplinary hearings, the procedure followed is similar to that in court trials. A verbatim record of the entire proceeding is made. Testimony is taken under oath. Attendance of witnesses and the production of records may be compelled by subpoena. After the conclusion of the hearing, the panel or special ethics master deliberates and prepares a hearing report either dismissing the complaint, if it determines that the lawyer has not

committed unethical conduct, or finding the lawyer to have committed unethical conduct, with the recommendation of the level of discipline.

3. *Public Hearings*

All hearings are open to the public except in rare circumstances where comprehensive protective orders have been entered.

4. *Age of Disposed Hearings*

In 2019, the average age of the OAE's disposed hearings increased by 116 days, from 487 days in 2018 to 603 days in 2019. The average age of the disposed hearings of the Ethics Committees also increased, by 122 days, from 352 days in 2018 to 474 days in 2019.

It is not unusual for the average time to complete hearings to fluctuate up or down, sometimes by up to a few months. There are a number of factors that impact how long it takes to complete the hearing process. These factors include the time it takes to appoint a Special Ethics Master or hearing panel, the availability of a courtroom equipped with CourtSmart in which to conduct and record the proceedings, the schedules of the finder of fact and the parties, the complexity of the cases, and the length of time to write and issue decisions.

III. SANCTIONS

A. TYPES OF DISCIPLINARY SANCTIONS

There are two types of disciplinary sanctions. The first (and most common) type of disciplinary sanction is final discipline. The second type of disciplinary sanction is imposed as a result of emergent action.

B. FINAL DISCIPLINE

Final discipline is imposed by the Supreme Court. The Supreme Court imposes final discipline after the attorney is first afforded an opportunity for a disciplinary hearing either at the trial level and/or after the Disciplinary Review Board (Review Board) concludes appellate review (or original review in the case of motions and stipulations). The Supreme Court automatically schedules oral argument in all cases in which the Review Board has recommended disbarment. Other matters are argued only if the Supreme Court grants a party's petition for review or on the Supreme Court's own motion.

The OAE represents the public interest in all arguments before the Supreme Court. OAE attorneys appeared 35 times for oral argument in discipline cases in 2019. Arguments are streamed in real time over the Internet and can be accessed at the Judiciary's Website -- www.njcourtsonline.com -- by clicking on the WEBCAST icon.

In 2019, the Supreme Court imposed final discipline on 143 New Jersey attorneys. Prior years' totals were: 174 in 2018, 156 in 2017, 130 in 2016, and 116 in 2015. **Figure 5** at page 10 contains a list of all final and emergent action, as well as all reinstated attorneys for 2019.

1. *Forms of Final Discipline*

There are five primary forms of final disciplinary sanctions: disbarment, suspension (for a definite or indefinite term), censure, reprimand, and admonition.

a. Disbarment

Disbarment is the most severe form of discipline and may be imposed either by the Supreme Court after oral argument or with the respondent's consent. Disbarment in New Jersey is, for all practical purposes, permanent. *In re Wilson*, 81 N.J. 451, 456 n.5 (1979) and *R. 1:20-15A(a)(1)*. Like New Jersey, three other states impose disbarment on a permanent basis in all cases (Indiana, Ohio and Oregon). Eight other jurisdictions have recognized the importance of permanency in some, but not all, disbarment cases (Arizona, Alabama, California, Connecticut, Florida, Kansas, Louisiana and Mississippi).

b. Suspension

Suspension precludes an attorney from practicing law for the period it is in effect. An attorney may not resume practicing at the end of the suspension until the Supreme Court orders reinstatement. There are two types of suspensions. Term suspensions prevent an attorney from practicing for a specific term between three months to three years. *R. 1:20-15A(a)(3)*.

Indeterminate suspensions may generally be imposed for a minimum of five years. *R. 1:20-15A(a)(2)*.

c. Censure

Censure is a condemnation of the attorney's misconduct that is imposed by Order of the Supreme Court. *R. 1:20-15A(a)(4)*.

d. Reprimand

A reprimand is a rebuke for an attorney's unethical conduct. *R. 1:15A(a)(5)*.

e. Admonition

Admonition, the least serious sanction, is a written admonishment meted out either by letter of the Review Board or by Order of the Supreme Court. *R. 1:20-15A(a)(6)*.

2. *Discipline Imposed by the Supreme Court*

The 143 final sanctions imposed in 2019 include 27 disbarments by Order of the Supreme Court, 12 disbarments by consent of the respondent, 30 term suspensions, 1 indeterminate suspension, 25 censures, 23 reprimands, and 25 admonitions.

Comparisons of 2019 sanctions with the prior year are as follows: disbarments by Order of the Supreme Court increased by 58.8% (27 vs. 17); disbarments by consent decreased by 33.3% (12 vs. 18); term suspensions decreased by 44.4% (30 vs. 54); censures decreased by 21.9% (25 vs. 32); reprimands decreased by 14.8% (23 vs. 27); and admonitions remained the same (25 vs. 25).

C. EMERGENT ACTION

Whenever the OAE believes a serious violation of the Rules of Professional Conduct has occurred and that an attorney "poses a substantial threat of serious harm to an attorney, a client or the public" (*R. 1:20-11*), it may file an application seeking the attorney's immediate temporary suspension from practice, pending ongoing investigation. The Supreme Court may either suspend the attorney temporarily or impose a temporary license restriction, which permits the lawyer to continue to practice, but places conditions on that privilege. Conditions may include oversight by a proctor of the attorney and/or trust account.

For 2019, a total of 31 attorneys were the subject of emergent sanctions (31 temporary suspensions). This represents a decrease of 13.9% from the total in 2018, when 33 emergent actions were taken (33 temporary suspensions). Prior years' results were: 2017 (36 temporary suspensions); 2016 (39 temporary suspensions); and 2015 (33 temporary suspensions). During that five-year period, an average of 34 lawyers were subject to emergent action. The names of attorneys emergently disciplined are listed on page 14 [Figure 5].

In 2019, the leading reasons for emergent discipline were: non-payment of fee arbitration committee awards at 29% (9 cases); knowing misappropriation of clients' trust funds at 23% (7 cases); the attorney's conviction of a "serious crime" as defined in R.1:20-13, at 19% (6 cases); non-cooperation with disciplinary authorities, also at 19% (6 cases); and failure to pay disciplinary costs at 10% (3 cases).

D. TOTAL DISCIPLINE

In total, 174 attorneys were sanctioned by the New Jersey Supreme Court in 2019, whereas 207 attorneys were sanctioned in 2018 (representing a decrease of 15.9%). Sanction totals for previous years were as follows: 192 in 2017; 169 in 2016; and 149 in 2015. The average number of sanctions over the past five years is 178. The number of attorneys sanctioned in 2019 is 2.5% lower than this five-year average.

Five-Year Sanction Trend

Year	Attorneys Disciplined
2019	174
2018	207
2017	192
2016	169
2015	149

Figure 4

OFFICE OF ATTORNEY ETHICS
YEARLY DISCIPLINE REPORT
(1/1/2019 to 12/31/2019)

DISBARMENT (27)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
ABRAMOWITZ, ARNOLD M	1976	ESSEX	12/02/2019	12/02/2019
BARRETT, RICHARD JOHN	1999	NEW YORK	09/20/2019	09/20/2019
BLAHER, NEAL JONATHAN	1986	FLORIDA	09/12/2019	09/12/2019
BOYMAN, CHRISTOPHER D	1987	UNION	03/27/2019	03/27/2019
BRADY, JAMES D	1982	CAMDEN	11/12/2019	11/12/2019
BYRNE, JAMES PETER	1991	WASHINGTON	04/25/2019	04/25/2019
CRESCI, PETER J	1992	HUDSON	03/21/2019	03/21/2019
FERRIERO, JOSEPH A	1982	BERGEN	09/19/2019	09/19/2019
FRANK, BARRY N	1977	BERGEN	10/01/2019	10/01/2019
GENOVESE, ROBERT JOHN	1999	OCEAN	06/13/2019	06/13/2019
GREENMAN, SAL	1993	BERGEN	03/21/2019	03/21/2019
IBRAHIM, AIMAN	2008	PASSAIC	10/25/2019	10/25/2019
JOHNS, MARK	2001	PENNSYLVANIA	06/19/2019	06/19/2019
KATZMAN, EYAL	2002	NEW YORK	10/01/2019	10/01/2019
LA RUSSO, ANTHONY J	1969	ESSEX	10/10/2019	10/10/2019
LEDINGHAM, RICHARD	1981	BERGEN	10/30/2019	10/30/2019
MC CARTNEY, DANIEL WARREN JR	1995	PENNSYLVANIA	06/19/2019	06/19/2019
MURPHY, STEPHEN ROBERT	1999	PENNSYLVANIA	09/11/2019	09/11/2019
PHILLIPS, JACK BARRY	2001	CAMDEN	01/16/2019	01/16/2019
QUATRELLA, DAVID L	1981	CONNECTICUT	04/02/2019	04/02/2019
RABBAT, VICTOR K	1984	PASSAIC	03/27/2019	03/27/2019
REGOJO, FERNANDO J	1981	HUDSON	10/09/2019	10/09/2019
ROSENBLATT, MICHAEL J	1988	NEW YORK	10/09/2019	10/09/2019
SHELTON, FINCOURT B	1987	PENNSYLVANIA	11/14/2019	11/14/2019
SMITH, JOHN C JR	1990	CAMDEN	04/26/2019	04/26/2019
TOMAN, JEFFREY	2010	CAMDEN	04/24/2019	04/24/2019
ZUVICH, RICHARD N	1980	MIDDLESEX	03/13/2019	03/13/2019

DISBARMENT BY CONSENT (12)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
ARVANITAKIS, KATERINA N	2006	NEW YORK	01/16/2019	01/16/2019
CHAR, EDWARD MARTIN	2004	NEW YORK	05/15/2019	05/15/2019
COFFEE, LINDA DARLEEN	1994	CAMDEN	10/03/2019	10/03/2019
DE SAPIO, MICHAEL A	2008	HUNTERDON	08/13/2019	08/13/2019
FREESMAN, STEVEN DANIEL	1989	BERGEN	10/18/2019	10/18/2019
FUTTERWEIT, MARC ALLEN	1989	MORRIS	03/13/2019	03/13/2019
KLEIN, RICHARD C	1973	BURLINGTON	02/11/2019	02/11/2019
MEEHAN, BRIAN P	1988	PENNSYLVANIA	01/10/2019	01/10/2019
ROBERTS, RICHARD M	1971	ESSEX	08/07/2019	08/07/2019
SALAMI, STEVEN H	2000	MONMOUTH	12/09/2019	12/09/2019

VAN PELT, CHRISTIAN M	1983	PASSAIC	10/30/2019	10/30/2019
WATSON, RAHEEM S	2009	CAMDEN	06/12/2019	06/12/2019

SUSPENSION TERM (30)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
AGRAIT, WILLIAM E - 3 mo.	1984	ESSEX	03/21/2019	04/22/2019
AL-MISRI, OUSMANE DHU'L-NUN - 3 mo.	1979	ESSEX	11/13/2019	12/12/2019
BARRETT, JOSEPH PETER - 5 mo.	1997	UTAH	07/15/2019	03/24/2017
BENJAMIN, JEFFREY M - 6 mo.	2000	NEW YORK	03/12/2019	06/03/2016
BERMAN, DAVID CHARLES - 6 mo.	1986	MORRIS	07/18/2019	05/05/2019
BERNOT, ROBERT J - 6 mo.	1982	HUNTERDON	05/02/2019	11/03/2020
BRENT, ADAM LUKE - 3 mo.	2003	GLOUCESTER	12/05/2019	12/05/2019
CHIRICO, VINCENT - 3 mo.	1993	NEW YORK	07/24/2019	08/19/2019
CHOI, YOCHAN - 24 mo.	2003	NEW YORK	07/22/2019	05/02/2018
COHEN, MATTHEW I - 24 mo.	1995	PENNSYLVANIA	01/30/2019	01/30/2019
COLBY, MAXWELL X - 24 mo.	1975	MONMOUTH	01/11/2019	03/15/2019
COMET, JORDAN B - 3 mo.	1992	BERGEN	05/06/2019	06/03/2019
CORSI, CHRISTOPHER - 3 mo.	2009	BURLINGTON	11/15/2019	12/12/2019
FOX, DANIEL JAMES - 12 mo.	1986	ESSEX	11/06/2019	11/06/2019
FRANKLIN, KIRSTEN ELIZABETH - 36 mo.	2006	MERCER	01/24/2019	01/07/2010
FULFORD, PRESTON I - 3 mo.	1998	ESSEX	03/22/2019	04/22/2019
LEE, CHARLES H - 3 mo.	1990	BERGEN	04/16/2019	05/06/2019
MARCINKIEWICZ, ANIA - 12 mo.	2004	ESSEX	12/04/2019	12/04/2019
MILARA, DIEGO P - 12 mo.	1991	ESSEX	05/01/2019	05/01/2019
PERDUE, M BLAKE - 6 mo.	2014	MORRIS	10/04/2019	10/31/2019
ROBINSON, CHERI S WILLIAMS - 12 mo.	2001	PENNSYLVANIA	01/24/2019	05/23/2018
SCHLISSEL, AILEEN MERRILL - 3 mo.	1997	CALIFORNIA	01/10/2019	01/10/2019
SCHLISSEL, AILEEN MERRILL - 6 mo.	1997	CALIFORNIA	07/19/2019	04/11/2019
SKLAR, LORI J - 3 mo.	1998	MINNESOTA	02/06/2019	03/07/2019
WEINTRAUB, MICHAEL EVAN - 6 mo.	1996	MERCER	05/13/2019	06/10/2019
WISE, JOHN F - 3 mo.	1983	ESSEX	12/11/2019	01/08/2020
WOLFE, JAMES H III- 12 mo.	1979	ESSEX	01/24/2019	02/25/2019
WRIGHT, KATRINA F - 12 mo.	1988	BURLINGTON	05/03/2019	05/03/2019
WRIGHT, KATRINA F - 24 mo.	1988	BURLINGTON	12/03/2019	12/03/2019
ZONIES, DANIEL B - 3 mo.	1970	CAMDEN	12/06/2019	01/06/2020

CENSURE (25)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
ALFANO, ANNETTE PATRICIA	1984	SOMERSET	06/13/2019	06/13/2019
BABCOCK, FRANCIS CHARLES JR	1990	HUDSON	01/10/2019	01/10/2019
BAKHOS, BASSEL	2002	SOMERSET	09/20/2019	09/20/2019
BAYSAH, CIATTA Z	2006	NEW YORK	12/03/2019	12/03/2019
COLEMAN, KENDAL	2000	PASSAIC	07/25/2019	07/25/2019
DAY, DWIGHT HUGH	2004	ESSEX	07/22/2019	07/22/2019
ESPOSITO, DAVID G	2003	OCEAN	11/22/2019	11/22/2019
GARAGOZZO, JOHN JOSEPH	1983	GLOUCESTER	10/04/2019	10/04/2019
GRUBER, SAUL GARY	1988	BURLINGTON	06/03/2019	06/03/2019

HAHN, SANGHWAN	1994	BERGEN	09/06/2019	09/06/2019
HUNEKE, WILLIAM L	1979	OCEAN	05/02/2019	05/02/2019
IANETTI, ERNEST G	1986	MORRIS	05/14/2019	05/14/2019
KARP, LOUIS I	1982	MORRIS	05/06/2019	05/06/2019
LI, YUEXIN	2003	SOMERSET	07/25/2019	07/25/2019
LOWENBERG, FREDERICK S	2010	PENNSYLVANIA	07/12/2019	07/12/2019
MARINELLI, SCOTT MICHAEL	2001	HUNTERDON	11/18/2019	11/18/2019
MARKS, JEFFREY D	1987	PASSAIC	03/13/2019	03/13/2019
MASESSA, ROBERT C	1982	MORRIS	07/25/2019	07/25/2019
MICHELINI, ROBERT J	1982	PASSAIC	12/06/2019	12/06/2019
OAKLEY, ANNETTE MARIA	2003	PENNSYLVANIA	05/31/2019	05/31/2019
ROSE, MATTHEW THOMAS	1996	MORRIS	07/19/2019	07/19/2019
SILVERMAN, A JARED	1988	NEW YORK	10/04/2019	10/04/2019
SPEZIALE, PAUL	1984	BERGEN	05/30/2019	05/30/2019
UDREN, MARK J	1979	PENNSYLVANIA	12/06/2019	12/06/2019
VALVANO, JAMES II	1997	NEW YORK	12/04/2019	12/04/2019

PUBLIC REPRIMAND (23)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
BUCCI, SHARON PRATICO	1993	OCEAN	06/14/2019	06/14/2019
CAIOLA, ALEXANDER THOMAS	1996	UNION	05/14/2019	05/14/2019
DAMIAN, CHARLES M	1979	MORRIS	06/14/2019	06/14/2019
DEMPSEY, STEPHEN P	2001	UNION	12/05/2019	12/05/2019
DILLON, TIMOTHY ANDREW	1999	DELAWARE	09/06/2019	09/06/2019
DRACHMAN, EVAN R	2004	HUDSON	07/19/2019	07/19/2019
FARMER, GEORGE LOUIS	1996	ATLANTIC	09/06/2019	09/06/2019
FRONAPFEL, STACY B	2002	UNION	05/06/2019	05/06/2019
KLATCH, KEIRSTEN	2004	FLORIDA	07/12/2019	07/12/2019
LA VAN, JULIE ANNA	2006	BURLINGTON	07/12/2019	07/12/2019
MAZIARZ, JOHN E	1977	MERCER	07/12/2019	07/12/2019
MEISENBACHER, RAYMOND F JR	1990	SOMERSET	05/30/2019	05/30/2019
MORRISSEY, BRUCE C	1976	BERGEN	11/18/2019	11/18/2019
MUELLER, GREGORY K	1993	BERGEN	07/24/2019	07/24/2019
PEREZ, CARLOS E	2001	HUDSON	11/22/2019	11/22/2019
RAJAN, MAHESH	2003	MIDDLESEX	04/12/2019	04/12/2019
SARSANO, ANTHONY F	1974	HUDSON	06/03/2019	06/03/2019
SCHWARTZ, RONALD	1971	BERGEN	10/18/2019	10/18/2019
SONG, MICHAEL W	1996	BERGEN	01/29/2019	01/29/2019
WASSERSTRUM, SEYMOUR M.	1973	CUMBERLAND	12/05/2019	12/05/2019
WATSON, RAHEEM S	2009	CAMDEN	01/25/2019	01/25/2019
WINOGRAD, IAN ZEV	2016	MORRIS	04/12/2019	04/12/2019
WLADYKA, AGNES S	1994	UNION	04/18/2019	04/18/2019

ADMONITION (25)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
ALVAREZ, ESTHER MARIA	1992	UNION	09/20/2019	09/20/2019
BEGLEY, KEVIN J	1997	MONMOUTH	06/24/2019	06/24/2019
BERNSTEIN, MARK A	1997	CAMDEN	05/29/2019	05/29/2019
BORCHERS, KOURTNEY ANNA	1997	BURLINGTON	07/19/2019	07/19/2019

CADRE, JILL	2003	BERGEN	11/25/2019	11/25/2019
CHONG, MICHAEL K	2000	BERGEN	03/27/2019	03/27/2019
CZAPELSKI, MARCIA LYNNE	1992	UNION	05/31/2019	05/31/2019
DRISGULA, A RANDALL	1972	SOUTH CAROLINA	03/29/2019	03/29/2019
DUCKWORTH, JAMES M	1998	PENNSYLVANIA	04/26/2019	04/26/2019
FRIEZE, CARY J	1972	MORRIS	10/21/2019	10/21/2019
HAGAN, STEPHANIE FRANGOS	1985	MORRIS	04/30/2019	04/30/2019
HYNES, ROBERT RICHARD	1992	MIDDLESEX	04/24/2019	04/24/2019
KAMEL, ALAN MONTE	1985	UNION	05/30/2019	05/30/2019
LAUFER, WILLIAM M	1974	MORRIS	05/31/2019	05/31/2019
LINDNER, MICHAEL DAVID JR	1995	GLOUCESTER	09/06/2019	09/06/2019
LUCAS, PHILLIP L	1972	OCEAN	06/25/2019	06/25/2019
MILLER, JOHN C III	1986	CAMDEN	03/29/2019	03/29/2019
OWENS, DEAN F II	2009	PENNSYLVANIA	11/25/2019	11/25/2019
PAPPAS, HERCULES	1997	CAMDEN	03/07/2019	03/07/2019
SCHWARTZ, KYLE G	1994	SOMERSET	09/20/2019	09/20/2019
SEVERUD, STEPHEN N	1990	MORRIS	03/29/2019	03/29/2019
SIMANTOV, JOSEPH M	2003	UNION	07/22/2019	07/22/2019
STACK, ROBERT JAMES	1996	MORRIS	02/25/2019	02/25/2019
STEINCOLOR, DEBORAH	1994	ESSEX	07/19/2019	07/19/2019
STEWART, KENYATTA K	2007	ESSEX	10/22/2019	10/22/2019

SUSPENSION INDETERMINATE (1)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
HARMON, RHASHEA LYNN	2012	PENNSYLVANIA	11/07/2019	12/04/2019

TOTAL FINAL DISCIPLINE.....143

TEMPORARY SUSPENSION (31)

<u>ATTORNEY</u>	<u>ADMITTED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
ALLEN, JOHN CHARLES	1994	MIDDLESEX	04/12/2019	05/13/2019
BABCOCK, FRANCIS CHARLES JR	1990	HUDSON	06/05/2019	07/08/2019
BRENT, ADAM LUKE	2003	GLOUCESTER	09/23/2019	10/21/2019
BRENT, ADAM LUKE	2003	CUMBERLAND	03/06/2019	03/06/2019
BROWN, STEPHANIE JULIA	2006	GLOUCESTER	03/13/2019	04/12/2019
BURRO, C P	1979	ATLANTIC	02/11/2019	03/13/2019
BYRNE, JAMES PETER	1991	WASHINGTON	02/14/2019	03/13/2019
COFFEE, LINDA D	1994	CAMDEN	07/11/2019	07/11/2019
CONNER, JOHN KELVIN	1991	PENNSYLVANIA	07/26/2019	07/26/2019
DE SANTIS, GLENN D	1986	CAMDEN	02/06/2019	02/06/2019
DIEHL, GLEN M	1986	SOMERSET	11/06/2019	11/06/2019
GILMORE, GEORGE R	1975	OCEAN	05/15/2019	05/15/2019
GOMEZ, ANDRYS SOFIA	1992	UNION	05/02/2019	05/02/2019
IBRAHIM, AIMAN	2008	PASSAIC	08/13/2019	08/13/2019
ISA, ULYSSES	2006	HUDSON	07/17/2019	07/17/2019
JACKSON, SAMUEL D	2017	NEW YORK	02/06/2019	02/06/2019
LA RUSSO, ANTHONY	1969	ESSEX	01/10/2019	01/10/2019
LAURENZO, DIANNE E	2003	BERGEN	08/07/2019	08/07/2019

LOWDEN, SUSAN A	1991	CAMDEN	03/13/2019	04/12/2019
LOWDEN, SUSAN A	1991	CAMDEN	10/25/2019	11/25/2019
LUTHMANN, RICHARD A	2004	MIDDLESEX	05/15/2019	05/15/2019
MACELUS, EDWYN D	2013	BERGEN	07/18/2019	07/18/2019
MACLACHLAN, DONALD S	1981	BERGEN	10/03/2019	10/03/2019
MC KAY, MATTHEW J	2001	UNION	07/24/2019	07/24/2019
NAZOR, BRYAN	2000	BERGEN	07/26/2019	07/26/2019
PINNOCK, JOAN OTHELIA	1997	ESSEX	03/13/2019	04/12/2019
POMPER, NEAL M	1982	MIDDLESEX	09/18/2019	09/18/2019
SALAMI, STEVEN H	2000	MONMOUTH	10/17/2019	10/17/2019
SEXTON, SEAN R	2004	HUDSON	06/19/2019	07/17/2019
TYLER, KIMBERLY S	1990	ESSEX	06/27/2019	07/29/2019
VAPNAR, RICHARD JOSEPH	1999	BERGEN	02/05/2019	03/06/2019

TOTAL TEMPORARY DISCIPLINE.....31

REINSTATEMENTS (18)

<u>ATTORNEY</u>	<u>SUSPENDED</u>	<u>LOCATION</u>	<u>DECIDED</u>	<u>EFFECTIVE</u>
AGRAIT, WILLIAM E	04/22/2019	ESSEX	08/09/2019	08/09/2019
ALLEN, JOHN CHARLES	05/13/2019	MIDDLESEX	05/15/2019	05/15/2019
BABCOCK, FRANCIS C JR	07/08/2019	HUDSON	07/11/2019	07/11/2019
BARRETT, JOSEPH PETER	03/24/2017	UTAH	09/18/2019	08/21/2017
BUCKLEY, CHRISTOPHER J	10/21/2016	HUDSON	03/29/2019	03/29/2019
COMET, JORDAN B	06/03/2019	BERGEN	09/24/2019	09/24/2019
DECKER, BRIAN R	12/23/2013	BERGEN	11/12/2019	11/12/2019
DEL TUFO, DOUGLAS JOSEPH	01/03/2014	MONMOUTH	10/25/2019	10/25/2019
DEL TUFO, DOUGLAS JOSEPH	04/25/2018	MONMOUTH	10/25/2019	10/25/2019
FREEMAN, JARRED S	10/08/2018	MIDDLESEX	01/10/2019	01/10/2019
FULFORD, PRESTON I	04/22/2019	ESSEX	09/11/2019	09/11/2019
HIGGINS, CHRISTOPHER ROY	09/21/2018	MIDDLESEX	05/10/2019	05/10/2019
JADEJA, RAJSHAKTISINH D	06/07/2017	NEW YORK	07/19/2019	07/19/2019
NIHAMIN, FELIX	10/08/2018	BERGEN	11/12/2019	11/12/2019
PETIGARA, VISHAL S	01/24/2018	PENNSYLVANIA	05/08/2019	05/08/2019
PINCK, LAWRENCE R	08/16/2014	PASSAIC	07/02/2019	07/02/2019
SEVERUD, STEPHEN N	11/16/2018	MORRIS	02/22/2019	02/22/2019
WEINTRAUB, MICHAEL EVAN	06/10/2019	MERCER	12/11/2019	12/11/2019

TOTAL REINSTATEMENTS.....18

IV. GROUNDS FOR FINAL DISCIPLINE

The type of misconduct committed in final discipline cases is as follows:

A. OTHER MONEY OFFENSES

The category of “Other Money Offenses” came in first place in 2019. Twenty point three percent (20.3%) (29 of the 143 final discipline cases) of the attorneys disciplined in 2019 committed some type of money offense other than knowing misappropriation. This

category includes negligent or reckless misappropriation, serious trust account recordkeeping deficiencies, and failure to safeguard funds and escrow violations. In 2018, this category was in second place.

B. KNOWING MISAPPROPRIATION

In second place was “Knowing Misappropriation.” Fifteen point four percent (15.4%) (22 of 143 cases) of attorneys disciplined in 2019 knowingly misappropriated trust funds.

Knowing misappropriation cases are of special importance in this state. New Jersey maintains a uniform and unchanging definition of this offense as set forth in the landmark decision of *In re Wilson*, 81 N.J. 451 (1979). It is simply taking and using a client’s money knowing that it is the client’s money and that the client has not authorized its use. Knowing misappropriation cases, involving client trust/escrow funds, mandate disbarment.

1. Trust Overdraft Notification

New Jersey has the most pro-active financial programs of any state in the country, including the Trust Overdraft Notification Program (Overdraft Program) and Random Audit Compliance Program (RAP). The Overdraft Program requires that all financial institutions report to the OAE whenever an attorney trust account check is presented against insufficient funds. During the 35 years of its existence, the Overdraft Program has been the sole source for the discipline of 251 New Jersey lawyers. Almost one half of the attorneys (45%) so disciplined were disbarred. In 2019, thirteen (13) attorneys were detected and disciplined through this program:

- Arnold M. Abramowitz from Essex County was disbarred;
- Alexander T. Caiola from Union County was reprimanded;
- Kendal Coleman from Passaic County was censured;
- James M. Duckworth from Pennsylvania was admonished;
- Cary J. Frieze from Morris County was admonished;
- Robert John Genovese from Ocean County was disbarred;
- Aiman Ibrahim from Passaic County was disbarred;
- Yuexin Li from Somerset County was censured;
- John E. Maziarz from Mercer County was reprimanded;
- John C. Miller, III from Camden County was admonished;
- Aileen Merrill Schlissel from California was suspended for three months;
- Ronald Schwartz from Bergen County was reprimanded;
- Deborah Steincolor from Essex County was admonished.

2. Random Audit Compliance Program

RAP began conducting audits in 1981. While not designed primarily to detect misappropriation, audits have resulted in the detection of some serious financial violations. Over the 38 years of its operation, a total of 221 attorneys, detected solely by this program, have been disciplined for serious ethical violations. Fifty-six percent (56%) of those attorneys were disbarred or suspended. In 2019, fourteen (14) attorneys were disciplined for committing serious financial violations:

- Sharon Pratico Bucci from Ocean County was reprimanded;
- Jill Cadre from Bergen County was admonished;
- Linda Darleen Coffee from Camden County was disbarred by consent;
- Jordan B. Comet from Bergen County was suspended for three months;
- David G. Esposito from Ocean County was censured;
- Steven Daniel Freesman from Bergen County was disbarred by consent;
- Marc Allen Futterweit from Morris County was disbarred by consent;
- William L. Huneke from Ocean County was censured;
- Jeffrey D. Marks from Passaic County was censured;
- Robert J. Michelini from Passaic County was censured;
- A Jared Silverman from New York was censured;
- Mark J. Udren from Pennsylvania was censured;
- Christian M. Van Pelt from Passaic County was disbarred by consent; and
- James H. Wolfe, III, from Essex County was suspended for one year.

C. DISHONESTY, FRAUD, DECEIT AND MISREPRESENTATION

The category of “Dishonesty, Fraud, Deceit and Misrepresentation” was the third most common reason why attorneys were disciplined in 2019. Twenty-one (21) of the 143 attorneys disciplined in 2019 (or 14.7%) engaged in some type of dishonesty, fraud, deceit or misrepresentation.

D. GROSS NEGLIGENCE/LACK OF DILIGENCE/INCOMPETENCE

The category of “Gross Neglect/Lack of Diligence/Incompetence” came in fourth place at 7.7% (11 of 143 cases). Attorneys who engage in grossly negligent conduct or who lack diligence or act incompetently are a clear danger to the public. This category was also the fourth most frequent reason for lawyer sanctions in 2018.

E. CONFLICT OF INTEREST

“Conflict of Interest” came in fifth place, accounting for 7% (10 of 143 cases) of all final discipline cases.

The general rule on conflicts is found in RPC 1.7, which states that a lawyer may not represent a client if the representation of one client will be directly adverse to another client, or there is a significant risk that the representation of one or more clients will be materially limited by the lawyer’s responsibilities to another client, a former client, or a third person or by a personal interest of the lawyer. This group was tied for fifth place in 2018.

F. CRIMINAL CONVICTIONS

“Criminal Convictions” (excluding misappropriation, fraud and drug convictions) was the sixth most common reason why attorneys were disciplined in 2019. Six point three percent (6.3%) (9 of 143 cases) of the attorneys disciplined in 2019 were convicted of crimes.

Tied for seventh place in 2019, each at 5.6% (8 of 143 cases), are the categories of “Unauthorized Practice of Law” and “Non-Cooperation with Ethics Authorities.”

G. UNAUTHORIZED PRACTICE OF LAW

The “Unauthorized Practice of Law” is defined by RPC 5.5 to include not only an attorney practicing New Jersey law after his/her license to practice in this state has been suspended or revoked, but also when an attorney admitted here assists a non-lawyer in the performance of activity that constitutes the unauthorized practice of law.

H. NON-COOPERATION WITH ETHICS AUTHORITIES

Attorneys have an ethical obligation under RPC 8.1(b) and *R.1:20-3(g)(3)* to cooperate during the investigation, hearing and processing of disciplinary matters. Some lawyers are disciplined for non-cooperation even though the grievance originally filed against them was ultimately dismissed because there was no proof of unethical conduct. The disciplinary system could not properly function and endeavor to meet its goals for timely disposition of cases without the attorney’s cooperation.

“Withdrawing / Terminating Representation” and “Ineligible Practicing Law” are tied for eighth place in 2019, each at 3.5% (5 of 143 cases).

I. WITHDRAWING / TERMINATING REPRESENTATION

Upon withdrawing from or terminating a representation, an attorney is obligated to take certain measures to protect a client’s interest. Those who do not are in violation of RPC 1.16(d).

J. INELIGIBLE PRACTICING LAW

This violation arises when lawyers continue to engage in the practice of law after they are ordered by the Supreme Court to cease practicing because they have failed (a) to make payment of the mandatory annual attorney registration licensing fee; (b) to submit updated IOLTA information; or (c) to comply with CLE requirements. This grouping has been in the top ten grounds for discipline every year since 2011.

K. CANDOR TOWARD TRIBUNAL

“Candor Toward Tribunal” came in ninth place at 2.8% (4 of 143 cases). RPC 3.3 prohibits lawyers from knowingly making false statements of material fact or law to a tribunal, from failing to disclose a material fact to a tribunal when disclosure is necessary to avoid assisting an illegal, criminal or fraudulent act by the client and failing to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel.

L. ADMINISTRATION OF JUSTICE

In tenth place, “Administration of Justice” accounted for 1.4% (2 of 143 cases) of all final discipline cases. This category has appeared on the list in 2018, 2015, 2012, 2008, 2006 and 2005.

M. LACK OF COMMUNICATION

The category of "Lack of Communication" was also in tenth place this year at 1.4% (2 of 143 cases). Lawyers are ethically required by RPC 1.4 to "keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information." They also must "explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation." This group was in seventh place in 2018.

N. FAILURE TO SUPERVISE

Also in tenth place this year was "Failure to Supervise" in violation of RPCs 5.1 and 5.3. These two Rules of Professional Conduct require every lawyer to make reasonable efforts to ensure that attorneys whom the lawyer supervises conform to the Rules of Professional Conduct, and that the conduct of non-lawyers retained or employed by the lawyer is compatible with the professional obligations of the lawyer.

Summaries of each of the 143 final discipline cases can be found in **Figure 6**.

Figure 6

2019 Disciplinary Summaries

Arnold M. Abramowitz - Disbarred on December 2, 2019 (240 *N.J.* 204) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep client reasonably informed about the status of a matter and to comply with reasonable requests for information), *RPC* 1.4(c) (failure to explain the matter to the extent reasonably necessary to permit client to make informed decision regarding the representation), *RPC* 1.8(e) (providing financial assistance to a client), *RPC* 1.15(a) (commingling and negligent misappropriation), *RPC* 1.15(b) (failure to promptly deliver funds to a third party), *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping violations), *RPC* 5.5(a) (practicing law while suspended), *RPC* 8.1(a) (false statements to ethics authorities), *RPC* 8.1(b) (failure to cooperate with ethics authorities), *RPC* 8.4(c) (commission of a criminal act that reflects on the lawyer's honesty, trustworthiness or fitness as a lawyer), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Among other misconduct, respondent mishandled two loans on behalf of clients from the Lead Hazard Control Assistance Program (LHCP), mishandled a client matter against the New Jersey Property-Guaranty Association (NJPLIGA), negligently misappropriated funds in seven matters, commingled funds, made false statements to ethics authorities and failed to cooperate. Hillary Horton represented the OAE before the Supreme Court and Catherine M. Brown represented the respondent.

Respondent was previously disciplined: Admonished in 1995; admonished in 1996; admonished in 1997; reprimanded in 2008; suspended for three months in 2009; and suspended for one year in 2015. This matter was discovered as a result of the Trust Overdraft Notification Program.

William E. Agrait - Suspended for three months on March 21, 2019 (effective April 22, 2019), (237 *N.J.* 250) for violating *RPC* 1.5(b) (failure to set forth in writing the basis or rate of a fee), and *RPC* 1.7(a) (conflict of interest). Rosemary J. Bruno appeared before the for District VA and Clifford J. Weininger appeared for respondent. The respondent was previously disciplined: Admonished in 1995; reprimanded in 2002; and censured in 2011.

Annette Patricia Alfano – Censured on June 13, 2019 (238 *N.J.* 239) for violating *RPC* 1.15(a) (failure to safeguard property belonging to a client or third party); *RPC* 1.15(b) (failure to promptly disburse funds); *RPC* 4.1(a)(1) (knowingly making a false statement of material fact or law to a third person); and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) in connection with a real estate matter. Christina Blunda appeared before the DRB for the OAE and Scott B. Piekarsky appeared for the respondent. The respondent was previously disciplined: Admonished in 2015.

Ousmane Dhu'l-Nun Al-Misri – Suspended for three months on a certified record on November 13, 2019, effective December 12, 2019 (240 *N.J.* 179) for violating *RPC* 1.1(a) (gross neglect); *RPC* 1.3 (lack of diligence); *RPC* 1.4(b) (failure to keep client reasonably informed about a matter and to reply to client's reasonable requests for information); *RPC* 5.5(a)(2) (assisting a person who is not a member of the bar in the unauthorized practice of law; and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Christina Blunda represented the OAE and respondent failed to appear. The respondent was previously disciplined: Admonished in 1996 and 2002 and censured in 2009.

Esther Maria Alvarez – Admonished on September 20, 2019 (*Unreported*) for her violation of *RPC* 1.1 (a) (gross neglect), *RPC* 1.3 (lack of diligence), and *RPC* 1.4(b) (failure to communicate with the client) in a matrimonial matter. John M. Boyle handled the matter for District VI and Raymond S. Londa represented the respondent.

Katerina N. Arvanitakis - Disbarred by consent on January 16, 2019 (236 *N.J.* 353). Respondent acknowledged that she knowingly misappropriated client funds in connection with her guilty plea to felony wire fraud in the United States District Court for the Southern District of New York, in violation of *18 U.S.C. § 1342* and 2. Respondent acknowledged that if she went to a hearing on that matter, she could not successfully defend herself against those charges. Deputy Ethics Counsel Eugene A. Racz represented the OAE and Peter M. Zirbes represented the respondent.

Francis Charles Babcock, Jr. – Censured on January 10, 2019 (238 *N.J.* 241) for ethics violations committed in two separate matters. The first matter, investigated by the OAE, resulted in violations of *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.15(b) (failure to promptly notify and deliver funds or property to a client or third party), *RPC* 1.16(d) (failure to protect client's interests on termination of representation), *RPC* 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice) stemming from respondent's delay in handling an estate and failure to comply with a judge's orders to turn records over to a substituted administrator. The second matter, investigated by the District VI Ethics Committee, was a certified record stemming from a grievance of a former client that resulted in violations of *RPC* 1.4(b) (failure to communicate with client) and *RPC* 1.16(d) (failure to protect client's interests on termination of representation). HoeChin Kim represented the OAE and respondent was pro se before the DRB. Respondent was previously disciplined: Reprimanded in 2017.

Bassel Bakhos - Censured on September 20, 2019 (239 *N.J.* 526) following his violation of *RPC* 1.1(a) (gross neglect), *RPC* 1.1(b) (pattern of neglect); *RPC* 1.3 (lack of diligence); *RPC* 1.4(b) (failure to communicate with client); *RPC* 1.16(a)(2) (failure to withdraw from representation); *RPC* 3.3(a)(1) (lack of candor to a tribunal); *RPC* 3.3(a)(5) (failure to disclose a material fact to a tribunal); *RPC* 3.4(d) (failure to make reasonably diligent efforts to comply with legally proper discovery requests from opposing party); *RPC* 4.1(a) (false statement of material fact or law to a third party); *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Reid Adler represented the OAE before the DRB and Steven R. Lane represented the respondent.

Joseph Peter Barrett – 150-day retroactive suspension effective March 24, 2017 (238 *N.J.* 517) The Court held that because a Utah court limited the presentation of evidence of a business dispute between respondent and his former Utah law firm, and because evidence that may exist in Utah cannot be compelled by respondent in New Jersey, the Court could not conclude that the OAE proved by clear and convincing evidence that respondent knowingly misappropriated law firm funds in violation of *RPC* 1.15a under circumstances justifying greater discipline than that imposed in Utah. The New Jersey Supreme Court considered whether Respondent, who received a 150-day day suspension for knowing misappropriation of law firm funds in Utah – a jurisdiction that applies a preponderance of evidence standard and recognizes no business dispute defense – could be disbarred in New Jersey under New Jersey's clear and convincing evidence standard based only on the Utah record. Charles Centinaro appeared before the Supreme Court for the OAE and John McGill, III, appeared for the respondent.

Richard J. Barrett – Disbarred by a motion for final discipline on September 20, 2019, (*__N.J.__*) for violating *RPC* 1.15(a) (failure to safeguard funds), the principles of *In re Hollendonner*, 102 *N.J.* 21 (1985) and *In re Wilson*, 81 *N.J.* 451 (1979); *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness); and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Respondent pled guilty to one count of petit larceny, a class A misdemeanor, in violation of N.Y. State Penal law § 1.55.25 (Consol. 1967). Eugene A. Racz represented the OAE and respondent was pro se.

Ciatta Z. Baysah - Censured on a certified record on December 3, 2019, (140 *N.J.* 205) in a matrimonial matter, where respondent misrepresented the status of the case to the client, violating *RPC* 1.4(c) (failure to explain a matter to the extent reasonably necessary for the client to make informed decisions about the representation), *RPC* 8.1(b)

(failure to cooperate with disciplinary authorities), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Maria Vallejo represented District VI and respondent was pro se.

Kevin J. Begley – Admonished on June 24, 2019 (*Unreported*) for his violations of *RPC* 1.1 (a) (gross neglect); *RPC* 1.3 (lack of diligence); *RPC* 1.4(b) (failure to communicate); and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) in his representation of a client who filed suit against their insurance carrier for failure to provide coverage. James E. Tonrey, Jr. represented District VIII and Michael L. Lazarus represented the respondent.

Jeffrey M. Benjamin - Suspended for six months on March 12, 2019, effective June 3, 2016 through December 3, 2016, (237 *N.J.* 152), following a motion for reciprocal discipline. Respondent's unethical New York conduct constituted the violation of the following equivalent New Jersey *RPC*s: *RPC* 1.4(b) (failure to comply with reasonable requests for information), *RPC* 1.15(a) (failure to hold client's funds separate from the lawyer's own property), and *RPC* 1.15(b) (failure to promptly deliver funds to the client). Hillary Horton represented the OAE and respondent was pro se.

David Charles Berman - Suspended for six months, following certification of the record, on July 18, 2019 (238 *N.J.* 587) for failing to comply with R. 1:20-20, which requires a suspended attorney to file an affidavit with the Director of the Office of Attorney Ethics specifying steps taken to comply with each provision of the rule, in violation of *RPC* 8.1(b) (failure to reply to a lawful demand for information from the disciplinary authority) and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Hillary Horton represented the OAE and respondent was pro se. Respondent was previously disciplined: Suspended for two years in 2017.

Robert J. Bernot - Suspended for six months on a certified record on May 2, 2019 (effective November 3, 2019), (237 *N.J.* 493) for violating *RPC* 5.5(a) (1) (engaging in the unauthorized practice of law). Patrick J. Cerillo handled the matter for District XIII and respondent defaulted. The respondent was previously disciplined: Reprimanded in 2012; temporarily suspended in 2013; and suspended for two years in 2018.

Mark A. Bernstein - Admonished by the DRB on May 29, 2019 (*Unreported*) for misconduct in a criminal matter which violated *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with a client), *RPC* 5.3(a) (failure to supervise a nonlawyer assistant), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Thomas C. McCoy handled the matter on behalf of District IIIA and Robert Ramsey represented the respondent.

Neal Jonathan Blaher – Disbarred reciprocally on September 12, 2019 (239 *N.J.* 524) on the basis of discipline (disbarment) imposed in Florida for unethical conduct that in New Jersey constitutes violations of *RPC* 1.15(a) (failure to safeguard funds-knowing misappropriation of trust funds), *RPC* 1.15(d) (recordkeeping improprieties), *RPC* 8.4(e) (conduct involving dishonesty, fraud, deceit or misrepresentation) and the principles of In re Wilson, 81 *N.J.* 451 (1979). Eugene A. Racz represented the OAE and respondent was pro se.

Kourtney Anna Borchers - Admonished by the DRB on July 19, 2019 (*Unreported*) for financial misconduct which violated *RPC* 1.15(d) (recordkeeping). Amanda Figland handled the matter for the OAE and John A. Zohlman represented the respondent.

William John Bowe - Prohibited from applying for readmission to the New Jersey bar for the one year and prohibited from applying for pro hac vice admission in any New Jersey matters until further order of the Court, on July 23, 2019, (239 *N.J.* 84) for violating *RPC* 1.15(a) (failure to safeguard funds; commingling personal and client funds), *RPC* 1.15(d) (recordkeeping violations), *RPC* 5.5(a) (unauthorized practice of law), and *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer). Respondent had been administratively revoked pursuant to Rule 1:28-2(c) on August 25, 2014. Al Garcia and Hillary Horton represented the OAE and Robert A. Weir, Jr. represented respondent.

Christopher D. Boyman - Disbarred on March 27, 2019, (237 *N.J.* 368) for violating *RPC* 5.5(a)(1) and Rule 1:20-20(b)(1) (practicing law while suspended), and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Timothy J. McNamara represented the OAE before the Supreme Court and respondent failed to appear. The respondent was previously disciplined: Censured in 2010 and 2014; and suspended for three years in 2018.

James D. Brady – Disbarred, effective November 12, 2019, on a certified record (240 *N.J.* 100) for violating *RPC* 1.5(c) (conclusion of a contingent fee matter, failure to provide the client with a written statement of the outcome of the matter and, if there was a recovery, showing the remittance to the client and the method of its determination), *RPC* 1.15(a)(failure to safeguard funds) and the principles set forth in In re Wilson, 81 *N.J.* 451 (1979), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), *RPC* 8.4(b) (criminal act that reflects adversely on a lawyer's honesty, trustworthiness, or fitness to practice), and *RPC* 8.4(c)(conducting involving dishonesty, fraud, deceit or misrepresentation). Respondent obtained a \$100,000 recovery for his clients in a one-third contingency fee matter. Respondent disbursed the sum of \$51,000 to the clients and

paid off the clients' lien of \$6,480, but knowingly misappropriated the remaining proceeds of \$9,186.67 from the clients' two-thirds portion of the settlement. HoeChin Kim appeared before the Supreme Court for the OAE and respondent failed to appear. Respondent was previously disciplined: Admonished in 2003; censured in 2009; and suspended for three months in 2018.

Adam L. Brent - Suspended for three months on December 5, 2019 (240 *N.J.* 222) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with client), *RPC* 1.5(b) (failure to set forth in writing the basis or rate of the fee), *RPC* 1.16(d) (on termination of representation, failure to surrender papers to which the client is entitled, and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Steven J. Zweig represented the OAE before the DRB and respondent was pro se. The respondent was previously disciplined: Temporarily suspended in 2019.

Sharon Pratico Bucci - Reprimanded on June 14, 2019 (238 *N.J.* 244) for violating *RPC* 1.15(a) (commingling personal and client funds; failure to safeguard funds), and *RPC* 1.15(d) (failure to comply with the recordkeeping requirements of *R.* 1:21-6). Reid Adler represented the OAE and Robert E. Ramsey represented respondent on a motion for discipline by consent granted by the DRB. This matter was discovered as a result of the Random Audit Compliance program.

James Peter Byrne - Disbarred on April 25, 2019 (237 *N.J.* 441) following unethical conduct in three matters that violated *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.16(d) (failure to protect a client's interests upon termination of the representation), *RPC* 1.4(b) (failure to keep a client reasonably informed about the status of a matter), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Hillary Horton represented the OAE on an Order to Show Cause before the Supreme Court and respondent failed to appear. Respondent has a prior disciplinary history: Reprimanded in 2006 and Suspended for three months in 2018.

Jill Cadre - Admonished by the DRB on November 25, 2019 (*Unreported*) for financial misconduct which violated *RPC* 1.15(a) (negligent misappropriation of client funds), *RPC* 1.15(d) (recordkeeping), and *RPC* 5.3(a) and (b) (failure to make reasonable efforts to ensure that the conduct of nonlawyers is compatible with the lawyer's professional obligations). Timothy J. McNamara handled the matter for the OAE and Thomas D. Flinn, represented the respondent. This matter was detected through the Random Audit Compliance Program.

Alexander Thomas Caiola - Reprimanded on a certified record on May 14, 2019 (238 *N.J.* 26) for violating *RPC* 1.15(a) (commingling and failure to safeguard client funds), *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping violations) and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Reid Adler represented the OAE and respondent was pro se. This matter was discovered as a result of the Trust Overdraft Notification Program.

Edward M. Char - Disbarred by consent on May 15, 2019 (*N.J.* ___) following his admission that he knowingly misappropriated client funds, contrary to In re Wilson, 81 *N.J.* 451 (1979). Hillary Horton represented the OAE and Kim D. Ringler represented the respondent.

Vincent Chirico - Suspended for three months on July 24, 2019 (effective August 19, 2019) (*N.J.* ___) for violating *RPC* 1.7(a)(2) (concurrent conflict of interest), *RPC* 1.15(d) (recordkeeping for failing to maintain New Jersey trust and business accounts), *RPC* 3.3(a)(1) and (5) (false statement of material fact or law to a tribunal and failure to disclose to the tribunal material facts, knowing the omission is reasonably certain to mislead the tribunal), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Jason Saunders and Eugene A. Racz handled the matter for the OAE. Joseph P. LaSala represented the respondent.

Yohan Choi - Suspended for two years on July 22, 2019, retroactive to May 2, 2018, (239 *N.J.* 68). Respondent pleaded guilty in the United States District Court for the Eastern District of New York to one count of conspiracy to commit money laundering, contrary to 18 U.S.C. § 1956, and one count of knowingly and willfully making a false, fictitious, or fraudulent statement or representation to Homeland Security Investigations (HSI), an arm of the United States Department of Homeland Security, contrary to 18 U.S.C. § 1001(a)(2). Respondent paid for approximately 30 to 35 personal injury cases at \$1,000 per referral and he also agreed to launder some of the health care fraud proceeds through his business account by issuing checks to shell corporations. When HSI questioned respondent about the checks issued to the shell corporations, he falsely asserted that the checks were for legitimate expenses instead of admitting they were prohibited kickbacks. Hillary Horton represented the OAE and Richard E. Mischel represented respondent on a Motion for Final Discipline granted by the DRB.

Michael K. Chong - Admonished by the DRB on March 27, 2019 (*Unreported*) for misconduct in a bankruptcy matter which violated *RPC* 3.4(g) (presenting, participating in presenting or threatening to present criminal charges to obtain an improper advantage in a civil matter). Jason T.

Komninos handled the matter for District IIB and respondent was pro se.

Linda D. Coffee - Disbarred by consent on October 3, 2019 (240 *N.J.* 50). Respondent acknowledged that she knowingly misappropriated funds, and that if she went to a hearing on that matter, she could not successfully defend herself against those charges. Timothy J. McNamara represented the OAE and Kevin C. Watkins represented the respondent. This matter was detected through the Random Audit Compliance Program.

Matthew I. Cohen - Suspended for two years on January 30, 2019, effective immediately, (236 *N.J.* 495) following a motion for reciprocal discipline. Respondent violated the equivalents of *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with a client), *RPC* 1.4(c) (failure to explain a matter to a client to the extent reasonable to permit the client to make informed decisions regarding the representation), *RPC* 1.16(a)(1) (failure to withdraw when the representation will result in a violations of the *RPCs*), *RPC* 1.16(d) (improper termination of representation), *RPC* 5.5(a)(1) (unauthorized practice of law), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Hillary Horton represented the OAE and respondent was pro se.

Maxwell X. Colby - Suspended for two years on January 11, 2019 effective March 15, 2019, (*N.J.*) for violating *RPC* 1.1(a) (gross neglect); *RPC* 1.3 (lack of diligence); *RPC* 1.4(b) (failure to communicate with client); *RPC* 1.8(a) (conflict of interest); *RPC* 1.15(d) (recordkeeping); *RPC* 5.5(a)(1) (unauthorized practice of law); and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Reid Adler represented the OAE, Claire Scully represented District IX and the respondent was pro-se. The respondent was previously disciplined: Reprimanded in 2002 and in 2008; temporarily suspended in 2017 and suspended for one year in 2018.

Kendal Coleman - Censured on July 25, 2019 (*N.J.*) in two ethics matters, one of which proceeded as a certification of the record, for violating *RPC* 1.15(a) (negligent misappropriation and failure to safeguard funds), *RPC* 1.15(d) , Rule 1:21-6 (recordkeeping), *RPC* 5.5(a)(1) (unauthorized practice of law), *RPC* 7.1(a) (communication about a lawyer or the lawyer's services), and *RPC* 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit or misrepresentation). Reid Adler and Hillary Horton represented the OAE. This matter was discovered as a result of the Trust Overdraft Notification Program.

Jordan B. Comet - Suspended for three months on May 6, 2019, effective June 3, 2019, (*N.J.*) for violations of *RPC* 1.15(a) failure to safeguard client funds and the

negligent misappropriation of client funds) and *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping violations). Al Garcia and Hillary Horton represented the OAE and Robyn M. Hill represented the respondent. This matter was discovered solely as a result of the Random Audit Compliance Program.

Christopher Corsi - Suspended for three months on a certified record on November 15, 2109 effective December 12, 2019, (240 *N.J.* 180) for violating *RPC* 1.2(a) (failure to abide by the client's decisions concerning the scope and objectives of the representation), *RPC* 1.4(b) (failure to communicate with client), *RPC* 3.3(a)(1) (false statement of material fact or law to a tribunal), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Cynthia Earl represented the District IIB Ethics Committee and respondent was pro-se.

Peter J. Cresci – Disbarred on March 21, 2019 (237 *N.J.* 210) for violating *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with client), *RPC* 1.5(c) (on conclusion of a contingent fee matter, failure to provide the client with a written statement of the outcome, showing also any remittance to the client and its method of determination), *RPC* 1.15(a) (failure to safeguard funds of a third person and commingling of funds), *RPC* 1.15(b) (failure to make a prompt disposition of funds in which a client or third person has an interest), *RPC* 1.15(d) (failure to comply with the recordkeeping requirements of Rule 1:20-16), *RPC* 5.5(a)(1) (practicing law while suspended), *RPC* 8.1(a) (false statement of material fact to a disciplinary authority) *RPC* 8.1(b) (failure to cooperate with disciplinary authorities) *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation), and the principles of In re Wilson, 81 *N.J.* 451 (1979) and In re Hollendonner, 102 *N.J.* 21 (1985) (knowing misappropriation of client and/or escrow funds). Timothy J. McNamara represented the OAE before the Supreme Court and respondent appeared pro se. The respondent was previously disciplined: Censured in 2018.

Marcia Lynne Czapelski - Admonished by the DRB on May 31, 2019 (*Unreported*) for misconduct in a divorce matter which violated *RPC* 1.3 (lack of diligence). Theodore J. Romankow handled the matter on behalf of District XII and respondent was pro se. Respondent was previously admonished in 2009.

Charles M. Damian - Reprimanded on June 14, 2019 (238 *N.J.* 240) for violating *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping violations). Amanda Figland represented the OAE and Mark D. Garfinkle represented respondent on a motion for discipline by consent granted by the DRB. The respondent was previously disciplined: Admonished in

2015. This matter was discovered as a result of the Random Audit Program.

Dwight Hugh Day a/k/a Dwight Hugh Simon Day – Censured on July 22, 2019 (239 *N.J.* 21) for the negligent misappropriation of client funds, in violation of *RPC* 1.15(a), failure to cooperate with disciplinary authorities, in violation of *RPC* 8.1(b) and conduct involving dishonesty, fraud, deceit or misrepresentation, in violation of *RPC* 8.4(c). Christina Blunda appeared before the Supreme Court for the OAE and Tisha N. Adams appeared for the respondent.

Stephen P. Dempsey - Reprimanded on December 5, 2019 (240 *N.J.* 221) following his guilty plea to the fourth-degree crime of operation of a motor vehicle during a period of a driver's license suspension (second or subsequent violation) in violation of N.J.S.A. 2C:40-26(b), and driving under the influence, in violation of N.J.S.A. 39:4-50 conduct in violation of *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects). Amanda Figland represented the OAE and respondent was pro se on a motion for final discipline granted by the DRB.

Michael A. DeSapio – Disbarred by consent on August 13, 2019 (239 *N.J.* 477) after admitting that he could not successfully defend himself against pending charges involving the knowing misappropriation of client and/or fiduciary funds. Ryan J. Moriarty represented the OAE and Anthony M. Rotunno represented the respondent.

Timothy A. Dillon - Reprimanded on September 6, 2019 (239 *N.J.* 530) following a motion for reciprocal discipline in which respondent was found to have violated *RPC* 1.1(a) (gross neglect); *RPC* 1.1(b) (pattern of neglect); *RPC* 1.3 (lack of diligence); *RPC* 1.15(d) (recordkeeping violations); *RPC* 5.3(b) and (c)(2) (failure to supervise non-lawyer staff); and *RPC* 8.4(d) (conduct prejudicial to the administration of justice) in relation to his practice of law in Delaware. Hillary Horton represented the OAE and respondent was pro se.

Evan R. Drachman - Reprimanded on July 19, 2019 (___ *N.J.* ___) for violating *RPC* 1.7(a)(2) (conflict of interest) and *RPC* 5.5(a)(1) (practicing law while ineligible). Reid Adler represented the OAE and Barry A. Kozyra represented the respondent.

A. Randall Drisgula - Admonished by the DRB on March 29, 2019 (*Unreported*) for misconduct in a real estate matter in regard to escrow funds which violated *RPC* 1.15(a) (failure to safeguard funds). HoeChin Kim represented the OAE and Candice L. Drisgula represented the respondent.

James M. Duckworth - Admonished by the DRB on April 26, 2019 (*Unreported*) for financial misconduct which violated *RPC* 1.15(a) and (d) (failure to safeguard funds, commingling, recordkeeping). Joe Glyn represented the OAE and Marc D. Garfinkle represented the respondent. This matter was discovered as a result of the Trust Overdraft Notification Program.

David G. Esposito – Censured on November 22, 2019 (240 *N.J.* 174) for knowingly violating *RPC* 1.15(b) (failing to promptly notify clients of receipt of funds to which they are entitled and failure to promptly disburse those funds) and *RPC* 1.15(d) (recordkeeping violations). Eugene A. Racz represented the OAE and Monica Chheda Fillmore represented respondent on a motion for discipline by consent granted by the DRB. This case was discovered solely as a result of the Random Audit Compliance Program.

George Louis Farmer – Reprimanded on September 6, 2019 (239 *N.J.* 527), for violating *RPC* 8.4(g) (engaging, in a professional capacity, in conduct involving discrimination). Dorothy F. McCrosson represented the District I Ethics Committee and respondent was pro se. Respondent was previously disciplined: Admonished in 2012.

Joseph A. Ferriero – Disbarred on September 19, 2019, (239 *N.J.* 567) for violating *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Respondent was found guilty following a jury trial in federal court for engaging in a criminal bribery scheme as a political party official. Eugene A. Racz represented the OAE and Robert Hille appeared on behalf of respondent on a motion for final discipline granted by the DRB.

Daniel J. Fox - Suspended for one year on a certified record on November 6, 2019 (240 *N.J.* 98) for violating *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Ryan J. Moriarty appeared for the OAE before the Supreme Court and respondent failed to appear. The respondent was previously disciplined: Suspended in 2010 and censured in 2012.

Barry N. Frank - Disbarred on October 1, 2019 (240 *N.J.* 46) on a certified record for his violation of *RPC* 1.3 (lack of diligence); *RPC* 1.4(b) (failure to communicate with client); *RPC* 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation); *RPC* 1.5 (unreasonable fee); *RPC* 1.15(a) (failure to safeguard funds); *RPC* 1.16(a)(1) (failure to withdraw from representation if representation will result in violation of the Rules of Professional Conduct or other law); *RPC* 5.5(a)(1)

(unauthorized practice of law); *RPC* 8.1(b) (failure to cooperate with disciplinary authorities); *RPC* 8.4(b) (committing criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer); and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Reid Adler represented the OAE and respondent was pro se. Respondent was previously disciplined: Censured in 2016 and suspended for one year in 2018.

Kirsten Elizabeth Franklin - Suspended for three years on January 24, 2019, retroactive to January 7, 2010 (236 *N.J.* 453), based on discipline imposed in the State of Florida which, in New Jersey, constitutes violation of *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with clients), and *RPC* 1.16(d) (failing to protect a client's interests upon termination of the representation, including refunding any unearned fees), *RPC* 5.4(a) (sharing legal fees with a nonlawyer), *RPC* 5.4(c) (permitting a person who employs or pays the lawyer to render legal services for another to direct or regulate the lawyer's professional judgment in rendering such legal services), *RPC* 5.4(d)(3) (practicing law in the form of a professional corporation where a nonlawyer has the right to direct or control the professional judgment of a lawyer) and *RPC* 8.4(a) (violating or attempting to violate the *RPC*s). Christina Blunda appeared before the DRB for the OAE and respondent appeared pro se via telephone.

Steven Daniel Freesman - Disbarred by consent on October 18, 2019 (240 *N.J.* 55) for the knowing misappropriation of trust funds. Jason D. Saunders represented the OAE and Respondent was represented by Justin D. Santagata. This matter was discovered as a result of the Random Audit Program.

Cary Frieze – Admonished by the DRB on October 21, 2019 (*Unreported*) for violations of *RPC* 1.15(d) (failure to comply with the recordkeeping provisions of R. 1:21-6), *RPC* 5.5(a)(1) (practicing law while ineligible), and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Respondent had an unblemished 47-year disciplinary history. Hillary Horton and Al Garcia represented the OAE and Peter N. Gilbreth represented the respondent. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Stacy B. Fronapfel - Reprimanded on May 6, 2019 (237 *N.J.* 433) for violating *RPC* 5.5(a)(1) (unauthorized practice of law). Paul A. Carbon appeared before the DRB for District XA and respondent waived her appearance.

Preston I. Fulford - Suspended for three months on March 22, 2019 (effective April 22, 2019), (237 *N.J.* 252) for committing an act of domestic violence, in violation of *RPC* 8.4(b) (commission of a criminal act that reflects adversely

on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects). Eugene A. Racz represented the OAE before the DRB and respondent appeared pro se.

Marc Allen Futterweit - Disbarred by consent on March 13, 2019 (237 *N.J.* 246). Respondent acknowledged that he knowingly misappropriated client trust funds, and that if he went to a hearing on that matter, he could not successfully defend himself against those charges. Steven J. Zweig represented the OAE and Robert E. Ramsey represented the respondent. The respondent was previously disciplined: Admonished in 2009 and reprimanded in 2014. This matter was discovered solely as a result of the Random Audit Compliance Program.

John Joseph Garagozzo – Censured on October 4, 2019 (240 *N.J.* 53) for knowingly violating *RPC* 5.5(a)(1) (unauthorized practice of law), *RPC* 7.1(a) (false or misleading communication about the lawyer, the lawyer's services, or any matter in which the lawyer has or seeks a professional involvement), *RPC* 7.5(a) (improper use of a professional designation that violates *RPC* 7.1), *RPC* 8.1(a) (knowingly making a false statement of material fact in connection with a disciplinary matter) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Eugene A. Racz represented the OAE and respondent was pro se.

Robert John Genovese - Disbarred on June 13, 2019, (238 *N.J.* 242) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information), *RPC* 1.5(b) (failure to set forth fee in writing), *RPC* 1.15(a) (failure to safeguard funds), *RPC* 1.15(b) (failure to promptly notify client or third person of receipt of funds and to promptly deliver the funds), *RPC* 1.15(d) (failure to comply with recordkeeping requirements), *RPC* 1.16(d) (failure to refund unearned fees), *RPC* 3.2 (a lawyer shall treat with courtesy and consideration all persons involved in the legal process), *RPC* 4.4(a) (respect the right of a third persons), *RPC* 5.5(a) (practicing law while ineligible to do so), *RPC* 5.5(a)(2) (assisting a person in the unauthorized practice of law), *RPC* 8.1(a) (knowingly making a false statement of material fact to disciplinary authorities), *RPC* 8.1(b) and Rule 1:20-3(g) (failure to cooperate with disciplinary authorities), *RPC* 8.4(b) (criminal conduct that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer) *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), *RPC* 8.4(d) (conduct prejudicial to the administration of justice), and the principles of In re Wilson, 81 *N.J.* 451 (1979) and In re Hollendonner, 102 *N.J.* 21 (1985). Christina Blunda represented the OAE before the Supreme Court and Respondent was pro-se. Respondent has been temporarily suspended from the practice of law since April 18, 2018.

This matter was discovered as a result of the Trust Overdraft Notification Program.

Sal Greenman - Disbarred on March 21, 2019 (237 *N.J.* 307) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with client), *RPC* 5.5(a)(1) (practicing law while suspended), *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Timothy J. McNamara represented the OAE and Michael J. Confusione represented respondent before the Supreme Court. The respondent was previously disciplined: Censured in 2016 and suspended for one year in 2018.

Saul Gary Gruber – Censured on June 3, 2019 (238 *N.J.* 149) on two certified records for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failing to communicate with client), *RPC* 4.1(a)(1) (false statement of material fact to a third person), *RPC* 8.1(a) (knowingly making a false statement of fact to, and knowingly failing to reply to a lawful demand of information from, a disciplinary authority), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Respondent failed to file an answer in response to two separate ethics complaints. On the certified records to the DRB, respondent retained counsel, who filed a motion to vacate the defaults. Although it denied the motion, noting respondent had admitted to the violations charged in the complaints, the Board did take into account the mitigation presented in formulating the appropriate sanction. Michael J. Wietrzychowski and Theresa D. Brown represented the District IIIB Ethics Committee, and Frank L. Corrado represented respondent.

Stephanie Frangos Hagan - Admonished by the DRB on April 30, 2019 (*Unreported*) misconduct in a matrimonial matter which violated *RPC* 1.7(a) (concurrent conflict of interest). William E. Staehle represented District XIII and Mark M. Tallmadge represented the respondent.

Sanghwan Hahn - Censured on a certified record on September 6, 2019 (239 *N.J.* 529) for failing to comply with R. 1:20-20, which requires that a suspended attorney file an affidavit with the Director of the Office of Attorney Ethics specifying steps taken to comply with each provision of the rule. Hillary Horton represented the OAE. Respondent was previously disciplined: Suspended for three months in 2017.

Rhashea Lynn Harmon - Suspended for an indeterminate period on November 7, 2019, effective December 4, 2019, (240 *N.J.* 124) and ordered by the Court that respondent shall not petition for reinstatement to practice for a period of five years from the effective date of suspension, for

violating *RPC* 1.4(b) (failure to communicate with client), *RPC* 1.16(c) (failure to comply with applicable law when terminating a representation), *RPC* 1.16(d) (on termination of the representation, failure to take steps reasonably practicable to protect a client's interests), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Timothy J. McNamara represented the OAE before the Supreme Court and respondent failed to appear.

William L. Huneke – Censured on a certified record on May 2, 2019 (237 *N.J.* 432) for violations of *RPC* 1.15(a) (commingling and failure to safeguard client funds), *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping violations), and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Hillary Horton and Reid Adler represented the OAE and respondent was pro se. This matter was discovered solely as a result of the Random Audit Compliance Program.

Robert Richard Hynes - Admonished by the DRB on April 24, 2019 (*Unreported*) for failing to properly supervise an employee who improperly directly communicated with a prospective personal injury client via an unsolicited phone call, misconduct which violated *RPC* 5.3(a) and (b) (failure to make reasonable efforts to ensure that the conduct of nonlawyers is compatible with the lawyer's professional obligations), *RPC* 7.3(b)(5) (improper, unsolicited, direct contact with a prospective client), and *RPC* 8.4(a) (violating or attempting to violate the Rules of Professional Conduct, knowingly assisting or inducing another to do so, or doing so through the acts or another). Timothy J. Little represented District VIII and respondent was pro se.

Ernest G. Ianetti - Censured on May 14, 2019 (*N.J.*) for respondent's violations of *RPC* 1.7(a) (concurrent conflict of interest), *RPC* 1.8(a) (entering into a prohibited business transaction with a client), *RPC* 8.1(a) (knowingly making a false statement of material fact), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Al Garcia represented the OAE and Robert J. DeGroot represented the respondent.

Aiman Ibrahim – Disbarred on a certified record on October 25, 2019 (240 *N.J.* 110) for knowingly misappropriating trust and escrow funds; making a false statement of fact in connection with a disciplinary matter; failing to reply to a lawful demand for information from a disciplinary authority; committing a criminal act that reflects adversely on the honesty, trustworthiness, or fitness of the lawyer; engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; and engaging in conduct prejudicial to the administration of justice. Christina Blunda represented the OAE and respondent failed to appear. This

matter was solely discovered as a result of the Trust Overdraft Notification Program.

Mark Johns - Disbarred on June 19, 2019 (238 *N.J.* 76) following a motion for reciprocal discipline in which respondent was found to have violated *RPC* 1.3 (lack of diligence), *RPC* 1.4(c) (failure to explain a matter to the extent reasonably necessary for the client to make informed decisions about the representation), *RPC* 1.5(b) (failure to set forth in writing the rate or basis of the attorney's fee), *RPC* 1.16(d) (failure to return an unearned retainer or client file on termination of the representation), *RPC* 5.5(a) (practicing while suspended), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Respondent practiced law unabated in numerous courts in Pennsylvania following his January 30, 2015 suspension. Hillary Horton represented the OAE on an Order to Show Cause before the Supreme Court and respondent failed to appear. Respondent was previously disciplined: Suspended for three months in 2018.

Alan Monte Kamel - Admonished by the DRB on May 30, 2019 (*Unreported*) for misconduct in a collection matter which violated *RPC* 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions about the representation), *RPC* 1.5(b) (failure to communicate in writing the basis or rate of the fee), and *RPC* 1.5(c) (failure to communicate the method by which the fee is to be determined in a contingent fee matter). Jared B. Weiss handled the matter on behalf of District XII and Justin A. Marchetta represented the respondent. Respondent was previously admonished in 1995.

Louis I. Karp - Censured on a certified record on May 6, 2019 (*N.J.*) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with the client), *RPC* 1.16(d) (failure to turn over client file on termination of representation) and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Ricki Anne Sokol represented the District XB Ethics Committee and respondent was pro se.

Eyal Katzman - Disbarred on October 1, 2019 (240 *N.J.* 47) following a motion for final discipline following respondent's conviction following a jury trial in New York Supreme Court, Queens County to two counts of third-degree criminal sexual act (victim less than seventeen years old), contrary to N.Y.P.L. 130.40-2; three counts of third-degree patronizing a prostitute, contrary to N.Y.P.L. 1230.04; and three counts of endangering the welfare of a child, contrary to N.Y.P.L. 260.1-1. Respondent solicited high school-aged girls for sex in exchange for money. He showed no remorse for his conduct and attempted to shift blame to his victims. Hillary Horton represented the OAE and respondent was pro se.

Keirsten Klatch - Reprimanded on July 12, 2019 (238 *N.J.* 477) following a motion for reciprocal discipline. Respondent violated *RPC* 1.4(b) (failure to keep a client reasonably informed about the status of a matter), *RPC* 1.8(a) (improper business transaction with a client), *RPC* 1.15(a) and (d) (recordkeeping violations), and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Respondent's license to practice law in New Jersey was revoked on June 4, 2018 but her misconduct occurred prior to the Order's effective date. Hillary Horton represented the OAE and Joseph C. Mahon represented respondent.

Richard C. Klein - Disbarred by consent on February 11, 2019 (237 *N.J.* 1). Respondent acknowledged that he was aware that the OAE alleged that he fabricated multiple false orders and forged judges' signatures thereon, and that if he went to a hearing on that matter, he could not successfully defend himself against those charges. Respondent was temporarily suspended in 2018 pending a remand for a mitigation hearing in this matter. Johanna Barba Jones represented the OAE and respondent was represented by Ronald A. Graziano.

Anthony J. LaRusso - Disbarred on a certified record on October 10, 2019 (240 *N.J.* 40) for charging an unreasonable fee; failing to set forth, in writing, the basis or rate of the fee; engaging in a concurrent conflict of interest; failing to comply with the recordkeeping requirements of Rule 1:21-6); making a false statement of material fact or law to a third person; making a false statement of material fact to a disciplinary authority and engaging in conduct involving dishonesty, fraud, deceit or misrepresentation. Respondent has prior discipline: censured in 2007 and 2012. Christina Blunda represented the OAE and respondent failed to appear.

William M. Laufer - Admonished on May 31, 2019 (*N.J.*) for violating *RPC* 8.4(d) (conduct prejudicial to the administration of justice) for "jokingly" stating to an adversary during a courtroom recess in a hotly-contested matrimonial/domestic violence matter that he had the Morris County Prosecutor, who was respondent's former law partner, "in his pocket" and that "he does what I ask." Al Garcia represented the OAE and Lawrence P. Cohen represented the respondent.

Julie Anna La Van - Reprimanded on July 12, 2019 (238 *N.J.* 474) for violating *RPC* 8.4(a) (violating or attempting to violate the RPCs, knowingly assisting or inducing another to do so, or doing so through the acts of another) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Joseph Schramm, III represented the District IIIB Ethics Committee and Marshall D. Bilder represented respondent.

Richard Ledingham - Disbarred on October 30, 2019 (240 *N.J.* 115), for violating *RPC* 1.5(a) (charging an unreasonable fee) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit and misrepresentation). Stephanie Shreter represented District IIIB before the DRB. Amanda Figland represented the OAE before the Supreme Court and respondent was pro se. The respondent was previously disciplined: Suspended for 3 months in 2007 and temporarily suspended in 2015.

Charles H. Lee - Suspended for three months on April 16, 2019, effective May 6, 2019, (237 *N.J.* 437) for violating *RPC* 1.5(a) (unreasonable fee), *RPC* 1.5(c) (improper contingent fee), *RPC* 1.7 (a)(2) (conflict of interest), *RPC* 1.15(a) (commingling), *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping violations), *RPC* 5.5(a)(1) (practicing law while ineligible), *RPC* 7.5(c) (improper law firm name), *RPC* 7.5(d) (improper law partnership), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Christina Blunda represented the OAE and respondent was pro se on a motion for discipline by consent granted by the DRB. The respondent was previously disciplined: Admonished in 1998.

Yuexin Li - Censured on July 25, 2019, (239 *N.J.* 141) for violating *RPC* 1.15(b) (failure to promptly deliver funds or other property belonging to the client), *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping violations), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Timothy J. McNamara represented the OAE and respondent was pro-se on a motion for discipline by consent granted by the DRB. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Michael D. Lindner, Jr. - Admonished on a certified record on September 6, 2019 (239 *N.J.* 528) for violating *RPC* 5.5(a) (unauthorized practice of law – failure to maintain liability insurance while practicing as an LLC). Jason D. Saunders represented the OAE and respondent was pro se.

Frederick S. Lowenberg - Censured on July 12, 2019 (238 *N.J.* 475) following a motion for reciprocal discipline. Respondent violated *RPC* 1.1(a) (gross neglect), *RPC* 1.16(d) (failure to refund an unearned fee), *RPC* 1.3 (lack of diligence), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Hillary Horton and Johanna Barba Jones represented the OAE and respondent was pro se.

Phillip L. Lucas - Admonished by the DRB on June 25, 2019 (*Unreported*) for violating *RPC* 1.5(b) (failure to communicate in writing the basis or rate of the fee), and *RPC* 1.6(a) (revealing information relating to the

representation of a client without obtaining the client's consent). Margarie M. Herlihy represented District VIII and respondent was pro se.

Ania Marcinkiewicz - Suspended for one year on December 4, 2019 (240 *N.J.* 207) following her guilty plea to third-degree aggravated assault causing significant bodily injuries, and third-degree endangering the welfare of a child, conduct that violated *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects). Amanda Figland represented the OAE and Kevin G. Roe represented the respondent on a motion for final discipline granted by the DRB.

Scott Marinelli – Censured on a certified record on November 18, 2019 (240 *N.J.* 181) for violations of *RPC* 8.1(b) (failure to reply to a lawful demand for information from the disciplinary authority) and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Joseph A. Glyn represented the OAE and respondent was pro se.

Jeffrey D. Marks - Censured on March 13, 2019 (237 *N.J.* 247) for violating *RPC* 1.15(a) (failure to safeguard funds/commingling) and *RPC* 1.15(d) (failure to comply with recordkeeping requirements under Rule 1:21-6). Timothy J. McNamara represented the OAE and John McGill, III represented the respondent before the DRB. This matter was discovered as a result of the Random Compliance Audit Program.

Robert C. Masessa - Censured on July 25, 2019, (239 *N.J.* 85) for violating *RPC* 1.15(b) (failure to promptly deliver funds or other property belonging to the client), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Timothy J. McNamara represented the OAE and Thomas P. Scrivo represented respondent on a disciplinary stipulation accepted by the DRB.

John E. Maziarz – Reprimanded on July 12, 2019 (238 *N.J.* 476) for violating *RPC* 1.15(a) (commingling and negligent misappropriation of funds), *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping violations), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Steven J. Zweig represented the OAE before the DRB and respondent was pro se. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Daniel W. McCartney, Jr. - Disbarred on June 19, 2019 (238 *N.J.* 342) following a motion for reciprocal discipline. Respondent violated *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep client reasonable informed about the states of a matter or to promptly comply with reasonable requests for information), *RPC* 1.4(c) (failure to explain matter to extent reasonably necessary to permit the client to make informed decisions

regarding the representation), *RPC* 1.15(d) (recordkeeping), *RPC* 1.6(d)(1) (failure to protect a client's interests on termination of the representation), *RPC* 3.3(a) (false statement of material fact or law to a tribunal), *RPC* 5.5(a) (unauthorized practice of law), *RPC* 8.4(b) (criminal conduct that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Hillary Horton represented the OAE and the respondent was pro se.

Brian P. Meehan - Disbarred by consent on January 10, 2019 (236 *N.J.* 300) following his no contest plea in the Court of Common Pleas, First Judicial District of Pennsylvania to statutory sexual assault, victim 11 years or older, contrary to 18 Pa.C.S. §3122.1(B); corruption of minors, defendant 18 years or older, contrary to 18 Pa.C.S. §6301(A)(1)(ii); and promoting prostitutes, own house of prostitution or business, contrary to 18 Pa.C.S. §5902(B)(1). Hillary Horton represented the OAE and Samuel C. Stretton of Pennsylvania represented the respondent.

Raymond F. Meisenbacher, Jr. – Reprimanded on May 30, 2019 (238 *N.J.* 133) for violating *RPC* 1.15(b) (failure to promptly notify a client or third person of receipt of funds and to promptly deliver those funds), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Michael Paul O'Grodnick represented District XIII and Victor A. Rotolo represented respondent.

Robert J. Micheleni - Censured on December 6, 2019, (235 *N.J.* 170) for violating *RPC* 5.4(d)(1) (practicing law for profit in association with a nonlawyer); *RPC* 7.1(a)(1) (making material misrepresentation of fact or law about the lawyer, the lawyer's services, or any other matter in which the lawyer has or seeks professional involvement; and *RPC* 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit or misrepresentation). Christina Blunda represented the OAE and Thomas Scrivo represented the respondent. This matter was discovered solely as a result of the Random Audit Compliance Program.

Diego P. Milara - Suspended for one year on a certified record on May 1, 2019 (237 *N.J.* 431) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with client), *RPC* 1.16(d) (failure to protect client's interest on termination of the representation), *RPC* 8.1(b) (failure to respond to a lawful demand for information by disciplinary authorities), *RPC* 8.4(c) (conducting involving dishonesty, fraud, deceit or misrepresentation), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Keith Kandel represented District VI and respondent was pro se. The respondent was previously disciplined: Temporarily suspended as of January 22, 2015 and censured in 2018.

John C. Miller, III - Admonished by the DRB on March 29, 2019 (*Unreported*) for violating *RPC* 1.15 (a) and (b) (negligent misappropriation, commingling and recordkeeping). Reid Adler represented the OAE and Fredric L. Shenkman represented respondent. This matter was detected solely by the Trust Overdraft Notification Program.

Bruce C. Morrissey - Reprimanded on November 18, 2019, (240 *N.J.* 182) for violating *RPC* 1.4 (c) (failure to explain a matter to the extent reasonably necessary to permit client to make informed decisions about the representation), *RPC* 1.5(c) (a contingent fee agreement shall be in writing and shall state the method by which the fee is to be determined) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation). Andrew Macklin represented District IIA and respondent was pro-se.

Gregory K. Mueller – Reprimanded on July 24, 2019 (*N.J.*) for violating *RPC* 1.7(a)(1) and (2) (concurrent conflict of interest) and *RPC* 5.1(a) and (c) (failure to supervise another lawyer). Jason D. Saunders and Eugene A. Racz handled the matter for the OAE. Carl D. Poplar represented the respondent.

Stephen Robert Murphy - Disbarred on a certified record on September 11, 2019 (239 *N.J.* 523) for violating *RPC* 1.15(a) (knowing misappropriation of client funds and failure to safeguard funds), the principles of *In re Wilson*, 81 *N.J.* 451 (1979) and *In re Hollendonner*, 102 *N.J.* 21 (1985), *RPC* 1.15(d) and *R.* 1:21-6 (recordkeeping violations) and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Hillary Horton represented the OAE before the Supreme Court and respondent failed to appear.

Annette Maria Oakley – Censured on May 31, 2019 (238 *N.J.* 134) for knowingly violating *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with client), *RPC* 5.5(a)(1) (unauthorized practice of law) and *RPC* 8.4(c) (conduct prejudicial to the administration of justice). Eugene A. Racz represented the OAE and respondent appeared pro se on a motion for reciprocal discipline granted by the DRB.

Dean F. Owens, II - Admonished by the DRB on November 25, 2019 (*Unreported*) for violating *RPC* 1.3 (lack of diligence) and *RPC* 1.4(b) and (c) (failure to communicate with a client). Jennifer L. Gottschalk represented District IIIB and Robert N. Agre represented respondent.

Hercules Pappas – Admonished on March 7, 2019 (237 *N.J.* 121) on a certified record for a violation of *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Although the DRB had recommended a reprimand, the Court determined the appropriate

quantum of discipline was an admonition. Albert Olizo, Jr. represented the District IV Ethics Committee and respondent was pro se.

M. Blake Perdue - Suspended for six months on a certified record on October 4, 2019, effective October 31, 2019 (240 *N.J.* 43) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep client reasonably informed about the status of the matter), *RPC* 1.4(c) (failure to explain a matter to client sufficiently to permit client to make informed decisions), *RPC* 1.16(d) (failure to protect client interests and return file on termination of representation), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Angela Marie Scafuri represented the District XA Ethics Committee and respondent failed to appear.

Carlos E. Perez - Reprimanded on November 22, 2019 (*N.J.* ___) for violating *RPC* 5.5(a)(1) (practicing law while ineligible to do so) and *RPC* 8.4(a) (violating the Rules of Professional Conduct). The DRB determined to dismiss the charged violation of *RPC* 8.4(a). Andrew Olesnycky represented District VC and Rubin Sinins represented respondent on a motion for discipline by consent granted by the DRB.

Jack Barry Phillips - Disbarred on January 16, 2019 (236 *N.J.* 414) for knowing misappropriation of escrow funds in violation of *RPC* 1.15(a) and the principles of *In re Wilson*, 81 *N.J.* 451 (1970) (knowing misappropriation of client funds) and *In re Hollendonner*, 102 *N.J.* 21 (1985) (knowing misappropriation of escrow funds), *RPC* 1.15(c) (failure to maintain disputed funds separate and intact), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). The funds at issue were proceeds from the sale of realty subject to bankruptcy proceedings of respondent's former wife, also a disbarred New Jersey attorney. HoeChin Kim appeared before the Supreme Court for the OAE and respondent failed to appear.

David L. Quatrella - Disbarred on April 2, 2019 (237 *N.J.* 402) on a motion for final discipline. Respondent was convicted in the United States District Court for the District of Connecticut of one-count of wire fraud, contrary to 18 U.S.C. § 371, for his part in connection with a scheme to defraud insurance providers via three stranger-originated life insurance policies (STOLIs). Hillary Horton represented the OAE before the Supreme Court and respondent failed to appear.

Victor K. Rabbat - Disbarred on March 27, 2019, (237 *N.J.* 369) for violating *RPC* 1.15(a) (failure to safekeep property of clients and third persons), *RPC* 3.4(c) (knowingly

disobeying a court order – to hold funds in trust), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation), *RPC* 8.4(d) (engaging in conduct prejudicial to the administration of justice), and *N.J.S.A.* 2C:21-15 (misapplication of entrusted property), and the principles of *In re Wilson*, 81 *N.J.* 451 (1979) and *In re Hollendonner*, 102 *N.J.* 21 (1985) (involving the knowing misappropriation of client and escrow funds). Respondent was previously disciplined: Admonished in 2012; suspended for 3 years in 2017. Reid Adler appeared before the Supreme Court for the OAE and respondent failed to appear.

Mahesh Rajan - Reprimanded on April 12, 2019 (237 *N.J.* 434) for violating *RPC* 1.7(a) (concurrent conflict of interest) and *RPC* 1.8(a) (prohibited business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest adverse to a client). Johanna Jones represented the OAE and respondent was *pro se* on a motion for discipline by consent granted by the DRB.

Fernando J. Regojo - Disbarred on October 9, 2019 (240 *N.J.* 42) for knowing misappropriation of trust funds and escrow funds totaling \$186,606 in three matters, in violation of *RPC* 1.15(a) and the principles of *In re Wilson*, 81 *N.J.* 451 (1970) (knowing misappropriation of client funds) and *In re Hollendonner*, 102 *N.J.* 21 (1985) (knowing misappropriation of escrow funds); *RPC* 1.15(d) (failure to comply with recordkeeping requirements required by *R.* 1:21-6); *RPC* 8.1(b) (failure to cooperate with disciplinary authorities); *RPC* 8.4(b) (criminal act that reflects adversely upon the honesty, trustworthiness or fitness as a lawyer); and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Respondent was temporarily suspended effective April 23, 2018. HoeChin Kim appeared before the Supreme Court for the OAE and respondent failed to appear. Respondent was previously disciplined: Reprimanded in 2001, 2004 and 2005; and censured in 2006.

Richard M. Roberts - Disbarred by consent on August 7, 2019 (239 *N.J.* 449) following respondent's plea in New Jersey Superior Court to third-degree perjury and theft by failure to make the required disposition. During his allocution, respondent admitted that he stole \$20,000 from his firm's attorney trust account and used the funds to make alimony payments. Hillary Horton represented the OAE on a motion for disbarment by consent and John J. McMahon represented respondent. Respondent was previously disciplined: Admonished in 2002; censured two times in 2009; suspended for three months in 2015; and suspended for three years in 2017.

Cheri S. Williams Robinson - Suspended for one year on a certified record on January 24, 2019, effective May 23, 2018, (236 *N.J.* 449). Respondent violated *RPC* 8.1(b) (failure to cooperate), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice) for failing to file the required R. 1:20-20 affidavit. Hillary Horton represented the OAE and respondent was pro se. Respondent was previously disciplined: Reprimanded in 2015; suspended for three-months in 2016; and suspended for one-year in 2017.

Matthew Thomas Rose - Censured on July 19, 2019 (*N.J.*) for violating *RPC* 1.4(b) failure to keep a client reasonably informed about the status of a matter or to promptly comply with reasonable requests for information) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Frank V. Carbonetti appeared before the DRB for District IIA and respondent appeared pro se.

Michael J. Rosenblatt - Disbarred on October 9, 2019 (240 *N.J.* 39) for respondent's criminal conviction in the State of New York for grand larceny (second degree) in violation of Penal Law Sec. 155.40(1), conduct that in New Jersey violates *RPC* 1.15(a), In re Wilson, 81 *N.J.* 451 (1979) and In re Hollendonner, 102 *N.J.* 21 (1985) (knowing misappropriation of client and escrow funds), *RPC* 8.4(b) (criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Amanda Figland appeared before the Supreme Court for the OAE and respondent failed to appear. Respondent was previously disciplined: Suspended for six months in 2001.

Steven H. Salami - Disbarred by consent on December 9, 2019 (240 *N.J.* 211) after respondent acknowledged he could not defend against charges of knowing misappropriation of client and escrow funds. Ryan J. Moriarty represented the OAE and Vincent J. Martinelli represented the respondent. Respondent was previously disciplined: Admonished in 2015; censured in 2017; and temporarily suspended in 2019.

Anthony F. Sarsano – Reprimanded on June 3, 2019 (238 *N.J.* 77) for violating *RPC* 1.7(a)(2) (concurrent conflict of interest) in a real estate transaction where he represented the seller and his wife, a real estate agent, represented the buyer. HoeChin Kim represented the OAE and Mario M. Blanch represented respondent. Respondent was previously disciplined: Reprimanded in 1995.

Aileen Merrill Schlissel - Suspended for three months on January 10, 2019 (236 *N.J.* 296) for violating *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping violations); *RPC* 5.5(a) and Rule 1:21-1B (a)(4) (unauthorized practice of law for failure to maintain professional liability insurance); *RPC* 8.1(b)

(failure to cooperate with disciplinary authorities); and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Joseph A. Glyn represented the OAE before the DRB and the respondent was pro se. The respondent was previously disciplined: Temporarily suspended in 2017. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Aileen Merrill Schlissel – Suspended for six months on July 19, 2019 effective April 11, 2019 (*N.J.*) based on discipline imposed in the state of Nevada for unethical conduct that in New Jersey constitutes violations of *RPC* 1.15(a) (safekeeping property), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failing to keep a client reasonably informed about the status of a matter and to promptly comply with reasonable requests for information), *RPC* 5.3 (responsibility regarding nonlawyer assistance), *RPC* 5.4(a) (professional independence of a lawyer), *RPC* 5.5(a) and Rule 1:20-1B(a)(4) (unauthorized practice of law and failure to maintain liability insurance), and *RPC* 7.1 (communications concerning lawyer's service). Johanna Barba Jones appeared before the DRB for the OAE and respondent waived appearance. The respondent was previously disciplined: Temporarily suspended in 2017 and suspended for three months in 2019.

Kyle G. Schwartz - Admonished by the DRB on September 20, 2019 (*Unreported*) for violating *RPC* 1.3 (lack of diligence) and *RPC* 1.4(b) (failure to communicate with a client) in an estate matter. Richard Anthony Gantner represented District XIII and James R. Wronko represented respondent.

Ronald Schwartz - Reprimanded on a disciplinary stipulation on October 18, 2019 (*N.J.*) for violating *RPC* 1.15(a) (funds held in the trust account in excess of those reasonably sufficient to pay bank charges), *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping deficiencies, and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Jason D. Saunders represented the OAE and respondent was pro se. Respondent was previously disciplined: Suspended for three months in 1985. This matter was discovered as a result of the Trust Overdraft Notification Program.

Stephen N. Severud - Admonished by the DRB on March 29, 2019 (*Unreported*) for violating *RPC* 1.1(a) (gross neglect) and *RPC* 1.3 (lack of diligence) in a tax assessment matter. Thomas E. Maloney, Jr. represented District XA and respondent was pro se.

Fincourt B. Shelton – Disbarred by a motion for reciprocal discipline on November 14, 2019 (240 *N.J.* 171) based on parallels to In re Ort, 134 *N.J.* 146 (1993) stemming from his fee overreaching by taking excessive legal fees and commissions from estate funds and for making improper

loans from those entrusted funds in Pennsylvania. Respondent violated *RPC* 1.1(a) (gross neglect), *RPC* 1.2(a) (failure to abide by a client's decisions regarding the scope and objectives of representation, and failure to consult with a client regarding the means to pursue them), *RPC* 1.4(c) (failure to explain the matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation), *RPC* 1.5(a) (unreasonable fee), *RPC* 1.7(a)(2) (conflict of interest), *RPC* 1.8(a) (improper business transactions), *RPC* 3.3(a)(1) (false statement of material fact or law to a tribunal), *RPC* 4.1(a)(1) (false statement of material fact or law to a third person), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Eugene A. Racz represented the OAE and respondent did not appear despite proper notice.

A. Jared Silverman – Censured on October 4, 2019 (240 *N.J.* 51) for violating *RPC* 1.8(a)(2) (improper business transaction with a client; *RPC* 1.15(a) (failure to safeguard client funds); and *RPC* 1.15(d) (recordkeeping violations). The Court also imposed several conditions on respondent's law practice. Respondent is required to practice under the supervision of a practicing attorney approved by the OAE, have an OAE-approved co-signatory on his attorney accounts, and submit monthly reconciliations to the OAE on a quarterly basis. These conditions are to continue until further order of the Court. Christina Blunda appeared before the Supreme Court for the OAE and the respondent appeared pro se. This matter was discovered solely as a result of the Random Audit Compliance Program.

Joseph M. Simantov - Admonished by the DRB on July 22, 2019 (*Unreported*) for violating *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep a client reasonably informed about a the status of a matter and promptly comply with reasonable requests for information), and *RPC* 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions about the representation) in a personal injury matter. Jennifer L. Young represented District XII and Pamela L. Brause represented the respondent.

Lori Jo Sklar – Suspended for three months on February 6, 2019, effective March 7, 2019 (236 *N.J.* 554). In California, respondent willfully failed to obey two court orders in violation of the California Business and Professions Code (BPC) § 6103 and also attempted to mislead a Superior Court Judge there in willful violation of BPC § 6068(d). Respondent's misconduct in California equated to violations of *RPC* 3.3(a) (knowingly making a false statement of material fact to a tribunal), *RPC* 3.4(c) (knowingly disobeying an obligation under the rules of the tribunal), *RPC* 8.4(c) (conduct involving fraud, deceit or dishonesty) and *RPC* 8.4(d) (conduct prejudicial to the administration of

justice) in New Jersey. Eugene A. Racz represented the OAE and respondent appeared pro se on a motion for reciprocal discipline granted by the DRB.

John C. Smith, Jr. - Disbarred on April 26, 2019 (237 *N.J.* 443) based on discipline imposed in New York for unethical conduct that in New Jersey constitutes violations of *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep a client reasonably informed about the status of a matter or to promptly comply with reasonable requests for information), *RPC* 1.15(a) (knowing misappropriation of client trust funds), *RPC* 1.15(b) (failure to promptly deliver funds to a client), *RPC* 1.15(d) (recordkeeping violations), *RPC* 8.4(b) (criminal conduct that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); and the principles of In re Wilson, 81 *N.J.* 451(1979) and In re Siegel, 133 *N.J.* 163 (knowing misappropriation of client settlement funds). Johanna Jones represented the OAE on a motion for reciprocal discipline and respondent was pro se.

Michael W. Song - Reprimanded on January 29, 2019, (236 *N.J.* 494) for violating *RPC* 4.1(a) (false statement of material fact to a third party), *RPC* 5.4(c) (permitting a person who recommends, employs, or pays the lawyer to render legal services for another to direct or regulate the lawyer's professional judgment) and *RPC* 8.4 (c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Christina Blunda represented the OAE before the DRB and respondent appeared pro se.

Paul Speziale - Censured on May 30, 2019 (238 *N.J.* 76) on a certified record. Respondent was charged with violations of *RPC* 8.1(b) (failure to cooperate with disciplinary authorities) and *RPC* 8.4(d) (conduct prejudicial to the administration of justice) for failing to file a R. 1:20-20 affidavit or answer the complaint. Hillary Horton represented the OAE and respondent was pro se. The respondent was previously disciplined: Temporarily suspended in 2017 and suspended for one year in 2018.

Robert James Stack - Admonished by the DRB on February 25, 2019 (*Unreported*) for violating *RPC* 1.7(a)(2) (concurrent conflict of interest), and *RPC* 1.9(a) (representing a client in a matter and thereafter representing another client in a substantially related matter where the interests are adverse) in a real estate matter. Lawrence P. Platkin represented District XA and Thomas R. King represented the respondent.

Deborah Steincolor - Admonished on July 19, 2019 (*Unreported*) for violating *RPC* 1.15(a) (negligent misappropriation of client funds), *RPC* 1.15(d) (recordkeeping), and *RPC* 5.3 (a) and (b) (failure to supervise a nonlawyer assistant) for failure to supervise a

nonlawyer assistant who stole more than \$3,000 in client funds and more than \$30,000 from the respondent personally. Ryan J. Moriarty represented the OAE and Debra E. Guston represented the respondent. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

Kenyatta K. Stewart - Admonished on October 22, 2019 (*Unreported*) for violating *RPC* 1.5(b) (failure to set forth in writing the basis or rate of the fee), and *RPC* 1.7(a) (concurrent conflict of interest). Paul Steven Danner represented District VA and Juliana Blackburn represented the respondent.

Jeffrey Toman - Disbarred on April 24, 2019 (237 *N.J.* 429) following respondent's *nolo contendere* plea in the Pennsylvania Court of Common Pleas to first-degree misdemeanor corruption of the morals of a minor. The facts upon which the plea was based included allegations that respondent engaged in sexually explicit text messages with a fourteen-year-old girl whose mother he was representing in a child custody proceeding at the time. Hillary Horton represented the OAE on a motion for final discipline and respondent was pro se.

Mark J. Udren – Censured on December 6, 2019 (240 *N.J.* 223) for knowingly violating *RPC* 1.15(a) (negligent misappropriation of client funds and commingling client and personal funds), *RPC* 1.15(d) (failure to comply with the recordkeeping provisions of Rule 1:21-6), and *RPC* 5.3(a) (failure to supervise non-lawyer staff). Steven J. Zweig represented the OAE and Madelaine P. Hicks represented respondent on a motion for discipline by consent granted by the DRB. This matter was discovered solely as a result of the Random Audit Compliance Program.

James Valvano, II - Censured on December 4, 2019 (240 *N.J.* 220) for violating *RPC* 5.5(a)(1) (unauthorized practice of law; practicing while ineligible), *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), *RPC* 8.4(d) (conduct prejudicial to the administration of justice). The DRB determined to dismiss the charged violation of *RPC* 8.4(d). Christopher DiMuro represented District VC and Mark Garfinkle represented respondent on a motion for discipline by consent granted by the DRB.

Christian M. Van Pelt - Disbarred by consent on October 30, 2019, (240 *N.J.* 116) Respondent acknowledged that he was aware that the OAE alleged that he knowingly misappropriated funds, and that if he went to a hearing on that matter, he could not successfully defend himself against those charges. Timothy J. McNamara represented the OAE and Marc D. Garfinkle represented the respondent. This

matter was discovered solely as a result of the Random Audit Program.

Seymour M. Wasserstrum – Reprimanded on December 5, 2019 (*N.J.*) for violating *RPC* 1.5(e) (improper division of fees between lawyers who are not in the same law firm) and *RPC* 5.3(a) and (b) (failure to make reasonable efforts to ensure that the conduct of nonlawyers is compatible with the lawyer's professional obligations). Christopher C. Fallon, III, represented the District I Ethics Committee and Vincent J. Pancari was respondent's counsel. Respondent was previously disciplined: Two admonitions in 1998 and a public reprimand in 2007.

Raheem S. Watson - Reprimanded on January 25, 2019 (236 *N.J.* 493), for violating *RPC* 1.1(a) (gross neglect); *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with the client) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Michael Mormando represented District IIIB and John McGill, III, represented respondent.

Raheem S. Watson – Disbarred by consent on June 12, 2019 (238 *N.J.* 238) after respondent admitted he could not defend himself against allegations of knowing misappropriation of client funds. Johanna Barba Jones represented the OAE and John McGill, III represented the respondent.

Michael E. Weintraub - Suspended for six months on May 13, 2019, effective June 10, 2019 (238 *N.J.* 1) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). In part, respondent intentionally concealed a malpractice action and default judgment against his firm after he missed a critical deadline in an action on behalf of a client against the clients' investment advisor for the alleged money mismanagement. Thomas M. Letizia represented the District VII Ethics Committee and respondent was pro se.

Ian Zev Winograd – Reprimanded on April 12, 2019 (237 *N.J.* 404) for violating *RPC* 5.5(a)(1) (practicing law in the state of New Jersey when he was not yet licensed in that jurisdiction); and *RPC* 8.4(c) (communicating with a New Jersey client in such a way as to lead him to believe that respondent was representing him as an attorney in his lawsuit in New Jersey, when he was not yet licensed to practice law in New Jersey). Christina Blunda represented the OAE and Paul S. Haberman represented respondent on a motion for discipline by consent granted by the DRB.

John F. Wise - Suspended for three months on December 11, 2019, effective January 8, 2020, (240 *N.J.* 239) for violating *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to

keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information), *RPC* 1.4(c) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation), *RPC* 1.5(b) (when a lawyer has not regularly represented a client, failure to set forth in writing the basis or rate of the attorney's fee), *RPC* 1.16(a)(2) (failure to withdraw from the representation of a client if the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client); and *RPC* 1.16(d) (on termination of representation, failure to take steps to the extent reasonably practicable to protect client's interests such as surrendering papers and property to which the client is entitled and refunding any fee that has not been earned or incurred). The DRB determined to dismiss the charged violations of *RPC* 1.4(c), *RPC* 1.5(b), and *RPC* 1.16 (a)(2). Peter Gaudioso represented District VC and Mark Garfinkle represented respondent on a motion for discipline by consent granted by the DRB. The respondent has been previously disciplined: Reprimanded in 1995; admonished in 1996; and reprimanded in 2005 and 2008.

Agnes S. Wladyka - Reprimanded on April 18, 2019 (237 *N.J.* 439) following a motion for discipline by consent in which respondent admitted that she mishandled the representation of her elderly client by failing to set forth the rate or basis for her fee in writing, failing to make sure that the contractors who undertook repairs to the client's home did not bill excessively and fraudulently, and failing to deposit legal fees into her attorney business account, depositing them instead into her personal checking account. Respondent's conduct violated *RPC* 1.1(a) (gross neglect), *RPC* 1.5(b) (failure to set forth in writing the rate or basis of a legal fee), and *RPC* 1.15(d) and R. 1:21-6(a)(2) (recordkeeping violations). Reid Adler represented the OAE and Donald A. DiGioia represented the respondent.

James H. Wolfe, III - Suspended for one year on a certified record on January 24, 2019 effective February 25, 2019 (236 *N.J.* 450), for violating *RPC* 1.5(a) (failure to safeguard client funds, and negligent misappropriation of client funds); *RPC* 1.15(d) and Rule 1:21-6 (failure to comply with recordkeeping requirements), and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Reid Adler represented the OAE and the respondent was pro se. The respondent was previously disciplined: Admonished in 1998; reprimanded twice in 2001; suspended for three months in 2001; admonished in 2002; and reprimanded in 2009. This matter was discovered solely as a result of the Random Audit Compliance Program.

Katrina F. Wright - Suspended for one year on May 3, 2019 (*N.J.*) for violating *RPC* 3.3(a)(1) (knowingly making a false statement to a tribunal), *RPC* 5.5(a)(1) (unauthorized practice of law), *RPC* 7.1(a) (making a false

or misleading communication about the lawyer to the lawyer's services), *RPC* 7.5(a) (using a firm name, letterhead or other professional designation that violates *RPC* 7.1), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Hillary Horton represented the OAE and respondent was pro se on a motion for reciprocal discipline granted by the DRB. Respondent was previously disciplined: Reprimanded in 2008, censured in 2015, and suspended for six months in 2017.

Katrina F. Wright - Suspended for two years on a certified record on December 3, 2019 (240 *N.J.* 218) for failing to comply with R. 1:20-20, which requires a suspended attorney to file an affidavit with the Director of the Office of Attorney Ethics specifying steps taken to comply with each provision of the rule, in violation of *RPC* 8.1(b) (failure to reply to a lawful demand for information from the disciplinary authority) and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Hillary Horton represented the OAE and respondent was pro se. Respondent was previously disciplined: Reprimanded in 2008; censured in 2015; suspended for six months in 2017; and suspended for one year in 2019.

Daniel B. Zonies - Suspended for three months on December 6, 2019, effective January 6, 2020, (240 *N.J.* 209) for violating *RPC* 1.15(a) (commingling of personal and client funds, failure to safeguard funds and negligent misappropriation of client funds) and *RPC* 1.15(d) (failure to comply with recordkeeping requirements of R. 1:21-6). Timothy J. McNamara represented the OAE and Robert E. Ramsey represented respondent on a motion for discipline by consent granted by the DRB. The respondent was previously disciplined: Reprimanded in 2003 and 2013; censured in 2018.

Richard N. Zuvich - Disbarred on March 13, 2019 (237 *N.J.* 253) for violating *RPC* 1.15(a) and the principles of In re Wilson, 81 *N.J.* 451 and In re Hollendonner, 102 *N.J.* 21 (knowing misappropriation); *RPC* 1.15(a) (failure to safeguard funds); *RPC* 1.15(b) (failure to promptly notify a client or third person of receipt of funds and failure to promptly disburse funds that a client or third person is entitled to receive); *RPC* 5.5(a)(1) (unauthorized practice of law); *RPC* 8.1(b) (failure to cooperate with disciplinary officials); *RPC* 8.4(b) (criminal act that reflects adversely on a lawyer's honesty, trustworthiness or fitness as a lawyer in other respects); *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); and *RPC* 8.4(d) and Rule 1:20-20 (conduct prejudicial to the administration of justice). Timothy J. McNamara represented the OAE before the Supreme Court and respondent failed to appear. Respondent was previously disciplined: Three-month suspension in 2017.

V. OTHER RELATED ACTIONS

The attorney disciplinary system also handles a significant number of other related actions involving New Jersey attorneys. During 2019, a total of 141 such actions were undertaken, including: transfers to disability-inactive status; prosecutions for contempt of a Supreme Court Order to cease practicing law by suspended or disbarred lawyers; diversionary actions by which attorneys who commit “minor unethical conduct” may avoid discipline if they complete specific conditions; reinstatement proceedings where suspended attorneys seek to again practice law; and matters where disciplined lawyers are monitored for a period of time after discipline is imposed.

A. DISABILITY-INACTIVE STATUS

Disability-Inactive Status is imposed by the Supreme Court where an attorney lacks the mental or physical capacity to practice law. *R. 1:20-12*. While often imposed in conjunction with an attorney disciplinary investigation or prosecution, this status is, by itself, non-disciplinary in nature. During 2019, a total of eight (8) attorneys were the subject of a disability-inactive Order. This represents an increase from 2018 when six (6) attorneys were so transferred. Prior years’ results were: 2017 – 2; 2016 – 4; and 2015 – 5. During this 5-year period, an average of 5 lawyers per year on average were placed into disability-inactive status.

B. CONTEMPT

Prosecutions for contempt of Supreme Court orders under *R. 1:20-16(j)* is another category of cases entrusted to the OAE. These actions involve the improper, continued practice of law by suspended and disbarred attorneys. The OAE may file and prosecute an action for contempt before the Assignment Judge of the vicinage where the respondent engaged in the prohibited practice of law. It also has the authority to file disciplinary complaints against offending attorneys seeking sanctions for their violations. There were no prosecutions for contempt of Supreme Court orders in 2019.

C. DIVERSIONS

The diversionary program allows attorneys who have committed “minor unethical conduct” to be diverted from the disciplinary system. “Minor unethical conduct” is behavior that would likely warrant no more than an admonition (the least serious sanction) if the matter proceeded to a hearing. Determinations to divert matters of minor unethical conduct are made only by the OAE Director. A grievant is given ten days’ notice to comment prior to the OAE Director’s final decision to divert the case, but a grievant cannot appeal the Director’s diversion decision.

Diversion may take place only if the attorney acknowledges the misconduct and agrees to take remedial steps (sometimes beneficial to the grievant) to assure future compliance with the Rules. The primary purpose of diversion is education and the productive resolution of disputes between clients and attorneys outside of the disciplinary process. It permits the disciplinary system to focus resources on more serious cases. Diversion conditions generally do not exceed a period of six months. If successfully completed, the underlying grievance is dismissed with no record of discipline. If diversion is unsuccessful, a disciplinary complaint is filed and prosecuted.

During calendar year 2019, a total of 72 matters were approved for diversion by the OAE Director. By the end of the year, 90 diversions were successfully completed and 38 were still pending from 2019 and prior years. Occasionally, some respondents agree to diversion and then fail to complete the agreed conditions. This year, two (2) respondents failed to complete the conditions of diversion. These matters were returned to the district committee for the filing of a formal complaint. In 2018, 51 diversions were approved. During the last five years, an average of 63 diversions were approved annually. The most common diversion offenses for 2019 were: Money - Recordkeeping (46); Failure to Maintain Malpractice Insurance (5); and Money – Commingling (4).

The condition most commonly imposed in diversion cases required the attorney to complete the New Jersey State Bar Association’s Ethics Diversionary Education Course (64). Other required conditions included: completion of a course in New Jersey Trust and Business Accounting (54); additional continuing legal education (6); substance abuse counseling (1); other counseling (1); and prompt completion of legal services (1). During the prior year (2018), attendance at the Bar Association’s Diversionary Course was also the primary remedial condition (44).

D. REINSTATEMENT PROCEEDINGS

A suspended attorney may not practice again until the attorney first files a reinstatement application, and the Supreme Court grants the request by order. The application is reviewed by the OAE, the Review Board and the Supreme Court. There is no procedure for a disbarred attorney to apply for reinstatement since disbarment is permanent. *In re Wilson*, 81 N.J. 451, 456 n.5 (1979) and *R. 1:20-15A(a)(1)*. Where the attorney is suspended for over six months, a reinstatement petition may not be made until after expiration of the time period provided in the suspension Order. *R. 1:20-21(a)*. Where the suspension is for six months or less, the attorney may file a petition and publish the required public notice 40 days prior to the expiration of the suspension period. *R. 1:20-21(b)*. The Supreme Court reinstated eighteen (18) attorneys in 2019, which was 50% more than in 2018.

E. MONITORED ATTORNEYS

The Supreme Court imposes monitoring conditions on some attorneys, either in connection with interim or final sanctions imposed in disciplinary proceedings, or as a result of previous reinstatement proceedings. There are several types of practice conditions. A proctorship is imposed on those attorneys who need intensive guidance and oversight by a seasoned practitioner. *Rule 1:20-18* imposes specific reporting responsibilities on both the respondent and the proctor, including weekly conferences, the maintenance of time records, and instructions regarding proper financial recordkeeping. Another typical condition is the submission of an annual or quarterly audit report covering attorney trust and business records. Sometimes random periodic drug testing at the attorney’s expense is imposed. Finally, some attorneys are required to take ethics or substantive law courses. As of December 31, 2019, forty-three (43) attorneys were subject to monitoring.

VI. DISCIPLINARY STRUCTURE

The attorney disciplinary system consists of three levels: 1) the Office of Attorney Ethics and District Ethics Committees, 2) the Disciplinary Review Board, and 3) the Supreme Court of New Jersey.

Attorney Discipline System

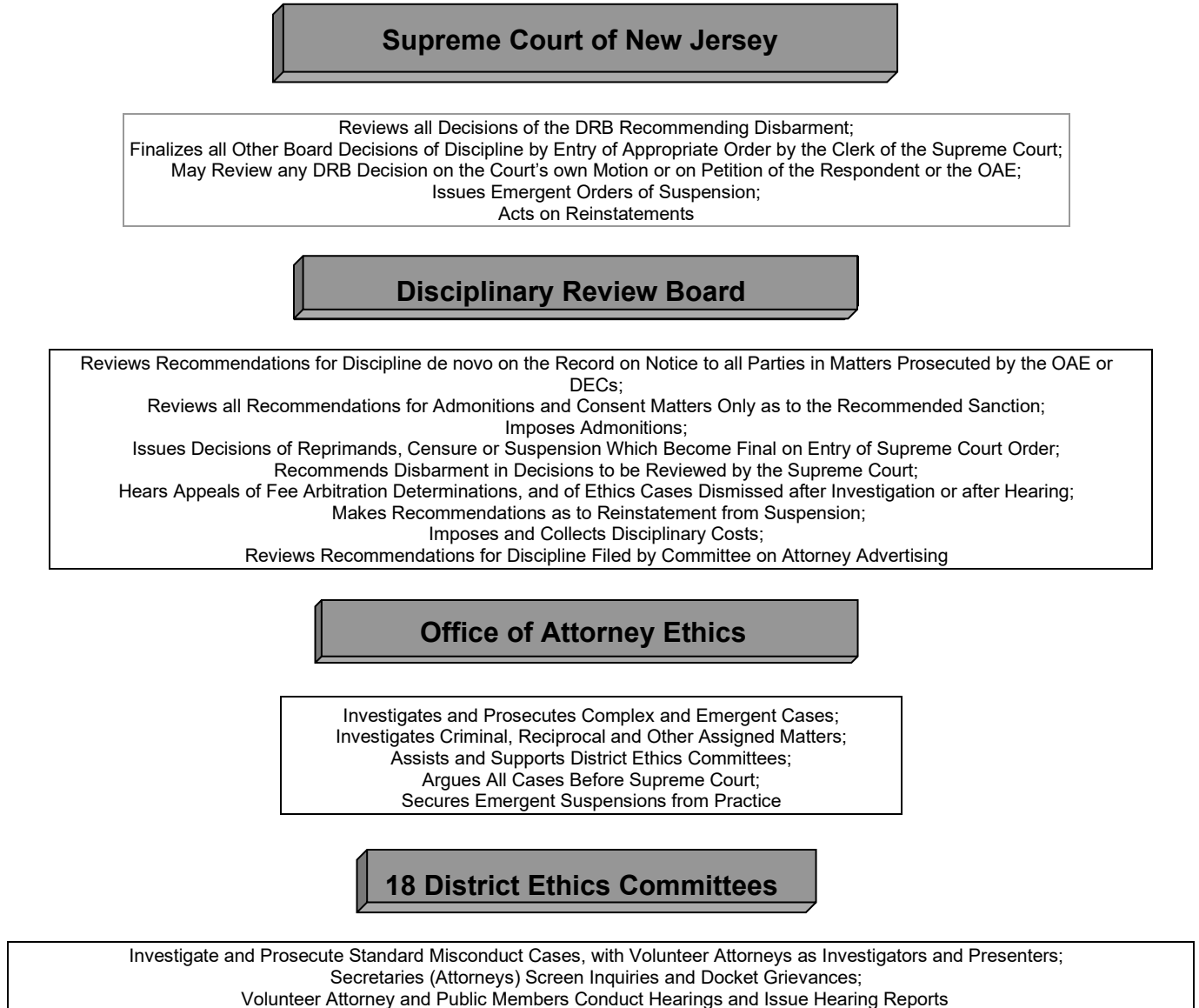


Figure 7

A. DISTRICT ETHICS COMMITTEES (DECs)

The first level consists of 18 regionalized volunteer District Ethics Committees (DECs), with the OAE providing support and guidance, in accord with Court Rules. The District Ethics Committees are generally established along single or multiple county lines.

1. *Members and Officers of the DECs*

The DECs consist of volunteer members who investigate, prosecute and decide disciplinary matters. As of September 1, 2019, there were 662 volunteers (540 attorneys and 122 public members) serving *pro bono* across the state. The DEC leadership consists of three officers (all attorneys): a chair, who serves as the chief executive officer responsible for all investigations; a vice chair, who is responsible for all cases in the hearing stage; and a secretary, who is not a member of the DEC and who serves as the administrator of that DEC. The secretary receives and screens all inquiries and grievances. The secretary functions as the DEC's link to the public, fielding all calls from members of the public and the Bar and providing information about the grievance and disciplinary process. While secretaries receive an annual emolument to defray the expenses related to their duties, they are nonetheless volunteers, as are all of the members of the DECs.

2019-2020 District Ethics Committee Officers

CHAIR	VICE CHAIR	SECRETARY
District I - Atlantic, Cape May, Cumberland and Salem Counties		
Sarah Blumberg Weinstock, Esq.	Matthew W. Ritter, Esq.	Christopher C. Fallon, III, Esq.
District IIA – Bergen – North		
Robert A. Knee, Esq.	Nancy Ann Del Pizzo, Esq.	Kevin P. Kelly, Esq.
District IIB - Bergen County – South		
Helene C. Herbert, Esq.	James B. Sepowitz, Esq.	William Tellado, Esq.
District IIIA - Ocean County		
Thomas C. McCoy, Esq.	Richard H. Archer, Jr., Esq.	Steven Secare, Esq.
District IIIB - Burlington County		
Carlo Scaramella, Esq.	John M. Hanamirian, Esq.	Cynthia S. Earl, Esq.
District IV - Camden and Gloucester Counties		
Daniel Q. Harrington, Esq.	Melissa Brown, Esq.	John M. Palm, Esq.
District VA - Essex County – Newark		
John C. Garde, Esq.	David M. Puteska, Esq.	Natalie S. Watson, Esq.
District VB - Essex County - Suburban Essex		
George D. Lordi	Arla D. Cahill, Esq.	Paula I. Getty, Esq.
District VC - Essex County - West Essex		
Anthony M. Rainone, Esq.	Christopher M. DiMuro, Esq.	John J. Zefutie, Jr., Esq.
District VI - Hudson County		
Daniel P. D'Alessandro, Esq.	Richard D. DeVita, Esq.	Maria P. Vallejo, Esq.
District VII - Mercer County		
Elizabeth A. Smith, Esq.	Christopher Josephson, Esq.	David A. Clark, Esq.
District VIII - Middlesex County		
Phillip Netti, Esq.	Peter A. Vignuolo, Esq.	Barry J. Muller, Esq.
District IX - Monmouth County		
F. Patrick Accisano, Esq.	Claire Scully, Esq.	Mark B. Watson, Esq.

District XA – East Morris and Sussex Counties		
Gregory J. Bevelock, Esq.	Kevin J. O'Connor, Esq.	Caroline Record, Esq.
District XB – West Morris and Sussex Counties		
Robert D. Correale, Esq.	Jeffrey Zenna, Esq.	Caroline Record, Esq.
District XI - Passaic County		
Mary Tom, Esq.	Richard J. Baldi, Esq.	Michael Pasquale, Esq.
District XII - Union County		
Richard M. Cohen, Esq.	Thomas G. Russomano, Esq.	Michael F. Brandman, Esq.
District XIII - Hunterdon, Somerset and Warren Counties		
Paul Loeffler, Esq.	Anne M. Mohan, Esq.	Donna P. Legband, Esq.

Figure 8

2. *Investigations*

Attorney members are assigned to investigate and, if necessary, prosecute grievances docketed with a DEC.

3. *Complaints*

Formal complaints are filed only where the DEC Chair determines that there is a reasonable prospect of proving charges against the attorney-respondent by clear and convincing evidence.

4. *Hearing Panels*

Three-member hearing panels comprised of two attorneys and one public member of a DEC decide cases after formal complaints have been filed.

5. *Office of Attorney Ethics*

The OAE is responsible for overseeing the operations of all DEC's. The OAE also separately investigates and prosecutes serious, complex and emergent matters statewide, as discussed more fully in the "Office of Attorney Ethics" section below.

B. DISCIPLINARY REVIEW BOARD

The second level of the disciplinary system involves the Disciplinary Review Board (Review Board), which is the intermediate appellate tribunal in disciplinary matters. It is composed of nine members. Five are lawyers (Bruce W. Clark, Esq., Chair, Peter J. Boyer, Esq., Anne C. Singer, Esq., Regina Waynes Joseph, Esq. and Peter Petrou, Esq.), one is a retired Assignment Judge (Hon. Maurice J. Gallipoli, Vice-Chair) and three are public members (Mr. Robert C. Zmirich, Mr. Thomas J. Hoberman and Ms. Eileen Rivera). All Review Board members volunteer their time to the system. The Review Board meets monthly (except August and December) in public session at the Richard J. Hughes Justice Complex, Trenton, to hear oral arguments on recommendations for discipline.

The Review Board's primary responsibility is to review reports by hearing panels and special ethics masters finding unethical conduct and recommending discipline, and to decide OAE motions for final or reciprocal discipline. If a matter comes to it on a recommendation for admonition, the Review Board may issue a written letter of admonition without scheduling oral argument. Matters in which the recommended discipline is a reprimand, censure, suspension or disbarment are routinely scheduled for oral argument. The respondent may appear *pro se* or by counsel. The presenter of an

Ethics Committee or OAE Ethics Counsel appears to prosecute the matter. If the Review Board determines that a reprimand or greater discipline should be imposed, its written decision is reviewed by the Supreme Court, which then issues the final Order imposing discipline.

The Review Board also decides other matters, including appeals from dismissals after investigation or hearing and appeals of fee arbitration determinations. It also acts on requests by suspended attorneys to be reinstated to practice. Here, the Review Board's recommendation goes to the Supreme Court to either grant or deny reinstatement.

During 2019, OAE ethics counsel appeared before the Review Board to argue a total of 72 separate matters. The Review Board's review is *de novo* on the existing record and no testimony is taken.

C. SUPREME COURT OF NEW JERSEY

The Supreme Court of New Jersey is the third and highest level of the disciplinary system. Under the State Constitution, the Supreme Court of New Jersey has exclusive authority over the regulation of the practice of law. *N.J. Const.* art. VI, Section II, ¶13. The Supreme Court sets the terms for admission to the practice of law and regulates the professional conduct of attorneys.

The Supreme Court is composed of the Chief Justice and six Associate Justices. Supreme Court Justices are appointed by the Governor and confirmed by the State Senate for an initial term of seven years. On reappointment, they are granted tenure until they reach the mandatory judicial retirement age of 70. The current Chief Justice, Stuart Rabner, was appointed to the Supreme Court in 2007 and tenured in 2014. The other members of the Supreme Court are Justice Jaynee LaVecchia (appointed in 2000; tenured in 2007); Justice Barry T. Albin (appointed in 2002; tenured in 2009); Justice Anne M. Patterson (appointed in 2012; tenured in 2018); Justice Faustino J. Fernandez-Vina (appointed in 2014); Justice Lee A. Solomon (appointed in 2014); and Justice Walter F. Timpone (appointed in 2016).

The Supreme Court hears oral arguments in disciplinary matters at the Richard J. Hughes Justice Complex. Only the Supreme Court can order disbarment of an attorney. In all other matters, the decision or recommendation of the Review Board becomes final on the entry of a disciplinary order by the Supreme Court, unless the Court grants a petition for review or issues an order to show cause on its own motion.

The OAE represents the public interest in all cases before the Supreme Court. During 2019, OAE ethics counsel appeared a total of 35 times for oral argument in disciplinary cases. Arguments are televised in real time via streaming video technology over the Internet. Arguments can be accessed from the Judiciary's Website at www.njcourtsonline.com by clicking on the WEBCAST icon.

D. FINANCING ATTORNEY DISCIPLINE

1. Annual Attorney Registration Fee

The attorney disciplinary system in New Jersey is funded exclusively from the Supreme Court's annual mandatory registration assessment on lawyers. No taxpayers' money is used. The assessment constitutes dedicated funds earmarked exclusively for the attorney discipline and fee arbitration systems. *R.1:20-2(b)*. The annual billing also funds the Lawyers' Fund for Client Protection, *R.1:28-2* (which reimburses clients whose monies

have been taken by lawyers through dishonest conduct), as well as the Lawyers' Assistance Program (which helps lawyers with alcohol, substance abuse and other problems). For calendar year 2019, the total annual fee assessed for most lawyers (those admitted between 5 to 49 years) was \$212. Of this amount, \$148 was earmarked for attorney discipline, \$50 for the Lawyers' Fund, \$10 for Lawyers' Assistance, and \$4 for Continuing Legal Education.

2. *Comparison to Other Jurisdictions*

New Jersey attorneys pay among the lowest mandatory annual registration fees in the country. A July 1, 2019, survey prepared by the OAE for the National Organization of Bar Counsel, Inc., showed that New Jersey ranked 6th in attorney size (with 98,657 attorneys) out of 51 United States jurisdictions. The survey also demonstrated that the Garden State ranked 43rd (at \$212) in the amount of mandatory fees required to practice. In 2018, New Jersey also ranked 6th in attorney size and 43rd in mandatory fees.

3. *Disciplinary Oversight Committee*

The Supreme Court established a Disciplinary Oversight Committee (Oversight Committee) and charged it with the responsibility to oversee the administration and financial management of the disciplinary system. *R. 1:20B*. One of its primary functions is to review annually the budgets proposed by the OAE and the Review Board and to make recommendations to the Supreme Court in that respect.

The Oversight Committee for 2019 consisted of six attorneys Matthew O'Malley, Esq., Chair, R. James Kravitz, Esq., Vice-Chair, Paris P. Eliades, Esq., Hon. Nesle A. Rodriguez, J.S.C., Ronald J. Uzdavinis, Esq., and Rhasheda Seneca Douglas, Esq. and five public members (Mr. Luis J. Martinez, Mr. Philip Abram, Ms. Nora Poliakoff, Mr. Barry Davidson, and Ms. Judith E. Burgis) all of whom serve *pro bono*.

The annual disciplinary budget for calendar year 2019 was \$13,648,506. Fifty-eight percent (59%) was allocated to the OAE and 19% to the Review Board. The balance was apportioned as follows: District Ethics Committees (7%), Random Audit Compliance Program (7%), Attorney Registration Program (4%), District Fee Arbitration Committees (3%) and Oversight Committee (1%).

E. OFFICE OF ATTORNEY ETHICS

The Supreme Court created the OAE on October 19, 1983, as the investigative and prosecutorial arm of the Supreme Court in discharging its constitutional authority to supervise and discipline New Jersey attorneys. *N.J. Const.* art VI, Section II, ¶3.

The OAE has programmatic responsibility for 18 District Ethics Committees, which investigate and prosecute grievances alleging unethical conduct against attorneys. It also administers 17 District Fee Arbitration Committees (Fee Committees), which hear and determine disputes over legal fees between attorneys and clients. Likewise, the OAE conducts the Random Audit Compliance Program, which undertakes random audits of private law firm trust and business accounts to ensure that mandatory recordkeeping practices are followed. The OAE also oversees the collection and analysis of Annual Attorney Registration Statement data, which provides demographic and private practice information about all New Jersey lawyers, including trust and business accounts.

Importantly, the OAE also is vested with exclusive investigative and prosecutorial jurisdiction in certain types of matters, such as emergent, complex or serious disciplinary cases, matters where an attorney has been criminally charged, cases where an attorney

is the subject of reciprocal discipline from another United States jurisdiction, matters involving allegations against a sitting Superior Court or Appellate Division judge concerning conduct while the judge was an attorney, multijurisdictional practice matters, charges against in-house counsel, cases where Ethics Committees have not resolved an investigation within a year, and any case referred by the Review Board or the Supreme Court. *R. 1:20-2(b)*.

1. *OAE Legal Group*

The Supreme Court appoints the OAE Director. On recommendation of the Director, the Supreme Court appoints other ethics counsel. The Director hires all other staff, subject to the approval of the Chief Justice. The OAE Legal Group consists of a Director, First Assistant, three Assistant Ethics Counsel, ten Deputy Ethics Counsel, and one Assistant Deputy Ethics Counsel.

2. *Administrative Group*

The work of the OAE is ably supported by its Administrative Group. It includes the OAE Administrator, who is responsible for human resources, facilities management, budgeting and accounting services, attorney registration program, reception and public information. He is assisted by an Office Coordinator. Information technology consists of a manager and a network administrator.

3. *Support Group*

The OAE's Support Group consists of a legal assistant, as well as secretarial and clerical positions. These positions support attorneys, investigators, auditors and administrative personnel. In addition to secretarial/support services, a number of these staff positions provide information to the public, attorneys and others; issue Certificates of Ethical Conduct; computerize and update information on all disciplinary cases docketed statewide; enter the results of decisions by the Supreme Court and the Review Board into OAE systems; enter attorney registration data; support the Trust Overdraft Program and the approved trust depositories program; coordinate the use of special ethics masters; administer OAE pool vehicles; and perform bookkeeping functions, together with many other important tasks without which the statewide disciplinary system could not operate.

4. *Complex Investigative Group*

The OAE's Complex Investigative Group consists of forensic disciplinary auditors and disciplinary investigators, assisted by an investigative aide. William M. Ruskowski is the Chief of Investigations. He is assisted by Assistant Chief Jeanine E. Verdel and Assistant Chief Joseph Strieffler.

The Complex Investigative Group primarily conducts statewide investigations of complex, serious and emergent matters, reciprocal discipline and criminal and civil charges made against New Jersey lawyers. Cases often involve misappropriation of trust funds, unethical financial and fraudulent conduct, recidivist attorneys and related white-collar misconduct. The group also handles matters where the OAE seeks temporary suspensions of attorneys to protect the public and the Bar.

5. *District Ethics Group*

The OAE District Ethics Group (OAE's DEC Group) supports the efforts of the 18 volunteer Ethics Committees throughout the state. Assistant Ethics Counsel Isabel K. McGinty, who serves as the OAE's Statewide Ethics Coordinator, spearheads this group, with Deputy Statewide Ethics Coordinator William B. Ziff. Both are supported by an administrative assistant, a secretary, and a clerk/hearings administrator.

The responsibilities of the OAE's DEC Group are broad and include: recruitment of all volunteer members, including screening, appointment and replacement as necessary; conducting annual orientation training and conducting annual meetings of all officers; preparing the District Ethics Committee Manual; providing monthly computer listings of all pending cases to officers; and handling statewide general correspondence, including complaints about processing from grievants and respondents. The Group also assesses conflicts arising at the district level and transfers cases as necessary; continuously communicates with officers regarding committees' compliance with Supreme Court time goals; compiles and reviews monthly and quarterly overgoal case reports from officers; periodically follows-up with volunteer investigators and hearing panel chairs, as necessary; and provides legal and procedural advice to the DEC volunteer members. The Group also prepares periodic updates to educate members; issues Certificates of Appreciation to outgoing members; recommends policies necessary to secure goals set by the Supreme Court; and consults with the OAE Director on an ongoing basis.

VII. ATTORNEY FEE ARBITRATION

A. HISTORY AND PURPOSE

The New Jersey Supreme Court has long recognized that disputes between clients and their attorneys are not always matters of ethics, but sometimes involve other issues linked to the reasonableness of the fee charged by the attorney in relation to the overall services rendered by that attorney. To assist in the resolution of these fee disagreements, the Supreme Court established a fee arbitration system, which relies on the services of volunteers (attorneys and non-attorneys) serving on 17 District Fee Arbitration Committees (Fee Committees). These volunteers screen and adjudicate fee disputes between clients and attorneys over the reasonableness of the attorney's fee.

The fee arbitration system was established in New Jersey in 1978 as the second mandatory statewide program in the country, behind Alaska. Fee arbitration offers clients and attorneys an inexpensive, fast and confidential method of resolving fee disagreements. Even today, New Jersey remains one of only a handful of states with a mandatory statewide fee arbitration program. Other such programs exist in Alaska, California, District of Columbia, Maine, New York, Montana, North Carolina, South Carolina and Wyoming.

New Jersey's Court Rules require that the attorney notify the client of the fee arbitration program's availability prior to bringing a lawsuit for the collection of fees. If the client chooses fee arbitration, the attorney must arbitrate the matter. For those matters that involve questions of ethics, in addition to the fee dispute, the ethics issues may still be addressed on the conclusion of the fee arbitration proceedings, and the OAE makes sure that both types of proceedings will proceed forward on a timely basis.

B. ADMINISTRATION

The OAE administers the district fee arbitration system, pursuant to the Rules of the New Jersey Supreme Court. Assistant Ethics Counsel Johanna Barba Jones is the OAE's Statewide Fee Arbitration Coordinator. The OAE Fee Arbitration Unit was staffed during 2019 by an administrative assistant, with clerical support. The OAE Fee Arbitration Unit provides assistance to the district fee secretaries and to committees in all aspects of fee arbitration cases. As of the start of the term of service on September 1, 2019, there were 345 members of district committees (243 attorneys and 102 public members, in addition to the 17 district fee secretaries, all of whom are attorneys) serving *pro bono* across the state.

C. STRUCTURE

The fee arbitration process is a two-tiered system. The fee arbitration hearings are conducted before hearing panels of the 17 District Fee Arbitration Committees (**Figure 9**), with appeals heard before the Disciplinary Review Board of the Supreme Court.

2019-2020 District Fee Committee Officers

Figure 9

CHAIR	VICE CHAIR	SECRETARY
District I – Atlantic Cape May, Cumberland and Salem Counties		
Henry J. Kowalski, Esq.	Beth White, Esq.	Michael A. Pirolli, Esq.
District IIA – North Bergen County		
Armando R. Horta, Esq.	Elsbeth J. Crusius, Esq.	Terrence J. Corrison, Esq.
District IIB – South Bergen County		
Marianne Quinn, Esq.	Robert M. Biagiotti, Esq.	Michael J. Sprague, Esq.
District IIIA – Ocean County		
Adam J. Steuerman, Esq.	Marguerite Kneisser, Esq.	Lisa E. Halpern, Esq.
District IIIB – Burlington County		
Linda A. Rinaldi, Esq.	Andrew L. Rochester, Esq.	Albert M. Afonso, Esq.
District IV – Camden and Gloucester Counties		
Barry W. Rosenberg, Esq.	Ned Mazer, Esq.	Daniel McCormack, Esq.
District VA – Essex County – Newark		
Jeffrey Bernstein, Esq.	Michael J. Dee, Esq.	Jodi Rosenberg, Esq.
District VB – Essex County – Suburban Essex		
Christine M. Tiritilli, Esq.	Michael A. Kaplan, Esq.	Harvey S. Grossman, Esq.
District VC Essex County – West Essex		
Lorraine Gauli-Rufo, Esq.	Marilyn E. Atlas-Berney, Esq.	Peter J. Kurshan, Esq.
District VI – Hudson County		
Mary Ann R. Andrews, Esq.	Richard M. Mausner, Esq.	Marvin R. Walden, Jr., Esq.
District VII – Mercer County		
Michael L. Rosenberg, Esq.	Ayesha K. Hamilton, Esq.	William P. Isele, Esq.
District VIII – Middlesex County		
Alexander J. Kemeny, Esq.	Steven Nudelman, Esq.	William P. Isele, Esq.
District IX – Monmouth County		
Gregory S. Baxter, Esq.	Michael A. Irene, Jr., Esq.	Robert J. Saxton, Esq.
District X – Morris and Sussex Counties		
Patricia J. Cistaro, Esq.	Gregory D.R. Behringer, Esq.	Marcy M. McMann, Esq.
District XI – Passaic County		
Jason C. Tuchman, Esq.	Laurie W. Fiedler, Esq.	Jane E. Salomon, Esq.
District XII – Union County		
Marisa L. Hovanec, Esq.	David C. Bendush, Esq.	Carol A. Jeney, Esq.
District XIII – Hunterdon, Somerset and Warren Counties		
Diana N. Fredericks, Esq.	Everett E. Gale, III, Esq.	Olivier J. Kirmser, Esq.

1. *Filing for Fee Arbitration*

The process begins when a client submits a completed Attorney Fee Arbitration Request Form to the district fee secretary of the Fee Committee in a district where the attorney maintains an office. The client must submit the two-page form, along with the \$50 filing fee, for the process formally to commence. Both the client and attorney are required to pay the \$50 administrative filing fee, unless an indigency waiver is requested of the Director.

The district secretary must determine whether the Fee Committee has jurisdiction to hear the fee dispute. For example, if the fee is disputed in a matter in which no attorney's services have been rendered for more than six years, then the district secretary must decline jurisdiction. The district secretary may decline jurisdiction as a matter of discretion in cases where the total fee charged exceeds \$100,000, excluding out-of-pocket expenses and disbursements. The categories of cases wherein the district secretary must or may decline jurisdiction are specified in *R. 1:20A-2*.

After the district secretary docket the case, the secretary will send the Attorney Fee Response Form to the attorney, who must return the completed form and the \$50 filing fee within the time limit set by Court Rule. The attorney and the client both have the opportunity to submit any documentation and/or records relevant to the matter, including the attorney's bill, any written fee agreement, and any time records. If the attorney named by the client should allege that any other attorney or law firm should be liable for all or a part of the client's claim, the original attorney may take steps to have that attorney or firm joined in the proceedings, in accord with *R. 1:20A-3(b)(2)*. Thereafter, the matter would be set down for a fee arbitration hearing.

2. *Arbitration Hearings*

In cases involving fees of \$3,000 or more, the matter is typically heard before panels of three members, usually composed of two attorneys and one public member. Fee Committees have been composed of both attorneys and public members since April 1, 1979. If the total amount of the fee charged is less than \$3,000, the hearing may be held before a single attorney member of the Fee Committee.

Hearings are scheduled on at least ten days' written notice. There is no discovery. All parties have the power of subpoena, however, subject to rules of relevance and materiality. Ordinarily, no stenographic or other transcript of the proceedings is maintained. The attorney bears the burden of proving by a preponderance of the evidence that the fee charged is reasonable under the eight factors enumerated in *RPC 1.5*.

Following the hearing, the panel or single arbitrator prepares a written arbitration determination, with a statement of reasons annexed, to be issued within thirty days. The Rules provide for the parties to receive the Arbitration Determination from the district secretary within thirty days of the conclusion of the hearing.

3. *Appeals*

The Court Rules allow a limited right of appeal to the Disciplinary Review Board, under *R. 1:20A-3(c)*. The limited grounds for appeal are:

- 1) failure of a member to be disqualified in accordance with *R. 1:12-1*;
- 2) substantial failure of the Fee Committee to comply with procedural requirements of the Court Rules or other substantial procedural unfairness that led to an unjust result;
- 3) actual fraud on the part of any member of the Fee Committee; and

4) palpable mistake of law by the Fee Committee, which led to an unjust result.

Either the attorney or the client may take an appeal within 21 days after receipt of the Fee Committee's written determination by filing a notice of appeal in the form prescribed by the Disciplinary Review Board. All appeals are reviewed by the Disciplinary Review Board on the record. Its decision is final. There is no right of appeal to the Supreme Court. Following expiration of the time limit for filing the appeal, and unless the decision of the Fee Committee has been reversed on appeal by the Disciplinary Review Board, the decision of the Fee Committee in the form of the written Arbitration Determination becomes final and binding on the parties. *R.1:20A-2(a)*.

D. ANNUAL CASELOAD

In 2019, Fee Committees handled a total of 1,241 matters, including new cases filed and those that reached a disposition during that year. The committees began the year with 445 cases pending from 2018. During the year, 796 new matters were added. **Figure 10.** A total of 849 cases were disposed of, leaving a balance of 392 matters pending at year's end. At the conclusion of 2019, the average number of cases pending before each of the 17 Fee Committees was 23.1 cases per district.

The 796 new filings received in 2019 involved claims against roughly 1.1% of the active New Jersey attorney population (74,391). Some areas of practice (matrimonial, in particular) involve high billings for legal fees, over the course of protracted litigation. Many such cases are filed as fee arbitration disputes per year.

Changes in Fee Disputes

Year	Filings	Change
2019	796	-6.9%
2018	855	-1.5%
2017	868	-12.0%
2016	986	-2.8%
2015	1,014	--

For a more nuanced view of what these numbers may indicate, the number of fee arbitration cases filed with the district committees each year (796 in 2019) may be compared with the hundreds of thousands of legal matters filed with the courts, and the hundreds of thousands of non-litigated matters (real estate, wills, business transactions and government agency matters, etc.) handled annually in other forums.

Figure 10

The number of fee arbitration filings is a very small percentage of the total attorney-client transactions. This comparison supports the conclusion that clients sought fee arbitration of the attorneys' bills in a very small percentage of the total cases handled in the year by all New Jersey attorneys on their clients' behalf.

1. Financial Results

During 2019, District Fee Committees arbitrated matters involving a total of more than \$10.1 million in legal fees, which represents a 9% decrease from the \$11.1 million in legal fees handled during 2018. In addition, some cases are resolved by the attorneys themselves as of the time that the client commences the process, with no further action needed by the District Fee Committee.

Of the cases that proceeded to a hearing, Fee Committees conducted 420 hearings during 2019, involving more than \$9 million in total attorneys' fees charged. In 33.8% of the cases (142 hearings), the hearing panels upheld the attorney fees in full. In the balance of 65.2% of the fee cases (274 hearings), the hearing panels reduced the attorney fees by a total of more than \$1.8 million, which represents 28.4% of the total billings subject to reduction (\$1.8 million out of the total of \$6.4 million subject to reduction).

For an overview of the amounts at issue, the 274 cases in which the attorney fee was reduced by the hearing panel may be broken into the following categories:

\$0 to \$1,000 – 64 cases
\$1,001 to \$2,000 – 56 cases
\$2,001 to \$5,000 – 61 cases
\$5,000 to \$10,000 – 52 cases
\$10,001 to \$20,000 – 19 cases
\$20,001 to \$50,000 – 17 cases
Over \$50,000 – 5 cases

For *all* cases which proceeded to a hearing with an Arbitration Determination issued by the hearing panel, the average amount billed was \$21,446. The median amount billed was \$10,611. The average amount of the reductions in all cases which proceeded to an Arbitration Determination was \$6,689, with a median reduction amount of \$2,521.

It should be noted that the parties reached settlement without a hearing in an additional 184 cases. The total fees at issue in the cases settled by the parties involved \$1,131,748 in attorney fees. The attorneys agreed to a reduction in fees without going to a hearing in 54 of those cases (29.3% of the total cases settled by stipulation).

2. *Age of Caseload*

The length of time that it may take for a fee arbitration case to proceed to disposition may depend on many factors, including the availability of the parties, the panelists, the witnesses, and any interpreter (if needed) for the hearing, as well as whether the hearing may be completed on a single hearing date. The parties may seek to submit additional documentation following the hearing, which would then be available to both sides for review and additional argument, if needed and allowed by the hearing panel. Changes in leadership of the district committees may affect the pace of dispositions. Fluctuations in the number of cases filed also affect disposition rates, because of the limits on the number of cases that may be expected within reason to proceed to a hearing before the panels of volunteers in any given month.

Of the 849 cases that proceeded from file-opening to case-closing in calendar year 2019, 68.7% reached disposition in fewer than 180 days (583 out of 849 total cases). The Fee Committees resolved just 1 less case in that interval than during the preceding calendar year, when 584 cases out of a total caseload of 868 were resolved in under 180 days. The data for 2019 shows that the Fee Committees resolved almost 2.2% fewer cases overall than during the preceding calendar year. Two hundred and twenty-seven (227) of the total cases resolved during 2019 were resolved within 60 days of filing. For 2018, 229 cases were resolved that quickly.

E. NATURE OF CASES

The categories of legal services for which clients seek fee arbitration highlight the importance of the fee arbitration system in particular practice areas. The system has proven to be a very effective and efficient method for resolving attorney fee disputes, while avoiding litigation between the parties as to the fee dispute.

Over the past five years, family actions (including matrimonial, support and custody cases) have consistently generated the most fee disputes (32%) on average. Criminal matters (including indictable, quasi-criminal and municipal court cases) ranked second in frequency (15.1%). Third place was filled by General Litigation at 9.5%. Real Estate, at

3.9%, came in fourth place, and Contract Matters came in fifth place at almost 2.9%. The overall filings fit into an additional 20 legal practice areas.

F. ENFORCEMENT

The Fee Arbitration Unit follows up when a client reports that he or she has not been paid by the attorney the full amount of the refund owed, as set forth by the Arbitration Determination or a stipulation of settlement. This follow-up has been required in 20 to 30 cases per year, over the past five years. The OAE issues a warning letter if the attorney has not paid the full amount of the fee award within the 30-day payment period. If the attorney thereafter does not send payment in full to the client within the 10-day period specified in the warning letter, the OAE may file a motion for the temporary suspension of the attorney. Such motions are heard by the Disciplinary Review Board, which sends any recommendation of suspension to the Supreme Court. The Supreme Court has ordered an average of ten attorneys to be suspended each year over the past five years as a result of such motions, with the attorneys' terms of suspension continued until they submitted proof of payment in full to the clients, along with the payment of any additional monetary sanction relating to the costs of the enforcement proceedings.

VIII. RANDOM AUDIT COMPLIANCE PROGRAM

A. PURPOSE

1. *Safeguarding Public Confidence*

The Supreme Court of New Jersey has been a national leader in protecting the public by actively auditing attorney trust accounts for compliance with mandatory fiduciary rules. New Jersey's Random Audit Compliance Program (RAP) has been conducting financial compliance audits of law firms since July 1981. New Jersey is the state with the largest lawyer population in the country to conduct a random auditing program. Only eight other states have operational random programs. In order of implementation, they are: Iowa (1973), Delaware (1974), Washington (1977), New Hampshire (1980), North Carolina (1984), Vermont (1990), Kansas (2000) and Connecticut (2007).

Pursuant to *R.1:21-6*, all private law firms are required to maintain trust and business accounts and are subject to random audit reviews. On average, at any given time, clients allow New Jersey lawyers to hold almost three billion dollars in primary attorney trust accounts ("IOLTA" trust accounts) alone. Even more money is controlled by Garden State law firms in separate attorney trust and other fiduciary accounts in connection with estates, guardianships, receiverships, trusteeships and other fiduciary capacities. Both public protection and the public's trust in lawyers require a high degree of accountability.

Over 38 years after RAP first began, the conclusion is that the overwhelming majority of private New Jersey law firms (98.6%) account for clients' funds honestly and without incident. While technical accounting deficiencies are found and corrected, the fact is that only 1.4% of the audits conducted over that period have found serious ethical violations, such as misappropriation of clients' trust funds. Since law firms are selected randomly for audit on a statewide basis, the selections and, therefore, the results are representative of the handling of trust monies by private practice firms. These results should give the public and the Bar great trust and confidence in the honesty of lawyers and their ability to handle monies entrusted to their care faithfully.

2. *Auditing Objectives*

The central objectives of the Random Audit Compliance Program are to insure compliance with the Supreme Court's stringent financial recordkeeping rules and to educate law firms on the proper method of fulfilling their fiduciary obligations to clients under *R.1:21-6*. Another reason underlying the program is a by-product of the first — deterrence. Just knowing there is an active audit program is an incentive not only to keep accurate records, but also to avoid temptations to misuse trust funds. While not quantifiable, the deterrent effect on those few lawyers who might be tempted otherwise to abuse their clients' trust is undeniably present. Random audits serve to detect misappropriation in those relatively small number of law firms where it occurs.

B. ADMINISTRATION

The OAE administers RAP. In 2019, the RAP staff was managed by Chief Auditor Barbara M. Galati, who joined the OAE in 1992. Other staff included two Senior Random Auditors: Mimi Lakind, Esq., and Justin A. Mendyk, a Certified Public Accountant and Certified Fraud Examiner; as well as four Random Auditors: Tiffany Keefer, Troy Spencer, Kyle Paul, a Certified Public Accountant (for seven months until his resignation), and Kristi Rosenberg who was hired on August 26, 2019.

C. RANDOMNESS AND SELECTION

A primary key to the integrity of RAP lies in the assurance that no law firm is chosen for audit except by random selection using a computer program based on a Microsoft Corporation algorithm for randomness. The identifier used for the law firm in the selection process is the main law office telephone number. The Supreme Court approved this methodology in 1991 as the fairest and most unbiased selection process possible, because it insures that each law firm, regardless of size, has an equal chance of being selected.

D. STANDARDS FOR ACCOUNTING

New Jersey Recordkeeping Rule 1:21-6 has provided attorneys with detailed guidance on handling trust and business accounts for more than 50 years. It is the uniform accounting standard for all audits. This Rule, which incorporates generally accepted accounting practices, also specifies in detail the types of accounting records that must be maintained and their location. It also requires monthly reconciliations, prohibits overdraft protection and the use of ATM's for trust accounts, and requires a seven-year records retention schedule.

All private law firms are required to maintain a trust account for all clients' funds entrusted to their care and a separate business account into which all funds received for professional services must be deposited. Trust accounts must be located in New Jersey. These accounts must be uniformly designated "Attorney Trust Account." Business accounts are required to be designated as either an "Attorney Business Account," "Attorney Professional Account" or "Attorney Office Account." All required books and records must be made available for inspection by random audit personnel. The confidentiality of all audited records is maintained at all times.

E. AUDITING PROCEDURES

1. Scheduling

Random audits are always scheduled in writing ten days to two weeks in advance. While the audit scheduled date is firm, requests for adjournments are given close attention.

2. Record Examination

The auditor conducts an initial interview with the managing attorney followed by the examination and testing of the law firm's financial recordkeeping system. At the conclusion of the audit, which averages one full day, the auditor offers to confer with the managing attorney in an exit conference to review and explain the findings. At that time, the attorney is given a deficiency checklist, which highlights corrective action that must be taken. Even in the case where no corrections are necessary to bring the firm into compliance with the Rule, the auditor may suggest improvements that will make the firm's job of monitoring client funds easier.

3. *Notice of Deficiency*

The deficiency checklist is followed by a letter confirming the exit conference and describing any shortcomings for which corrective action is necessary. An acknowledgement of receipt and a response of corrections, and in some instances a certification, must be filed with RAP within 45 days of the date of the letter, specifying how each deficiency has, in fact, been rectified. If the confirming letter is received from the attorney, the case is closed. If the letter is not received, a final ten-day letter advises that, if no confirming letter is received within ten days, a disciplinary complaint will be issued. When a complaint is filed, discipline is the uniform result. *In re Schlem*, 165 N.J. 536 (2000).

F. COMPLIANCE THROUGH EDUCATION

Rule 1:20-1(c) mandates that all attorneys submit and update annual attorney registration information, and private practitioners must list their primary trust and business accounts and certify compliance with the recordkeeping requirements of *R.1:21-6*. Attorney registration information must now be submitted and kept updated online, on the website of the New Jersey Judiciary. The Random Audit Compliance Program also publishes a brochure entitled *New Jersey Attorney's Guide to the Random Audit Program and Attorney Trust Accounts and Recordkeeping*. Since 1996, that brochure is sent to all law firms with the initial random audit scheduling letter. Detailed information on the program is also available on the OAE's website.

G. DISCIPLINARY ACTIONS

Each year RAP's staff of experienced auditors uncovers a small, but significant, number of cases of lawyer theft and other serious financial violations. This past year, the following fourteen (14) attorneys, detected solely by RAP, were disciplined by the Supreme Court (**Figure 11**).

Figure 11

2019 RAP Sanctions				
Attorney	County	Sanction	Citation	Violation
Sharon Pratico Bucci	Ocean	Reprimand	238 N.J. 244	Money - Negligent Misappropriation [1.15]
Jill Cadre	Bergen	Admonition		Money - Negligent Misappropriation [1.15]
Linda Darleen Coffee	Camden	Disbarment by Consent	240 N.J. 50	Money - Knowing Misappropriation [1.15]
Jordan B. Comet	Bergen	3 Months Suspension		Money - Negligent Misappropriation [1.15]
David G. Esposito	Ocean	Censure	240 N.J. 174	Money – Other [1.15]
Steven Daniel Freesman	Bergen	Disbarment by Consent	240 N.J. 55	Money - Knowing Misappropriation [1.15]
Marc Allen Futterweit	Morris	Disbarment by Consent	234 N.J. 246	Money - Knowing Misappropriation [1.15]
William L. Huneke	Ocean	Censure	237 N.J. 432	Non-Cooperation [8.1(B)]
Jeffrey D. Marks	Passaic	Censure	237 N.J. 247	Money - Negligent Misappropriation [1.15]
Robert J. Michelini	Passaic	Censure	240 N.J. 212	Dishonesty [8.4C]
A. Jared Silverman	New York	Censure	240 N.J. 51	Money - Negligent Misappropriation [1.15]
Mark J. Udren	Pennsylvania	Censure	240 N.J. 223	Money – Recordkeeping [1.15D]
Christian M. Van Pelt	Passaic	Disbarment by Consent	240 N.J. 116	Money - Knowing Misappropriation [1.15]
James H. Wolfe, III	Essex	12 Months Suspension	236 N.J. 450	Money – Negligent Misappropriation [1.15J]

During the 38 years of RAP’s operation, serious financial misconduct by 221 attorneys was detected solely as a result of being randomly selected for audit. These attorneys received the following discipline: 105 attorneys were disbarred; 18 were suspended for periods of three months to two years; 19 were censured; 56 were reprimanded; and 23

received admonitions. The vast majority of the matters detected were very serious disciplinary cases that resulted in disbarment or suspension. Disbarred (105) and suspended (18) attorneys account for almost six in ten of all attorneys disciplined as a result of RAP's efforts (56%). However, discipline alone does not adequately emphasize the full importance of RAP's role over the past 38 years and the monies potentially saved as a result by the Lawyers' Fund for Client Protection (Fund). One need only contemplate how many more millions of dollars might have continued to be misappropriated during this period if RAP had not detected and commenced the process which resulted in the imposition of discipline on these attorneys. Moreover, deterrence is a general goal in all true random programs (e.g., bank examiner's audits, DWI checkpoints, etc.). While it is not easy to quantify either the number of attorneys who were deterred or the tens of millions of dollars in thefts that may have been prevented due to a credible and effective random program, the positive effect is, nevertheless, an important and undeniable component of this effort.

IX. ATTORNEY REGISTRATION

A. ATTORNEY POPULATION

As of the end of December 2019, there were a total of 98,331 attorneys admitted to practice in the Garden State according to figures from the Lawyers' Fund for Client Protection (**Figure 12**). Historically, New Jersey has been among the faster growing lawyer populations in the country. This may be attributable to its location in the populous northeast business triangle between New York, Philadelphia and Washington, D.C. The total number of lawyers added to the bar population increased by 0.28% in 2019. With a general population of 8,882,190, there is now one lawyer for every 90 Garden State citizens.

According to a July 1, 2019 survey compiled by the OAE for the National Organization of Bar Counsel, Inc., a total of 2,104,647 lawyers were admitted to practice in the United States. New Jersey ranked 6th out of 51 jurisdictions in the total number of lawyers admitted, or 4.69% of the July national total.

Attorneys Admitted

Year	Number
1948	8,000
1960	9,000
1970	11,000
1980	21,748
1990	43,775
2000	72,738
2010	87,639
2019	98,331

Figure 12

B. ADMISSIONS

As of December 31, 2019, the attorney registration database counted a total of 98,932¹ New Jersey-admitted attorneys. Forty-five point six percent (45.64%) were admitted since 2001 and almost 24% were admitted between 1991-2000. The other thirty point seven percent (30.68%) were admitted in 1990 or earlier.

Breakdowns by periods are: 1950 and earlier - 105 (.11%); 1951-1960 - 651 (.66%); 1961-1970 – 2,648 (2.68%); 1971-1980 - 8,527 (8.62%); 1981-1990 – 18,417 (18.61%); 1991-2000 – 23,422 (23.68%); 2001-2010 – 24,111 (24.37%); and 2011-2019 – 21,051 (21.27%).

¹ This figure does not equal the total attorney population as calculated by the Lawyers' Fund for Client Protection because the Lawyers' Fund total does not include those attorneys who were suspended, deceased, disbarred, resigned, revoked or placed on disability-inactive status after the attorney registration statements were received and tabulated.

YEAR ADMITTED		
Year	Number	Percent
<1950	105	0.11%
1951-1955	217	0.22%
1956-1960	434	0.44%
1961-1965	841	0.85%
1966-1970	1,807	1.83%
1971-1975	3,818	3.86%
1976-1980	4,709	4.76%
1981-1985	7,463	7.54%
1986-1990	10,954	11.07%
1991-1995	12,253	12.39%
1996-2000	11,169	11.29%
2001-2005	10,951	11.07%
2006-2010	13,160	13.30%
2011-2015	14,883	15.04%
2016-2020	6,168	6.23%
Totals	98,932	100.00%

Figure 13

C. ATTORNEY AGE

Of the 98,932 attorneys for whom some registration information was available, 98,721 (99.8%) provided their date of birth. A total of 211 attorneys (0.2%) did not respond to this question.

Attorneys in the 30-39 age range comprised the largest group of attorneys admitted to practice in New Jersey at more than twenty-four percent (24.07% or 23,766). The 40-49 year category comprised 21.68% or 21,408 lawyers. Close to twenty-three percent (22.93% or 22,645) were between the ages of 50-59. The fewest numbers of attorneys were in the following age groupings: 29 and under (3.32% or 3,278), 60-69 (16.56% or 16,346) and 70 and older (11.43% or 11,278). **(Figure 14)**

AGE GROUPS		
Age	Number	Percent
< 25	88	0.09%
25-29	3,190	3.23%
30-34	11,464	11.61%
35-39	12,302	12.46%
40-44	10,754	10.89%
45-49	10,654	10.79%
50-54	11,840	11.99%
55-59	10,805	10.94%
60-64	9,173	9.29%
65-69	7,173	7.27%
70-74	5,514	5.59%
75-80	3,078	3.12%
> 80	2,686	2.72%
Totals	98,721	100.00%

Figure 14

D. OTHER ADMISSIONS

More than seventy-six percent (76.5%) of the 98,932 attorneys for whom some registration information was available were admitted to other jurisdictions. Slightly less than twenty-four percent (23.5%) of all attorneys were admitted only in New Jersey. **(Figures 15 & 16)**

OTHER ADMISSIONS		
Admissions	Attorneys	Percent
Only In New Jersey	23,232	23.48%
Additional Jurisdictions	75,700	76.52%
Totals	98,932	100.00%

Figure 15

ADMISSIONS IN OTHER JURISDICTIONS					
Jurisdiction	Admissions	Percent	Jurisdiction	Admissions	Percent
New York	45,724	46.68%	Indiana	116	0.12%
Pennsylvania	26,851	27.42%	West Virginia	129	0.13%
District of Col.	6,819	6.96%	South Carolina	111	0.11%
Florida	3,415	3.49%	Vermont	110	0.11%
California	1,980	2.02%	Kentucky	80	0.08%
Connecticut	1,695	1.73%	Rhode Island	97	0.10%
Massachusetts	1,486	1.52%	Oregon	86	0.09%
Maryland	1,193	1.22%	Hawaii	71	0.07%
Delaware	846	0.86%	New Mexico	76	0.08%
Illinois	761	0.78%	Alabama	64	0.07%
Virginia	825	0.84%	Virgin Islands	65	0.07%
Texas	703	0.72%	Kansas	51	0.05%
Georgia	566	0.58%	Iowa	45	0.05%
Colorado	481	0.49%	Arkansas	35	0.04%
Ohio	452	0.46%	Oklahoma	39	0.04%
North Carolina	353	0.36%	Puerto Rico	33	0.03%
Michigan	299	0.31%	Utah	38	0.04%
Arizona	287	0.29%	Alaska	27	0.03%
Minnesota	206	0.21%	Montana	28	0.03%
Missouri	201	0.21%	Mississippi	25	0.03%
Washington	213	0.22%	Nebraska	35	0.04%
Tennessee	168	0.17%	Idaho	13	0.01%
Wisconsin	164	0.17%	North Dakota	12	0.01%
Louisiana	130	0.13%	South Dakota	8	0.01%
New Hampshire	120	0.12%	Guam	2	0.00%
Nevada	118	0.12%	Wyoming	0	0.00%
Maine	121	0.12%	Invalid Responses	369	0.38%
			Total Admissions	97,942	100.00%

Figure 16

E. PRIVATE PRACTICE

Of the 98,932 attorneys on whom registration information was tabulated, 37,015 stated that they engaged in the private practice of New Jersey law, either from offices within New Jersey or at locations elsewhere. **Figure 17.** Close to thirty-eight percent (37.4%) of the attorneys engaged in the private practice of New Jersey law, while more than 62% (62.6%) did not practice in the private sector.

Of those who engaged in the private practice of New Jersey law, close to sixty percent (59.31%) practiced full-time, twenty percent (20.2%) rendered legal advice part-time, and just over twenty percent (20.1%) engaged in practice occasionally (defined as less than 5% of their time). A little over .3 percent (.36%) of responses were unspecified.

Private Practice of New Jersey Law

Response	Number	Percent
NO	61,651	62.5%
YES	37,006	37.5%
Full-time	22,098	
Part-time	7,454	
Occasionally	7,341	
Unspecified	113	
Total	98,657	100%

Figure 17

1. Private Practice Firm Structure

Of the 37,015 attorneys who indicated they were engaged in the private practice of New Jersey law, 98.5% (36,457) provided information on the structure of their practice. Close to thirty-two percent (31.6%) of the responding attorneys practiced in sole proprietorships (sole practitioners (10,341) plus sole stockholders (1,168)). The next largest group were partners at 31.5% (11,488), associates at 26.9% (9,792), followed by attorneys who were of counsel with 7.4% (2,706), and other than sole stockholders with 2.6% (962).

Private Practice Firm Structure

Structure	Number	Percent
Sole Practitioner	10,341	28.36%
Sole Stockholder	1,168	3.20%
Other Stockholders	962	2.64%
Associate	9,792	26.86%
Partner	11,488	31.51%
Of Counsel	2,706	7.42%
Total	36,457	100.00%

Figure 18

2. Private Practice Firm Size

More than ninety-nine percent (99.7% or 36,897) of those attorneys who identified themselves as being engaged in the private practice of law indicated the size of the law firm of which they were a part. Just over thirty percent (30.1% or 11,102) said they practiced alone; 8.7% (3,191) worked in two-person law firms; 12.6% (4,635) belonged to

law firms of 3-5 attorneys; 28% (10,322) were members of law firms with 6-49 attorneys, and 20.7% (7,647) worked in firms with 50 or more attorneys.

PRIVATE FIRM SIZE		
Firm Size	Number	Percent
One	11,102	30.09%
Two	3,191	8.65%
3 to 5	4,635	12.56%
6 to 10	3,528	9.56%
11 to 19	2,818	7.64%
20 to 49	3,976	10.78%
50 >	7,647	20.73%
Total	36,897	100.00%

Figure 19

3. *Private Practice Law Firm Number*

No exact figures exist on the number of law firms that engage in the private practice of New Jersey law. Nevertheless, a reasonably accurate estimate can be made based on the 37,015 attorneys who indicated they engaged in the private practice of New Jersey law. A total of 36,897 (99.7%) indicated the size of their law firm. In each firm size category that was non-exclusive (i.e., other than 1 or 2), the total number of attorneys responding was divided by the mid-point in that category. For firms in excess of 50 attorneys, the total number of attorneys responding was divided by 50. Three-quarters of all law firms (75.1%) were solo practice firms, while just over 6% had 6 or more attorneys.

NUMBER OF LAW FIRMS				
Size Of Law Firm	Number Of Attorneys	Firm Size Midpoint	Number Of Firms	Individual Category %
One	11,102	1	11,102	75.09%
Two	3,191	2	1,596	10.81%
3 to 5	4,635	4	1,159	7.85%
6 to 10	3,528	8	441	2.99%
11 to 19	2,818	15	188	1.27%
20 to 49	3,976	35	114	0.77%
50 >	7,647	50	153	1.04%
Total	36,897		14,753	100.00%

Figure 20

4. *Bona Fide New Jersey Offices*

New Jersey attorneys are no longer required to maintain a bona fide office in New Jersey. Nevertheless, close to seventy-four percent (73.9%) of New Jersey attorneys (27,358) have a bona fide office in the state. Twenty-six percent (26%) of New Jersey attorneys (9,637) had offices located in other jurisdictions: New York 11.5% (4,255), Pennsylvania 12.8% (4,739), Delaware less than 1% (108), and various other United States jurisdictions represent 1.5% (535). This data is not available for 20 attorneys (.05%).

BONA FIDE LAW OFFICE		
State	Number	Percent
New Jersey	27,358	73.91%
Pennsylvania	4,739	12.80%
New York	4,255	11.50%
Delaware	108	0.29%
Other	535	1.45%
No State Listed	20	0.05%
Total	37,015	100%

Figure 21

5. *Bona Fide Private Office Locations*

Practically all of the 27,358 attorneys engaged in private practice of New Jersey law from offices located within this state indicated the New Jersey County in which their primary bona fide office was located. Essex County housed the largest number of private practitioners with 15.6% (4,265), followed by Bergen County with 13% (3,558). Morris County was third at 11.9% (3,266), and Camden County was fourth with 8.5% (2,321).

ATTORNEYS WITH BONA FIDE OFFICES					
County	Number	Percent	County	Number	Percent
Atlantic	595	2.18%	Middlesex	1,729	6.32%
Bergen	3,558	13.01%	Monmouth	2,012	7.36%
Burlington	1,495	5.47%	Morris	3,266	11.94%
Camden	2,321	8.49%	Ocean	733	2.68%
Cape May	170	0.62%	Passaic	802	2.93%
Cumberland	156	0.57%	Salem	43	0.16%
Essex	4,265	15.59%	Somerset	1,013	3.70%
Gloucester	369	1.35%	Sussex	213	0.78%
Hudson	973	3.56%	Union	1,579	5.77%
Hunterdon	298	1.09%	Warren	133	0.49%
Mercer	1,630	5.96%	No County Listed	1	0.00%
			Total	27,354	100.00%

Figure 22