

# 2017 STATE OF THE ATTORNEY DISCIPLINARY SYSTEM REPORT

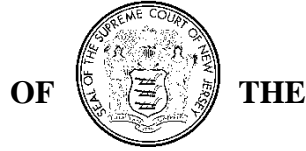
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**Hon. Stuart Rabner**  
Chief Justice  
Supreme Court of New Jersey

**Charles Centinaro**  
Director  
Office of Attorney Ethics

# OFFICE OF ATTORNEY ETHICS



## SUPREME COURT OF NEW JERSEY

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April 17, 2018

**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-third issue of the State of the Attorney Disciplinary System Report. Highlights of the report include:

- Thirteen point six percent (13.6%) more attorneys were disciplined in 2017 (192) than in 2016 (169).
- New investigations decreased by 4.4% (1,318) from the filings in 2016 (1,379).
- For the fifth year in a row, new formal complaints (and other charging documents) increased, this year by 17.2% percent (327) compared to 2016 (279).
- OAE's yearly average investigative time goal compliance remained at 78%.
- District Ethics Committees' yearly average time goal compliance for 2017 decreased by 6% to 65%.
- OAE ethics counsel appeared before the Supreme Court on 40 occasions for oral argument in 2017.
- District Fee Arbitration Committees handled a total of 1,397 cases involving close to \$9.8 million in legal fees during 2017.
- The Random Audit Compliance Program conducted 653 audits of law firms in 2017.
- Six (6) lawyers were disciplined (including three disbarments) through the detection efforts of the Random Audit Compliance Program.
- As of December 31, 2017, the attorney population was 97,841 – one attorney for every 92 New Jersey citizens.
- The Garden State ranks 6<sup>th</sup> in the nation in the number of attorneys admitted to practice.
- New Jersey ranks 43<sup>rd</sup> in the country (at \$212) in annual attorney licensing fees charged.

- A record nineteen (19) lawyers were disciplined in 2017 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

## TABLE OF CONTENTS

	Page
I. The Year in Review	
A. Case Processing .....	1
B. Eighth Annual OAE Training Conference .....	2
C. Discipline .....	2
II. Attorney Disciplinary Process and Procedure	
A. Grievances .....	3
B. Investigations .....	3
C. Complaints .....	5
D. Hearings .....	5
III. Sanctions	
A. Types of Disciplinary Sanctions .....	7
B. Final Discipline .....	7
C. Emergent Action .....	8
D. Total Discipline .....	9
IV. Grounds for Final Discipline	
A. Dishonesty, Fraud, Deceit and Misrepresentation .....	15
B. Criminal Convictions .....	15
C. Knowing Misappropriation .....	15
D. Other Money Offenses .....	16
E. Gross Neglect/Lack of Diligence/Competence .....	16
F. Conflict of Interest .....	17
G. Non-Cooperation with Ethics Authorities .....	17
H. Fees .....	17
I. Lack of Communication .....	17
J. Ineligible Practicing Law .....	17
K. Unauthorized Practice of Law .....	17
V. Other Related Actions	
A. Disability-Inactive Status .....	35
B. Contempt .....	35
C. Diversions .....	35
D. Reinstatement Proceedings .....	36
E. Monitored Attorneys .....	36
VI. Disciplinary Structure	
A. District Ethics Committees .....	38
B. Disciplinary Review Board .....	39
C. Supreme Court of New Jersey .....	40
D. Financing Attorney Discipline .....	40
E. Office of Attorney Ethics .....	41
VII. Attorney Fee Arbitration	
A. History and Purpose .....	44
B. Administration .....	44
C. Structure .....	44
D. Annual Caseload .....	47
E. Nature of Cases .....	48
F. Enforcement .....	49

	<u>Page</u>
VIII. Random Audit Program	
A. Purpose .....	50
B. Administration.....	51
C. Randomness and Selection.....	51
D. Standards for Accounting .....	51
E. Auditing Procedures .....	51
F. Compliance Through Education.....	52
G. Disciplinary Actions .....	52
IX. Attorney Registration	
A. Attorney Population .....	54
B. Admissions .....	54
C. Attorney Age .....	55
D. Other Admissions .....	56
E. Private Practice .....	57

## TABLE OF FIGURES

<u>FIGURE</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1	Changes in Investigations	4
2	Lawyer-Grievance Analysis	4
3	Changes in Complaints	5
4	Five-Year Sanction Trend	9
5	Yearly Discipline Report	10
6	2017 Disciplinary Summaries	18
7	Attorney Disciplinary System	37
8	2017-2018 District Ethics Committee Officers	38
9	2017-2018 District Fee Committee Officers	45
10	Changes in Fee Disputes	47
11	2017 RAP Sanctions	52
12	Attorneys Admitted	54
13	Year Admitted	55
14	Attorney Age Groups	56
15	Other Admissions	56
16	Admissions in Other Jurisdictions	57
17	Private Practice of New Jersey Law	58
18	Private Firm Structure	58
19	Private Firm Size	59
20	Number of Law Firms	59
21	Bona Fide Office Locations	60
22	Attorneys with Bona Fide Private Offices	60

## **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 was 78% in 2017, the same as in 2016. The Ethics Committees' average time goal compliance for the year decreased by 6% to 65%.

##### **b. Age of Investigations**

The average age of the OAE's pending investigations increased from 173 days for 2016 to 179 days for 2017. The average age of the Ethics Committees' pending investigations increased from 163 days for 2016 to 168 days for 2017.

##### **c. Backlog**

The OAE's average backlog remained at 22% and the percentage of investigations over one year old as of December 31, 2017, was 15%. The backlog of the Ethics Committees increased by 6% to 35%.

##### **d. Investigations Added**

In 2017, fewer new investigations were added to the joint docket of the OAE and Ethics Committees than in 2016. Specifically, 1,318 new investigations were commenced in 2017, as opposed to 1,379 investigations in 2016. Stated differently, new investigations decreased by 4.4% in 2017.

#### *2. Hearings*

##### **a. Age of Hearings**

In 2017, the average age of the OAE's disposed hearings decreased by 164 days, or 5.5 months. The average age of the Ethics Committees' disposed hearings in 2017 increased by 70 days.

b. Complaints Filed

The OAE and Ethics Committees filed more complaints in 2017 than in 2016. A record 327 complaints were added in 2017, representing an increase of 17.2% over the 279 complaints filed in 2016.

**B. EIGHTH 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 seventh annual conference was held at The Conference Center at Mercer County Community College on October 16, 2017.

Justice Lee A. Solomon, the Keynote speaker at the 2017 Office of Attorney Ethics Training Conference, spoke openly with the attendees about his path to the Supreme Court. Justice Solomon publically thanked the more than 900 volunteers who staff the ethics and fee committees. He noted that the ethics and fee systems work because of the dedication of these volunteers. He provided the attendees with helpful advice regarding advocacy before the Court. He explained the need to be brief in both oral and written submissions to the Court. He noted that emotion has no place in appellate advocacy, and urged the audience to consider whether excessive use of emotion might signal a weakness in the advocate's underlying case. He urged lawyers to be ready to make thoughtful concessions when necessary. He reminded the auditorium to never interrupt a Justice on the bench, and explained that Justices interrupt the presenter to get that person to address the particular issue that is of the most interest to the Court. Policy concerns are often of great interest to the Court. Along with being well-prepared, Justice Solomon urged advocates to answer the Court's questions with logic but from the heart. He closed his remarks by requesting that attendees of the 2017 OAE Training Conference work together to elevate the level of discourse and civility in the profession, mentor younger and newer attorneys, and be humble and respectful of our roles in the legal system.

Justice Solomon'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 record 271 staff and volunteers attended the training conference.

**C. DISCIPLINE**

A total of 192 attorneys were sanctioned by the New Jersey Supreme Court in 2017. (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 2016, 169 attorneys were sanctioned. Therefore, 13.6% more 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 hearing 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 becomes public (with minor limitations) but subject to protective orders in rare situations.

#### 3. *Statewide Investigations*

Overall, the disciplinary system (OAE and Ethics Committees) began 2017 with a total of 1,065 investigations carried over from prior years. During the year, 1,318 new investigations were added for a total disposable caseload of 2,383. A total of 1,450 investigations were completed and disposed of, leaving a total of 933 pending investigations at year's end. Of that number, 170 were in untriable status, leaving an active pending investigative caseload of 763 matters.

During 2017, the number of grievances docketed and assigned for investigation decreased by 4.4%, compared to the 1,379 new filings recorded in 2016. **(Figure 1)**.

## Changes in Investigations

Year	Filings	Change
2017	1,318	-4.4%
2016	1,379	15.8%
2015	1,191	-10.2%
2014	1,327	-1.0%
2013	1,340	-

**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 2017, only 1.75% of the 75,131 active lawyers as of December 31, 2017 had grievances docketed against them. (**Figure 2**).

## Lawyer-Grievance Analysis

Year	Filings	Lawyers*	Percent
2017	1,318	75,131	1.75%
2016	1,379	75,137	1.84%
2015	1,191	75,526	1.58%
2014	1,327	75,108	1.77%
2013	1,340	73,697	1.82%

\* 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 2017 was 78%, the same as for 2016. The average time goal compliance rate at the Ethics Committee level decreased from 71% for 2016 to 65% for 2017.

The OAE's average age of pending investigations increased from 173 days for 2016 to 179 for 2017. The average age of pending investigations of the Ethics Committees also increased, from 163 days in 2016 to 168 days for 2017.

The OAE's average backlog of investigations remained at 22% for 2017. The average backlog of the Ethics Committees increased from 29% for 2016 to 35% for 2017.

### 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 30), 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 2017 with a total of 313 complaints carried over from prior years. During the year, 327 new complaints were added for a total disposable caseload of 640. A total of 307 complaints were disposed of through the hearing process, leaving 333 pending complaints at year's end. Of that number, 22 were in untriable status, leaving an active pending caseload of 311 complaints.

The number of new formal complaints filed in 2017 (327) increased by 17.2% over 2016 (279). The number of complaints filed in each of the last five years is listed in **Figure 3**.

#### Changes in Complaints

Year	Filings	Change
2017	327	17.2%
2016	279	19.2%
2015	234	3.5%
2014	226	0.4%
2013	225	-

**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 2017, the average age of the OAE's disposed hearings decreased by 164 days, from 656 days in 2016 to 492 days in 2017. The average age of the disposed hearings of the Ethics Committees, on the other hand, increased by 70 days, from 301 days in 2016 to 371 days in 2017.

### 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 40 times for oral argument in discipline cases in 2017. Arguments are streamed in real time over the Internet and can be accessed at the Judiciary's Website -- [www.njcourtsonline.com](http://www.njcourtsonline.com) -- by clicking on the WEBCAST icon.

In 2017, the Supreme Court imposed final discipline on 156 New Jersey attorneys. Prior years' totals were: 130 in 2016, 116 in 2015, 150 in 2014, and 135 in 2013. **Figure 5** at page 10 contains a list of all final and emergent action, as well as all reinstated attorneys for 2017.

##### 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 156 final sanctions imposed in 2017 include 28 disbarments by Order of the Supreme Court, 14 disbarments by consent of the respondent, 35 term suspensions, 2 indeterminate suspensions, 30 censures, 35 reprimands, 11 admonitions, and 1 other.

Comparisons of 2017 sanctions with the prior year are as follows: disbarments by Order of the Supreme Court increased by 33.3% (28 vs. 21); disbarments by consent decreased by 6.7% (14 vs. 15); term suspensions increased by 12.9% (35 vs. 31); censures increased by 36.4% (30 vs. 22); reprimands increased by 34.6% (35 vs. 26); and admonitions decreased by 26.7% (11 vs. 15).

### 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 2017, a total of 36 attorneys were the subject of emergent sanctions (36 temporary suspensions). This represents a decrease of 7.7% from the total in 2016, when 39 emergent actions were taken (39 temporary suspensions). Prior years' results were: 2015 (33 temporary suspensions); 2014 (24 temporary suspensions); and 2013 (35 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 13 [Figure 5].

In 2017, the leading reasons for emergent discipline were: non-payment of fee arbitration committee awards at 36% (13 cases); non-cooperation with disciplinary authorities and non-compliance with Supreme Court Orders, also at 33.3% (12 cases); the attorney’s conviction of a “serious crime” as defined in R. 1:20-13 at 25% (9 cases); and knowing misappropriation of clients’ trust funds at 5.5% (2 cases).

**D. TOTAL DISCIPLINE**

In total, 192 attorneys were sanctioned by the New Jersey Supreme Court in 2017, whereas 169 attorneys were sanctioned in 2016 (representing an increase of 13.6%). Sanction totals for previous years were as follows: 149 in 2015; 174 in 2014; and 170 in 2013. The average number of sanctions over the past five years is 171. The number of attorneys sanctioned in 2017 is 12.3% higher than this five-year average.

**Five-Year Sanction Trend**

<b>Year</b>	<b>Attorneys Disciplined</b>
2017	192
2016	169
2015	149
2014	174
2013	170

**Figure 4**

**OFFICE OF ATTORNEY ETHICS**  
**YEARLY DISCIPLINE REPORT**  
**(1/1/2017 to 12/31/2017)**

**DISBARMENT (28)**

<b><u>ATTORNEY</u></b>	<b><u>ADMITTED</u></b>	<b><u>LOCATION</u></b>	<b><u>DECIDED</u></b>	<b><u>EFFECTIVE</u></b>
ADAMS, JEFFREY M.	1990	OCEAN	09/14/2017	09/14/2017
ANDERSON, PETER FLOYD JR	1983	BERGEN	10/25/2017	10/25/2017
BAGDIS, B. JAY	1986	PENNSYLVANIA	02/28/2017	02/28/2017
BAYLOR, BRYNEE KYONNE	2000	MARYLAND	10/13/2017	10/13/2017
BERGRIN, PAUL W	1980	ESSEX	06/28/2017	06/28/2017
BLUMENTHAL, THOMAS ALAN	1988	BERGEN	10/12/2017	10/12/2017
BURNHAM, JONATHAN G	2001	MORRIS	06/29/2017	06/29/2017
CATANIA, FRANK JR	1991	PASSAIC	11/17/2017	11/17/2017
CHIZIK, JOSEPH S.	1976	BURLINGTON	03/30/2017	03/30/2017
CLARK, THOMAS ANDREW	1986	MERCER	05/03/2017	05/03/2017
COHEN, JACK S.	1993	PENNSYLVANIA	01/18/2017	01/18/2017
FREDERICKS, KRISTI A	2002	BURLINGTON	10/13/2017	10/13/2017
FRENCH, STEVEN R.	2002	HUDSON	01/18/2017	01/18/2017
GALLAGHER, WILLIAM B JR	1968	MONMOUTH	06/16/2017	06/16/2017
GILLEN, DANIEL MICHAEL	1987	TEXAS	09/12/2017	09/12/2017
GREENMAN, JONATHAN	2003	BERGEN	09/13/2017	09/13/2017
GROSSBARTH, JOEL A.	1993	NEW YORK	09/13/2017	09/13/2017
IOANNOU, JOHN MICHAEL	1983	NEW YORK	10/13/2017	10/13/2017
KLEIN, ERIC ALAN	1987	BERGEN	10/25/2017	10/25/2017
LEVITIS, MICHAEL	2000	NEW YORK	10/12/2017	10/12/2017
MADDEN, JAMES P.	1990	HUDSON	01/04/2017	01/04/2017
NEUGEBOREN, MATTHEW S	2002	MONMOUTH	10/13/2017	10/13/2017
NILSEN, TOBIN G	1982	ATLANTIC	06/15/2017	06/15/2017
ORLOFF, DEAN I.	1987	BURLINGTON	01/04/2017	01/04/2017
PATEL, CHIRAYU A	1996	BERGEN	10/13/2017	10/13/2017
REIS, BRIAN H.	1991	MORRIS	09/28/2017	09/28/2017
SALUTI, GERALD M	1992	MONMOUTH	05/17/2017	05/17/2017
WALTER, ALEXANDER D	2007	MONMOUTH	05/24/2017	05/24/2017

**DISBARMENT BY CONSENT (14)**

<b><u>ATTORNEY</u></b>	<b><u>ADMITTED</u></b>	<b><u>LOCATION</u></b>	<b><u>DECIDED</u></b>	<b><u>EFFECTIVE</u></b>
BARON, ROBERT JOHN	1983	BERGEN	11/28/2017	11/28/2017
DWYER, LOUIS C. JR.	1970	CAPE MAY	08/14/2017	08/14/2017
JONES, MIKEL DAVID	1994	FLORIDA	01/19/2017	01/19/2017
KAUFMAN, ANDREW ROSS	1987	CAMDEN	03/29/2017	03/29/2017
KENNEDY, JAMES WILLIAM	1983	OCEAN	09/06/2017	09/06/2017
LAZEROWITZ, JAY I	1983	BERGEN	11/01/2017	11/01/2017
LEVANT, HARRY J.	1990	CAMDEN	03/24/2017	03/24/2017
MELIADO, DONALD J. JR.	1988	UNION	07/14/2017	07/14/2017
NEBAB, NESTOR JR.	1998	SOMERSET	01/24/2017	01/24/2017



PALMER, MICHAEL J	1991	ESSEX	04/26/2017	04/26/2017
SAMSON, DAVID N	1965	ESSEX	05/25/2017	05/25/2017
SUSSMAN, DAVID S.	1980	UNION	02/03/2017	02/03/2017
SZYMANSKI, THOMAS A.	1984	MONMOUTH	07/14/2017	07/14/2017
VILA, GUSTAVO L	2009	NEW YORK	04/03/2017	04/03/2017

**SUSPENSION INDETERMINATE (2)**

<b><u>ATTORNEY</u></b>	<b><u>ADMITTED</u></b>	<b><u>LOCATION</u></b>	<b><u>DECIDED</u></b>	<b><u>EFFECTIVE</u></b>
KENYON, REGAN CLAIR	2006	MERCER	05/24/2017	06/22/2017
LEGATO, MARK GERARD	1999	SOMERSET	05/24/2017	06/22/2017

**SUSPENSION TERM (35)**

<b><u>ATTORNEY</u></b>	<b><u>ADMITTED</u></b>	<b><u>LOCATION</u></b>	<b><u>DECIDED</u></b>	<b><u>EFFECTIVE</u></b>
BERMAN, DAVID CHARLES - 24 mo.	1986	MORRIS	05/04/2017	05/04/2017
CLAUSEN, PAUL FRANKLIN - 36 mo.	1982	HUNTERDON	12/08/2017	01/08/2018
DAVIS, ROBERT B. - 12 mo.	2005	HUDSON	09/13/2017	02/27/2012
EZOR, HERBERT R - 3 mo.	1971	PASSAIC	06/29/2017	06/29/2017
GAROFALO, MICHAEL S - 6 mo.	1998	SUSSEX	06/06/2017	06/06/2017
GEMBALA, JOSEPH A. III- 12 mo.	1985	PENNSYLVANIA	03/28/2017	07/01/2016
GONZALEZ, RALPH ALEXANDER - 3 mo.	1987	CAMDEN	05/24/2017	06/22/2017
GREENMAN, JONATHAN - 36 mo.	2003	BERGEN	07/19/2017	07/19/2017
GUREVICH, ALEXANDER J - 18 mo.	1988	NEW YORK	06/29/2017	07/31/2017
HAHN, SANGHWAN - 3 mo.	1994	BERGEN	05/04/2017	05/04/2017
KIM, CHONG S. - 3 mo.	1997	MONMOUTH	01/11/2017	02/10/2017
LENTO, JOSEPH D - 12 mo.	2008	PENNSYLVANIA	04/26/2017	07/17/2013
MAY, ISADORE H. - 36 mo.	1985	ATLANTIC	07/20/2017	05/10/2012
MC DEVITT, BRIAN - 6 mo.	1989	PENNSYLVANIA	11/01/2017	11/30/2017
MOTT, MARY R - 6 mo.	1989	HUNTERDON	10/20/2017	11/20/2017
OXFELD, NANCY I - 3 mo.	1977	ESSEX	10/04/2017	11/03/2017
PERKEL, BENJAMIN H. - 3 mo.	2010	PENNSYLVANIA	01/12/2017	05/27/2015
POCARO, JEFFREY R. - 36 mo.	1982	UNION	09/11/2017	10/12/2017
RABBAT, VICTOR K. - 36 mo.	1984	MORRIS	03/22/2017	04/08/2017
ROBERTS, RICHARD M. - 36 mo.	1971	ESSEX	09/11/2017	09/11/2017
ROBINSON, CHERI S WILLIAMS - 12 mo.	2001	PENNSYLVANIA	05/22/2017	05/22/2017
ROSENZWEIG, JOSEPH I - 6 mo.	1987	NEW YORK	11/17/2017	11/17/2014
SALZMAN, ERIC - 24 mo.	2007	ESSEX	10/04/2017	10/04/2017
SHTINDLER, YANA - 12 mo.	2001	ESSEX	01/12/2017	09/30/2013
SICKLINGER, TODD CLIFFORD - 3 mo.	1998	MORRIS	05/10/2017	<b>SEE NOTE*</b>
SOLNY, SANFORD F. - 24 mo.	1983	NEW YORK	07/07/2017	07/07/2017
STEIN, ROBERT W. - 36 mo.	1994	PENNSYLVANIA	07/20/2017	05/09/2012
TARTER, MITCHEL - 6 mo.	2003	MIDDLESEX	09/13/2017	09/13/2017
TRAUTMANN, GREGG D. - 6 mo.	1993	MORRIS	07/13/2017	07/14/2017
VAN SICLEN, TODD DAVIS - 24 mo.	2000	ESSEX	10/04/2017	11/03/2017
VAPNAR, RICHARD JOSEPH - 12 mo.	1999	BERGEN	11/17/2017	12/15/2017
VITERITTO, FRANK A. - 24 mo.	1975	ESSEX	01/06/2017	01/06/2017
WASHINGTON, GORDON A - 12 mo.	1985	MORRIS	11/17/2017	05/26/2010
WILKEY, ROBERT NEIL - 24 mo.	2004	PENNSYLVANIA	02/02/2017	06/11/2014
WRIGHT, KATRINA F. - 6 mo.	1988	BURLINGTON	09/08/2017	10/06/2017

\*Attorney's license to practice was administratively revoked effective 09/30/2013. Suspension will become effective upon attorney's application for readmission to practice law in NJ.

**CENSURE (30)**

<b><u>ATTORNEY</u></b>	<b><u>ADMITTED</u></b>	<b><u>LOCATION</u></b>	<b><u>DECIDED</u></b>	<b><u>EFFECTIVE</u></b>
ABONGWA, EMMANUEL N.	1993	ESSEX	07/20/2017	07/20/2017
BERAN, BARRY J.	1981	CAMDEN	07/20/2017	07/20/2017
BURNS, SALEEMAH M	2008	BERGEN	11/17/2017	11/17/2017
CLAUSEN, PAUL FRANKLIN	1982	HUNTERDON	06/21/2017	06/21/2017
DE LELLO, SALVATORE	1983	MIDDLESEX	06/21/2017	06/21/2017
DE SEVO, ALEXANDER RALPH	1994	MONMOUTH	04/05/2017	04/05/2017
DEIGHAN, PADRAIC BRIAN	1986	CAMDEN	09/25/2017	09/25/2017
DRUZ, DAN A	1981	MONMOUTH	12/08/2017	12/08/2017
DUSINBERRE, JOHN R	1974	ESSEX	04/05/2017	04/05/2017
EARLEY, RICHARD PATRICK	1998	MASSACHUSETTS	12/07/2017	12/07/2017
HOWARD, JOSEPH PETER	2010	CAMDEN	12/06/2017	12/06/2017
HYDE, CHRISTOPHER WEST	1987	PENNSYLVANIA	12/08/2017	12/08/2017
INOCENCIO, ERIKA J	2002	SOMERSET	12/08/2017	12/08/2017
JAFFE, MARK H.	1988	MERCER	09/27/2017	09/27/2017
LAULETTA, FRANK ANTHONY III	1996	GLOUCESTER	03/09/2017	03/09/2017
LOUIS, FRANK A.	1973	OCEAN	01/25/2017	01/25/2017
MANGANELLO, CHRISTOPHER MICHAEL	1998	GLOUCESTER	05/19/2017	05/19/2017
MC DONALD, ANDREW T	2000	LOUISIANA	06/01/2017	06/01/2017
MOSES, KEITH O.	1990	HUDSON	02/10/2017	02/10/2017
ROPER, ANGELA M.	1988	PASSAIC	09/11/2017	09/11/2017
SALAMI, STEVEN H.	2000	MONMOUTH	03/30/2017	03/30/2017
SCHIBELL, RICHARD D.	1973	MONMOUTH	09/21/2017	09/21/2017
SCHRAM, MARC B.	1985	MONMOUTH	07/07/2017	07/07/2017
SEXTON, SEAN R	2004	HUDSON	12/08/2017	12/08/2017
SEYMOUR, ANTHONY D.	1980	BERGEN	08/11/2017	08/11/2017
STOLZ, J ELLIOT	1990	HUNTERDON	06/01/2017	06/01/2017
TIDER, DAVID E	1990	BERGEN	11/17/2017	11/17/2017
WERNER, EDWARD G	1989	COLORADO	06/15/2017	06/15/2017
WINTERS, WILLIAM S	1993	MIDDLESEX	04/06/2017	04/06/2017
ZIELYK, ANDREY V	1986	MORRIS	06/15/2017	06/15/2017

**PUBLIC REPRIMAND (35)**

<b><u>ATTORNEY</u></b>	<b><u>ADMITTED</u></b>	<b><u>LOCATION</u></b>	<b><u>DECIDED</u></b>	<b><u>EFFECTIVE</u></b>
ALI, ALI A	2009	MERCER	11/17/2017	11/17/2017
ALLEGRA, PETER A	1980	MONMOUTH	06/02/2017	06/02/2017
AMATO, MICHAEL AUGUSTINE	1990	OCEAN	11/27/2017	11/27/2017
BABCOCK, FRANCIS CHARLES JR	1990	HUDSON	10/05/2017	10/05/2017
BASHIR, MUHAMMAD	1987	UNION	06/15/2017	06/15/2017
BAXTER, RACHEL L	2012	MIDDLESEX	07/19/2017	07/19/2017
BRENT, NANCY KENNEDY	2003	CUMBERLAND	11/01/2017	11/01/2017
CALLAHAN, JAMES JOHN	1982	HUDSON	03/28/2017	03/28/2017
CASCI, MAURO C	1976	MONMOUTH	11/15/2017	11/15/2017
DECKER, BRIAN R	2009	CALIFORNIA	11/02/2017	11/02/2017
DORIA, NICHOLAS R.	1977	BERGEN	07/13/2017	07/13/2017
FISCHER, DENISE TAMARA	1987	FLORIDA	05/04/2017	05/04/2017
FUSCO, FRANK CRAIG	1995	PASSAIC	03/24/2017	03/24/2017

GLASNER, EDMUND PAUL	1985	OCEAN	03/24/2017	03/24/2017
HARTWYK, CHRISTOPHER MICHAEL	1985	ESSEX	10/20/2017	10/20/2017
IBRAHIM, IHAB AWAD	2013	HUDSON	08/01/2017	08/01/2017
INTRIAGO, SASHA C	2007	BERGEN	10/20/2017	10/20/2017
JOSEPH, DANIELLE M.	2001	MIDDLESEX	01/25/2017	01/25/2017
KAIGH, JAIME MERRICK	1983	CAMDEN	10/05/2017	10/05/2017
LANUTO, ALFIO S.	1989	HUDSON	02/08/2017	02/08/2017
MARAGO, PASQUALE	2009	SOMERSET	06/19/2017	06/19/2017
MEBUDE, OMOTAYO F	2001	UNION	07/28/2017	07/28/2017
MITNICK, CRAIG R	1987	CAMDEN	11/13/2017	11/13/2017
MORTON, BENJAMIN	1998	ESSEX	11/01/2017	11/01/2017
MURRAY, JOHN J JR	1998	MIDDLESEX	12/08/2017	12/08/2017
MYRYLAINEN, HELI MARJO	1998	HUDSON	05/24/2017	05/24/2017
PAVLIV, ALEX	1983	MONMOUTH	09/28/2017	09/28/2017
RIHACEK, JOHN T	1982	MONMOUTH	09/28/2017	09/28/2017
SIERZEGA, RONALD P	1995	GLOUCESTER	07/07/2017	07/07/2017
SOTO, WILSON	1998	NEW YORK	05/18/2017	05/18/2017
TAYLOR, THOMAS J	1977	MIDDLESEX	05/22/2017	05/22/2017
THYNE, KENNETH S	1990	PASSAIC	09/11/2017	09/11/2017
TORRE, WILLIAM J	1984	BERGEN	06/01/2017	06/01/2017
VENA, JOSEPH A	1970	ESSEX	01/11/2017	01/11/2017
WELGOS, CHRISTOPHER R	1998	SOMERSET	05/03/2017	05/03/2017

**ADMONITION (11)**

<b><u>ATTORNEY</u></b>	<b><u>ADMITTED</u></b>	<b><u>LOCATION</u></b>	<b><u>DECIDED</u></b>	<b><u>EFFECTIVE</u></b>
BRAVERMAN, FRED R	1980	CAMDEN	04/25/2017	04/25/2017
BUIVIDAS, STEPHEN JAMES	1997	CAMDEN	02/22/2017	02/22/2017
CALPIN, BRIAN LE BON	2001	BURLINGTON	01/24/2017	01/24/2017
GAUGHAN, VINCENT JOSEPH	1991	BURLINGTON	07/25/2017	7/25/2017
GOODMAN, JONATHAN A.	1975	HUDSON	03/22/2017	03/22/2017
OREL, SERGEI	2001	BERGEN	02/23/2017	02/23/2017
SONSTEIN, PAUL W	1973	CAMDEN	04/25/2017	04/25/2017
SWENSON, CRAIG C.	1988	BERGEN	01/20/2017	01/20/2017
VAN BOEKEL, FLAVIO B	2010	MORRIS	10/23/2017	10/23/2017
WEISBERG, MARTIN S.	1987	CAMDEN	02/23/2017	02/23/2017
WEISSMAN, MARC M.	1981	BERGEN	06/19/2017	06/19/2017

**OTHER (1)**

<b><u>ATTORNEY</u></b>	<b><u>ADMITTED</u></b>	<b><u>LOCATION</u></b>	<b><u>DECIDED</u></b>	<b><u>EFFECTIVE</u></b>
MACHADO, AMY	2015 PHV	BERGEN	7/20/2017	7/20/2017

**TOTAL FINAL DISCIPLINE.....156**

**TEMPORARY SUSPENSION (36)**

<b><u>ATTORNEY</u></b>	<b><u>ADMITTED</u></b>	<b><u>LOCATION</u></b>	<b><u>DECIDED</u></b>	<b><u>EFFECTIVE</u></b>
AUTRY, WAYNE ANTONIO	2001	ESSEX	03/01/2017	03/01/2017
BARONI, WILLIAM EDWARD JR	1998	MERCER	04/06/2017	04/06/2017
CONROY, DONNA MARIE	1986	UNION	06/06/2017	06/06/2017
DOMENICK, DANIEL JAMES	2012	PENNSYLVANIA	11/16/2017	12/15/2017
DRINKWATER, PHILLIP FRANCIS III	1992	CAMDEN	03/15/2017	04/14/2017

FARRELL, J MICHAEL	1980	PENNSYLVANIA	02/16/2017	02/16/2017
FREDERICKS, KRISTI A	2002	BURLINGTON	05/03/2017	05/03/2017
GAYL, JOSHUA LAWRENCE	2006	PENNSYLVANIA	04/07/2017	04/07/2017
GLAZER, JEFFREY ALAN	1998	MONMOUTH	07/12/2017	01/24/2017
GLEASON, MARTIN ALBERT	1992	SOMERSET	06/09/2017	06/09/2017
HAND, STEPHANIE A.	2000	ESSEX	07/06/2017	07/06/2017
HARRIS, JACQUELINE ROCHELLE	1990	ESSEX	05/31/2017	05/31/2017
HUTT, JOHN JOSEPH	1999	ATLANTIC	07/20/2017	08/21/2017
JADEJA, RAJSHAKTISINH D	2006	NEW YORK	06/07/2017	06/07/2017
KENNEDY, JAMES WILLIAM	1983	OCEAN	03/01/2017	03/31/2017
MARINELLI, SCOTT MICHAEL	2001	MORRIS	08/25/2017	08/25/2017
MELIADO, DONALD J. JR.	1988	HUDSON	01/25/2017	01/25/2017
MILARA, DIEGO P	1991	ESSEX	05/12/2017	06/12/2017
MOSES, KEITH O.	1990	HUDSON	07/06/2017	08/07/2017
MURPHY, STEPHEN ROBERT	1999	PENNSYLVANIA	09/08/2017	09/08/2017
NAZMIYAL, BENJAMIN	2010	BERGEN	02/08/2017	03/10/2017
NAZMIYAL, BENJAMIN	2010	BERGEN	03/01/2017	03/31/2017
NAZMIYAL, BENJAMIN	2010	BERGEN	04/11/2017	05/10/2017
NAZMIYAL, BENJAMIN	2010	BERGEN	09/28/2017	10/27/2017
NICHOLSON, CHRISTIE-LYNN	2000	GLOUCESTER	05/03/2017	05/03/2017
PHILIP, GENIA C.	2000	ESSEX	09/08/2017	09/08/2017
QUATRELLA, DAVID L.	1981	CONNECTICUT	07/07/2017	07/07/2017
RESNICK, MICHAEL L.	1988	MORRIS	06/22/2017	07/21/2017
ROBERTS, RICHARD M	1971	ESSEX	11/15/2017	12/15/2017
SCHLISSEL, AILEEN MERRILL	1997	CALIFORNIA	03/08/2017	03/08/2017
SMITH, KEITH T.	1989	ATLANTIC	01/27/2017	02/28/2017
SPEZIALE, PAUL	1984	BERGEN	03/08/2017	03/08/2017
SUSSMAN, DAVID S.	1980	UNION	01/11/2017	01/11/2017
SZYMANSKI, THOMAS A.	1984	MONMOUTH	03/24/2017	03/24/2017
WALKER, DAVID A.	1983	UNION	07/07/2017	07/07/2017
ZUVICH, RICHARD N	1980	MIDDLESEX	05/31/2017	05/31/2017

**TOTAL TEMPORARY DISCIPLINE.....36**

**REINSTATEMENTS (19)**

<b><u>ATTORNEY</u></b>	<b><u>SUSPENDED</u></b>	<b><u>LOCATION</u></b>	<b><u>DECIDED</u></b>	<b><u>EFFECTIVE</u></b>
AGRAPIDIS, EVANS CHRIS	07/13/2017	BERGEN	07/13/2017	07/13/2017
COLLINS, JOHN J.	10/21/2016	HUDSON	03/24/2017	03/24/2017
DAVIS, ROBERT B	02/27/2012	HUDSON	11/01/2017	11/01/2017
DESOKY, AHMAD LOTF	03/01/2012	BERGEN	06/02/2017	06/02/2017
DORFMAN, DAVID A.	01/23/2012	MERCER	02/24/2017	02/24/2017
GONZALEZ, RALPH ALEXANDER	06/22/2017	CAMDEN	09/26/2017	09/26/2017
KIM, CHONG S	02/10/2017	MONMOUTH	06/09/2017	06/09/2017
LENTO, JOSEPH D	07/17/2013	PENNSYLVANIA	06/21/2017	06/21/2017
MACCHIAVERNA, LOUIS	07/18/2015	OCEAN	12/14/2017	12/14/2017
MACCHIAVERNA, LOUIS	07/17/2014	OCEAN	12/14/2017	12/14/2017
PARAGANO, JOHN O.	12/16/2016	UNION	03/29/2017	03/29/2017
PARK, JAE HOON	08/22/2016	EDISON	02/24/2017	02/24/2017
PERKEL, BENJAMIN H	05/27/2015	PENNSYLVANIA	06/02/2017	06/02/2017

SHTINDLER, YANA	09/30/2013	ESSEX	09/29/2017	09/29/2017
SISON, VICTOR G.	12/16/2016	HUDSON	03/30/2017	03/30/2017
SMITH, KEITH T.	02/28/2017	ATLANTIC	03/27/2017	03/27/2017
SMITH, NESTOR	11/04/2016	ATLANTIC	03/07/2017	03/07/2017
TORRE, WILLIAM J.	01/16/2016	BERGEN	03/29/2017	03/29/2017
WEICHSEL, JOHN L.	12/16/2016	BERGEN	03/28/2017	03/28/2017

**TOTAL REINSTATEMENTS.....19**

## IV. GROUNDS FOR FINAL DISCIPLINE

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

### A. DISHONESTY, FRAUD, DECEIT AND MISREPRESENTATION

The category of Dishonesty, Fraud, Deceit and Misrepresentation was the most common reason why attorneys were disciplined in 2017. Twenty-six (26) of the 156 attorneys disciplined in 2017 (or 16.7%) engaged in some type of dishonesty, fraud, deceit or misrepresentation.

### B. CRIMINAL CONVICTIONS

Criminal Convictions (excluding misappropriation, fraud and drug convictions) was the second most common reason why attorneys were disciplined in 2017. Close to sixteen percent (16%) (25 of 156 cases) of the attorneys disciplined in 2017 were convicted of crimes.

### C. KNOWING MISAPPROPRIATION

Knowing misappropriation was the third most common reason why attorneys were disciplined in 2017. More than fifteen percent (15.4%) (24 of the 156) of attorneys disciplined in 2017 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 33 years of its existence, the Overdraft Program has been the sole source for the discipline of 218 New Jersey lawyers. Almost one half

of the attorneys (47%) so disciplined were disbarred. In 2017, a record nineteen (19) attorneys were detected and disciplined through this program:

- Jeffrey M. Adams from Ocean County was disbarred;
- Thomas A. Blumenthal from Bergen County was disbarred;
- Thomas A. Clark from Middlesex County was disbarred;
- Paul F. Clausen from Hunterdon County was suspended for three years;
- Dan A. Druz from Monmouth County was censured;
- Sanghwan Hahn from Bergen County was suspended for three months;
- Ihab Ibrahim from Hudson County was reprimanded;
- James William Kennedy from Ocean County was disbarred by consent;
- James P. Madden from Hudson County was disbarred;
- Pasquale Marago from Somerset County was reprimanded;
- Donald J. Meliado, Jr. from Hudson County was disbarred by consent;
- Craig Mitnick from Camden County was reprimanded;
- John J. Murray, Jr. from Middlesex County was reprimanded;
- Victor Rabbat from Morris County was suspended for three years;
- Richard D. Schibell from Monmouth County was censured;
- David S. Sussman from Union County was disbarred by consent;
- Thomas A. Szymanski from Monmouth County was disbarred by consent;
- William J. Torre from Bergen County was reprimanded; and
- William S. Winters from Middlesex County was censured.

## 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 36 years of its operation, a total of 190 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 2017, six (6) attorneys were disciplined for committing serious financial violations:

- Michael A. Amato from Ocean County was reprimanded;
- Frank Catania, Jr. from Passaic County was disbarred;
- Jay Lazerowitz from Bergen County was disbarred by consent
- Nestor Nebab, Jr. from Somerset County was disbarred by consent;
- Alex Pavliv from Monmouth County was reprimanded; and
- John T. Rihacek from Monmouth County was reprimanded.

## **D. OTHER MONEY OFFENSES**

In fourth place was the category of “Other Money Offenses” at 10.3% (16 of 156 cases). This category includes negligent or reckless misappropriation, serious trust account recordkeeping deficiencies, and failure to safeguard funds and escrow violations. In 2016, this category was in fifth place.

## **E. GROSS NEGLIGENCE/LACK OF DILIGENCE/INCOMPETENCE**

In fifth place was the category of “Gross Neglect/Lack of Diligence/Incompetence” at 9% (14 of 156 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 the fifth most frequent reason for lawyer sanctions in 2016.



## **F. CONFLICT OF INTEREST**

“Conflict of Interest” came in sixth place, accounting for 6.4% (10 of 156 cases) of all final discipline cases. This group was in seventh place in 2016.

## **G. NON-COOPERATION WITH ETHICS AUTHORITIES**

The category of “Non-Cooperation with Ethics Authorities” came in seventh place at 5.1% (8 of 156 cases). 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.

## **H. FEES**

Coming in eighth place at 4.5% (7 of 156 cases) is the category of Fees. Lawyers are required under RPC 1.5 to charge no more than a reasonable fee. When a fee becomes grossly excessive or violates other related rules, such as the requirement to have a fee agreement in writing, discipline is imposed.

## **I. LACK OF COMMUNICATION**

In ninth place is the category of "Lack of Communication" at 3.8% (6 of 156 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 eighth place in 2016.

## **J. INELIGIBLE PRACTICING LAW**

The grouping “Ineligible Practicing Law” was also in ninth place this year at 3.8% (6 of 156 cases). 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. UNAUTHORIZED PRACTICE OF LAW**

In tenth place at 2.6% (4 of 156 cases) was the Unauthorized Practice of Law, which is defined by RPC 5.5 to include not only an attorney practicing New Jersey law after his/her license to practice here 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.

## 2017 Disciplinary Summaries

**Emmanuel N. Abongwa** - Censured on a certified record on July 20, 2017 (     *N.J.*     ) for violating *RPC* 1.15(a) (failure to safeguard funds) and *RPC* 8.1(b) and *R.* 1:20-3(g)(3) (failure to cooperate with disciplinary authorities). Steven J. Zweig handled the matter for the OAE and Respondent was pro se. Respondent was previously disciplined: Temporarily suspended in 2015 until further Order of the Court.

**Jeffrey M. Adams** - Disbarred on a certified record on September 14, 2017 (230 *N.J.* 391) for violating *RPC* 1.15(a) and the principles of Wilson, 81 *N.J.* 451 (1979) and In re Hollendonner, 102 *N.J.* 21 (1984) (knowing misappropriation of trust and/or escrow funds), *RPC* 1.15(a) (failure to safeguard client or third-party funds), *RPC* 1.15(b) (failure to promptly return client or third party funds), *RPC* 5.5(a)(1) (practicing law while ineligible), *RPC* 8.1(a) (making a false statement to ethics authorities), *RPC* 8.1(b) (failure to cooperate with an ethics investigation), and *RPC* 8.4(d) (failure to file a Rule 1:20-20 affidavit following a temporary suspension). Jason D. Saunders represented the OAE and respondent was pro se. The respondent was previously disciplined: Suspended in 2015; admonished in 2014. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

**Ali A. Ali** - Reprimanded on December 1, 2017 (231 *N.J.* 165) for violating *RPC* 1.3 (lack of diligence), *RPC* 3.2 (failure to expedite litigation), *RPC* 3.5(b) (making improper ex parte communications), *RPC* 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Deborah B. Fineman appeared before the DRB for District VA and the respondent was pro se.

**Peter A. Allegra** - Reprimanded on June 2, 2017, (     *N.J.*     ) for violating *RPC* 1.7(a)(2) (engaging in a conflict of interest) and *RPC* 1.8(a) (entering into a prohibited business transaction with a client). Christina Blunda represented the OAE and Adam Jeffrey Adrignolo and Jared James Limbach represented the respondent on a motion for discipline by consent granted by the DRB.

**Michael A. Amato** – Reprimanded on November 27, 2017 (231 *N.J.* 167) for violating *RPC* 1.8(a) (entering into a prohibited business transaction with a client). Joseph A. Glyn represented the OAE and Marc D. Garfinkle represented the 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.

**Peter Floyd Anderson, Jr.** - Disbarred on October 25, 2017 (231 *N.J.* 124) following his admissions under oath that he knowingly misappropriated escrow funds. Respondent's conduct was found to violate *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); and the principles stated in In re Hollendonner, 102 *N.J.* 21 (1985). Steven J. Zweig represented the OAE on a motion for reciprocal discipline and respondent was pro se.

**Francis Charles Babcock Jr.** - Reprimanded on a certified record on October 5, 2017 (231 *N.J.* 8) 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 the matter), *RPC* 8.1(b) and Rule 1:20-3(g) (3) (failure to cooperate with disciplinary authorities). Maurice Giro represented District VI and respondent failed to appear.

**B. Jay Bagdis** - Disbarred on February 28, 2017, (228 *N.J.* 1) based on his conviction in the United States District Court for the Eastern District of Pennsylvania to one count of attempting to obstruct the Internal Revenue Code, 26 U.S.C. § 7212 (a); twenty-seven counts of conspiracy to defraud the United States, 18 U.S.C. § 371; eleven counts of aiding and assisting the preparation of false tax returns, 26 U.S.C. § 7206 (2); three counts of failure to file tax returns or supply information, 26 U.S.C. § 7203; and five counts of failure to file currency transaction reports (CTR) by business, 31 U.S.C. § 5322, conduct that in New Jersey violates *RPC* 8.4 (b) (commission of a criminal act that reflects adversely on an attorney's honesty, trustworthiness or fitness as a lawyer), and *RPC* 8.4 (c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Christina Blunda represented the OAE before the Supreme Court on a motion for final discipline and respondent was pro se.

**Robert John Baron** - Disbarred by consent on November 28, 2017, (231 *N.J.* 168). Respondent acknowledged that he knowingly misappropriated client funds, and that if he went to a hearing on that matter, he could not successfully defend himself against those charges. Joseph A. Glyn represented the OAE and Glenn R. Reiser represented the respondent.

**Muhammad Bashir** - Reprimanded on June 15, 2017, (229 *N.J.* 330) for violating *RPC* 1.4(b) failure to keep a client reasonably informed about the status of a matter and



promptly comply with a 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 regarding the representation. Robert J. Logan appeared before the DRB for District XII and Muhammad Bashir failed to appear. The respondent was previously disciplined: Reprimanded in 2016, temporarily suspended in 2015, admonished in 2005 and reprimanded in 1996.

**Rachel L. Baxter** - Reprimanded on July 19, 2017 (230 *N.J.* 52) for violating *RPC* 1.3 (lack of diligence), *RPC* 1.15(a) (negligent misappropriation of client funds), *RPC* 1.15(b) (failure to notify a client of receipt of funds to which the client is entitled and to promptly disburse those funds). Reid Adler represented the OAE on a motion for discipline by consent granted by the DRB and respondent was pro se.

**Brynee Kyonne Baylor** - Disbarred on October 13, 2017, (231 *N.J.* 19) on a motion for reciprocal discipline based on her disbarment in the State of Maryland and the District of Columbia, for unethical conduct that in New Jersey constitutes violations of *RPC* 1.15 (a), the principles of *In re Wilson*, 81 *N.J.* 451 (1979) (knowing misappropriation of client funds), and *RPC* 8.4 (c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Reid Adler appeared before the Supreme Court for the OAE and respondent failed to appear.

**Barry J. Beran** – Censured on July 20, 2017 (\_\_\_ *N.J.* \_\_\_) for violating *RPC* 1.3 (lack of diligence) and *RPC* 1.4(b) (failure to keep client reasonably informed about the status of matter and to promptly comply with reasonable requests for information) for the client’s March 2006 motor vehicle accident that took eight and one-half years for respondent to resolve. Elizabeth L. Laurenzano represented District IV, and David H. Dugan, III represented respondent. Respondent was previously disciplined: Censured in 2016; admonished in 2009 and reprimanded 2004.

**Paul W. Bergrin** - Disbarred on June 30, 2017, (229 *N.J.* 507) following his conviction of numerous federal offenses, including but not limited to, conspiracy to murder a witness and racketeering, conduct that violates *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer). The DRB noted that respondent’s criminal conduct, which also included racketeering and witness tampering, was “pervasive and abhorrent.” Hillary Horton represented the OAE and Frederick D. Miceli represented respondent on the motion for final discipline.

**David Charles Berman** - Suspended for two years on May 4, 2017 (228 *N.J.* 628), for violating *RPC* 1.1(a) (gross neglect) and *RPC* 1.1(b) (pattern of neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep a client reasonably informed about the status of a matter), *RPC* 1.4(c) (failure to

explain a matter to the extent reasonably necessary to allow the client to make informed decisions), *RPC* 1.16(a)(1) (failure to withdraw from a representation if that representation would result in the violation of the *RPC*s), *RPC* 3.3(a)(5) (failure to disclose to the tribunal a material fact), *RPC* 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal), *RPC* 5.5(a)(1) (practicing law while ineligible), *RPC* 8.1(b) and Rule 1:20-3(g)(3) (failure to cooperate with disciplinary authorities), *RPC* 8.4(a) (knowingly violate the *RPC*s), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Eric L. Probst represented the District XA Ethics Committee before the DRB and respondent failed to appear.

**Thomas Alan Blumenthal** - Disbarred on October 12, 2017, (231 *N.J.* 11) for violating *RPC* 1.8(a) improper business transaction with client, *RPC* 1.15(a) knowing misappropriation of client trust funds and escrow funds, *RPC* 8.4(c) conduct involving dishonesty, fraud, deceit or misrepresentation, and *RPC* 8.4(d) conduct prejudicial to the administration of justice. Christina Blunda Kennedy appeared before the Supreme Court for the OAE and respondent was pro se. Respondent was previously disciplined: Censured in 2015. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

**Fred Braverman** - Admonished on April 25, 2017 (*Unreported*) for violating *RPC* 1.3 (lack of diligence) and *RPC* 1.4(b) (failure to keep client reasonably informed about the status of a matter and promptly respond to requests for information). Christine M. Mercado-Spies represented the District IV Ethics Committee and respondent was pro se. Respondent was previously disciplined: Reprimanded in 2014.

**Nancy Kennedy Brent** – Reprimanded on November 1, 2017 (231 *N.J.* 131) for practicing law during periods of ineligibility for failure to pay dues to the Lawyers’ Fund for Client Protection, failure to comply with the requirements of the IOLTA program, and failure to comply with her CLE requirements, in violation of *RPC* 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal) and *RPC* 5.5(a)(1) (unauthorized practice of law). Anne E. Walters represented District IV on a motion for discipline by consent granted by the DRB and respondent was pro se.

**Saleemah Malukah Burns** - Censured on November 17, 2017 (231 *N.J.* 166) on a certified record for violations of *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with a client), *RPC* 3.4(g) (threatening to present criminal charges to obtain an improper advantage in a civil matter), *RPC* 7.1(a)(4) (making a false or misleading communication about the attorney’s legal fee), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Jeffrey Fiorello represented District XI

and respondent was pro se on her motion to vacate the default. The respondent was previously disciplined: Suspended for three months in 2014.

**Stephen James Buividas** - Admonished on February 22, 2017 (corrected letter dated February 23, 2017) (*Unreported*) for violating *RPC* 1.15(b) (failure to promptly notify a client or third-party upon receipt of funds in which a client or third-party has an interest, failure to promptly deliver funds to a client or third-party). Respondent failed to use settlements funds to settle a loan between his client and a creditor when, under the terms of the agreement, the creditor's loan was to be settled before funds were released to other parties from respondent's trust account. Joseph J. Fabain represented the District IV Ethics Committee and Petar Kuridza represented the respondent.

**Jonathan Burnham** - Disbarred on a certified record on June 29, 2017 (229 *N.J.* 510) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep the client reasonably informed about the status of the matter), *RPC* 1.15(a) (knowing misappropriation of client funds), *RPC* 1.15 (b) (failure to safeguard funds), *RPC* 1.16 (d) (failure to protect client's interests after termination of representation), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), *RPC* 8.4 (c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Al Garcia represented the OAE before the Supreme Court and respondent failed to appear.

**James John Callahan** - Reprimanded on March 28, 2017 (\_\_\_ *N.J.* \_\_\_) relating to an estate matter for violating *RPC* 1.1(a) (gross neglect) and *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate with the client, and *RPC* 1.15(b) (failure to promptly deliver funds to a third party). Maureen G. Bauman represented the OAE on a motion for discipline by consent granted by the DRB and Marc Garfinkle represented respondent.

**Brian LeBon Calpin** – Admonished on January 24, 2017 (*Unreported*) for failing to protect his client's interests in a matrimonial matter in violation of *RPC* 1.3. Respondent was previously disciplined: Reprimanded in 2014.

**Mauro C. Casci** - Reprimanded on November 15, 2017, (231 *N.J.* 136) for violating *RPC* 1.15(b) (failure to promptly notify a client or third person of receipt of funds or to deliver those funds), *RPC* 1.15(c) (failure to keep separate funds in which the lawyer and another claim an interest, until there is an accounting and severance of their interests), *RPC* 3.4(c) (knowingly violating an obligation under the rules of the tribunal), and *RPC* 8.4(c) (conduct prejudicial to the administration of justice). Raymond Scott Santiago represented District IX and Charles M. Moriarty represented respondent on a motion for discipline by consent granted by the DRB.

**Frank Catania, Jr.** - Disbarred on November 17, 2017, (231 *N.J.* 160) for knowing misappropriation of client and escrow funds, conduct that violates *RPC* 1.15(a) (knowing misappropriation), *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). Timothy McNamara represented the OAE and Gary D. Nissenbaum represented respondent. This matter was discovered solely as a result of the Random Audit Compliance Program.

**Joseph Chizik** - Disbarred on March 30, 2017 (228 *N.J.* 278) on a certified record for violating *RPC* 8.1(b) (knowingly fail to respond to lawful demands for information from disciplinary authorities) and *Rule* 1:20-3(g) (failure to cooperate in an ethics investigation). HoeChin Kim appeared before the Supreme Court for the OAE and respondent failed to appear. Respondent was previously disciplined: Suspended for two years in 2016; suspended for three months in 2014; reprimanded in 2013 and 1997.

**Thomas Andrew Clark** - Disbarred on May 3, 2017, (228 *N.J.* 521) for violating *RPC* 1.15(a) (knowing misappropriation of client funds), *RPC* 1.15(b) (failure to promptly turn over client funds or property), *RPC* 1.15(d) (recordkeeping violations), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), and the principles of *In re Wilson*, 81 *N.J.* 451 (1979), and *In re Hollendonner*, 102 *N.J.* 21 (1985). Christina Blunda Kennedy represented the OAE before the Supreme Court and John McGill, III represented respondent. This case was discovered solely as a result of the Trust Overdraft Notification Program.

**Paul Franklin Clausen** - Censured on a certified record on June 21, 2017 (229 *N.J.* 387) for violating *RPC* 1.4(b) (failure to communicate with client), and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Richard H. Archer, Jr. represented District IIIA and respondent was pro se.

**Paul Franklin Clausen** - Suspended for three (3) years on December 8, 2017, effective January 8, 2018, (231 *N.J.* 193) for violating *RPC* 1.15(a) (commingling of funds), *RPC* 1.15(d) (failure to comply with recordkeeping requirements and disbursing trust account checks against uncollected funds), *RPC* 3.3(a)(1) (false statement of material fact or law to a tribunal), *RPC* 3.3(a)(5) (candor towards a tribunal), *RPC* 8.1(a) (false statements to disciplinary authorities), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation) and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Steven J. Zweig handled the matter for the OAE and respondent was pro se. The respondent was previously disciplined: Censured in 2017 and reprimanded in 2016 and 2013. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

**Jack S. Cohen** - Disbarred by consent on January 18, 2017 (\_\_\_N.J. \_\_\_) for the knowing misappropriation of trust funds. Michael J. Sweeney represented the OAE and respondent failed to appear. Respondent was previously disciplined: Temporarily suspended in 2015.

**Robert B. Davis** - Suspended for one-year on September 13, 2017 (230 N.J. 385), with the suspension retroactive to February 27, 2012, for Respondent's convictions in federal and state court in New York of conspiracy to commit wire and bank fraud, in violation of 18 U.S.C. §§ 1349 and 3551, conduct that in New Jersey constitutes a 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) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). The Court found that the three-year suspension recommended by the DRB would have been warranted but for the extraordinary delay in initiating disciplinary proceedings by the OAE, to whom Respondent had reported his convictions on February 27, 2012. HoeChin Kim appeared for the OAE before the Supreme Court, and William Levinson represented respondent.

**Brian R. Decker** - Reprimanded on November 2, 2017, (231 N.J. 132) for violating *RPC* 1.4(b) (failure to adequately communicate with client). Richard Galler represented District IIA and respondent did not appear. The respondent was previously disciplined: Temporarily suspended on December 23, 2013 for failure to pay a fee arbitration award. He remains suspended to date.

**Padraic Brian Deighan** - Censured on September 25, 2017 (\_\_\_ N.J. \_\_\_) for Respondent's violation of *RPC* 5.5(a)(1) (unauthorized practice of law) for handling mortgage modifications for two Washington State residents, who used a mortgage modification company called Homesavers Law Group, when Respondent was not admitted in Washington or a licensed mortgage broker under Washington law. Respondent also violated *RPC* 5.4 (sharing legal fees with a non-lawyer) when he admitted that he received fees from Homesavers Law Group for assisting its New Jersey clients. In a third matter, Respondent violated *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) for misrepresenting the nature of an investment in Ohio tax liens to obtain \$10,000 from an investor and failing to so invest those funds. HoeChin Kim represented the OAE, and Marc D. Garfinkle represented respondent.

**Salvatore DeLello** - Censured on June 21, 2017 (229 N.J. 388) for violating *RPC* 1.9(a) (conflict of interest); and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Jason D. Saunders represented the OAE and respondent was pro se on a motion for discipline by consent granted by the DRB. The respondent was previously disciplined: Three-year suspension in 1999.

**Alexander Ralph DeSevo** – Censured on April 5, 2017 (228 N.J. 461) for violating *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the attorney's honesty, trustworthiness, or fitness as a lawyer in other respects). Specifically, in 2013, respondent successfully completed Pre-Trial Intervention on an accusation and an indictment charging him with possession of a controlled dangerous substance (cocaine). HoeChin Kim represented the OAE, and A. John Blake represented respondent. Respondent was previously disciplined: Admonished in 2011.

**Nicholas R. Doria** - Reprimanded by consent on July 13, 2017 (230 N.J. 47) for violating *RPC* 1.5(a) (unreasonable fee) by overcharging the client an excessive legal fee which, through fee arbitration, resulted in refund of \$34,100 from the \$35,000 total legal fee paid by the client. The DRB determined that the respondent's fee was so excessive that it evidenced an intent to overreach. Mary Tom represented District XI and Robert Brian Hille represented respondent on a Stipulation of Discipline by Consent.

**Dan A. Druz** - Censured on December 8, 2017 (231\_\_ N.J. 190) for violating *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping violations). Timothy J. McNamara represented the OAE before the DRB and John McGill, III represented respondent. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

**John R. Dusinberre** - Censured on April 5, 2017 (228 N.J. 459) for violating *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), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Brian O. Lipman represented District VA before the DRB and Roy W. Breslow represented respondent.

**Louis C. Dwyer, Jr.** - Disbarred by consent on August 14, 2017, (230 N.J. 340) following his guilty plea in the District Court of New Jersey, Camden, to a single count of conspiracy to commit wire fraud and money laundering under 18 U.S.C. 371. Joseph A. Glyn represented the OAE and Daniel Solt represented the respondent.

**Richard Patrick Earley** - Censured on December 7, 2017, (231 N.J. 189) 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 the matter and to comply with reasonable requests for information), and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Christina Blunda represented the OAE and the respondent appeared pro se.

**Herbert R. Ezor** – Suspended for three months on a certified record on June 29, 2017 (229 N.J. 511), for failing to file an affidavit as required by R. 1:20-20, in violation of *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 and respondent was pro se. The respondent was previously disciplined: Suspended for three months in 2014 and reprimanded in 2001.

**Denise Tamara Fischer** - Reprimanded on May 4, 2017 (228 *N.J.* 627), on a motion for reciprocal discipline based on Respondent's March 20, 2014 reprimand in Florida, for the New Jersey equivalent of *RPC* 8.1(b) (failure to respond to a lawful demand for information from a disciplinary authority). Respondent's New Jersey license was administratively revoked on August 24, 2015 because of her administrative ineligibility for seven consecutive years. Jason D. Saunders represented the OAE before the DRB and Respondent was pro se.

**Kristi A. Fredericks** - Disbarred on October 13, 2017 (231 *N.J.* 12) for the knowing misappropriation of client funds, contrary to *RPC* 1.15(a) (failure to safeguard and the knowing misappropriation of client and escrow funds); 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 escrow funds), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Respondent knowingly misappropriated approximately \$86,000 of client funds from two estates that she had been trusted to help administer. Hillary Horton represented the OAE on a motion for reciprocal discipline and respondent was pro se.

**Steven R. French** – Disbarred on January 18, 2017, (227 *N.J.* 532) for violating *RPC* 8.4(b) (commission of a criminal act that reflects adversely on a lawyer's honesty, trustworthiness or fitness as a lawyer) based upon respondent's conviction on August 8, 2013, in the Court of Common Pleas of the 22<sup>nd</sup> Judicial District, Commonwealth of Pennsylvania, County of Wayne (the Pennsylvania court) for bank robbery, a second degree felony. Al Garcia represented the OAE before the Supreme Court and respondent did not appear.

**Frank C. Fusco** - Reprimanded on March 24, 2017, (228 *N.J.* 159) 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 the matter), *RPC* 1.5(b) (failure to communicate in writing the basis or rate of the fee), and *RPC* 5.4(a) (sharing legal fees with a non-lawyer) in connection with respondent's representation of a client embroiled in various legal problems between investors and partners and a hotel franchise involving the client. Kevin Harrington represented District XI before the DRB and respondent was pro se. The respondent was previously disciplined: Admonished in 2005.

**William B. Gallagher, Jr.** - Disbarred on a certified record on June 16, 2017 (229 *N.J.* 337) for violating *RPC* 1.1(a)

(gross neglect), *RPC* 1.1(b) (pattern of neglect), *RPC* 1.3 (failure to act with diligence), *RPC* 1.4(b) (failure to communicate with client), *RPC* 1.15(a) (knowing misappropriation of client and escrow funds and failure to safeguard funds), *RPC* 1.15(b) (failure to promptly notify a client or third party on the receipt of funds and to promptly deliver those funds to the client or third party), *RPC* 1.15(d) (recordkeeping violations), *RPC* 5.5(a)(1) (practicing law while ineligible), *RPC* 8.1(a) (knowingly making a false statement of material fact), *RPC* 8.1(b) (failure to respond to a lawful demand for information from a disciplinary authority), *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, 82 *N.J.* 451 (1979), and In re Hollendonner, 12 *N.J.* 21 (1985). Jason D. Saunders represented the OAE before the Supreme Court and respondent was pro se. The respondent was previously disciplined: Temporarily suspended in 2015 and admonished in 1997.

**Michael S. Garofalo** - Suspended for six months on June 6, 2017 (\_\_\_\_ *N.J.* \_\_\_\_), for violating *RPC* 8.1(a) (knowingly making a false statement of material fact in a disciplinary matter), *RPC* 8.4(b) (committing a criminal act that reflects adversely on the attorney's honesty, trustworthiness or fitness as a lawyer in all other respects, specifically, harassment, a violation of N.J.S.A. 2C:33-4(a)), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) and *RPC* 8.4(g) (engaging in, in a professional capacity, in a course of conduct involving sexual harassment discrimination). Jason D. Saunders represented the OAE on a Disciplinary Stipulation and Louis M. Criscuoli represented respondent.

**Vincent J. Gaughan** - Admonished on July 25, 2017 (*Unreported*) for practicing law while ineligible to practice for failure to file an annual IOLTA registration statement. Theresa D. Brown represented the District IIIB Ethics Committee and respondent was pro se. Respondent has a prior disciplinary history: Admonished in 2015.

**Joseph A. Gembala, III** - Suspended for one year on March 28, 2017, effective July 1, 2016 (228 *N.J.* 275) 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 to 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* 1.16(d) (failure to properly terminate the representation), *RPC* 5.4(a) (improper fee sharing with a non-lawyer), *RPC* 7.5(a) (letterhead violations), *RPC* 8.4(a) (violate or attempt to violate the RPCs), and *RPC* 8.4(c) (conduct involving dishonesty fraud, deceit, or misrepresentation). Respondent's discipline resulted from his affiliation with a for-profit loan modification company. Respondent accepted



referrals from the for-profit loan modification company, but then did nothing to assist his clients. Hillary Horton represented the OAE and Mark J. Molz represented respondent on a motion for reciprocal discipline before the Supreme Court. The respondent was previously disciplined: Reprimanded in 2014.

**Daniel Michael Gillen** - Disbarred on September 12, 2017 (230 *N.J.* 382) for respondent's felony conviction in the State of New York to attempted dissemination of indecent materials to minors (first degree), in violation of New York Penal Laws §§ 110 and 235.22.2, conduct that in New Jersey constitutes a 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). HoeChin Kim appeared before the Supreme Court for the OAE and respondent failed to appear.

**Edmund P. Glasner** – Reprimanded on a certified record on March 21, 2017 (\_\_\_*N.J.*\_\_\_) for violating *RPC* 1.3 (lack of diligence) and *RPC* 1.4(b) (failing to communicate with client). Order also provided that Respondent remain suspended from the practice of law pending his compliance with the Court's Orders of December 14, 2007 and June 2, 2008. Brian J. DiStefano handled the matter for District IIIA.

**Ralph Alexander Gonzalez** – Suspended for three months on May 24, 2017, effective June 22, 2017 (\_\_\_*N.J.*\_\_\_), 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(d) (conduct prejudicial to the administration of justice). Steven Zweig represented the OAE and respondent was pro se on a motion for discipline by consent granted by the DRB.

**Jonathan A. Goodman** - Admonished on March 22, 2017 (*Unreported*) for practicing law while ineligible to practice for failure to file annual IOLTA registration statements during two periods of ineligibility. Philip V. Vinick represented the District VB Ethics Committee and respondent was pro se.

**Jonathan Greenman** - Disbarred on September 27, 2017, (230 *N.J.* 383) for violating *RPC* 1.15(a) 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 escrow funds); *RPC* 1.1(a) (gross neglect) (four counts); *RPC* 1.3 (lack of diligence) (four counts); *RPC* 1.15(b) (failure to promptly disburse funds); *RPC* 4.1(a)(1) (making a false statement of material fact or law to a third person); *RPC* 5.5(a)(1) (practicing law while suspended); *RPC* 8.1(b) and Rule 1:20-3(g)(3) (failure to cooperate with disciplinary authorities); *RPC* 8.4(b) (criminal act 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) (two counts). Timothy McNamara represented the OAE before the Supreme Court and respondent failed to appear. The respondent was previously disciplined: Suspended for 36 months in 2017; suspended for three months in 2016; censured in 2016; temporarily suspended in 2015; and admonished in 2014.

**Jonathan Greenman** - Suspended for three years on July 19, 2017, effective immediately (230 *N.J.* 53), for violating *RPC* 1.1 (lack of competency), *RPC* 1.3 (lack of diligence), *RPC* 1.4 (failure to communicate with the client), *RPC* 3.3 (lack of candor before a tribunal), 8.1(b) (failure to cooperate with disciplinary authorities), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). The DRB consolidated two matters, a motion for reciprocal discipline and a R. 1:20-20 default, for the purpose of recommending a single form of discipline. Hillary Horton represented the OAE and respondent did not participate or appear. The respondent was previously disciplined: Suspended for three months in 2016; censured in 2016; temporarily suspended in 2015; and admonished in 2014.

**Joel A. Grossbarth** - Disbarred on September 13, 2017 (230 *N.J.* 386) for respondent's criminal conviction in the State of New York of two counts grand larceny (second degree) and one count of forgery (second degree) in violation of Penal Law §§ 155.40 and 170.10, conduct that in New Jersey violates In re Wilson, 81 *N.J.* 451 (1979) (knowing misappropriation of client funds), *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), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). HoeChin Kim appeared before the Supreme Court for the OAE, and respondent failed to appear.

**Alexander J. Gurevich** - Suspended for eighteen months on June 29, 2017, effective July 31, 2017 (229 *N.J.* 513) based on discipline imposed in New York for unethical conduct that in New Jersey constitutes violations of *RPC* 1.8(a)(1) and (3) (improper business transaction with a client); *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Jason D. Saunders represented the OAE on a motion for reciprocal discipline and Justin P. Walder represented respondent.

**Sanghwan Hahn** - Suspended for three months on May 4, 2017 (228 *N.J.* 630) for violating *RPC* 1.1(a) (gross neglect); *RPC* 1.5(b) (failure to state the basis or rate of the fee in writing); *RPC* 1.8(a) (improper business transaction with a client); *RPC* 1.15(a) (failure to safeguard funds and negligent misappropriation of client funds); *RPC* 1.15(d) (failure to comply with recordkeeping requirements); *RPC* 8.1(a)

(knowingly make a false statement of material fact); *RPC* 8.1(b) (failure to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Jason D. Saunders 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.

**Christopher M. Hartwyk** - Reprimanded on October 20, 2017 (231 *N.J.* 21) following his conviction in the Criminal Court of the City of New York to offering a false instrument for filing, a second-degree misdemeanor, in violation of New York Penal Law § 175.30, and *RPC* 8.4(b) (commission of a criminal act reflecting 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 filed a letter with his supervisor, General Counsel for the Port Authority, which falsely represented that a law firm retained by the Port Authority was providing the Port Authority with a discount on its legal work when, in reality, respondent knew that no such discount had been offered. Hillary Horton represented the OAE on a motion for final discipline and John P. McDonald represented the respondent.

**Joseph Peter Howard** – Censured on a certified record on December 6, 2017 (231 *N.J.* 188) for violations, in his representation of a client in three separate matters, of *RPC* 1.1(b) (pattern of neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.16(d) (failure to take steps reasonably practicable to protect a client's interests on termination of representation), *RPC* 3.2 (failure to expedite litigation), and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Ronald M. Katkocin represented District IV and respondent failed to appear.

**Christopher West Hyde** - Censured on a certified record on December 8, 2017 (231 *N.J.* 195) for violating *RPC* 1.5(b) (failure to set forth in writing the basis or rate of a fee) and *RPC* 8.1(b) (failure to cooperate with an ethics investigation). Dina M. Mikulka represented District XA and respondent was pro se. The respondent was previously disciplined: Censured in 2013; temporarily suspended in 2010; and admonished in 2008.

**Ihab Awad Ibrahim** - Reprimanded on August 1, 2017 (\_\_\_*N.J.*\_\_\_) for violating *RPC* 1.15(a) (failure to safeguard client funds and negligent misappropriation of client funds) and *RPC* 1.15(d) (failure to comply with the recordkeeping requirements set forth in *R.* 1:21-6). Steven J. Zweig 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.

**Erika J. Inocencio** - Censured on December 8, 2017 (231 *N.J.* 233) for violating *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping); *RPC* 5.5(a)(2) (assisting a non-lawyer in the unauthorized practice of law); and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Jason D. Saunders represented the OAE before the DRB and respondent was represented by Glenn R. Reiser.

**Sasha C. Intriago** - Reprimanded on a Disciplinary Stipulation on October 25, 2017 (231 *N.J.* 20) for violating *RPC* 8.4(b) (committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer). Jason D. Saunders represented the OAE and Mark J. Cintron represented respondent.

**John M. Ioannou** - Disbarred on October 13, 2017, (231 *N.J.* 17) based on his conviction in the Supreme Court of New York of one count of first-degree scheme to defraud in violation of New York Penal Law §190.6591 (b), one count of identity theft, in violation of New York Penal Law §190.80, two counts of third-degree insurance fraud, in violation of New York Penal Law §172.20, one count of first-degree offering a false instrument for filing, in violation of New York Penal Law §175.35, two counts of second-degree grand larceny, in violation of New York Penal Law §155.40 (1), and four counts of third-degree grand larceny, in violation of New York Penal Law §155.35 (1) conduct that in New Jersey violates *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). Al Garcia represented the OAE before the Supreme Court and respondent was pro-se. Respondent was previously disciplined: Temporarily suspended in 2014.

**Mark H. Jaffe** - Censured on September 27, 2017 (230 *N.J.* 456) 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), *RPC* 1.16(d) (failure to protect a client's interests on termination of the representation), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Respondent, who at the time was caring for his terminally mother who was also his office manager, severely neglected a client seeking an expungement and another client on a criminal matter. Respondent also failed to cooperate with the disciplinary authorities investigating the matters. Christopher Josephson and Colleen M. Crocker represented District VII on disciplinary stipulations before the DRB, Hillary Horton represented the OAE at oral argument before the Supreme Court, and respondent was represented by Pamela Lynn Brause before the DRB and Joseph J. Benedict before the Supreme Court. The respondent was previously disciplined: Reprimanded in 2012 and 1998.

**Mikel D. Jones** – Disbarred by consent on January 19, 2017 (\_\_\_N.J.\_\_\_) after being convicted of multiple counts of wire and mail fraud, conspiracy, and money laundering. Andrea R. Fonseca-Romen handled the matter for the OAE and Orfelia M. Mayor of Florida, represented Respondent regarding the disbarment by consent.

**Danielle M. Joseph** – Reprimanded on a certified record on January 25, 2017 (227 N.J. 601) for violating *RPC* 1.3 (lack of diligence); *RPC* 1.4(b) (failure to communicate with client); and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). Peter James Hendricks represented the District VIII Ethics Committee and Danielle M. Joseph was pro se.

**Jaime Merrick Kaigh** – Reprimanded on a certified record on October 5, 2017 (231 N.J. 7) for violating *RPC* 1.3 (lack of diligence) and *RPC* 1.4(b) (failure to keep client reasonably informed about the status of matter and to promptly comply with reasonable requests for information) in failing to obtain an expungement for his client and *RPC* 8.1(b) (failure to respond to a lawful demand for information from a disciplinary authority) for failing to cooperate with the District IV Ethics Committee. Gilbert Scutti represented District IV and respondent was pro se.

**Andrew Ross Kaufman** - Disbarred by consent on March 29, 2017 (228 N.J. 309) for respondent's criminal conviction of one count of criminal conspiracy and one count of failure to make required disposition of funds received in the Philadelphia Court of Common Pleas. HoeChin Kim represented the OAE, and Jane A. Lorber represented the respondent. Respondent had been temporarily suspended since August 31, 2015.

**James William Kennedy** - Disbarred by consent on September 6, 2017, (230 N.J. 343) Respondent acknowledged that he knowingly misappropriated client trust account funds, and that if he went to a hearing on that matter, he could not successfully defend himself against those charges. Christina Blunda represented the OAEs and James Kennedy was pro se. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

**Regan C. Kenyon, Jr.** - Indeterminate suspension imposed on May 24, 2017, effective June 22, 2017 (229 N.J. 173) based on his guilty plea to third-degree attempted endangering the welfare of a child. Respondent engaged in online conversations with a law enforcement officer posing as a fourteen-year-old girl. Respondent sent images of, and links to, hardcore adult pornography, and arranged to meet with the child. Respondent did not appear at the meeting. Hillary Horton represented the OAE and Dominic J. Aprile represented respondent on a Motion for Final Discipline before the Supreme Court.

**Chong S. Kim** – Suspended for three months on January 11, 2017 (\_\_\_N.J.\_\_\_) for engaging in the following unethical conduct: Conflict of interest-business transaction with a client, in violation of *RPC* 1.8(a); recordkeeping violations, in violation of *RPC* 1.15(d) and Rule 1:21-6; false or misleading communication about the lawyer's services, or any matter in which the lawyer has or seeks a professional involvement, in violation of *RPC* 7.1(a); using a firm name, letterhead or other professional designation that violates *RPC* 7.1; and failing to indicate the jurisdictional limitations on lawyers not licensed to practice in the jurisdiction where the office is located, in violation of *RPC* 7.5(b). Respondent was also ordered to comply with the agreement to repay the loan in the Griffith matter, and provide proof of repayment to the OAE. Upon reinstatement to the practice of law, respondent is further required to submit to the OAE monthly reconciliations of his attorney accounts on a quarterly basis for a period of two years, and until further Order of the Court. Andrea R. Fonseca-Romen appeared before the DRB for the OAE and Respondent waived his appearance.

**Eric Alan Klein** - Disbarred on October 25, 2017 (231 N.J. 123) following his conviction in the United States District Court for the Southern District of New York to one count of conspiracy to defraud the United States, contrary to 18 U.S.C. § 371, and two counts of felony wire fraud, contrary to 18 U.S.C. § 371 and 1343. Respondent and his co-conspirator obtained hundreds of thousands of dollars by way of a fraudulent venture known as an “advanced fee scheme.” Hillary Horton represented the OAE on a motion for final discipline and respondent was pro se.

**Alfio S. Lanuto** - Reprimanded on February 8, 2017, (227 N.J. 568) for violating *RPC* 8.4(b) (conduct involving the commission of a criminal act that reflects adversely on honesty, trustworthiness or fitness as a lawyer). Christina Blunda represented the OAE and respondent was pro se.

**Frank A. Lauletta III** – Censured on March 9, 2017 (\_\_\_N.J. \_\_\_) for violating *RPC* 1.8(a) (engaging in improper business transaction with a client or improperly acquiring a possessory, security, or other pecuniary interest adverse to the client), *RPC* 4.1(a) (knowingly making a false statement of material fact or law to a third person, or failing to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). William Hildebrand represented District IV before the DRB and Carl Poplar represented respondent.

**Jay I. Lazerowitz** - Disbarred by consent on November 1, 2017 (231 N.J. 128) for the knowing misappropriation of client funds and practicing law while suspended. Steven J. Zweig handled the matter for the OAE and John P. Lacey represented respondent regarding the disbarment by consent.

The respondent was previously disciplined: Temporarily suspended in 2016. This matter was discovered solely as a result of the Random Audit Compliance Program.

**Mark Gerard Legato** – Indeterminate suspension on May 24, 2017, effective June 22, 2017 (229 *N.J.* 173), following his guilty plea in the Superior Court of New Jersey to third-degree attempted endangering the welfare of a child, contrary to N.J.S.A. 2C:5-1 and N.J.S.A. 2C:24-4(a). Isabel K. McGinty represented the OAE on a motion for final discipline and Robyn M. Hill represented the respondent.

**Joseph D. Lento** - Suspended for one year on April 26, 2017, effective July 17, 2013 (228 *N.J.* 526) for violating *RPC* 5.4(a) (sharing legal fees with non-lawyer), *RPC* 7.3(d) (compensating or giving anything of value to a person to recommend or secure the lawyer's employment by a client, or as a reward for having made a recommendation resulting in the lawyer's employment by a client), and *RPC* 8.4(a) (violating the *RPC*s). Respondent unethically sought to expand his practice in Pennsylvania by contacting various employees at the Criminal Justice Center, and attempting to recruit them to help him obtain new clients. Hillary Horton represented the OAE and Kenneth D. Aita represented respondent on a motion for reciprocal discipline before the Supreme Court.

**Harry J. Levant** - Disbarred by consent on March 24, 2017 (228 *N.J.* 237). Respondent acknowledged that he knowingly misappropriated client trust account funds, and that if he went to a hearing on that matter, he could not successfully defend himself against those charges. Al Garcia represented the OAE and John M. Hanamirian represented the respondent.

**Michael Levitis** - Disbarred on October 12, 2017 (231 *N.J.* 9) following respondent's conviction in the United States District Court, Eastern District of New York to knowingly and willfully making a false, fictitious and fraudulent statement and representation in a matter related to political fundraising, contrary to 18 U.S.C. § 1001 (a) (2), and his conviction in the United States District Court, Southern District of New York to conspire to commit mail and wire fraud, contrary to 18 U.S.C. § 1341 and 1343. Respondent ran a fraudulent debt settlement company that purported to provide debt-relief services but instead charged the clients fees, and collected funds without working on behalf of the clients. Hillary Horton represented the OAE on a motion for final discipline and respondent was pro se.

**Frank A. Louis** - Censured on January 25, 2017 (227 *N.J.* 566) for violating *RPC* 1.7(a)(2) (conflict of interest), *RPC* 8.4(b) (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 *RPC* 8.4(d) (conduct prejudicial to the administration of justice). The respondent

used the stationery of another attorney and forged that attorney's name in representing a Superior Court judge in a personal matter in order to avoid appearing on the judge's conflict list. HoeChin Kim represented the OAE and Justin Walder represented the respondent before the DRB.

**Amy Machado** - Permanently barred from appearing *pro hac vice* in New Jersey on July 20, 2017 (230 *N.J.* 236) for violating *RPC* 3.3(a)(1) (lack of candor to a tribunal), *RPC* 5.5(a)(1) (unauthorized practice of law), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Charles Centinaro certified the record to the DRB for the OAE after respondent failed to answer the complaint.

**James P. Madden** - Disbarred on a certified record on January 4, 2017 (227 *N.J.* 319) for violating *RPC* 1.4(b) (failure to communicate with the client); *RPC* 1.8(a) (conflict of interest – improper business transaction with a client); *RPC* 1.15(a) (failure to safeguard funds and knowing misappropriation of funds); *RPC* 1.15(b) (failure to promptly disburse funds to a client); *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping violations); *RPC* 8.1(a) (false statements to a disciplinary authority); *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation); *RPC* 8.4(d) (conduct prejudicial to the administration of justice), Rule 1:20-20 (failure to file affidavit of compliance) and the principles of In re Wilson, 81 *N.J.* 451 (1979) and In re Hollendonner, 102 *N.J.* 21 (1985). Jason D. Saunders represented the OAE and respondent was *pro se*. The respondent was previously disciplined: Temporarily suspended in 2015. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

**Christopher M. Manganello** – Censured by consent on May 19, 2017 (229 *N.J.* 116) for violating *RPC* 1.3 (lack of diligence), *RPC* 1.4(c) (failure to explain the matter to allow the client to make informed decisions about the representation), *RPC* 1.5(b) (failure to memorialize the rate or basis of the fee), *RPC* 1.16(d) (failure to return the client's file), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Although the parties had stipulated to respondent's violating *RPC* 3.2 (failure to expedite litigation), the DRB dismissed that charge. Maria DeTitto represented District IV and respondent was pro se.

**Pasquale Marago** - Reprimanded on June 19, 2017 (229 *N.J.* 338) for violating *RPC* 1.7 (concurrent conflict of interest) and *RPC* 1.8(a) (improper business transaction with a client); *RPC* 1.15(a) (negligent misappropriation of client funds and failure to safeguard funds), and *RPC* 1.15(d) and R. 1:21-6(c)(1)(H) (recordkeeping violations). Steven J. Zweig represented the OAE and respondent was pro se on a motion for discipline by consent granted by the DRB. This case was discovered solely as a result of the Trust Overdraft Notification Program.



**Isadore H. May** - Suspended for three years on July 20, 2017, effective May 10, 2012 (230 *N.J.* 56) based on his guilty plea in the United States District Court for the District of New Jersey to Sherman Act Conspiracy, in violation of 15 U.S.C. §1, for engaging in bid rigging at municipal tax lien auctions. Respondent's conduct that violated *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the attorney's honesty, trustworthiness, or fitness as a lawyer), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation). Deputy Ethics Counsel Reid Adler represented the OAE and respondent was pro-se on a Motion for Final Discipline granted by the DRB.

**Brian McDevitt** - Suspended for six-months on November 1, 2017 (231 *N.J.* 126) for violating *RPC* 1.2(d) (counseling or assisting in conduct that the lawyer knows is illegal, criminal or fraudulent), *RPC* 1.7(a) (concurrent conflict of interest), *RPC* 3.3(a)(1), *RPC* 3.3(a)(4), *RPC* 3.3(a)(5) (lack of candor to a tribunal), *RPC* 4.1(a)(1) (making a false statement of material fact of law to a third person), *RPC* 8.1(a) (knowingly making a false statement of material fact in connection with a disciplinary matter), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Christina Blunda represented the OAE and respondent was pro se on a motion for discipline by consent granted by the DRB.

**Andrew T. McDonald** - Censured on June 1, 2017 (\_\_\_N.J.---) for violating *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to promptly respond to reasonable requests for information), *RPC* 1.16(a)(2) (failure to terminate the representation when his physical or mental condition materially impaired his ability to represent the client), *RPC* 3.2 (failure to treat others involved in the legal process with courtesy and consideration), *RPC* 3.4(c) (disobeying an obligation under the rules of a tribunal), *RPC* 5.4(a) (improper law partnership with a non-lawyer), *RPC* 5.5(a)(1) (practicing law while ineligible), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). The Court also ordered that the respondent submit to the OAE proof of his fitness to practice law as attested by a mental health professional approved by the OAE and to continue to attend Alcoholics Anonymous or such other program on a regular basis for a period of two years and until further Order of the Court. Christina Blunda Kennedy represented the OAE and Andrew T. McDonald appeared pro se on a motion for discipline by consent granted by the DRB.

**Omotayo F. Mebude** - Reprimanded on July 28, 2017 (\_\_\_N.J.---) for violating *RPC* 1.1(a) (gross negligence), *RPC* 1.3 (lack of diligence), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation). Lindsay A. Dischley represented District VA and respondent was represented by Keith Anderson.

**Donald J. Meliado, Jr.** – Disbarred by consent on July 14, 2017 (230 *N.J.* 49), after respondent acknowledged that he could not successfully defend himself against seven counts of knowing misappropriation in a complaint filed by the OAE under Docket Nos. XIV-2015-0140E, XIV-2015-0312E, and XIV-2016-0576E. Andrea R. Fonseca-Romen handled the matter for the OAE and Robert Ramsey represented respondent regarding the disbarment by consent. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

**Craig R. Mitnick** - Reprimanded on November 13, 2017, (231 *N.J.* 133) for violating *RPC* 1.15(a) (negligent misappropriation and commingling), *RPC* 1.5(d), and Rule 1:21-6 (recordkeeping violations). Reid Adler represented the OAE and Robert Ramsey represented respondent 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.

**Benjamin Morton** - Reprimanded on November 1, 2017 (231 *N.J.* 130). The parties agreed that Respondent's conduct violated *RPC* 1.15(d) (failure to comply with the recordkeeping requirements of Rule 1:21-6). Ashley L. Turner represented District VA and respondent was pro se on a motion for discipline by consent granted by the DRB. The respondent was previously disciplined: Suspended for three months in 2015.

**Keith O. Moses** - Censured on February 10, 2017, (227 *N.J.* 627) for violating *RPC* 8.1(b) (failure to cooperate with disciplinary authorities) by failing to reply to the grievance or supply his client's file. Maria P. Vallejo appeared before the DRB for District VI and respondent appeared pro se. The respondent was previously disciplined: Censured in 2016; suspended for three months in 2014; reprimanded in 2013 and 2011; temporarily suspended in 2012; and admonished in 2002.

**Mary R. Mott** – Suspended for six months on October 26, 2017, effective November 20, 2017, (231 *N.J.* 22) and barred from serving as a municipal prosecutor for five years for violating *RPC* 1.7(a)(2) (engaging in a conflict of interest); *RPC* 1.16(a) (failing to decline or terminate representation in violation of the RPCs); *RPC* 3.1 (asserting an issue with no basis in law or fact); *RPC* 3.3(a)(1) (knowingly making a false statement of material fact or law to a tribunal); *RPC* 3.3(a)(4) and (5) (candor toward a tribunal); *RPC* 8.1(a) (false statements to disciplinary authorities); and *RPC* 8.4(a), (c) and (d) (false swearing). Isabel K. McGinty appeared before the DRB for the OAE and John McGill, III appeared for respondent.

**John J. Murray, Jr.** – Reprimanded on a certified record on December 8, 2017 (231 *N.J.* 232) in two matters. The first

involved an investigation into an overdraft of his attorney trust account resulting in a violation of *RPC* 1.15(d) (recordkeeping violations) and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). The second investigation resulted in another violation of *RPC* 8.1(b) (failure to cooperate with disciplinary authorities) for Respondent's failure to cooperate. HoeChin Kim represented the OAE and respondent was pro se. The first matter was discovered solely as a result of the Trust Overdraft Notification Program.

**Heli Marjo Myyrylainen** - Reprimanded on May 24, 2017 (\_\_\_N.J. \_\_\_) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to communicate), *RPC* 1.15(a) (negligent misappropriation of trust funds), *RPC* 1.15(b) (failure to safeguard funds), and *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping violations). Steven Zweig represented the OAE and respondent was pro se on a motion for discipline by consent granted by the DRB.

**Nestor Nebab, Jr.** - Disbarred by consent on January 24, 2017 (227 *N.J.* 600) for the knowing misappropriation of trust funds. Michael J. Sweeney represented the OAE and respondent was represented by Marc D. Garfinkle. This matter was discovered solely as a result of the Random Audit Compliance Program.

**Matthew S. Neugeboren** - Disbarred on October 13, 2017 (231 *N.J.* 14) following his conviction in the United States District Court for the District of New Jersey to one count of wire fraud, contrary to 18 U.S.C. § 1343, and one count of tax fraud, contrary to 18 U.S.C. § 7206. Respondent was in-house counsel to a business, and he admitted that he fraudulently used funds from the business to fuel his gambling addiction. Respondent also knowingly omitted \$630,000 in gross income from his 2011 federal tax return. Hillary Horton represented the OAE on a motion for final discipline and respondent was pro se.

**Tobin G. Nilsen** - Disbarred on June 15, 2017, effective immediately (229 *N.J.* 333) following his federal court conviction to use of a computer to entice a minor to engage in sexual activity, in violation of 18 U.S.C. §2422(b), and his state court conviction to second-degree attempted child luring, in violation of N.J.S.A. 2C:5-1 and 2C:13-16, conduct that violates *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 purchased an airline ticket to travel from New Jersey to Atlanta to meet up with a person he believed to be the 32-year-old mother of a nine-year-old girl living in the Atlanta area willing to permit respondent to engage in sexual activity with her daughter. Prior to his scheduled flight, he was arrested by New Jersey law enforcement officers for soliciting a different mother-daughter pair for sexual activity. Hillary Horton represented

the OAE on a motion for final discipline and respondent was pro se.

**Sergei Orel** - Admonished on February 23, 2017 (*Unreported*) for violating *RPC* 1.3 (lack of diligence) for inadequate representation of a client in an immigration matter, and failing to promptly return the file following the termination of the representation. Bianca Pereiras represented the District VI Ethics Committee and respondent was pro se.

**Dean I. Orloff** – Disbarred on January 4, 2017 (227 *N.J.* 321) for the knowing misappropriation of client funds, contrary to *RPC* 1.15(a) (knowing misappropriation; *RPC* 1.15(b) (failure to promptly disburse funds to client or third party); *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). Respondent also violated *RPC* 1.4(b) (failure to communicate with client). Hillary Horton represented the OAE and respondent was pro se on a motion for reciprocal discipline.

**Nancy I. Oxfeld** - Suspended for three months effective November 3, 2017 (231 *N.J.* 5) for violating *RPC* 1.3 (lack of diligence), and *RPC* 1.4(b) (failure to keep a client reasonably informed about the status of a matter). Deborah Fineman appeared before the DRB for District VA and respondent waived appearance. The respondent was previously disciplined: Censured in 2009; reprimanded in 2005; and admonished in 2001 and 1995.

**Michael Palmer** - Disbarred by consent on April 26, 2017, (228 *N.J.* 528) following his conviction in the State of New Jersey for violation of N.J.S.A. 2C:21-25 b(2), Financial Facilitation of Criminal Activity and N.J.S.A. 2C:20-4a, Theft by Deception and N.J.S.A. 2C:5-2, Conspiracy. Christina Blunda represented the OAE and respondent was pro se. The respondent was previously disciplined: Temporarily suspended in 2015 and admonished in 2008.

**Chirayu A. Patel** - Disbarred on October 13, 2017 (231 *N.J.* 15) for the knowing misappropriation of client funds in violation of *RPC* 1.15(a) and the principles of In re Wilson, 81 *N.J.* 451 (1979) and In re Hollendonner, 102 *N.J.* 21 (1985); *RPC* 1.15(b) (failure to promptly deliver funds to a client or third party having an interest in the funds); *RPC* 8.1(b) (knowingly making false statements of material fact to a disciplinary authority); *RPC* 8.4(b) (engaging in criminal conduct that adversely reflects on a lawyer's honesty, trustworthiness or fitness as a lawyer); and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Respondent solicited loans from his client in order to fund business ventures when in reality respondent intended to use the money not to invest in new business opportunities for his client but to repay other investors in previous unsuccessful business ventures. Missy

Urban and Hillary Horton represented the OAE and John McGill, III, represented respondent. The respondent was previously disciplined: Reprimanded in 2005.

**Alex Pavliv** - Reprimanded on September 28, 2017 (230 *N.J.* 459) for violating *RPC* 1.5(c) (improper calculation of contingent fee and failing to provide the client with an accurate settlement statement on conclusion of a contingent fee matter), *RPC* 1.15(d) and R. 1:21-6(d) (recordkeeping violations). Steven J. Zweig represented the OAE and Marc D. Garfinkle represented the 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.

**Benjamin H. Perkel** – Suspended for three months on January 12, 2017, effective May 27, 2015 (\_\_\_N.J.---), on a motion for reciprocal discipline granted by the DRB following respondent’s suspension in Pennsylvania for two years, retroactive to June 12, 2014, for his violation of the Pennsylvania equivalents of New Jersey *RPC* 1.5(a) (unreasonable fee); *RPC* 4.1(a)(1) (making a false statement of material fact or law to a third person); *RPC* 8.4(a) (violating the *RPC*s); and *RPC* (8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Jason D. Saunders appeared before the DRB for the OAE and respondent appeared pro se.

**Jeffrey R. Pocaro** - Suspended for three years on September 11, 2017, effective October 12, 2017 (230 *N.J.* 380) for violating *RPC* 1.4(c) (failing to explain a matter to the extent reasonably necessary to permit the client to make an informed decision about the representation), *RPC* 1.6(a) (improperly revealing confidential information), *RPC* 1.7(a) (concurrent conflict of interest), *RPC* 1.8(b) (using information relating to the representation of one client to the disadvantage of the client), *RPC* 1.8(f) (accepting compensation for representing a client from another person), *RPC* 5.4(c) (permitting a person who pays for legal services for another to direct or regulate the lawyer’s professional judgment in rendering the legal services), *RPC* 5.5(a)(1) (unauthorized practice of law), *RPC* 8.4(d), R. 1:20-16, and R.1:20-20 (conduct prejudicial to the administration of justice) Glen J. Vida represented the District XII Ethics Committee and Jason D. Saunders represented the OAE. Respondent was pro se. Respondent was previously disciplined: Suspended for three months in 2014, censured in 2013 and 2006 and suspended for three months in 1995.

**Ksenia V. Proskurchenko** - No additional discipline, on April 6, 2017 (228 *N.J.* 466), for respondent’s violations of *RPC* 1.15(b) (failure to promptly deliver funds to a client or third person) and *RPC* 8.1(b) and R. 1:20-3(g)(3) (failure to respond to a lawful demand for information from a disciplinary authority and failure to cooperate in an ethics investigation), as those violations were committed during the

same time period for which Respondent already had been suspended for six months. Respondent is required to disburse the sum of \$625.27 to James Haggerty within forty-five days of the filing of the Order. HoeChin Kim represented the OAE, and respondent was represented by Warren J. Martin, Jr. Respondent was previously disciplined: Suspended for six months in 2016 and censured in 2015.

**Victor K. Rabbat** - Suspended for three years on March 22, 2017, effective April 8, 2017 (228 *N.J.* 274) for violating *RPC* 1.15(a) (misappropriation of client funds) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation). While investigating a trust overdraft notification involving respondent’s law firm, the OAE discovered numerous instances of misappropriation, which it classified as knowing misappropriation of client funds. The Special Master so found. The DRB agreed and recommended that respondent be disbarred. The Court in its Order “excluded from its consideration” the allegation of knowing misappropriation pertaining to the check which first instituted the overdraft notification. Then, upon de novo review, the Court found that the hearing record established only negligent misappropriation of client funds in the other instances. Hillary Horton represented the OAE and Bernard K. Freamon represented respondent before the Supreme Court. The respondent was previously disciplined: Admonished in 2012. This matter was discovered as a result of the Trust Overdraft Notification Program.

**Brian H. Reis** - Disbarred on September 28, 2017 (230 *N.J.* 460) following his guilty plea to one count of first-degree scheme to defraud, in violation of New York Penal Law §190.65(1)(b), and one count of second-degree grand larceny, in violation of New York Penal Law §155.40(1). Respondent’s criminal conduct was found to violate *RPC* 1.15(a) (knowing misappropriation); *RPC* 8.4(b) (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 stated in In re Wilson, 81 *N.J.* 451 (1979), and In re Hollendonner, 102 *N.J.* 21 (1985). Hillary Horton represented the OAE on a motion for final discipline and respondent was pro se.

**John T. Rihacek** - Reprimanded on September 28, 2017 (230 *N.J.* 458) for violating *RPC* 1.5(a) (unreasonable fee), *RPC* 1.5(c) (improper calculation of contingent fee and failing to provide the client with an accurate settlement on conclusion of a contingent fee matter), *RPC* 1.14(a) (negligent misappropriation of client trust funds) and *RPC* 1.15(d) and R. 1:21-6(d) (recordkeeping violations). Steven J. Zweig represented the OAE and Marc D. Garfinkle represented the 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.

**Richard M. Roberts** - Suspended for three years on September 11, 2017 (230 *N.J.* 378) for violating *RPC* 1.15 (a) (failure to safeguard client funds), *RPC* 1.15(b) (failure to properly disburse client funds), *RPC* 1.15 (d) and Rule 1:21-6 (recordkeeping violations), *RPC* 5.3 (a), (b), (c) (failure to supervise a non-attorney employee), *RPC* 5.5 (a) (unauthorized practice of law), *RPC* 8.1 (b) (failure to cooperate with ethics authorities), and *RPC* 8.4 (d) (failure to comply with Rule 1:20-20). Al Garcia, Deputy Ethics Counsel represented Office of Attorney Ethics and Respondent was pro-se. Respondent was previously disciplined: Temporarily suspended in 2015 and 2016; suspended for three months in 2015; censured in 2009 and admonished in 2002.

**Cheri S. Williams Robinson** - Suspended for one year on May 22, 2017, effective immediately, (229 *N.J.* 131) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4(b) (failure to keep the client reasonably informed about the status of a matter and promptly comply with reasonable requests for information), *RPC* 1.4(c) (failure to explain the matter to the extent reasonably necessary to permit the client to make informed decisions regarding representation), *RPC* 1.5(a) (charging an unreasonable fee), *RPC* 1.15(a) (failure to safeguard client funds), *RPC* 1.15(b) (failure to promptly deliver funds or property to client or third party to which they are entitled), *RPC* 1.15(c) (failure to keep separate funds in which the attorney and a third party claim an interest), and *RPC* 1.16(d) (failure to refund advance fee). Hillary Horton represented the OAE and respondent did not appear before the DRB or the Supreme Court on the motion for reciprocal discipline. The respondent was previously disciplined: Suspended for three months in 2016 and reprimanded in 2015.

**Angela M. Roper** - Censured on September 11, 2017 (230 *N.J.* 379) for Respondent's violations of *RPC* 1.7(a)(2) (conflict of interest with a client), *RPC* 1.10(a) (imputation of conflict of interest), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). HoeChin Kim represented the OAE, and respondent was pro se.

**Joseph I. Rosenzweig** – Suspended for six months on November 17, 2017, effective November 17, 2014, (231 *N.J.* 158) based on discipline imposed in the State of New York that in New Jersey constitutes violations of *RPC* 8.4 (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Christina Blunda represented the OAE and Kim D. Ringler represented the respondent on a motion for reciprocal discipline granted by the DRB.

**Steven H. Salami** - Censured on March 30, 2017 (228 *N.J.* 277), following his guilty plea to simple assault in violation

of N.J.S.A. 2C:12-1(a)(1), unethical conduct that violates *RPC* 8.4(b) (commission of a criminal act that reflects adversely on honesty, trustworthiness or fitness as a lawyer). Jason D. Saunders represented the OAE on a motion for final discipline and Gerard E. Hanlon represented respondent. The respondent was previously disciplined: Admonished in 2015.

**Gerald M. Saluti** – Disbarred on May 17, 2017 (229 *N.J.* 114) 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), *RPC* 1.5 (b) (failure to communicate in writing the basis or rate of fee), *RPC* 1.15 (a) (failure to safeguard client funds), *RPC* 1.15 (b) (failure to promptly disburse funds to clients), *RPC* 1.15 (d) (recordkeeping violations), *RPC* 3.3 (a)(1) (misrepresentation to a tribunal), *RPC* 5.3 (c) (3) (failure to make reasonable investigation of circumstances that would disclose past instances of conduct by a nonlawyer incompatible with the professional obligations of a lawyer), *RPC* 5.5 (a) (unauthorized practice of law, based on violation of Rule 1:21-1C(a) (3) (b)), and *RPC* 8.4 (c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Al Garcia appeared before the Supreme Court for the OAE and respondent failed to appear.

**Eric Salzman** - Suspended for two years on October 4, 2017 (231 *N.J.* 2) following his guilty pleas in New Jersey Superior Court to a disorderly persons charge of loitering to obtain controlled dangerous substance, contrary to N.J.S.A. 2C:33-2.1(b), and a charge of third-degree conspiracy to possess a controlled dangerous substance, contrary to N.J.S.A. 2C:35-10(a)(1) and N.J.S.A. 2C:5-2. Respondent's reinstatement is to be conditioned upon his compliance with monitoring and substance abuse controls. Hillary Horton represented the OAE on the motion for final discipline and respondent was pro se. The respondent was previously disciplined: Admonished in 2015.

**David N. Samson** - Disbarred by consent on May 25, 2017 (     *N.J.*     ) following his plea of guilty in the United States District Court for the District of New Jersey to an Information charging him with knowingly and corruptly soliciting, demanding, accepting and agreeing to accept something of value, intending to be influenced and rewarded in connection with the business, a transaction, and a series of transactions of the Port Authority of New York and New Jersey, in violation of Title 18, United States Code, Section 666(a)(1)(B). Respondent was temporarily suspended as of July 28, 2016. Jason D. Saunders represented the OAE and respondent was represented by Justin P. Walder.

**Richard D. Schibell** - Censured on September 21, 2017 (230 *N.J.* 455) for violating *RPC* 1.15(a) (commingling), *RPC* 1.15(d) and Rule 1:21-6 recordkeeping, *RPC* 8.1(a) (knowingly making false statements of material fact in connection with a disciplinary matter), and *RPC* 8.4(c)



(conduct involving dishonesty, fraud, deceit, or misrepresentation). Andrea R. Fonseca-Romen represented the OAE before the DRB and Walton W. Kingsbery, III represented the respondent. This case was discovered solely as a result of the Trust Overdraft Notification Program.

**Marc B. Schram** - Censured on a discipline by consent on July 7, 2017 (229 *N.J.* 519) for violating *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the lawyers' honesty, trustworthiness or fitness as a lawyer). Jason D. Saunders represented the OAE and Marc D. Garfinkle represented respondent.

**Sean R. Sexton** - Censured on a certified record on December 8, 2017 (231 *N.J.* 192) for practicing law while ineligible to do so, in violation of *RPC* 5.5(a)(1). While ineligible to practice law for his failures to comply with his obligation to the New Jersey Lawyers' Fund for Client Protection and with his CLE requirements, on April 16, 2015, respondent represented a client in a domestic violence matter in the Superior Court of New Jersey, Hudson County. Karina D. Fuentes represented District VB and respondent was pro se.

**Anthony D. Seymour** - Censured on August 11, 2017 (230 *N.J.* 339) for violating *RPC* 1.5(a) (unreasonable fee), *RPC* 1.5(b) (failure to communicate in writing the basis or rate of the fee) and *RPC* 1.7(a) (concurrent conflict of interest). Jason D. Saunders represented the OAE and Adam J. Adrignolo represented respondent on a motion for discipline by consent granted by the DRB.

**Yana Shtindler** -Suspended for one year on January 12, 2017, retroactive to September 30, 2013 (    *N.J.*), the date which she became administratively ineligible to practice law in New Jersey, for engaging in the following unethical conduct in New York: failing to safeguard funds, in violation of *RPC* 1.15(a); recordkeeping violations, in violation of *RPC* 1.15(d); failing to supervise a non-lawyer assistant, in violation of *RPC* 5.3(a); knowingly making false statement of material fact in connection with a disciplinary matter, in violation of *RPC* 8.1(a); conduct involving dishonesty, fraud, deceit, or misrepresentation, in violation of *RPC* 8.4(c); conduct prejudicial to the administration of justice, in violation of *RPC* 8.4(d); and authorizing a non-lawyer to be a signatory on a trust account, in violation of Rule 1:21-6(c)(1)(A). Andrea R. Fonseca-Romen appeared before the Supreme Court for the OAE and Kim D. Ringler appeared on behalf of respondent.

**Todd C. Sicklinger** - Suspended for three months on May 4, 2017 (228 *N.J.* 525), on a motion for final discipline based on Respondent's 2010 conviction of lewdness and years-long pattern of inappropriate sexual 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). Respondent's New Jersey license was administratively revoked on 9/30/13 because of his administrative ineligibility for seven consecutive years. If Respondent applies for readmission to the bar of this State, his readmission shall be withheld for three months and he shall submit proof to the OAE of his sobriety and fitness to practice law as attested to by a mental health professional approved by the OAE. Jason D. Saunders represented the OAE and Respondent did not respond to the OAE's motion for final discipline.

**Ronald P. Sierzega** - Reprimanded on July 7, 2017, (229 *N.J.* 517) based on respondent's conviction in the Superior Court of New Jersey to cruelty and neglect of a child, a fourth degree crime, in violation of N.J.S.A. 9:6-03, conduct that violates *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer). Al Garcia appeared before the DRB for the OAE and Robert N. Agre appeared on behalf of respondent.

**Sanford F. Solny** - Suspended for two years on July 7, 2017, effective immediately (229 *N.J.* 516) following his New York misconduct that violated *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Respondent improperly used a springing, durable power of attorney to transfer approximately \$600,000 belonging to his uncle to respondent's personal accounts in the weeks preceding his uncle's death. Respondent perpetrated a fraud against the banks that held his uncle's money, and against his uncle's estate. Hillary Horton represented the OAE and respondent was pro se on the motion for reciprocal discipline. Respondent did not appear for oral argument before the DRB or the Court.

**Paul W. Sonstein** - Admonished on April 25, 2017 (*Unreported*) for violating *RPC* 1.5(b) (when a lawyer had not regularly represented a client, the basis or rate of the fee shall be communicated in writing). Melissa Jennifer Brown represented the District IV Ethics Committee and respondent was pro se. Respondent was previously disciplined: Censured in 2003 and suspended for three months in 2002.

**Wilson Soto** - Reprimanded on May 18, 2017 (229 *N.J.* 115), based on discipline imposed in New York for unethical conduct that in New Jersey constitutes violations of *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the lawyers' honesty, trustworthiness or fitness as a lawyer in other respects), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation) by engaging in conduct involving a false election affidavit. Respondent's New Jersey license was administratively revoked on 8/24/14 because of his administrative ineligibility for seven consecutive years. Jason D. Saunders represented the OAE on a motion for final discipline and respondent was pro se.

**Robert W. Stein** - Suspended for three years on July 20, 2017, effective May 9, 2012 (230 *N.J.* 57) based on his guilty plea in the United States District Court for the District of New Jersey to Sherman Act Conspiracy, in violation of 15 U.S.C. §1, for engaging in bid rigging at municipal tax lien auctions. Respondent's conduct that violated *RPC* 8.4(b) (commission of a criminal act that reflects adversely on the attorney'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 Kim Ringler represented the respondent on a Motion for Discipline by Consent granted by the DRB.

**J. Elliott Stolz** - Censured on a discipline by consent on June 1, 2017 (\_\_\_*N.J.*\_\_\_) for violating *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), *RPC* 8.4(d) (conduct prejudicial to the administration of justice), and Rule 1:20-20 (rule imposing certain restrictions on suspended attorneys) by continuing to use his name in law firm operations during a period of suspension. Jason D. Saunders represented the OAE and respondent was pro se.

**David S. Sussman** - Disbarred by consent on February 7, 2017 (\_\_\_*N.J.*\_\_\_) for the knowing misappropriation of trust funds. Michael J. Sweeney represented the OAE and Respondent was represented by Keith R. Campbell. Respondent was previously disciplined: Temporarily suspended in 2017. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

**Craig C. Swenson** - Admonished on January 20, 2017 (*Unreported*) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), and *RPC* 1.4(b) (failure to keep a client informed about the status of a matter) in workers' compensation matters. Steven J. Zweig represented the OAE and Edward W. Cillick represented the respondent on a disciplinary stipulation before the DRB.

**Thomas A. Szymanski** - Disbarred by consent on July 14, 2017 (230 *N.J.* 48) for the knowing misappropriation of trust funds. Jason D. Saunders represented the OAE and Respondent was represented by Richard M. Rosa. Respondent was previously temporarily suspended in 2017 and 2012. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

**Mitchel Tarter** - Suspended for six months on September 13, 2017, (230 *N.J.* 388) for violating *RPC* 1.4(b) failure to communicate with client, *RPC* 1.16(a)(2) prohibiting the representation of a client if the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client, *RPC* 1.16(d) failure to protect client's interests on termination of the representation, *RPC* 5.4(a) sharing legal fees with a nonlawyer, *RPC* 7.2(c) giving something of value to a person for recommending the lawyer's services, other than by advertising, *RPC* 8.1(b) failure to cooperate with

disciplinary authorities and *RPC* 8.4(d) prejudicial to the administration of justice. Christina Blunda Kennedy represented the Office of Attorney Ethics and Mitchel Tarter was pro se. The respondent was previously disciplined: Suspended for three months in 2014 and temporarily suspended in 2013.

**Thomas J. Taylor** - Reprimanded by consent on May 22, 2017, (229 *N.J.* 329) for violating *RPC* 1.4(b) (failure to communicate), *RPC* 1.16(d) (on termination of representation, failure to take steps to the extent reasonably practicable to protect a client's interest), *RPC* 3.3(a)(5) (failure to disclose a material fact to the tribunal, knowing that the omission is reasonably certain to mislead the tribunal), *RPC* 3.4 (c) (knowingly disobeying an obligation under the rules of a tribunal), *RPC* 5.5(a)(1) (practicing law while ineligible), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), Ann F. Kiernan represented the District VIII Ethics Committee and respondent was pro se.

**Kenneth S. Thyne** - Reprimanded on September 11, 2017 (230 *N.J.* 377) for respondent's violations of *RPC* 1.7(a)(2) (conflict of interest with a client), *RPC* 1.10(a) (imputation of conflict of interest), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). HoeChin Kim represented the OAE, and respondent was pro se. Respondent was previously disciplined: Reprimanded in 2013.

**David E. Tider** - Censured on November 17, 2017 (231 *N.J.* 164) for violating *RPC* 1.6(a) (revealing information relating to the representation without the client's consent), *RPC* 1.8(a) (prohibited business transaction with a client), *RPC* 1.8(b) (using information relating to the representation to the disadvantage of a client), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Christina Blunda appeared before the DRB for the OAE and respondent waived appearance.

**William J. Torre** - Reprimanded on June 1, 2017 (\_\_\_*N.J.*\_\_\_) for violating *RPC* 1.15(a) (failure to safeguard funds and negligent misappropriation of client funds), *RPC* 1.15(d) and Rule 1:21-6 (recordkeeping violations), and *RPC* 8.1(b) (failure to cooperate with disciplinary authorities). HoeChin Kim represented the OAE and Gerard E. Hanlon represented respondent on a motion for discipline by consent granted by the DRB. Respondent was previously disciplined: Suspended for one year in 2015, effective January 16, 2016. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

**Gregg D. Trautmann** - Suspended on July 13, 2017, effective August 14, 2017, (230 *N.J.* 45) for violating *RPC* 1.5(b) (failure to provide the basis or rate of fee in writing to the client), *RPC* 1.7(a) (concurrent conflict of interest), *RPC*

1.8(a) (entering into a prohibited business transaction with a client), *RPC* 8.4(a) (knowingly violating or attempting to violate the *RPCs*), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Catherine Romania represented District XA and Respondent was pro se on a motion for discipline by consent granted by the DRB.

**Falvio B. Van Boekel** - Admonished on October 23, 2017 (*Unreported*) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.4 (b) (failing to keep client reasonably informed about the status of a matter and promptly comply with reasonable requests for information) and (c) (failing to explain the matter to the extent reasonably necessary to permit the client to make informed decisions about the representation). Richard Bernstein represented the District VA Ethics Committee and Zachary D. Wellbrock represented respondent on a Stipulation of Discipline by Consent before the DRB.

**Todd Davis Van Siclen** - Suspended for two years effective November 3, 2017, (231 *N.J.* 6) based on discipline imposed in the State of New York for unethical conduct that in New Jersey constitutes violations of *RPC* 1.7 (a) (2) (prohibiting a lawyer from representing a client if there is a significant risk that the representation 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), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Reid Adler represented the OAE before the DRB and respondent was pro se.

**Richard Joseph Vapnar** – Suspended for one year on November 17, 2017 (231 *N.J.* 161) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.1(b) (pattern of neglect), *RPC* 1.4(c) (failure to explain matter to the extent reasonably necessary to permit the client to make an informed decision regarding the representation), *RPC* 3.3(a)(1) (lack of candor toward a tribunal), *RPC* 4.1(a)(1) (making a false statement of material fact or law to a third person), *RPC* 8.1(a) (knowingly making a false statement in connection with a disciplinary matter) and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation). Richard John Botos appeared before the DRB for District XII and respondent appeared pro se.

**Joseph A. Vena** - Reprimanded on January 11, 2017, (*N.J.*) for violating *RPC* 1.4(b) (failure to communicate with the client), *RPC* 1.4(c) (failure to explain a matter to a client to the extent reasonably necessary to permit the client to make informed decisions regarding the representation), *RPC* 1.16(a)(3) (failure to withdraw from representation on discharge by client), *RPC* 3.3(a)(1) (false statement of material fact or law to a tribunal), *RPC* 3.3(a)(5) (failure to disclose a material fact to a tribunal, knowing that the omission is reasonably certain to mislead the tribunal), *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation), *RPC* 8.4(d) (conduct prejudicial to the

administration of justice), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities) and Rule 1:20-3(g)(3). The record was certified and respondent's motion to vacate the default was denied. Carolann M. Aschoff represented District VI Ethics Committee and respondent was pro se.

**Gustavo L. Vila** - Disbarred by consent April 3, 2017 (*N.J.* \_\_\_), following his disbarment in New York based on his guilty plea in the Supreme Court, Westchester County, to one count of grand larceny in the third degree, a class D felony, in violation of Penal Law §155.35 stemming from a real estate transaction. Respondent was notified by the OAE that a case had been docketed against him and Respondent advised that he wished to consent to disbarment. Jason D. Saunders represented the OAE and Marc Garfinkle represented respondent.

**Frank A. Viteritto** - Suspended for two years on two certified records on January 6, 2017 (*N.J.* \_\_\_) for unethical conduct charged in three formal complaints, specifically, *RPC* 1.5(b) (failure to set forth in writing the basis or rate of a fee), *RPC* 3.3(a)(1) (false statement of fact to a tribunal), *RPC* 5.5(a) (practicing law while suspended), Rule 1:20-20(b)(1), (3), (4) and (6) (rules governing suspended attorneys), *RPC* 8.1(b) (failure to cooperate with disciplinary authorities) and Rule 1:20-3(g)(3), *RPC* 8.4(a) (violating or attempting to violate the *RPCs*), *RPC* 8.4(b) (committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice). Although the DRB had recommended a one-year suspension, per In re Kivler, 193 *N.J.* 332 (2008), the Supreme Court enhanced the sanction for respondent's unexcused failure to comply with its Order to Show Cause. HoeChin Kim appeared before the Supreme Court for the OAE, and respondent failed to appear. Respondent was previously disciplined: Temporarily suspended in 2012.

**Alexander D. Walter** - Disbarred on May 24, 2017, effective immediately, (229 *N.J.* 173) following his third-degree endangering the welfare of a child conviction. Respondent admitted masturbating multiple times in the presence of a nine-year-old child who had been residing in his home. Hillary Horton represented the OAE and Frederick J. Dennehy represented respondent on a Motion for Final Discipline before the Supreme Court.

**Gordon A. Washington** – Retroactively suspended for one year (from May 26, 2010 to May 25, 2011) on November 21, 2017 (231 *N.J.* 163) for violating *RPC* 1.1(a) (gross neglect), *RPC* 1.3 (lack of diligence), *RPC* 1.5(b) (failing to set forth, in writing, the basis or rate of the fee), *RPC* 1.7(a)(1) (conflict of interest), *RPC* 5.3(a) (failure to supervise a nonlawyer), *RPC* 1.15(b) (failure to promptly deliver funds or other property to the client or a third person), *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), and *RPC* 8.4(c) (conduct involving dishonesty, fraud, deceit or misrepresentation. HoeChin Kim represented the OAE and respondent was pro se. Respondent was previously disciplined: Censured in 2011, temporarily suspended with the respondent's consent effective May 26, 2010 (he was reinstated effective December 10, 2015), and admonished in 2006.

**Martin S. Weisberg** - Admonished on February 23, 2017 (*Unreported*) for violating *RPC* 5.5(a)(1) (lawyer shall not practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction) by practicing law in Pennsylvania while administratively suspended in that jurisdiction. HoeChin Kim represented the OAE and respondent was pro se on a disciplinary stipulation before the DRB.

**Marc M. Weissman** - Admonished on June 19, 2017 (*Unreported*) for violating *RPC* 1.7(a)(1) (concurrent conflict of interest) and *RPC* 1.5(b) (when a lawyer has not regularly represented the client, the basis or rate of the fee shall be communicated in writing) by representing both his client and her boyfriend/fiancé in a real estate transaction following the discovery of recorded judgments against his client which rendered her interests adverse to those of her boyfriend/fiancé. Elaine Harris represented the District VB Ethics Committee and Michael R. Spar represented the respondent.

**Christopher R. Welgos** – Reprimanded on a certified record on May 3, 2017, (228 *N.J.* 522) for violating *RPC* 5.5(a)(1) (unauthorized practice of law), *RPC* 8.1 (b) and Rule 1:20-3(g), (failure to cooperate disciplinary authorities), and *RPC* 8.4 (d) (conduct prejudicial to the administration of justice). Robert A Knee represented the District IIA Ethics Committee.

**Edward G. Werner** - Censured on a certified record on June 15, 2017, (229 *N.J.* 332) for violating *RPC* 8.1(b) (failure to reply to a lawful demand for information from a disciplinary authority), and *RPC* 8.4(d) (conduct prejudicial to the administration of justice) by failing to file the affidavit required by R. 1:20-20. Hillary Horton represented the OAE and respondent defaulted. The respondent was previously disciplined: Reprimanded in 2013.

**Robert N. Wilkey** - Suspended for two years on February 2, 2017, effective June 11, 2014 (227 *N.J.* 625) following his guilty plea to three counts of identity theft in the

Commonwealth of Pennsylvania. Respondent used personal information obtained through a lawyer-client relationship to apply for three credit cards. Jason D. Saunders represented the OAE in a motion for final discipline and respondent was pro se.

**William S. Winters** - Censured on a certified record on April 6, 2017 (228 *N.J.* 464) for violating *RPC* 8.1(b) (failure to comply with lawful demand for information from a disciplinary authority and to cooperate in an ethics investigation) and Rule 1:20-3(g)(3). Temporarily suspended as of April 30, 2015, respondent is to remain suspended pursuant to Orders of the Court filed April 30, 2015 and June 25, 2015, and until further Order of the Court. Michael J. Sweeney represented the OAE and John McGill, III represented respondent. This matter was discovered solely as a result of the Trust Overdraft Notification Program.

**Katrina F. Wright** – Suspended for six months on September 8, 2017, effective October 6, 2017, (230\_\_ *N.J.* 345) for violating *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). Timothy J. McNamara represented the OAE and respondent was pro-se. The respondent was previously disciplined: Censured in 2015 and reprimanded in 2008.

**Andrey V. Zielyk** - Censured on a certified record on June 15, 2017 (229 *N.J.* 331) for violating *RPC* 8.1 (b) (failure to cooperate with ethics authorities) and *RPC* 8.4 (d) (conduct prejudicial to the administration of justice) for failing to file the required R. 1:20-20 affidavit following a temporary suspension from the practice of law. Hillary Horton represented the OAE and respondent was pro se. Respondent has a prior disciplinary history: Censured in 2016 and admonished in 2013.

**Richard A. Zuvich** - Suspended for three months on a certified record on June 29, 2017 (229 *N.J.* 508) for violating *RPC* 1.15(d) and R. 1:21-6 (recordkeeping violations); *RPC* 5.5(a)(1) (practicing law while ineligible); *RPC* 8.1(a) (false statement of material fact to disciplinary authorities); *RPC* 8.1(b) (failure to respond to a lawful demand for information from disciplinary authorities); and *RPC* 8.4(c) (conducting involving dishonesty, fraud, deceit or misrepresentation). Michael J. Sweeney represented the OAE and respondent was pro se. Respondent had been temporarily suspended as of May 31, 2017.



## V. OTHER RELATED ACTIONS

The attorney disciplinary system also handles a significant number of other related actions involving New Jersey attorneys. During 2017, a total of 136 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 2017, a total of two (2) attorneys were the subject of a disability-inactive Order. This represents a decrease from 2016 when four (4) attorneys were so transferred. Prior years’ results were: 2015 – 5; 2014 – 2; and 2013 – 6. During this 5-year period, an average of 3.8 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 2017.

### 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 2017, a total of 74 matters were approved for diversion by the OAE Director. By the end of the year, 76 diversions were successfully completed and 43 were still pending from 2017 and prior years. Occasionally, some respondents agree to diversion and then fail to complete the agreed conditions. This year, one (1) respondent failed to complete the conditions of diversion. This matter was returned to the district committee for the filing of a formal complaint. In 2016, 51 diversions were approved. During the last five years, an average of 65 diversions were approved annually. The most common diversion offenses for 2017 were: Money - Recordkeeping (33); Money – Other (13); and Money – Commingling (7).

The condition most commonly imposed in diversion cases required the attorney to complete the New Jersey State Bar Association’s Ethics Diversionary Education Course (68). Other required conditions included: completion of a course in New Jersey Trust and Business Accounting (52); additional continuing legal education (1); pro bono/community service (1); and three-way reconciliation reports (1). During the prior year (2016), attendance at the Bar Association’s Diversionary Course was also the primary remedial condition (49).

#### **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 nineteen (19) attorneys in 2017, which was 58% more than in 2016.

#### **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, 2017, forty-one (41) 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

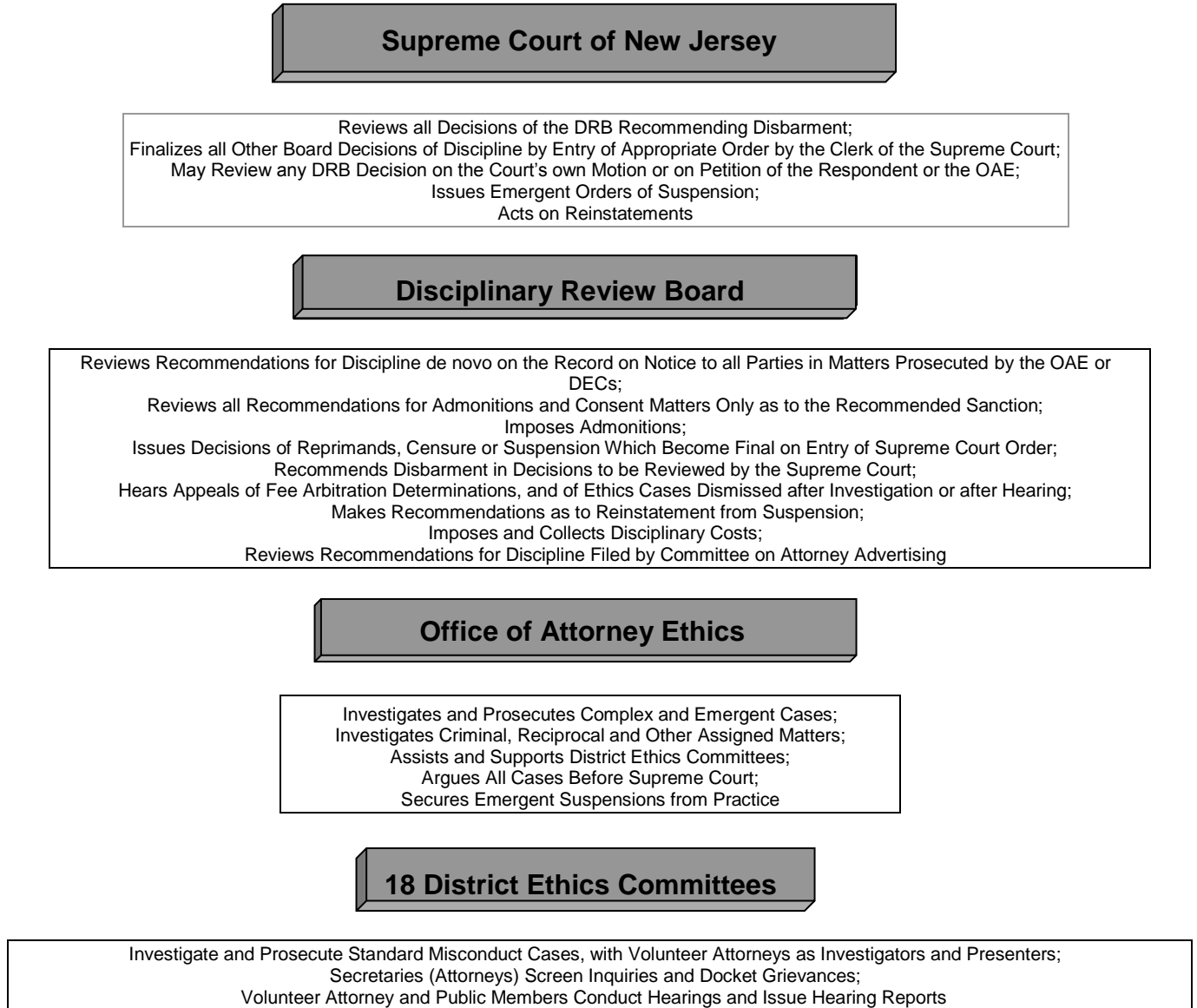


Figure 7

## 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, 2017, there were 672 volunteers (549 attorneys and 123 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.

#### 2017-2018 District Ethics Committee Officers

CHAIR	VICE CHAIR	SECRETARY
<b>District I - Atlantic, Cape May, Cumberland and Salem Counties</b>		
Melissa Rosenblum-Pisetzner, Esq.	Christopher C. Fallon, III, Esq.	Jacqueline Hawkins Stiles, Esq.
<b>District IIA – Bergen – North</b>		
Evelyn R. Storch, Esq.	Robert A. Knee, Esq.	Nina C. Remson, Esq.
<b>District IIB - Bergen County – South</b>		
Bong June Kim, Esq.	Helene C. Herbert, Esq.	Nina C. Remson, Esq.
<b>District IIIA - Ocean County</b>		
Linda Rehrer, Esq.	Thomas C. McCoy, Esq.	Steven Secare, Esq.
<b>District IIIB - Burlington County</b>		
Swati M. Kothari, Esq.	Michael J. Wietrzychowski, Esq.	Cynthia S. Earl, Esq.
<b>District IV - Camden and Gloucester Counties</b>		
Christopher L. Soriano, Esq.	Daniel Q. Harrington, Esq.	John M. Palm, Esq.
<b>District VA - Essex County – Newark</b>		
David M. Dugan, Esq.	Deborah Berna Fineman, Esq.	Natalie S. Watson, Esq.
<b>District VB - Essex County - Suburban Essex</b>		
Kevin C. Orr, Esq.	George D. Lordi, Esq.	Paula I. Getty, Esq.
<b>District VC - Essex County - West Essex</b>		
Joshua David Sanders, Esq.	Anthony M. Rainone, Esq.	John J. Zefutie, Jr., Esq.
<b>District VI - Hudson County</b>		
Christine C. Fitzgerald, Esq.	Maria P. Vallejo, Esq.	Jack Jay Wind, Esq.
<b>District VII - Mercer County</b>		
Andrea Dobin, Esq.	Elizabeth A. Smith, Esq.	David A. Clark, Esq.
<b>District VIII - Middlesex County</b>		
Howard Duff, Esq.	Phillip Nettle, Esq.	Barry J. Muller, Esq.
<b>District IX - Monmouth County</b>		
Mark B. Watson, Esq.	Lourdes Lucas, Esq.	Joseph M. Casello, Esq.

<b>District XA – East Morris and Sussex Counties</b>		
Diana C. Manning, Esq.	Gregory Bevelock, Esq.	Caroline Record, Esq.
<b>District XB – West Morris and Sussex Counties</b>		
H. Lockwood Miller, III, Esq.	Robert D. Correale, Esq.	Caroline Record, Esq.
<b>District XI - Passaic County</b>		
Carmen Elsa Cortes-Sykes, Esq.	Mary Tom, Esq.	Michael Pasquale, Esq.
<b>District XII - Union County</b>		
Glen J. Vida, Esq.	Richard M. Cohen, Esq.	Michael F. Brandman, Esq.
<b>District XIII - Hunterdon, Somerset and Warren Counties</b>		
Lisa M. Fittipaldi, Esq.	Paul Loeffler, 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 usually composed of nine members. Five are lawyers (Chair Bonnie C. Frost, Esq., Vice Chair Edna Y. Baugh, Esq., Peter J. Boyer, Esq., Bruce W. Clark, Esq. and Anne C. Singer, Esq.), one is a retired Assignment Judge (Hon. Maurice J. Gallipoli) 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 2016, OAE ethics counsel appeared before the Review Board to argue a total of 97 separate matters, the most in any year since at least the turn of the century. 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, ¶3. 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); 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 2017, OAE ethics counsel appeared a total of 40 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](http://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 2017, 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, 2017, survey prepared by the OAE for the National Organization of Bar Counsel, Inc., showed that New Jersey ranked 6th in attorney size (with 98,039 attorneys) out of 51 United States jurisdictions. The survey also demonstrated that the Garden State ranked 43<sup>rd</sup> (at \$212) in the amount of mandatory fees required to practice. In 2016, New Jersey ranked 5<sup>th</sup> in attorney size and 42<sup>nd</sup> 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 2017 consisted of six attorneys (Hon. Joel Rosen, U.S. Magistrate Judge (Retired), Vice-Chair, Paris P. Eliades, Esq., Debra Stone, Esq., Hon. Nesle A. Rodriguez, J.S.C., Matthew O'Malley, Esq., and James Kravitz, Esq.) and four public members (Mr. Richard Sackin, CPA, Chair, Mr. Luis J. Martinez; Mr. Spencer V. Wissinger, III, CPA and Mr. Daniel D. Lynn) all of whom serve *pro bono*. A fifth public member position was vacant for most of 2017.

The annual disciplinary budget for calendar year 2017 was \$13,463,345. Fifty-eight percent (58%) 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 (8%), 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 and eight 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. She 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; transcribe interviews and demand audits; 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 just 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. The OAE Fee Arbitration Unit was staffed during 2017 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, 2017, there were 362 members of district committees (255 attorneys and 107 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.

2017-2018 District Fee Committee Officers

Figure 9

CHAIR	VICE CHAIR	SECRETARY
<b>District I – Atlantic, Cape May, Cumberland and Salem Counties</b>		
Victoria S. Kavanagh, Esq.	Gregory J. Mutchko, Esq.	Michael A. Pirolli, Esq.
<b>District IIA – North Bergen County</b>		
Bert Binder, Esq.	John W. McDermott, Esq.	Terrence J. Corrison, Esq.
<b>District IIB – South Bergen County</b>		
Laura A. Nunnink, Esq.	Rosemarie Anderson, Esq.	Michael J. Sprague, Esq.
<b>District IIIA – Ocean County</b>		
Terry F. Brady, Esq.	Jennifer D. Armstrong, Esq.	Lisa E. Halpern, Esq.
<b>District IIIB – Burlington County</b>		
Michael A. Taylor, Esq.	Patricia P. Davis, Esq.	Albert M. Afonso, Esq.
<b>District IV – Camden and Gloucester Counties</b>		
Anne G. Krell, Esq.	Nicole T. Donoian-Pody, Esq.	Daniel McCormack, Esq.
<b>District VA – Essex County - Newark</b>		
Gregory D. Miller, Esq.	Robert M. Travisano, Esq.	Jodi Rosenberg, Esq.
<b>District VB – Essex County – Suburban Essex</b>		
Ronald L. Davison, Esq.	Alice Beirne, Esq.	Harvey S. Grossman, Esq.
<b>District VC – Essex County – West Essex</b>		
Rufino Fernandez, Jr., Esq.	Richard I. Bier, Esq.	Peter J. Kurshan, Esq.
<b>District VI – Hudson County</b>		
Lori Cieckiewicz, Esq.	Gregory T. Farmer, Esq.	Marvin R. Walden Jr., Esq.
<b>District VII – Mercer County</b>		
Christine V. Bator, Esq.	Michael J. Conlan, Esq.	William P. Isele, Esq.
<b>District VIII – Middlesex County</b>		
Donna M. Jennings, Esq.	Edward J. Ramp, Esq.	William P. Isele, Esq.
<b>District IX – Monmouth County</b>		
Susan Schroeder Clark, Esq.	Darren M. Gelber, Esq.	Robert J. Saxton, Esq.
<b>District X – Morris and Sussex Counties</b>		
Marita S. Erbeck, Esq.	Amy L. Miller, Esq.	Patricia L. Veres, Esq.
<b>District XI – Passaic County</b>		
Peter J. Lefkowitz, Esq.	Santiago D. Orozco, Esq.	Jane E. Salomon, Esq.
<b>District XII – Union County</b>		
Stacey Edelbaum Boretz, Esq.	Nancy C. Richmond, Esq.	Carol A. Jeney, Esq.
<b>District XIII – Hunterdon, Somerset and Warren Counties</b>		
Robert F. Simon, Esq.	John C. Macce, 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 2017, Fee Committees handled a total of 1,397 matters, including new cases filed and those that reached a disposition during that year. The committees began the year with 529 cases pending from 2016. During the year, 868 new matters were added. **Figure 10.** A total of 939 cases were disposed of, leaving a balance of 458 matters pending at year's end. At the conclusion of 2017, the average number of cases pending before each of the 17 Fee Committees was 26.9 cases per district.

The 868 new filings received in 2017 involved claims against roughly 1.2% of the active New Jersey attorney population (75,131). 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
2017	868	-12%
2016	986	-2.8%
2015	1,014	-15.1%
2014	1,194	13.8%
2013	1,049	--

For a more nuanced view of what these numbers may indicate, the number of fee arbitration cases filed with the district committees each year (868 in 2017) 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 2017, District Fee Committees arbitrated matters involving a total of almost \$9.8 million in legal fees, which represents a 15% decrease from the \$11.5 million in legal fees handled during 2016. 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 511 hearings during 2017, involving more than \$9 million in total attorneys' fees charged. In 41% of the cases (210 hearings), the hearing panels upheld the attorney fees in full. In the balance of 59% of the fee cases (298 hearings), the hearing panels reduced the attorney fees by a total of \$1.6 million, which represents close to 28% of the total billings subject to reduction (\$1.6 million out of the total of \$5.7 million subject to reduction).

For an overview of the amounts at issue, the 298 cases in which the attorney fee was reduced by the hearing panel may be broken into the following categories:

\$0 to \$1,000 – 83 cases  
\$1,001 to \$2,000 – 63 cases  
\$2,001 to \$5,000 – 74 cases  
\$5,000 to \$10,000 – 43 cases  
\$10,001 to \$20,000 – 20 cases  
\$20,001 to \$50,000 – 13 cases  
Over \$50,000 – 2 cases

For *all* cases which proceeded to a hearing with an Arbitration Determination issued by the hearing panel, the average amount billed was \$17,624. The median amount billed was \$8,200. The average amount of the reductions in all cases which proceeded to an Arbitration Determination was \$5,385, with a median reduction amount of \$2,091.

It should be noted that the parties reached settlement without a hearing in an additional 176 cases, including one in which the amount of the attorney fees in dispute exceeded \$50,000. The total fees at issue in the cases settled by the parties involved close to \$755,858 in attorney fees. The attorneys agreed to a reduction in fees without going to a hearing in 66 of those cases (37.5% 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 939 cases that proceeded from file-opening to case-closing in calendar year 2017, 67.2% reached disposition in fewer than 180 days (631 out of 939 total cases). The Fee Committees resolved 42 fewer cases in that interval than during the preceding calendar year, when 673 cases out of a total caseload of 979 were resolved in under 180 days. The data for 2017 shows that the Fee Committees resolved more than 4% fewer cases overall than during the preceding calendar year. Two hundred and forty (240) of the total cases resolved during 2017 were resolved within 60 days of filing. For 2016, 263 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 (30.8%) on average. Criminal matters (including indictable, quasi-criminal and municipal court cases) ranked second in frequency (14.2%). Third place was filled by General Litigation at 9.1%. Real Estate, at

roughly 4.4%, came in fourth place, and Contract Matters came in fifth place at almost 3%. 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. The motion would be heard by the Disciplinary Review Board, which would then send the recommendation of suspension to the Supreme Court. The Supreme Court has ordered an average of nine 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 36 years after RAP first began, the conclusion is that the overwhelming majority of private New Jersey law firms (98.7%) account for clients' funds honestly and without incident. While technical accounting deficiencies are found and corrected, the fact is that only 1.3% 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 2017, 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 Karen J. Hagerman, a Certified Fraud Examiner; and four Random Auditors: Tiffany Keefer, Liliana Kaminski, William Colangelo and Justin Mendyk.

## **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 48 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 six attorneys, detected solely by RAP, were disciplined by the Supreme Court (**Figure 11**).

**Figure 11**

2017 RAP Sanctions				
Attorney	County	Sanction	Citation	Violation
Nebab, Nestor Jr.	Somerset	Disbarment by Consent	227 N.J. 600	Money - Knowing Misappropriation [1.15]
Amato, Michael Augustine	Ocean	Reprimand	231 N.J. 167	Business Relation with Client [1.8(A)]
Lazerowitz, Jay I.	Bergen	Disbarment by Consent	231 N.J. 128	Money - Knowing Misappropriation [1.15]
Rihacek, John T.	Monmouth	Reprimand	230 N.J. 458	Money - Other [1.15]
Pavliv, Alex	Monmouth	Reprimand	230 N.J. 459	Money - Recordkeeping [1.15(D)]
Catania, Frank Jr.	Passaic	Disbarment	231 N.J. 160	Money - Knowing Misappropriation [1.15]

During the 36 years of RAP's operation, serious financial misconduct by 196 attorneys was detected solely as a result of being randomly selected for audit. These attorneys received the following discipline: 94 attorneys were disbarred; 16 were suspended for periods of three months to two years; 12 were censured; 52 were reprimanded; and 22 received admonitions. The vast majority of the matters detected were very serious disciplinary cases that resulted in disbarment or suspension. Disbarred (94) and

suspended (16) 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 36 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 2017, there were a total of 98,396 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 0.36% in 2017. With a general population of 9,005,644, there is now one lawyer for every 92 Garden State citizens.

According to a July 1, 2017 survey compiled by the OAE for the National Organization of Bar Counsel, Inc., a total of 2,099,862 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 4.64% 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
2017	98,396

**Figure 12**

### B. ADMISSIONS

As of December 31, 2017, the attorney registration database counted a total of 98,396<sup>1</sup> New Jersey-admitted attorneys. Forty-four percent (44%) were admitted since 2001 and 24.3% were admitted between 1991-2000. The other thirty-one point seven percent (31.7%) were admitted in 1990 or earlier.

Breakdowns by periods are: 1950 and earlier - 132 (.13%); 1951-1960 - 720 (.73%); 1961-1970 - 2,740 (2.78%); 1971-1980 - 8,771 (8.9%); 1981-1990 - 18,821 (19.2%); 1991-2000 - 23,929 (24.3%); 2001-2010 - 24,898 (25.3%); and 2011-2017 - 18,385 (18.7%).

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<sup>1</sup> 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	132	0.13%
1951-1955	250	0.25%
1956-1960	470	0.48%
1961-1965	869	0.88%
1966-1970	1,871	1.90%
1971-1975	3,937	4.00%
1976-1980	4,834	4.91%
1981-1985	7,630	7.75%
1986-1990	11,191	11.37%
1991-1995	12,512	12.72%
1996-2000	11,417	11.60%
2001-2005	11,242	11.43%
2006-2010	13,656	13.88%
2011-2015	15,277	15.53%
2016-2020	3,108	3.16%
<b>Totals</b>	<b>98,396</b>	<b>100.00%</b>

**Figure 13**

**C. ATTORNEY AGE**

Of the 98,396 attorneys for whom some registration information was available, 98,157 (99.8%) provided their date of birth. A total of 239 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-five percent (25.1% or 24,621). The 40-49 year category comprised 22.4% or 21,979 lawyers. More than twenty-two percent (22.3% or 21,874) were between the ages of 50-59. The fewest numbers of attorneys were in the following age groupings: 29 and under (5.3% or 5,158), 60-69 (15.5% or 15,248) and 70 and older (9.5% or 9,277). (**Figure 14**)

<b>AGE GROUPS</b>		
<b>Age</b>	<b>Number</b>	<b>Percent</b>
< 25	78	0.08%
25-29	5,080	5.18%
30-34	12,565	12.80%
35-39	12,056	12.28%
40-44	10,090	10.28%
45-49	11,889	12.11%
50-54	11,459	11.67%
55-59	10,415	10.61%
60-64	8,598	8.76%
65-69	6,650	6.77%
70-74	4,738	4.83%
75-80	2,346	2.39%
> 80	2,193	2.23%
<b>Totals</b>	<b>98,157</b>	<b>100.00%</b>

**Figure 14**

**D. OTHER ADMISSIONS**

More than seventy-six percent (76.2%) of the 98,396 attorneys for whom some registration information was available were admitted to other jurisdictions. Slightly less than twenty-four percent (23.8%) of all attorneys were admitted only in New Jersey. **(Figures 15 & 16)**

<b>OTHER ADMISSIONS</b>		
<b>Admissions</b>	<b>Attorneys</b>	<b>Percent</b>
Only In New Jersey	23,416	23.80%
Additional Jurisdictions	74,980	76.20%
<b>Totals</b>	<b>98,396</b>	<b>100.00%</b>

**Figure 15**

## ADMISSIONS IN OTHER JURISDICTIONS

<u>Jurisdiction</u>	<u>Admissions</u>	<u>Percent</u>	<u>Jurisdiction</u>	<u>Admissions</u>	<u>Percent</u>
New York	44,709	46.47%	Indiana	112	0.12%
Pennsylvania	26,608	27.66%	West Virginia	111	0.12%
District of Col.	6,835	7.10%	South Carolina	96	0.10%
Florida	3,441	3.58%	Vermont	95	0.10%
California	1,958	2.04%	Kentucky	85	0.09%
Connecticut	1,670	1.74%	Rhode Island	84	0.09%
Massachusetts	1,477	1.54%	Oregon	79	0.08%
Maryland	1,228	1.28%	Hawaii	75	0.08%
Delaware	844	0.88%	New Mexico	73	0.08%
Illinois	747	0.78%	Alabama	69	0.07%
Virginia	741	0.77%	Virgin Islands	60	0.06%
Texas	632	0.66%	Kansas	49	0.05%
Georgia	555	0.58%	Iowa	42	0.04%
Colorado	481	0.50%	Oklahoma	37	0.04%
Ohio	433	0.45%	Arkansas	35	0.04%
North Carolina	335	0.35%	Utah	34	0.04%
Michigan	291	0.30%	Alaska	30	0.03%
Arizona	276	0.29%	Montana	30	0.03%
Minnesota	196	0.20%	Puerto Rico	30	0.03%
Missouri	185	0.19%	Mississippi	25	0.03%
Washington	175	0.18%	Nebraska	16	0.02%
Tennessee	152	0.16%	Idaho	14	0.01%
Wisconsin	141	0.15%	North Dakota	12	0.01%
Louisiana	131	0.14%	South Dakota	8	0.01%
Maine	122	0.13%	Guam	5	0.01%
New Hampshire	122	0.13%	Wyoming	0	0.00%
Nevada	116	0.12%	Invalid Responses	301	0.31%
			<b>Total Admissions</b>	<b>96,208</b>	<b>100.00%</b>

**Figure 16**

### **E. PRIVATE PRACTICE**

Of the 98,396 attorneys on whom registration information was tabulated, 36,993 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 (37.6%) of the attorneys engaged in the private practice of New Jersey law, while more than 62% (62.4%) did not practice in the private sector.

Of those who engaged in the private practice of New Jersey law, more than fifty-nine percent (59.9%) practiced full-time, twenty percent (20.1%) rendered legal advice part-time, and almost twenty percent (19.6%) engaged in practice occasionally (defined as less than 5% of their time). Less than .4 percent (.35%) of responses were unspecified.



### Private Practice of New Jersey Law

Response	Number	Percent
<b>NO</b>	61,403	62.4%
<b>YES</b>	36,993	37.6%
Full-time	22,166	
Part-time	7,432	
Occasionally	7,266	
Unspecified	129	
<b>Total</b>	<b>98,396</b>	<b>100%</b>

**Figure 17**

1. *Private Practice Firm Structure*

Of the 36,993 attorneys who indicated they were engaged in the private practice of New Jersey law, 98.4% (36,394) provided information on the structure of their practice. More than thirty-two percent (32.1%) of the responding attorneys practiced in sole proprietorships (sole practitioners (10,487) plus sole stockholders (1,182)). The next largest group were partners at 30.2% (10,978), associates at 27.9% (10,164), followed by attorneys who were of counsel with 7% (2,541), and other than sole stockholders with 2.9% (1,042).

### Private Practice Firm Structure

Structure	Number	Percent
Sole Practitioner	10,487	28.82%
Sole Stockholder	1,182	3.25%
Other		
Stockholders	1,042	2.86%
Associate	10,164	27.93%
Partner	10,978	30.16%
Of Counsel	2,541	6.98%
<b>Total</b>	<b>36,394</b>	<b>100.00%</b>

**Figure 18**

2. *Private Practice Firm Size*

More than ninety-nine percent (99.7% or 36,869) 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. More than thirty percent (30.5% or 11,240) said they practiced alone; 8.9% (3,289) worked in two-person law firms; 12.9% (4,745) belonged to law firms of 3-5 attorneys; 28.1% (10,343) were members of law firms with 6-49 attorneys, and 19.7% (7,252) worked in firms with 50 or more attorneys.

<b>PRIVATE FIRM SIZE</b>		
<b>Firm Size</b>	<b>Number</b>	<b>Percent</b>
One	11,240	30.49%
Two	3,289	8.92%
3 to 5	4,745	12.87%
6 to 10	3,626	9.83%
11 to 19	2,775	7.53%
20 to 49	3,942	10.69%
50 >	7,252	19.67%
<b>Total</b>	<b>36,869</b>	<b>100.00%</b>

**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 36,993 attorneys who indicated they engaged in the private practice of New Jersey law. A total of 36,869 (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 6% had 6 or more attorneys.

<b>NUMBER OF LAW FIRMS</b>				
<b>Size Of Law Firm</b>	<b>Number Of Attorneys</b>	<b>Firm Size Midpoint</b>	<b>Number Of Firms</b>	<b>Individual Category %</b>
One	11,240	1	11,240	75.09%
Two	3,289	2	1,645	10.99%
3 to 5	4,745	4	1,186	7.93%
6 to 10	3,626	8	453	3.03%
11 to 19	2,775	15	185	1.24%
20 to 49	3,942	35	113	0.75%
50 >	7,252	50	145	0.97%
<b>Total</b>	<b>36,869</b>		<b>14,967</b>	<b>100.00%</b>

**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, more than seventy-five percent (75.1%) of New Jersey attorneys (27,779) have a bona fide office in the state. Almost twenty-five percent (24.9%) of New Jersey attorneys (9,195) had offices located in other jurisdictions: New York 12.6% (4,652), Pennsylvania 10.7% (3,966), Delaware less than 1% (105), and various other United States jurisdictions represent 1.3% (472). This data is not available for 19 attorneys (.05%).

<b>BONA FIDE LAW OFFICE</b>		
<b>State</b>	<b>Number</b>	<b>Percent</b>
<b>New Jersey</b>	27,779	75.09%
<b>Pennsylvania</b>	3,966	10.72%
<b>New York</b>	4,652	12.58%
<b>Delaware</b>	105	0.28%
<b>Other</b>	472	1.28%
<b>No State Listed</b>	19	0.05%
<b>Total</b>	<b>36,993</b>	<b>100%</b>

**Figure 21**

5. *Bona Fide Private Office Locations*

All of the 27,779 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 15.5% (4,297), followed by Bergen County with 12.9% (3,572). Morris County was third at 12.1% (3,365), and Camden County was fourth with 8.8% (2,434).

<b>ATTORNEYS WITH BONA FIDE OFFICES</b>					
<b>County</b>	<b>Number</b>	<b>Percent</b>	<b>County</b>	<b>Number</b>	<b>Percent</b>
Atlantic	615	2.21%	Middlesex	1,780	6.41%
Bergen	3,572	12.86%	Monmouth	2,032	7.32%
Burlington	1,478	5.32%	Morris	3,365	12.11%
Camden	2,434	8.76%	Ocean	757	2.73%
Cape May	170	0.61%	Passaic	823	2.96%
Cumberland	174	0.63%	Salem	46	0.17%
Essex	4,297	15.47%	Somerset	1,008	3.63%
Gloucester	395	1.42%	Sussex	211	0.76%
Hudson	1,030	3.71%	Union	1,472	5.30%
Hunterdon	301	1.08%	Warren	134	0.48%
Mercer	1,681	6.05%	No County Listed	1	0.00%
			<b>Total</b>	<b>27,776</b>	<b>100.00%</b>

**Figure 22**